

APPEAL STATEMENT OF CASE

Site Location: Land West of Edney's Hill, Barkham

Proposal: Proposed erection of 16 no. dwellings with new access off Edney's Hill, plus footpaths, car ports, parking, landscaping and associated works

Application Ref: 251486

Appellant: Abbeymill Homes



Abbeymill Homes

ESTABLISHED 1991

FEBRUARY 2026

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- Appendix 2 - Delegated Officers' Report Ref: 251486
- Appendix 3 - Wokingham Five Year Housing Land Supply Statement (August 2025)
- Appendix 4 - Committee Report for Application Ref: 250735
- Appendix 5 - Delegated Officer Report Application Ref: 201475
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1.0 Introduction

- 1.1 This appeal has been prepared by Abbeymill Homes (“the Appellant”) against Wokingham Borough Council’s (“the Local Planning Authority”) refusal of planning application Ref: 251486, for a proposal involving the erection of 16 no. dwellings with new access off Edney's Hill.
- 1.2 This full planning application was submitted by the Appellant to the Local Planning Authority (LPA) on 23rd June 2025, and validated on 22nd July. As a major application, it had a 13 week target determination period of 21st October 2025.
- 1.3 Determination of the application was made within the statutory period with the LPA issuing a decision notice refusing the proposal under delegated powers on 16th October 2025. A copy of this decision notice is included at **Appendix 1** and the Delegated Officer report at **Appendix 2**.
- 1.4 A total of thirteen reasons for refusal were included within the decision notice, with these reasons as follows:
 1. *“The proposal represents inappropriate, unplanned development outside of development limits within the countryside and contrary to the spatial objectives of the development plan and to Policies CP1, CP9 and CP11 of the Core Strategy, Policy CC01 of the MDD Local Plan, Policy IRS1 of the Arborfield and Barkham Neighbourhood Plan and the NPPF;*
 2. *The proposed development would have an adverse impact on the landscape, character and appearance of the area by reason of the loss of an open green field in the countryside to an urbanising, poorly designed development, contrary to policies CP1, CP3 and CP11 of the Core Strategy, policies CC01, CC03 and TB21 of the MDD Local Plan, policies AD3 and IRS2 Arborfield and Barkham Neighbourhood Plan, Barkham Village Design Statement, the Wokingham Borough Design Guide Supplementary Planning Document (2012), the Wokingham Borough Landscape Character Assessment and the NPPF;*
 3. *The location of the proposed development is unsustainable in transport terms as the proposed development is not within suitable distances of day-to-day local*

facilities and amenities, including areas of public open space, by non-motorised transport modes, and will result in a high level of car dependency contrary to the sustainable goals in Section 8 and 9 of the NPPF, as well as policies CP1, CP2, CP3 and CP6 of the Core Strategy and TB08 of the MDD Local Plan;

- 4. In the absence of adequate information regarding satisfactory access arrangements, visibility splays and turning area for vehicles entering/exiting the site, it has not been demonstrated that the proposal will not lead to a detrimental impact on both highways and pedestrian safety, and that the development can be adequately serviced in terms of waste provision. The proposal is contrary to policies CP1, CP3 and CP6 of the Core Strategy, policy CC04 of the MDD and the NPPF;*
- 5. The proposed balcony serving plot 11 would result in uninterrupted views across the proposed gardens of plots 6 and 7 and therefore the privacy for future occupiers would be compromised, contrary to policy CP3 of the Core Strategy and the Wokingham Borough Design Guide Supplementary Planning Document (2012) and the NPPF;*
- 6. The applicant has failed to demonstrate that future occupiers of the proposed development would not be subject to adverse noise from the existing surrounding environment. The proposal is therefore contrary to policy CC06 of the MDD Local Plan, policy CP1 of the Core Strategy and the NPPF;*
- 7. The proposal fails to demonstrate that the development can be suitably accommodated within the site without impinging on root protection areas, resulting in adverse and unacceptable impacts on important trees. Furthermore, impact on existing trees has failed to be considered in relation to required highway visibility splays. As such, the proposal fails to comply with CC03 of the MDD Local Plan and NPPF;*
- 8. In the absence of a planning obligation to secure suitable avoidance and mitigation measure and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the*

Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy;

- 9. By virtue of a lack of accurate information, an assessment of how 10% biodiversity net gain will be achieved is not possible and as such, the survey assessment is not acceptable and therefore the relevant date of pre-development biodiversity value is not agreed. As such, if granted planning permission, there is no guarantee if 10% biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021);*
- 10. In the absence of a completed Legal Agreement, the schemes fails to make adequate provision for highways infrastructure, contrary to Policies CP1, CP3, CP4 and CP6 of the Core Strategy the NPPF;*
- 11. In the absence of a completed legal agreement, the scheme fails to make adequate provision towards primary medical care to accommodate for the increase in population as a result of the development. The proposal is therefore contrary to policy CP1 of the Core Strategy and the NPPF;*
- 12. In the absence of a completed legal agreement, the scheme fails to make adequate provision for affordable housing, contrary to Policy CP5 of the Core Strategy and the NPPF;*
- 13. In the absence of a completed legal agreement, the proposal fails to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills contrary to policy TB12 of the MDD Local Plan."*

- 1.5 The LPA had been unwilling to engage with the applicant during the course of the planning application process, including not sharing consultee responses, and resulting in more extensive reasons for refusal than had been necessary if they had positively worked with the applicant.

