



**WOKINGHAM
BOROUGH COUNCIL**

**SECTION 78 APPEAL
WRITTEN REPRESENTATION - STATEMENT OF CASE**

**Appeal against the refusal of a planning application on
27 March 2026**

Appellant	Mr Stuart Brooks
Site	Brookfield Farm, Old Wokingham Road, Crowthorne, Berkshire, RG40 3BU
Local Planning Authority Reference	260200
PINS Reference	6009352

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1 Introduction

1.1 This Statement of Case (SoC) has been prepared on behalf of Wokingham Borough Council (“LPA”) in response to the appeal lodged by Mr Stuart Brooks (“the Appellant”) against the refusal of planning application reference 260200 dated 27 March 2026. This statement should be read in conjunction with the officer report which sets out the reasons for refusing the application.

1.2 The refusal relates to planning application reference 260200, a permission in principle (“PiP”) for the proposed erection of up to nine dwellings. A copy of the decision notice (Appendix 1) and the delegated officer report (Appendix 2) have been supplied to the Inspectorate, along with the appeal questionnaire and copies of the relevant policies referred to within this document. In accordance with PINS guidance, these are not duplicated within the content of this Statement of Case.

1.3 On 26 January 2026, an application was submitted to the LPA for:

“Permission in principle application for the proposed erection of up to 9no. dwellings.”

1.4 The application was subsequently refused on 27 March 2026. The following reasons for refusal were included in the decision notice (Appendix 1):

- 1) *The site is not sustainable in transport terms with regards to its location and access to day-to-day services and facilities. Future residents of the development would also not have access to a good standard of bus service and would have an attractive walking or cycling routes/ environments when outside the site. The proposal will therefore result in high dependence on private vehicle use and represents an unsustainable development, contrary to policies CP1, CP3 and CP6 of the Core Strategy and policy CC01 paragraphs 110 and 115 of the NPPF.*
- 2) *The proposal represents inappropriate development within designated countryside. By virtue of the amount of development proposed the development would fail to integrate with the rural pattern of development along Old Wokingham Road and would harm the character and appearance of the surrounding countryside. The proposal is therefore contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy, policies CC01 and TB21 of the MDD, the Borough Design Guide and the NPPF. Public: Information that can be seen and used by everyone inside and outside the Council.*
- 3) *The applicant has failed to undertake the Sequential Test, therefore, it has not been demonstrated that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding (paragraph 174 of the NPPF). The proposal therefore fails to adopt a sequential, risk-based approach to flood risk, contrary to Section 14 of the National Planning Policy Framework (2024) and policies CC09 and CC10 of the Managing Development Delivery Local Plan (2014).*

- 4) *The application site lies within Flood Zone 2 and within an area at risk from flooding from groundwater and surface water. As no site- specific Flood Risk Assessment has been produced, it has not been demonstrated that the proposal would not increase flood risk elsewhere and that the development would be safe for its lifetime. The proposal therefore fails to adopt a risk based approach to flood risk, contrary to Section 14 of the National Planning Policy Framework (2024) and policies CC09 and CC10 of the Managing Development Delivery Local Plan (2014).*
- 5) *In accordance with Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) and the National Planning Policy Guidance, Permission in Principle must not be granted for development which constitutes 'habitats development'. The application site lies approximately 1.7km from the Thames Basin Heaths Special Protection Area (SPA), which is a qualifying European site. In the absence of any mechanism at the permission in principle stage to secure the avoidance and mitigation measures required to ensure that the development would not have an adverse effect on the integrity of the SPA, the proposal is classed as habitats development and cannot lawfully be approved. Consequently, the LPA is unable to conclude as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) and Article 6(3) of Directive 92/43/EEC, that the development would not harm the Thames Basin Heaths SPA. The proposal is therefore contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Wokingham Borough Core Strategy.*

2 Appeal Site

- 2.1 The site subject to the appeal comprises an existing field of approximately 0.4 hectares. The site is currently vacant. To the southwest are a number of existing buildings in a mix of uses.



2.2 The site is bounded to the east by established trees and hedgerow adjacent to Old Wokingham Road. The north is bound by a further greenfield area. The site has no existing built form.

2.3 Notwithstanding the current visual appearance of parts of the wider landholding, it is important to clarify that the lawful use of the appeal site and the majority of the surrounding land remains agricultural. Any areas of hardstanding, buildings or activities that appear inconsistent with that use relate to unauthorised development and do not represent the lawful planning status of the land.

2.4 Relevant planning history relating to the site is outlined below.

PLANNING HISTORY		
Application No.	Description	Decision & Date
960807	Proposed Change of use Of Agricultural Buildings To Shop Use (A1. (Retrospective)	28/10/1996
990423	Proposed Erection of Building For Agricultural Use (Ostrich Breeding)	Approved 07/04/1999
040492	Proposed erection of an agricultural workers dwelling.	Refused 26/11/2004
091617	Proposed creation of new access to Brookfield Farm from Old Wokingham Road and closure of existing access.	Approved 19/01/2010
091617	Proposed creation of new access to Brookfield Farm from Old Wokingham Road and closure of existing access.	Approved 19/01/2010
203627	Full application for the change of use of land to equestrian use and the construction of stables, to include a feed store, tack room and 20m x 60m outdoor sand school, following demolition of existing outbuildings.	Approved 27/10/2021
260266	Permission in principle application for the proposed erection of up to 9no. dwellings.	Refused 27/03/2026

2.5 The site is adjacent to a neighbouring site, within the same ownership that has an extensive planning history. The planning history of the neighbouring site is outlined below.

PLANNING HISTORY		
Application No.	Description	Decision & Date
F/1996/64650	Proposed Extension Of Access Road	Approved

		06/01/1997
F/1996/64104	Proposed Change Of Use Of Agricultural Buildings To Shop Use (A1) (Retrospective)	Refused 28/10/1996
A/1996/64153	Proposed Erection Of Two Signs (Retrospective)	Refused 28/10/1996
F/1999/69174	Proposed Erection Of Building For Agricultural Use (Ostrich Breeding)	Approved 07/04/1999
F/1999/0185	Proposed erection of building for agricultural use (Amendment to consent 99/69174/F) and extension of existing building (retrospective).	Approve 01/02/2000
F/2004/3331	Proposed single storey extension to dwelling and replacement porch.	Approved 11/03/2005
F/2004/0954	Proposed erection of an agricultural workers dwelling.	Refused 26/11/2004
F/2004/2362	Proposed change of use of part of agricultural building to farm shop (A1) and food preparation area.	Refused 26/11/2004
F/2009/2088	Proposed creation of new access to Brookfield Farm from Old Wokingham Road and closure of existing access.	Approved 19/01/2010
CLE/2012/1815	Application for a certificate of lawful existing use of southern end of barn as a self-contained residential unit	Approved 10/12/2012
203627	Full application for the change of use of land to equestrian use and the construction of stables, to include a feed store, tack room and 20m x 60m outdoor sand school, following demolition of existing outbuildings.	Approved 27/10/2021
203536	Application for a certificate of existing lawful development for the existing development comprising of the laying of hardstanding, erection of a building and earthworks bund.	Approved 17/03/2021
240222	Application for a certificate of existing lawful development for the erection of an additional building and hardstanding substantially completed for in excess of 4 years.	Refused 26/03/2024
240221	Application for a certificate of existing lawful development for the use of an additional yard for open B8 storage	Refused 26/03/2024

	comprising the storage of inert soils, building materials and the parking and storage of vehicles for more than 10 years.	
232773	Application for a certificate of existing lawful development for the use of the land for the storage of cars; vans; 2 axel lorries and vehicles; building materials; shipping containers; and trailers.	Approved 22/05/2024
232786	Application for a certificate of existing lawful development for the erection of 1 no. buildings substantially completed for in excess of 4 years (amended description)	Approved 23/07/2024
232799	Application for a certificate of existing lawful development for the use of 2 no. buildings as 2 separate dwellings for in excess of 4 years (amended description).	Approved 29/07/2024

2.6 The neighbouring site was also subject of an enforcement appeal (PINS ref. APP/X0360/C/24/3344473). The enforcement appeal was dismissed and the enforcement notice upheld in December 2024. The notice requires, amongst other matters, the cessation of unauthorised uses and the restoration of the land to its lawful agricultural condition.

