

**IN THE MATTER OF
THE TOWN AND COUNTRY PLANNING ACT 1990**

**AND IN THE MATTER OF
LAND NORTH OF READING ROAD,
ARBORFIELD.**

**OPENING SUBMISSIONS
ON BEHALF OF
THE APPELLANTS**

1. These Opening Submissions are made on behalf of the Appellants in respect of a refusal by Wokingham Borough Council of an application for outline planning permission for up to 111 dwellings (including 40% affordable houses), public open space and associated infrastructure [‘the scheme’] on land north of Reading Road, Arborfield [‘the site’]. The site sits in the context of the existing residential development of Arborfield on three sides, with its eastern boundary fronting fields. It is, consequently, well contained in visual and landscape character terms. Its use-class is agricultural, although there are structures and hard surfacing associated with former activities. It is not subject to any heritage, environmental or landscape designations and is agreed not to form a ‘valued landscape’ for the purposes of para. 187(a) of the NPPF.
2. Arborfield is a settlement which does not have a ‘development limit’ in the adopted development plan. However, the site is well connected by sustainable transport modes to a range of services and facilities, with accessibility improvements proposed. Moreover, the adopted Core Strategy (2010) and the Managing Development Delivery DPD (2014) are acknowledged no longer to plan for development needs based on any

NPPF up-to-date assessment; further, the Council recognises that it cannot demonstrate the required 5-year housing land supply. The adopted spatial strategy is, as consequence, out of date and failing to deliver the development needs of the area, including much needed affordable housing. As such (and as acknowledged in the Council's Officers' Report) paragraph 11(d)(ii) of the NPPF and the 'tilted balance' is engaged in favour of the grant of this scheme.

3. None-the-less, the Council resolved to refuse permission under delegated powers for 10 Reasons for Refusal. These may be summarised as: (1) principle; (2) scale; (3) landscape; (4) accessibility; (5) agricultural land quality; (6) flood risk on a given watercourse; (7) SPA; and (8), (9) and (10) concerning the absence of a s.106 obligation.
4. Through its Statement of Case, the Council recognised that Reasons for Refusal (8), (9) and (10) could be overcome with a suitably worded s.106 obligation. In addition, Reason (6) was now put in the context of an updated FRA being required due to altered EA mapping since the determination, and an EA objection to a 'new culvert' at the access point. However, the Council added four, as it termed them 'Additional Issues': (1) an allegation of prejudice to the delivery of the proposed Loddon Valley Garden Village (on highways grounds); (2) an objection to the access and visibility splays; (3) an allegation of harm to veteran or ancient trees [thereby disapplying NPPF para. 11(d)(ii) by reference to Footnote 7]; and (4) an allegation of harm to protected species (bats) along Reading Road and the need for a revised BNG calculation.
5. As such, the Inspector, at the Case Management Conference identified 8 likely 'Main Issues' and the 4 'Additional Issues' beyond the Reasons for Refusal.
6. The Appellants have worked hard to engage with the Council to address, overcome or at least narrow the above issues. Much of this has been in the context of the application/appeal being in outline form, with flexibility for these matters to be addressed at reserved matters stage and/or in the discharge of conditions. Some has been in the provision of updated information in response to the points the Council has raised, or newly articulated.

7. Thus, for ‘Additional Issue 4’, the Appellants have provided a revised BNG calculation and an additional assessment of the effect of lighting on bats on Reading Road. The Council has now confirmed that it no longer objects on the grounds of Additional Issue 4.
8. Similarly, through discussion of the submitted access plans between the highways engineers, the Council no longer objects on the grounds of visibility splays and has confirmed that Additional Issue 3 is no longer pursued.
9. A revised FRA has been submitted using the updated flood risk maps, overcoming the objection from the EA (embraced latterly as part of Reason for Refusal 6). By fixing a land-use parameters plan development can be excluded from the areas at risk of flooding, and no Sequential Test is required.
10. In addition, site investigation has confirmed the presence of an existing culvert at the location of the proposed access and a Technical Note prepared following a joint site meeting with the EA, allowing the EA to accept the access in that location, subject to conditioning engineering specifications in relation to the culvert. That *should* remove the Council’s last elements of Reason for Refusal 6 and impact on the water course (confirmation has been requested, but has yet to be forthcoming; the Council, it will be noted, leads no technical drainage evidence).
11. In respect of the Housing Land Supply situation (Main Issue 7), it has been agreed that the Council cannot demonstrate the required supply. There is no dispute that that engages para 11(d); there is no dispute that the shortfall is significant. Housing land supply is a forward looking matter based on today’s needs, its importance is not diminished, as the Council would appear to like to argue, on the basis of needs assessed in 2013. Looking to the emerging plan is of no assistance either – until adopted, HLS is measured against the current Standard Method figure (1371 dpa) it is seeking to undershoot that figure (providing only 751) and will, as a result be subject to an immediate review.
12. Where does that, then, leave the burden of this inquiry?