- 1.6 In submitting this appeal, the Appellant respectfully requests that it is dealt with by way of the Informal Hearing procedure. The substantive reasons for refusal are extensive and subjective matters, and to date the LPA has provided limited evidence to substantiate these concerns. Consequentially, a hearing is considered necessary so that the parties can have the opportunity to explore these matters before an Inspector so as to assist the decision making process.

2.0 Appeal Site and Surroundings

- 2.1 The appeal site consists of a field of some 0.7ha which is currently unused grazing land. It is unremarkable and offers no features that would elevate it above an ordinary landscape.
- 2.2 The site fronts onto the Barkham Road which has a strong residential character. Residential properties effectively exist on all boundaries of the appeal site, including a farmhouse and outbuildings to the south off Edney's Hill.
- 2.3 The appeal site itself is well screened from surrounding areas with a mature and well established landscape framework on its northern and eastern boundaries. This combined with its topography serves to limit views into the site from the adjoining road corridors.
- 2.4 As highlighted in the application documentation, the appeal site is considered to occupy a sustainable location with a range of immediate local facilities, supplemented by a much wider range of facilities and services in nearby Wokingham.

3.0 Planning History

- 3.1 The planning history of the appeal site has previously been highlighted within the accompanying Planning Statement, which in brief comprises a number of small scale outline planning applications in 2016 / 17 for self and custom build properties on the site.
- 3.2 These applications and subsequent appeals were refused due to concerns over harm to the character of the area, in part due to the poorly considered orientation and arrangement of the properties but also insensitive boundary treatments.
- 3.3 The lack of detailed design associated with proposals did not assist the proposals, together with absence of inclusion of affordable housing provision offering a significant public benefit.

4.0 Appeal Scheme

- 4.1 The appeal proposal seeks full planning permission for the erection of 16 dwellings, including houses and flats, a new access off Edney's Hill, together with footpaths, car ports, parking and landscaping across the site.
- 4.2 The arrangement of the appeal proposal follows a detailed contextual analysis of the immediate surroundings, with properties orientated to face onto their surroundings and to sit within established build parameters. The density of development also reflects that found within its immediate context.
- 4.3 A varied mix of properties are included in the scheme, ranging from 1 bed flats through to 3 bed houses. This will provide housing opportunities for first time buyers as well as family homes. Affordable housing of mixed tenure is also included and will be secured as part of the proposal.
- 4.4 The scheme represents a bespoke architectural design utilising locally common building materials. Proposed materials include red brick on the elevations and slate and clay tiles on the roof with timber casement windows. The use of these materials reinforces the local vernacular and will ensure the delivery of residential scheme of a high architectural standard.
- 4.5 The appeal scheme has been designed to be highly sustainable with properties integrating new technologies to minimise their environmental impact. This includes uprated insulation to minimise energy demand and integrated renewable technologies into the building fabric to include solar PV and air source heat pumps, as well as energy demand reduction systems.
- 4.6 Encouraging the use of low and nil carbon transport modes also forms a core aspect of the proposal with the provision of both Electric Vehicle chargers and E-bike charging systems into the homes. Bike storage is also provided for each property to encourage alternative transport modes of transport other than the private car for local journeys.
- 4.7 Access into the site is to be provided via a new bellmouth junction off Edney's Hill, with the internal road a shared surface arrangement constructed from block paving.

A mixture of car ports and surface parking is proposed to reduce the dominance of cars within the street scene.

- 4.8 A key design approach for the scheme involved retaining the existing boundary vegetation framework, maintaining the character of the area and serving to screen the new development. This will be further reinforced with secondary supplemental planting providing a landscape layering.
- 4.9 An area of multifunctional open space is proposed along the southern boundary of the appeal site. As well providing outdoor space for residents, it will function as an area for sustainable drainage, biodiversity enhancement and landscaping to aid the assimilation of the proposed development.