2.7 The buildings and works subject to the enforcement notice remain in situ and are subject to active enforcement action. These unauthorised uses and structures do not establish any lawful fall-back position and do not alter the lawful agricultural use of the wider landholding.

3 Provisions of the Development Plan and Other Policy Documents

3.1 The development plan for the Borough comprises the Wokingham Borough Core Strategy 2010; the Managing Development Delivery (MDD) Local Plan 2014, and supplementary planning documents. Policies and guidance of relevance are listed below, and the relevant sections have been sent to the Inspectorate:

- National Planning Policy Framework (2024)
- Wokingham Borough Core Strategy (2010)
 - CP1 - Sustainable Development
 - CP3 - General Principles for Development
 - CP4 - Infrastructure
 - CP6 - Managing Travel Demand
 - CP8 - Thames Basin Heaths SPA
 - CP9 - Scale and Location of Development
 - CP11 - Development in the Countryside
- Managing Development Delivery Local Plan (2014)
 - CC01 - Sustainable Development
 - CC02 - Scale and Location of Development
 - CC03 - General Principles for Development

- CC09 - Flood Risk
 - CC10 - Managing Surface Water Runoff
 - TB21 - Design of New Development / Landscape Character
- Wokingham Borough Local Plan Update (LPU)
 - SS1 – Sustainable development principles
 - SS2 – Spatial strategy and settlement hierarchy
 - SS5 – Development in the countryside
 - CE1 – Design principles for efficient buildings
 - CE3 – Environmental standards for residential development
 - H1 – Housing mix, density and standards
 - H3 – Affordable housing
 - H6 – Self-build and custom build
 - 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
 - DH6 – Archaeology
 - HC1 – Promoting healthy communities
 - HC2 – Community infrastructure
 - HC3 – Local Green Space
 - HC4 – Open spaces, sports, recreation and play facilities
 - HC5 – Environmental protection
 - HC6 – Air pollution and air quality
 - HC7 – Light pollution
 - HC8 – Noise pollution
 - HC9 – Contaminated land and water
 - HC10 – Odor, fumes and dust
- Joint Minerals and Waste Plan (2023)
- Wokingham Borough Design Guide Supplementary Planning Document (2012)
- Sustainable Design and Construction Supplementary Planning Document (2010)
- Wokingham Borough Landscape Character Assessment (2019).
- CIL Guidance + 123 List

3.2 The site has the following planning constraints:

- Countryside
- Archaeological Site
- Landscape Character Assessment Area: Holme Green Pastoral Sandy Lowland
- Groundwater Risk Zone
- Nitrate Vulnerable Zones
- At risk of surface water flooding
- South of the site located within Flood Zone 2
- Bat roost suitability
- Great Crested Newt – Red Impact Risk Zone
- Thames Basin Heath SPA 400m-5km Linear Mitigation Zone

- Woodland: Broadleaved, semi-natural - Lowland Mixed Deciduous Woodland Priority Habitat

4 Procedural

- 4.1 It is noted that there is a typo in the first reason for refusal, the reason should state:

*The site is not sustainable in transport terms with regards to its location and access to day-to-day services and facilities. Future residents of the development would also not have access to a good standard of bus service and would **not** have an attractive walking or cycling routes/environments when outside the site. The proposal will therefore result in high dependence on private vehicle use and represents an unsustainable development, contrary to policies CP1, CP3 and CP6 of the Core Strategy and policy CC01 paragraphs 110 and 115 of the NPPF.*

- 4.2 Notwithstanding this minor error, it is well established that decision notices must be read fairly and as a whole; a minor typographical error does not undermine the validity of a reason where its overall meaning is clear.
- 4.3 In this case, the officer's report provides a clear, detailed, and unambiguous assessment of the accessibility of the site by sustainable modes of transport, including walking and cycling. That assessment identifies material deficiencies in the quality, safety, and attractiveness of routes linking the site to services and facilities. The reason for refusal must be read in conjunction with that report, which forms part of the decision-making context.
- 4.4 In this instance, the Local Planning Authority's position is clearly expressed: the site is in an unsustainable location, with inadequate opportunities for walking, cycling, and access to public transport.
- 4.5 Accordingly, when read fairly and in its entirety, the reason for refusal is clear and robust. The typographical error does not prejudice understanding of the decision when read in conjunction with the officer's report, nor diminish the weight that should properly be afforded to this reason.

5 Main Issues 1: Principle of development

- 5.1 The appellant's statement and the reasons for refusal identify a number of principal issues, which are addressed in the sections that follow.
- 5.2 The appeal site lies outside defined settlement limits and within the countryside. As such, the principle of residential development in this location is unacceptable and conflicts with the development plan and its spatial strategy. This is not a mere technical breach of settlement boundaries; rather, there are substantive planning reasons why the principle of development is inappropriate in this location.
- 5.3 It is also relevant to emphasise that the lawful use of the appeal site is agricultural. The presence of unauthorised development on parts of the wider landholding does not alter this position and should not be taken to indicate any alternative lawful or sui generis use of the site.

5.4 The site lies outside the defined settlement limits, resulting in a direct conflict with Core Strategy Policies CP11, CP9, CP17, and MDD Policy CC02, as well as the overarching spatial strategy for the borough.

5.5 Collectively, these policies seek to:

- protect the intrinsic character and appearance of the countryside;
- maintain the separate identity of settlements;
- prevent the incremental spread of development in unsustainable locations; and
- provide a clear and plan-led framework for growth.

The proposal would undermine each of these objectives.

5.6 The site is not allocated for development in the emerging Local Plan Update (LPU), indicating that it has been assessed through the plan-making process and found unsuitable for accommodating planned growth.

5.7 This conclusion is reinforced by appeal decisions relating to nearby land, where development has consistently been found unacceptable due to the urbanising effect on the open countryside.

5.8 In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the statutory starting point for determination is the development plan. As the site lies outside settlement limits, the proposal conflicts fundamentally with the spatial strategy set out in that plan.

5.9 Paragraphs 17 and 20 of the NPPF emphasise that development plans must contain strategic policies to address local priorities and establish an overall strategy for the pattern, scale and quality of development. The spatial strategy is therefore central to decision-making.

5.10 The adopted Core Strategy and MDD Local Plan establish a clear vision for the Borough, including the delivery of strategic growth through planned locations. This includes the identification of Strategic Development Locations (SDLs), which are intended to accommodate the majority of new housing alongside the necessary infrastructure. A key objective of the spatial strategy is to direct development to the most sustainable locations within defined settlement limits, whilst strictly limiting development in the countryside. This approach supports sustainability objectives, safeguards environmental quality, maintains settlement identity, and ensures certainty in how growth is delivered. These principles are also reflected in the Borough Design Guide (pages 6-7).

5.11 Core Strategy policy CP9 requires the scale of development to be appropriate to the level of facilities and services available at a location, and their accessibility. In general terms, development is directed to locations within defined settlement limits (outside of SDLs), where such services and infrastructure exist or are planned.

5.12 Core Strategy policy CP11 provides clear policy protection for land outside settlement limits, stating that development in such locations will not normally be

permitted unless it falls within specific exceptions. The appeal proposal does not meet any of those exceptions and is therefore contrary to this policy.

