

Statement of Common Ground

Land north of Broadwater Lane, Hurst



WOKINGHAM
BOROUGH COUNCIL

Boyer

Prepared on behalf of Shorewood Homes and Wokingham Borough Council | July 25

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REPORT CONTROL

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1. INTRODUCTION

1.1 This Statement of Common Ground (SoCG) is a written statement prepared jointly by the Appellant (Shorewood Homes Limited) and the local planning authority (Wokingham Borough Council), which contains agreed factual information about the appeal site and the proposed development, which is the subject of the appeal ref. APP/X0360/W/25/3359898 – Land north-west of Hogmoor Lane, Hurst, Berkshire, RG10 0DH.

1.2 The Appeal relates to a planning application (LPA ref: 240583) for:

Outline application for the proposed erection of 9no. dwellings and associated access (landscaping, layout, scale and appearance reserved) and only access to be considered.

1.3 The application was refused under delegated powers on the 29 November 2024 with ten reasons for refusal. The full reasons for refusal are provided in CD 3.1.

1.4 This Statement is structured as follows:

- Section 2 - Decision Notice
- Section 3 - Description of the Site and Planning History
- Section 4 - The Appeal Scheme
- Section 5 - Development Plan & Material Considerations
- Section 6 - List of Possible Conditions and Reasons for Them
- Section 7 - Draft Terms of Any S106 Obligations
- Section 8 - Matters Subject of Agreement
- Section 9 - Matters in Dispute

2. DECISION NOTICE

- 2.1 The application was refused on the 29 November 2024 and the Decision Notice (CD 3.1) sets out a total of 10 cited reasons for refusal.

3. THE SITE AND PLANNING HISTORY

Site Description

- 3.1 The Site extends to 0.92ha and is in the designated countryside north of Broadwater Lane (A321). The Site is outside of the Core Strategy's defined development limits. The Hurst (Village) Area of Special Character boundaries are located to the south, north-west and south-east of the site with the site's southern, road facing extent (the area falling within the adopted highway) included within its designation.
- 3.2 The site comprises undeveloped agricultural grazing land. There are existing residential properties to the west, south and east and open undeveloped fields to the north.
- 3.3 The Site is part of a wider field enclosed by hedgerow and trees to the boundaries. Hedgerows and intermittent tree cover are along the field boundaries. The southern boundary adjoins Broadwater Lane (A321). The Site is irregularly shaped save for a strip of land on the easternmost boundary as a retained access to the remainder of the field for the landowner, Haines Hill Estate, and two inset areas being the buffer zones for trees T014 and T016 on the southern boundary. The ground levels are 37.5m AOD and 37.0m AOD on the southern and northern boundary respectively.

Wider Context

- 3.4 In terms of the wider context, the adjacent settlement of Hurst is classified in the adopted development plan as a *Limited Development Location*, which contains a basic range of services and facilities and are physically and socially cohesive.

Site Characteristics and Constraints

- 3.5 The Site is grassland used for grazing by sheep and cattle. There are hedgerows and trees present along the Site boundaries. There are two Tree Preservation Orders (TPO) adjacent the Site: TPO1728 (12 May 2020) comprises four oak trees (T1 and T2 to the south along Broadwater Lane (south east and west), and T3 and T4 on the field boundary to the north east and west), and TPO1788 (29 April 2021) comprising seven trees (oak, beech, sycamore and ash) (T1 is in the garden of Long Barn to the east, and T2-T7 are on the south boundary along Broadwater Lane).
- 3.6 The field has five oak trees recorded on the Wokingham District Veteran Tree Association Survey Map, and the Woodland Trust Ancient Tree Inventory shows four oak trees.
- 3.7 The Site does not contain any designated heritage assets. A section of the site, along the southern boundary, lies within the Hurst (Village) Area of Special Character (ASC), a non-designated heritage asset. There are listed buildings nearby, including: Wards Cross House (to the east), and to the south Buttercups, Bower Cottage, Parker Cottage, and Elder Cottage.
- 3.8 The Site is not within or adjacent to a designated conservation area.

- 3.9 With respect to landscape, the Site is within the countryside but is not within any designated National Landscape or Green Belt. The Site is within the Hurst River Terrace Landscape Character Area (LCA).
- 3.10 The Environment Agency flood mapping shows the Site lies fully within Flood Zone 1 (low risk). There is a drainage ditch on the northern boundary of the field.

Planning History

- 3.11 The site has no planning application history published on the Council's web-based planning register.
- 3.12 The Council have provided scanned copies of historical planning application records for applications which included the appeal site and an additional land area. Of the shared records the following relate specifically to the site:

Application reference	Description of Development	Decision	Date
3/56	Outline application for residential development	Refused	03.01.1956
O/259/62	Outline application for residential development	Refused	08.01.1963
O/163/64	Outline application for 5 dwellings	Refused	26.08.1964
15248	Outline application for residential development 9.75 acres	Refused	09.04.1981
15249	Outline application for residential development 8.9 acres	Refused	09.04.1981

4. THE APPEAL PROPOSAL

- 4.1 The application's registered description of development (ref: 240583) was for:

Outline application for the proposed erection of 9no. dwellings and associated access (with landscaping, layout, scale and appearance reserved and only access to be considered).

- 4.2 As explained in the description of development, the application was submitted in outline only with all matters reserved except for access.

- 4.3 The following drawings and documents were originally submitted as part of the application.

Table 1. Drawings submitted with planning application.

Drawing Reference	Drawing Title
1036-PL01	Proposed Location Plan
1036-PL01 Rev D	Proposed Site Plan
1036 PSS02 Rev A	Proposed Street Scene
11117L.LSP.003 Rev C	Landscape Strategy Plan
TS19419-GA-001 Rev E	Potential Site Access Arrangements I
14661 Rev A	Survey Drawing Sheet 1
14661 Rev A	Survey Drawing Sheet 2
14661 Rev A	Survey Drawing Sheet 3

Table 2. Document submitted with planning application.

Document	Prepared By
Planning, Design and Access Statement	Walsingham Planning
Arboricultural Impact Appraisal & Method Statement, Rev A	Technical Arboriculture
Tree Protection Plan, Rev B Sheet 01	Technical Arboriculture
Tree Protection Plan, Rev B Sheet 02	Technical Arboriculture
Biodiversity Statement and Biodiversity Gain Plan	LUS Ecology
Biodiversity Net Gain metric	LUS Ecology
Ecological Assessment	LUS Ecology
Flood Risk Assessment, Issue 3	Simpson
Heritage Statement	Asset Heritage
Landscape & Visual Impact Assessment, Rev A	ES Landscape Planning
Photomontages	Snapshot Visuals
Preliminary Risk Assessment and Site Investigation	Aviron
Sustainability and Energy Statement	Bluesky
Transport Statement	i-Transport

Travel Plan Statement	i-Transport
Further Highways Information Note	I-Transport
Stage 1 Road Safety Audit – GG119 Response Format	i-Transport
Cover Letter 4 March 2024	Walsingham Planning
Cover Letter 24 May 2024	Shorewood Homes
Cover Letter 4 October 2024	Shorewood Homes

5. DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

- 5.1 Section 38(6) of the Planning & Compulsory Purchase Act (2004) states the determination of planning applications/appeals must be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan

- 5.2 The salient Development Plan comprises:

- Core Strategy (2010)
- Managing Development Delivery Development Plan Document (2014)

- 5.3 There is currently no neighbourhood plan (NP).

- 5.4 Key material considerations for the purpose of decision-making include the Council's own supplementary planning guidance and documents (SPG and SPD), including:

- Sustainable Design and Construction SPD (2010)
- Interactive Borough Design Guide (2012), and
- Affordable Housing (2013).

- 5.5 There is a Village Design Statement 'A Design for Hurst' (2005).

Core Strategy and Managing Development Delivery DPD

- 5.6 The Core Strategy was adopted in 2010 and the MDD in 2014. The planning period of the Spatial Strategy runs until 2026.

- 5.7 The policies relevant to the determination of the appeal, and listed in the Officer report, include (the policies **emboldened** are those cited in the Council's stated reasons for refusal of the appeal application):

Core Strategy

- **CP1 – Sustainable Development**
- **CP2 – Inclusive Communities**
- **CP3 – General Principles for Development**
- CP4 – Infrastructure Requirements
- **CP5 – Housing Mix, Density and Affordability**
- **CP6 – Managing Travel Demand**
- **CP7 – Biodiversity**

- **CP9 – Scale and Location of Development Proposals**
- **CP11 – Proposals Outside Development Limits (including countryside)**
- **CP17 – Housing Delivery**

Managing Development Delivery DPD

- **CC01 – Presumption in Favour of Sustainable Development**
- **CC02 – Development Limits:**
- **CC03 – Green Infrastructure, Trees and Landscaping**
- CC04 – Sustainable Design and Construction
- CC05 – Renewable Energy and Decentralised Energy Networks:
- CC07 – Parking
- **CC09 – Development and Flood Risk (from all sources):**
- CC10 – Sustainable Drainage:
- TB05 – Housing Mix
- TB07 – Internal Space Standards:
- **TB21 – Landscape Character**
- TB23 – Biodiversity and Development:
- TB24 – Designated Heritage Assets (Listed Buildings, Historic Parks and Gardens, Scheduled Ancient Monuments and Conservation Areas
- TB25 – Archaeology:
- **TB26 – Buildings of Traditional Local Character and Areas of Special Character:**

- 5.8 Of these policies, the Council's issued decision notice cited conflict with Core Strategy policies: CP1, CP2, CP3, CP5, CP6, CP7, CP9, CP11, and CP17; and Managing Development Delivery policies CC01, CC02, CC03, CC09, TB21, and TB26.

Local Plan Update 2023-2040

- 5.9 It is agreed the site does not form a proposed allocation within the Council's submitted emerging Local Plan Update (LPU).
- 5.10 The Council have been preparing a new local plan that sets out the proposed planning strategy for the Borough to 2040. Several Regulation 18 consultations were undertaken (with the site identified as an early draft allocation within the Regulation 18 *Local Plan Update: Revised Growth Strategy* published in November 2021) before the Regulation 19 version was published (wherein the site was removed as a proposed allocation) and subject to consultation in September-November 2024. The plan was submitted to the Secretary of

State for independent examination in February 2025, and two Planning Inspectors have been appointed to examine the submitted plan. The examination of the local plan is ongoing, and the council responded to initial questions and requests for further information from the Inspectors in May 2025.

- 5.11 The council's last published Local Development Scheme (September 2024) anticipated commencement of Stage 1 Examination Hearings in April 2025, with adoption of the LPU taking place in May 2026.
- 5.12 As per paragraph 49 of the NPPF, weight may be given to relevant policies in emerging plans, depending on the stage of preparation, the extent to which there are unresolved objections to relevant policies, and the degree of consistency of the relevant policies in the emerging plan to the NPPF. Given the examination hearings have not yet taken place where the relevant policies will be considered, the emerging policies do not carry substantive weight for the purposes of decision making on planning applications.

National Planning Policy and Guidance

National Planning Policy Framework (2024) and Planning Practice Guidance

- 5.13 Significant weight should be attached to the NPPF and the NPPG, which are material considerations
- 5.14 The National Design Guide (2021) is also a key material consideration.

6. POSSIBLE CONDITIONS AND REASONS FOR THEM

- 6.1 The parties will seek to agree in advance of the Hearing sitting sessions commencing, a full schedule of proposed conditions and supporting reasons that the Inspector may choose to attach to the grant of planning permission should the appeal be allowed.

7. DRAFT TERMS OF ANY S106 OBLIGATIONS

- 7.1 As set out in the Decision Notice, four of the reasons for refusal relate to the lack of a legal requirement to secure the necessary obligations. Those anticipated are:
- Affordable housing;
 - Off-site biodiversity net gain measures;
 - Off-site drainage measures; and
 - Off-site permissive pedestrian connection between Broadwater Lane and Hogmoor Lane.
- 7.2 Both parties have agreed a full schedule of proposed Heads of Terms and agree to submit an appropriate legal agreement through the process of the Appeal.
- 7.3 The Appellant has put forward a viability assessment which will determine whether it is viable for the development to provide affordable housing. This matter is being assessed independently by a consultant appointed by the Council. A separate topic specific SoCG will be submitted, once an agreed position (part or complete) is met.
- 7.4 In the event an agreed S106 legal agreement cannot be achieved the Appellant will submit a unilateral undertaking (UU) legal agreement to secure appropriate contributions and the commitments as put forward by the Appeal application's proposed development.

8. MATTERS SUBJECT TO AGREEMENT

- 8.1 There are a number of topics which both the Appellant and the Council agree are acceptable in respect of the Appeal Scheme. These are summarised below, whilst the remaining matters of disagreement are outlined in the following section.

Development Plan

- 8.2 The housing requirement target within the extant Development Plan and its informing evidence base is out of date.

Location

- 8.3 The Site comprises an undeveloped field within the designated countryside, outside of, but adjacent to the defined limited development location of Hurst.

Housing Land Supply

- 8.4 The Council's most up-to-date Five Year Housing Land Supply Statement at March 31st 2024 (January 2025) states the Council can demonstrate a 1.7 year housing land supply. This incorporates a 5% buffer, as a result of the 2023 Housing Delivery Test results (published in December 2024), showing the performance for Wokingham Borough was 169%.

Affordable Housing

- 8.5 It is agreed the Development Plan policy starting point for affordable housing on a greenfield site within the designated countryside is a minimum percentage of 40% on-site for developments of 5 dwellings (net) or more or 0.16ha (net) and larger; and that off-site financial contributions may be appropriate. It is accepted the provision of affordable housing is subject to an to be agreed viability position between the parties.
- 8.6 It is agreed that a viability assessment was not submitted to the Council as part of the application.
- 8.7 It is agreed that the proposal meets the threshold to provide affordable housing in line with paragraph 65 of the NPPF.
- 8.8 It is agreed that subject to conclusion of the viability assessment (submitted as part of the appeal), if there is to be any affordable housing provision it would be secured by planning obligation.
- 8.9 It is agreed a topic specific SoCG on viability will be submitted to the Inspector in advance of the Hearing opening.

Layout and Housing Mix

- 8.10 It is agreed the site layout (excluding the detailed site accesses) is indicative only. A detailed layout would be set at reserved matters stage.
- 8.11 It is agreed the mix of units is indicative only. The detailed mix would be set at reserved matters stage.

- 8.12 It is agreed that the Appellant's 'Design Vision' for the site is established within the submitted outline application's Design and Access Statement.

Neighbouring Amenity

- 8.13 It is agreed there is no detrimental harmful impact on existing neighbour amenity with no significant impact on residential properties in terms of overlooking, overbearing and loss of light.
- 8.14 It is agreed that neighbouring amenity impacts would be considered in detail at reserved matters stage.

Heritage

- 8.15 It is agreed there is no harm to designated heritage assets (i.e. listed buildings, conservation area, etc.)
- 8.16 The three no. access bell mouths and visibility splays proposed on the southern extent of the site are located within the Hurst (Village) Area of Special Character (ASC). The remainder of the site is adjacent to its boundary to the east and west and can be seen from the ASC. It is agreed the ASC is a non-designated heritage asset.

Landscape

- 8.17 The Site is in the Hurst River Terrace Landscape Character Area (LCA).
- 8.18 It is agreed the Site is not situated within the Green Belt, National Landscape, a nature conservation or any other statutory designation. The Site is within the designated countryside.
- 8.19 It is common ground the Council did not identify the Site as 'Valued Landscape' at the time of the *Valued Landscape Topic Paper* (2020) and the published Regulation 18 Local Plan documents in 2020 and 2021. It is common ground that the Regulation 19 *Local Plan* (2024) and *Valued Landscape Assessment* (2024) identifies the site as part of a valued landscape.

It is common ground that along the site's southern boundary, part of the site area lies within the highway boundary. Trees

- 8.20 It is agreed the only concerns raised by the Council in regard to trees relate to tree refs. T014 and T016.
- 8.21 It is agreed the surveyed trees T014 and T016 are identified in the *Wokingham District Veteran Tree Association Survey Map* and the *Woodland Trust Ancient Tree Inventory* as veteran trees.
- 8.22 It is agreed that the Appellant's tree witness identifies T016 as veteran.
- 8.23 The Site Layout was designed treating these trees as being veteran.

Ecology

- 8.24 It is agreed, aside from the Council's concerns regarding surveyed Trees T014 and T016, there are no ecological harms resulting from the proposed development subject to

appropriate planning conditions. It is agreed that the NPPF in Annex 2 includes ancient and veteran trees as irreplaceable habitat.

Biodiversity Net Gain (BNG)

- 8.25 It is agreed the baseline assessment of the site is a fair and accurate representation of the habitat types and condition on-site at present. It is agreed the proposals include a combination of on and off-site measures, on an adjoining off-site field, to mitigate on-site loss and secure a net gain.
- 8.26 There are no objections to the proposals based on biodiversity net gain, subject to completion of a planning obligation.

Flood Risk and Drainage

- 8.27 The Site is in Flood Zone 1, which is a low risk of flooding (including accounting for climate change). The discharge of surface water to a watercourse via the existing drainage ditch to the north is a feasible method for the disposal of surface water runoff from the development subject to its enhancement and controlled flow rate.

The required swale, attenuation basin and improvements to the existing discharge system are to be secured off-site on land owned by Haines Hill Estate (the landowner of the Appeal Site) via the submission of a separate application. There is no objection from the Lead Local Flood Authority (LLFA) to the proposed development. The drainage measures are to be secured as part of the to be agreed, appropriate planning obligation.

Highways and Locational Sustainability

- 8.28 It is agreed there is no objection to the three new accesses and proposed pedestrian crossing points on highway grounds. The car and cycle parking provision and full details for parking and turning would be set out at Reserved Matters stage and secured by planning condition.
- 8.29 It is agreed the permissive pedestrian route connecting Broadwater Lane and Hogmoor Lane to comply with MDD Policy CC03b) can be secured by an appropriate planning obligation.

Renewable energy and sustainability measures

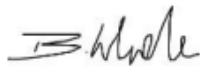
- 8.30 It is agreed an indicative Sustainability & Energy Statement was submitted in support of the application. The details of carbon savings would be agreed at Reserved Matters stage and secured through planning condition.

9. MATTERS IN DISPUTE

9.1 The following matters are not agreed between the Appellant and the Council, and are therefore likely to form the main issues at the Appeal:

- I. The Principal of Development / Conflict with the Spatial Objectives of the Development Plan
- II. Whether there is adverse harm to off-site trees T014 and T016 and whether T014 is a a veteran tree?
- III. Whether there is adverse harm to the landscape and its character.
- IV. Whether the proposal harms the character and appearance of the adjacent settlement Hurst
- V. Whether the site is within a valued landscape and whether development of the site would conflict with paragraph 187 of the NPPF?
- VI. Whether the proposal would result in the loss of an historic settlement gap between Hurst and Whistley Green?
- VII. Whether the proposals results in harm to the Hurst (Village) Area of Special Character?
- VIII. Whether the site constitutes a sustainable location for residential development.
- IX. Whether the development is viable to provide affordable housing?
- X. Whether the harms of development are outweighed by the benefits and the overall planning balance supports the grant of planning permission?

This Statement of Common Ground has been agreed by:

Wokingham Borough Council	
Signed:	
Name:	Benjamin Hindle
Dated:	10.07.2025

Boyer (on behalf of Shorewood Homes)	
Signed:	
Name:	Stuart Crickett
Dated:	10/07/2025