

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	260200
Site Address:	Brookfield Farm, Old Wokingham Road, Crowthorne, Berkshire, RG40 3BU
Expiry Date:	10 March 2026
Site Visit Date:	9 February 2026
Proposal: Permission in principle application for the proposed erection of up to 9no. dwellings.	

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 TB06 – Development of Private Residential Gardens TB07 – Internal Space Standards TB08 – Open Space, Sport and Recreational Facilities Standards TB21 – Landscape Character TB23 – Biodiversity and Development
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 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
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
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
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

CONSULTATION RESPONSES	
Internal	
WBC Drainage – Objection, additional information required WBC Highways - Objection WBC Landscape and Trees - Objection WBC CIL – The development is CIL liable WBC Ecology Newts – Objection, additional information required WBC Ecology - Objection WBC Economic Prosperity & Place (Community Infrastructure) – No objection subject to contributions	
External	
Natural England - The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin. Thames Water Utilities Ltd – No objection subject to condition Berkshire Archaeology – No objection subject to condition	

REPRESENTATIONS	
Parish/Town Council	Objection, the application is contrary to the spatial strategy and not part of the local plan. Additionally, the location is not sustainable.
Ward Member(s)	No comments received
Neighbours	One letter of objection received which is summarised as follows: • Site Access insufficient and dangerous • Old Wokingham Road not suitable for additional traffic • Already significant additional traffic proposed for the area • Loss of trees and ecology from the site

APPRAISAL
Site Description: The application site relates to an existing field equating to approx 0.4 hectares. Currently the site is vacant, to the south are several existing commercial buildings and uses. The site is bound by boundaries trees and hedgerows. 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 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 up to 9 dwellings. The application form states that a minimum of 1 dwelling is proposed. 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 amount of new dwellings which are, in principle, permitted.

A site plan has been provided alongside the application. It indicates that dwellings would have two parking spaces with amenity space. The dwellings would be arranged in cul-de-sac form. The development would be accessed via a private road off Old Wokingham Road.

Assessment

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

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 their supporting statement) and is therefore contrary to the spatial strategy as a starting point.

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 and the scale of the scheme being up to 9 dwellings, Officers are 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.

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.

There are no local services apart from Pinewood Centre and a golf complex within an acceptable walking distance of the application site. The nearest store (Tesco Express) is 2.1km from the site, as confirmed by the applicant. While the nearest school Home Grange School is 1.42km from the site, the proposed route is accessed via Easthampstead Road. Easthampstead Road is subject to national speed limit, which is unlit and with no existing pedestrian and cycle infrastructure.

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 ability to walk or cycle. Therefore, this site would be considered unsustainable.

WBC Highways have carried out their own review of nearby facilities, bus stops and walking/ cycling conditions. Which is outlined within the relevant section below, in short, the Local highway Authority have concerns regarding the sustainability of the site and have raised objection to the proposal.

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.

Despite there being an existing pedestrian network along the western side of Old Wokingham Road between Pinewood Centre and Nine Mile Ride, the footway/cycle does not continue along the site frontage. The speed limit along the site frontage is 40mph, the absence of footway, streetlighting and crossing point do not provide safe and attractive environment for considering sustainable travel mode.

Given there is no existing cycle network, cyclists have to rely on cycling in the road, which the LTN1/20 defines these as 'mixed traffic' conditions. 'Mixed traffic' conditions with speed limits of 40mph are considered as "Provision suitable for few people and will exclude most potential users and/or have safety concerns". Protected spaces for cycling are required to be considered safe for most users.

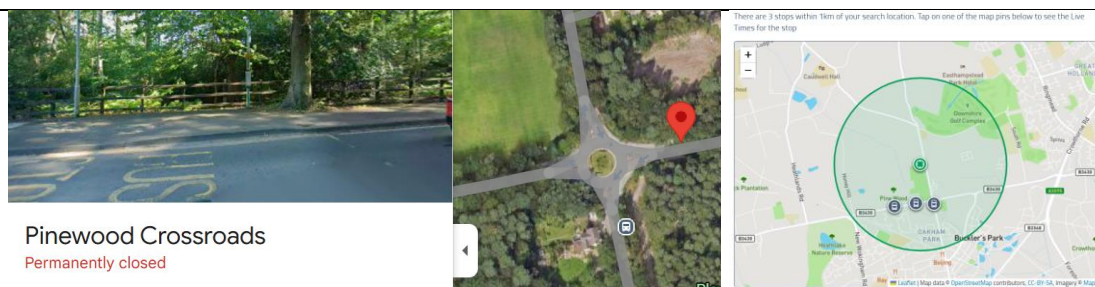
If the applicant would consider cycling to be the major sustainable travel mode, appropriate protection from motor traffic on highways shall be proposed along the route to key destinations, according to Figure 4.1 of LTN 1/20.