Post Refusal Amendments

- 4.10 As the LPA did not engage with the Appellant nor share consultee comments until after the decision notice had been issued, the ability to make changes to the scheme to address any concerns did not exist.
- 4.11 A number of identified issues are capable of being resolved with very minor amendments to the scheme relating to highways and amenity. These include:
- A single additional unallocated parking space;
 - Small reduction in driveway length to 13m for Plots 5-7;
 - Widening of the private drive for Plots 1-4 from 3.7m to 4.1m;
 - Repositioning of the turning head opposite Plots 8-14;
 - EV Chargers for all plots including the flats; and
 - Inclusion of a glazed screen on the balcony of Plot 11 to protect the amenity of Plot 7 (which could be conditioned).
- 4.12 Given the minor nature of these amendments and having regard to the Wheatcroft Principle, it is not considered that it would prejudice the views of any party and it is hoped that these amendments can be accepted in the determination of this appeal.

5.0 Planning Policy Context

- 5.1 This section of the Statement highlights the relevant planning policy framework for the appeal site having regard to the development proposal.

National Planning Policy Framework (NPPF)

- 5.2 The current National Planning Policy Framework (NPPF) is dated December 2024 and those parts considered to be of particular relevance to this appeal are identified as follows:

- Paragraph 11 in terms of the presumption in favour of sustainable development for decision-making;
- Paragraph 61 to significantly boost the supply of homes;
- Paragraph 73 which recognises the importance of small and medium sized sites in making an important contribution to meeting the housing requirements of an area and which can be built out relatively quickly;
- Paragraph 83 where housing should be located where it enhances or maintains the vitality of rural communities;
- Paragraph 110 which recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

- 5.3 A consultation on a revised NPPF is currently being undertaken and whilst currently of very limited material weight in this appeal, if the revised version is published during the course of this appeal it would become a material consideration.

- 5.4 This consultation draft offers further support for housebuilding across the country with particular measures proposed to encourage more rural affordable housing and make it easier for small and medium sites such as this to come forward for development.

Development Plan

- 5.5 The development plan for the appeal site is formed of the Wokingham Core Strategy, the Managing Development Delivery Local Plan and the Arborfield and Barkham

Neighbourhood Plan. These plans are now all over 5 years old with the weight that can be attributed to them dependent upon their consistency with the Framework.

Emerging Local Plan

- 5.6 Wokingham Borough Council is in the process of preparing a new Local Plan extending the plan period to 2040. This plan has been submitted for independent examination with hearings due to take place in the near future. The plan is considered to remain of limited material weight at this time in the determination of this appeal as extensive objections remain unresolved.

Other Material Considerations

Housing Land Supply Position

- 5.7 The Council's most recent Five Year Housing Land Supply Statement is dated August 2025, and for the period April 2025 – March 2030 identifies only 2.5 years supply and a shortfall of nearly 3,500 homes. This represents a severe deficit of land for housing. A copy of this Statement is included at **Appendix 3**.
- 5.8 In light of the Council's own evidence, there is no dispute that the provisions of Paragraph 11(d) of the NPPF and the tilted balance applies in the determination of this appeal.

6.0 The Appellant's Case

- 6.1 This appeal is made under Section 78(2) of the Town and Country Planning Act 1990 (as amended) following the refusal by the LPA to grant planning permission for application Ref: 251486.
- 6.2 Much of the justification for this proposal is set out in the Planning Statement that accompanied the planning application, together with the other technical reports. This Statement is intended to provide supplementary evidence rather than repeat the content previously stated.
- 6.3 Extensive reasons for refusal are associated with this appeal as the LPA refused to engage with the Appellant and did not share the consultee comments until after the application was refused. This behaviour is both unhelpful in that matters that could have been easily resolved now form part of the appeal, but also contrary to guidance in that decision makers should work positively with applicants which was not the case in this instance.
- 6.4 Based upon the reasons for refusal, the Appellant considers the main issues associated with this appeal as follows:
- The location of the development in relation to the spatial strategy of the development plan;
 - Whether the proposal will have an unacceptable impact upon the landscape character of the area;
 - Whether the appeal site occupies a sufficiently sustainable location;
 - Whether the proposal will have a detrimental impact on highway and pedestrian safety;
 - Whether Plots 6 and 7 can be provided with acceptable amenity provision;
 - Whether future occupiers will be subject to adverse noise impact;
 - Whether the proposal will have an unacceptable impact upon important trees;
 - Whether mitigation measures can be secured to avoid adverse effect on the Thames Basin Heaths SPA;
 - Whether the proposal can deliver a 10% Biodiversity Net Gain;

- Whether obligations relating to highway infrastructure, primary medical care, affordable housing and initiatives to develop local employability skills can be secured and are necessary and justified.

Location of the Development Proposal

- 6.5 The appeal site comprises undeveloped land outside of the development limits of Barkham Hill, but immediately adjoins the settlement edge.
- 6.6 Policy CP11 of the Wokingham Core Strategy seeks to resist development outside of the development limits other than a specific range of categories of which the appeal proposal does not fall within and therefore a degree of conflict arises. However, the absence of a 5 year land supply in the Borough means that policies concerning the delivery of housing are rendered out of date. This includes settlement boundaries and Policy CP11 and Policy IRS1 of the Arborfield and Barkham Neighbourhood Plan, otherwise the ability to boost the supply of housing would not be possible.
- 6.7 Under the settlement hierarchy for development as identified under Policy CP9 of the Core Strategy, Barkham Hill is recognised as a limited development location. Such locations are considered to offer a basic range of facilities and services and physically and socially cohesive. The Strategy's Vision seeks limited development at these settlements to support the vitality of existing local services.
- 6.8 Policy CP17 of the Core Strategy requires at least 100 dwellings to come forward at limited development locations, with individual sites generally expected not to exceed 25 dwellings. In this respect, the appeal proposal conforms with the scale of development considered appropriate at Barkham Hill.
- 6.9 The LPA's position on this matter is though undermined by its recent resolution to grant outline planning permission (Application Ref: 250735) for up to 70 dwellings on a greenfield site at nearby Arborfield Cross, also a limited development settlement. The scale of this proposal significantly exceeds the upper limit for what is considered an appropriate and sustainable scale of development at a limited development location, but despite this the planning committee resolved to grant permission. This site has a comparable policy

context to the appeal site and despite this the LPA allowed a major residential proposal. A copy of the committee report is included at **Appendix 4**.

- 6.10 Within reason for refusal 1 (RfR1) the LPA explicitly refer to conflict with Policy CP1 (Sustainable Development) of the Core Strategy. However, the LPA has not identified how the scheme conflicts with the criteria of this policy. Similarly, RfR1 also refers to Policy CC01 of the Managing Development Delivery (MDD) Local Plan which concerns the Presumption in Favour of Sustainable Development, and whilst it applies given the significant housing land supply shortfall it is not clear where the conflict arises.
- 6.11 The appeal proposal does not therefore conflict with the locational policies of the development plan as it specifically recognises the desirability of accommodating some residential development at Barkham Hill to support local services. It therefore complies with Policies CP1 and CP9 of the Core Strategy, and CC01 of the MDD Local Plan.
- 6.12 Whilst some conflict arises in relation to Policies CP11 of the Core Strategy and IRS1 of the Neighbourhood Plan, these plans are considered out of date both in terms of their age and that the spatial strategy has failed to ensure anywhere near sufficient housing land supply in the Borough, thus decisions are required to apply the tilted balance of Paragraph 11(d) of the Framework. Any such conflict should therefore be of limited weight if the land supply shortfall is to be resolved.

Whether the proposal will have an unacceptable impact upon the landscape character of the area

- 6.13 The basis of the LPA's claim that the appeal proposal will adversely impact the landscape, character and appearance of the area is by reason that it will involve the loss of an open field in the countryside to an urbanising and poorly designed development.
- 6.14 Any change of use of land involving the loss of an open field to new residential development will inevitably result in some change to the local landscape. However, this goes for the majority of new development in the Borough as much of it is on greenfield land without which the Local Plan housing requirements would not be met. The development of greenfield land is therefore not by default unacceptable and there is currently greater need for its release if the severe housing shortfall is to be resolved.

- 6.15 As has been set out in the accompanying landscape evidence, the appeal site is located on the immediate edge of the village and surrounded on the majority of its boundaries by built form which has a strong influence on its character. It is of no recognised value being an ordinary field on the immediate edge of the settlement.
- 6.16 This proposal is the first application on the site supported by an LVA, which has professionally assessed the impact of the development proposal and concluded that the resulting landscape character effects would be highly localised and limited to the site and its immediate setting. Such effects are not considered significant.
- 6.17 In considering the impact of the proposal upon the character of the area, key considerations are how it sits against the existing settlement pattern and landscape structure of the local area. The proposal sits within the established build line to the south of Barkham Road following the linear like structure and not extending any further into the countryside beyond. The existing structural landscaping around the site is maintained whilst open space is preserved along the southern edge providing a sensitive transition to the open countryside.
- 6.18 In terms of more detailed design considerations, as has previously been stated the scheme adopted a landscape led approach ensuring that the majority of existing vegetation will be retained within the scheme. It was designed followed a fully detailed appraisal of the local area including identifying key features of the local vernacular.
- 6.19 The appeal proposal is a small scale, low density and sensitively designed residential scheme which positively reinforces the character of the area in terms of layout, scale, massing and appearance. Building heights and massing reflect those of surrounding properties and high quality and locally common materials are proposed to be used in the construction of the dwellings.
- 6.20 Properties have been set back from the boundaries enabling the landscape framework to be retained and layered with new planting thus maintaining its existing character and helping screen the proposal. The properties have purposely been designed to positively engage with their surroundings facing out onto the public realm whilst internalising the gardens to avoid any negative impacts. Open space has been specifically maintained along the most sensitive southern boundary.

