

TOWN & COUNTRY PLANNING ACT 1990 (As Amended)

TOWN & COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000

STATEMENT OF CASE PUBLIC INQUIRY

APPELLANT: MACTAGGART AND MICKEL STRATEGIC LAND

APPEAL SITE: LAND BETWEEN LODGE ROAD AND TAPE LANE,
HURST, RG10 0EG

DEVELOPMENT: OUTLINE APPLICATION FOR THE PROPOSED
ERECTION OF UP TO 99 NO. DWELLINGS, GREEN
INFRASTRUCTURE, OPEN SPACE, PEDESTRIAN AND
CYCLE LINKS, RECREATIONAL FACILITIES AND
OTHER ASSOCIATED INFRASTRUCTURE AND
ACCESS POINTS ON LODGE ROAD AND TAPE LANE
WITH REQUIRED IMPROVEMENTS. (ALL MATTERS
RESERVED EXCEPT FOR MEANS OF ACCESS.)

LPA REFERENCE: 242067

PINS REFERENCE: APP/X0360/W/25/3364304

JUNE 2025



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1.0 INTRODUCTION

1.1 The officer report and decision notice setting out the reasons for refusal has been approved by the Head of Service and the Chairman of Planning Committee. 11 reasons for refusal were established. This Statement of Case sets out the case for refusing the development and refers to the Appellant's Statement of Case where necessary.

1.2 A full copy of the decision notice is included in appendix 2. The reasons for refusal are set out below:

1. The proposal results in an unsustainable pattern of development by reason of the creation of a new unplanned large housing estate on a greenfield site in the countryside outside of settlement limits. It would be significantly out of scale with neighbouring small village of Hurst and the level of existing infrastructure within the village. The development is contrary to the spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 2, 4, 8, 9, 12 and 15 of the NPPF.

2. The application results in the loss of an area of Best and Most Versatile agricultural land contrary to Core Strategy policy CP1 and section 15 of the NPPF.

3. The proposed development will have a detrimental impact on the landscape and the character and appearance of the area by reason of the quantum, scale, parameters and location of the development. It would result in the loss of characteristic landscape features and erode of the separation between existing villages and their rural setting. The development is contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 12 & 15 of the NPPF.

4. The application site is within an unsustainable location where residents would be reliant on private vehicles for basic day-to-day needs, by reason of the countryside location outside of settlement limits, distances to facilities and services, limited public transport links and poor quality of the walking/cycling environment, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.

5. In the absence of a satisfactory Flood Risk Assessment and the Environment Agency objection, the proposed development has failed to demonstrate it would have an acceptable flooding and drainage impact contrary to Core Strategy policy CP1 and CP3, MDD Local Plan Policy CC09 and CC10 and Section 14 of the NPPF.

6. By virtue of a lack of accurate information, an assessment date for baseline biodiversity value cannot be agreed. Therefore an assessment of how 10 percent biodiversity net gain will be achieved is not possible and as such, if granted planning permission, there is no guarantee if 10 percent biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

7. The application has failed to demonstrate the proposed development will have an acceptable impact on ecology and biodiversity by reason of the impact on protected species, wildlife and habitats, contrary to policy CP1, CP3 and CP7 of the Core Strategy, CC01 and TB23 of the MDD Local Plan and section 15 of the NPPF.

8. In the absence of a completed legal agreement, the proposal fails to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills contrary to MDD policy Local Plan TB12.

9. In the absence of a completed Legal Agreement, the scheme fails to make adequate provision for affordable housing, contrary to policy CP5 of the Core Strategy and section 6 of the NPPF.

10. In the absence of a completed Legal Agreement, the development fails to secure a schedule off-site highway works for pedestrian and sustainable travel infrastructure and the management/adoption of internal estate roads and public open spaces, contrary to Core Strategy policy CP1, CP3, CP4 and CP6 and MDD Local Plan policy CC03 and TB08 and sections 4, 8, 9 and 12 of the NPPF.

11. In the absence of a completed Legal Agreement, the proposed development fails to make adequate contributions to sport and recreational facilities, contrary to MDD Local Plan policy TB08, Core Strategy policy CP4 and Sections 4 and 8 of the NPPF.

- 1.3 It is anticipated that reasons 8 and 11 can be resolved by a signed legal agreement.
- 1.4 216 letters of objection letters were submitted by local residents opposing the planning application. The parish council also objected to the application. Copies of these have been sent to the Inspectorate and are also available on the Council's website.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The appeal site comprises some 10.68 hectares (ha) of undeveloped greenfield land, mostly consisting of a single, large, fairly level field. It lies outside of the development limits of Hurst but some sections are opposite settlement boundaries. Whistley Green is located to the north and Hurst to the east and south, creating a "reversed C" of surrounding development. It extends from Tape Lane in the east to the tree-lined Hatchgate Ditch which borders the western boundary. A ditch also runs along the site's southern boundary, with dwellings in Martineau Lane, and allotments, beyond. The northern site

boundary is marked by sporadic mature trees, with further undeveloped land immediately to the north. A smaller field abutting Lodge Road comprises the north-western part of the appeal site. Two trees at the southern boundary of this smaller field were removed in March 2021, before a previous planning application was submitted.

- 2.2 There are established trees and hedgerows along most of the site boundaries, but there are also some more open lengths of boundary including to the Martineau Lane dwellings and allotments in the south, and along parts of the northern boundary. There are 2 existing private access points to the site; one from Lodge Road to the west and the other from the northern stretch of Tape Lane to the east.
- 2.3 Some 5.9ha of the site is Grade 3a agricultural land, which is classified as best and most versatile (BMV). The site was Flood Zone 1 but the Environment Agency have now advised that data published after the decision shows the Hatchgate Ditch along the western boundary comprising of Flood Zone 2. EA mapping layers also show areas of Flood Zone 3 along this ditch. There are some small areas at risk (1 in 30) from surface water flooding.
- 2.4 The site is located about 4 miles north of Wokingham, 3 miles north-east of Winnersh and 1.5 miles south of Twyford.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The planning history to the site is summarised as follows:

PLANNING HISTORY		
Application No.	Description	Decision & Date
220458	Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary	Refused: 22 June 2022. Appeal Dismissed: 09 March 2023

	vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access).	
212986	Screening Opinion application for an Environmental Impact Assessment for a proposed development of up to 300 homes, open space, pedestrian and cycle links and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements.	Replied: 21 September 2021. Not EIA development.
F/2008/10 17	Proposed erection of stables and barn to form equine treatment centre with manege, access and horse walkers.	Refused: appeal dismissed. 5 th February 2009
F/2008/17 48	Proposed siting of a mobile home.	Refused: appeal dismissed. 5 th February 2009
F/2007/21 54	Proposed erection of stables and barn to form equine treatment centre with manege, access and horse walkers. Storage building for tree nursery.	Refused: 31 October 2007
F/2001/31 49	Proposed erection of an agricultural building incorporating farm shop, parking and access.	Refused: appeal dismissed. 23 rd September 2002
F/1999/70 600	Proposed Erection Of Building For Use As Farm Shop And Equipment Store And Siting Of One Mobile Home	Refused: 10 December 1999
CLE/2004/ 1099	Application for certificate of existing lawful use of field for keeping of horses.	Approved: 02 April 2004

3.2 There has been one dismissed appeal APP/X0360/W/22/3309202 on the site for an outline application for the erection of 200 houses and access road on 9th March 2023. The Inspector identified that titled balance was engaged and set out that the following harms outweighed the benefits:

- Conflict with the development plan
- Adverse Impact on Landscape Character and Appearance
- Unsustainable Location for major residential development
- Loss of Best and Most Versatile (BMV) Agricultural Land

- 3.3 The Inspector also cited a previous dismissed appeal decision APP/X0360/W/18/3194044¹ for 5 dwellings and an access road at Lodge Road. This appeal was also dismissed due to the conflict with the development plan, landscape harm and the unsustainability of the site.
- 3.4 Other appeal decisions around Hurst will also be cited in the council's evidence as they raise consistent concerns around the unsustainability of this small village and harm to the character and appearance of the area and the landscape.
- 3.5 The Appellant identifies that applications outside of settlement limits have been approved where the planning balance of those individual cases allows it. Each case must be considered on its individual merits, and they are not direct parallels to the appeal site. The most relevant parallel to the current proposal is the previous appeal decision on the site, which was unambiguously dismissed.
- 3.6 The Langley Common Road application referred to was a relatively enclosed parcel of land adjacent to the one of the Strategic Development Locations. The appeal at Twyford was on the edge of a Modest Development Location. The appeal allowed at Swallowfield followed a planning committee overturn, unlike this application which has been refused consistent with the professional officer's recommendation. The Swallowfield site was allocated in the local plan update and therefore was supported by the LPU. The landscape harm was less being described limited, the area of development smaller, and the design better integrated into the existing settlement pattern. Notwithstanding other material considerations such as flooding and ecology that are relevant for the current appeal.

4.0 POLICY BACKGROUND

¹ Appendix 11

4.1 The statutory Development Plan in force for this appeal comprises the Wokingham Borough Council Core Strategy DPD (2010) and the Managing Development Delivery Local Plan (2014).

4.2 Reference will be made to the following policies contained within the Adopted 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

4.3 The Core Strategy was adopted in January 2010. The Inspector's report on examination of the Core Strategy states in its introduction that:

'Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a Development Plan Document (DPD) is to determine:

(a) Whether it satisfies the requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document; and

(b) Whether it is sound'.

4.4 The Inspector concludes at Paragraph 1.3 *'I am satisfied that the DPD meets the requirements of the Act and Regulations'.*

4.5 Reference will be made to some of the following policies in the adopted Managing Development Delivery Local Plan:

- CC01 – Presumption in Favour of Sustainable Development
- CC02 – Development Limits
- CC03 – Green Infrastructure, Trees & Landscaping
- CC04 – Sustainable Design and Construction
- CC05 – Renewable Energy and Decentralised Energy Networks
- CC06 – Noise
- CC07 – Parking
- CC08 – Safeguarding alignments of the Strategic Transport Network & Road Infrastructure
- CC09 – Development and Flood Risk
- CC10 – Sustainable Drainage
- TB05 – Housing Mix
- TB08 – Open Space, sport and recreational facilities standards for residential development
- TB12 – Employment Skills Plan
- TB21 – Landscape Character (and the associated Landscape Character Assessment)
- TB23 – Biodiversity & Development
- TB25 – Archaeology

4.6 The Examination in Public of the Managing Development Delivery Local Plan took place in May 2013 and considered the Core Strategy compatibility with the NPPF. The Inspectorate's final report (23rd January 2014) accepts that there were no significant issues relating to compatibility with the NPPF, other than the requirement for a policy presumption in favour of sustainable development – now addressed by the Managing Development Delivery Local Plan.

4.7 In addition to the Core Strategy and MDD Local Plan, reference will be made to the following:

- Wokingham Borough Design Guide SPD June 2012
- Living Streets - A Highways Guide for Developers in Wokingham 2017
- Wokingham District Landscape Character Assessment 2019
- Five Year Housing Land Supply Statement at 31 March 2024

4.8 Reference will be made to important design guidance including:

- National Design Guide
- National Model Design Codes
- Manual for Streets

4.9 The Wokingham Borough Local Plan Update 2023-2040: Proposed Submission Plan was submitted to the Secretary of State for examination by an independent Planning Inspector on Friday 28 February 2025. The Local Development Scheme sets out a timetable for adoption by May 2026. This plan will supersede the current Core Strategy and MDD Local Plan, which sets out the spatial strategy for the development plan up to 2026. A copy of the Local Plan Update and Local Development Scheme are included in appendices 5 and 6.

4.10 Paragraph 49 of the NPPF sets out that '*Local planning authorities may give weight to relevant policies in emerging plans according to:*

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- 4.11 Since the application subject to this appeal was determined, the Regulation 22 version of the LPU has been submitted to the Inspectorate for examination on 28 February 2025. Therefore, the Council considers that the policies of the LPU, submission have limited/modest weight in general at this stage.
- 4.12 The list of Regulation 19 submission LPU policies relevant to the determination of this appeal is set out below. It is therefore recommended that the Reg 19 Version of the Local Plan is used for development management purposes and determining planning applications, with appropriate weight given to each policy, as set out within individual officer reports. Relevant LPU policies are:

SS1 Sustainable development principles
SS2 Spatial strategy and settlement hierarchy
SS4 Development within and adjacent to minor settlements
SS5 Development in the countryside
SS10 Meeting our housing needs
SS15 Securing Infrastructure
CE5 Embodied Carbon
C1 Active and sustainable transport and accessibility
C2 Mitigation of transport impacts and highway safety and design
C3 Active travel
C4 Green and blue infrastructure and public rights of way
C8 Utilities
ER4 Employment and skills plans
H1 Housing mix, density and standards
H3 Affordable housing
FD1 Development and flood risk (from all sources)
FD2 Sustainable drainage
FD3 River corridors and watercourses
NE1 Biodiversity and geodiversity
NE2 Biodiversity net gain
NE4 Trees, woodland, hedges and hedgerows

NE5 Landscape and design
DH1 Place making and quality design
DH2 Safeguarding amenity #
DH6 Archaeology
HC4 Open space, sports, recreation and play facilities
HC5 Environmental Protection
HC7 Light Pollution
HC8 Noise Pollution
HC10 Odour, Fumes and Dust

- 4.13 The site was promoted by the landowners/developer as being available for potential development and as such it has been considered by the Council's plan-making process. The last published assessment was the Housing and Economic Land Availability Assessment (HELAA). This considers the broad suitability, availability and achievability of all promoted areas of land across the borough. This assessment concluded the land (SHU016) and adjoining parcels within the gap between Hurst and Whistle Green would be unsuitable for housing:

'The proposed development is located to the west of Hurst village, designated as countryside and situated outside but adjacent to development limits. The sites comprise several fields that are flat and overgrown. Development of part of the land in between Tape Lane and Lodge Road was found to have an unacceptable impact on the character of the area by the Inspector conducting a planning appeal process (Ref 172894). The Inspector recognised that the site was an important component of the open space separating Hurst and Whistley Green and development would not respect the transition between the built-up area and the countryside.'

The development of the site would compromise to an extent the physical and visual separation between the settlements of Hurst and Whistley Green. The Inspector conducting an planning appeal at Lodge Road (Ref 172894) recognised that the site formed an important component of the

rural open space separating the norther and southern arms of the village of Hurst/Whistley Green.

WBC Landscape Character Assessment (2019) - the site falls within the Hurst River Terrace LCA (C2). It notes this is a relatively flat lowland agricultural landscape comprising large arable fields, paddocks for horses and pony grazing. Area has a strong connection to the river valley and includes a network of rural roads connecting farms and settlements of Whistley Green and Hurst. Key characteristics include flat to gently undulating landform, scattered settlement, regular drainage ditches. Landscape has a degree of openness.

WBC Valued Landscape Topic Paper (2020). The site is not situated within any proposed Valued Landscape area.

Overall, the proposed development would be out of character with the established settlement form and landscape character. [est]ablished settlement form and landscape character, with the potential to cause some coalescence between settlements.'

- 4.14 Since that assessment, a recent appeal decision in 2023 dismissed a significant portion of the promoted land for housing, providing further confirmation of its unsuitability for residential development. The development of the site is therefore not proposed to be allocated as part of the LPU or part of the spatial strategy for additional development moving forward and will remain countryside. The location of the appeal scheme therefore conflicts with the emerging Local Plan Update, which seeks to direct development to more appropriate and sustainable locations.

THE COUNCIL'S CASE

- 5.0 Main Issue 1: Inappropriate development outside of settlement limits and contrary to the spatial strategy within the development plan.**

- 5.1 The statutory starting point for determination is the development plan. It is common ground that the appeal site lies outside the defined settlement limits, within designated countryside and directly conflicts with the spatial strategy of the development plan.
- 5.2 The appeal proposal fails to comply with policies CP9, CP11, CP17 and CC02, which seek to steer development to the most sustainable locations of which this is not one by definition.
- 5.3 Policy CP11 states *'in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted'*. The proposal does not fall within any of the exceptions where development is permitted.
- 5.4 CS Policy CP9 states that the scale of development proposals in Wokingham must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. It identifies Hurst as one of nine 'Limited Development locations', where limited development proposals within development limits will be acceptable.
- 5.5 Policy CC02 sets the sets out that the development limits for each settlement are defined on the Policies Map. It further states that planning permission for proposals at the edge of settlements will only be granted is within development limits and respects the transition between the built-up area and the open countryside by taking account of the character of the adjacent countryside and landscape.
- 5.6 A central aim of this strategy is to direct new housing to locations within sustainable settlement boundaries and to restrict development in the countryside. This approach is designed, among other things; to maintain environmental quality; protect the separate identity of settlements; locate development in most sustainable locations; to promote a modal shift away from private car use; and provide clarity and certainty about how the borough will be developed. These aims are consistent with national policy in the NPPF and

represent established, sustainable planning principles that the appeal proposal fails to meet.

- 5.7 In addition to the location of the site conflicting with the spatial strategy, the scale of the proposed development is excessive and wholly inappropriate for this location, situated outside a small village in the countryside. The appeal site is not located within any of the tiered settlements identified in CS policy CP17 as being suitable for development of this magnitude. The development plan prioritises housing delivery through Strategic Development Locations (SDLs), which are specifically allocated areas that integrate housing with necessary infrastructure and facilities. There are currently four such SDLs being built out across the borough.
- 5.8 Beyond these, the plan identifies Major Development Locations, followed by Minor Development Locations. At the lowest tier are Limited Development Locations, where growth is expected to be minimal - no more than 25 dwellings across the entire plan period.
- 5.9 Hurst is identified as a Limited Development Location, and the proposed development far exceeds what is considered appropriate for this settlement. Notwithstanding that the site is actually outside of the defined settlement boundaries. At 99 dwellings, the scheme is over 400% larger than the policy-compliant level of growth and results in a magnitude of development inappropriate for this small village.
- 5.10 Hurst has already contributed and exceeded the housing delivery limit of 25 dwellings over the plan period. This demonstrates that the village is not resistant to growth, but that growth has been appropriately small in scale and proportionate to its rural character and infrastructure. The development to date reflects a planned and/or organic expansion for a settlement of Hurst's size, not the significant transformation of the village as would be the consequence of this appeal if allowed.

- 5.11 With the above in mind, the breach of the defined settlement limits is neither small nor insignificant in the context of Hurst. The scale and location of the proposed development would constitute a substantial and unplanned remodelling of this small rural settlement, with houses and the new access road being spread over a wide area. This is entirely at odds with the longstanding pattern of small, incremental growth that has shaped the character of Hurst over preceding centuries and is contrary to the NPPF which refers to planning sustainable patterns of growth. The appeal scheme would result in harm not just through its scale, but through its direct conflict with the policies and principles designed to protect the distinct identity of rural settlements like Hurst and its surrounding environment.
- 5.12 The site was not considered suitable for allocation in the Local Plan Update and is not part of the spatial strategy moving forward. The appeal site has never been considered sustainable for planned growth in either the existing adopted development plan or the emerging Local Plan Update. This highlights that it is neither appropriate for speculative development, a view re-enforced by the recently dismissed appeal decision on the site for major housing development.
- 5.13 The previously dismissed appeal was for 200 houses and whilst the quantum has been reduced, it does not alter the identified conflict with the spatial strategy or the fundamental issues of being wholly excessive to the scale of development appropriate for the context of this village. The previous Inspector stated, that whilst the Council could not demonstrate a deliverable 5-year housing land supply, it was not appropriate to address this by located a significantly-sized development on the edge of this small village². This conclusion/approach equally applies to this appeal scheme.
- 5.14 The appeal site has therefore been considered unsuitable for development in the existing adopted development plan; the emerging development plan and, by the Planning Inspectorate via speculative applications.

² Appendix 7 para 34

- 5.15 While it is acknowledged that the Council is currently unable to demonstrate a five-year supply of deliverable housing land, this shortfall does not override the requirement that all development must be sustainable, as set out in paragraph 11 of the National Planning Policy Framework (NPPF). The housing land supply position is considered further in section 13 of this statement
- 5.16 Delivering housing is an important objective and one for which the Council has a very strong in delivery record, but sustainable development is not judged on housing numbers alone. It must also be assessed against its location, accessibility, scale, and it's fit/appropriateness to/with the established character and role of the settlement, in accordance with NPPF paragraphs 11, 110 and 135. The tilted balance does not justify patterns of development that are inherently unsustainable and inconsistent with fundamental spatial national policy objectives.
- 5.17 The principle of this development is this location is unacceptable for the following reasons:
- (a) The site lies outside the defined settlement limits, resulting in a direct and substantial conflict with Core Strategy Policies CP11, CP9, CP17, and MDD Policy CC02, as well as the overarching spatial strategy for the borough.
 - (b) The proposal undermines the aims and purposes of these policies, which are designed to focus growth in sustainable, service-rich locations, protect the character of the countryside and avoid coalescence.
 - (c) The breach of the settlement boundary is not minor. It represents a major and visually intrusive extension into the countryside, wholly out of proportion to the size, form and character of the existing village.
 - (d) Hurst has already accommodated development in excess of the scale envisaged for a Limited Development Location. The proposal would further inflate this figure, reinforcing its disproportionate and unjustified scale.
 - (e) The site is not allocated in the current development plan, nor is it proposed for allocation in the emerging Local Plan Update, indicating that

the site has been consistently judged unsuitable for planned growth through the plan making process.

(f) Importantly, the site has already been subject to a recent appeal, which was dismissed due to the inherent unsustainability of the site for excessive housing growth.

6.0 Main Issue 2: Harm to the character and appearance of the landscape and countryside.

6.1 This major unplanned housing development on undeveloped fields in the countryside, outside of the settlement boundaries of the small village of Hurst, would have a detrimental urbanising and negative impact on the landscape.

6.2 Development Plan policies TB21, CC03, CP1, CP3 and CP11 the Wokingham District Landscape Character Assessment all refer to maintaining or enhancing the quality of the environment and the proposal conflicts with these requirements. This is consistent with para 187 of the NPPF which states *'planning policies and decisions should contribute to and enhance the natural and local environment by: [...] (b) recognising the intrinsic character and beauty of the countryside.'* Even without considering the council's case, it is clear from the Appellant's LVIA that the development would conflict with these development plan policies and this section of the NPPF.

6.3 The Appellant's LVIA identified a range of adverse impacts from a variety of viewpoints which would result in harm that consist of a medium magnitude of change and moderate adverse impacts.

6.4 The previous Inspector considered that the harmful impact on the character and appearance of the Landscape would be *'moderate adverse impact, at the upper end of the scale'*. The previous Inspector gave detailed justification that the site makes a strong contribution to Hurst's countryside setting and the appeal scheme would still cover the same geographical area and have the same access road onto Lodge Road.

- 6.5 Whilst it is well established that relevant policies refer to both character and appearance, and landscape effects are not reliant on visual impact, the negative and urbanising impact on the landscape will be seen by numerous receptors across different viewpoints.
- 6.6 As well as the impact on the landscape, the proposal would have a harmful impact on the character of the village of Hurst by reason of the disproportionate scale of development, suburbanisation of its rural fringe and the disruption of the organic settlement pattern - these harmful impacts are set out in section 7.
- 6.7 The settlements of Hurst and Whistley Green lightly touch, with existing built form wrapping around the appeal site creating a 'reversed C' shape. The development would erode this gap and further diminish the separation between these historic settlements.
- 6.8 Reducing the quantum of development from the previous appeal to 99 dwellings does not resolve the core negative effects on the landscape. The location and the site area has not changed. the development would still spread over a wide area and the proposed access road is in the same location. As set out in the following section there are incongruous design features and characteristics due to the parameters of this development, which in some respects makes the current proposal worse than the previous appeal scheme.
- 6.9 With reference to the above points, it will be demonstrated at the inquiry that the proposed development will have a negative and detrimental impact on, the character and appearance of the landscape; the setting of Hurst and it's established character; Infilling of the reverse C that provide separation from Whistley Green and Hurst. The development would conflict with relevant local and national policies.

7.0 Main Issue 3: parameters, scale and quantum of development.

- 7.1 The location of the main access road is a detail for approval for this outline appeal scheme. A Parameter Plan has been submitted showing the broad areas for development, open spaces and access roads.
- 7.2 The PPG refers to how design is considered at outline stage:

‘How is design considered in outline planning applications?’

Applications for outline planning permission seek to establish whether the scale and nature of a proposed development would be acceptable before fully detailed proposals are put forward. However, design is often considered at this stage in order to assist community engagement, inform an environmental impact assessment or design and access statement (where required) and provide a framework for the preparation and submission of reserved matters proposals.

In some instances, it may be appropriate as part of the outline application to prepare and agree a design code to guide subsequent reserved matters applications. Design quality cannot be achieved through an outline planning application alone. Outline planning applications allow fewer details about the proposal to be submitted than a full planning application, but can include design principles where these are fundamental to decision making.’

- 7.3 NPPF para 126 states that ‘the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve’ and ‘good design is a key aspect of sustainable development’.
- 7.4 The proposed main access road would be physically detached from the main built form of the development, located in an isolated position along Lodge Road, away from the core of Hurst village. This detached access road would introduce an uncharacteristic and visually intrusive urban feature into what is currently a

tranquil rural edge characterised by open fields and green space. Unlike the typical lanes in Hurst, which are enclosed, modest in scale, and well-integrated into the landscape, this proposed road would lack definition, enclosure, or relationship with built form. As such, it would appear stark, exposed and alien in its rural context, and would fail to respect the established patterns of development.

- 7.5 The submitted parameter plan indicates that the development would be split into two large blocks, both surrounded by expansive areas of open land. This would result in a poor degree of integration with the existing village, contrary to the principles of sensitive edge-of-settlement expansion. This lack of cohesion with the established settlement form would undermine legibility, continuity, and the visual integrity of the village.
- 7.6 The scale and quantum of the proposed development are wholly disproportionate when assessed against the size and character of Hurst. The village has historically grown through small-scale, incremental expansion, and the proposal would disrupt this pattern with a sudden, large-scale insertion of built form. This would be visibly apparent, resulting in an abrupt and unsympathetic contrast with the established settlement pattern. The housing land supply shortfall does not change the scale of development that is appropriate for this small rural.
- 7.7 Overall, the location of the access road, parameters of development, and the overall scale would result in a scheme that is visually and functionally incongruous. The development would neither reflect the existing settlement's grain nor successfully integrate with its surroundings. Instead, it would appear as a disconnected and poorly integrated development that results in lasting and unacceptable harm to the character and appearance of the area. This harm would not diminish or assimilate over time but would continue to erode the village's distinct rural identity. The proposal is therefore contrary to section 12 of the NPPF, which seeks to secure well-designed places that respond positively to local character and reinforce a strong sense of place.

8.0 Main Issue 4: Loss of Best and Most Versatile Agricultural Land

- 8.1 It is common ground that the agricultural land is classed as grade 3 and 3a. Approximately 5.9 ha of the site is grade 3a, which is Best and Most Versatile (BMV) agricultural land as set out in the NPPF.
- 8.2 CS policy CP1 – Sustainable Development states that development will be permitted that avoids areas of best and most versatile agricultural land. NPPF Para 187(b) which states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land. The development conflicts with both policies.
- 8.2 The previous appeal Inspector considered this issue at paragraphs 66 – 72 in the decision letter and gave this harmful impact moderate weight.
- 8.3 Whilst the Appellant suggested that some of the land would not be developed in the sense of having road or houses upon it, this does not change the fact that the land would undergo a material change of use and would be sterilised for future commercial agricultural use. The proposal will result in the loss of BMV land, in conflict with the policies set out and would result in material harm that weighs negatively in the planning balance.

9.0 Main Issue 5: Unsustainable location

- 9.1 Hurst is a small rural village with a limited range of everyday services and facilities. The site is in a location where residents would be heavily reliant on private vehicles for even the most basic day-to-day needs. This runs directly contrary to the overarching principles of sustainable development set out in paragraphs 8, 105, and 110 of the NPPF, which emphasise reducing the need to travel, supporting active travel, and promoting sustainable patterns of growth.

- 9.2 The development is in conflict with Core Strategy Policy CP1, which requires development to reduce the need to travel, particularly by private car, and Policy CP6, which requires development to be located where there is or will be genuine transport choice and where travel distances are minimised. The supporting text to CP6 highlights that Wokingham has one of the highest car ownership rates in the country and that it is important to locate development where it contributes to creating a modal shift away from private car use. These policies remain fully consistent with national policy.
- 9.3 As reinforced in the supporting text to Policy CP11, proposals outside development limits typically lack access to facilities and services and will inevitably lead to increased car use, which undermines both CP6 and the sustainability objectives of the development plan. This is the case here.
- 9.4 NPPF paragraph 110 states that *'significant development should be focused on locations which are or can be made sustainable'*. That is not the case here. Hurst lacks the baseline infrastructure for sustainable growth. The proposal would introduce a significant residential population into a location where walkable access to services and facilities is limited and this cannot be rectified through piecemeal mitigation. The footpaths in the area are intermittent, narrow and largely absent of street lighting. Whilst works to existing footpaths have been proposed, it does not significantly change overall walkable network within the village or its suitability for large scale development.
- 9.5 The Local Shop has closed, and the local primary school does not have capacity to take account of the additional school aged children that would come from an additional 99 houses without displacing other children to schools further away.
- 9.6 The public transport is not good with a limited bus route. There are no dedicated bicycle routes, and the local roads are narrow, busy and poorly lit and would not be attractive to cycling.

9.7 Even with the proposed infrastructure in the appeal application, it does not change the fact that Hurst is a small unsustainable settlement - particularly for this scale of development.

9.8 The sustainability objection identified by the Inspector in the 2023 appeal remain entirely valid. Despite the reduction in housing numbers, the Appellant is effectively re-running the same arguments that were considered and ultimately rejected at the previous Inquiry. The proposal still constitutes a major development outside of a Limited Development Location, where the scale remains well beyond what can be reasonably considered as appropriate. The Inspector stated:

‘Drawing the above points together, I conclude that the appeal site is not a location which can currently be considered sustainable for a development of the size and scale proposed through this appeal, nor do I believe it would be made sustainable by the improvements and contributions offered by the appellant through the appeal proposal itself, and the obligations within the UU. Accordingly I further conclude that the proposed development would be at odds with CS Policies CP1, CP2, CP3, CP6 and CP11, MDDL Policies CC01 and CC02, and Section 9 of the Framework.’

9.9 Even a much smaller proposal for five dwellings on Lodge Road was previously dismissed on similar grounds. The Inspector concluded:

‘Residents of the site would not be likely to take advantage of walking, cycling or public transport to any significant degree. In my judgement this is not an accessible location as required by Policy CP9.’

[...]

‘The likely reliance on private vehicles would not be in tune with the NPPF objectives and would be in conflict with most important policy CP9

and Core Strategy Policies CP1 and CP6 which, taken together, seek to ensure that development provides for sustainable forms of transport to allow choice (amongst other things). In this instance I do not accept that there would be a realistic and viable choice for the majority of people.'

9.10 The quantum of the proposed development is substantially greater than the above appeal decision and the poor accessibility of the site would be compounded by the number of residents relying on private motor vehicles for basic day-to-day trips, services and facilities.

9.11 In addition, a recent appeal (APP/X0360/W/24/3342812) for 23 dwellings located more centrally to the village of Hurst noted the unsustainability of the village and this site was next to the Local Primary School and Village Hall. The Inspector stated:

'the basic facilities and services in the village and the nature of the bus service, mean the scheme would result in a reliance on private motorised transport to a degree as residents travelled further afield to access what was not provided locally. In this regard I find it contrary to Core Strategy Policies CP1, CP2, CP3 and CP6, which together seek to direct development to sustainable locations where there is transport choice.'

9.12 If a centrally located, smaller scheme was found to be unsustainable, it follows that the current proposal on the edge of the village, at four times the scale must be concluded as even more unsustainable.

9.13 The 'tilted balance' under paragraph 11(d) does not eliminate the requirement to consider location-based sustainability. In fact, the December 2024 update to the NPPF made this even more explicit, stating in para 11 that *'particular regard must be given to policies directing development to sustainable locations.'* This appeal site fails this important requirement of sustainable development.

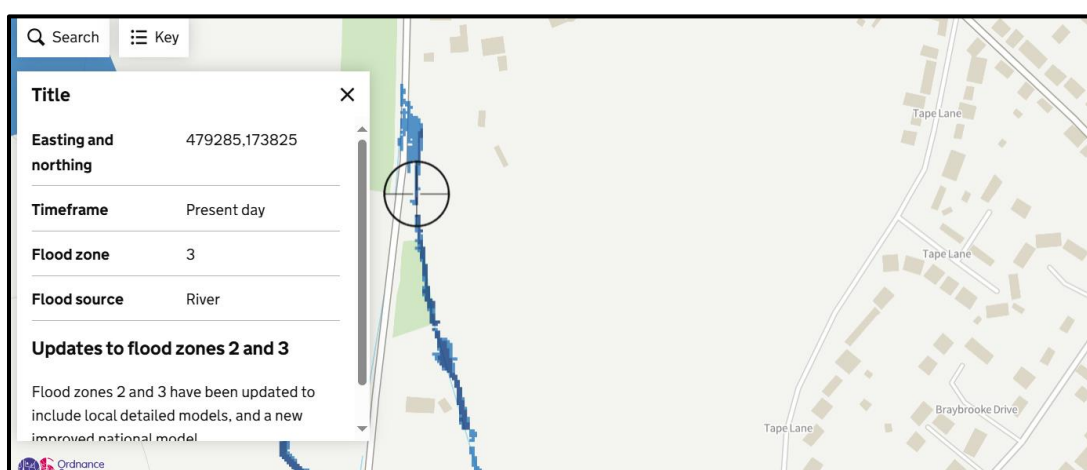
9.14 The Appellant's case, as set out their Statement, acknowledges the fact residents would rely on many services in separate settlements such as Twyford

and Winnersh. This confirms the lack of walkable services and facilities; the car dependency on the appeal scheme; and the unsustainable pattern growth proposed.

- 9.15 This proposal would introduce a major residential development and substantial new population into a location fundamentally incapable of the desired modal shift away from a reliance on private vehicle. It represents an unsustainable and inappropriate pattern of growth contrary to the development plan and the NPPF.

10. Main Issue 6: Impact on Flooding and Drainage

- 10.1 There is a main river (Hatchgate Ditches) along the Western boundary of the site and ditch (D2) along the southern boundary. The main access crosses a culverted section of the Hatchgate Ditch. Updated mapping data from the Environment Agency, after the application was determined, now shows the area around Hatchgate Ditch being in Flood Zones 2 and 3. The vehicle access crosses Hatchgate Ditch at a point where Flood Zones 2 and 3 are located – see Flood Map for Planning below.



- 10.2 The Environment Agency is a statutory consultee and objected to the development, even before the change in flood zones. This objection must be given considerable weight and clear and adequate reasons need to be provided

for departing from this objection. The EA have prepared a separate statement for this appeal.

10.3 The Environment Agency objected due to the inadequacy of the Flood Risk Assessment for the following reasons:

- No design flood level provided for the 1% Annual Exceedance Probability (AEP) event with climate change allowance.
- Failure to assess the impact of climate change on fluvial flood risk.
- No confirmation of safe finished floor levels above the design flood level.
- Lack of demonstration of no adverse impact on floodplain storage.
- No assessment that the required buffer strip (minimum 8m required) from the adjacent main river (Hatchgate Ditches) has been met.
- No assessment of the proposed river crossing's flood risk impact.
- Lack of detailed modelling of the watercourse

10.4 The EA also objects due to impacts on biodiversity and river habitats. The proposed access would cross over a culverted section of a main river and the EA objection letter stated:

- It is contrary to the Water Framework Directive and Thames River Basin Management Plan.
- It prevents the reversal of habitat loss and impedes river restoration.
- The culvert should ideally be removed, and the watercourse de-culverted with an open channel and clear-span bridge.
- The proposal is unlikely to be granted a Flood Risk Activity Permit (FRAP)

10.5 No additional information on this issue has been submitted with the Appellant's Appeal Statement. The council are aware that the Appellant and Environment Agency are in on-going discussion, but it is a matter of concern that no technical evidence or resolution has been front-loaded within the Appellant's Statement.

The appeal has been lodged without resolving a key area of objection raised by a statutory consultee. Proceeding in this manner is not only procedurally deficient but also inconsistent with the Planning Inspectorate's guidance, which requires Appellants to present a complete and robust case at the outset, particularly on matters of environmental risk. The Council considers this approach to be unreasonable and prejudicial, placing unnecessary burden on the appeal process and undermining the ability of parties to respond fully and fairly.

- 10.6 Part of the EA's objection is that the access road should require a clear span bridge following de-culverting this section of the Hatchgate Ditch. Any changes to the development in this manner would likely result in material departure from the proposed access details and parameters submitted with the application. The concern regarding the lack of front-loaded information on this issue is exacerbated by the fact that the Flood Map for Planning now shows Hatchgate Ditch as being in Flood Zones 2 and 3.
- 10.7 As parts of the site, including the main access road, now fall within Flood Zones 2 and 3, they are '*areas at risk of flooding*'. The appeal scheme should therefore be subjected to the Sequential Test and the Exception Test.
- 10.8 It is understood that the Appellant is undertaking further modelling, and it is not clear how this will impact the flood zones or whether parts of the ditch are Flood Zone 3a or 3b.
- 10.9 Overall, this issue remains unresolved, with no clear evidence provided to demonstrate whether the matter can be adequately addressed, or what the implications of any necessary amendments to the scheme would be. Paragraph 11(d)(i) of the NPPF confirms that areas at risk of flooding are considered assets of particular importance and can constitute a strong reason for refusing development.

11. Main Issue 7: Impact on Biodiversity and Ecology

Degradation of Veteran Trees

- 11.1 Degradation of the site via the loss of two veteran trees, identified as T85 and T86 in the Ecological Impact Assessment (EclA) has been accepted by the Appellant. It appears these trees were cut down shortly before TPO 1781/2021 was served in March 2021 and the application was submitted for the previous 200 dwelling scheme.
- 11.2 The loss and compensation of irreplaceable habitat is not to be resolved within the biodiversity net gain metric and instead, a separate suitable compensation strategy needs to be agreed. No compensation strategy was submitted with the application or with the Appeal Statement. A compensation Strategy was provided to the council on June 4th after the appeal was lodged which is currently being reviewed.
- 11.3 On the basis that an acceptable compensation strategy does not exist, this proposal should be refused as per National Planning Policy Framework paragraph 186 (c).
- 11.4 The PPG further sets out:

the 10% BNG requirement does not apply when irreplaceable habitats are lost. This is because they are so difficult to recreate and have such a high biodiversity value that it would be impossible to achieve the requirement to increase biodiversity on top of no net loss.

BNG does not change the existing protections and compensation requirements for irreplaceable habitat in planning policy. The national planning policy framework on irreplaceable habitat applies. This means that planning permission for development resulting in the loss or deterioration of irreplaceable habitat will only be granted in wholly exceptional circumstances and where a suitable compensation strategy exists.

- 11.5 Taking the above into consideration, the degradation of the site weighs significantly in the planning balance. These are habitats that are 'so difficult' to replicate and cannot be compensated for in BNG calculations.
- 11.6 Whilst the titled balance is engaged by reason of the HLS position, it is relevant to consider NPPF para 11 further, which states at (d)(i):

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed;

- 11.7 NPPF footnote 7 explains that irreplaceable habitats are 'assets of particular importance'. The degradation of Veteran trees, an irreplaceable habitat, provides a strong reason for refusing the development when considering paragraph 11(d).

BNG

- 11.8 further information was also submitted on July 4th regarding the BNG baseline. There are however, still areas of disagreement. For example, the classification of grassland in the north-west of the site has not degraded when considering the ecology survey information that was determined at appeal in 2023.
- 11.9 Overall the difference in the on-site baseline is set out below:

Appellant

On-site baseline	Habitat units	47.30
	Hedgerow units	10.74
	Watercourse units	4.41

LPA

On-site baseline	<i>Habitat units</i>	50.34
	<i>Hedgerow units</i>	11.73
	<i>Watercourse units</i>	5.11

11.10 The council will liaise with the Appellant in trying to agree and BNG on-site Baseline.

Habitats and species

11.11 As stated in section 10, the Environment Agency have objected to the appeal scheme. This in part is due to the prevention of the reversal of the loss of watercourse habitat and the proximity of the development to existing ditches, waterbodies and their riparian corridors.

11.12 The council also raised concerns regarding an additional bat survey that was required, and this is being reviewed by the council's Ecologist.

11.13 The council will continue dialogue with the Appellant and the EA to see if common ground can be found on the issues raised in the officer report and this statement.

12. Main issue 8: Completion of S106 agreement.

12.1 Reasons for refusal 8 - 10 relate to requirements of a section 106 obligation. The parties are liaising on the detail of the agreement and these reasons for refusal would be mitigated by the completion of section 106 agreement.

13.0 Main issue 9: If there is a conflict with the development plan, whether other considerations indicate the proposal should be determined otherwise than in accordance with the development plan

13.1 The proposal is contrary to the development plan. There is therefore a statutory presumption of refusal unless other material considerations outweigh that

conflict. This process involves attributing weight to different material considerations.

- 13.2 The LPA acknowledges that it cannot demonstrate a five year housing land supply according to the terms of the NPPF and NPPG as they stand. The tilted balance as set out in NPPF paragraph 11 therefore applies and is a material consideration.
- 13.3 The housing land supply position is 1.7 years at 31st March 2024. This position factors in the government's overnight change to the calculation of Local Housing Need (LHN) in December 2024, which increased LHN from 748 dwellings per annum (dpa) to 1,336 dpa. This change to LHN was clearly outside the control of the council and has acted to reduce the housing land supply position.
- 13.4 While accepting that housing land supply is a forward-looking exercise, it is also relevant that the council has delivered a surplus of housing completions against all national policy requirements since the Core Strategy period began in 2006. As set out in the Housing Land Supply Delivery Statement³, there has been significant delivery of dwellings in the borough and this is demonstrated by all the published Housing Delivery Test results, set out below.

Year	Performance
2018	157%
2019	175%
2020	200%
2021	189%
2022	205%
2023	169%

- 13.5 The Five Year Housing Land Supply Statement further shows that housing delivery against the housing requirement in Core Strategy Policy CP17 over the plan period, has been exceeded by 2,281 dwellings. In addition, housing

³ Appendix 4

delivery against the standard method for calculating Local Housing Need shows that in the five years 2018/19 – 2023/24, 7,191 dwellings have been completed against a cumulative need of 4,801 dwellings, an exceedance of 2,275 dwellings. Over this 5-year period, this constitutes a 50% boost to housing delivery.

- 13.6 This high level of housing delivery has been reflected in the first data released from the 2021 census. Over the 10-year period 2011-2021, the population of Wokingham increased by 15%. This was the third largest increase of any local authority in the South east England outside of London. The average population increase in England was 6.3%.
- 13.7 This high level of housing delivery is further reflected in ONS data that sets out changes in dwelling stock for each local authority. This shows over the 10-year period 2011-2021 the housing stock in Wokingham Borough increased by 14.5%.
- 13.8 The Five Year Housing Land Supply Statement shows that housing delivery has exceeded all assessment of needs. As a result, this high level of delivery has acted to reduce the bank of planning permissions, and therefore the deliverable housing land supply.
- 13.9 The strong delivery record has also been noted by previous inspectors in other appeals. Following an appeal decision at Land East of Lodge Road, Hurst for 200 houses (APP/X0360/W/22/3309202⁴), the Inspector noted:

‘In view of these points, and even though the Council is currently unable to demonstrate a deliverable 5-year HLS, falling short by some 863 dwellings, I do not consider it reasonable to ignore the bigger picture, which is that there is a very strong likelihood that the Council will achieve a significant oversupply of dwelling completions over the whole CS period. To my mind this does not signify a Council that is failing in terms

⁴ Appendix 7

of housing provision, but rather one which is performing well and managing to boost the supply of housing over that which it planned for.'

[...]

'Turning to consider the CS's spatial vision, I see nothing in the evidence placed before me to indicate that the Council's chosen method of distributing new housing throughout the Borough has prevented it from achieving satisfactory housing delivery to date.'

13.10 It must be noted that the housing land supply position has decreased from 3.95 years to 1.7 years since this decision. However, this still acknowledges the oversupply of dwellings over the plan period, and the fact the spatial strategy has not restricted the council from achieving this. It is important to note that the council does not control the speed or rate of housing delivery.

13.11 For an appeal at Land off Watmore Lane/Maidensfield, Winnersh⁵, the Inspector reflected on the delivery record:

'However, on every relevant measure the Council has over delivered by some way since 2006/7. For instance, on the highest measure the Council has delivered 10,393 homes against a need for 8,560. The performance against the Housing Delivery test has been exceptional, with the measurement since 2018 being as high as 205% and not lower than 157%.' (paragraph 98)

13.12 Whilst the council cannot demonstrate the relevant housing land supply, the backward look shows that the spatial strategy has delivered a significant over supply of dwellings, exceeded requirements and demonstrating that the development plan has performed well. Notwithstanding this, the HLS position of 1.7 years is noted and whilst past over supply is a material consideration, it does not change the fact the titled balance is engaged.

⁵ Appendix 9

- 13.13 The forward look of a 1.7 year HLS position also needs to be considered against the timeline of the Local Plan Update.
- 13.14 The Wokingham Borough Local Plan Update 2023-2040: Proposed Submission Plan was submitted to the Secretary of State for examination on Friday 28 February 2025, under the transitional arrangements of NPPF (2024) paragraph 234. Two Planning Inspectors have been appointed to examine the plan. The Local Development Scheme sets out a timetable for adoption by May 2026. This plan will supersede the current Core Strategy and MDD Local Plan, which sets out the spatial strategy for the development plan up to 2026. The LPU sets out a development strategy and site allocations over the period to 2040. The LPU proposes to meet housing needs in full, with a key part of the development strategy focussing growth on sustainable locations which benefit from existing, or the creation of new services and facilities as part of Strategic Development Locations (SDLs), this includes the delivery of 3,930 dwellings at the proposed Loddon Valley Garden Village SDL.
- 13.15 While the benefits of additional housing are acknowledged and carry significant weight, the context of the Council's strong and sustained track record of housing delivery is relevant. Wokingham Borough has consistently exceeded its housing targets in previous years, contributing substantially to the region's overall supply. The emerging Local Plan Update provides a clear and plan-led pathway to meet future housing needs in sustainable, infrastructure-supported locations.
- 13.16 Evidence in the Five Year Housing Land Supply Statement from similar sized developments in the borough indicates a lead in time for first completion of 47 months from when outline planning permission is granted⁶. Thereafter the evidence base indicates delivery at a rate of 25 per annum for this size of development. On this basis, the site will take several years before new homes are completed. Similarly, as the application is Outline, the site is will not meet

⁶ Appendix 4 page 17 – 18.

the NPPF's definition of 'deliverable' unless there is clear evidence that housing completions will begin on site within 5 years. As a result, the site would not form part of the council's future Five Year Housing Land Supply Statements for some time, after the LPU has been adopted.

- 15.17 Overall, the weight given to the benefits of additional housing is considered significant and this is factored into the Conclusion and Planning Balance section of this Statement. However, significant previous over delivery and the emerging Local Plan Update are important considerations in understanding the overall delivery picture and establishing that the current development plan has functioned well. These are all factors that must be taken into account when considering the wider context to the current shortfall in housing land supply.

14.0 CONCLUSION AND PLANNING BALANCE

- 14.1 The planning system should be genuinely plan-led. The starting point is the fact that the proposed development would be in conflict with key policies and the spatial strategy of the adopted development plan.
- 14.2 The policies setting out the spatial framework of the development plan have to be considered out-of-date, because the Council cannot demonstrate a deliverable 5-Year HLS, in accordance with para 11 of the NPPF. However, the policies which are most important for determining this appeal proposal accord strongly with the requirements of the Framework, especially regarding the need to promote and secure a sustainable pattern of development, and safeguarding countryside character.
- 14.3 While the Council accepts that the conflict with the spatial strategy of the development plan cannot attract full weight in the planning balance, given that the spatial strategy has functioned effectively to secure a surplus of housing to date, that the conflict should nonetheless be afforded significant weight. The scale and nature of the breach of settlement limits in this appeal is also substantial and excessive.

14.4 Paragraph 11(d) of the NPPF applies in this case which sets out permission should be granted unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

14.5 The appeal proposal would deliver both market and affordable housing, and this is a significant material benefit. There would also be some temporary economic benefits associated with construction and limited local spending. However, these are not unique to this scheme.

14.6 With regard to the delivery of open space, the inspector stated previously, that the provision of new amenity space in this location is a requirement of the development itself and so can hardly be seen as a material benefit.⁷ Whilst there would be an increase in open space from the previous development this is due to the reduced quantum of development rather than delivering a specific strategic need.

14.7 While the scheme proposes biodiversity net gain (BNG)⁸, this is undermined by the degradation of irreplaceable veteran trees and associated habitats. Such a loss is a significant disbenefit that cannot be mitigated and directly conflicts with the environmental objectives of the NPPF.

⁷ Para 127

⁸ Subject to the BNG baseline being agreed.

- 14.8 The location of the development conflicts with the emerging policies and spatial strategy in the Local Plan Update. This conflict is given limited to moderate weight due to the stage or preparation of the plan.
- 14.9 The proposal would result in a harmful impact to the character and appearance of the landscape which is which weighs negatively in the overall planning balance.
- 14.10 The quantum, parameters and scale of development would result in harmful physical attributes of the development that would further negatively impact the character and appearance of the area. This includes the detached isolated main access away from the village on an isolated stretch of Lodge Road; parameters of development that do not stitch into the built form of the existing settlement and a scale that is incompatible with small organic growth of the village. The failure to achieve good design parameters goes to the heart of sustainable development and what the planning system seeks to achieve.
- 14.11 The location of the appeal site is inherently unsustainable for a major housing development. As confirmed by the Inspector in APP/X0360/W/22/3309202, the site lacks the walkable access to services and transport required for sustainable growth. A reduction in dwelling numbers and the proposed piecemeal mitigation does not address the fundamental spatial unsustainability of the site. The proposal fails to meet the Framework's core objective of directing development to sustainable locations.
- 14.12 As established in the previous appeal decision, the loss of BMV land is a negative feature of the appeal proposal and this carries moderate weight.
- 14.13 The objection from the Environment Agency regarding the inadequacy of the FRA, impact on main waterbodies & ditches and riparian corridors is given very significant weight in the absence of any clear and compelling reasons to address their objection. In addition, the access road crosses a main river ditch

that is now classified as Flood Zones 2 and 3 and is an area at risk from flooding.

14.14 In conclusion, reducing the scale of the development from the previous dismissed appeal logically cannot change the overall balance, the benefits and harms established by the previous Inspector would be impacted in equal measures. Ultimately the harms still demonstrably outweigh the benefits.

14.15 In this case, the appeal scheme simply reduces the benefits and ignores the fundamental issues raised with locating a major residential development on this site. Where the benefits have been reduced, but the harms remain substantial and enduring, the case for approval becomes even weaker.

14.16 The adverse impacts of this development significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole. This conclusion does not change even if the Environment Agency withdraw their objection and the BNG baseline is agreed. Delivering housing is important but sustainable development is not assessed on numbers alone. It must also reflect location, accessibility, scale, environmental impact, and whether it complements the established character of the area. This proposal is in direct conflict with these principles. The tilted balance does not override the need to avoid patterns of development that are inherently unsustainable, harmful and inconsistent with national policy. The Inspector is respectfully requested to dismiss the appeal.

15.0 WITNESSES

15.1 A Proof of Evidence will be provided by a Principal Planning Officer, setting out the planning aspects of the council's case. This will also include evidence relating to the parameters, scale and quantum of development.

15.2 A landscape witness in respect of the development's impact upon the landscape, visual impacts and impacts upon the character of the area will be called.

- 15.3 A witness dealing with the unsustainable location will be called.
- 15.4 Further information has been submitted with regard to the Ecology and biodiversity and this is being reviewed by the council. Should this matter remain unresolved an ecology witness will be called.
- 15.5 The extent (1.7 years) of the housing land supply shortfall is agreed with the Appellant and therefore the council does not consider it necessary for a planning policy witness to be called on this issue.
- 15.6 The loss of BMV land is agreed with the Appellant and it is not necessary for any witness to be called on this matter. It is a matter for the respective planning witnesses to weigh this in the overall planning balance.
- 15.7 The Environment Agency have advised that they will be providing a separate statement but do not intend to be a Rule 6 party to this appeal. The council will liaise with the EA about providing evidence at the Inquiry should their objection remain.
- 15.8 The council are not intending to call any additional witnesses. However additional officers of the council may contribute to any Condition or S106 round table discussion, should it assist the Inspector.

16.0 DOCUMENTS

- 16.1 So far as possible, the documents which may be referred to during the course of the Public Inquiry have been mentioned in the foregoing Statement. The Council reserves the right to refer to other documents as may become relevant during the course of the appeal proceedings.
- 16.2 The documents listed within this statement, may be inspected on the council's website <https://www.wokingham.gov.uk/planning> and by entering the planning reference number. The council will liaise with the Appellant to agree a list of

core documents and publish these on the council's website. Hard copies can be made available upon request at the council offices:

Wokingham Borough Council
Council Offices
Shute End
Wokingham
RG40 1WR

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