

Appeal Statement

Appeal by Shorewood Homes against refusal of Permission in Principle application (Wokingham Borough Council Reference: 260353) for the proposed erection of a maximum of 7no. dwellings (or a minimum of 5no. dwellings), including formation of an access from Broadwater Lane.

June 2026

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SHOREWOOD HOMES. 8A UPPER HIGH STREET, WINCHESTER, HAMPSHIRE, SO23 8UT

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1. Executive Summary

Overview

1.1 This appeal relates to an application for Permission in Principle (PIP) (Ref. 260353) for a minimum of 5 and a maximum of 7 dwellings on land north of Broadwater Lane, Hurst (the 'Appeal Site'). The Appellant is Mr Stuart Garnett of Shorewood Homes Ltd. The Council refused the PIP application for three reasons relating to:

- (1) development outside settlement limits;
- (2) alleged harm to the Area of Special Character ('AOSC'); and
- (3) alleged harm to the setting of designated heritage assets.

1.2 The Appeal Site is immediately adjacent the defined village settlement boundary of Hurst (a 'Limited Development Location', see Core Strategy policy CP9). The Council accepts the Appeal Site is a suitably sustainable location for residential development (Officer Report (OR) pg12, pg14 & pg25).

1.3 The Council accepts they have a severe housing land supply shortfall, with only 2.5 years supply in their published 'Five-Year Housing Land Supply Statement at 31 March 2025' (August 2025), such that the policies most important for determining the application are out-of-date and the tilted balance is engaged. When the Appellant entered an Option Agreement for the land with the landowner in October 2023, the site was identified as a potential Site Allocation by the Council since their draft Local Plan was first published in February 2020.

Response to the Previous Appeal Decision

1.4 The Appellant carefully reviewed the Inspector's Decision Letter (DL) dated 17 October 2025 and positively responded to the concerns made.

1.5 The PIP proposal differed materially from the dismissed scheme through:

- a reduction from 9 dwellings to between 5 and 7 dwellings;
- a substantial reduction in floorspace;
- a reduction in the extent of development along the Broadwater Lane frontage;

- significantly increased separation distances to listed buildings;
- significantly increased building set-backs from Broadwater Lane;
- substantially enhanced opportunities for landscape planting and visual screening;
- the removal of impacts to veteran trees T14 and T16; and
- a reduction in the number of access points onto Broadwater Lane from three to only one.

1.6 These changes directly addressed the matters identified by the previous Inspector and materially reduced any potential effects arising from the development.

Designated Heritage Assets (listed buildings)

1.7 The Council has placed decisive weight on alleged heritage harm but this is at odds with the professional evidence before the appeal from two heritage experts, including:

- Asset Heritage Consulting (AHC) who produced a Heritage Statement (February 2024) in support of the original planning application submission for 9 homes. AHC also produced a Heritage Appeal Statement (March 2025) and appeared at the Appeal Hearing. AHC then produced a Heritage Statement (January 2026) in support of the PIP application, the subject of this appeal.
- Forum Heritage Services (FHS) were requested to provide a second opinion to the heritage issues. FHS reviewed the previous evidence from the original application and appeal, the PIP application and produced an accompanying (Heritage) Appeal Statement (June 2026).

1.8 The Council's position in this appeal is totally inconsistent with the conclusions their own planning officer and heritage officer made to the previous application/appeal and consequently they have overstated the contribution of the appeal proposals to the significance of the four grade II listed buildings. The Council has repeated the conclusions of the previous Inspector without properly accounting for the material changes made to the new, significantly reduced scheme. The Council's refusal treats a proposal for five to seven dwellings, with houses set substantially further back from Broadwater Lane, with a single access point instead of three, and enhanced boundary planting as if it were identical to the dismissed nine dwelling scheme. This is not a legitimate exercise of planning judgement. Hence, the Appellant

deemed it important to obtain a second heritage opinion, and instructed FHS for them to determine the merits of lodging an appeal and to provide a new perspective.

1.9 Whilst the Council alleges a high level of less than substantial harm to three listed buildings, both AHC and FHS heritage consultants conclude that:

- There would be **no harm** to **Elder Cottage and Wards Cross House**.
 - **Elder Cottage** does not face the site at all. Its outlook is towards the curtilage of **Wards Cross House** with only angled glimpsed upper-floor views towards the field; and
 - The Inspector found no harm whatsoever to **Wards Cross House**, yet the Council now finds harm at the upper end of less than substantial, a dramatic escalation, based on an illustrative plan which by its very nature can be adjusted before any detailed consent is sought.
- Any effect on **Bower Cottage and Parkers Cottage** would be at the very lowest or lower end of the less than substantial harm spectrum.
 - These cottages have front boundaries (walls, hedges and fencing) – substantial in the case of Bower Cottage. Also Parkers Cottage has been subject to significant previous extensions and alterations. This reduces the ability to experience these buildings from the Appeal Site.
- The ability to understand, appreciate and experience the significance of the listed buildings would remain unchanged.
 - The original historic setting was unlikely to have been an open field visible from the road, but a hedged agricultural enclosure, meaning the present open aspect is a modern condition resulting from unauthorised boundary clearance by trespassers, and not a preserved historic view deserving strong protection.

1.10 The Council's assessment fails to properly acknowledge the substantial reductions in scale, frontage development, activity, building prominence and visual relationship with the heritage assets when compared to the previous appeal scheme. The significance of all four listed buildings lies primarily in their physical fabric (i.e. their timber framing, internal plan forms,

fireplaces, and historic construction), none of which is touched by this proposal. The most important elements of their settings, namely their relationship to Broadwater Lane and their legibility as a small historic group of cottages, remain entirely intact.

Non-Designated Heritage Assets (the Area of Special Character)

- 1.11 The Council's conclusions regarding the AOSC similarly overstate the likely effects of development.
- 1.12 The previous Inspector's unambiguous concerns regarding the AOSC arose from potential impacts upon veteran trees T14 and T16, which were considered important contributors to the significance of the AOSC. Those trees are unaffected by the current proposal and the Council accepts that position.
- 1.13 The Council has decided to introduce new concerns about character and layout which had no support in the Inspector's previous findings. The proposed development continues to reflect the established linear form of development along Broadwater Lane and Hogmoor Lane and would not result in harm to the significance of the AOSC.

Planning Balance and Public Benefits

- 1.14 The previous Inspector identified a range of significant, moderate and limited public benefits arising from residential development of the site. Those benefits remain applicable to this appeal and the same weight should be accorded.
- 1.15 The proposal would:
- deliver up to 7 new homes in a sustainable village location;
 - contribute towards addressing Wokingham Borough's severe housing land supply shortfall;
 - generate economic activity during construction and occupation;
 - support a local SME housebuilder who rely on small sites such as this to deliver new homes and build them out quickly;

- via the subsequent Technical Details Consent (TDC) stage would deliver an affordable housing contribution, and significant biodiversity net gain on nearby land; and
 - provide sustainability measures and associated infrastructure contributions.
- 1.16 Although the number of dwellings has reduced, the nature of the benefits remains materially the same as those identified by the previous Inspector. The Council has sought to minimise the weight afforded to those benefits without adequate justification.

Conclusions

- 1.17 The appeal proposal represents an appreciably revised and reduced form of development which has directly responded to the findings of the previous appeal decision.
- 1.18 The previous concerns regarding veteran trees have been fully addressed. The Council has overstated the extent of heritage and AOSC impacts and has failed to properly recognise the material changes incorporated into the revised scheme.
- 1.19 At most, the proposal would give rise to a very low level of less than substantial harm to the setting of two listed buildings, with no harm to any other designated or non-designated heritage asset. Such impacts attract limited weight and are substantially outweighed by the significant social, economic and housing benefits of the proposal, which are materially similar to those identified by Inspector Burnham in the previous appeal.
- 1.20 In the context of the Borough's severe housing land supply shortfall, there are no clear reasons to disapply the presumption in favour of sustainable development. The appeal should therefore be allowed.

2. Reasons for Refusal

2.1 The PIP application was refused with three reasons for refusal. This section summarises the justification from the delegated Officer Report (OR) to the three reasons followed by the Appellant's response. Sections 3, 4 and 5 of this statement respond in further detail.

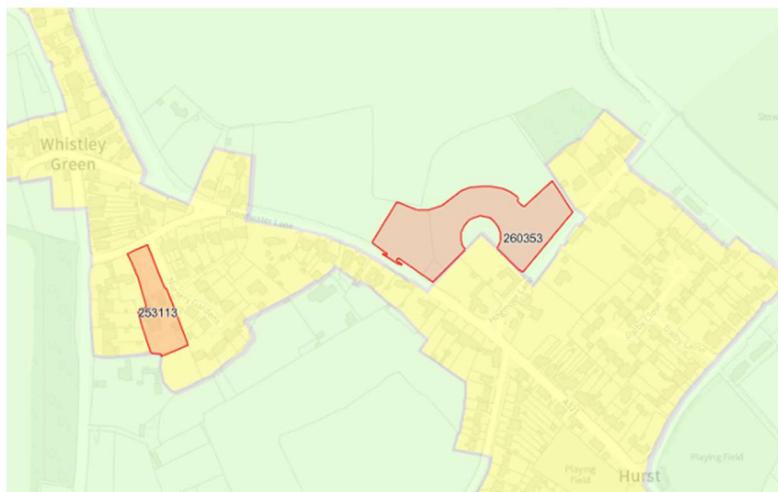
Reason for Refusal 1

'The proposal, by virtue of its location, represents unacceptable unplanned development outside of development limits within the designated countryside which is contrary to the spatial objectives of the development plan. This is contrary to policies CP1, CP9 and CP11 of the Core Strategy along with the NPPF.'

Officer Report justification

- **Pg10** (of the OR): Hurst is a Limited Development Location (Policy CP9), is 'adjacent / partially bordering' the village settlement boundary (see Figure 1) and is entirely in countryside. Policy CP11 sets out criteria for development in the countryside and these proposals don't meet these exceptions.

Figure 1. Extract from Officer Report showing site location to village settlement boundary



- **Pg13:** Notes the borough has only 2.5 yrs housing land supply. This shortfall means policies are out of date per NPPF para 11(d).
- **Pg14:** agrees *'the site is considered a location that is adequately sustainable for up to 7 households and the loss of the existing land use is a policy conflict, albeit mitigated due to the*

relatively small size of the site’. Officers agreed tilted balance is engaged per NPPF para 11(d)(ii).

- **Pg25:** accepts 7 dwellings is ‘*in a suitably sustainable location*’ contributing towards the housing stock.

Appellant Response

2.2 It is accepted that the site is in the countryside but is immediately adjacent the village settlement boundary. This issue was relevant in the previous appeal, Decision Letter (DL) (**Appendix 1**) para 46 accepted there is conflict with the development strategy and policy CP9 (and CC02 of the MDLP), and not a type of development supported outside of development limits (CP11). But the Council could not articulate the harm from these policy conflicts and the Inspector afforded limited weight to the conflict with these policies.

2.3 The serious 5-year housing land supply (5YHLS) shortfall means the tilted balance is engaged and permission will contribute towards addressing this shortfall and there are no strong reasons for refusal as set out in this statement.

Reason for Refusal 2

‘The proposal, by virtue of its location and amount of development, would fail to suitably assimilate into the established landscape and character of the surrounding area, and would fail to retain and enhance the traditional, historical, local and special character of the Village Centre (Hurst) Area of Special Character. This is contrary to policies CP1 and CP3 of the Core Strategy and policies TB21 and TB26 of the MDD, along with the Wokingham Council Borough Design Guide SPD (2012), Landscape Character Area Assessment (2019) and NPPF.’

Officer Report justification

- **Pg22:** accepts the harm to trees (T14 & T16) was the only issue the previous Inspector had on Area of Special Character (AOSC) grounds.
- **Pg23:** Officers now introduce the allegation that the internal road would result in Hogmoor Lane homes being within their own estate, an out of keeping, urban arrangement, citing a stark, overly urban contrast, and significant activity from regular vehicle movements resulting in harm to landscape/character of the area and extended to the setting of the AOSC. Officers attributed moderate to high harm to the Non-Designated Heritage Asset (NDHA).

- **Pg25:** a notable feature of the AOSC is its linear layout. The amount of development and shape of site would be at odds with this.

Appellant Response

- 2.4 The AOSC was addressed in the previous appeal (**DL para's 32-34**). **DL para 33** noted boundary planting including trees T14 and T16 makes a positive contribution to the significance of the AOSC as a backdrop framing buildings within it.
- 2.5 **DL para 34** concluded moderate harm to the significance of the AOSC and conflict with Policy TB26 given the risk of deterioration to T14/T16 and importance of those trees.
- 2.6 But T14/T16 are not affected in this appeal. Accordingly these proposals cause no harm to the significance of the AOSC (see AHC report para 5.2.21).
- 2.7 The Council has overstated harm by suggesting buildings on Hogmoor Lane would be out of keeping, creating their own estate. They front onto Hogmoor Lane and would be in a linear fashion similar to existing homes on this road. There is no sensible basis for the Council to suggest development would not be reflective of the linear pattern of development.
- 2.8 The internal access road linking Broadwater Lane with Hogmoor Lane would not be readily perceptible from public viewpoints other than a glimpsed transient view from the proposed access point from Broadwater Lane. Otherwise, the impact is only apparent from a 'birds eye view'. No such issues were alleged by the Council with internal roads from the previous application/appeal.
- 2.9 Harm to the AOSC suggested by the Council is exaggerated when the only matter of relevance in the previous appeal related to trees T14/T16 and this impact is no longer applicable. This should not have formed a Reason for Refusal.

Reason for Refusal 3

'The proposal, by virtue of its location, would fail to conserve or enhance the setting of four designated heritage assets in the form of Grade II Listed Buildings (Bower Cottage, Parkers Cottage, Elder Cottage and Wards Cross House). This is contrary to policy TB24 of the MDD and the NPPF.'

Officer Report Justification

- **Pg20:** The direct relationship between listed buildings and the site was the reason for the high level of identified harm in previous appeal. The report concludes this has not changed despite set further back and behind planting.
- **Pg21:** concluded that the relationship with Elder Cottage remains unchanged albeit not fully opposite heritage asset. The Council considers the set back and planting do not overcome the harm. They maintain the same level of harm saying the conclusions made by the Inspector are still relevant and mitigations to lessen harm are not considered suitable.
- **Pg21:** notes the scheme is closer to Ward Cross House boundary and extends around to Hogmoor Lane, meaning this will have an adverse impact to setting to a higher degree than the previous scheme.
- **Pg24:** the summary of harm dismisses the set back with landscaping as not overcoming the Inspectors concerns. In their assessment, the Council's weighting of benefits is seriously downplayed by officers and at odds with the previous Inspector's conclusions, e.g.:
 - **Pg25:** concludes '*relatively modest and limited public benefits*' that do not outweigh harm; and
 - **Pg28:** '*several material benefits*' are identified, being new housing (substantial); and associated economic benefits from the new population and during construction as short term benefits but not quantified; and fewer homes means the benefit is proportionately less.

Appellant Response

- 2.10 Impacts on Designated Heritage Assets was **not** a matter of disagreement between the Council and the appellant in the previous application and appeal. Whilst the Inspector reached a different view as he was entitled to do so, this does not justify the contradictory professional views of the Council's heritage officer from their own original conclusions.
- 2.11 The impact of development on Listed buildings (LBs) was discussed in the previous appeal (see **DL para's 20-31**).
- **DL para 24** accepts the site is separated from LBs by the road and there is no evidence of associative links and the setting of listed buildings have had some erosion from more modern infill.

- **DL para 25** notes LBs are experienced and perceived in a largely quiet, open and rural environment and likely have always been set against that backdrop and reference to HE guidance (**DL para 26**).
- **DL para 27** stated the positive contribution of the setting was significantly undermined through increased noise and activity and the physical presence of 9 well sized houses, and even if some dwellings were set back from the road and if a scheme of landscaping implemented. In response, a reduction from 9 to 3 homes would significantly reduce noise, activity and physical presence. Also once combined with the greater set back and scheme of landscaping.
- **DL para 29** cited a higher end of LTS harm to Bower Cottage & Parkers Cottage as they are fully opposite the site, have a close relationship with the site and because of the forward positioning of plots 6 & 7. A lower end of LTS harm to Elder Cottage was cited, as it is positioned slightly further along and not fully fronting site. As a matter of fact, the omission of plots 6 & 7, along with the increased set back and reduction in the number of homes, combined reduces any ‘close relationship’ with **Bower Cottage & Parkers Cottage**.
- No harm to **Wards Cross House** was stated in the previous appeal. The Council’s introduction of impact to that listed building to the PIP application, when they never alleged any harm to it from the previous application and appeal is neither appropriate nor consistent in decision-making.

2.12 Section 3 assesses the impacts on designated heritage assets in detail.

2.13 Benefits identified by the previous Inspector are equally applicable in this appeal – see Section 6. However, the Council has chosen to suggest different levels of weighting for the benefits. This is unreasonable and further evidence of inconsistent decision-making by the Council.

3. Assessment – Reason for Refusal 3

- 3.1 In decision-making for the PIP application, the Local Planning Authority (LPA) accorded the consultation response from their Heritage Officer full weight. They are entitled to do this, however, they appear to have accorded no weight to the alternative professional opinion made by the appellant's heritage consultant, AHC. Furthermore, the LPA does not even question why their Heritage Officer has now abandoned their previously held professional assessment of heritage assets.
- 3.2 This is relevant because the Appellant and the Councils' Heritage Officer had agreed with one another in the previous application and appeal that there was no harm to designated heritage assets and now there is an entirely divergent view. The appellant in reviewing the Inspector's reasoning in the dismissed appeal had re-engaged AHC (and other specialists) to positively respond and prepare an alternative proposal that it considered should be acceptable to the Council. The Council has sought instead to rigidly maintain the previous Inspector's conclusions despite the material changes that have clearly been made as a response. There is no rational basis in planning terms for the Council to suggest the level of harm in the PIP application remains the same as the previously dismissed appeal. The LPA has overstated heritage harms to disapply the tilted balance and frustrate sustainable development.
- 3.3 In response, the Appellant instructed a further heritage consultant, FHS, to provide a fresh assessment of the proposals in respect of the designated heritage assets (listed buildings). FHS concluded the same level of harm as AHC did in respect of the 4 listed buildings cited in the decision notice and the respective assessments and conclusions of FHS and AHC must be read in full.
- 3.4 To assist the Inspector, **Table 2** sets out the Designated Heritage Assets and the Non-Designated Heritage Assets (NDHA). The other columns list the Council's Heritage Officers assessment of harm to the PIP application, followed by AHC's assessment provided with the PIP application, and FHS's assessment provided with the PIP appeal. (NB. for clarification 'Low LTS' refers to the lower end of the spectrum in respect of Less than Substantial (LTS) harm, and 'High LTS' refers to the higher end of the spectrum in respect of LTS harm).