- 6.21 The appropriateness of the scheme in terms of its ability to successfully integrate without harm to the landscape character is illustrated in the Landscape & Visual Appeal Statement at Figure CJ 5.1 (Proposed Scheme within the wider context of Barkham Hill). This evidences that the scheme would not be incongruous nor out of character within the local context.
- 6.22 The LPA has offered little in the way of reasoned justification for its position that the proposal will have an adverse impact on the landscape, character and appearance of the area, beyond overstating the significance of the site and alleged harms without proper supporting evidence. In contrast, the Appellant has carried out a balanced and professional assessment of the scheme backed by detailed evidence. It acknowledges its potential impacts but in assessing the proposal concludes that it can successfully integrate without significant long term harm to the character and appearance of the landscape.
- 6.23 The LPA make reference to the previous planning history of the site, including dismissed appeals, where the Inspectors identified harm to the character and appearance of the area. But significant differences exist as these were outline proposals for self builds that lacked key detail and included poorly considered layouts and inappropriate boundary treatments involving close board fencing around the perimeter of the site. Since the last appeal was dismissed the landscape framework of the appeal site has also significantly matured and strengthened offering much greater screening of any future proposals. The weight that should be attributed to these historic conclusions should therefore be very limited in the context of this appeal.
- 6.24 On the basis of the evidence submitted as part of this appeal and the original application, it is considered that it has been demonstrated that the appeal proposal will not give rise to unacceptable harm toward landscape character of the area and it is therefore not contrary in this respect to Policies CP1 and CP3 of the Core Strategy, Policies CC01, CC03 and TB21 of the MDD Local Plan, Policies AD3 and IRS2 of the Arborfield and Barkham Neighbourhood Plan, Barkham Village Design Statement, the Wokingham Borough Design Guide and Wokingham Borough Landscape Character Assessment.

Whether the appeal site occupies a sufficiently sustainable location

- 6.25 Under RfR3, the LPA claim the appeal site represents an unsustainable location in transport terms that is not within suitable distances of day to day facilities and amenities, and will result in high levels of car dependency. It is therefore claimed to be contrary to Policies CP1, CP2, CP3 and CP6 of the Core Strategy, and Policy TB08 of the MDD Local Plan.
- 6.26 Firstly, this position is contrary to the adopted development plan which recognises Barkham Hill as a location where some residential development should be delivered in supporting local facilities and services. Policy CP9 of the Core Strategy identifies Barkham Hill as a tier 3 growth location, whilst Policy CP17 of the Core Strategy specifically states that developments of up to 25 units can be accommodated at limited development locations. The development plan does not therefore recognise Barkham Hill as an unsustainable location for any housing growth.
- 6.27 The Council's position is further undermined by its determination of a planning application in October 2020 directly opposite the appeal site on the Barkham Road. An application for 4 dwellings was approved with Officers confirming in the Delegated Report that the site was suitably located in terms of access to public transport, facilities and services and was acceptable on sustainability grounds (Page 5). A copy of this report is included at **Appendix 5**.
- 6.28 Furthermore, it is materially significant that in respect of the appeal site's planning history the sustainability or otherwise of the location has not previously been raised as an issue by either the LPA nor within the appeal decisions. It therefore represents a newly introduced issue whilst there has been no material change in circumstance that justifies its inclusion.
- 6.29 In determining a previous outline proposal for 8 custom build dwellings on the appeal site, the LPA within the Officer Report (under "Highway Issues" at **Appendix 6**) noted that there is a bus stop immediately adjacent to the site providing transport to nearby shops, schools and train station, with Barkham village store and post office within 500m. It concluded that no objection in relation to sustainability matters.
- 6.30 Furthermore, both with this previous decision and in relation to the 2020 decision on the opposite side of the road (**Appendix 5**) no concerns were raised in relation to access to

public open space. Barkham recreation ground is a circa 1000m walking distance of the appeal site which is an entirely reasonable distance for future residents to walk.

- 6.31 This Statement is supplemented by more detailed evidence on sustainability matters in the accompanying Transport Appeal Technical Note (TATN), which amongst other things details accessibility to local facilities and services providing robust evidence to counter RfR3. The Appellant considers that in combination, this evidence demonstrates that the appeal scheme is not contrary to the Framework, Core Strategy Policies CP1-3, CP6 or Policy TB08 of the MDD Local Plan in relation to matters concerning sustainability.
- 6.32 The Appellant therefore considers that RfR3 is at odds with the locational strategy of the development plan, the planning history of the site and its decision making in the locality. The LPA has provided no evidence to justify its change in position which is considered to amount to unreasonable behaviour.