13. Main Issue 1: the Council maintains its in-principle objection to development outside the out of date settlement boundaries in a spatial strategy that is not delivering today's development needs (market or affordable) and specifically not able to demonstrate a 5 year housing land supply. The Council seeks to bolster that in-principle objection by reference to accessibility (Main Issue 4) and landscape/scale (Main Issues 2 and 3), but, properly, those are dealt with as their own objections; breach of out of date settlement boundaries, on its own, is not a justification for withholding planning permission in the light of para 11(d).
14. Main Issue 2: the Council maintains its landscape objection although the evidential basis for doing so on a para 187(b) 'non-valued' landscape with limited and localised impact in the context of existing built-form, will be questioned.
15. Main Issue 3: the Council's case on quantum is really just a different way of putting its landscape and/or accessibility points. The site can readily accommodate up to 111 dwellings once the appropriateness of residential development is accepted. There is a very significant excess of public open space against requirements and the density of the residential area is neither over- nor under-played. The DAS amply demonstrates how, at reserved matters stage, good design and placemaking can be achieved in line with Chapter 12 of the NPPF.
16. Main Issue 4: on accessibility, the distances to the wide range of existing services and facilities are not, as far as the Appellant is aware, disputed. The existing pedestrian facilities along Reading Road are to be improved, benefitting all users, and the site is immediately adjacent to a good bus service. The site may be 'countryside', but it is accessibly located for opportunities for sustainable travel. Further, although not *relied* upon by the Appellant for assessing the site's sustainability (contrary to at least one claim by the Council), it should not be ignored that with the arrival of the Council-promoted Loddon Garden Village, the site will be in easy walking distance of its retail, education and other service provision.
17. Main Issue 5: the Council's evidence is that there is about 58 units of SPA capacity at its Rooks Nest SANG but is unwilling to allocate it to development it opposes (a stance elsewhere described as unreasonable); there is also c. 31ha of spare capacity (that is

unallocated to any planned development) at the Rooks Nest extension expected to be approved this summer, equating to some 1613 dwellings; there is also spare capacity at the University of Reading SANG, where the Appellants can take up credits, should either of the Council's SANGS not be available at the time of occupation. Ultimately, SANG credits is a commercial market and the Council (with or without its currently expressed 'dog in a manger' attitude) is not the only provider. There is a commercial decision to be made by the developer at the relevant time, and this being an outline scheme, a Grampian-worded restriction is sufficient at this stage for an appropriate assessment to be concluded.

18. Additional Issue 1: despite being asked, the Council has provided no evidence of how or where the traffic from the proposed development would materially or detrimentally alter the highways infrastructure triggers for the Loddon Garden Village. No rebuttal has been submitted disputing the Appellants' identification of the negligible effect on highways capacity from the proposed development. This remains an area of 'vague and unsubstantiated assertion'.
19. Additional Issue 3: where this new allegation of harm to veteran/ancient trees came from is hard to fathom, given that this is an outline scheme with – originally – only an indicative land use plan. The quantum of development has not changed and the trees are the same trees as assessed by the Council at determination stage, when no arboricultural reason for refusal was imposed, let alone an allegation of harm to irreplaceable habitats that took the determination outside para 11(d)(ii). Those advising the Appellants consider there is an unjustified over-enthusiasm for extending RPAs and buffers beyond the guidance. None-the-less, the Appellants have worked to show all the RPAs/buffers (even for trees which it does not professionally consider to be 'veteran') can be secured within semi-natural space, outside development areas or residential curtilages. What little is left of this objection will have to be considered in the evidence.
20. That leaves Main Issue 8: the planning balance. The proper test, it will be shown, is NPPF para. 11(d)(ii); by no means, it will be submitted, can the harms, properly characterised, be attributed a weight significantly and demonstrably in excess of the sum of the benefits, and planning permission should be granted in the public interest.

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10th March 2026

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