5.13 The supporting text to CP11 explains that restricting development outside settlement limits is necessary to protect settlement identity and the quality of the Borough's environment, and to avoid unsustainable patterns of development in locations poorly served by facilities and services. The proposal contradicts these objectives. The accessibility of the site is addressed further later in this statement.

5.14 The Wokingham Borough Local Plan Update (2023–2040) was submitted for examination on 28 February 2025 and will, once adopted, replace the current development plan. It establishes a spatial strategy to meet the Borough's development needs to 2040, including the full provision of housing requirements. A central component of this strategy is the concentration of growth in sustainable locations, including new and existing SDLs such as the proposed Loddon Valley Garden Village, which is intended to deliver approximately 3,930 dwellings alongside supporting infrastructure.

5.15 The examination of the LPU is ongoing and has reached Part 2 hearing sessions, with the final week currently anticipated to commence on 22 June 2026. The progression of the examination indicates that the plan is capable of being found sound, subject to detailed consideration of individual policies.

5.16 The appeal proposal is in clear conflict with this emerging spatial strategy, in particular policies SS1, SS2, SS3 and SS5. The site lies outside defined settlements and forms part of the undeveloped land separating them. Development in this location would undermine the LPU's objectives by:

- failing to direct growth to allocated and sustainable locations;
- resulting in encroachment into the countryside; and
- introducing development that is poorly related to the existing settlement pattern.

5.17 This conflict is further underscored by the site's rejection through the plan-making process. The land was promoted and assessed as part of the Housing and Economic Land Availability Assessment (HELAA) (2021). It was concluded to be unsuitable for residential development (site reference: 5WW028) due to its detached relationship to the settlement hierarchy. As a result, it did not progress to subsequent stages of site assessment.

5.18 This demonstrates that the site would remain outside, and poorly related to, any defined settlement limits under the emerging LPU. Accordingly, the proposal is unacceptable in principle for residential development when assessed against both the adopted development plan and the emerging spatial strategy.

6 Main Issue 2: Unsustainable Location and Lack of Sustainable Transport

6.1 In respect of this reason for refusal, the key issue is whether the site represents a suitable and sustainable location for residential development, having regard to access to day-to-day services and facilities in addition to the availability of realistic

opportunities to travel by sustainable modes, in accordance with the Development Plan and the NPPF.

- 6.2 As set out in the officer's report and the highways consultation response to the application subject of this appeal, the site is located in an area where opportunities for alternative means of travel beyond the private car are very limited. The location of the appeal proposal cannot support a pattern of development that would comply with the objectives of the adopted development plan and the NPPF in relation to sustainable transport.
- 6.3 The proposed dwellings do not benefit from bus stops, railway stations or everyday facilities within acceptable walking/cycling distance which would minimise reliance on the private car amongst future residents of the site.
- 6.4 Wokingham Railway Station is 5.4 km (3.6 miles) from the site, which is significantly further than the 800m distance suggested as the maximum walking distance to a rail station by Institute of Highways and Transport.
- 6.5 The nearest bus stops are c. 850 m from the site at Pinewood Crossroads. This is twice the 400m acceptable walking distance to a bus stop by the Institute of Highways and Transport within their published guidance document '*Planning for Walking*' (2015).
- 6.6 The bus stops at Pinewood Crossroads are served by one bus per day (The No. 125A). This does not meet the WBC definition of a good bus service. Wokingham Core Strategy (2010) paragraph 4.37 states that a good bus service should meet the following definition: '*good public transport services should meet the following requirement of at least a thirty minute service frequency during peak times (07:00 to 09:00 and 16:00 to 19:00 Monday to Saturday) and at least an hourly service during off-peak hours (09:00 to 16:00 and 19:00 to 22:00 Monday to Saturday)*'.
- 6.7 Furthermore, there is no footway between the site and the bus stops at Pinewood Crossroads. The Old Wokingham Road is also unlit and subject to a 40mph speed limit in this location, and therefore residents are unlikely to walk to the bus stops given it would be unsafe for them to walk on the carriageway with vehicular traffic in the dark.
- 6.8 The development site does not benefit from everyday facilities such as a food shop, pharmacy, GP Surgery, primary school or secondary school within acceptable walking or cycling distance.
- 6.9 The nearest store (Tesco Express) is 2.1 km from the site, as confirmed by the applicant. The nearest school is an independent school called Holme Grange School which is 1.42 km from the site, however this school is accessed via Easthampstead Road. Easthampstead Road is subject to the national speed limit, which is unlit and with no footways for pedestrians or facilities for cyclists. Kings Academy Secondary School (Easthampstead Park) is located 1.8 km (25 minutes' walk) from the site; however, pupils would be forced to walk along West Road for 1.1km which is a country lane with no footway or lighting and would be unsafe for children to mix with traffic whilst walking to school.

- 6.10 The Manual for Streets provides an overview of acceptable walking and cycling distances. Manual for Streets paragraph 4.4.1 states that: *‘Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot, however this is not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly those under 2km’.*
- 6.11 The National Travel Survey (DfT) provides statistics which show how far people typically walk. The NTS recorded that for trips 1 mile or less, 81% of trips were walked. However, for trips over 1 mile, the car became the most frequent mode of travel.
- 6.12 Policy CP6 requires that development be located where genuine choices in travel mode exist and where the need to travel, particularly by private car, is minimised. This is not a purely theoretical exercise based on the existence of routes or measured distances. It requires consideration of whether those routes are safe, attractive and realistically capable of being used on a day-to-day basis by a range of users. In particular, factors such as age, disability and personal safety will influence whether walking, cycling and public transport represent genuine alternatives to private car use in practice.
- 6.13 The Local Highways Authority concluded in their consultation response that the site would not support a meaningful shift towards sustainable travel and that any future occupiers would have a high reliance on the private car. This should carry substantial weight against the development proposal, based on an assessment of both the local availability of existing services and facilities and the quality and availability of routes and transport options to and from the appeal site.
- 6.14 Given the above, the need for a well-connected and attractive network for walking and cycling is imperative. The NPPF requires development to prioritise sustainable transport modes and ensure safe and suitable access for all users. The application proposal and subsequent assessment demonstrate that the surrounding environment would not support walking or cycling as a meaningful alternative to private car trips. Therefore, there is nothing to overcome the location of the site and it being inherently unsustainable. The proposed location of the site for residential development is therefore in conflict with Policy CP6 of the Local Development Plan which seeks to enhance pedestrian and cycle movements, and paragraphs 110 and 115 of the NPPF which highlight the need for development to be located where sustainable transport choices are genuinely available and prioritised.
- 6.15 Furthermore, the level and quality of existing public transport provision is not such that it would provide a suitable alternative to private car use that would likely be prioritised by future occupiers. The highways consultation response reaffirms that the available services are limited in both frequency and coverage. The existing presence of public transport options available at the appeal site are therefore substandard and would not accord with Policy CP6.

- 6.16 The result of the lack of suitable walking, cycling and public transport opportunities further reiterates that the appeal site does not offer a realistic or attractive choice of transport options. Any subsequent development on the site would therefore be highly reliant on the private car, and the LPA is confident that this would result in a pattern of development where the significant majority of daily trips would be via private car. This would directly conflict with Policy CP6 which seeks to reduce such reliance, and Policy CC01 which promotes development in locations that maximise sustainable opportunities. The proposal would also fundamentally undermine the underlying objective of the NPPF to reduce the need to travel and support sustainable transport patterns.
- 6.17 A number of appeal decisions provided by the Appellant were found to be acceptable on the basis of detailed mitigation measures which would secure improvements to accessibility to the site. No improvements have been meaningfully proposed as part of this appeal proposal, and any possible improvements would be difficult to secure through a Permission in Principle application given the ambiguity of the future development on the site.
- 6.18 This position is supported by a recently dismissed appeal (appeal ref. APP/X0360/C/24/3344473) (Appendix 3) which was determined in December 2024. It relates to land adjacent to this appeal site and was an enforcement appeal for unauthorised use of the site for various vehicle and storage related employment uses. In this case the Inspector concluded that, like the site subject of this appeal, the site *“is located in the countryside, outside the defined development limits and contrary to the locational requirements of Policy CP9 of the Core Strategy and Policy CC02 of the Local Plan”*. It goes on to confirm that *“By the very nature of its location the site is not easily accessible and is isolated from any settlements that would provide access to services and facilities.”*
- 6.19 The Inspector also found that the immediately surrounding roads comprise unlit rural roads with no footpaths or cycle lanes available. This site, by virtue of its relationship with the enforcement appeal site, has the same issues. The Inspector also confirms that there are no bus stops or other modes of public transport within a reasonable distance of the appeal site, concluding that *“visitors or customers attending the appeal site would be heavily reliant on travel by private car, given that there is a genuine lack of alternative modes of transport available”*. It would be fair to make the same assumptions for the site subject of this appeal. While trip generation would be lower given the appeal proposal relates to residential use as opposed to employment use, it is clear that given the severe lack of transport choice and lack of connectivity for cyclists and pedestrians in and out of the appeal site, future occupiers of the application site would be heavily reliant on travel by private car. This highlights that the appeal site is not in a suitable location, having regard to sustainable development and travel.
- 6.20 As this is a PiP application, this assessment is limited to whether the location of the development is suitable in principle. The evidence provided clearly demonstrates that it is not. The limitations identified are fundamental in relation to the site’s location and could not be overcome through later technical detail. This position is consistent with the findings of the Inspector in the adjacent appeal, who

concluded that the site was not easily accessible and that users would be heavily reliant on the private car.

6.21 The proposal would therefore be contrary to CP1, CP3 and CP6 of the Core Strategy and Policy CC01 of the MDD, which are consistent with the overarching objectives and aims of chapter 9 of the NPPF which seeks to promote development that limits the need to travel and provide safe and suitable access to the site. This should attract significant weight against the appeal proposal.

6.22 The LPA assesses that the proposal would result in an unsustainable pattern of development which would be highly reliant on the private car. This harm would be significant and could not be overcome. This should be afforded substantial weight.

7 Main Issue 3: Inappropriate Development in the Countryside/Character and Appearance of the Area

7.1 In respect of this reason for refusal, the key issues are whether the scale and form of the development proposed are consistent with the spatial strategy for directing development and the protection of the character of the countryside, as set out in the Development Plan and reflected in the NPPF.

7.2 The site lies outside any development limits and is therefore assessed against the spatial strategy outlined in Policies CP9 and CP11 of the adopted Core Strategy. These policies are consistent with national policy which seeks to direct development to sustainable locations and avoid unjustified encroachment into the countryside. In particular, the NPPF requires that development patterns actively manage growth by focusing development to locations which are or can be made sustainable.

7.3 This position is supported by a recently dismissed appeal (appeal ref. APP/X0360/C/24/3344473) (Appendix 3) which was determined in December 2024. It relates to land adjacent to this appeal site and comprised an enforcement appeal for unauthorised use of the site for various vehicle and storage related employment uses. In this case, the Inspector assessed the principle of the unauthorised development in the designated open countryside. The Inspector found that the development of the site, as a result of the introduction of built form in this location resulted in an excessive encroachment away from original buildings and into previously open agricultural fields.

7.4 The findings of the Inspector in the adjacent Brookfield Farm appeal are directly applicable to the present proposal. The appeal related to land within the same landscape context, subject to the same Development Plan policies and physical characteristics. In the absence of any notable material differences in site circumstances or planning context, those findings carry significant weight in the assessment of this appeal.

7.5 The appeal site comprises an undeveloped field, free from built form. The proposed development would extend built form into this undeveloped land,

representing a clear encroachment into the countryside, contrary to the objectives of Policy CP11.

- 7.6 The Inspector confirms in their decision that development on the site subject of the enforcement appeal is in conflict with Policies CP9 and CP11 of the Core Strategy and Policy CC02 of the Local Plan. There is no reasonable basis to depart from the assessment of a site in the immediate vicinity of the site subject of this appeal and come to an alternative conclusion as to the suitability of the site for built development in the open countryside.
- 7.7 The Appellant accepted in their application submission that none of the exceptions within Policy CP11 apply. This is reinforced in the fact that no further evidence or justification has been provided as part of this appeal to suggest a different conclusion. The proposal therefore fails to meet the fundamental policy framework relating to development in the countryside at both local and national level. Paragraph 84 of the NPPF makes clear that isolated homes in the countryside should be avoided unless specific circumstances apply, none of which are engaged in this case.
- 7.8 Should the appeal be assessed under the tilted balance, the NPPF outlines the need to direct development to sustainable locations, in addition to securing well-designed places. Paragraph 11(d) does not overcome the need to assess whether development is appropriate within a rural location, such as the countryside. The appeal proposal is therefore in conflict with the overarching objectives of sustainably located development.
- 7.9 In addition to the harm that would arise from the proposed location of the appeal proposal, harm would also arise from the nature and quantum of the development proposal. Given the scale and shape of the appeal site the scheme would introduce a form of development that fails to reflect the established pattern of loose, low density frontage development that is characteristic of this part of Old Wokingham Road and nearby residential dwellings along Easthampstead Road.
- 7.10 Instead, the proposal would likely result in a concentrated and inward-looking pattern of development, as highlighted in the officer's report, and shown in the indicative proposed site layout plan submitted to support the planning application. This would result in significant intensification of built form in contrast to the established rural grain and pattern of development in the countryside in this location. This would be in direct conflict with Policy CP3, which requires development to be appropriate in scale, layout and character. It would also conflict with paragraph 135 of the NPPF which requires development to be sympathetic to local character and establish a strong sense of place.
- 7.11 These concerns would not be resolvable at Technical Details stage. The proposed quantum of development (up to nine dwellings) directly impacts the density, layout and form of the development. In determining the application, the LPA, and subsequently the Inspector for this appeal, must be confident that the maximum proposed dwellings can be accommodated without harm. The evidence demonstrates that it cannot.

- 7.12 The Appellant's suggestion that a lesser quantum may be acceptable is not decisive. The appeal proposal seeks PiP for up to nine dwellings, and therefore the impact of this level of development is what is required to be assessed. No evidence has been provided to justify that this level of development would not result in inherent harm to the character and appearance of the area, nor that the identified harm would be avoided at a lower density.
- 7.13 The proposal would result in urbanisation of the appeal site through the introduction of residential built form and the associated need for access onto the site, required levels of parking, especially in the context of a high reliance on car trips, and other paraphernalia associated with future residential uses on the site including residential gardens. The resulting impact would directly conflict with Policies CP3 and CP11 and would fail to recognise the intrinsic character and beauty of the countryside as required in paragraph 187(b) of the NPPF.
- 7.14 The absence of any Landscape and Visual Impact Assessment or robust landscape-led justification is particularly significant. No evidence has been provided at either application or appeal stage to demonstrate how the development would be integrated into the site without unacceptable harm. Whilst the LPA is unable to require such information in the determination of a PiP, it would assist in assessing the suitability of the location and land use of the development, which is located in the open countryside, and the subsequent implications of this form of development. Specifically, Policy TB21 of the MDD requires landscape character to be conserved and enhanced, in conjunction with Paragraph 135 of the NPPF which requires proposals to respond positively to their surroundings and landscape setting.
- 7.15 The Appellant claims that the development would not materially alter the character of the area. This is unsupported by a clear assessment of the local vicinity and fails to engage with the requirements of both the Development Plan and the NPPF.
- 7.16 Returning to the previously mentioned enforcement appeal decision on the adjacent site (appeal ref. APP/X0360/C/24/3344473) (Appendix 3); in this case the Inspector assessed the unauthorised works on the site and the subsequent impact on the character and appearance of the area. Given the close proximity and relationship between the appeal site and the site subject of this appeal, the Inspector's assessment of this matter is highly relevant.
- 7.17 The Inspector surmises that the site was historically in agricultural use and had consisted predominantly of grazing land. The Inspector also highlights that the areas surrounding the site *"are open fields, which are a common feature in the surrounding rural area that is characterised by open countryside with trees and hedgerows"*. The Inspector confirms that the LPA identifies key characteristics of the *"Holme Green Pastoral Sandy Lowland"*. This reflects the lawful and historic use of the land as agricultural, notwithstanding more recent unauthorised incursions onto parts of the wider site.
- 7.18 The appeal site also lies within the Holme Green Pastoral Sandy Lowland landscape character area, identified within the Council's Landscape Character

Assessment, and is also partially located within the Forest and Rides Valued Landscape.

- 7.19 These designations confirm that the site forms part of a landscape of recognised local value, characterised by open pastoral fields, tree belts and hedgerow enclosure, with a dispersed and low-density pattern of development.
- 7.20 In this context, the key issue is not simply visibility of development, but whether the proposed land use and quantum of development would be compatible with the inherent character, sensitivity and capacity of the landscape.
- 7.21 The Landscape Character Assessment identifies the area as having moderate sensitivity and only modest capacity for change, indicating that development proposals must be carefully controlled in terms of scale and form.
- 7.22 Notwithstanding the limited scope of a PiP application, there is no evidence before the Inspector to demonstrate that a development of up to nine dwellings could be accommodated within this landscape without resulting in significant material harm.
- 7.23 The Inspector found, in that case (appeal ref. APP/X0360/C/24/3344473) (Appendix 3), that the appeal site was largely screened from view from Old Wokingham Road, although views of the appeal site are possible across the intervening open fields from points along Easthampstead Road. The Inspector concluded that *“Despite not being overly prominent in the wider area, I still find that the development has an urbanising and significant harmful impact on the rural character and appearance of the area.”* The Inspector has already confirmed that development in this location can result in significant urbanising harm even where it is not widely visible. In this case, the appeal site is more prominent and publicly exposed, such that the harmful effects would be greater.
- 7.24 The site subject of the neighbouring appeal (appeal ref. APP/X0360/C/24/3344473) (Appendix 3) is located adjacent to Old Wokingham Road, which comprises the eastern boundary of the appeal site. This site subject to this appeal is located further north resulting in a relationship between the appeal site and the junction between Old Wokingham Road and Easthampstead Road. Therefore, the implications of development of this scale, form and density (up to nine dwellings) would comprise a much more insular form of development, more buildings and higher density development, in a more prominent location, this would have a greater impact on the rural character and appearance of the area than the dismissed enforcement appeal site.
- 7.25 The proposal would introduce a concentrated form of residential development into a currently undeveloped field. This would extend built form beyond the existing loose and fragmented pattern of development along Wokingham Road, and it would erode the open and rural character which currently defines this part of the landscape.
- 7.26 Importantly, no landscape-led evidence, such as a Landscape and Visual Impact Assessment, has been submitted to demonstrate how the development

would respond to or be assimilated within its landscape context. This prevents the LPA from concluding that the site has the capacity to accommodate the scale of development proposed without harm to landscape character, contrary to Policy TB21 and the design objectives of the NPPF.

7.27 In the adjacent appeal (appeal ref. APP/X0360/C/24/3344473) (Appendix 3), the Inspector found that development in this location was unacceptable in principle due to conflict with the spatial strategy, failure to meet Policy CP11, excessive encroachment into open countryside and the resulting urbanising harm. This appeal proposal represents a comparable but more intensive form of development in a more sensitive and prominent location. It follows that the degree of harm would be at least equal to, and likely greater than, that identified by the Inspector.

7.28 Whilst already outlined in detail, it is relevant to note in relation to the location of the site, which is in the open countryside, the proposal fails to accord with paragraph 110 of the NPPF, which requires development to be located where it can reduce reliance on private car use and offer genuine transport choice. The location and form of development in the open countryside reinforce car dependency and isolated patterns of growth, which directly results in inappropriate development in the countryside.

7.29 Overall, the proposal conflicts with both adopted local development plan policies and the NPPF. The relevant local policies in relation to Reason for Refusal 2 are consistent with the overarching objectives of the NPPF and therefore should continue to attract significant weight even in a context of reduced housing land supply.

7.30 The appeal proposal would result in a form of built development which is not visually, spatially and functionally consistent with a countryside location, and would therefore be out of place in the context of its surroundings. It would introduce a suburban pattern of development into the open countryside. This would result in significant harm, as a direct result of the scale and location of the proposals, and this would not be possible to overcome at a later stage in the planning application process.

7.31 Given the above, the LPA is confident that the proposal would conflict with Policies CP1, CP3, CP9 and CP11 of the Core Strategy, Policies CC02, CC03 and TB21 of the MDD, and the provisions of the NPPF in relation to sustainable development locations, character, design and protection of the countryside. The resulting harm would attract substantial weight and should support the dismissal of the appeal.

8 Main Issue 4: Failure to Apply the Sequential Test

8.1 In respect of this reason for refusal, the key issue is whether the proposal has demonstrated compliance with the requirement to apply a sequential, risk-based approach to the location of development in areas at risk of flooding, as required by the Development Plan and the NPPF. This assessment relates to the suitability of the site for development in principle, rather than the detailed design or mitigation of flood risk, which are matters addressed separately.

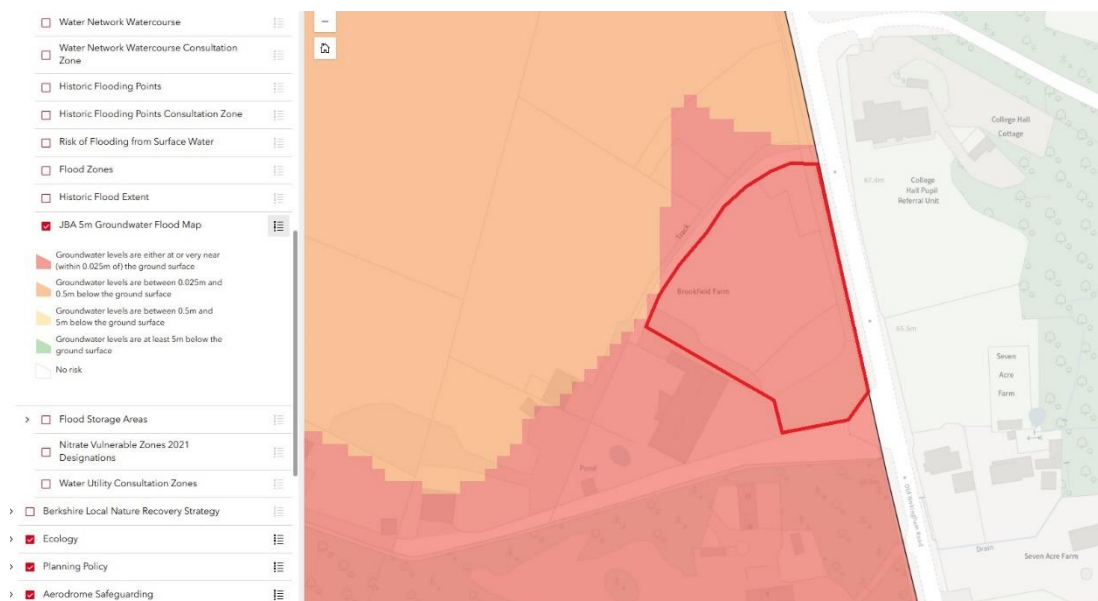
8.2 The site is located within an area of flood risk from multiple sources. The southern part of the site is partially within Flood Zone 2. The site is at risk from surface water flooding including areas of high (1 in 30) and medium (1 in 100) annual likelihood of flooding. These flood risk areas increase on the Environment Agency Flood Map for Planning when adjusted for climate change. The entire site is also in an area with the highest groundwater levels, between ground level and 0.25m below the surface. Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.



Approx red-line area showing part of the site is located in Flood Zone 2



Approx red-line area showing part of the site is located in an area at risk of surface water flooding with an annual exceedance probability (AEP) of 3.3% (1 in 30) chance of flooding each year.



Approx red-line area showing part of the site is located in an area at risk of groundwater flooding where groundwater levels are either at or very near (within 0.025m of) the ground surface

- 8.3 It is acknowledged that part of the application site lies within Flood Zone 2 and is therefore subject to a medium probability of flooding. The proposed residential development is defined as a “more vulnerable” use, as classified in Annex 3 of the NPPF: Flood risk vulnerability classification.
- 8.4 Government guidance confirms that the Sequential Test is required where development includes any built form, access or other vulnerable elements located within Flood Zone 2 or at risk from other sources of flooding. In this case, the proposal engages multiple sources of flood risk and therefore clearly triggers the requirement for the Sequential Test.
- 8.5 Paragraph 170 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 173 confirms that a sequential, risk-based approach must be applied to development proposals in areas at risk from any form of flooding.
- 8.6 In addition to the southern part of the site falling within Flood Zone 2, the site is affected by surface water flooding and is located within an area susceptible to groundwater flooding. The LLFA noted that groundwater levels at this location are either at or near 0.025 m below the ground surface. This hydrological condition significantly constrains the feasibility of any infiltration-based SuDS. Any future development would need to demonstrate that surface water can be managed entirely by above ground attenuation or discharged to sewer, neither of which can be assumed. This reinforces the need for the sequential test to have been applied to identify alternative sites.
- 8.7 Paragraph 174 of the NPPF confirms that the aim of the Sequential Test is to steer development to areas with the lowest risk of flooding. Development should not be permitted where there are reasonably available sites at lower risk. The Strategic Flood Risk Assessment provides the basis for this assessment.

- 8.8 No Sequential Test has been undertaken in support of the application. The submission contains no assessment of alternative sites and provides no evidence to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas at lower risk of flooding. No further supporting evidence to overcome this has been provided by the Appellant to support their appeal.
- 8.9 The failure to apply the Sequential Test represents a failure to undertake a required step in establishing whether the development is acceptable in principle. The test enables proper assessment of whether a site at risk of flooding would be appropriate for residential development.
- 8.10 None of the exemptions identified within Policy CC09(3) apply in this case. The proposal does not comprise minor development, the replacement of an existing dwelling, or a change of use. The proposal is for up to nine dwellings, which constitutes more vulnerable development in Flood Zone 2. Accordingly, a Sequential Test is required, and the Exception Test is also necessary due to the Flood Zone 2 classification. Neither test has been suitably addressed in support of this appeal.
- 8.11 In the absence of any suitable assessment, the LPA is unable to conclude that the proposed development could not reasonably be accommodated on sites at lower risk of flooding. The core objective of the sequential approach, to steer development away from areas of flood risk, cannot therefore be achieved.
- 8.12 To note, this assessment is separate to whether the development would be safe for its lifetime or whether flood risk could be mitigated on site. Those matters are addressed under Reason for Refusal 4. This simply relates to whether the site is an appropriate location for the proposed development having regard to flood risk.
- 8.13 The proposal therefore conflicts with paragraph 174 of the NPPF and with Policy CC09 of the MDD, both of which require development to be directed to areas of lowest flood risk through application of the Sequential Test. Policy CC10 reinforces the need for a unified approach to flood risk management, which is undermined where the sequential approach has not been followed.
- 8.14 In the absence of the required Sequential Test, the proposal fails to demonstrate that it represents an acceptable form of development in this location. This is a fundamental policy failure which goes to the principle of development and weighs heavily against the proposal.

9 Main Issue 5: Absence of Flood Risk Assessment

- 9.1 In respect of this reason for refusal, the key issue is whether the proposal has demonstrated that the development would be safe for its lifetime and would not increase flood risk elsewhere, having regard to national and local policy requirements. This assessment relates to whether the development is acceptable in principle in flood risk terms, rather than detailed design solutions.

- 9.2 It is agreed between the Appellant and the LPA that part of the site falls within Flood Zone 2 and that the site is also affected by surface water flood risk. The Appellant makes no comment regarding the site's potential for groundwater flooding, but the LPA maintains that the site is identified as being at risk of groundwater flooding. The presence of flood risk on the site results in a requirement for a Flood Risk Assessment and full consideration of site-specific flood constraints.
- 9.3 This is confirmed by government guidance which outlines when an FRA is required. In relation to the appeal site, it states that an FRA should be completed for all development (including minor development and change of use) proposed in Flood Zone 2, where a site is at risk of surface water flooding and where the development increases the vulnerability classification and may be subject to sources of flooding other than rivers or seas.
- 9.4 Paragraph 181 of the NPPF makes clear that development in areas at risk of flooding should only be permitted where it can be demonstrated that flood risk is not increased elsewhere and that the development would be safe for its lifetime. This is a core requirement of national policy and applies irrespective of the scale of development proposed.
- 9.5 Policy CC09 reflects these requirements at the local level, requiring development proposals to ensure that flood risk is not worsened for the application site or elsewhere and that development is safe for its lifetime. Policy CC10 further requires that surface water arising from development is managed in a sustainable manner, supported by appropriate technical evidence.
- 9.6 No site-specific Flood Risk Assessment (FRA) has been submitted at either application or appeal stage. As a result, there is insufficient information for the Lead Local Flood Authority (LLFA) to assess existing flood risk, the development's response to it, or whether safe access, egress and occupation could be achieved without increasing flood risk elsewhere.
- 9.7 The LLFA advises that the site's groundwater levels preclude infiltration and below-ground attenuation. In the absence of a drainage strategy, it has not been demonstrated that runoff could be restricted to greenfield rates, that a suitable discharge route (with any necessary third-party consents) is available, or that water quality impacts can be appropriately managed. These matters require assessment through a site-specific FRA and drainage strategy.
- 9.8 Without this required information, it is not possible for the LPA to assess whether, from a flood risk perspective, the appeal site is a suitable location for residential development. While this is a Permission in Principle application, the need to demonstrate that development is acceptable in flood risk terms remains.
- 9.9 The Appellant's evidence outlines government guidance that confirms where a development is exempt from the sequential test. They refer to, a small non-domestic extension with a footprint of less than 250 square metres and sites solely at risk from surface water flooding where a site-specific FRA demonstrates it will be safe throughout its lifetime, without increasing flood risk elsewhere. The appeal

proposal is for up to nine dwellings; therefore, the extension exemption is not applicable. Neither the application nor the appeal has been submitted with a site-specific FRA, therefore it cannot be demonstrated that the development will be safe throughout its lifetime, without increasing flood risk elsewhere. This exception is therefore also not applicable in this instance.

9.10 The proposal therefore conflicts with paragraph 181 of the NPPF and with Policies CC09 and CC10 of the MDD, all of which require a robust, evidence-based approach to managing flood risk.

9.11 In the absence of a site-specific FRA, the proposal fails to demonstrate that it is acceptable in flood risk terms. As confirmed by the LLFA, without an FRA it is not possible to assess safe access and egress during flood events, appropriate finished floor levels, impacts on floodplain storage, or the need for emergency flood response measures. These are fundamental matters which should be addressed before development can be considered acceptable in principle and therefore weigh significantly against the proposal.

10 Main Issue 6: Habitats Development

10.1 The key issue in respect of this reason for refusal is whether the proposal constitutes “habitats development” within the meaning of Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended), and consequently whether Permission in Principle can lawfully be granted.

10.2 The application site lies within approximately 1.7km of the Thames Basin Heaths Special Protection Area (SPA), a European site of the highest ecological importance. Residential development within this zone is recognised as giving rise to increased recreational pressure and associated disturbance effects, which represent a well-established impact pathway. This is consistent with the established policy position set out in Policy NRM6 of the South East Plan, which identifies a 5km zone of influence within which development is required to ensure that the integrity of the SPA is protected.

10.3 In the absence of avoidance and mitigation measures, the proposal is therefore likely to have a significant effect on the SPA, either alone or in combination with other development. Policy NRM6 recognises that, within this zone of influence, mitigation will be required to address recreational impacts arising from new residential development.

10.4 Planning Practice Guidance (Paragraph: 005 Reference ID: 58-005-20190315) confirms that Permission in Principle must not be granted for development which is “habitats development”. This applies where development is likely to have a significant effect on a European site and the competent authority has not been able to conclude, in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, that there would be no adverse effect on the integrity of that site.

- 10.5 The PPG further makes clear that such a conclusion may only be reached following an appropriate assessment which takes into account mitigation measures. Crucially, this requires certainty that those measures will be delivered.
- 10.6 In this case, no mitigation strategy has been provided by the Appellant. There is no evidence submitted with the application or appeal which demonstrates how the effects of increased recreational pressure on the SPA would be avoided or mitigated.
- 10.7 Without suitable mitigation proposed, there is nothing before the decision-maker to evidence that the identified impact pathway could be overcome. The Appellant has not provided any mechanism, strategy, or technical evidence demonstrating that the proposal would not adversely affect the integrity of the SPA.
- 10.8 The absence of a mitigation strategy is a fundamental issue with the appeal proposal. It prevents the decision maker (the Inspector in this case) from carrying out an Appropriate Assessment capable of reaching a lawful conclusion of no adverse effect on the integrity of the site. This is directly at odds with Policy NRM6, which requires that where mitigation measures are necessary to protect the SPA, they must be clearly defined and deliverable as part of the development proposal.
- 10.9 While mitigation may be capable of being delivered, the Permission in Principle process does not provide a mechanism to secure it in the absence of a pre-identified and deliverable mitigation solution. PiP is limited to matters of location, land use and amount of development and does not allow for the imposition of planning conditions or the securing of planning obligations.
- 10.10 In the context of the Thames Basin Heaths SPA, mitigation is typically achieved through a combination of provision of Suitable Alternative Natural Greenspace (SANG) and financial contributions towards Strategic Access Management and Monitoring (SAMM) secured through legal agreement and coordinated delivery mechanisms. This reflects the requirements of Policy NRM6, which confirms that mitigation within the zone of influence must be delivered prior to occupation and in perpetuity, and is to be based on a combination of access management measures and the provision of Suitable Accessible Natural Greenspace.
- 10.11 No such mechanism has been secured by the Appellant in this case. There is no completed or draft unilateral undertaking, no agreed contribution, and no evidence of access to an appropriate SANG. In the absence of these measures, there is no certainty that impacts on the SPA would be avoided.
- 10.12 Within Wokingham Borough, SANG provision forms part of a coordinated, planned approach to mitigation which is aligned with the adopted development plan and emerging spatial strategy. Provision is specifically planned and delivered to support allocated development and to ensure that mitigation is properly funded and managed.
- 10.13 The Council's Rooks Nest SANG is intended to mitigate the impacts of development arising from allocated sites within the adopted and emerging Local

Plan framework. It is not available as a general resource for unplanned development without appropriate agreement and demonstration of capacity. No evidence has been provided by the Appellant to demonstrate that a third-party SANG is available or could be secured to provide appropriate mitigation.

- 10.14 As such, the proposal cannot rely on existing SANG capacity to address its impacts. There is no evidence that alternative SANG provision has been identified, nor that it could be delivered and secured in a manner compliant with the Habitats Regulations. This reinforces the absence of any demonstrated or deliverable mitigation pathway in this case. In the absence of any secured or demonstrable mitigation approach, the proposal fails to accord with the core requirements of Policy NRM6 for ensuring the protection of the SPA.
- 10.15 Regulation 63 requires that the competent authority must be certain, beyond reasonable scientific doubt, that the proposal would not adversely affect the integrity of the SPA. In the absence of secured mitigation and supporting evidence, that conclusion cannot be reached.
- 10.16 The proposal therefore falls within the definition of “habitats development” for the purposes of Article 5B. The Order provides that Permission in Principle must not be granted for such development. This is a strict legal restriction and is not a matter that can be weighed in the planning balance or deferred to a later stage.
- 10.17 Even if paragraph 11(d) of the NPPF were engaged, the absence of a unilateral undertaking or secured mitigation would render the proposal unacceptable. The inability to demonstrate compliance with the Habitats Regulations represents a clear reason for refusal.
- 10.18 In those circumstances, the proposal would be “evidently unacceptable”, and the planning balance would fall in favour of refusal irrespective of the weight to be afforded to housing delivery. The lack of mitigation would therefore result, at best, in a neutral or “flat” balance which could not justify granting permission.
- 10.19 To summarise, the proposal is located within the zone of influence of the Thames Basin Heaths SPA and is therefore likely to give rise to significant effects through increased recreational pressure. No mitigation strategy has been submitted, and there is no evidence provided to demonstrate how these effects could be avoided or mitigated.
- 10.20 There is no mechanism available at the Permission in Principle stage to secure mitigation in the absence of a pre-identified and deliverable mitigation solution, including SANG provision or SAMM contributions, and no identified or available mitigation capacity exists within the Borough to accommodate the proposal. In the absence of secured mitigation and supporting evidence, the Local Planning Authority cannot conclude, in accordance with Regulation 63 of the Habitats Regulations, that the proposal would not adversely affect the integrity of the SPA. The development therefore constitutes habitats development within the meaning of Article 5B of the Permission in Principle Order, for which Permission in Principle is expressly prohibited and cannot lawfully be granted.

11 Other Matters

Housing

- 11.1 The Council is currently unable to demonstrate a five-year supply of deliverable housing sites, with the latest agreed position being 2.5 years. As a result, paragraph 11(d) of the NPPF is engaged. This means that, where the policies most important for determining the application are out-of-date, planning permission should be granted unless: (i) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development; or (ii) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 11.2 The LPA acknowledged within the Officer's Report that it cannot currently demonstrate a five-year supply of deliverable housing sites, therefore in accordance with the NPPF, the "tilted balance" is engaged. However, the appeal site is affected by fluvial, surface water and groundwater flood risk, which directly relates to two of the LPA's reasons for refusal. Footnote 7 to paragraph 11 specifically identifies "areas at risk of flooding" as areas or assets of particular importance. In this case, the identified flood risk, together with the absence of sufficient supporting evidence to demonstrate that the development would be safe for its lifetime and would not increase flood risk elsewhere, provides a strong and clear reason for refusal under paragraph 11(d)(i). Accordingly, the presumption in favour of sustainable development is disengaged and the tilted balance does not apply.
- 11.3 Furthermore, the appeal site constitutes habitats development by virtue of its location within the 400m–5km zone of influence of the Thames Basin Heaths Special Protection Area (SPA), which is a protected habitats site. Paragraph 194 of the NPPF confirms that such sites must be afforded the highest level of protection, while Footnote 7 to paragraph 11 identifies habitats sites as "areas or assets of particular importance", for which the presumption in favour of sustainable development is disapplied.
- 11.4 This matter is determinative as a matter of law. Under the Conservation of Habitats and Species Regulations 2017 (as amended), planning permission may only be granted where it can be ascertained through Appropriate Assessment that the proposal would not adversely affect the integrity of the SPA. In the absence of secured avoidance and mitigation, that conclusion cannot be reached in this case. The proposal therefore fails the Appropriate Assessment test, and permission cannot lawfully be granted. The only exception would be the IROPI test, which is reserved for developments of overriding public interest, and this proposal does not have confirmation from the appropriate authority that it passes this test. Accordingly, this provides a clear reason for refusal under paragraph 11(d)(i), disengaging the tilted balance, and the appeal must be dismissed.
- 11.5 The view that the tilted balance is not engaged does not alter the overall conclusions of the officer's report, or introduce a new assessment, but clarifies the position at appeal stage, with the supporting information provided, that the

identified harm has not been addressed, such that the protection of these assets of particular importance would provide a strong reason for refusing development. These reasons have been carefully outlined above.

- 11.6 Were the Inspector to view this differently, in that whilst the site is at risk of flooding, in this case this would not provide a strong reason for refusal, or that mitigation can be secured in relation to habitats development as part of this appeal, the LPA shall now outline how the application would result in adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal, as it is required to be assessed in paragraph 11(d)(ii), therefore concluding that the appeal should be dismissed.

Tilted Balance

- 11.7 Were the tilted balance engaged, there is a requirement for the application to be assessed in relation to the adverse impacts of the appeal scheme and whether or not these would significantly and demonstrably outweigh the benefits of the scheme 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. The NPPF has three overarching objectives; an economic objective, a social objective and an environmental objective. The planning balance exercise will therefore assess the benefits of the scheme against each of these objectives.

Economic

- 11.8 The appeal proposal is for an additional nine dwellings in the open countryside which would result in a level of economic benefit. In the short-term the construction of nine dwellings would result in work within the construction sector and associated supply chains. Given the small scale of development, economic benefits would be limited in extent.
- 11.9 In turn, the additional residents of the appeal proposal would trigger a level of CIL, although the applicant suggests the proposal would be for self-build which may be CIL exempt, and Council tax in addition to contributing to the vitality of local shops, services and community facilities. Given the location of the site and reliance on private car use, it is unlikely that any economic benefits would be strongly linked to the local area.
- 11.10 The scale of the proposal means these benefits are severely limited and should be afforded neutral weight in the planning balance. No significant economic harms have been identified that would outweigh the neutral impact and therefore overall, the development is considered to have a neutral economic role in the overall planning balance.

Social

- 11.11 The development would deliver up to 9 new dwellings, which would contribute to Wokingham Borough's housing need, however the scale of the development is limited and therefore the benefit is minimal. Importantly, due to the scale of the

appeal proposal, no affordable housing would be provided. Therefore, the proposal would not result in the provision of much needed affordable housing in the Borough.

11.12 The site is not within reasonable proximity of key services and facilities, meaning future occupiers would be reliant on private car use to meet day-to-day needs. This indicates that the location would not support sustainable patterns of living.

11.13 The social benefits of the scheme in terms of provision of housing can be afforded limited weight. On balance, the proposal would not support sustainable or socially inclusive patterns of development, and this weighs against the social objective of the NPPF.

Environmental

11.14 The proposal would permanently convert an undeveloped field to residential use. This attracts significant adverse weight given the site's countryside location, away from the settlement boundary and other similar density levels of development. It is also acknowledged that the proposal would result in urbanising effects, associated residential domestication and activity from the introduction of nine dwellings, in addition to significant visual change. The proposal is not in an area which is characterised by development of this nature or scale and would result in harm to the Landscape Character Area within which it is located.

11.15 The proposal would result in a development which is reliant on the private car and would be in an unsustainable location. This is reflected in the recently determined appeal on the neighbouring site (ref. APP/X0360/C/24/3344473) (Appendix 3), it is not felt that this site warrants a different outcome. The overarching aim of the NPPF is to direct development to the most sustainable locations. This conflict is afforded significant adverse weight in the overall planning balance.

11.16 This statement of case reaffirms the Council's position that the appeal proposal is located outside of the defined settlement boundary, within the countryside. The proposal does not meet any of the exceptions for development in the countryside, as outlined in Policy CP11. It also fails to comply with one of the overarching aims of Policy CP11 which is to maintain the quality of the environment. This conflict is afforded significant adverse weight in the overall planning balance.

11.17 The landscape character harm, as a result of the proposal, is considered to result in a significant adverse environmental impact when assessed against paragraph 187 of the NPPF, which requires development to recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Notwithstanding this, the scheme would conflict with the Council's spatial strategy by developing in the countryside outside settlement limits; this conflict is afforded significant adverse weight in the overall planning balance.

- 11.18 The application site is located within an area at risk of flooding from multiple sources. However, in the absence of a site-specific Flood Risk Assessment, no evidence has been provided to enable the Local Planning Authority or the Lead Local Flood Authority to assess whether the development could be made safe for its lifetime, or whether flood risk on-site or elsewhere could be appropriately managed. As identified in the officer report, this represents a fundamental absence of information in respect of flood risk considerations and carries significant negative weight in the planning balance.
- 11.19 Furthermore, no Sequential Test has been undertaken to demonstrate that the proposed development could not reasonably be accommodated on sites at lower risk of flooding. As a result, it has not been demonstrated that the site is an appropriate location for development in principle having regard to flood risk. In line with recent appeal decisions, the absence of a Sequential Test prevents any conclusion from being reached as to whether there are sequentially preferable sites available and therefore weighs heavily against the proposal.
- 11.20 Finally, the application proposal is located within the 400m-5km linear mitigation zone. The 400m-5km linear mitigation zone is the zone of influence for the recreational pathway to likely significant effects with a trigger of just 1 dwelling.
- 11.21 In the absence of secured mitigation, this weighs significantly against the proposal and represents a clear constraint on the acceptability of the development.

12 Conclusion

- 12.1 For the reasons outlined in this Statement of Case, the appeal proposal is fundamentally unacceptable in principle. The development would result in an unjustified encroachment into the open countryside, in a location which is evidently unsustainable and contrary to the spatial strategy of the adopted Development Plan.
- 12.2 This assessment is based on the lawful use of the site as agricultural land. The presence of unauthorised development on parts of the wider holding, which is subject to enforcement action, does not alter this position and is afforded no weight in the assessment of this appeal.
- 12.3 Additionally, the proposal is not supported by a Sequential Test, fundamentally undermining the national requirements for a risk-based approach to areas of flooding. It has also not been supported by a site-specific FRA. As a result, it has not been demonstrated that the site represents a suitable location in principle for development, nor that any development on the site could be made safe for its lifetime or without increasing flood risk elsewhere. These aspects are required to enable the LPA to assess the acceptability of the principle of the site for residential development, as required at the Permission in Principle stage.
- 12.4 Furthermore, the proposal has not demonstrated compliance with the requirements relating to habitats development, and there is no mechanism in

place to ensure that adverse effects on the integrity of designated sites can be avoided.

- 12.5 Should the tilted balance be engaged, the adverse impacts of approving this permission in principle would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF 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, as outlined in paragraph 11(d)(ii) of the NPPF, such that the appeal should be dismissed.
- 12.6 In this case however, the absence of a Flood Risk Assessment and the failure to undertake and satisfy the Sequential Test provides strong reasons for refusal that disengages the tilted balance. The failure to secure appropriate mitigation to the Habitat Site TBH SPA also provides a strong reason for refusal that disengages the tilted balance. On flat planning balance, the development is contrary to the development plan, with strong reason for refusal, and the appeal should therefore be dismissed.
- 12.7 In summary, these conflicts with the Development Plan and the National Planning Policy Framework attract substantial weight. There are no material considerations that would outweigh this harm. Accordingly, the Local Planning Authority respectfully requests that the appeal be dismissed.