

PLANNING REF : 261597
PROPERTY ADDRESS : Toutley Hall North
: Old Forest Road, Wokingham, Berkshire
: RG411JA
SUBMITTED BY : Mrs Natasha Sawdon
DATE SUBMITTED : 11/08/2026

COMMENTS:

OBJECTION - applications 261597 and 261298 (Land at Old Forest Road)

I object to both. They are one change pursued by two routes and should be determined together.

I do not object to affordable housing. I support the 21 affordable homes already secured. I object because, on the Council's own draft deed, this proposal binds no additional affordable home, strips local connection criteria, and hands the developer a seven-figure CIL windfall.

1. IT IS NOT 100% AFFORDABLE HOUSING. IT IS 21 AFFORDABLE HOMES AND 32

RELABELLED MARKET HOMES.

Option B is defined as 21 dwellings as Affordable Housing Dwellings -

identical

wording to Option A - plus 32 "being the Open Market Dwellings but used in

accordance with the objects contained in the rules of the Preferred Registered

Provider". Those 32 remain defined as Open Market Dwellings and are expressly

carved out of "paragraphs 3 and 4 of Part 1 and paragraphs 1 to 7 of Part 2 of

this Schedule 1". A registered provider's internal rules are not a planning

control: no rent cap, no eligibility test, no nomination right, no tenure, and

amendable by that provider at will.

The number of dwellings actually bound as affordable is 21 under both

options.

[Deed of Variation, cll.5.1.4, 5.1.6; Sch.1 Pt.1 new para 2]

2. IT IS OPTIONAL.

The developer need only "notify" the Council which option it elects before

commencement. Option A remains available throughout. Nothing compels a single

extra affordable home. [Sch.1 Pt.1 new para 1]

3. THE ACTUAL EFFECT IS CIL RELIEF WORTH 1.5m- 1.8m.

The deed states that under Option B all dwellings "are capable of being

'qualifying dwellings' for the purposes of claiming Social Housing Relief", and

defines "Social Housing Relief" as "relief from the payment of CIL".
On the
Council's own indexed rates (CIL Indexation January 2026:
525.10/sqm North
Wokingham SDL; 563.71/sqm Rest of Borough), relief on the 32 units
is worth
roughly 1.5m- 1.8m. I ask the Council to publish its own
calculation and the
applicable charging zone. Whether those units qualify at all is a
matter for
reg.49 of the CIL Regulations 2010, not for agreement between the
parties - see
Stonewater (2) Ltd v Wealden DC [2021] EWHC 2750 (Admin).
[c11.5.1.8,
5.1.9]

4. THE COUNCIL'S OWN THRESHOLD FOR 100% AFFORDABLE SITES IS 50
HOMES. THIS IS 53.
"The Council to consider 100% affordable sites up to a threshold of
50 homes per
site and subject to the requirement for supporting infrastructure
requirements."
[Affordable Housing Strategy 2024-2028, p.26, adopted 21 March 2024]

This site is above that threshold, and supporting infrastructure - a
single
narrow unmade lane - is precisely what is in issue.

5. IT DELETES THE VERY THING THE OFFICER RELIED ON ELEVEN WEEKS AGO.
The officer report on 251421 justified the scheme partly because
"the affordable
housing is spread across the site to support community development
and housing
management". These applications remove that. Why was it material in
May and not
in August? [Officer report 251421, Planning Committee 11 March 2026]

6. IT WEAKENS EXISTING SAFEGUARDS.
- Nominations agreement "amended to remove all local connection
criteria in
relation to Shared Ownership Housing" - reducing priority for local
people.
- Replacement Sch.1 Pt.2 para 7: after three months' "reasonable
endeavours" at
a price floor set by the debt, a mortgagee may dispose free of the
affordable
provisions, "which provisions shall determine absolutely". New para
8 disapplies Sch.1 against any mortgagee of the 32.
- "Affordable Rented Housing" redefined to up to 80% of "market
standard for
rental purposes", including affordable rent, at CPI+1%. "100%
affordable" does
not mean 100% social rent.
The original s106 has not been published, so none of this can be
properly
scrutinised. It should be. [c11.5.1.1, 5.1.3, 5.1.7, 5.1.12, 5.1.13]

7. THE CONDITION IS UNLAWFULLY IMPRECISE.
Condition 2 would approve "either" Rev E "or" Rev F, with the choice

reserved to
the developer after the decision. That fails the precision test in
NPPF para 57.
The two options differ in tenure, nominations and whether any CIL is
paid - they
are not planning equivalents.

8. POLICY CONFLICT.

Core Strategy CP5 (mix and balance of tenures) and CP2; MDD Policy
TB05, which
the applicant has not addressed at all. Adopted Affordable Housing
SPD (2013)
para 6.1: "The aim is to create development which is 'tenure
blind'"; para 6.6
requires affordable units built out "in line with private market
units" - which
is impossible where there are none. NPPF paras 63, 64, 96, and the
opening
direction of para 71 that authorities "should support" mixed tenure
sites. The
para 71 carve-out for schemes "entirely for Social Rent or other
affordable
housing tenures" is not engaged, because no dwelling beyond the
existing 21 is
secured for any affordable tenure.

9. WHY HAS THIS HAPPENED?

Permission granted 22 May 2026. Variation applied for 29 May - seven
days later,
the applicant stating discussions took place "prior to and since the
grant of
planning permission". The draft deed of 29 May is already headed "TO
BE REVIEWED
IF S73 APPLICATION IS TO BE SUBMITTED" and its Recital D already
recites a s73 -
four weeks BEFORE the pre-application advice of 26 June said to have
suggested
that route. The Council should explain this chronology, and name the
"Preferred

Registered Provider", which appears nowhere in the published
documents.

10. TRANSPARENCY.

The Council is a party to the deed both as local planning authority
and as
"the Freeholder" of title BK497774, and is the CIL collecting
authority that
stands to forgo the levy. I allege no impropriety, but that interest
must be
declared in the officer's report and these applications determined
by
Planning
Committee in public, not under delegated powers. The published deed
is also
unfinished - blank dates and references, no clause 6, and unresolved
"HCR to
confirm" queries between the solicitors.

I REQUEST THAT THE COUNCIL:

- (a) identify in the officer's report one dwelling secured as affordable under Option B that is not already secured under Option A;
- (b) publish the CIL foregone, and the paragraphs of the original s106 being replaced;
- (c) determine both applications at Planning Committee, with its landowner interest declared.

If (a) cannot be answered, the case for this proposal falls away entirely.

I have submitted a fuller letter setting out the policy analysis, the Census 2021 tenure evidence for the area, and full source references, and ask that it be read with this comment.