Whether the proposal will have a detrimental impact on highway and pedestrian safety

- 6.33 This matter concerns RfR4 which identifies concerns relating to adequate information demonstrating satisfactory access arrangements, visibility splays and turning areas for all vehicles entering and exiting the site, highway and pedestrian safety and servicing of waste collections.
- 6.34 In response to this and as it was not raised by the LPA during the application process, the Appellant commissioned speed surveys along Edney's Hill. The recorded average vehicle speeds resulted in a reduction in the originally proposed visibility splays to 36.6m in the southbound direction and 35.7m in the northbound direction. These are readily achievable in both directions and included at Appendix G within the accompanying Transport Appeal Technical Note (TATN) prepared in response to this reason for refusal.
- 6.35 The Council had commented during that application that as Edney's Hill only currently serves 23 dwellings, this development would represent a significant intensification. As a result, the Council sought to justify improvements to the road between the junction with Barkham Road and the proposed access.

- 6.36 The surveys however confirmed that the Council's understanding on the use of Edney's Hill was completely flawed as 12-hour two way vehicle traffic flows comprised 1,155 vehicles. The proposal would generate daily flows of some 78 vehicles which is a 6.8% increase on current movements along a very short section of this road. This would not be a significant intensification and it would not have an unacceptable impact upon highway safety.
- 6.37 Whilst swept path analysis was provided alongside the application, the highway authority raised concerns with some of the vehicles used to track the site. Therefore, revised swept path analysis has now been provided as Appendices in the TATN relating to car, refuse, fire tender, all of which can safely enter, turn and exit the site. Details of the service collection arrangements, including bin collection points, were specified in the original Transport Statement.
- 6.38 As highlighted earlier in this statement, minor internal amendments to the scheme are proposed to include an additional unallocated parking space, reduction in driveway lengths to plots 5-7, a slight widening of the private drive to plots 1-4 and repositioning of the turning head opposite Plots 8-13. Following further assessment no valid concerns are considered to exist in relation to pedestrian safety and use of the site given the small scale and low vehicle speeds that will occur within the site.
- 6.39 Following the provision of revised technical information and minor amendments to the internal road, it has been demonstrated that the proposal will not lead to a detrimental impact upon both highways and pedestrian safety. The appeal scheme is not therefore contrary to Policies CP1, CP3 and CP6 of the Core Strategy, CC04 of the MDD Local Plan nor Framework.

Whether Plots 6 and 7 can be provided with acceptable amenity provision

- 6.40 Again, this was not a matter raised by the LPA during the course of the application and concerns the outlook of the balcony of Plot 11 over the rear gardens of Plot 7 and 6, and potential impact upon amenity.
- 6.41 This matter could reasonably be dealt with by way of a condition through installation of an obscured screen to prevent outlook to the side of the balcony. However, amended plans have been submitted alongside this appeal introducing a 1.8m high obscured glazed screen

onto the side of the balcony preventing views to the rear garden of Plot 7 (and 6). In this respect, the proposal is not contrary to Policy CP3 of the Core Strategy, design guidance nor the Framework.

Whether future occupiers will be subject to adverse noise impact

- 6.42 The inclusion of a specific reason for refusal concerning whether future occupiers would be subject to adverse noise impact again leads to questions of reasonable behaviour on the part of the LPA. This concern has never been raised in previous applications for residential development on this site nor the recent development on the opposite side of Barkham Road and so there appears no obvious justification for this reason being a residential neighbourhood.
- 6.43 Notwithstanding this, the Appellant has recently carried out a noise survey and detailed acoustic assessment of the site to identify potential noise sources and their potential impact.
- 6.44 The survey identified two noise sources consisting of road traffic along Barkham Road and Edney's Hill, and agricultural noise from Mortimer Lodge Farm to the south. Both noise sources are capable of being mitigated within the development and having regard to overheating considerations, these would include targeted mechanical ventilation systems.
- 6.45 The accompanying acoustic assessment confirms that the site is suitable for residential development and thus the proposal complies with Policy CP1 of the Core Strategy, Policy CC06 of the MDD Local Plan and the Framework.

Whether the proposal will have an unacceptable impact upon important trees

- 6.46 The application was supported by an Arboricultural Impact Assessment (AIA) which provided detailed information regarding the impact of the proposal upon the site's existing trees. The inclusion of this reason for refusal is not considered by the Appellant to be justified or reasonable as the application had demonstrated within the AIA that the development could be accommodated without unacceptable impact upon trees.

