



ET Planning

Planning Statement

Client:

Sat Bir Assets Ltd

Land at Cooks Hill Cottage

Bath Road, Knowl Hill

Permission in Principle (PiP) application for the erection of up to no.5 dwelling houses

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1. Introduction

1.1 This statement is produced to support a Permission in Principle (PiP) application for the erection of up to no.5 dwellings (the 'Proposed Development') at Land at Cooks Hill Cottage and the Nissen Huts, Bath Road, Knowl Hill, Wokingham (the 'Site') on behalf of Sat Bir Assets Ltd (the 'Applicant'). This statement focuses on 'Land to the east of the access road (Cooks Hill Cottage and Small Nissan Huts)', which is shown by the redline boundary in Figure 1 below.

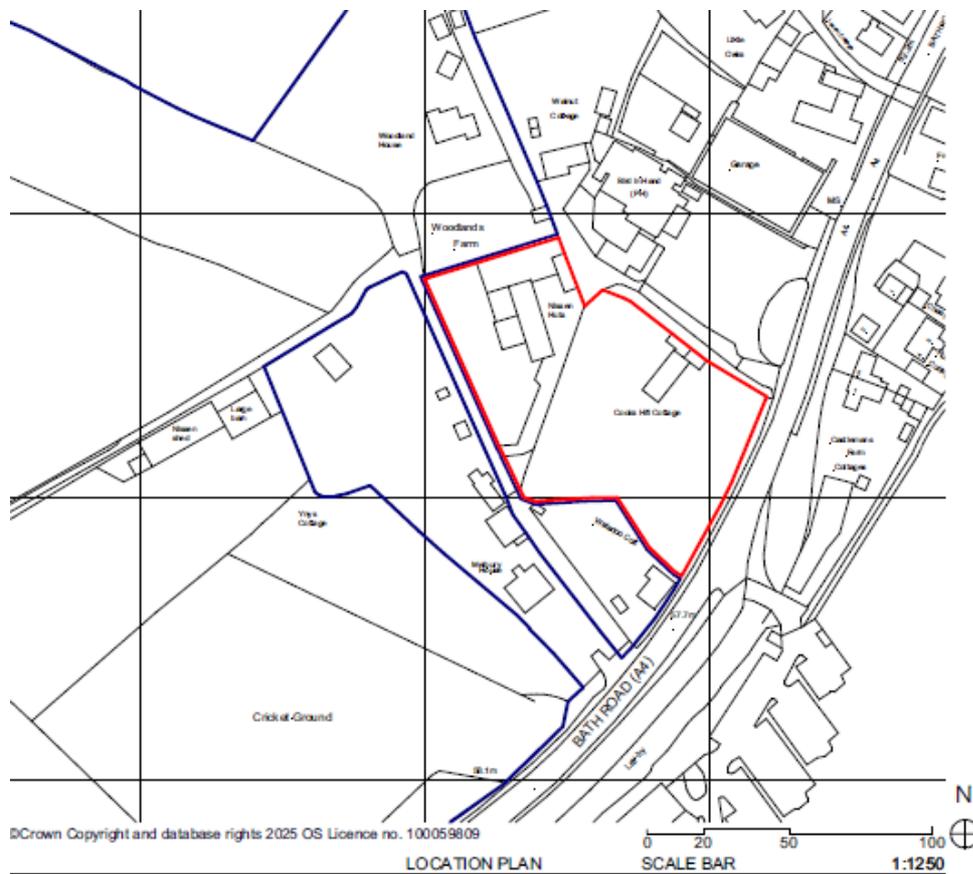


Figure 1: Location Plan

1.2 This planning statement will cover the background to the application and provide the necessary information to enable its determination by officers at the Council. It will consider the proposal in light of relevant planning policies and other material considerations. The conclusion

reached is that key material considerations and the wider objectives of National and Local planning policy support the grant of permission.

- 1.3 The relevant application fee will be submitted by the applicant separately.

2. Site Location and Description

- 2.1 The site is situated between the built-up areas of Knowl Hill and Kiln Green, located to the north of the A4 Bath Road.
- 2.2 The A4 provides connections to Reading to the south west and the A404(M) to the east, which in turns provides connections to the M4 and M40.
- 2.3 The application site comprises a range of agricultural Nissen huts, as well as a detached 3 bed dwelling (Cooks Hill Cottage).
- 2.4 The dwelling is set within a large plot amongst trees and hedgerows, with the Nissen huts located to the north of the application site. There is existing access to the Nissen huts off the A4 Bath Road to the south of the application site.
- 2.5 Due to the presence of agricultural buildings, Cooks Hill Cottage and existing hardstanding, the application site is considered to be previously developed land within a Green Belt location.
- 2.6 To the north of the site is the Bird in Hand pub, as well as a petrol station and convenience store. Waterloo Cottage and Melbury House are located to the south of the site and the existing access road. To the west is Ynys Cottage and some larger Nissen huts, with Grade 3 agricultural land located beyond. To the east of the site lies the A4 Bath Road.

- 2.7 The immediate surrounding area comprises a mix of residential and commercial uses with high density residential development found at the top of Knowl Hill, northeast of the site. To the south of the site is Castle Royale Golf Club & Spa complex.
- 2.8 The site is not located within a defined Settlement Boundary and is therefore located within the countryside, however development clearly defines the surrounding landscape character. The site is within 3.5km from the boundary of Maidenhead (to the east) and 7.5km northeast from the centre of Reading. The centre of Twyford is also only 3.2km away. It is therefore considered the site is not in an isolated location.

3. Planning History

- 3.1 **Application Ref 192749** application for prior approval submission for proposed change of use of agricultural building to a dwelling house - application withdrawn 23/12/2019
- 3.2 **Application Ref 200403** application for prior approval submission for proposed change of use of agricultural building to a dwellinghouse - application withdrawn 27/03/2020
- 3.3 **Application Ref 201480** application for prior approval submission for proposed change of use of agricultural Nissen building and land within its curtilage to a dwelling (use class C3) (Schedule 2 Part 3 Class Q of the Town and Country (general permitted development) (England) Order 2015)- Woodlands Farm - application refused 20/08/2021
- 3.4 **Application Ref 212557** application for a certificate of lawfulness for the proposed single storey front extension to form porch, single storey side extension, single storey rear extension, part garage

conversion to create habitable accommodation, plus insertion of 11no. roof lights and changes to fenestration. Cooks Hill Cottage - application approved 20/08/2021

- 3.5 **Application Ref 213368** application for works to protected tree(s) TPO 1639/2018, AREA 1 T1, Horse Chestnut. Tree consent 17/03/2022

4. Development Proposals

- 4.1 The proposed development comprises an application for up to 5 dwellings. The exact quantum and number of dwellings has not yet been determined, and will be considered as part of the Stage 2 PiP application.
- 4.2 Whilst not a matter for this application it is anticipated the site would utilise the same access as the existing dwelling. It is acknowledged a number of TPOs enclose the site however, it is anticipated that the proposed dwellings could be located to not impact these trees and that 'no dig' construction methods could be secured.
- 4.3 Each dwelling would be provided with its own private amenity space and parking provision.
- 4.4 In order to give the Council some certainty, and notwithstanding the fact that this is a matter for the detailed design stage, an Indicative Masterplan has been prepared to show one-way in which a scheme of 5 dwellings could come forward on the application site. Therefore the layout and quantum could change at the Stage 2 PiP application. For now, we are seeking agreement on the principle of development.

5. Policy Assessment

5.1 Principle of Development

5.2 Location of Development

5.3 It is accepted that the site is situated outside of a defined settlement boundary. Notwithstanding the fact that Policy CP11 is out of date, the policy states that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will "*not normally*" be permitted, unless development meets an exception as outlined by the criterion in the policy. While it is acknowledged development does not meet any of the outlined exceptional circumstances, it should be considered that it does protect the separate identity of settlements and maintain the quality of the environment.

5.4 The application site comprises of Cook Hill Cottage and Nissen Huts and therefore would meet the definition of Previously Developed Land ('PDL') as per the NPPF.

5.5 For clarification the definition of PDL in the NPPF is defined as: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land. As the land currently has a lawful dwellinghouse on it, it therefore can be assumed to be PDL by definition.

5.6 As PDL the proposal does not seek to develop land where there is an absence of built form nor activity, as such it is not considered the proposal would not erode the separate identity of settlements nor the quality of the environment.

- 5.7 Within the site, the proposal would comprise the demolition of the existing Nissen Huts and replace them with 2 dwellings, as well as the demolition of Cooks Hill Cottage and replacement with 3 dwellings. All of the dwellings have a similar building footprint when compared to the existing buildings. This is shown on the Indicative Masterplan submitted with this application.
- 5.8 Whilst the impact to the environment is more a consideration for Technical Matters, it should be noted that the site (or surrounding area) does not feature any designated landscape features. The proposed scheme would also be located in an area of the countryside where glimpses of residential development is evident. As such, the quality of the environment would be maintained.
- 5.9 Therefore, for the reasons given above it should be considered that the development proposal is in compliance with Policy CP11.
- 5.10 **Grey Belt**
- 5.11 The site falls within the Green Belt. As part of establishing the principle of development for the site, ET Planning have undertaken a Grey Belt Statement to determine whether the site would meet the definition of Grey Belt land as per the NPPF. In addition, to feed into the assessment, The Richards Partnership have undertaken a Green Belt Review from a landscape perspective and, Motion, have undertaken a Locational Sustainability Appraisal. These reports have been submitted alongside this PiP application.
- 5.12 As a summary, the NPPF introduced the concept of 'Grey Belt' land, which *"For the purposes of plan-making and decision-making, 'grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. 'Grey belt' excludes land where the application of the policies*

relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development”.

5.13 For the application site to be considered Grey Belt land, it must demonstrate that it does not *strongly* contribute to any of purposes (a), (b), or (d), or be PDL in the Green Belt.

5.14 The accompanying Grey Belt Statement and Green Belt Review confirm that the site falls within Parcel W11a which is deemed to make a ‘limited contribution’ to purposes (a), (b), and (d) of the Green Belt, as per the Council’s Green Belt Review (June 2016). In addition, the site is considered to meet the definition of PDL as set out by the NPPF, as it comprises cottage, outbuildings, Nissen huts, access roads and associated hardstanding. It is therefore considered that the Site satisfies the NPPF definition of Grey Belt land.

5.15 In relation to whether the proposal would constitute inappropriate development in the Green Belt, the accompanying Grey Belt Statement assesses the site in context of paragraph 155 of the NPPF, for which development is not deemed inappropriate in the Green Belt. Justification against each condition is set out below to demonstrate that the Site is not deemed inappropriate in the Green Belt:

- **“Development would utilise grey belt land”** – As set out within the Grey Belt Statement and the Green Belt Review undertaken by The Richards Partnership, we consider the Site would meet the definition of Grey Belt land.
- **“There is a demonstrable unmet need for the type of development proposed”** – The Council can no longer demonstrate a five-year housing land supply (as set out above).

- ***"The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework"*** – Motion have undertaken a Locational Sustainability appraisal to support this application. The appraisal concludes that whilst the Site is outside a defined settlement boundary, there is a range of local service and amenities within walking distance of the site. The Site is also well served by public transport, which enables a wide range of services within Twyford, Maidenhead and Reading to be reached by sustainable modes of transport. In addition, existing residential development along the Bath Road (A4) would however set a precedent for the potential of the Site being a sustainable development location. The closest bus stop is located approx. 150m to the north of the Site and the closest convenience store approx. 200m away. The Locational Sustainability appraisal concludes that, in accordance with paragraphs 110 and 115 of the NPPF, the Site is within a sustainable location.
- ***"Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157"*** – The Golden Rules is only relevant to major development (i.e. development of 10 or more dwellings) and therefore is not required for this PiP application.
- ***"Development of the site would not fundamentally undermine the purposes of the remaining Green Belt"*** – The PPG¹ clarifies that authorities must consider whether releasing land from the Green Belt would meaningfully impact the overall purposes of the Green Belt across the wider area of

¹ Paragraph: 008 Reference ID: 64-008-20250225

the plan. The Green Belt Review undertaken by The Richards Partnership concludes that, given the Site comprises only a small portion of Parcel W11a, development of the Site would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the plan area as whole.

5.16 **Material Considerations -Tilted Balance & Housing Supply**

5.17 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

5.18 Section 70(2) of the Act requires the determination of PiPs to have regard to the provisions of the Development Plan and any other material consideration.

5.19 In the context of a PiP application, whilst such applications are to be determined in accordance with the Development Plan, policies related to technical matters do not represent valid considerations for the purposes of a Stage 1 application. Technical matters will be considered as part of any future Stage 2 application.

5.20 In this instance, the Development Plan comprises:

- Wokingham Borough Local Development Framework Adopted Core Strategy ('CS') (adopted 29/01/2010); and
- Wokingham Borough Development Plan Adopted Managing Development Delivery Local Plan ('MDD') (adopted 21/02/2014).

5.21 The application is for housing within the countryside and therefore Policies CP1, CP9, CP11 of the Core strategy and Policies CC01 and

CC02 of the Managing Development Delivery are relevant to this application.

5.22 The National Planning Policy Framework (NPPF) is a relevant material consideration of significant weighting.

5.23 Notwithstanding, the above it should be noted that policy CC01 – Presumption in Favour of Sustainable Development (of the MDD) states that:

“Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

a) Any adverse impacts of planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework (NPPF) taken as a whole; or

b) Specific policies in the National Planning Policy Framework indicate that development should be restricted”.

5.24 In the case of the above it should be noted that Policies CP9 and CP11 were created to deliver a housing target of 13,230 dwellings (CP17) between 2006 – 2026. This figure no longer represents the Local Housing Need of Wokingham Borough, being more than 5 years old (as per paragraphs 34, 78 and 232 of the NPPF) and the increase in the Standard Method. As such, the settlement boundaries and policies that influence the delivery of development within and outside them can no longer be considered to be in date for the purposes of decision making.

- 5.25 This approach is consistent Richborough v Cheshire East Supreme Court case (UKSC/2016/0078) which confirmed that: *"Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."* Wokingham can only deliver a 2.5 year supply of housing sites.
- 5.26 It is also clear that the adopted Core Strategy was adopted prior to the first publication of the Framework in 2012, which introduced a shift in approach to boost significantly the supply of housing.
- 5.27 Furthermore, in a recent appeal decision in Blagrove Lane, Wokingham, the Inspector concluded that they *"consider CS Policies CP9, CP11, CP17 and MDD Policy CC02 frustrate the delivery of housing at the level that is required. They are therefore inconsistent with the Framework's objective to meet an area's identified need"*.
- 5.28 The Development Plan's approach to the delivery of housing therefore does not follow the Framework's method, and it has not been reviewed since it was adopted. For the purposes of this application, the policies relating to housing delivery and the spatial strategy are therefore considered to be out-of-date and inconsistent with the Framework when taken as a whole.
- 5.29 For the purposes of establishing the principle of development for this PiP application, paragraph 11d of the NPPF therefore sets the precedent for the presumption in favour of sustainable development and tilted balance exercise.
- 5.30 Paragraph 11d states:
- "where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- i. *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*
- 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” [emphasis added].*

5.31 Part i) of paragraph 11d relates to protected assets set out in footnote 7 of the NPPF. The application site is not located within any of the assets listed under footnote 7 and therefore part i) does not apply. An area of surface water flood risk is however located to the west of the site, including over the existing access road and the access spur into the site. The access road is used currently to serve Woodlands House and the Nissen huts. No built development is proposed within the area of surface water flood risk. Therefore, footnote 7 is not engaged and, even in the scenario that the Council decide otherwise, this would not provide “*a strong reason for refusing the development*” due to the fact the area of flood risk would not contain any new-build development.

5.32 Part ii) of paragraph 11d assesses the impact of the proposed development against the Framework as a whole and confirms that the tilted balance is only disengaged if “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”. As aforementioned, the detailed design of the scheme will be considered at the Stage 2 PiP application, however it is clear that a scheme could be designed to sensitively respond to the site constraints and that the delivery of housing on this site would be a benefit that would

attribute substantial weight, considering that it is a PDL site and makes efficient use of land, in accordance with paragraph 125 of the NPPF. The harms would therefore clearly not "*significantly and demonstrably*" outweigh the benefits.

5.33 The tilted balance under paragraph 11d of the NPPF therefore applies.

5.34 **Planning Balance**

5.35 It is considered the proposed development would comply with the Development Plan in principle, however for the sake of completeness relevant material considerations and a planning balance has been undertaken below.

5.36 As previously mentioned, it is noted that Policy CP17 of the Core Strategy seeks to deliver 13,260 dwellings and this provision does not include any sites in the countryside. Specifically, the policy currently seeks to deliver 623 dwellings per annum.

5.37 The targets set within Policy CP17 were created with the intention of achieving development within the settlement boundaries defined by Policy CP9 and development outside of limits set out under Policy CP11.

5.38 The Local Plan therefore seeks to deliver a lesser need when compared to the current Standard Method calculation of 1,334 dwellings per annum. Therefore, the spatial strategy (the settlement boundaries designed to guide development in terms of scale and distribution, and the area of countryside which CP11 applies to) is out-of-date. Should the Council consider any non-compliance with Policy CP11 exists, this should only be afforded **limited weight against the development.**

- 5.39 Notwithstanding, the above, when using the new Standard Method figure the Council is only able to demonstrate a housing land supply of **2.5 years**.
- 5.40 As the Council are currently unable to demonstrate a five-year housing land supply position, the presumption in favour of sustainable development (and the tilted balance) as per paragraph 11d of the NPPF (and Policy CC01) applies. Proposed built development is located outside of the surface water flood risk and therefore footnote 7 is not engaged.
- 5.41 In relation to part ii) of paragraph 11d, paragraphs 110 and 115 of the NPPF confirm that development in rural locations have differing opportunities for sustainable transport modes. The Locational Sustainability appraisal concludes that, in accordance with paragraphs 110 and 115 of the NPPF, the Site is within a sustainable location. As such, it is considered the proposed development would comply with paragraphs 110 and 115. The Grey Belt Statement undertaken by ET Planning also demonstrates how the other elements of part ii) have been met.
- 5.42 As such, the adverse impacts of the development would not significantly and demonstrably outweigh the benefits and the tilted balance under paragraph 11d is engaged. It is considered this would attract **very significant weight in favour of the development**.
- 5.43 In terms of the proposal specific benefits of the scheme it is considered the provision of up to 5 dwellings would attract **significant weight** in favour of the development in the context of the LPAs shortfall of supply. It is considered this weighting would not be tempered by the potential delivery of a lesser quantum of units as part of the Technical Matters stage owing to the extent of the shortfall. In addition, the development is considered to make an

important contribution towards meeting the housing requirements in the area. As per paragraph 73 of the NPPF, this seeks to support the development of windfall sites through acknowledging they can be built out relatively quickly. In the context of the Wokingham's housing needs and the emerging Local Plan Update not being adopted in the short term, it is considered that the ability of a small site to be built-out relatively quickly should attract **significant weight**.

- 5.44 Paragraph 124 of the NPPF states that decisions should promote an effective use of land in meeting the need for homes and other uses and goes on to state that strategic policies should make as much use of previously developed land as possible. Likewise, paragraph 125d seeks to promote and support the development of 'under-utilised' land especially where it helps to meet identified needs for housing. As such, the re-use of previously development land and optimisation to deliver dwellings across the site should attract **moderate weight in favour of the development**.
- 5.45 The proposed development would have economic benefits in terms of temporary construction jobs however, the LPA will also receive monies for contribution to the Community Infrastructure Levy and Council Tax receipts in the long term. However, being a development of up to 5 dwellings and subject to the quantum of development being less than five the technical details stage, this could only attract **limited weight in favour of development** at most.
- 5.46 In summary, the adverse impacts of the scheme do not significantly and demonstrably outweigh the benefits of the development. Therefore, it is considered the presumption in favour of development applies and the tilted balance is engaged.

6. Conclusion

- 6.1 This statement has demonstrated that the proposed development is acceptable in principle and makes an efficient use of land, contributing to the Borough's housing supply.
- 6.2 It is emphasised that this is a Stage 1 PiP application, and the technical design stage (Stage 2) to follow will allow for the Council to secure a high quality development and other landscaping enhancements to the site at a later stage (providing further benefits).
- 6.3 There are no material considerations to indicate that the adverse impacts outweigh the benefits of the scheme in principle.
- 6.4 It is considered that the proposed scheme complies with relevant Development Plan Policies and is further supported by National Guidance. Therefore, it is respectfully requested that this PiP application is granted.

A handwritten signature in black ink that reads "T. Ryan". The signature is written in a cursive style and is positioned above a light blue horizontal line.

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