



Appeal Decision

Site visit made on 25 February 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 March 2025

Appeal Ref: APP/X0360/W/23/3334221

Brockendene, Church Road, Farley Hill, Wokingham RG7 1UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Roddy Woolgar against the decision of Wokingham Borough Council.
 - The application Ref is 223734.
 - The development proposed is the erection of two dwellings with detached garages to the rear (east) of the existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against the updated national policy context, the relevant changes to the Framework are not fundamental to matters which are determinative to the outcome of this appeal.

Main Issues

3. The main issues are:
 - whether the proposal would accord with the Development Plan strategy for housing, including in respect of the character and appearance of the area,
 - the accessibility of the proposal to services and facilities,
 - the effect of the proposal on the usability of the adjacent Public Right of Way (PROW), and
 - the effect of the proposal on ecology.

Reasons

Strategy, Character and Appearance

4. The site consists of land to the rear of an existing dwelling, Brockendene. The site is within a Special Landscape Area, and the Farley Hill Wooded Sand and Gravel Hills area of the Wokingham Borough Landscape Character Assessment (LCA), 2019. The area is described as having a rural settlement pattern, including the hamlet at Farley Hill, and a network of footpaths and quiet rural lanes. The LCA seeks to conserve the sparse settlement pattern and its low density.

5. The proposal seeks to erect two detached dwellings with separate garages. It would build on space that adjoins development on three sides, including Brockendene itself. At Fairlands, planning permission has been granted for a replacement dwelling¹, and a holiday park². To the south is a dwelling at Little Foxes. The proposal would fill the space between the sites either side, and would not extend beyond the rear building line of the garage at Little Foxes, or significantly beyond that approved at Fairlands.
6. Even so, the site is of appreciable size, adjoins open countryside, and is green and undeveloped. It contributes positively to the semi-rural character of the area, including as a transition to the wider countryside. The proposal would result in large permanent buildings and areas of hard surfacing extending into the site from the original dwelling. It would consolidate the existing built form, and urbanise the site and its surroundings, thus detracting from their character. Its adverse effects would be apparent during construction and for many years subsequently. Accordingly, the proposal would cause excessive encroachment and expansion, harming the landscape character that the LCA seeks to protect.
7. Although plot sizes vary, this part of Farley Hill consists predominantly of properties of modest size and simple design. With a few exceptions, such as at Little Foxes, Farley Hill has a linear pattern of development, whereby most dwellings front the road, albeit recessed back from it. In contrast, the proposed dwellings would be located behind the existing property in a backland, tandem arrangement. They would be large and have incongruous mock-Tudor detailing. For these reasons, they would fail to reflect the broad pattern and design of the built-up area. The proposal would thus conflict with the Borough Design Guide Supplementary Planning Document (SPD), June 2012.
8. Based on the Landscape and Visual Appraisal (LVA), there is no dispute that clear, direct views of the proposal would be available from the PROW, such as LVA Viewpoints 4 and 5. It would also be visible from the adjoining countryside (e.g. LVIA Viewpoints 7 and 8). As such, the visual effects of the proposal would be of major and moderate adverse significance during construction, and for many years afterwards. Existing and new planting may ameliorate these effects over time. However, this cannot be relied upon, particularly in winter months when foliage is reduced. Even with landscaping, the harmful effects of the proposal would remain permanently when seen from the PROW, such as at the access.
9. Even if Farley Hill is considered to be a settlement, the site lies outside of the Development Limits of the Managing Development Delivery Local Plan (MDD), February 2014. To maintain the quality of the environment, policy CP11 of the Wokingham Borough Core Strategy (WBCS), January 2010, does not 'normally' permit development outside of these limits.
10. That said, the policy does not impose a blanket ban. One exception is where the proposal does not result in excessive encroachment or expansion, but I have already found that this would be the case here. Having regard to the Edneys Hill³ appeal, I see nothing particularly abnormal in this case. The Framework requires planning decisions to recognise the intrinsic character and beauty of the

¹ LPA reference 222535

² LPA reference 231960

³ PINS reference APP/X0360/W/21/3288075

countryside. In the context of the proposal before me, policy CP11 is consistent with this aim.

11. For the reasons given above, the proposal would not accord with the Development Plan strategy for housing and would harm the character and appearance of the area. As such, it would conflict with WBCS policies CP1, CP3 and CP11; MDD policies CC03, TB21 and TB26; and the SPD. These seek to maintain the high quality of the environment, retain features that contribute to the Special Landscape Area, and have an acceptable layout, design and scale. As these policies are consistent with the aims of the Framework, including paragraphs 135, 139 and 187, I give this conflict substantial negative weight.
12. As general housing is proposed, I see no conflict with WBCS policy CP2, which seeks to meet specific needs. WBCS policies CP6 and CP9 relate to accessibility matters which I will consider below. WBCS policy CP17 sets out the housing delivery trajectory, whilst MDD policy CC02 identifies the Development Limits. Nevertheless, neither policy makes specific requirements relevant to the proposal, and so it does not conflict with them. MDD policy CC01 and its tilted balance are considered below.