As there are no footway and no street lighting along this section of Old Wokingham Road, along with the speed of traffic, the walking and cycling environment is also considered to be substandard.

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 suggests that the nearest bus stops to be located 723m from the site at the junction of Nine Mile Ride/Old Wokingham Road, it is relevant to note that bus services are no longer available at the mentioned bus stop adjacent to Pinewood Park, as referred in the comparative sustainability assessment.



The other three bus stops in proximity to Pinewood Crossroads are served by bus routes 125A and 125B, which operate a total of 3 trips a day to Wokingham and 2 buses a day to Crowthorne. There is no late evening, Saturday and Sunday services at those bus stops. These bus services cannot be described as a good service as set out in policy CP6.

The distance of the site from the bus stops is considered to be unacceptable, further, the walking environment is not attractive, and the bus service itself is poor. 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

WBC Highways has carried out an assessment of distance to local facilities, and there are no local services apart from a few commercial units within an acceptable walking distance of the application site, albeit, again without the benefit with a footpath. 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.

As such, the site is considered by the LPA to represent an unsustainable location for residential development. The Local Highway Authority agree and have also raised objection to the proposal in this regard.

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 with hearings taking place in November 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 with some policies afforded moderate 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 shows the Council is currently only able to demonstrate 2.5 years' worth of deliverable sites. 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 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).

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 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 sustainable location for up to an additional 9 dwellings. This weighs against the proposal and the principle of the development in this location.

Officers acknowledge the tilted balance is engaged, as per paragraph 11(d)(ii) of the NPPF. The tilted balance will be returned to 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.

Paragraphs 187(a) and (b) of the NPPF state that development should contribute to and enhance the natural and local environment by:

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

A number of Valued Landscapes within Wokingham Borough were initially identified through a Topic Paper on Valued Landscapes by WBC dated January 2020 to respond to paragraph 187 (a) of the NPPF and prepared as part of the evidence base for the Emerging Local Plan Update and associated Policy NE6. Further work has recently been undertaken to make refinements to the boundaries of the valued landscape areas to update the assessment and this has now been published in the Valued Landscapes Assessment dated September 2024 as part of the evidence studies produced for the current consultation related to the Local Plan Update: Proposed Submission Plan (Regulation 19).

It is noted that the southern part of the application site falls within the Forest and Rides Valued Landscape. The NPPF indicates that these landscapes will need to be protected and enhanced, so therefore we will need to understand how the proposed development on this site can address this aspect. No information has been provided to

this regard and therefore the application does not accord with the requirements of NPPF paragraph 187 (a).

Wokingham Borough Landscape Character Assessment (WBLCA), dated November 2019, identifies a number of different landscape character areas (LCA's) across the Borough and provides key information regarding each of the LCA's. This site falls within the Holme Green Pastoral Sandy Lowland landscape character area. In order to understand the effects of the proposed development on the surrounding landscape character, the application will need to have been accompanied by a landscape and visual impact assessment (LVIA) to support new development within the countryside as required by Local Plan policies CC03 and TB21. The LVIA will need to fully consider how the proposals address the key characteristics of this landscape character area and specifically how the impacts of the development can be reduced and mitigated by sympathetic and appropriate design principles. No information has been provided with the application to assess landscape character and therefore the application is contrary to Local Plan policy TB21.

It is noted that this site appears to be used for equestrian purposes. However, the proposal would see an intensification of built form compared to the existing. The character of Old Wokingham Road is tree lined with sporadic development set predominantly on the norther side of the road. The immediate area is characterised by the use of the site itself and the countryside in which the development would site. The proposal is not well related to the existing land use and the proposed dwellings would appear out of keeping with the pattern of development.

Whilst the detailed design of the proposal is not to be considered at this stage, the presence of a maximum of 9 dwellings within the landscape would be a much higher density than found elsewhere on this stretch of Old Wokingham Road. Owing to the size of the plot, it is highly likely that dwellings would be positioned into the plot as opposed to facing Old Wokingham Road (as indicatively indicated on the proposed site layout). This arrangement is not commonplace on this stretch of the road and introduces physical built form further back into the countryside and will see greater intensification of hardstanding owing to parking, the access road etc. This results in an urbanisation of the countryside and the character and appearance of the surrounding area.

As such, the principle of 9 dwellings on this site is not considered to retain or enhance the condition, character and features that contribute to the landscape or maintain the low-density domestic character of development. Accordingly, the proposal is not considered acceptable in relation to the Borough Design Guide, policy CP3 (not an appropriate scale in relation to plot size), policy TB21 and policy CP11; the latter which seeks to maintain the quality of the environment. Whilst all 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 more than neutral for the reasons outlined, and so therefore conflicts with one of the overarching aim 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 neighbour to the site is Seven Acres Farmhouse situate on the opposite side of Old Wokingham Road to the east.

There would be approximately 72m front to flank between the indicative layout of the dwellings and this neighbour. This would be in excess of a policy compliance separation distance outlined in the Borough Design Guide.

Given the site is already in a residential use, the principle of this land use is acceptable in relation to neighbouring amenity. However, the proposal would introduce a more intense residential use for neighbours compared to the existing situation. However, given the proposal is for a maximum of 9 dwellings, the amount of development and intensity of the land use is not considered to result in substantial harm to neighbours in terms of increased noise from domestic life. However, concern over noise arising from vehicles/ the access track are noted and this could be reviewed further at technical details stage.

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).

Overall, it is considered that the principle of the development as proposed in relation to neighbours is acceptable for 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 site is partially located within Flood Zone 2 and is therefore subject to a medium probability of flooding. In addition, the site is identified as having a potential risk of groundwater flooding. These are significant constraints that must be given careful consideration when assessing the suitability of the site for residential development.

Residential development within Flood Zones 2 is classified as more vulnerable, and as such, the proposal must be supported by robust evidence to demonstrate that flood risk to future occupants can be managed safely for the lifetime of the development and that the development will not increase flood risk elsewhere.

Given the flood risk constraints affecting the site, the absence of a Flood Risk Assessment (FRA) means that the LLFA is unable to fully assess the implications of the proposed development at this stage. The LLFA objects to the application at this stage due to the lack of a site-specific Flood Risk Assessment.

The FRA should, as a minimum:

- Confirm the extent of Flood Zones 2 and 3 within the site.

- Assess all sources of flood risk, including fluvial, surface water, and groundwater flooding.
- Demonstrate how the proposed development would be made safe for its lifetime, including appropriate finished floor levels and safe access/egress.
- Demonstrate that the development will not increase flood risk elsewhere, including through appropriate surface water management.
- Consider the implications of climate change.

In addition, it also appears to the LPA that in line with the Planning Practice Guidance and NPPF, the proposed development needs to satisfy the 'sequential test'. EA guidance sets out certain development which is exempt from the sequential test including:

- *a change of use - except changes of use to a caravan, camping or chalet site, or to a mobile home or park home site*
- *solely at risk from surface water flooding and a site-specific FRA demonstrates it will be safe throughout its lifetime, without increasing flood risk elsewhere – this exemption does not apply to sources of flooding other than surface water*

The proposed development does not fully comply with either exemption. Although, the development could be located outside of Flood Zones 2 the site is identified as having a potential risk of groundwater flooding and in the absence of a FRA or Sequential Test, it is not considered the development could be considered acceptable in principle.

No information has been submitted in order for the LPA to carry out an assessment in line with its requirements with regards to flood risk and the sequential test. As such, the proposal has failed to take a sequential, risk-based approach to the location of development and fails the sequential test. As the sequential test needs to be complied with first this point has not been explored further.

Until this information is provided and reviewed, the LLFA cannot support the proposal. Given this objection is raised in principle to the location of the proposed development. As it cannot be confirmed the proposal would be acceptable in principle in this regard, this will form a further reason for refusal.

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.

WBC Highways did not raise any comments or concerns regarding the location and amount of development on the capacity of the highway network, in principle. Highway considerations would also be reviewed at technical details stage once the layout finalised. This is notwithstanding their objection owing to the site being an unsustainable location

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.

The WBC Tree Officer raised concern over potential impact of the development on protected trees, as there are TPOs across the site. However, 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 trees would need to be felled as the layout is not finalised. Officers do not see there to be sufficient grounds to conclude that a scheme is categorically unacceptable in principle, notwithstanding the trees on site.

It is noted that no arboricultural report has been submitted to support the application. An up to date arboricultural report would be needed at technical details stage.

Likewise, the WBC Ecology Officer has advised that further information on Great Crested Newts would be required at technical details stage.

At this stage there are concerns regarding the ecology of the site. Whilst some matters could be overcome at technical details consent stage, without appropriate information, it cannot be confirmed that the proposal would not result in principle harms in this regard as outlined below.

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.

This site is approximately 1.72 km from the Thames Basin Heaths Special Protection Area, which is a protected European wildlife site. Due to this type of application, a planning obligation cannot be applied, thus the proposal does not include any measures to avoid or reduce harm to this protected area, it is therefore classed as habitats development.

Without proper mitigation, the council cannot be confident that the development would avoid damaging the Thames Basin Heaths SPA. This is required under Regulation 63 of the Habitats Regulations and Article 6(3) of the Habitats Directive. As a result, the proposal conflicts with Policy NRM6 of the Southeast Plan and Policies CP8 and CP4 of the Core Strategy.

Under Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (the Order), 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.

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

The appellant has argued that the mitigations measures can be secured at the technical details stage using a legal agreement to secure SANG/ SAMM. However, 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. A legal agreement to secure mitigation also cannot be secured at permission in principle stage, 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 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 (which is not possible as

part of PiPs), 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. Whilst this matter is not due to the applicant’s unwillingness to provide mitigation, as the LPA are of the view the mitigation cannot be secured (in a procedural sense), it will form a reason for refusal.

Planning Balance

The 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 is because the proposal introduces a denser level of development which would fail to integrate with the layout of existing built form on this stretch of Old Wokingham Road which would be of detriment to the character and appearance of the area, in particular the countryside.

Whilst the layout is not fixed at this permission in principle stage, because of the size and layout, for the maximum of 9 dwellings to be accommodated, the site, based upon the indicative layout would have a suburban appearance which would be contrary to the more agricultural appearance of the wider area. The proposal would extend built form into the countryside which conflicts with the aim and strategy of the landscape character area where the site is located.

Furthermore, the site is located in an unsustainable location whereby there are poor bus services, walking routes and access to facilities and amenities, thereby additional reliance would be needed on private motorcars. There are also concerns raised with regards to insufficient information with regards to Flood Risk and insufficient information being submitted. In the absence of adequate information, the proposal has failed to demonstrate that the application site is a suitable location for the proposed development in respect of flood risk.

Lastly, this permission in principle application cannot mitigate harm to the TBH SPA. Whilst the latter is a procedural matter rather than the applicant’s unwillingness to provide mitigation (as discussed earlier in this report), it nevertheless weighs against the proposal as the development would result in harm to the TBH SPA.

Whilst 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

This scheme would result in nine new homes, however, 11(d)(ii) goes on to say that particular regard has to be given to directing development to sustainable locations. As discussed above, the site is not sustainable in terms of transport modes and accessibility, owing to its location in the Wokingham countryside. Accordingly, the weight attached to the benefits of the housing proposed under this scheme is thereby reduced and the disbenefits, as outlined above, in combination, are considered to significantly and demonstrably outweigh the primary benefit, which is the provision of new homes. Owing to the narrow considerations applicable as part of a permission in principle application, other benefits cannot be discussed/ afforded weight at this stage as officers are unaware of the final details that will be proposed/ whether any future scheme would be policy compliant at technical details consent stage.

The recommendation is therefore to refuse permission in principle.

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 reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. 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
Date:	17 March 2026
Earliest date for decision:	24 February 2026

Recommendation
agreed by:
(Authorised Officer)

BJC

Date:	19.03.26
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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. An Appropriate Assessment has been carried out which includes regard to mitigation requirements.

This site is located approximately **1.7 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.

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 **upto 9 dwellings with bedroom numbers not finalised at this stage** 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 this contribution prior to occupation of each 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 **1.7 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.qos.gov.uk/gose/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 **upto 9 no dwellings and the breakdown of numbers 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 **upto 9 additional dwellings, with bedroom numbers 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	£563.00	
2 bedrooms	£784.00	
3 bedrooms	£1,042.00	
4 bedrooms	£1,225.00	
5+ bedrooms	£1,400.00	
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

An 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.

5. Example Reason for Refusal

In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.

Date:

Signed: