

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	251632
Site Address:	Land at St Sebastian's Close, Nine Mile Ride, Berkshire
Expiry Date:	20 August 2025
Site Visit Date:	23 July 2025
Proposal: Permission in principle application for erection of a residential dwelling, detached carport and access.	

PLANNING POLICY	
National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC05 – Renewable Energy and Decentralised Energy Networks CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix TB07 – Internal Space Standards TB08 – Open Space, Sport and Recreational Facilities Standards TB21 – Landscape Character TB23 – Biodiversity and Development TB25 – Archaeology TB26 – Buildings of Traditional Local Character and Areas of Special Character
Joint Minerals and Waste	The JMWP is not relevant to this proposal.

Plan (JMWP)	
Wokingham Borough Local Plan Update (LPU)	SS1 – Sustainable development principles SS2 – Spatial strategy and settlement hierarchy SS5 – Development in the countryside SS10 – Meeting our housing needs SS16 – Safeguarded routes CE1 – Design principles for efficient buildings CE3 – Environmental standards for residential development CE7 – Low carbon and renewable energy generation C1 – Active and sustainable transport and accessibility C2 – Mitigation of transport impacts and highway safety and design C3 – Active travel C4 – Green and blue infrastructure and public rights of way C5 – Parking and electric vehicle charging H1 – Housing mix, density and standards H3 – Affordable housing H6 – Self-build and custom build FD1 – Development and flood risk (from all sources) FD2 – Sustainable drainage NE1 – Biodiversity and geodiversity NE2 – Biodiversity net gain NE3 – Thames Basin Heaths Special Protection Area NE4 – Trees, woodland, hedges and hedgerows NE5 – Landscape and design NE6 – Valued landscapes DH1 – Place making and quality design DH5 – The historic environment HC2 – Community infrastructure HC4 – Open spaces, sports, recreation and play facilities HC5 – Environmental protection
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Affordable Housing Supplementary Planning Document Sustainable Design and Construction Supplementary Planning Document

PLANNING HISTORY		
Application No.	Description	Decision & Date
240768	Full application for the proposed erection of 6 no. two bedroom dwellings with associated access, parking, landscaping, refuse storage and private amenity space.	Refused 07/06/2024 Appeal dismissed 22/04/2025
052192	Amendment to parking layout as approved under consent F/2003/8793.	Approved 24/08/2005
051452	Proposed formation of 1 x 2 bedroom flat in roof space.	APPROVED 03/03/2005

040590	Proposed erection of 2 dwellings.	Approved 02/06/2004
030872	Proposed erection of 9 flats with access and parking. Amendment to consent F/2002/5882 with the resiting of building, revised parking and access point.	Approved 29/05/2003
021374	Proposed demolition of public house and erection of 9 apartments with landscaping and parking, and community parking.	Approved 28/08/2002

CONSULTATION RESPONSES

Internal

WBC Environmental Health
WBC Drainage – No objection.
WBC Highways – No objection.
WBC Landscape and Trees – Objection.
WBC CIL – CIL Liable.
WBC Ecology
WBC Waste Services

External

South East Water

REPRESENTATIONS

Parish/Town Council	No comments received
Ward Member(s)	No comments received
Neighbours	Five objections (excluding duplicates) were received relating to the following matters: - Overlooking of St Sebastian's Court. - Sense of enclosure for St Sebastian's Court. - Loss of Light to St Sebastian's Court. - Increased noise levels from the proposed dwelling. - Proposed site should be amenity space for St Sebastian's Court. - Inappropriate use of countryside land. - Loss of community green space and green character. - Impact on protected trees. - Highway safety impact. - Reliance on private vehicles. - Potential to set a precedence for this type of development. - Flood impacts from 'runoff and overflow'. Officer comment: The above comments are noted and will be discussed in the report.

APPRAISAL

Site Description:

The application site relates to a parcel of land (approximately 0.13 hectares) to the rear of St Sebastian's Court, on the northern side of Nine Mile Ride.

As existing, the site is densely packed with mature shrubs and trees including two protected Oak trees (TPO 1028/2001 T1 and T3). To the south of the site is St Sebastian's Court (block of flats), Wokingham Borough Council owned wooded land to the west with housing beyond, carparking for Crowthorne and Crown Wood Cricket Club to the north and no. 2 St Sebastian's Close (dwellinghouse) to the east.

Proposal:

The application is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details consent together are approved. This application relates to the first of these two stages. As the application does not relate to technical details and as such, the submitted plans are taken to be illustrative only.

Permission in principle is sought for the erection of one dwelling, carport and access. This is in line with the PPG's advice that the amount of residential development must be expressed as a range, indicating the minimum and maximum number of new dwellings which are, in principle, permitted.

The only plans that accompany the submission are a location plan and a site layout plan which indicates one detached dwelling, one detached carport and access via the eastern site boundary.

Planning History:

Planning permission 240768 was refused for six dwellings on 07/06/2024 and dismissed at appeal (APP/X0360/W/24/3356351) on 22/04/2025. It should be noted that the application site for this submission has been reduced in size from the appeal site. the access remains the same.:

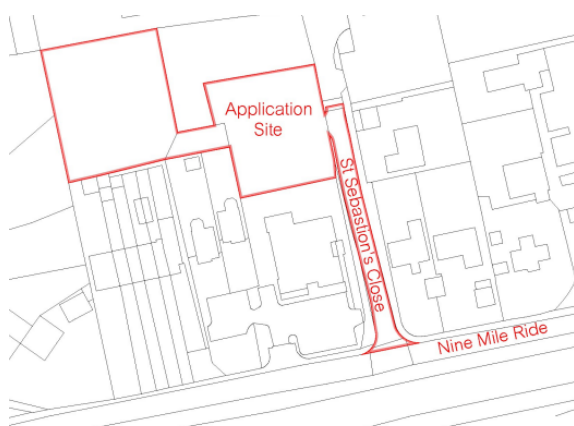


Figure 1: Application site application 240768

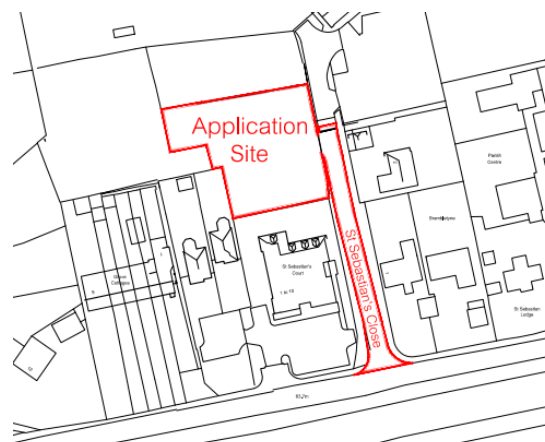


Figure 2: Application site for the proposed PiP

Assessment

The PPG advises that the scope of permission in principle is limited to location, land use and the amount of development. Whether permission in principle should be granted depends on the effects of the proposal's location, land use and the amount of development, all material considerations to be considered.

Principle of Development:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

Location of development:

The site is situated within the designated countryside and not in immediate close proximity to settlement limits and does not constitute previously developed land. The site originally formed part of the historic curtilage of The Who Da Thot It Public House (the front section of this site has now been redeveloped). The NPPA defines 'Previously Developed Land' (PDL) as: "*Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed)*".

The Inspector in Appeal Decision APP/X0360/W/24/3356351 defined the appeal site as *'the land itself was formerly development in part. As a result, the site does not appear as part of the countryside, tranquil or remote and makes a limited contribution to the Forest and Rides Valued Landscape'*. Whilst this is important to note, the appeal site included a section of the Cricket Club car park, which is the assumed 'formerly developed' part of the site. The submitted cover letter states that *"It should also be noted that the site is on land that was previously approved as residential amenity land associated with St. Sebastian's Court. That development has now long been established and whilst the land is not kept as managed lawn it retains this use"*. However, the application site is not previously developed land because the land formed part of the residential gardens of St Sebastian's Court (and the original Who Da Thot It Public House). Annexe 2 of the NPPF explicitly excludes residential gardens as the land has not been occupied by a permanent structure or fixed surface structure.

a) Principle under adopted development plan

Countryside

Core Strategy Policy CP9 (Scale and location of development proposals) directs development to locations within development limits and states that "The scale of development proposals in Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility". The site is not located within development limits and therefore the proposal is contrary to Policy CP9.

Development proposals within the designated countryside should be assessed against Core Strategy Policy CP11 (Proposals outside Development Limits). Policy CP11

states that development proposals will not normally be permitted in the countryside except where one or more of the specified exceptions apply:

- 1) It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside-based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and
- 2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and
- 3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or
- 4) In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;
- 5) In the case of replacement dwellings the proposal must:
 - i) Bring about environmental improvements; or
 - ii) Not result in inappropriate increases in the scale, form or footprint of the original building.
- 6) Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;
- 7) Affordable housing on rural exception sites in line with CP9.

The application proposal does not meet any of these specified exceptions (which is agreed by the applicant in the covering letter dated 30/06/2025) and is therefore contrary to the spatial strategy as a starting point.

Criteria 1-3 of CP11 are not met because the proposal does not lead to rural enterprises including farming, as well as rural businesses and these are allowed in the NPPF under the housing sections (para. 88), would lead to the expansion of development away from the original building, and would not be a conversion or the replacement of an existing building.

Turning to the overall aim of Policy CP11, this is to protect the separate identity of settlements and maintain the quality of the environment. Owing to the site's distance from defined settlement limits (approximately 0.42 miles (minimum)), and the scale of the scheme for a single dwelling, the case officer is not of the view that the development would result in coalescence of settlements. In terms of maintaining the quality of the environment, however, this is a matter for which further assessment is required to make a full judgement and will be returned to later in this report.

In addition, Policy CP11 of the Local Plan is currently considered to be out of date given the Council's inability to demonstrate 5 years' worth of deliverable housing sites. As such, the weight afforded to Policy CP11 is reduced in accordance with paragraph 11(d) of the NPPF. Further assessment of these policy conflicts in relation to the benefits of the proposals will be included in the 'Planning Balance' section below.

Locational Sustainability:

Policy CP6 of the Core Strategy states that development should provide for sustainable forms of transport to allow choice and are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel.

As highlighted in the applicant's covering letter, the appeal decision (APP/X0360/W/24/3356351) reported:

"Para. 17. The appeal site would exceed the specific distances to different public transport services and the other facilities set out in the SPD3 in many instances. However, there would be schools and bus stops within the walking distances. There would also be other facilities not listed in the policy such as the sports clubs.

Para. 18. Although the width varies in places, there is a footway and lighting along much of Nine Mile Ride. There are also public rights of way and through Bramshill Forest giving access to other facilities, transport options and connections to larger settlements. However, given the distances involved and the lack of lighting in places it is unlikely that future occupiers of the site would walk to facilities, particularly at times of darkness or inclement weather.

Para. 19. The bus service is not to the frequency set out in the SPD and there are no dedicated cycle facilities at the site. There is some bus provision and cycle facilities in the wider area linking the site to a greater range of services and facilities. Bus stops are near to the site and despite not having a shelter or crossing points would still be an option for future occupiers.

Para. 20. The distances to services and facilities involved are not substantial and the range and type of transport options will vary dependant on the user. Nevertheless, there would likely be a reliance on private vehicles".

As the application site forms part of the appeal site, paragraphs 17-19 are relevant in that the site is in an unsustainable location in transport terms. However, this application only relates to one dwelling which would be sited next to St Sebastian's Court flats, a carpark, and no. 2 St Sebastian's Close (dwellinghouse) to the east, but there would still be an over reliance on the use of private vehicles.

Nevertheless, WBC Highways have carried out their own review of nearby facilities, bus stops and walking/ cycling conditions. The Highways officer considers that a single dwelling would generate fewer movements (than the proposed six dwellings refused under application 240768), including less reliance on private vehicles. They concluded:

"On that basis, the highways impact would not be considered significant and on balance there would be no Highways objection".

Walking and Cycling

The Borough Design Guide SPD states 'if places are to be sustainable then the aim should be to create: Walkable neighbourhoods, with a range of facilities within 10 minutes walking distance of residential areas, which encourage people to travel on foot or by bicycle.' Walkable neighbourhoods are defined in Manual for Streets (MfS) as those typically characterised by having a range of facilities within 10 minutes walking distance from residential areas.

The applicant has not provided walking distance contours or actual walking distances.

Local services are usually within an acceptable maximum cycling distance of 5 miles. However, due to the highways in the vicinity of the site, the cycle routes may not be an attractive environment as an alternative to the car.

Buses

The supporting text to policy CP6 of the Core Strategy sets out the requirement of a good bus service: '*a) At least a thirty-minute service frequency during peak times (7:00 to 9:00 and 16:00 to 19:00 Monday to Saturday); and b) At least an hourly service frequency during off-peak hours (9:00 to 16:00 and 19:00 to 22:00 Monday to Saturday and between 7:00 and 22:00 on Sundays)*'.

The applicant has not provided any bus service information.

For the buses the nearest bus stop within acceptable walk distance (260m) are on Nine Mile Ride and are served by route 125 which operates 7 services a day to Crowthorne and 6 services to Wokingham and 2 return services on Saturday. There are no late evening and Sunday services.

Bus Route 194 runs between Bracknell and Camberley 2 bus an hour Monday to Saturday, hourly late evening and Sunday services. This travels through Buckler's park and Old Wokingham Road which is well outside the acceptable walk distance to a bus stop.

Bus route 145 runs one return journey a week and does not serve a stop anywhere near the site.

As highlighted in the appeal decision, there are bus stops near to the site (despite not having a shelter or crossing points), and these services would be an option for future occupiers of the dwelling, however, the bus service is not to the frequency set out in the Highways Development Design Guidance SPD.

Overall, future occupiers of the proposed development would not have access to a good bus service, as defined by policy CP6 of the Core Strategy.

Proximity to services/ facilities

For Permission in Principle application 250604 (approximately 250m north of the application site), WBC Highways carried out an assessment of distance to local facilities, and there are no local services apart from a primary school and some leisure facilities within an acceptable walking distance of the application site. Due to the location of the site and the lack of local services, any resident would be dependent on the use of the private car and there would be little or no use of walking and cycling. Therefore, this site would be considered unsustainable in transport terms.

As such, the site is considered by the LPA to represent an unsustainable location for residential development.

b) Emerging Local Plan Update

The Local Plan Update (LPU), the plan which will supersede the Core Strategy and MDD Local Plan, was published in October 2024 (Regulation 19 Proposed Submission

Plan). It was subsequently submitted for examination on 28 February 2025. The LPU sets out the development strategy and proposed site allocations to meet housing needs to 2040. Weight to be attributed to the emerging policy is informed by paragraph 49 of the NPPF 2024. This advises that weight can be applied according to the plan's stage of preparation, the extent to which there are unresolved objections, and the degree of consistency with the NPPF. However, as a whole, the LPU is still afforded limited weight.

c) National Planning Policy Framework

The NPPF is a material consideration in the decision-making process. The NPPF outlines the Government's planning policy on a national level and highlights sustainable development as the centre of the decision-making process incorporating economic, social and environmental objectives. These three objectives seek to balance growth and local community needs against the protection of the natural, built and historic environment. It does not however change the status of the development plan as the starting point in the decision-making.

d) Housing Land Supply

The NPPF (Dec 2024) at paragraph 78 requires LPAs to identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old. The latest published Five-Year Housing Land Supply Statement (at 31st March 2025) shows the Council is currently only able to demonstrate 2.5 years' worth of deliverable sites, so the shortfall is substantial.

Subsequently, those policies relating specifically to housing delivery in the borough's Core Strategy and MDD LP (and any made Neighbourhood Plans) are currently considered to be out of date. This does not mean they have no weight but is dependent on their consistency with the NPPF.