Accessibility to Services and Facilities

13. Farley Hill contains only a few services and facilities, such as playing fields, a community hall and a private medical practice. I saw that it now has an Early Years special school, which replaced the previous primary school. The site is reasonably close to bus stops at Jouldings Lane, but I understand that there is only one return bus service a week from these stops, providing very few journey opportunities.
14. The PROW provides a walking route to Eversley where there are other schools, a playground and several public houses. Major housing development at Arborfield Garrison and Arborfield Cross also provides some services and facilities, and there are further bus stops in Eversley and at Orwell Drive. However, access to these facilities would require the use of narrow roads or paths that have intermittent or no lighting, footways and cycle lanes. As such, their use on foot or by bicycle would be unsuitable at night, in inclement weather, or for those of limited mobility.
15. On this basis, future occupiers of the proposal would be heavily reliant on private vehicles to access many day-to-day services. In discouraging the use of sustainable modes of transport, such reliance would ultimately cause environmental harm. This is because its location would not contribute to a cumulative reduction in carbon emissions, or an improvement in air quality and public health. As the circumstances of the permissions at Fairlands were different to the proposal before me, they do not alter my conclusions.
16. For the reasons given above, the proposal would have poor accessibility to services and facilities. As a result, it would conflict with WBCS policies CP1 and CP6, and the SPD, which seek to reduce the need to travel, particularly by the private car. Whilst recognising the variation between urban and rural areas, Framework paragraph 110 also seeks to maximise public transport solutions. Consequently, I give this matter substantial negative weight in the planning balance.

17. The proposal would not conflict with WBCS policy CP2 or MDD policy CC02 for the reasons already given. Similarly, I see no conflict with the general principles set out by policy CP3, or the requirements of policy CP11, in respect of this main issue. MDD policy CC01 is assessed in the planning balance below.

Public Right of Way

18. The PROW follows the northern boundary of the garden of Brockendene in a narrow passageway, before crossing the site and running along the southern boundary, falling below the level of the adjacent land. The proposal would not alter the alignment of the PROW, which alongside Brockendene is already constrained by telegraph poles and its narrow width.
19. However, the proposal would introduce parallel lengths of close-boarded fencing either side of sections of the PROW, together with some hard surfacing of it. These would have the effect of enclosing, narrowing and urbanising the path, thus detracting from the experience of its users. Such fencing might be erected under permitted development rights, but is only necessary as a result of the proposal. Furthermore, where the PROW crosses the proposed access to the dwellings, two styles would be installed. These would further limit the accessibility of the footpath to users.
20. For these reasons, the proposal would have a harmful effect on the usability of the PROW, contrary to MDD policy CC03 and Framework paragraph 105 which require the promotion and enhancement of public rights of way and their accessibility. It would also conflict with the similar aims of WBCS policies CP1, CP3 and CP6. Accordingly, I give this conflict significant negative weight.

Ecology

21. At appeal stage, the appellant has submitted a Preliminary Ecological Appraisal Report (PEA). This concludes that there are no notable habitats present on site, and no further surveys or information are required, subject to recommended mitigation. It further recommends that biodiversity net gain measures could be secured by planning condition.
22. The parties dispute whether the site should be categorised as a heavily managed vegetated garden or as a paddock, and whether it should be valued as having ecological distinctiveness. This follows management of the land undertaken before the appeal application was submitted. The Framework requires planning decisions to contribute and enhance the natural environment and provide net gains for biodiversity. However, the appeal application was submitted before 12 February 2024 and is not subject to the mandatory 10% Biodiversity Net Gain requirement.
23. In any case, the planning history of the site includes records of roosting Brown long-eared bats, and the presence of Common pipistrelle bats and a Soprano pipistrelle day roost within the dwelling at Brockendene. There is no dispute that the presence of bats has not been taken into account in the PEA, and that the bat emergence surveys have not been repeated. There are also undisputed inconsistencies between the submitted documentation, calling into question the basis of the appellant's ecological recommendations.
24. On this basis, the proposal could well adversely affect protected species. Planning conditions, such as those recommended by the Council, can be used to secure

landscaping and biodiversity enhancement. However, the presence of protected species must be fully taken into account before planning permission is granted. In the absence of up-to-date evidence, including regarding bats, this is not a matter that can be safely left to a planning condition.

25. For the reasons given, I conclude that the proposal would have a harmful effect on ecology. As a result, it would conflict with WBCS policies CP3 and CP7 and MDD policy TB23. Together, these require development to have no detrimental impact upon ecology. In light of the aim of the Framework to protect and enhance biodiversity, I give this matter significant negative weight in the planning balance. That said, I find no specific conflict with WBCS policy CP1 in respect of this issue. MDD policy CC01 is considered below.

Other Considerations

26. Based on the previous iteration of the Framework, there was no dispute that the Council could not demonstrate an adequate supply of housing land, with only 3.2 years' supply. This situation may well have deteriorated significantly as a result of the publication of the new Framework. Consequently, it is necessary for me to determine whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits inherent in providing additional housing to assist in addressing this undersupply, as set out in Framework paragraph 11. MDD Policy CC01 makes a similar requirement.
27. I have found conflict with WBCS policies CP1, CP3, CP6, CP7 and CP11, and MDD policies CC03, TB21, TB23 and TB26, which are consistent with the Framework. I therefore find that the proposal would conflict with the Development Plan as a whole. Against that, it would contribute to the supply of housing, and its future occupiers would have positive social and economic effects. Its construction would also have economic advantages and would make efficient use of land. Even so, due to the small number of dwellings proposed, I give these benefits only moderate positive weight in favour of the proposal.
28. The Council's sixth reason for refusal refers to the effect of the proposal on the Thames Basin Heaths Special Protection Area (SPA), protected pursuant to the Conservation of Habitats Regulations 2017. Had I found no harm in respect of the main issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects on the SPA. However, as the balance of considerations is against the proposal, this matter need not be considered any further in this case.

Planning Balance and Conclusion

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
30. Given the harm identified and my findings above, regardless of the extent of the current housing supply shortfall, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework read in the round. For similar reasons, MDD Policy CC01 does not provide support for the proposal.

31. I have found conflict with the Development Plan, read as a whole. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR