

App Reference: 253113

Date: 18 March 2026

Dear Sir/Madam,

Re: Clear View Cottage, Whistley Green, Hurst, Wokingham, RG10 0DU

I am writing to you on behalf of the applicant with regard to the application reference 253113 at Clear View Cottage, Whistley Green, Hurst, RG10 0DU, currently being considered by Wokingham Borough Council. The application seeks planning permission for:

Full application for the proposed erection of 1 no. detached dwelling following demolition of the existing dwelling, plus erection of a detached car port with first floor storage, a front wall and gate, associated landscaping and installation of PV panels on an existing outbuilding.

The purpose of this letter is to provide further commentary and answer queries requested by the Planning Case Officer as per their email dated 10 March 2026, specifically in relation to the process of considering whether a property should be deemed a non-designated heritage asset ('NDHA').

National Planning Policy Guidance ('PPG') sets out the following on the matter (Paragraph: 040 Reference ID: 18a-040-20190723):

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information

on the criteria used to select non-designated heritage assets and information about the location of existing assets.

The applicant has not had any sight of the criteria to select NDHAs, nor has the property been included in information about existing assets (noting the evidence base to support the emerging plan does not mark the site as an existing asset). The PPG guidance as worded also strongly suggests that any criteria used has to be consistent across the Borough.

The PPG sets out that properties can be considered an NDHA under a decision-making process on planning applications “in some cases”, and provides an example of such a situation being following archaeological investigations. Whilst not a closed list, the PPG nonetheless establishes that there must be a specific and strong reasoning for doing so, especially in terms of why the property was not already considered an NDHA prior to the application (Paragraph: 040 Reference ID: 18a-040-20190723). This has not been presented to the applicant.

The PPG also states that “*irrespective of how [NDHAs] are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence*” (Paragraph: 040 Reference ID: 18a-040-20190723).

Again it is questioned as to what sound evidence, utilising criteria that is required to be explicitly recorded and consistent, has been assessed to come to a conclusion that the property is an NDHA. In the absence of this, the Council has not accorded with the PPG, which has no legal distinction from the NPPF, as per the judgement of *Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government* [2025] EWCA Civ 32.

In other words, failure to accord with the PPG is unreasonable behaviour subject to an award of appeal costs, as the application would not have been assessed in a correct manner.

Turning to the question of what criteria can/should be used to assess whether a property should be an NDHA, Historic England have published Advice Note 7 (Second Edition) titled *Local Heritage Listing: Identifying and conserving Local Heritage* (2021). Whilst the document title may refer to local listings, within its contents there is explicit guidance on NHDAs as well.

Paragraph 19 onwards of said document identifies that NDHAs can be identified in a number of ways – which includes both local heritage lists (thereby highlighting crossover of information) and decision-making on applications (to which the PPG guidance above applies).

Paragraph 27 of the document goes on to state that any decisions to identify an NDHA in a planning application submission must be “made in a way that is consistent with the identification of non-designated assets for inclusion in a local heritage list, properly recorded, and made publicly available” [emphasis added].

Attention therefore turns to the criteria relevant to local heritage lists, given that above, the same applies for NDHAs in this situation. Paragraph 35 onwards of the Historic England document sets out the relevant criteria, as referenced in my previous letter.

Furthermore, paragraph 58 of the Historic England document, with explicit reference to NDHAs, sets out that to ensure protection can be given to any property considered to be an NDHA in the long-term, it needs to be subject to a publicised list, again with reference to the set criteria used.

Therefore, to summarise, the consideration of whether a property is to be an NDHA has its own process and criteria which are required to be demonstrated and applied in order to be able to be relied upon as a material planning consideration. Failure to do so contravenes the PPG and is therefore unreasonable behaviour subject to an award of appeal costs. Whilst NDHAs can be first identified within the decision-making process of a planning application, again they are required to be done so against consistent criteria, which the PPG goes on to advise should include a justification of why it is first being identified in said application and not other methods.

I trust the above is clear however if you require any further information regarding the above or this application in general please do not hesitate to contact me.

Yours Faithfully,

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