Paragraph 11(d) of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means that where policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Firstly, in considering i), the site is not located within a protected area or relate to an asset of particular importance which provides a strong reason for refusing the development. In considering ii), officers must assess as part of an application whether there are any adverse impacts generated by the development that would significantly

and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. This is referred to as the 'tilted balance,' as harm and benefits are not weighed equally, but tilted according to paragraph 11(d)(ii).

In acknowledging the requirements of paragraph 11(d)(ii) and the tilted balance being engaged, it is necessary to consider whether there are any circumstances which affect the weight that can be given to the supply of additional housing.

An important underlying reason in the context of Wokingham Borough is the historic oversupply of housing against both the requirement set in the Core Strategy local plan and the scale of local housing need as calculated by the previous standard method which remains a key contributing factor to the current lack of the required deliverable housing land supply and this must be considered in the planning balance section found at the end of this report.

Having established the tilted balance is engaged, Paragraph 11d(ii) requires the proposal to be considered against the policies of the NPPF taken as a whole.

e) Summary on principle of development

The site is located outside of settlement limits in the countryside. It fails to meet any of the specified exceptions for development outside of the settlement. When turning to the overall aim of the policy, it would not result in settlement coalescence. When assessing as to whether it would maintain the quality of the environment, this will be considered in light of other material considerations (particularly landscape/ character of the area considerations) with a final assessment being made at the end of this report.

In terms of locational sustainability, Officers do not deem the site a truly sustainable location, however, Paragraph 84 of the NPPF seeks to avoid new isolated homes in the countryside unless there are special circumstances. The site is located close to existing dwellings on three sides. As such, the proposal will not result in an isolated new building and would comply with paragraph 84 of the national planning policy.

Paragraph 124 of the NPPF encourages planning policies and decisions to promote an effective use of land in meeting the need for homes. Paragraph 125 outlines the need for planning policies and decisions to promote and support the development of under-utilised land, especially if this would help to meet identified needs for housing where land supply is constrained.

Officers acknowledge the tilted balance is engaged, as per paragraph 11(d)(ii) of the NPPF. The tilted balance will be considered at the end of this report.

Location, land use and amount of development in relation to the impact on character and appearance of the area:

Policy CP3 of the Core Strategy sets out general principles for development and states that development should be of an appropriate scale, activity, mass, layout, built form, height, materials and character to the area together with a high quality of design.

Policy TB21 of the MDD states that proposals shall retain or enhance the condition, character and features that contribute to the landscape.

RD1 of the Borough Design Guide states that new development and associated landscape should retain, incorporate and enhance features that contribute towards the landscape character.

The site is located within the M1 landscape character area known as 'Finchampstead Forested and Settled Sands' a high-quality landscape. One of the valued landscape attributes is a pattern of low-density post-war properties in large plots along long straight rides and notably the occasional wooded gaps between areas of settlement. The key issues of the M1 character area include; continued pressure for expansion, infill and densification within existing settlements and is also pressure for backland development to the rear of properties of Nine Mile Ride. The Landscape Strategy is to conserve and enhance the existing character. In terms of development, the aim is to conserve and enhance the rural setting and gaps between settlements and maintain the low-density domestic character of development.

It is noted that this site entirely comprises land that formed the historic curtilage of a former public house. As it is located towards the rear of the original plot and surrounded by built form, there would be limited views of the development from Nine Mile Ride.

The character of Nine Mile Ride is tree lined. Along this part of Nine Mile Ride, housing is of a medium density along the northern side of the road. The southern side boasts undeveloped woodland. The proposed development for one dwelling is in keeping with the pattern of built form along this stretch of Nine Mile Ride where plots are generally relatively deep in length with space to the front. Whilst the development is proposed to the rear of the original public house, the immediate site context includes the car park and sports facilities to the north and housing to the east and west.

The council's Trees and Landscape Officer objected to the proposal due to the impact the development would have on the two protected Oak trees (TPO1028/2001) on site in relation to the proximity of the proposed building to the tree canopy and root protection area of T1. They commented that *"Protected tree pruning can be controlled by the Council however the proximity would mean the tree is continually having to be cut back which isn't sustainable in the long run, and not good for the trees"*. The Officer concluded:

"Due to the presence and the potential impact on 2 high quality trees within a high quality landscape character area M1 'Finchampstead Forested and Settled Sands' and within the 'Forest and Rides' Valued Landscape being contrary to Policies TB21, CC03, CP1 and CP3– I cannot support this planning in principle application".

Whilst the detailed design of the proposal is not to be considered at this stage, the presence of one dwelling within the landscape would be of a similar density other dwellings located along this stretch of the Nine Mile Ride.

The dwelling would be positioned facing St Sebastians Close which would replicate the site layout of no. 2 St Sebastians Close. Therefore, it cannot be said that this arrangement is not commonplace on this stretch of the road.

In addition, Para. 5 of the appeal decision described the site as *“The mature vegetation at the appeal site is seen in glimpses from Nine Mile Ride, between properties with woodland beyond. The surrounding area and the site share some of the characteristics identified in the Wokingham Borough Landscape Character Assessment. However, it is seen with, from and surrounded by St Sebastian’s Close, the car park and sport facilities and the rear of Nine Mile Ride properties. Its immediate context includes hard surfacing and buildings behind the frontage development and itself was formerly developed in part. As a result, the site does not appear as part of the countryside, tranquil or remote and makes a limited contribution to the Forest and Rides Valued Landscape”*.

As such, the principle of one dwelling on this site is considered not to detrimentally impact the character of those features that contribute to the landscape and maintain the medium density domestic character of development. Accordingly, the proposal is acceptable in relation to the Borough Design Guide, policy CP3, policy TB21 and policy CP11. Any development would have an impact on the environment in some respect, impacts can be of varying degrees, the impact on the environment in this case is considered to be neutral for the reasons outlined and so complies with the overarching aims of policy CP11.

Location, land use and amount of development in relation to impact on neighbouring amenity:

Policy CP3 of the Core Strategy states that development shall be without detriment to the amenities of adjoining land users.

The closest neighbours to the site are no. 11 St Sebastian’s Court and the block of flats at St Sebastian’s Court.

There would be approximately 12m back to flank between the proposed dwelling and the flats, and approximately 11m between the rear southwestern corner of the proposed dwelling and the rear flank of no. 11. This would meet the guidance separation distances outlined in the Borough Design Guide. The introduction of one dwelling in the proposed location would introduce built form onto land where there is no existing or former buildings, however, the amount and intensity of the land use is not considered to result in substantial harm to neighbours in terms of increased noise from domestic use.

The final layout would be subject to technical detail consent where further assessment in relation to neighbouring amenity would be carried out (in terms of the positioning of the dwellings in relation to neighbouring outlook, light etc).

Other neighbours are located significant distances away from the site, with no. 2 St Sebastians Close approximately 28m to the east and no. 12 St Sebastian’s Court approximately 22m to the southwest.

It is considered that the principle of the development as proposed in relation to neighbours is acceptable for the permission in principle stage.

Location, land use and amount of development in relation to flood risk:

Policy CC09 of the MDD states that all sources of flood risk, including historic flooding, must be taken into account at all stages and to the appropriate degree at all levels in the planning application process to avoid inappropriate development in areas at risk of flooding.

The application site is in Flood Zone 1 which is the lowest risk of flooding. There is no conflict between the proposed location, use and amount of development and flood risk. The council's Drainage officer was consulted and raised no objection to the principle of the proposed development. Full drainage details and a flood risk assessment would be required at technical consent stage.

Location, land use and amount of development in relation to the highway network:

Policy CP6 of the Core Strategy states that development should not lead to highway problems, along with providing for sustainable forms of transport.

Policy CC07 states that sufficient parking shall be provided as part of development proposals.

Highway considerations in terms of layout and access design would also be reviewed at the technical details stage.

Location, land use and amount of development in relation to the impact on the natural environment (trees and ecology):

Policy CC03 of the MDD states that development shall protect existing trees and hedges and incorporate high quality landscaping.

As the final layout of the development is unknown at this stage (and is a matter for technical details stage), this could have the potential to be mitigated/ not cause substantial adverse impact. It is not clear at this stage as to whether any trees would need to be felled as the layout is not finalised. Officers do not consider there to be sufficient grounds to conclude that a scheme is categorically unacceptable in principle, notwithstanding the protected trees on site.

An AIA and CMS report would be required at technical details stage.

The application site is in an area suitable for bat roosts. A bat assessment would be required to support the technical details stage.

There would also be a requirement to provide the 10% mandatory on site BNG. Again, this must be addressed at the technical details stage.

Location, land use and amount of development in relation to Habitat development (Thames Basin Heath Special Protection Area) (TBH SPA):

The application site is located within the 5km zone of the Thames Basin Heath Special Protection Area. The Thames Basin Heath is a qualifying European site. Policy CP8 of the Core Strategy focuses on the Thames Basin Heath Special Protection Area and outlines when mitigation is required. In the 5km zone, all residential proposals that include a net increase of 1 or more dwellings are required to provide mitigation for the TBH SPA.

Under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (the Order), on receipt of an application, permission in principle must not be granted for development which is habitats development. The PPG defines habitats development as development which is likely to have a significant effect on a qualifying European site or a European offshore marine site. In this case, the TBHSPA.

The case law established at *People over Wind and Sweetman v Coillte Teoranta* ECLI:EU:C:2018:244 requires the decision maker, when considering the effect that a proposal may have on such a European Site, to consider mitigation within an appropriate assessment rather than at screening stage. Accordingly, where development is likely to have a significant effect on a qualifying European Site without any mitigating measures in place, it is necessary that an appropriate assessment should be undertaken before the consideration of the grant of permission in principle. This is stated in the PPG (Paragraph: 005 Reference ID: 58-005-20190315).

Within the PPG, paragraph 005 in full reads:

Can local planning authorities grant permission in principle to sites that have been subject to a Habitats assessment?

Permission in principle must not be granted for development which is habitats development. From 28 December 2018 habitats development means development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as [habitats sites](#) in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the [competent authority](#) has not given consent, permission, or other authorisation in accordance with [regulation 63 of the Conservation of Habitats and Species Regulations 2017](#). This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle.

Paragraph: 005 Reference ID: 58-005-20190315

Given that the risk of a significant effect on the TBH SPA would arise from the location, land use and the amount of development which are under consideration at the planning

in principle stage, it must be established prior to the grant of any such permission that the development would not adversely affect the integrity of the protected site and therefore, it is not a matter that can be left to a later stage. In this case, the Council's approach is to secure mitigation as a financial contribution to a strategic SANG including to Strategic Access Management and Monitoring (SAMM) measures as an alternative solution via a S106 legal agreement. Also, it cannot be secured at permission in principle stages, as per the PPG (022 Reference ID: 58-022-20180615).

It is acknowledged that the Thames Basin Heath SPA Delivery Framework states harm will only materialise upon occupation – meaning mitigation would be secured before the impact as the technical details consent Stage would secure a legal agreement. However, the requirement of PiPs is that the Appropriate Assessment is required to be passed before the PiP is granted. Without a legal agreement, it is the view of the LPA that the Appropriate Assessment cannot be formally passed at the required stage. As referenced above in paragraph 005 of the PPG, it states that “If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle”(author's emphasis). Without mitigation in place at the time of granting permission in principle, Officers cannot conclude that the development will not adversely affect the integrity of the Thames Basin Heath Special Protection Area. Mitigation measures have not been secured therefore, the LPA is of the opinion that this application should be refused.

Planning Balance

The proposal is located outside of the defined settlement boundary, within the Wokingham countryside. The proposal does not meet any of the exceptions for development in the countryside, as outlined in policy CP11.

Whilst the layout is not fixed at this permission in principle stage, it is accepted that the erection of a single dwelling on the site would integrate with the layout of existing built form within the vicinity and would not be of detriment to the character and appearance of the area, in particular the countryside. However, the technical details (2nd stage) would need to take this into account.

The site is in a semi unsustainable location whereby there are poor bus services and poor access to facilities and amenities, resulting in the additional over reliance on private vehicles. However, there would be schools and bus stops within walking distances, and other facilities not listed in the policy, such as the sports club. As highlighted in the appeal decision: *“Although the width varies in places, there is a footway and lighting along much of Nine Mile Ride. There are also public rights of way and through Bramshill Forest giving access to other facilities, transport options and connections to larger settlements. However, given the distances involved and the lack of lighting in places it is unlikely that future occupiers of the site would walk to facilities, particularly at times of darkness or inclement weather”*.

While the above disbenefits weigh against the scheme, as discussed earlier in the report, the tilted balance is engaged when determining this application owing to the Council being unable to demonstrate a 5 year housing land supply. As per paragraph

11(d)(ii), any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. In this case, the socio-economic benefits of providing new housing would outweigh the semi-sustainable location and environmental benefits of the scheme. However, this permission in principle application cannot mitigate harm to the TBH SPA and therefore, weighs against the proposal as the development would result in harm to the TBH SPA.

This scheme would see a net increase of one dwelling which holds substantial weight in the planning balance in principle. However, as this permission in principle application cannot mitigate harm to the TBH SPA, the recommendation is therefore to refuse this application.

Community Infrastructure Levy (CIL): When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:

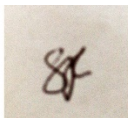
Not required

Recommendation:

Refuse for the following reason:

1. In accordance with the National Planning Policy Guidance, permission in principle must not be granted for development which is habitats development. The application site lies within 5km of Thames Basin Heaths Special Protection Area, which is a qualifying European site. The proposal fails to provide avoidance measures for the adverse effect on the integrity of the European protected site which renders the proposal as habitats development. As such, 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.
Date:	28 July 2025
Earliest date for decision:	7 August 2025

Recommendation agreed by: (Authorised Officer)	
Date:	18.8.25

The Conservation of Habitats and Species Regulations 2017 Screening Assessment and Appropriate Assessment

In the light of the “Sweetman Judgement” (People Over Wind and Sweetman v Coillte Teoranta, April 2018), the comments below comprise an Appropriate Assessment which includes advice on necessary avoidance and mitigation measures which is consistent with the advice provided to the Planning Inspectorate on such matters.

Summary of Response

WBC, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects.

This site is located approximately **2 km** (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

If approved, on commencement of the proposed development, a contribution (calculated on a per-bedroom basis) is to be paid to Wokingham Borough Council (WBC) towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in WBC’s Infrastructure Delivery Contributions Supplementary Planning Document (SPD).

The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures.

In this instance, the proposed development would result in a net increase of **1 X dwelling (number of bedrooms unknown)** within 5km of the SPA which results in a total SANG contribution **which cannot be calculated at this stage.**

The proposed development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution **cannot be calculated at this stage.**

The total SPA related financial contribution for this proposal cannot be calculated at this stage. The applicant **must agree** to enter into a S106/s111 agreement to secure the contribution prior to occupation of the dwelling. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP Saved Policy NRM6, policy CP8 of the Core Strategy, and the NPPF.

1. The Conservation of Habitats and Species Regulations (2017) as amended

In accordance with The Conservation of Habitats and Species Regulations (2017) as amended, Regulation 63, a competent authority (in this case Wokingham Borough Council (WBC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as WBC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

WBC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), WBC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, WBC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stage 1 Screening for Likely Significant Effects

WBC accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of a European Site. The Thames Basin Heaths Special Protection Area (SPA) is a European designated site which affects the borough, and WBC must ensure that development does not result in an adverse impact on the SPA. The

potential adverse effects on the integrity of the SPA include recreational activities from inside the SPA and air pollution from inside and outside the SPA.

At this stage WBC cannot rule out 'likely significance effects' on the SPA (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of these sites. This is because the proposal lies within **5 km** of the SPA and:

- represents a net increase in dwellings within 400m - 5km of the Thames Basin Heaths Special Protection Area (SPA) which will lead to an increase in local population and a potential increase in recreational activity on the SPA

As the 'likely significance effects' cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 2 Appropriate Assessment

Based on the information proposed by the applicant, WBC must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal is altered to avoid or reduce impacts.

The following policies and guidance set out WBC's approach to relevant avoidance and mitigation measures which have been agreed with Natural England. For the majority of housing developments this will comprise the provision of (or contribution towards) Suitable Alternative Natural Greenspace (SANG) and a contribution towards the Strategic Access Management and Monitoring (SAMM) Project. The financial contributions towards SANG would be either through an obligation in a s106 agreement that requires WBC to allocate an appropriate amount of the development CIL receipt towards the provision of SANG, or through an obligation in an agreement under s111 of the Local Government Act, that requires the developer to make an appropriate financial contribution towards the provision of SANG (to be used in the event that the developer successfully seeks CIL relief). Developers will be required to secure an appropriate financial contribution to the SAMM project through an obligation in a s106 agreement.

For SDL development (and occasionally some other larger non SDL developments) within 5km of the SPA, SANG is required at a minimum of 8 ha per 1,000 new residents, constructed and delivered to Natural England's quality and quantity standards and a contribution towards pan SPA access management and monitoring (as advised by the Thames Basin Heaths Joint Strategic Partnership Board). For SDL development (and occasionally some other larger non SDL developments) between 5 and 7km, the proposals will need to be individually assessed but it is likely that SANG will be required on site in line with Natural England's quality and quantity standards, although the exact requirement will be agreed having regard to evidence supplied.

a. Policies and Guidance

For this proposal the following guidance and policies apply:

- South East Plan (May 2009) Policy NRM6 (Thames Basin Heaths Special Protection Area)
<http://webarchive.nationalarchives.gov.uk/20100528160926/http://www.gos.gov.uk/gos/planning/regionalPlanning/815640/>

- Wokingham Borough Core Strategy (2010) Policy CP8 (Thames Basin Heaths Special Protection Area) sets out the approach WBC will take in order to protect the TBH SPA <https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>
- Wokingham Borough Core Strategy (2010) Policy CP7 (Biodiversity) sets out the approach WBC will take in order to protect national and international nature conservation sites <https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>
- Wokingham Borough Managing Development Delivery Local Plan (2014) Policy TB23 (Biodiversity and Development) <https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20MDD.pdf>
- Infrastructure Delivery and Contributions SPD (2011) <https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20Infrastructure%20De~nd%20Contributions%20SPD.pdf>

The project as proposed would not adversely impact on the integrity of the SPA if avoidance and mitigation measures are provided as stipulated by these policies and guidance.

b. SPA Avoidance and Mitigation Measures

i) The provision of Suitable Alternative Natural Greenspace (SANG) and its ongoing maintenance in perpetuity.

In accordance with the development plan, the proposed development will be required to provide alternative land to attract new residents away from the SPA. The term given to this alternative land is Suitable Alternative Natural Greenspace (SANG).

As this development is not part of an SDL, the developer may make a payment contribution towards strategic SANGs in line with schedule below (most likely this will be at Rooks Nest Wood SANG although it is subject to SANGs capacity in the right location within Wokingham borough). An occupation restriction will be included in the Section 106 Agreement in order to ensure that the contribution has been made prior to occupation of the dwellings. This gives the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and Core Strategy Policy CP8

The development will result in a net increase of **1 no dwelling and the breakdown of number of bedrooms is not known at this stage, owing to being a permission in principle application.** Depending on the dwelling mix, the level of SANG payments are set out as follows:

No. of bedrooms	SANG Contribution 5km	Aggregate SANG Contribution
1 bedroom	£1,567.98	
2 bedrooms	£2,049.59	
3 bedrooms	£2,690.93	
4 bedrooms	£3,546.86	
5 bedrooms	£4,240.62	

Total SANG Contribution	Unknown at this stage
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ii. Strategic Access Management and Monitoring (SAMM) Contribution

The proposed development will also be required to make a contribution towards Strategic Access Management and Monitoring (SAMM). This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it.

From 1st April 2023 SAMM contributions have been updated across the 11 Local Authorities affected by the Thames Basin Heaths Special Protection Area. Following engagement with Natural England, the Joint Strategic Partnership Board agreed this change is necessary to ensure sufficient income is raised to cover the costs of the SAMM project in perpetuity. Without this change the SAMM project would be at risk of being unable to deliver the objectives of the SAMM project, and therefore secure positive outcomes for the SPA.

The level of contributions are calculated on a per bedroom basis. The application for this development is for **1 dwelling with the number of bedrooms unknown at this stage due to being a permission in principle application**. Depending on the dwelling mix, the level of SAMM payments are calculated as follows:

No. of bedrooms	SAMM Contribution 5km	Aggregate SAMM Contribution
1 bedroom	£582.00	
2 bedrooms	£810.00	
3 bedrooms	£1,077.00	
4 bedrooms	£1,267.00	
5+ bedrooms	£1,447.00	
Total SAMM Contribution		Unknown at this stage

Prior to the permission being granted the applicant must enter into a Section 106 Agreement based upon the above measures.

4. Conclusion

No Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that WBC would be required to refuse a planning application.

Provided that the applicant is prepared to make a financial contribution (see above) towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

WBC is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the

Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017) as amended, and permission may be granted.

If the applicant does not agree with the above mitigation and does not enter into a Section 106 Agreement to secure the measures, then the application must be refused using the following reason for refusal.

As this is a Permission in Principle application, a S106 legal agreement cannot be secure appropriate mitigation and therefore without this appropriate avoidance and mitigation measures, the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that WBC would be required to refuse a planning application.

Date:

Signed:

PLANNING CONSTRAINTS/STATUS

Insert where relevant

Affordable Housing Thresholds | Total count: 1

#	NAME
1	Outside Development Locations

Scale and Location of Development Proposals | Total count: 1

#	FEATURE_TYPE	NAME
1	Countryside	Countryside

Thames Basin Heath SPA Mitigation Zones | Total count: 1

#	FEATURE_TYPE	FEATURE_NAME
1	Special Protection Area Linear Mitigation Zone	5km Linear Mitigation Zone

Green Infrastructure Routes Consultation Zone | Total count: 1

#	FEATURE_TYPE
1	Green Route

Rights of Way Improvement Plan Consultation Zone | Total count: 1

#	Proposal_Type
1	New Footpath

Major Nuclear Sites Consultation Zone | Total count: 1

#	FEATURE_TYPE	FEATURE_NAME	PLANNING_NOTE
1	Consultation Zone - Major Nuclear Site	AWE: Special Case Zone	ONR also requests to be consulted on planning applications, irrespective of distance from nuclear sites, for special cases. Developments that either introduce a new hazard or change the existing external hazards posed to nuclear sites.

Aerodrome Safeguarding: Farnborough Consultation Zone | Total count: 2

#	FEATURE_TYPE	FEATURE_NAME	CONSULT_WHEN
1	Aerodrome Safeguarding: Farnborough Consultation Zone	Consultation zone 3	All buildings, structures, etc. Exceeding 90m
2	Aerodrome Safeguarding: Farnborough Consultation Zone	Consultation zone 1	Tree Planting, Mineral extract/Quarrying, Refuse tips, Reservoir, Sewage Disposal, Nature reserve, Bird Sanctuary, any aviation use

Aerodrome Safeguarding: Gatwick Consultation Zone | Total count: 1

#	Description
1	Please consult London Gatwick on the following: All buildings, structures & works exceeding 150 m AGL.

Aerodrome Safeguarding: Heathrow Consultation Zone | Total count: 1

#	Height Band	Wind Turbine	Aviation
1	All works exceeding 150 metres (492.1 feet)	YES	YES

Wokingham Borough Council Owned Land | Total count: 1

#	Address	Tenure	Title_no
1	Land being part of Grove Close, Wokingham	Absolute Freehold Estate in Land	BK403600

Risk of Flooding from Surface Water | Total count: 1

#	FEATURE_TYPE	FEATURE_NAME
1	Environment Agency Surface Water Flood Zones	1 in 1000 year risk extent

Bat Roost Habitat Suitability | Total count: 6

#	FEATURE_TYPE	FEATURE_NAME	CONSULT
1	Bat survey required for planning applications that involve roof modification or demolition.	[N1028	Ecology Officer, Green Infrastructure Team

2	Bat survey required for planning applications that involve roof modification or demolition.	[O1028	Ecology Officer, Green Infrastructure Team
3	Bat survey required for planning applications that involve roof modification or demolition.	[P1026	Ecology Officer, Green Infrastructure Team
4	Bat survey required for planning applications that involve roof modification or demolition.	[P1027	Ecology Officer, Green Infrastructure Team
5	Bat survey required for planning applications that involve roof modification or demolition.	[P1028	Ecology Officer, Green Infrastructure Team
6	Bat survey required for planning applications that involve roof modification or demolition.	[P1029	Ecology Officer, Green Infrastructure Team

Great Crested Newt Impact Risk Zones | Total count: 2

#	FEATURE_TYPE	FEATURE_NAME	CONSULT
1	Great Crested Newt Impact Risk Zone	Amber	For Householder applications check HH Layer. Consult NatureSpace for all other types of development
2	Great Crested Newt Impact Risk Zone	Red	For Householder applications check HH Layer. Consult NatureSpace for all other types of development

SSSI Impact Risk Zones | Total count: 1

#	IRZURL
1	https://irz.geodata.org.uk/IRZ/step2.html?irzcode=0121054211101&es=11401&location=482586,165647%20(IRZ%20polygon%20centre)

Water Utility Consultation Zones | Total count: 1

#	FEATURE_TYPE	FEATURE_NAME	CONSULT_WHEN
1	Water Utility Consultation Zone	South East Water Supply Area	New dwellings

Landscape Character Assessment 2019 | Total count: 1

#	FEATURE_TYPE	Name
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1	Landscape Character Assessment 2019	Finchampstead Forested and Settled Sands
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Tree Preservation Orders Served or Confirmed | Total count: 2

#	TPO_REFERENCE	TPO_TYPE	RECORD_STATUS
1	TPO-1028-2001	Single	Confirmed
2	TPO-1028-2001	Single	Confirmed

Wards | Total count: 1

#	NAME	Closest Approximate Distance
1	Wokingham Without Ward	0 m

Parishes | Total count: 1

#	NAME	Closest Approximate Distance
1	Wokingham Without CP	0 m