Table 2. Designated Heritage Assets and Non Designated Heritage Assets

	WBC (PIP)	Asset Heritage (PIP)	Forum Heritage (Appeal)
Buttercups	No Harm	No Harm	N/A (as there is no harm)
Bower Cottage	High LTS	Low LTS	Low LTS
Parkers Cottage	High LTS	Low LTS	Low LTS
Elder Cottage	Low LTS	No Harm	No Harm
Wards Cross	High LTS	No Harm	No Harm
Old Posting House	No Harm	No Harm	N/A (as there is no harm)
Munfins (NDHA)	No Harm	No Harm	<i>Opinion not requested</i>
Area of Special Character (NDHA)	Moderate to High	No Harm	<i>Opinion not requested</i>

3.5 Referring back to the previous appeal, appeal **DL para 29** cited:

- Higher end of LTS harm for **Bower Cottage & Parkers Cottage** as they are fully opposite the appeal site and have a close relationship with the site and because of the forward positioning of plots 6 & 7.
- Lower end of LTS harm for **Buttercups** as development was set further back at this end of the site and this would also be the case for **Elder Cottage** given its positioning slightly further along on Broadwater Lane not fully fronting the site.

3.6 The Council **agreed** with the Appellant in the Statement of Common Ground (para 8.15) in the previous appeal (Appendix 2) there was **no harm to designated heritage assets**. They now claim a higher level of LTS harm to 3 buildings, but that was never their position before.

3.7 Furthermore, the OR to the previous outline application (3rd para, pg36 **Appendix 3**, Ref. 240583) concluded:

“...in terms of the designated heritage assets that sit closest to the site, notwithstanding the objections received, the direct setting of these listed buildings would not be significantly or detrimentally affected by either the proposed new vehicular access to the site or the proposed housing development within it. The submitted Heritage statement prepared by Asset is agreeable in this respect.” (underline my emphasis)

3.8 The Council’s conclusion to the PIP application contradicts their own previously stated professional opinion. This does not helpfully assist an applicant who would reasonably expect a Council reassesses any resubmission having regard to amendments directly responding to the previous appeal Inspector’s conclusions.

3.9 On any fair reading, the PIP application clearly demonstrates **significant material changes** have been made to the proposals in direct response to the reasons expressed in the dismissed appeal and would be formalised in the subsequent Technical Details Consent (TDC) as stage 2. Some of those changes comparing the PIP application with the previous appeal proposals are summarised in Table 3, with the extent of the changes highlighted in the final column.

Table 3. Changes made in PIP application compared to previous appeal

Matter	Previous Appeal	Revised PIP Application	Comment
Amount of Development	9 (maximum)	5 (minimum), 7 (maximum)	22-44% reduction
Floorspace	1,804.72sqm (indicative schedule)	PiP maximum 1,000sqm	44% reduction as a minimum
Reduced land area on Broadwater Lane	Full width of frontage	Only approx. 1/3 rd of frontage	c.2/3rd reduction
Homes along Broadwater Lane	9	3 (only 2 in F06)	67% reduction (commensurate noise/activity reduction)
Accesses onto Broadwater Lane	3	1	67% reduction

Separation distances from Listed Buildings (in metres)			
Bower Cottage to Plot 1	27m	47m	74% increase (+20m)
Parkers Cottage to Plots 2 & 3	19m	40m	110% increase (+21m)
Elder Cottage to Plots 2 & 3	38m	48m	26% increase (+10m)
Wards Cross House to nearest house	61m	47m	23% decrease. Same separation as Elder Cottage (WBC say lower end LTS harm)
Set back from Broadwater Lane	9m	30m	233% increase. Note: TDC can maintain set back. Omitted 2 roadside homes
Depth of frontage landscaping	9m	21m	133% increase. Existing verge retained & add natural/ informal landscaped area
Impact on trees / veteran trees	T14/T16	None	Removed. Agreed by WBC.

3.10 **Alternative layout option drawings** have been produced and are submitted with this appeal (**Appendix 4**). The purpose for this is to show that the illustrative site plan submitted with the PIP application is one potential layout only, showing how the maximum of 7 homes could be achieved. Noting there are many alternative ways of achieving an appropriate development having regard to site constraints:

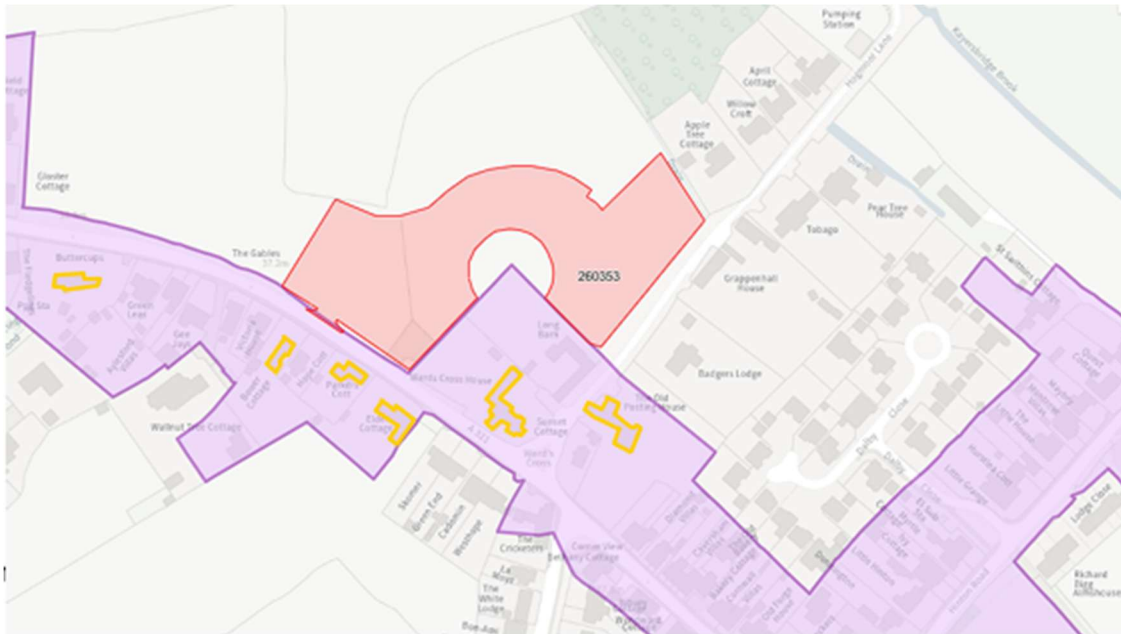
- **Drawing 8543 F05** shows **5 houses** (3 along Broadwater Lane and 2 on Hogmoor Lane)
- **Drawing 8543 F06** shows **6 houses** (2 along Broadwater Lane and 4 on Hogmoor Lane)
- **Drawing 8543 F07** shows **7 houses** (3 along Broadwater Lane and 4 on Hogmoor Lane)

- 3.11 Drawings F05, F06 and F07 all show how development can maintain separation from **Wards Cross House**, if the Inspector deems that relevant, as per the previous appeal where the Inspector concluded no harm.
- 3.12 The previous appeal's illustrative site plan showed the nearest houses (plots 6 & 7) to be 19 & 27m from the listed buildings opposite (**Bower Cottage & Parkers Cottage**).
- 3.13 This appeal shows from all the submitted illustrative site plans:
- **increased separation distance of 40 & 47m** (respectively a 74% & 110% increase) from **Bower Cottage & Parker Cottage**;
 - **increased set back** from Broadwater Lane and the AOSC boundary from **9m to 30m** (233% increase); and
 - **increased depth of landscape planting/buffers** from **9m to 21m** (133% increase) adding in natural and informal landscaped areas.
- 3.14 The Inspector (**DL para 29**) had noted harm would be at the lower end of LTS to **Elder Cottage** because:
- 'the development would be set further back at this end of the site and this would also be the case for Elder Cottage given its positioning slightly further along on Broadwater Lane not fully fronting the site'*
- 3.15 There was a separation distance of 38m between **Elder Cottage** and the nearest proposed house in the dismissed appeal. This appeal **increases** that distance to **48m** (a 26% increase).
- 3.16 The Inspector in the previous appeal accepted this 38m separation distance was at the lower end of LTS harm. This distance will be exceeded for all of the proposed houses in this appeal to the four listed buildings.
- 3.17 Whilst accepting the relationship with **Elder Cottage** is not direct, there was a direct relationship in the previous appeal between Buttercups and the appeal site, with a separation distance of approximately 44m. This PIP appeal, whilst a different site area, has similar separation distances from listed buildings as with Buttercups in the previous appeal. Any fair assessment must conclude at the very low end of LTS harm to **Bower Cottage & Parkers Cottage** and the lack of direct relationship means there would be no harm to **Elder Cottage & Wards Cross House**.

- 3.18 **Bower Cottage & Parkers Cottage** are directly opposite the site, and the illustrative site plans now shows separation distances comparable to those from the previous appeal between Buttercups and the proposals, which was directly opposite the site, and where the Inspector concluded a lower level of LTS harm due to the set back of proposed buildings. That must be relevant here.
- 3.19 The PIP application shows a similar significant set back from **Bower Cottage & Parkers Cottage** plus the extent of intervening landscaping, the reduced number and floorspace of homes, and the reduced frontage width along Broadwater Lane. This is highly material in justifying why a low level of LTS harm should apply here. For the Council to suggest the same level of harm applies as the previous appeal despite the changes made in direct response to the previous appeal conclusions is an inconsistent approach to decision-making.
- 3.20 The OR does not acknowledge the deep set back explained in the AHC Report (para 5.2.3) and Shorewood Homes Covering Letter / Planning Assessment (para's 33, 54-55) submitted with the PIP application.
- 3.21 If this appeal is allowed, a subsequent TDC will provide the full design, maintain separation distances to listed buildings, set backs, and planting specifications, etc. The submitted illustrative Proposed Site Plan (drawing 8543 F04) showed:
- Deep set back of houses and building lines for Plots 1-3 fronting Broadwater Lane, and a linear pattern of development.
 - Garages detached and set to the rear.
 - Spaces between and around buildings.
 - Existing vegetated verge along the roadside retained and supplemented.
 - Hedgerows line the access road within the site.
 - Generous front gardens, with an informal and natural landscaped area, including trees added beyond existing highways vegetated verge.
 - Houses glimpsed through a filter of layers of vegetation.
 - Varied form of buildings indicated. The detailed designs and materials would follow in the subsequent TDC and expected to draw on the local vernacular.

- 3.22 Two houses (Plots 6 & 7) in the previous dismissed appeal layout were sited close to the road and by consequence the listed buildings. These have been omitted and instead replaced by the significant planted landscape area.
- 3.23 The previous appeal **DL para 27** is referenced in the OR (pg20/21) to the PiP application, but the LPA has taken an overly restrictive stance which does not reflect a full understanding of the setting of the listed buildings.
- 3.24 **Figure 2** is extracted from the OR (pg21) to the PIP application, with listed buildings highlighted in yellow to readily identify them. From left to right they are:
- Buttercups
 - **Bower Cottage**
 - **Parkers Cottage**
 - **Elder Cottage**
 - **Wards Cross House** and
 - The Old Posting House
- 3.25 The Overlay Plan (**Appendix 5**) shows the positions of the 4 proposed houses from the previous appeal site layout in red, overlaid on the PIP application's illustrative site layout. This clearly show the significant changes made in response to the previous appeal decision.
- 3.26 The illustrative Proposed Site Plan (8543 F04) shows how a potential layout has responded to the previous Inspector's comments with the retention of existing boundary planting along the highway and the addition of further intervening planting (hedging and trees), building set backs and spacing of houses and front gardens.

Figure 2. Application Site, Context of AOSC and Designated Heritage Assets



3.27 The previous Inspector (**DL para 27**) stated the positive contribution of setting would be significantly undermined through increased noise and activity on site as well as the physical presence of nine well sized houses.

3.28 Directly responding to the Inspector's comment, this PIP appeal shows a reduction from 9 to only 3 homes on the Broadwater Lane frontage, combined with the set back and existing and additional planting would significantly reduce potential noise and activity. Notwithstanding this, Broadwater Lane is a well-used public highway, a classified road (the A321). There would be a two-thirds reduction in the number of homes compared to the previous appeal comfortably reducing the physical presence of buildings. Indeed, drg. 8543 F06 (**Appendix 4**) shows an option with only 2 homes on Broadwater Lane - an even further reduction in respect of noise, activity and physical presence.

3.29 Furthermore, AHC's report (para 3.2.10) says the legibility and coherence of the historic context of a rural lane populated with dispersed C17/18th cottages:

'has been very substantially altered by the change in character of Broadwater Lane. This is not a quiet, rural lane but the principal A-road connecting Twyford with Wokingham. This context and the infilling of the gaps between the earlier properties ... has resulted in a less tranquil and more suburban character that is now long established.'

- 3.30 Physically standing on Broadwater Lane it would be difficult to see the listed buildings and the new homes set back on the Appeal Site, with existing and proposed planting in the same viewpoint.
- 3.31 AHC's report (para 5.2.13) stated:
- 'A judgement of a high degree of less than substantial harm is not far removed from a judgement of substantial harm, and for harm to be substantial, as set out by Mr Justice Jay in the judgement known as 'Bedford' (July 2013), one is 'looking for an impact which would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced.'*
- 3.32 AHC also referred to two recent called-in appeals: Edith Summerskill House (para 5.2.15 – PINS Ref APP/H5390/V/21/3277137) and Brighton Gasworks (para 5.2.16, PINS Ref APP/Q1445/W/24/3353409). These conclusions are relevant here.
- 3.33 The four listed buildings here do not derive a major proportion of their significance from their setting. It is their date and surviving historic fabric. That is the clear conclusion in the AHC report (para 3.2.3+) and the FHS report (section 4.0).
- 3.34 It is not justified to assert there would be the higher end of LTS harm particularly having regard to the material changes made and the Edith Summerskill and Brighton Gasworks appeals.
- 3.35 The Assessment of Importance of the Settings of the Listed Buildings is set out in the FHS statement (Section 4.0). This must be read in full, as it considers the significance of the four listed buildings and the importance of their setting. Section 5.0 assesses the impact of the proposals to the four listed buildings, along with general points regarding impact on setting (para 5.13-5.20).
- 3.36 That should be read alongside AHC's report which has similar conclusions on significance and importance of setting for each of the listed buildings (section 3.2) and impact on heritage assets (section 5.2).
- 3.37 FHS (Section 6.0) concluded:

- The proposed development will not impact on the ability to experience any of the listed buildings, or to understand or appreciate their significance – the key test of an assessment of impact on the importance of setting (para 6.2).
- **Very low level of less than substantial harm to Bower Cottage and Parkers Cottage** (para 6.1) and proposed development does not contribute particularly strongly to their significance (para 6.3). NB. the conclusion of ‘very low’ is an even lower assessment than AHC (see table below para 6.2 of the AHC report).
- **No harm to Elder Cottage and Wards Cross House** (para 6.3).
- Any additional domestic noise and activity with fewer homes than the previous appeal will not represent a harmful change to the settings (para 6.4).
- Much reduced impact on Broadwater Lane than the previous appeal – a major difference in terms of character of the road and impact on settings of listed buildings (para 6.5).

3.1 Policy Assessment

3.1.1 Reason for Refusal 3 cited conflict with Policy TB24 of the Managing Development Delivery (MDD) Development Plan Document (2014) and generically the NPPF.

3.1.2 FHS has assessed policy and guidance (Section 2.0) starting with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (para 2.1), then paragraphs 207 and 208 of the NPPF (para’s 2.2-2.3).

3.1.3 FHS then refer to the Historic England guidance ‘The Setting of Heritage Assets’ (2nd edn December 2017) (para’s 2.4-2.6) and then MDD Policy TB24 (para 2.7). At para 6.7 they conclude the application accords with all the above. In respect of TB24, the relevant part is 2(a), being:

‘2. The Borough Council will conserve and seek the enhancement of designated heritage assets in the Borough and their settings by:

- a. Requiring works to or affecting heritage assets or their setting to demonstrate that the proposals would at least conserve and, where possible enhance the important character and special architectural or historic interest of the building....’*

3.1.6 FHS conclusions at Section 6.0, includes para 6.2, which states ‘*all of the most important aspects of the settings of the listed buildings will be unaltered*’. This clear conclusion asserts the setting of listed buildings will be conserved. This confirms compliance with TB24.

3.2 Material Consideration - Willowmead, School Road/Orchard Road, Hurst

3.2.1 An example to evidence the Council’s inconsistent approach in decision-making is ‘Land between School Road and Orchard Road, Hurst’ (known as the ‘Willowmead’ site, WBC Ref 230074, PINS Ref APP/X0360/W/24/3342812). The proposed development for 23 dwellings and 15 car parking spaces for the primary school was allowed at appeal (decision letter dated 11 October 2024).

3.2.2 Vine Cottage is Grade II listed (**DL para 28 – Appendix 6**) and was **approximately 40m east** of the Willowmead development site (Indicative Site Layout – **Appendix 7**). **DL para 29** stated:

‘Vine Cottage though stands in a large plot, and is separated from the appeal site by what appear to be more recent extensions, additions and outbuildings, as well as by a sizeable paddock and the established boundary hedge. The appellants find the scheme would cause a low level of less than substantial harm to the significance of this building. However, given the scale of the separation, I consider a development along the lines of that on the illustrative plans would not have an adverse effect on the setting of that designated heritage asset, and so would not harm its significance.’ (underline, my emphasis)

3.2.3 This PIPs’ illustrative layouts show houses set a similar distance from listed buildings as was accepted in Willowmead from the listed building, Vine Cottage, noting Willowmead proposed a significantly greater amount of development and was deemed acceptable.

3.2.4 In Willowmead, the Planning Inspector (Mr JP Sargent) concluded no harm to the setting of a Grade II listed building (listed building description - **Appendix 8**). The Planning Inspector (Mr T Burnham) to this site’s previous appeal concluded lower end of less than substantial harm to Elder Cottage and Buttercups at a similar separation distance.

3.2.5 It is accepted each appeal is determined on its own merits but on the grounds of consistency, neither Inspector Sargent or Inspector Burnham concluded a higher end of less than

substantial harm between the separation distances achieved in this PIP appeal between proposed development and Grade II listed buildings.

4.1.4 Inspector Sargent in the Willowmead appeal stated at **DL para 31**:

'The field subject of this appeal allows the eastern side of the ASC to be readily apparent. Willowmead is notable at the southern end of this boundary, as is the relatively blank, plain roof of the village hall behind, with the taller pre school building being nothing more than glimpsed in between. Little of the ASC can therefore be appreciated from here. Therefore, taking a balanced judgement on this matter, and mindful that a sliver of the ASC encroaches into the south-west corner of the appeal site, the effect of the proposal on that non-designated heritage asset and its setting would not harm its significance, and so would retain any traditional, historical, local and special character the area may possess.' (underline, my emphasis)

4.1.5 **DL para 32** concluded:

'Accordingly, I conclude the proposal would not harm the significance of the listed building or the ASC, and so would not conflict with MDD Policies TB24 or TB26...'

4.1.6 The Inspector's conclusions to the previous Broadwater Lane appeal regarding the AOSC are set out at **DL para's 32-34**, with **DL para 32** stating:

'...Its significance in part sits with its buildings which are of a variety of ages, designs and materials including buildings and features that are designated and non-designated heritage assets in their own rights.'

4.1.7 **DL para 33** notes the site is immediately adjacent the boundary of the AOSC (as with Willowmead and its AOSC) and the site is not referred to as a component of the AOSC setting:

'...Broadwater Lane is heavily vegetated on the stretch of road between Hurst Village and Whistley Green, with many mature trees and open fields on the northern side of the street. It can therefore be reasonably concluded that the planting on the boundary of the site including T14 and T16 makes a positive contribution to the significance of the AOSC as a backdrop which frames the buildings within it.

4.1.8 **DL para 34** concluded:

'...given the risk of deterioration associated with the proposal to T14 and T16 on that boundary and the importance of those trees within the boundary planting, the proposal would subsequently cause moderate harm to the significance of the AOSC.'

- 4.1.9 Inspector Burnham's conclusions on harm to the NDHA was unambiguously in respect of trees T14 and T16 only. That is clearly not relevant in this PIP appeal because of the revised site location, which avoids any impact to those trees. The absence of any harm to those trees is agreed by the Council and is not a reason for refusal.
- 4.1.10 Accordingly, on any fair assessment this matter has been resolved in this PIP proposal. There is no harm to the setting of this NDHA and the Council's conclusions in Reason for Refusal 2 are overstated. WBC should have accepted the material changes made in response to Inspector Burnham's conclusions.
- 4.1.11 The PIP's decision notice for reason for refusal 2 cited development plan policies – CP1 and CP3 of the Core Strategy and TB21 and TB26 of the MDD. The wording relates to location and amount of development, its assimilation to the established landscape and character of the surrounding area, and impact to the Village Centre (Hurst) AOSC. The policies are summarised below.
- Policy CP1 Sustainable Development – assumed that of relevance is only (1) maintain or enhance the high quality of the environment. But not referenced in the Officer Report.
 - Policy CP3 General Principles for development – assumed of relevant only to (c) have no detrimental impact upon heritage and landscape; (f) contribute to a sense of place and the way they integrate with their surroundings including use of appropriate landscaping. But only (a) referenced in the Officer Report.
 - Policy TB21 Landscape Character – requires: (1) proposals must demonstrate how they have addressed requirements of the Council's Landscape Character Assessment, including landscape quality, landscape strategy, landscape sensitivity and key issues; and (2) proposals must retain or enhance the condition, character and features that contribute to the landscape.
 - Policy TB26 Buildings of Traditional Local Character and Areas of Special Character – of relevance is (2) permission will only be granted for proposals to or affecting Areas of Special Character where they demonstrate that they retain and enhance the traditional, historical, local and special character of the area and its setting.

- 4.1.12 Policy CP1 is only referenced in the OR's assessment under loss of existing land use regarding Best & Most Versatile agricultural land at pg14, which concludes the reason has limited weight in the overall planning balance.
- 4.1.13 It was not a relevant matter in the previous appeal decision.
- 4.1.14 There is no conflict with Policy CP1.
- 4.1.15 Policy CP3 is referenced in the OR (pg15) in respect of criterion (a) appropriate scale, activity, mass, layout, built form, height, materials and character to the area together with a high quality of design. Many of these items are not relevant at the PIP stage. Also, regarding impact on neighbouring amenity – concluding no detrimental effect (pg26).
- 4.1.16 There is no identified harm to Policy CP3 from the PIP proposal.
- 4.1.17 The previous Inspector's conclusions on landscape and character at **DL para 7** he stated '*The fourth main issue is the effect of the proposal on the character and appearance of the area with regard to landscape*') and:
- **Para 39** '*the proposals could be integrated into the landscape setting without any significant adverse landscape effects*'.
 - **Para 41** '*I am not confident that the appeal site should be considered as part of a valued landscape based on current evidence*'.
 - **Para 42** '*... there would be no significant adverse impact on the landscape. There would subsequently be no conflict with Policy TB21 of the MDLP...*'. Also, no conflict with NPPF para 187 was identified.
- 4.1.18 By the same rationale the PIP proposal would not give rise to adverse landscape impacts. The same conclusion as the previous appeal applies. There is no conflict with Policy TB21.
- 4.1.19 The previous appeal cited (**DL para 34**) conflict with TB26 but that was expressly because of '*the risk of deterioration associated with the proposal to T14 and T16 on that boundary and the importance of those trees within the boundary planting, the proposal would subsequently cause moderate harm to the significance of the AOSC*'.
- 4.1.20 The impact to those two trees is not applicable here. There is no harm to the significance of the AOSC and therefore, no conflict with TB26.

5. Assessment - Reason for Refusal 1

- 5.1 The refusal reason cited Core Strategy Policies CP1, CP9 and CP11.
- 5.2 Policy CP1 has already been referenced in the previous section and concluded there would be no harm.
- 5.3 Policy CP9 Scale and location of development proposals – where development is acceptable in (3) limited development locations such as Hurst.
- 5.4 Policy CP11 Proposals outside Development Limits (including countryside) sets out exception policy for development in the countryside.
- 5.5 The previous Inspector at **DL para 46** noted there would be conflict with the development strategy for the area and with Policy CP9, and development was not a type supported outside of development limits under Policy CP11. But he concluded the Council could not articulate the harm arising from these policy conflicts and afforded limited weight to the conflict.
- 5.6 The continued absence of an up-to-date five-year housing land supply means spatial strategy policies are out of date, and limited weight should be applied. As with the previous appeal, the Council has not articulated the harm to Policies CP9 or CP11.
- 5.7 The previous Inspector in the Planning Balance section cited conflict with policies CC03, TB24 and TB26 of the MDD relating to veteran trees, listed buildings, and the AOSC. There is no conflict with CC03 as no trees are affected. TB24 is complied with because of the significant changes to the proposals meaning there is very low level of less than substantial harm at most to only two listed buildings (and no harm to the two others), and the AOSC conflict is no longer applicable now that the tree issues have been resolved from the previous appeal.

6. Previous appeal benefits and harms

6.1 Benefits

6.1.1 **Significant weight** – provision of 9 houses in a sustainable location for a limited housing scheme, an affordable housing contribution of £250,000, a boost to housing supply (where 5YHLS between 1.7 and 2.5 years) but benefit tempered by limited number of houses proposed (**DL para 52**).

6.1.2 The PIP appeal is for up to 7 homes so noting this is fewer than the previous appeal, but the Inspector still afforded these benefits significant weight. Any affordable housing contribution would proportionately reduce and would be captured through the subsequent TDC. The serious housing land supply shortfall still applies.

6.1.3 **Moderate weight** – more sustainable methods of heating and power, reduced water consumption, support to an SME housebuilder, direct and indirect economic benefits, BNG, and CIL (**DL para 53**).

6.1.4 Off-site BNG would apply at the TDC stage. The following email trail with the Council confirms this is not a requirement at the PIP stage (**Appendix 10**). The intention remains to include off-site land by the Estate.

6.1.5 These matters remain the same as the previous appeal and the same level of weight should apply.

6.1.6 **Limited weight** – pedestrian route onto Hogmoor Lane to provide some improved accessibility (**DL para 54**).

6.1.7 It is possible for a route to be provided via the internal access road shown. Details can be produced at the TDC stage if required. The inspector considered (**DL para 54**) the existing route to be simple so the conclusion may be this is not necessary, but this can be determined at the next stage.

6.2 Harms

6.2.1 Harms identified by the previous Inspector are set out in this section.

- 6.2.2 **DL para 55** - Construction of the accesses would risk the health of T14 and T16 considered as veteran trees, potentially leading to their deterioration. Citing conflict with NPPF para 193.
- 6.2.3 This is no longer a harm as the site area is different and avoids these trees.
- 6.2.4 **DL para 56** - less than substantial harm to significance of four designated heritage assets: grade II listed buildings (**Bower Cottage & Parkers Cottage** at higher end of less than substantial harm, and **Buttercups & Elder Cottage** at lower end of less than substantial harm).
- 6.2.5 As explained in the FHS Heritage Statement and this Appeal Statement, the significant changes made to the proposals reduces impact to very low level to **Bower Cottage and Parkers Cottage**, and no harm to other listed buildings.
- 6.2.6 **DL para 57** noted harm to the significance of the Area of Special Character.
- 6.2.7 As explained earlier in this Statement, the harm to the significance of the AOSC in the previous appeal related to trees T14 and T16 which are no longer relevant. There is no harm to the significance of the AOSC.
- 6.2.8 The previous Inspector concluded at **DL para 59**, his findings with regard to irreplaceable habitats and designated heritage assets provided clear reasons for refusing the development meaning there was no presumption in favour of sustainable development. The former is no longer relevant, and the second issue has been demonstrated there is no strong reason for refusal. The presumption in favour of sustainable development should apply.

7. Conclusions

- 7.1 The original application (Ref 240583) for 9 homes had ten reasons for refusal, including: in the countryside, veteran trees, landscape, settlement gap and coalescence, valued landscape, Area of Special Character, locational sustainability, absence of a s106 legal agreement for off-site drainage, affordable housing, BNG and off-site pedestrian connections.
- 7.2 The Inspector dismissed the appeal on three grounds being, harms to veteran trees, designated heritage assets and a non-designated heritage asset (the AOSC) regarding impact on trees T14 and T16.
- 7.3 All other matters were not upheld by the Inspector.
- 7.4 Having regard to Inspector Burnham's conclusions, it was entirely appropriate for the Appellant to submit an alternative application responding to and addressing those concerns.
- 7.5 Despite that revised approach, the Council chose to refuse the PIP application with three reasons for refusal, being: in the countryside, designated heritage assets and a non-designated heritage asset.
- 7.6 If the Inspector agrees with our conclusions – evidenced by two heritage consultants' expert opinions – that there is no strong reason to refuse development as there is no harm or very low level of harm to designated heritage assets, then the tilted balance should apply and there should be a presumption in favour of sustainable development and the appeal allowed.
- 7.7 There have been clear and significant material changes with the PIP appeal to the previous dismissed appeal regarding impact on designated heritage assets (and non-designated heritage assets).
 - Fewer homes along Broadwater Lane (3 instead of 9) and alternative plans show how this can be satisfactorily achieved including the minimum 5 home layout, 6 homes or maximum 7 homes.
 - Less floorspace.
 - Greater set back, separation distances and opportunities for intervening landscape. The increased set back and separation is equivalent to the distance in the Willowmead appeal with the adjacent grade II listed Vine Cottage (No Harm concluded) and from our

previous appeal and separation with Elder Cottage and Buttercups (lower end of less than substantial harm).

- Fewer accesses (1 instead of 3).
- No tree impacts.

7.8 At most there would be a very low level of less than substantial harm to **Bower Cottage and Parkers Cottage**, with no harm to any other designated heritage asset or non-designated heritage asset.

7.9 There would be no other harms (save for being in the countryside but immediately adjacent the settlement boundary) and the presumption in favour of sustainable development applies.

7.10 Public benefits would be similar to the previous appeal – appropriate amount of new homes in a limited development location such as Hurst, contributing to the significant housing land supply shortfall, direct and indirect employment and economic benefits, supporting an SME housebuilder.

7.11 Other public benefits will be secured through the part 2 stage of the PIP application, in the subsequent TDC stage including: affordable housing, sustainability measures, BNG, and CIL.

7.12 Public benefits would range from limited, moderate to significant. These outweigh the very low level of harm to the importance of the setting of two listed buildings.

7.13 We respectfully request that this appeal is allowed.

Appendices

1. Appeal Decision Letter – Land north of Broadwater Lane, Hurst APP/X0360/W/25/3359898, 17 October 2025
2. Statement of Common Ground APP/X0360/W/25/3359898, Issue 10a
3. Officer Report, WBC Ref. 240583
4. Alternative layout option drawings: 8543 F05, 8543 F06, 8543 F07
5. Overlay Plan 8543 SK01
6. Appeal Decision Letter – Land between School Road and Orchard Road, Hurst ('Willowmead') APP/X0306/W/24/3342812, 11 October 2024
7. Indicative Site Layout – Willowmead
8. Vine Cottage listed building description
9. Historic Environment Topic Paper Appendix C
10. Wokingham Borough Council BNG email