- 6.47 An Arboricultural Hearing Statement has now been prepared in support of this appeal, reinforcing the information contained in the original AIA and including more detailed evidence concerning the construction detail of the scheme and its impact upon trees. It confirms that any RPA encroachment of the proposal is minor and within acceptable limits, and capable of being mitigated through best practice. Further, the Statement confirms that provision of the required visibility splays does not conflict with existing trees.
- 6.48 In conclusion, the proposal has fully considered its impact upon existing trees and been designed to minimise its impact ensuring it will not have an adverse nor unacceptable impact with the trees safely integrated as part of the scheme. It does not therefore conflict with Policy CC03 of the MDD Local Plan or industry guidance for designing development with existing trees.

Whether mitigation measures can be secured to avoid adverse effect on the Thames Basin Heaths SPA

- 6.49 The appeal site is located within the 5km zone of influence of the Thames Basin Heaths SPA, requiring Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) contributions to be secured through a legal agreement.
- 6.50 This proposal is located in the catchment of the Rooks Nest Wood SANG (and immediately north of the proposed Rooks Nest SANG extension) which currently offers sufficient capacity at this time.
- 6.51 Based upon the proposed dwelling mix the following financial contributions will be required:
- SANG - £36,960.94
 - SAMM - £13,640
- 6.52 A legal agreement is currently in the process of being drafted and will be submitted as part of this appeal to secure these contributions and will ensure compliance with Policies CP4 and CP8 of the Core Strategy. RfR8 should therefore be resolved.

Whether the proposal can deliver a 10% Biodiversity Net Gain

- 6.53 RfR9 concerns biodiversity net gain with the LPA claiming that the submitted information was inaccurate, and so the pre-development biodiversity value cannot be agreed and therefore it is unclear whether a 10% net gain is achievable. This position is based upon the comments of the Council's ecologist.
- 6.54 The uncertainty arises around whether a tree on the boundary is either onsite or offsite. The oak tree (T20) sits on the south-west boundary with the Arboricultural Impact Assessment (AIA) showing the red line passing through the trunk of the tree. This situation has arisen due to boundary lines being based upon OS data which can have varied accuracy tolerance.
- 6.55 However, Officers have clearly not visited the site in an effort to clarify the position nor did they make any effort to contact the applicant during the course of the application to request further information on the matter. Photographic evidence is included in the accompanying Arboricultural Appeal Statement (Appendix PH3) clearly showing the tree is offsite by a reasonable degree.
- 6.56 Consequentially, the information submitted with the application relating to biodiversity net gain is accurate and demonstrates that a 10% biodiversity net gain can be achieved for the development proposal through a combination of onsite measures and acquisition of offsite habitat units. Securing this will ensure compliance with Schedule 14 of the Environment Act 2021.
- 6.57 Given the minor amendments proposed to the scheme, for consistency the ecology and BNG information has been updated and is submitted alongside this appeal.
- 6.58 The inclusion of this reason for refusal is considered by the Appellant as further evidence of unreasonable behaviour on the part of the LPA, as neither is it valid nor was there any attempt by the LPA to clarify the position during the course of the application process.

Whether obligations relating to highway infrastructure, primary medical care, affordable housing and initiatives to develop local employability skills can be secured and are necessary and justified

- 6.59 The decision notice contains four separate reasons for refusal relating to obligations that the LPA considers should be secured from the proposed development. The LPA has not discussed any of these obligations in any detail with the Appellant, whose knowledge is limited to comments made by the relevant consultees on the matters, and the Officers report.
- 6.60 The Appellant is currently in the process of preparing a legal agreement which will secure a number of obligations from the proposal. Whilst the Appellant intends to agree it with the LPA as a signatory, if this is not possible a S106 unilateral agreement will be submitted.
- 6.61 In terms of the individual obligations, RfR 10 states that the proposal does not make adequate provision for highway infrastructure and relates to a requirement to upgrade Edney's Hill. However, the LPA's justification for this requirement has proven to be completely erroneous as it claimed the road only serves 23 properties and an additional 16 properties would result in a significant material impact. In fact two way vehicles movements over 12 hours totalled 1,155 cars and the scheme would add only 6.8% more movements over a very short stretch of the road.
- 6.62 Furthermore, upgrading Edney's Hill would require the removal of existing trees / landscaping which would have a harmful impact upon the character of the area and would thus be undesirable. This obligation is not considered justified nor fairly or reasonably related as it will have an imperceptible impact on the highway network, so it is not intended to be included within the final legal agreement.
- 6.63 RfR 11 concerns a request from NHS Buckinghamshire, Oxfordshire and Berkshire West Integrated Care Board, for a financial contribution of £14,499 toward additional clinical capacity to serve the development. The Appellant has concerns whether this contribution would meet the CIL Regulation 122 tests not least due to the funding model being centralised, but intends to include it whilst allowing the Inspector the flexibility to determine whether it is required in the event of allowing the appeal.

- 6.64 Securing the affordable housing forms the basis of RfR 12 and this will be included as one of the Heads of Terms within the agreement. Similarly, the local employability skills obligation will also be included.
- 6.65 Whilst it remains to be seen whether the LPA withdraws RfR 10, the Appellant will include obligations in respect of the other matters ensuring compliance with Policies CP1 and CP5 of the Core Strategy, and Policy TB12 of the MDD Local Plan.

7.0 Conclusion and the Planning Balance

- 7.1 This statement has been prepared by the Appellant in response to the refusal of planning permission by the LPA for its application for residential development of land West of Edney's Hill, Barkham. The application was refused on the basis of 13 reasons for refusal.
- 7.2 The Appellant considers the LPA has behaved unreasonably in relation to both its behaviour in the handling of the application itself, and the introduction of reasoning which is not supported by the planning history of the site, applications in the surrounding area, nor policies of its development plan.
- 7.3 The Appellant has also highlighted inconsistency of decision making with the LPA allowing a number of applications in the local area with very similar policy context to the appeal site, whilst refusing this application without any engagement whatsoever with the applicant.
- 7.4 This appeal is supported by extensive evidence refuting the LPA's reasons for refusal and demonstrating that the appeal scheme is acceptable having regard to matters including sustainability, highways, amenity, ecology, arboriculture and noise. The Appellant is actively seeking to resolve those reasons concerning necessary planning obligations through the drafting of a legal agreement.
- 7.5 Whilst it is accepted that the appeal scheme gives rise to some limited conflict with policies of the development plan concerning its location beyond the settlement limits, this is moderated in light of the current significant land supply deficit in the Borough and the increasingly outdated development plan.
- 7.6 It is the Appellant's view that there are significant public benefits associated with this proposal which outweigh any limited harm that will arise from this development. Indeed, as part of this appeal it has been evidenced that the LPA's concerns with the proposal are neither valid nor properly reasoned and so do not weigh against it.

7.7 This statement sets out the case for the appeal proposal which is briefly summarised as follows:

- A significant housing need exists for this proposal given the ongoing significant land supply deficit in Wokingham Borough due to a development plan that is failing to deliver;
- Provision of much needed affordable housing of which there is significant need with demand outstripping supply due to housing affordability issues in the area and poor delivery rates;
- A small scale windfall site which can be delivered quickly by an SME developer, an important component of supporting housing delivery rates;
- The appeal site is located at the village of Barkham Hill where development of this scale is supported in policy terms;
- It is sustainably located having regard to local facilities and services to provide for some of the residents' day to day needs;
- A high quality and sensitively designed scheme which reflects the pattern of development of this part of Barkham Hill;
- The design and appearance of the scheme is appropriate in the local context and harm to the local character through introduction of residential development onto the site will be no greater than in the case of development of any other greenfield site;
- The proposal will not be harmful to the residential amenity of adjoining residential properties;
- Its development will support the vitality and viability of the village;
- A proposal that will conserve and deliver positive enhancements to the natural environment, through onsite and offsite measures resulting in a biodiversity net gain;

The appeal proposal is therefore considered to accord with those relevant policies of the NPPF, development plan and supplementary documents.

7.8 In weighing up the appeal proposal, it is necessary to consider the three mutually dependent dimensions of sustainable development: economic, social and environmental factors. In relation to this appeal, these are assessed as follows:

- **Economic:** the construction of the proposed houses will provide a source of employment in the short term and an economic boost to local suppliers. Once

constructed, the additional population will increase the level of expenditure in the local economy supporting the vitality and viability of local services. The Council will also benefit financially securing additional funding through the New Homes Bonus. These economic benefits will be of moderate positive weight;

- **Social:** the appeal proposal will make a relatively quick contribution towards boosting the supply of housing in an area with a significant land supply deficit. The provision of new market housing opportunities is of significant positive weight. It will also provide new affordable homes in an area with very high levels of need also representing a significant benefit of the scheme. Such new homes will also be built to higher environmental standards and be accessible and adaptable bettering much of the local housing stock and being a modest benefit;
- **Environmental** – if permitted, the proposal will increase onsite landscaping and combined with other biodiversity offsite enhancements, will deliver a net gain in biodiversity in excess of the 10% target. These environmental benefits will be of modest positive weight.

Countering this is the limited harm to the character of the area that will arise through the change of use of open land to built form. However, its character is already significantly influenced by the adjoining settlement edge and the sensitive nature of the proposal combined with proposed mitigation, will ensure that any effects are not significant and is no more than modest negative weight.

In concluding on the planning balance, the public benefits identified significantly outweigh any harm arising from the proposal when assessed against the policies of the Framework as a whole. Notwithstanding this, combined with the tilted balance in accordance with Paragraph 11(d) of the NPPF the planning balance is strongly in favour of this appeal proposal and the Appellant respectfully requests that planning permission is granted.