



Grounds of Appeal Statement

Wyse Hill Lodge, Finchampstead, RG40 4JR

Creation of new access and associated landscaping

June 2025

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Title	Planning Statement
Project	Wyse Hill Lodge
Client	Pete Abbott
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1 Introduction and Purpose

1.1 Introduction

- 1.1.1 This statement represents a Grounds of Appeal Statement submitted in support of the planning appeal against the refusal of the householder application by Wokingham Borough Council (the 'Council') for the creation of new access and associated landscaping (the 'proposed development') at Wyse Hill Lodge, Finchampstead, RG40 4JR (the 'site').
- 1.1.2 The application (Ref: 250414) was refused by delegated decision on 14th April 2025 for the following reason:

1. The proposed development would result in an unacceptable incursion into the root protection area and buffer zone of the protected Veteran Oak Tree (T1), which would result in potential for harm to the health of the tree, thereby impacting on the wider landscape character of the area. There is no overriding justification for construction within the root protection area and buffer zone, and the proposal is contrary to BS5837:2012, section 15 of the NPPF, and policies CC03 and TB21 of the MDD Local Plan.

- 1.1.3 This is discussed in detail below.

1.2 Purpose

- 1.2.1 Planning law¹ requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 1.2.2 The Courts² have determined that it is enough that a proposal accords with the development plan when considered as a whole. It is not necessary to accord with each and every policy contained within the development plan. Indeed, it is not at all unusual for development plan policies to pull in different directions.
- 1.2.3 The position was also clarified by Patterson J in *Tiviot Way Investments Ltd v Secretary of State for Communities and Local Government and Stockton-on-Tees BC* [2015] EWHC 2489 Admin) at paragraph 31:

I do not accept, lest it be thought to establish the proposition, that the case of Hampton Bishop (supra) establishes that a breach of one key policy was sufficient to find conflict with the development plan as a whole.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990

² See for example *BDW Trading Ltd. v Secretary of State for Communities and Local Government* [2016] EWCA Civ 493; [2017] P.T.S.R. 1337, at paragraphs 18 to 23; *Gladman Developments Ltd. v Canterbury City Council* [2019] EWCA Civ 669; [2019] P.T.S.R. 1714, at paragraphs 21 and 22; and *Chichester District Council v Secretary of State for Housing, Communities and Local Government* [2019] EWCA Civ 1640; [2020] 1 P. & C.R. 9, at paragraphs 31 and 32).

- 1.2.4 The Planning & Compulsory Purchase Act 2004 defines the Development Plan for the purposes of this assessment process as the strategy for the region in which the site is located and development plan documents, taken as a whole, which have been approved or adopted for the area.
- 1.2.5 The purpose of this statement is therefore to identify Development Plan policies that are relevant in the assessment of the development proposals. Then to determine if the proposals conflict with their provisions and if they do, to determine whether there are material considerations which outweigh such conflict.

1.3 Proposed Development

- 1.3.1 The proposed development seeks a new vehicular access to the application site at Wyse Hill Lodge and associated landscaping to be used as a parking area.
- 1.3.2 The proposed access will originate from Fleet Hill and will be situated approximately 50m to the west of the existing access point to the dwellinghouse.
- 1.3.3 The proposed access would be approximately 3.5m wide and extend from the highway 3.4m into the site before reaching a parking area.
- 1.3.4 The access and parking area will be constructed of cellweb placed on top of the existing surface. The parking area is shown on the proposed plans, but this can be created without the need for planning permission. Only the access to the highway is relevant to the planning application.
- 1.3.5 This is discussed in more detail below.

2 Site Location, Description and History

2.1 Site Location and Description

- 2.1.1 The application site comprises a single storey dwelling situated on the southern side of Fleet Hill Road in The Village, Finchampstead.



Property as viewed from Street

- 2.1.2 Fleet Hill is mainly characterised by a linear pattern of development, with detached and semi-detached housing set on medium sized but deep plots and considerably set back from the street frontage.
- 2.1.3 To the west of the application site is countryside and farmland, with some isolated dwellings further west.
- 2.1.4 Properties boundaries specially towards the west of The Village are characterised by mature trees and hedges. There is a well-maintained ditch to the north of the site hedge and a narrow verge between the ditch and the road itself.
- 2.1.5 The northern part of the site is bounded by protected trees (TPO-1691-2019 and TPO-1910-2022) including a veteran/TPO protected Oak on the north-west corner of the site.
- 2.1.6 The site is not within a Conservation Area and there are no nearby listed buildings.
- 2.1.7 The site falls partly within designated countryside and is directly adjacent to the settlement boundary.

2.2 Planning History

- 2.2.1 The planning history of Wyse Hill Lodge is summarised below:

- 080957 for the proposed erection of single storey side extension to provide garage and provision of pitched roof to replace existing flat roof to utility room. Approved 24/11/2008.
- 060284 outline application for the erection of one detached dwelling (means of access and siting to be considered). Withdrawn 09/11/2006.
- 020981 for the proposed erection of single storey rear extension to dwelling. Approved 11/06/2002.
- 011537 for the proposed single storey rear extension. Approved 10/01/2002.
- 960938 for the proposed single storey side extension to dwelling. Approved 04/07/1996.

2.2.2 In addition is a 2022 refusal for the creation of a new access and associated hardstanding, including installation of a crossing point over an existing roadside ditch (Ref: 222908). This was refused for the following reasons:

1. The proposed development would result in an unacceptable incursion into the root protection area and buffer zone of the protected Veteran Oak Tree (T1), which would result in potential for harm to the health of the tree, thereby impacting on the wider landscape character of the area. There is no overriding justification for construction within the root protection area and buffer zone, and the proposal is contrary to BS5837:2012, section 15 of the NPPF, and policies CC03 and TB21 of the MDD Local Plan.

2. The proposal does not make sufficient provision for on-site turning, and there is insufficient information to determine whether unimpeded and safe access is afforded to vehicles exiting the site onto Fleet Hill/B3348. The proposal would result in an unacceptable impact upon highway safety, contrary to section 9 of the NPPF and policies CP1, CP3 and CP6 of the Core Strategy.

2.2.3 The proposed development sought the address the Council's previous objections.

3 Development Plan Context, Designations and Material Considerations

3.1 Development Plan Context, Designations and Policies

- 3.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. This represents the starting point for assessing the development prospects for a particular site or property.
- 3.1.2 The Development Plan context in Finchampstead is provided by the **Wokingham Core Strategy DPD** (2010) and the **Managing Development Delivery Local Plan** (2014).
- 3.1.3 The Proposals Map confirms that the site falls partly within designated countryside and is directly adjacent to the settlement boundary.
- 3.1.4 The following policies of the Core Strategy have been identified as relevant:
- CP1 – Sustainable Development
 - CP3 – General Principles for Development
 - CP4 – Infrastructure Requirements
 - CP6 – Managing Travel Demand
 - CP7 – Biodiversity
 - CP9 – Scale and Location of Development Proposals
- 3.1.5 The following policies of the Managing Development Delivery Local Plan have been identified as relevant:
- CC01 – Presumption in Favour of Sustainable Development
 - CC02 – Development Limits
 - **CC03 – Green Infrastructure, Trees and Landscaping**
 - CC04 – Sustainable Design and Construction
 - CC06 – Noise
 - CC07 – Parking
 - CC09 – Development and Flood Risk
 - CC10 – Sustainable Drainage
 - TB06 – Development of Private Residential Gardens
 - **TB21 – Landscape Character**
 - TB23 – Biodiversity and Development
- 3.1.6 These are discussed below, where relevant. However, it is noted that only the highlighted policies are cited within the refusal notice.

3.2 Material Considerations

- 3.2.1 The Government's **National Planning Policy Framework** (2024) (the 'NPPF') is a material consideration in the assessment of development proposals. The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.

- 3.2.2 The Framework confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
 - *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
 - *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
- 3.2.3 The Framework emphasises that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.
- 3.2.4 The Framework confirms that at its heart is a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.
- 3.2.5 This is discussed in more detail below, where relevant. However, only section 15 of the NPPF is cited within the refusal notice.
- 3.2.6 The supplementary planning guidance of relevance includes the **Borough Design Guide** (2012). However, the Council have noted cited any conflict with this SPD.
- 3.2.7 Within the refusal notice the Council have also referred to the British Standard "**Trees in Relation to Design, Demolition and Construction to Construction - Recommendations**" (BS 5837) (2012).
- 3.2.8 This guidance details the steps that should be taken to ensure that trees are appropriately and successfully retained when a development takes place and is discussed below where relevant.

4 Grounds of Appeal

4.1 Introduction

- 4.1.1 The following assessment considers the relevant Development Plan policies and material considerations identified in the preceding section and the degree to which the proposed development complies with their provisions or not as the case may be.
- 4.1.2 The principal consideration in the assessment of the development proposal is the impact on trees.
- 4.1.3 This is discussed in detail below along with any other matters not disputed by the Council.

4.2 Common Ground

Principle of development

- 4.2.1 The Planning Officer's Delegated Report confirms that the site is located, within limited settlement limits, as such, the development should be acceptable providing that it complies with the principles stated in the Core Strategy.
- 4.2.2 In the determination of the previous planning application (Ref: 222908) the Planning Officer's Delegated Report considered that:

In this regard, it is considered that the proposed formation of a new access and parking area to serve the existing dwelling would not result in a coalescence of different settlement boundaries. It would also not result in excessive expansion nor significant encroachment onto the countryside given it would be confined within the existing residential curtilage of the dwellinghouse. It is on this basis that the proposal would be considered acceptable in principle.

- 4.2.3 In addition, as discussed below the parking area would fall within the provisions of permitted development.
- 4.2.4 The Council have not disputed the principle of development.

Design and impact on the character of the area

- 4.2.5 The Planning Officer's Delegated Report confirms that there are multiple properties with access onto Fleet Hill, and although these are mostly on the other side of the road and further along the road into the countryside if they are on the application side of the road.
- 4.2.6 The proposed access is confined within the boundary of the residential property, and there is no increase in built form on the site.
- 4.2.7 As such, the Council conclude that in this case it is not considered the proposal would result in significant detrimental impact to the character and appearance of the surrounding area.

Neighbouring Amenity

- 4.2.8 The Planning Officer's Delegated Report confirms that the nearest neighbouring properties to the proposal site are those located opposite Fleet Hill road over 10m away, and the property to the west which is circa 25m away from the proposed location of development.
- 4.2.9 The Council conclude that given the nature and scale of the proposal, along with adequate separation distances, it is not considered there would be any adverse impact upon neighbouring amenities in terms of loss of light, loss of privacy or overbearing.

Highway safety and parking

- 4.2.10 The Planning Officer's Delegated Report confirms the previous objection has been overcome and that the proposed driveway space has been deepened to allow for turning and hence the WBC Highways Officer has raised no objection to the application.
- 4.2.11 In case of approval, the WBC Highways officer has recommended a set of conditions protecting and ensuring the safety of the highway. The Appellant has no objections to the proposed conditions.

Amenity Space

- 4.2.12 The Planning Officer's Delegated Report confirms that due to the large rear garden that is to be retained, there are no concerns over impact on amenity space.

Flood Risk and Drainage

- 4.2.13 The Planning Officer's Delegated Report confirms that the WBC Drainage Officer has reviewed this application and requested further details regarding the size of the pipe to be installed in the ditch.
- 4.2.14 In the determination of the previous application the Planning Officer's Delegated Report confirmed that:

There is an existing and well maintained ditch running north of the application site. The WBC Drainage Officer has raised no objections to the proposal but has indicated that there should not be any blockage on the existing ditch on the proposed crossing point. This can be secured via condition in the event of an approval recommendation.

- 4.2.15 The Appellant has no objection to the suggested condition.

Biodiversity

- 4.2.16 Policy CP7 seeks to protect biodiversity. In addition, Policy TB23 states that development should provide opportunities, including through design, layout and landscaping to incorporate new biodiversity features or enhance existing.
- 4.2.17 Although the site is within a suitable bat roosting area as identified on the Constraints Map there are no works to a roof or demolition proposed.

- 4.2.18 The works to a residential garden (which do not require planning permission) will have no impact on any Great Crested Newts. The access will bridge the ditch and have no ecological impact. No objections were raised in this regard previously.
- 4.2.19 The proposed development consists of a householder application. In this regard, the proposed development is exempt from the requirements of Biodiversity Net Gain.
- 4.2.20 The Council have raised no objections in relation to the above.

4.3 Impact on Trees

- 4.3.1 The reason for refusal states that the proposed development would result in an unacceptable incursion into the root protection area and buffer zone of the protected Veteran Oak Tree (T1), which would result in potential for harm to the health of the tree, thereby impacting on the wider landscape character of the area. There is no overriding justification for construction within the root protection area and buffer zone.
- 4.3.2 The Council consider that the proposal is contrary to BS5837:2012, section 15 of the NPPF, and policies CC03 and TB21 of the MDD Local Plan.
- 4.3.3 Local Plan Policy CC03 states
1. *Green Routes and Green Route Enhancement Areas are defined on the Policies Map.*
 2. *Development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals:*
 - a. *Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development*
 - b. *Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways*
 - c. *Promote the integration of the scheme with any adjoining public open space or countryside*
 - d. *Protect and retain existing trees, hedges and other landscape features*
 - e. *Incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.*
 3. *Development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.*
 4. *Development proposals within the River Valley areas shall improve or contribute toward:*
 - a. *The establishment of a Loddon/ Blackwater riverside footpath and bridleway, as defined on the Policies Map, to accommodate dual use*

- b. The establishment of a riverside footpath and cycleway to accommodate dual use along the Emm Brook*
- c. Opportunities for improvements to green infrastructure to help minimise flood risk*

4.3.4 From the above it is clear that the part 2d is of most relevance and the need to protect and retain trees.

4.3.5 As discussed in detail below, the proposed development will protect and retain all trees on the site.

4.3.6 Local Plan Policy TB21 states:

- 1. Proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues.*
- 2. Proposals shall retain or enhance the condition, character and features that contribute to the landscape.*

4.3.7 In this regard, as discussed in detail below, the proposed development will protect the existing landscape.

4.3.8 BS5837 is the British Standard that provides recommendations and guidelines for managing trees in proximity to design, demolition, and construction activities. This is outlined in more detail within the accompanying Arboricultural Impact Assessment and Method Statement.

4.3.9 The Council also refer to Section 15 of the NPPF. This seeks to conserve and enhance the natural environment.

4.3.10 Paragraph 187(b) of the NPPF requires that planning applications enhance the natural and local environment by '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.'

4.3.11 Paragraph 193(c) of the NPPF states that when determining planning applications, local planning authorities should apply the following principles:

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

4.3.12 The footnote clarifies that exceptional reasons relate to for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

4.3.13 In this regard, the Council's objection within the Officer's Report states that:

The main feature of the northern site boundary is the group of trees dominated by a Veteran Oak tree (T1) that occupy the north-western end of the rear garden, which is also the location of the proposed development of a parking area. There is a group of trees to the northern site boundary consisting of Yew, Sycamore, Beech, Horse Chestnut, and a single Sycamore tree which are protected under TPO1910/2022. A large Veteran Oak tree (T1) also to the NW boundary is protected by TPO1691/2019, and a Sycamore to the SW corner of the rear garden is also protected by the TPO. The Veteran Oak tree T1 is recorded on the Woodland Trust's 'Ancient Tree Inventory' ref. 65229.

A previous application for a driveway in this location in 2022 was shown as being within 1m of the stem of the Veteran Oak tree and measured 8.25m deep and 8m wide. To achieve access from The Village, the driveway must extend over the ditch to connect to the road, and a new culvert built beneath. The latest application has increased the area of the new drive to 10.5 deep x 10m wide and is offset from the stem of the Veteran Oak tree by 1m – 1.3m. The entrance splay from the road is 7.5m wide narrowing to 3.5m wide at the site entrance. The driveway represents a significant incursion into the root protection area of the Veteran Oak T1, and T3 and a reduced incursion to other protected trees on the site; T2, T4, T5, T6.

- 4.3.14 In relation to this it is firstly noted that although the access to the highway requires planning permission the parking area would fall within the provisions of permitted development.
- 4.3.15 Schedule 2 of the General Permitted Development Order 2015 (as amended) confirms at Part 1, Part F that permitted development includes:

Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the

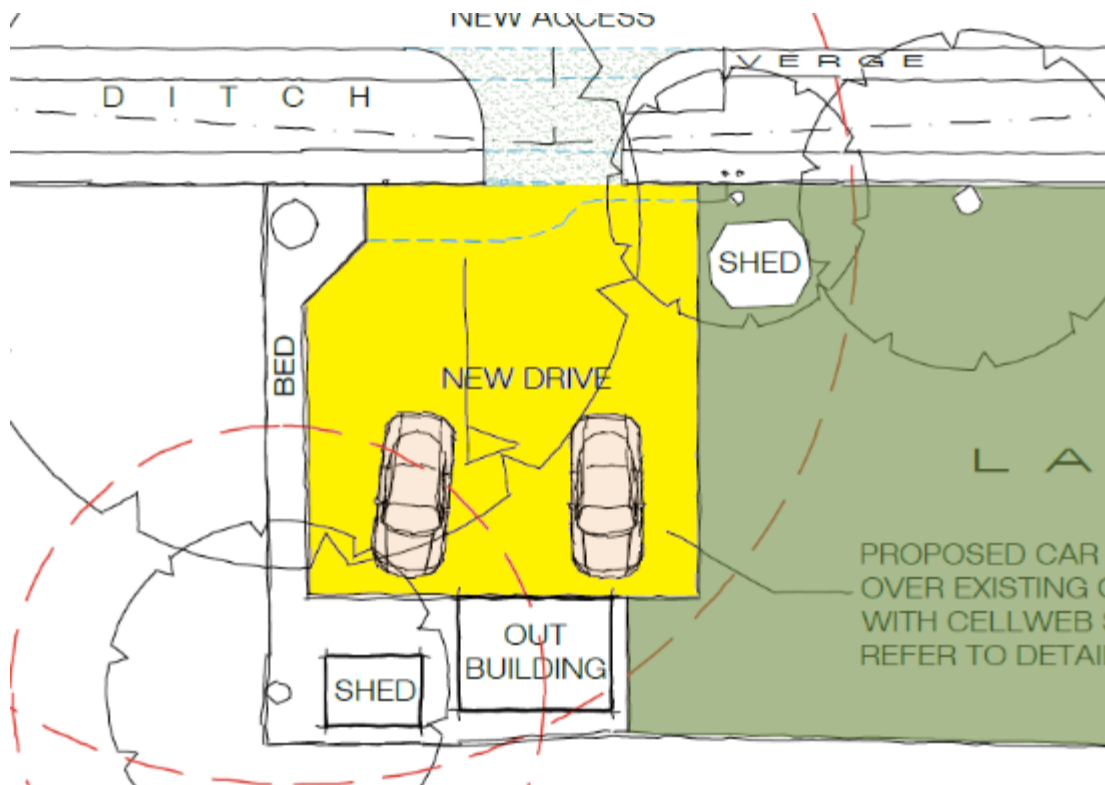
dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed

5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

- 4.3.16 In this regard, the porous cell web as proposed would be permitted development and none of the part of the development shown in yellow below actually requires planning permission as it consists of porous material.



Area of porous cellweb within garden (under Permitted Development)

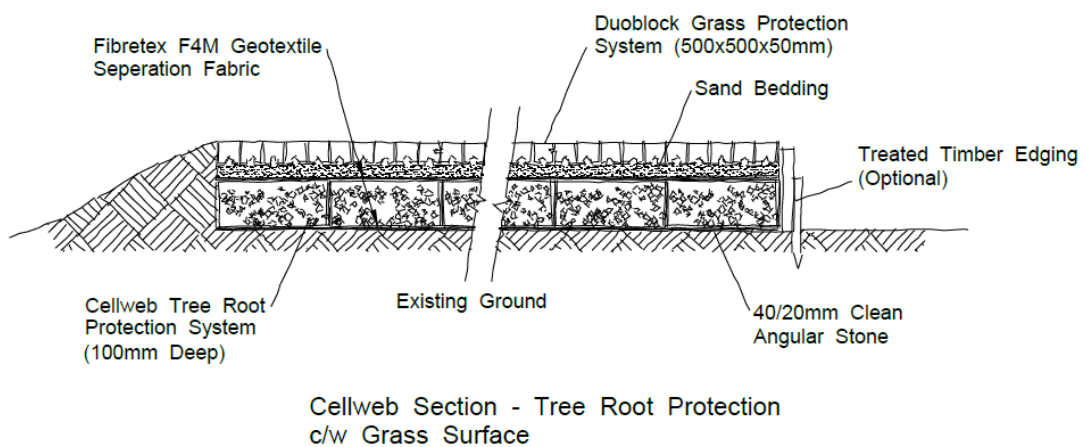


Illustration of porous cellweb section

- 4.3.17 Although this yellow area is shown on the proposed plans, the planning application only seeks a 'new access and associated landscaping' and permission is not required for the driveway area.

- 4.3.18 Therefore, as discussed in detail within the Arboricultural Impact Statement and Method Statement which accompanied the Planning Application the impact on the trees will be minimal.
- 4.3.19 The Greenfix Geoweb within the garden area will sit on top of the existing surface and therefore no excavation will be required.
- 4.3.20 The part of the proposal which requires planning permission requires an amendment to the culvert and a lowering of the raised bank.
- 4.3.21 As described within the Arboricultural Impact Statement and Method Statement there will be a requirement for excavation within the RPAs of T1 & T3. To minimise the impact upon the retained trees, the following methodology should be followed.

All ground excavations will be carried out under the supervision of the ACoW, when within tree RPAs.

Paragraph 7.2.1 of BS5837:2012 recognises that although existing ground levels should be retained within the RPA, limited manual excavation within the RPA might be acceptable, subject to

justification.

The operations should be carried out using hand-held tools where possible and preferably by compressed air soil displacement

Roots exposed by the compressed air excavation may be loosened and relocated / diverted to minimise any requirement for root pruning.

Roots smaller than 25 mm in diameter may be pruned back, making a clean cut with a suitable sharp tool (e.g. bypass secateurs or handsaw), except where they occur in clumps. Roots occurring in clumps or of 25 mm diameter and over should be severed only following consultation with the ACoW.

- 4.3.22 The Arboricultural Impact Assessment confirms that the ditch appears to have been regularly maintained and therefore root growth is likely to have been historically severed on a cycle.
- 4.3.23 Further details can be secured by conditions but it is clear that the proposed development will have no material impact on the trees.
- 4.3.24 In addition, in relation to the Council's claim to harm in relation to veteran and other trees an Arboricultural Appeal Statement accompanies this Statement as **Appendix 1** which provides additional evidence to support the grounds of appeal.
- 4.3.25 This should be read in conjunction with this Appeal Statement and in summary, concludes that:

1. Seed Arboriculture Ltd have been appointed to advise on the project since 2022. Since that time, comprehensive arboricultural advice has been provided to the project team by professionally qualified arboricultural consultants, including two Chartered Arboriculturists.
 2. No evidence has been provided in support of the Landscape Officers contention that T1 (oak) is a veteran tree. The only justification provided has incorrectly relied on an inventory which is not a recognised or statutory record of veteran trees.
 3. It has been demonstrated that T1 does not meet the criteria of a veteran tree in accordance with Annexe 2 of the NPPF (2025).
 4. The main area of hard surfacing can be implemented without requiring planning permission. The access onto the highway and culvert are within areas of the RPA which are occupied by the existing ditch and highway and therefore do not result in any additional impact upon the retained trees. Nevertheless, it has been demonstrated that the proposals are in fact in accordance with BS5837:2012 and policies CC03 and TB21 of the MDD Local Plan.
- 4.3.26 As such, it is the opinion of the Tree Consultant that the reason for refusal is not substantiated by the available evidence and professional opinion. The proposals are in accordance with BS5837:2012 and compliant with the NPPF and Wokingham Borough Development Plan.

5 Summary and Conclusion

5.1 Summary

- 5.1.1 In summary, this statement represents a Grounds of Appeal Statement submitted in support of the planning appeal against the refusal of the householder application by Wokingham Borough Council for the creation of new access and associated landscaping at Wyse Hill Lodge, Finchampstead, RG40 4JR.
- 5.1.2 The purpose of this statement is to identify Development Plan policies that maybe relevant in the assessment of the development proposal; and to consider whether the proposal conflicts with their provisions and, if so, whether there are material considerations that outweigh any conflict with the Development Plan.
- 5.1.3 An assessment of the relevant planning policies in the adopted Development Plans confirms that there is no significant conflict with their provisions and that the statutory test imposed by Section 70(2) of the Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004 is met.
- 5.1.4 The National Planning Policy Framework is a material consideration in the assessment of the development proposal. An assessment of the Framework confirms that the proposed development is consistent with national planning policies and provides further support for the application.
- 5.1.5 The parts of the proposal which lie within the garden do not need planning permission and therefore the small ditch culvert and the access to the highway is the only part of the development which requires consent.
- 5.1.6 Due to the ditch this element is unlikely to have any impact on trees. Nevertheless, a no dig solution will not cause any harm to any root protection zones.
- 5.1.7 The tree cited by the Council does not meet the criteria for a Veteran Tree.
- 5.1.8 There are no other impediments to the granting of planning permission.

5.2 Conclusion

- 5.2.1 In conclusion, the proposed development is considered compliant with the relevant provisions of the development plan. Planning law dictates that this justifies a grant of planning permission. Assessment against the policies contained within the Framework, which is a material consideration, further confirms that the development can be considered to be a form of sustainable development and therefore benefit from the presumption in favour of sustainable development which is a golden thread running through decision-taking.
- 5.2.2 The proposal is therefore promoted on this basis and that it can be supported and receive a grant of planning permission.

Jeremy Butterworth BSc (Hons) MA MRTPI
June 2025

Appendix 1

Arboricultural Appeal Statement



APPEAL STATEMENT

Wyse Hill Lodge, Finchampstead, RG40 4JR

Planning application ref: 250414

ISSUE DATE
03.06.2025

SEED REF
[1453-AS-V1-A]

CLIENT
Mr Pete Abbott

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Overview

The following Appeal Statement has been prepared by Sam Hobson *MICFor (Chartered Arboriculturist), BSc (Hons). MArborA*, Director at SEED Arboriculture Ltd. Sam is a Professional member of the Institute of Chartered Foresters (Chartered Arboriculturist) and a Professional Member of the Arboricultural Association (AA) and is therefore required to uphold the professional and ethical standards within the ICF and AA Codes of Conduct.

This statement has been prepared specifically in relation to the sole reason for refusal of the proposed development (application ref: 25041), which was refused by Wokingham Borough Council on 14th April 2025.

The reason states *“The proposed development would result in an unacceptable incursion into the root protection area and buffer zone of the protected Veteran Oak Tree (T1), which would result in potential for harm to the health of the tree, thereby impacting on the wider landscape character of the area. There is no overriding justification for construction within the root protection area and buffer zone, and the proposal is contrary to BS5837:2012, section 15 of the NPPF, and policies CC03 and TB21 of the MDD Local Plan”*.

Further context relating to this reason for refusal is provided in both the Delegated Officer Report (dated 14th April 2025) and Landscape Comments (dated 10th March 2025), which will be referred to hereafter as ‘Officer Report’ and ‘Landscape Comments’ respectively.

Context

The initial tree assessment was undertaken by Jack Barnard *BSc (Hons) MICFor (Chartered Arboriculturist), MArborA*, in August 2022. Jack is a Professional member of the Institute of Chartered Foresters (Chartered Arboriculturist) and a Professional Member of the Arboricultural Association.

The Proposed Development was supported by an Arboricultural Method Statement (AMS) (ref: 1453-AMS-V1-B) prepared in February 2025 by Sam Selwyn Dip Arb L4 (abc), TechArborA, Arboricultural Consultant at SEED Arboriculture Ltd. Sam is a Technician Member of the Arboricultural Association. The report was overseen by Sam Hobson *MICFor (Chartered Arboriculturist), BSc (Hons). MArborA*, Director at SEED Arboriculture Ltd.

The AMS set out the impact of the proposed development upon the trees and recommended measures for tree protection in accordance with British Standard BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'.

Response to Reason for Refusal

The response to the reason for refusal is set out here. Where pertinent, the comments from the Officers Report and Landscape Comments which support the recommendation for refusal are also referred to and will be presented in italics when quoted.

Veteran classification of T1

The most pertinent matter is considered to be the classification by the Landscape Officer of T1 (pedunculate oak) as a 'veteran' tree. Consequently, triggering a wider set of considerations referred to later in the Landscape Comments. This classification appears to have been assumed, despite the initial tree assessment and subsequent report not classifying the tree as a 'veteran' tree.

This classification requires consideration against NPPF Paragraph 193 (c) which states *"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists"*. Further to this, veteran classification also triggers consideration of separate standing advice published by Natural England and the Forestry Commission, "Ancient woodland, ancient trees and veteran trees: advice for making planning decisions". Both of these are referenced further in the Landscape Comments, on the basis that T1 is considered to be a veteran tree.

It is my opinion that T1 is not a veteran tree for the reasons set out below:

The classification of T1 as a 'veteran' tree is established in the Landscape Response (provided by Bridgitt Crafer, Landscape Architect). Limited evidence to support this classification is provided, other than that copied below:

"The Veteran Oak tree T1 is recorded on the Woodland Trust's 'Ancient Tree Inventory' ref. 65229"

"T1 is not recognised as a Veteran tree in the submitted tree information despite the evidence; it is recorded on the Woodland Trusts Ancient Tree Inventory and exhibits the features of veteranisation."

It should first be noted that the Woodland Trust 'Ancient Tree Inventory' (ATI) is a publicly accessible database that allows members of the public, volunteers, and laypeople to record trees they consider to be ancient, veteran, or notable. **It is not a statutory or professionally recognised record of veteran trees.** Entries in the ATI are often submitted by individuals based on personal judgement which do not align with the relevant criteria for veteran trees set out in the National Planning Policy Framework (NPPF).

The NPPF sets out the definition of Ancient and Veteran trees within Annexe 2, stating: *"A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage"*.

Assessment of veteran trees in this context must consider three factors, age, size *and* condition. An accepted method for assessing Ancient and Veteran trees in this context is set out within RAVEN 2

(Recognition of Ancient, Veteran & Notable Trees – Julian Forbes-Laird), included at **Appendix 1**. The method for assessing ancient and veteran trees against these criteria as set out in RAVEN 2 is supported by recent appeal decisions including:

Mirrlees Fields, Stockport (Reference: APP/C4235/W/23/3325351)

Brislington Meadows, Bristol (Reference: APP/Z0116/W/22/3308537)

The RAVEN 2 methodology and recent cases above confirm the view that in order to be classed as ‘veteran’, all three characteristics (age, size and condition) are required.

An assessment of T1 using the RAVEN 2 methodology is summarised below.

Step 1 – Age

RAVEN 2 suggests minimum of 25% of species maximum age required to be considered “old relative to other trees of the same species” as per the NPPF definition. Although not a definitive measure, for Pedunculate Oak in the UK, this point could be around 250 years old.

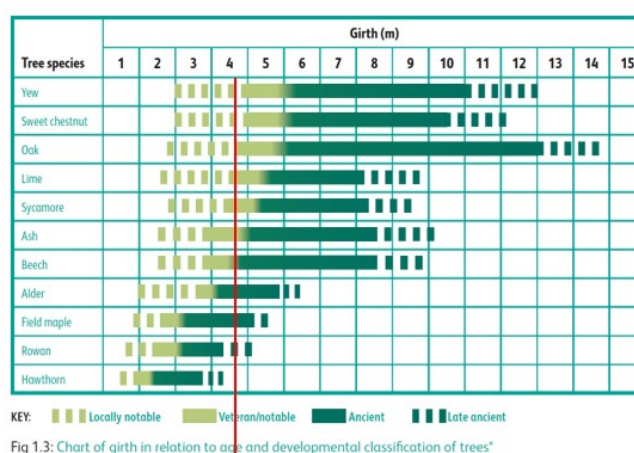
The estimated age of the tree using the White Method to estimate the age of this tree based on a stem diameter of 1180mm (measured during 2022 tree survey) is 193 years. **Therefore, the tree does not meet the age requirement to be considered ‘veteran’.**

Step 2 - Size

RAVEN 2 suggests the tree should have a very large girth for the species, relating the size to Figure 1.3 (Ancient and other veteran trees: further guidance on management – Lonsdale, 2013).

For pedunculate oak, the threshold is considered to be around 4.7m girth, or 1500mm diameter. Please see Figure 1 which illustrates this point.

With a stem diameter of 1180mm (3.7m girth), the tree does not meet the size requirement to be considered ‘veteran’.



4.7m / 152cm (diameter) Oak (Vet)

Figure 1 - Line illustrates point on chart for 'veteran' oak.

Step 3 - Condition

It is generally accepted that in order to meet the condition criteria and demonstrate ‘*exceptional biodiversity value*’ a veteran tree should display several key characteristics including extensive decay, hollowing, crown senescence and/or retrenchment, referred to as ‘primary’ features within RAVEN 2. Further ‘secondary’ features are listed within the RAVEN 2 methodology, which suggests that in the absence of any primary features, up to six secondary features should be present to qualify as veteran under this criterion.

As the tree assessment sets out within the AMS, the tree does not display any of the primary features and only one secondary feature (deadwood present within the canopy).

Therefore, the tree does not meet the condition requirement to be considered ‘veteran’.

For the reasons set out above it is my opinion that T1 **is not** a veteran tree and the reason for refusal on this basis is not sustainable

Further reasoning within the Landscape Comments in relation to veteran tree standing advice and clauses within BS5837:2012 which are specific to veteran trees should be disregarded on this basis.

Accordance with BS5837:2012 and Local Plan Policies

The reason for refusal states that the proposal is contrary to the relevant British Standard, BS5837:2012 and policies CC03 and TB21 of the MDD Local Plan.

Further details set out within the Landscape Comments appear to provide the basis for this contention and these are addressed below:

“The Tree Protection Plan includes the percentage incursion into the root protection areas of trees affected by development – but it does not include any existing incursion. BS5837:2012 paragraph 5.3.2 states;

5.3.2 The cumulative effects of incursions into the RPA, e.g. from excavation for utility apparatus, are damaging and should be avoided. Where there is evidence that a tree has been previously subjected to damage by construction activity, this should be taken into account when considering the acceptability of further activity within the RPA

It is clear from the Tree Survey Plan that the root protection areas for T1, T3, T4 is shown as a circle into the road – this is incorrect, as the rooting area of the trees stops at the northern side of the ditch. The RPA is likely to spread out asymmetrically in undeveloped areas to the south of the ditch within the garden.”

Paragraph 5.3.2 is not considered relevant to this situation, as no evidence of previous construction activity was noted at the time of the assessment. Although there is a ditch present to the north of the trees, this is long established and it is common for the roots of established trees to extend beneath a shallow ditch, therefore this is not considered to present a barrier to root growth to such a degree that the Root Protection Areas (RPAs) should be adjusted.

Lateral roots which extend from the side of the ditch are likely to be routinely cut when the ditch is maintained. This will minimise the likelihood of any disturbance occurring from the requirement to culvert the ditch to provide access off the road.

Further comments go on to state:

"I note that the Arboricultural Impact Assessment and Method Statement para. 5.1.10 includes a preliminary method statement for the installation of Greenfix Geoweb tree root protection system over the root protection area of the trees, and at paragraph 5.1.14 a method for installing the culvert and lowering the raised bank which will take place within the RPA of trees T1, T3 and a small area of T6. BS 5837:2012 Paragraph 5.3 Proximity of structures to trees states;

5.3.1 The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained. However, where there is an overriding justification for construction within the RPA, technical solutions might be available that prevent damage to the tree(s) (see Clause 7).

Although the applicants have recommended the use of no-dig construction within the root protection area, BS:5837, subclause 7.4 'Permanent Hardsurfacing within the RPA' states the following: "This subclause does not apply to veteran trees, where it is recommended that no construction, including the installation of new hard surfacing, occurs within the RPA."

As previously stated, T1 is not considered to be veteran, so the statement above regarding the subclause not being applicable should be disregarded.

The RPA incursions resulting from the proposed development are within the tolerance limits as detailed within Section 7.4.2 of BS5837:2012 which states that new permanent hard surfacing should not exceed 20% of any existing unsurfaced ground within the RPA.

Under Class F, Part 1, Schedule 2 of the GPDO 2015 (as amended), the main area of proposed hard surfacing within the site would be permitted development and can be constructed without requiring planning permission.

The use of a cellular confinement system such as the recommended Greenfix Geoweb is a widely accepted method for constructing new surfacing within the RPA of trees and minimising ground compaction, while allowing for water penetration and gas exchange to the soil. Its use in this instance is in accordance with BS5837:2012 and other industry standards (Including Arboricultural Association Guidance Note 12 – The Use of Cellular Confinement Systems Near Trees: A Guide To Good Practice).

The elements of the proposal which require planning permission include the access onto the highway and ditch culvert. Both of these are within areas of the RPAs which are occupied by existing surfacing and the ditch which will be limiting root growth in the areas affected by the proposals. Therefore, it is my professional opinion that the proposal will not result in any additional impact upon the retained trees, if undertaken in accordance with the measures set out within the AMS.

For the reasons set out above, the contention that the proposals are contrary to the relevant British Standard, BS5837:2012 and policies CC03 and TB21 of the MDD Local Plan is not considered a sustainable reason for refusal.

Summary

The key points with respect to this appeal statement are summarised below:

1. Seed Arboriculture Ltd have been appointed to advise on the project since 2022. Since that time, comprehensive arboricultural advice has been provided to the project team by professionally qualified arboricultural consultants, including two Chartered Arboriculturists.
2. No evidence has been provided in support of the Landscape Officers contention that T1 (oak) is a veteran tree. The only justification provided has incorrectly relied on an inventory which is not a recognised or statutory record of veteran trees.
3. It has been demonstrated that T1 does not meet the criteria of a veteran tree in accordance with Annex 2 of the NPPF (2025).
4. The main area of hard surfacing can be implemented without requiring planning permission. The access onto the highway and culvert are within areas of the RPA which are occupied by the existing ditch and highway, and therefore do not result in any additional impact upon the retained trees. Nevertheless, it has been demonstrated that the proposals are in fact in accordance with BS5837:2012 and policies CC03 and TB21 of the MDD Local Plan.

As such, it is my opinion that the reason for refusal is not substantiated by the available evidence and professional opinion. The proposals are in accordance with BS5837:2012 and compliant with the NPPF and Wokingham Borough Development Plan.

Kind Regards,



SAM HOBSON *BSc (Hons), MICFor (Chartered Arboriculturist), MArborA*

Director – SEED Arboriculture Ltd

APPENDIX 1 – RAVEN 2 Methodology



Recognition of Ancient, Veteran & Notable Trees –

R A V E N 2

Step One - Age Assessment

Tree should be old relative to others of the same species

Compute age using White Method (use proxy species if necessary): min. 25% of species age required

Step Two - Size Assessment

Tree has very large girth for species*

Refer to *Ancient and other veteran trees: further guidance on management* (Lonsdale, ATF 2013) at Fig. 1.3: *Chart of girth in relation to age and developmental classification of trees*

*e.g. 4.7m for pedunculate oak (1500mm stem dia.)

Step Three - Condition Assessment: Primary Features

At least two of the following should be present (or refer to Step Four)

- ☐ Extensive decay (especially brown rot or exposed stem heartwood in relevant species), 400cm²
- ☐ Extensive hollowing
- ☐ Senescence
- ☐ Retrenchment

Step Four - Condition Assessment: Secondary Features

If no primary features are present, tree requires six secondary features to qualify

If only one primary feature is present, tree requires three secondary features to qualify

- ☐ Large quantity of dead wood in crown, 150mm dia.+
- ☐ Major storm damage, e.g. breakout wounds, broken spars 30cm dia.+
- ☐ Habitat spaces: decay holes and/ or crevices/ branch splits sheltered from direct rainfall
- ☐ Aerial rooting
- ☐ Sap run/ slime flux
- ☐ Water pool
- ☐ Bark loss (exceeding 400cm²) inc. due to lightning strike
- ☐ Fungi (especially notable or protected species)
- ☐ Other epiphytic plants, including ferns & significant presence of lichens or mosses

Step Five - Recognition Guide



ANCIENT

Veteran tree with extremely large girth: age likely > 50% of estimated species maximum
E.g. pedunculate oak, 2m stem dia, average site: ca. 460 years old, ca. 50% of species max



VETERAN

Relatively old & very large for species and qualifies under either Step Three or Step Four



NOTABLE

Trees approaching veteran status under Steps One or Two



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