

The Planning Inspectorate

By Electronic Submission

08 October 2026

Dear Sir/Madam

Appeal reference number: 6014086

Address: Land at Lodge Road, Hurst, Wokingham, Berkshire, RG10 0SG, United Kingdom

Thank you for providing us with the opportunity to respond to the Council and third party comments on this appeal. Many of the issues raised have already been addressed in the application and/or appeal documents so we will focus on the new issues presented.

As a starting point, it is so disappointing that Councils, having refused planning permission, then proceed to blindly defend their reasons for refusal even when there is a change in National Policy which requires a full re-assessment of the proposals. This is the case here where the Council has now manipulated its narrative to present an argument based on the new NPPF (2026) to fit in with the original reasons for refusal. This is unacceptable. The new NPPF fundamentally and materially changes how the application (now appeal), should be assessed.

The Council's disregard for the new NPPF is demonstrated by its reliance on appeal decisions (appendices 3, 4 and 6) which all predate the NPPF and then relying on a single post NPPF 2026 appeal decision for a site in Carlisle, over 200 miles away from the appeal site being considered.

We will deal with the relevant parts of the Council's case in a paragraph reference format:

- 5.2 - Whilst we acknowledge that the site falls outside of the local plans' settlement limits, it is the Council's lack of 5 year land supply and out of date housing policies which "undermine the aims and purposes of these policies" not the proposal under consideration. The quoted policies are out of date and the NPPF provides a mechanism to help deliver houses in such circumstances.
- 5.7 – The Council presents a baseline to argue here that "physically well related" refers to the a site's relationship to the established settlement as a whole. This misapplies the word "physical". A physical relationship refers specifically to the juxtaposition between the settlement and the site. In this case, the settlement boundary (other than a small strip of private land to rear of gardens) immediately abuts the site. This is the definition of being physically related. The site is next to the Settlement Boundary.



- 5.8 – There is no transition from the settlement to open countryside. There is a line on a local plan map which defines the edge of the settlement for development plan purposes. Take the Council’s approach in paragraph 5.8 and S5(j) of the NPPF is rendered worthless because the Council would never approve anything outside of the settlement boundary by relying on a spurious concept of transition. There is no test in the NPPF for transition from settlement to countryside.
- 5.9 – The Council do not actually present a reason why the development would not for a “cohesive and well-related extension” of the settlement.
- 5.13 – “Accommodating three dwellings requires appropriate, functioning surface water management and safe access/egress infrastructure”. This is exactly what is proposed. The drainage strategy explains how surface water management is both addressed and enhanced for the wider area. It is a peculiar assumption that development will make the situation worse when the evidence shows that it will mitigate and improve the current surface water drainage by providing a balancing pond.
- 5.13 – The Council continue to reference the failure of the Sequential test and even quote the relevant policy of the NPPF (F5). This policy states
 2. The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, other than for:
 - a. Sites allocated in the development plan which were subject to the sequential test during plan preparation;
 - b. Sites where a site-specific flood risk assessment demonstrates clearly that:
 - i. No built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk); or

The plans at Appendix 2 and 3 of the Flooding Appeal Statement confirm the extent of both the Flood Zone 2 and the Surface Water flooding and show that the proposed houses are all outside any area at risk of flooding. Whilst a small amount of hardstanding/parking for plot 1 is in the flood zone areas, this is not an access or egress route which remains to the north and not at risk of any flooding. On this basis, and correctly applying the test of F5 of the NPPF, no Sequential Test is now required for the site.

- 5.16–5.21 – In these paragraphs the Council repeat the argument that the proposed development is outside of the defined settlement and emphasise harm because of this. We do not dispute that change will occur, as we have previously written, change is a consequence of needing to deliver houses. The Council’s approach, as set out in these paragraphs, would mean never approving houses outside of defined settlements, irrespective of housing need for NPPF policies.
- 5.22 – The Council again revert back to the previous appeal decision on the site to aid their sustainability argument. We made the case in our email to PINS on 25th August 2026 that the new NPPF only places a sustainability of location test on new developments where they generate a “significant amount of movements” which is not the case here. Without this specific test, the decision maker must revert back to the question of whether the site is well related to the settlement, a question which deals with the sustainability of the location.



- The examples provided in 5.25 and 5.26 are not relevant to the consideration, not least because they pre-date the NPPF. Neither were considered in the new context of being well related to a settlement. Furthermore, the Appendix 6 decision referred to the size and scale of the development proposed which meant it was unsustainable so is presented completely out of context.
- 5.29 – We agree, policy TR3 is entitled ““Locating development in sustainable locations” but it then contains specific policy tests which must be applied. The title of the section is not a policy test. The sustainability of the location test is dealt with in S5 by being well related to the settlement.
- 5.30 – To argue that “the policy is silent on minor development” is nonsense. There is a clear policy provision which states that the sustainability of the location in TR3(i) is only a consideration in this context when the development generates a “significant amount of movements”. This proposed does not.
- 5.33 – We can only assume that this appeal decision at Appendix 5 is provided because it is a post NPPF appeal decision which considered the location of the development. Other than satisfying this search criteria there is nothing of relevance or use in this appeal decision to help determine this current appeal.
- 5.35 – 5.40 – See above for our explanation why a Sequential Test is no longer required for the site. Should the Inspector disagree, we have presented the argument why the failure of the sequential test does not provide a clear reason for refusal given the demonstrated lack of real world harm.
- 5.47 – It is noteworthy that the original flooding objection to the application was provided by Environment Agency and the Appeal Statement on Flooding responded to the points raised. Why, therefore, have the EA not responded to the appeal statement? Or perhaps they did but it didn’t suit the Council’s case to present it?
- 5.56 – The Council has had the opportunity to review the grassland survey. It wasn’t just provided with the appeal, it was sent to the case officer by email on 14th April 2026 (evidence below). The Council has had almost 6 months to review this and remove the reason for refusal.
- 5.60 – Given the Council’s unwillingness to engage over the S106, we have proceeded with the S106 as drafted and submitted with the appeal. This has been completed and the original version of the agreement has been hand delivered to the Council. The Council will need to confirm that the S106 is secured and this reason for refusal has been addressed.
- Section 6 – The Council title this as “planning balance”. It is, in fact, a positive (tilted) balance in favour of granting permission. S5(1) of the NPPF states that permission should be “approved unless the benefits of doing so would be substantially outweighed by any adverse effects”. The underlined words are fundamental and set a very high bar for refusing.



RE: WBC Planning Application 252934

Summarise



Nick Cobbold
To: Tariq Bailey-Biggs'

Reply Reply All Forward

Tue 14/04/2026 14:52

You replied to this message on 20/04/2026 14:21.



Dear Tariq

Unsurprisingly, we have been instructed to proceed with an appeal on this site.

Hopefully we can get rid of a couple of reasons for refusal with a bit of collaboration.

Firstly, the 5th reason for refusal was apparently because the Council wanted to see the grassland survey. Had you asked, I would have provided it to save you the effort of the reason for refusal. Nevertheless, better late than never, can you confirm that the 5th reason for refusal will not be pursued by the Council given the grassland survey attached?

Re. the financial contribution to affordable housing, please will you confirm whether this price has gone up with inflation and, if so, what is the index linked rate that the Council is applying?

The calculation of the commuted sum, in accordance with the Affordable Housing SPD, has been calculated as £172,244.50 index-linked towards affordable housing in the borough.

We will prepare a unilateral undertaking to address this.

To conclude, it is clear from the Council's statement of case that its approach to refusal continually falls back on the development plan and pays scant regard for the NPPF requirements. Whilst we understand the development plan as a starting point, the housing policies are out of date and therefore the positive presumption in favour of development applies, something that has been repeatedly overlooked.

We have reviewed the recommended planning conditions. We question the need to remove permitted development rights (condition 16). Many of the Ecology conditions 17-21 are unnecessary as they are covered by other legislation. Condition 22 has already been complied with. The Council refused to validate the application without the text top Archaeological Study which was not considered during the application and is now added as a condition.

We note with interest that condition 8 requires the provision of cycle parking on site. It is certainly ironic that the Council argue that residents will not use alternative method of transport other than the car, yet insist on a high level of cycle provision. We have presented the case of where can be reached by cycle.

We trust that this is of assistance.

Yours faithfully
BELL CORNWELL LLP

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