



WOKINGHAM BOROUGH COUNCIL

Statement by Local Planning Authority

Appellant:	Mr L Cleary
Site:	Land at Lodge Road, Hurst, Wokingham, RG10 0SG
Local Planning Authority Reference:	252934
Planning Inspectorate Reference:	6014086
Date	September 2026

Contents

List of Appendices2

1 Introduction2

2 Site Description4

3 Planning History4

4 Legal Context and Planning Policy4

5 The Council’s Case7

6 Planning balance / Conclusion24

List of Appendices

Appendix 1	Officer Report
Appendix 2	Decision Notice
Appendix 3	Appeal Decision - APP/X0360/W/18/3194044 - Land at Lodge Road
Appendix 4	Appeal Decision - APP/X0360/W/25/3364304 - Lodge Road and Tape Lane
Appendix 5	Appeal Decision - 6005528 - Gardens to Knells House
Appendix 6	Appeal Decision - APP/X0360/W/22/3309202 - Land East of Lodge Road
Appendix 7	Recommended conditions

1 Introduction

- 1.1 Full planning permission was refused on 16th March 2026 under planning reference 252934. The proposal was for the proposed erection of 3 no. detached dwellings with associated access, parking and landscaping and creation of a balancing pond.
- 12 The application was refused for the following reasons:
1. *The proposal represents inappropriate, unplanned development outside of development limits within the countryside and contrary to the spatial*

objectives of the development plan and to policies CP1, CP9 and CP11 of the Core Strategy, policy CC01 of the MDD Local Plan, and the NPPF.

- 2 The proposed development would have an adverse impact on the landscape, character and appearance of the area through the loss of an open greenfield site in the countryside and its replacement with urbanising built form. In particular, it would represent an encroachment of development that would diminish the important visual separation between the villages of Hurst and Whistley Green. This would be contrary to policies CP1, CP3 and CP11 of the Core Strategy, Policies CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD, the Wokingham District Landscape Character Assessment and sections 12 and 15 of the National Planning Policy Framework.*
- 3 The application site is within an unsustainable location that would not encourage a modal shift towards sustainable modes of transport, 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, Policies CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the National Planning Policy Framework.*
- 4 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.*
- 5 In the absence of adequate 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).

6. *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.*

2 Site Description

- 21 The application site is located on the eastern side of Lodge Road. It currently comprises a grassland field containing trees, hedgerows, and areas of scrub. The site is situated within the countryside and lies between residential dwellings, with properties predominating to the south as part of Hurst, a single dwelling to the west, and a single dwelling to the north, beyond which lies the village of Whistley Green.
- 22 The surrounding land to the east and west is characterised by open countryside, including areas of farmland.

3 Planning History

Application No.	Description	Decision & Date
172894	Full application for the proposed erection of 5 no. new dwellings and garages with creation of a new vehicular and pedestrian access to Lodge Road and footway provision.	Refused, 06/12/2017 Dismissed at appeal on 31/01/2020 under APP/X0360/W/18/31940 44
153431	Full application for the proposed erection of 12no dwellings, garages and creation of new vehicular access off Lodge Road.	Refused, 10/05/2017 Withdrawn at appeal on 23/01/2017

4 Legal Context and Planning Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan, unless material considerations indicate otherwise. Since the appeal was made, the Government published a revised

National Planning Policy Framework on 17 August 2026. However, the revised NPPF does not change the statutory status of the development plan as the starting point for decision making.

42 Relevant policies and guidance are listed below

- National Planning Policy Framework (NPPF) December 2026
- National Planning Policy Guidance (NPPG)

Adopted Development Plan

• **Wokingham Borough Council Core Strategy (2010)**

- 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
- CP17 – Housing Delivery

• **Managing Development Delivery Plan (2014):**

- CC01 – Presumption in Favour of Sustainable Development
- CC03 – Green Infrastructure, Trees and Landscaping
- CC04 – Sustainable Design and Construction
- CC05 – Renewable Energy and Decentralised Energy Networks
- CC06 – Noise
- CC07 – Parking
- CC09 – Development and Flood Risk
- CC10 – Sustainable Drainage
- TB05 – Housing Mix
- TB07 – Internal Space Standards
- TB21 – Landscape Character
- TB23 – Biodiversity and Development
- TB25 – Archaeology

Adopted Development Plan

- Borough Design Guide Supplementary Planning Document (2012)
- CIL Guidance + 123 List
- Affordable Housing Supplementary Planning Document (2013)

Emerging Policy Local Plan update

- 43 The Wokingham Borough Local Plan Update (LPU) 2023–2040 is being prepared to replace the existing Core Strategy and Managing Development Delivery plans and establish the borough’s planning strategy to 2040.
- 44 The Proposed Submission Plan was submitted for independent examination on 28 February 2025. Two independent Planning Inspectors conducted Part 1 hearings in November 2025 and Part 2 hearings between March and June 2026, considering the Plan’s legal compliance, soundness and strategic and detailed matters. The Inspectors have now issued a post-hearings letter indicating that the Plan is likely capable of being found sound and legally compliant, subject to modifications, with consultation on those modifications expected later in 2026. Therefore, the Council considers that the policies of the LPU, submission have modest weight in general at this stage.
- 45 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
 - SS5 – Development in the countryside
 - NE5 – Landscape and design
 - NE6 – Valued landscapes
 - DH1 – Place making and quality design
 - NE1 – Biodiversity and geodiversity
 - NE2 –Biodiversity net gain
 - C3 – Active travel
 - C5 – Parking and electric vehicle charging
 - DH2 – Safeguarding amenity

➤ HC5 – Environmental protection

- 46 The site will continue to be located outside settlement limits and within the countryside in the Local Plan Update.

5 The Council's Case

- 51 The following comments are made in response to both the appellant's Appeal Statement and the further representations submitted to the Planning Inspectorate on 25 August 2026 by email in light of the revised NPPF. It is acknowledged that the appellant's Appeal Statement refers to the previous 2024 NPPF, which was the national policy framework in force at the time it was prepared. Accordingly, where relevant, the Council has considered the appellant's arguments against the provisions of the revised NPPF now in force.

Reason for refusal 1 - Outside of development limits

- 52 The site is located outside of the defined settlement limits, within countryside and therefore the principle of this development in this location is unacceptable and in conflict with the development plan and its spatial strategy. This is not merely a technical breach of settlement limits of the spatial strategy and there are numerous factors that lead to the inappropriateness of the principle of this development:

- (a) The site lies outside the defined settlement limits, resulting in a direct conflict with Core Strategy Policies CP1, CP9 and CP11 and the overarching spatial strategy for the borough.
- (b) The proposal undermines the aims and purposes of these policies, which are designed to maintain the separate identity of settlements and maintain the quality of the environment. They also seek to prevent the proliferation of development in areas that are not well located for the facilities and services and provide certainty as to how the borough will be developed.

- (c) The breach of settlement limits is not minor or inconsequential.
- (d) The site has been consistently judged to be inappropriate for development through a previous appeal decision.
- (e) The site will continue to remain outside of settlement limits in the Local Plan Update.

- 53 The statutory starting point for determination is the development plan. The site is outside of settlement limits and within the countryside and the location for the proposed development conflicts with the spatial strategy in the development plan.
- 54 Following the publication of the revised National Planning Policy Framework (NPPF) on 17 August 2026, national policy has undergone structural updates that apply immediately to this appeal. The single presumption mechanism under former paragraph 11(d) and its associated "tilted balance" have been replaced. Instead, the Framework establishes location-specific provisions through Policies S3 to S5.
- 55 Under the revised NPPF, Policy S5 establishes that planning permission for development outside defined settlement boundaries will only be permitted where it falls within one of the specific, limited exceptions listed under criterion S5(1)(a) through (j).
- 56 It is common ground between the parties that Policy S5(1)(j) is the relevant policy context for assessing this appeal. Policy S5(1)(j) is specifically engaged here because it applies to schemes for general market housing on sites located outside settlement boundaries where the local planning authority cannot demonstrate a five-year housing land supply, a condition met in this case, as it is common ground that the Council is currently only able to demonstrate a 2.5-year supply of deliverable housing sites. Under this policy, such development is only acceptable provided the proposal is:

(...physically well-related to an existing settlement (unless the nature of the development would make this inappropriate) and be

of a scale which can be accommodated taking into account the existing or proposed availability of infrastructure...)

- 5.7 The Council does not accept that physical proximity or contiguity alone is necessarily sufficient to satisfy the requirement for development to be "physically well-related" to an existing settlement. Whilst the site's relationship and proximity to the existing built-up area are clearly relevant considerations, the requirement requires an assessment of the site's relationship to the established settlement as a whole and whether the proposed development would properly relate to its existing physical form and structure.
- 5.8 In this case, the appeal site forms part of the transition between the established settlement and the open countryside. The existing settlement is contained by a clear and defensible physical and landscape boundary, beyond which the character changes materially from the built form of the settlement to open countryside. The proposal would extend development beyond this established threshold and into land which does not form part of the existing settlement structure.
- 5.9 Consequently, whilst the site physically adjoins the built-up edge of the settlement to the south, the Council considers that this relationship, taken alone, is insufficient to establish that the site is "physically well-related" to the settlement for the purposes of Policy S5(1)(j). The proposed development would project beyond the established settlement form rather than constituting a cohesive and well-related extension of it.
- 5.10 Following the evaluation of whether a site is "well-related," Policy S5(1)(j) sets out a second requirement: the proposal must be of a "*scale which can be accommodated taking into account the existing or proposed availability of infrastructure*"
- 5.11 The appellant's email submission contends that the delivery of three residential units represents a minor addition to the local housing stock. They argue that a development of this limited scale places negligible

demand on existing physical or community infrastructure networks, and therefore fully satisfies this limb of Policy S5(1)(j).

5.12 The Council accepts that, in terms of standard utility capacities and service provision, the physical demand generated by three dwellings is minimal. However, whether a proposed scale of development can be accommodated must also take account of fundamental physical and environmental constraints, including existing flood risk and drainage infrastructure.

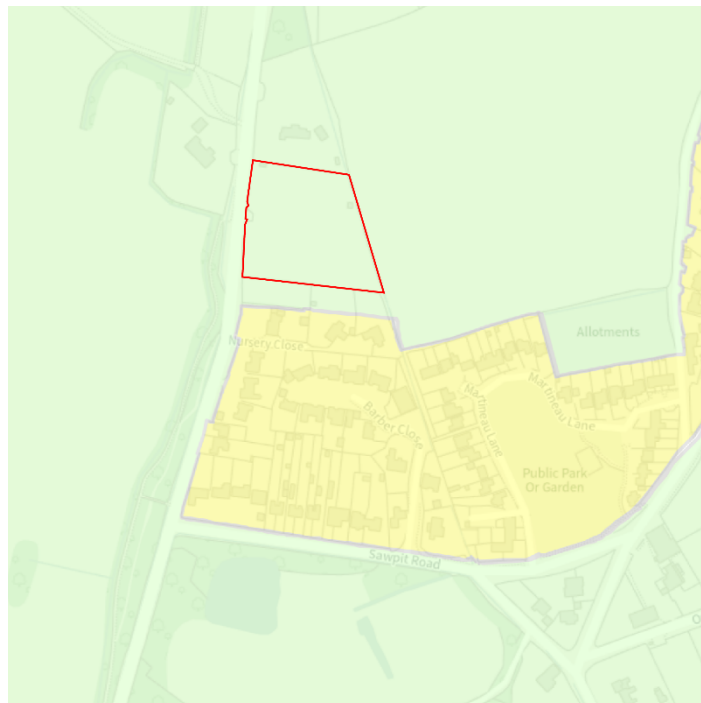
5.13 The appeal site is subject to identified site is therefore subject to fluvial, surface water and groundwater flood risk. Accommodating three dwellings requires appropriate, functioning surface water management and safe access/egress infrastructure. As set out under Reason for Refusal 3 and addressed in detail later in this Statement, the appellant has not provided sufficient evidence to demonstrate that the proposed development would be safe from flood risk over its lifetime or would not increase flood risk elsewhere. The proposal has therefore not demonstrated compliance with the Sequential Test or the safety requirements of Policies F5 and F7 of the NPPF (2026), and Reason for Refusal 4 remains justified.

5.14 Consequently, the unresolved flood risk and drainage constraints mean that the proposal has not demonstrated that the proposed three dwellings, including the necessary access and surface water management infrastructure, can be safely accommodated. The proposal therefore fails to satisfy the requirement in Policy S5(1)(j) that the scale of development can be accommodated having regard to the existing or proposed availability of infrastructure.

Reason for refusal 2 - Character and appearance

5.15 Paragraph 2.28 of the appellants statement asserts that no justification has been given for identifying a "critical break" in the built form. However, this characterisation is clearly evidenced within the Officer Report. The appeal site constitutes an unbuilt, open parcel that creates a definitive

visual pause between the linear frontage of nearby dwellings and the wider rural landscape. Rather than forming a natural infill gap within an established street scene, the site represents a clear transition from the consolidated built envelope of the settlement of Hurst to the south into the open countryside, which is characterised by lower-density, single-plot developments. This distinction between the established settlement and the surrounding countryside is clearly illustrated by the GIS mapping below, which shows the appeal site in the context of the designated countryside (green) and the settlement of Hurst to the south and south-east:



5.16 The importance of the appeal site's spatial role is explicitly confirmed by the Inspector in the previous Appeal Decision (APP/X0360/W/18/3194044) (Appendix 3), who noted at Paragraph 23:

"In my judgement the site is an important component of the open space which separates the northern and southern arms of the identified settlement of Hurst/Whistley Green... the clear character is that of a rural and largely undeveloped tract of land to the east of Lodge Road."

- 5.17 Additionally, permitting this proposal would undermine the defensible edge of the settlement. The Council draws particular attention to the open field situated immediately to the north-east and east of the appeal site (Land Between Lodge Road and Tape Lane). Allowing development here would result in the progressive enclosure and surrounding of this field, which is already substantially enclosed on its other sides.
- 5.18 Such encirclement would compromise the spatial integrity of this remaining pocket of open land, directly eroding the open countryside buffer. This result fundamentally undermines the core aims of Core Strategy Policy CP11, which is explicitly designed to protect the quality of the rural environment, maintain settlement boundaries, and prevent the gradual erosion of separate settlement identities.
- 5.19 The Appellant cites the previous Inspector's findings (APP/X0360/W/18/3194044) (Appendix 3) that the site has a "moderate susceptibility to change" and would suffer a "moderate and adverse impact on the character of the landscape" (Paragraph 2.29). On this basis, the Appellant contends that the current proposal overcomes these issues by reducing the number of dwellings from five to three and arranging the development in a linear form rather than as a cul-de-sac.
- 5.20 However, reducing the unit count does not alter the underlying principle - introducing permanent residential development onto an open, greenfield plot that performs a critical buffering role remains inherently harmful. On the contrary, adopting a linear layout across the frontage actively exacerbates spatial harm. By stretching three substantial detached dwellings across the site, the proposal creates a continuous, suburbanized built edge along the road. Rather than preserving an open gap, this linear format consolidates ribbon development, bridges the open break, and fails to maintain or enhance the high quality of the local landscape, directly conflicting with Core Strategy policies CP1 (1) and CP3 (a) and (f).
- 5.21 In Paragraph 2.30, the Appellant claims that the scheme is acceptable

because building footprints and driveways cover "16% of the site," leaving "84% as green space." The Council considers this metric misleading. Building footprint and hard standing is not the sole measure of landscape and spatial impact. A considerable portion of the remaining land of the site will not retain its existing open, rural greenfield character. Instead, a substantial portion of the plot will undergo an irreversible change of use into private residential curtilage. What is currently an undeveloped gap will be fundamentally domesticised through manicured lawns, boundary fences, domestic paraphernalia (such as sheds, patio furniture, and play equipment), artificial lighting, and daily vehicular movements. Even with a lower building footprint, the character of the site is converted from countryside to domestic residential setting. As a result, the intrinsic openness and rural function of the gap are permanently lost, directly conflicting with Core Strategy Policies CP1, CP3 and CP11.

Reason for refusal 3 - Locational sustainability

- 522 The application site is established to be within an unsustainable location by the previous appeal decision ref: APP/X0360/W/18/3194044 (Appendix 3). After a Public Inquiry and hearing all the evidence, the inspector concluded:

"Taking all of these matters together it is my judgement that the location of the appeal site would not follow sustainable principles. Residents of the site would not be likely to take advantage of walking, cycling or public transport to any significant degree."

- 523 Whilst the current proposal seeks permission for three dwellings rather than five, the development remains residential in nature and broadly comparable in scale. Importantly, there have been no material changes to the surrounding transport network, accessibility of local services, pedestrian infrastructure or public transport provision that would justify reaching a different conclusion. The Inspector's findings therefore remain highly relevant and continue to carry substantial weight.

524 As discussed in detail in the Council's Officer's Report, the appeal site is demonstrably unsustainable in locational terms. Future occupiers would face an absence of dedicated, lit footways along Lodge Road, as well as a lack of safe cycle infrastructure connecting the site to the wider network. Coupled with infrequent public transport services and the significant distance to day-to-day facilities, daily trips would inevitably be dominated by the private car. The limited scale of the proposal does not, in itself, overcome these fundamental physical and locational deficiencies.

525 In addition, there have been two appeal decisions on neighbouring land to the east that considered Hurst as being unsustainable. The most recent appeal decision (APP/X0360/W/25/3364304) (Appendix 4) in August 2025 concluded that even after a package of mitigation measures the site was not sustainable: *"I conclude that the location of the development is not readily accessible to services and facilities by sustainable means of transport, and while the package of travel measures would be of benefit it would not increase accessibility to higher order services and facilities to the extent that would make it fully sustainable."* The decision confirms that the fundamental issue is not the absence of mitigation, but the inherent spatial relationship between the locality and the services and facilities upon which future residents depend.

526 Another Inspector for the site boarding the appeal site also came to the same conclusion in 2022 (APP/X0360/W/22/3309202) (Appendix 6),, *"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."* Whilst the scale of development on the neighbouring sites is larger than the appeal proposal, it does demonstrate how Inspectors have considered the sustainability of the

immediate locality.

- 527 The appellant contends that Policy TR3(a) of the NPPF does not provide a basis for resisting the proposal because three dwellings would generate only a limited amount of additional movement. The appellant argues that the requirement in Policy TR3(a) concerning development capable of generating a "significant amount of movement" is therefore not engaged and that the site's locational sustainability cannot form a valid reason for refusal.
- 528 The Council disagrees with this interpretation.
- 529 First, the objectives of this policy and the NPPF are to promote sustainable patterns of movement. Chapter 15 is titled "Promoting Sustainable Transport" and policy TR1 sets out sustainable travel should be considered at the earliest stages in plan-making. Policy TR3 itself is titled "Locating development in sustainable locations" with the broad objective to support sustainable patterns of movement and enables good accessibility for different users.
- 530 Second, the reference in Policy TR3(a) to development generating a "significant amount of movement" does not provide a general exemption for minor residential development from assessment of its locational characteristics. At most, the policy is silent on minor development. There is no wording which states that such locations should now be considered sustainable, or that minor residential proposals are exempt from assessment.
- 531 Third, the NPPF does not displace the primacy of the development plan. Applications must be determined in accordance with the development plan unless material consideration indicate otherwise. Policy CP6 of the Core Strategy promotes sustainable patterns of movement and is broadly consistent with the NPPF and its objectives. As set out in the officer report and decisions notice, the proposed development conflicts with this policy which should be given full weight. It should be noted that

the Local Plan Update does not propose to change the settlement boundaries to include this site and it would continue to be an unsustainable location outside of settlement limits.

532 Fourth, a development may generate relatively few movements whilst nevertheless being located where future occupiers would be substantially reliant upon private motor vehicles due to poor pedestrian connectivity, limited public transport provision and poor access to services and facilities. Accordingly, the Council considers that the appellant's reliance on the limited number of movements generated by the proposal confuses the transport impact of the development with the separate question of whether the site is a suitable and sustainable location for residential development.

533 Fifth, a recent appeal decision for five dwellings in an out-of-settlement location, considered under the revised NPPF (appeal reference 6005528) (Appendix 5), confirmed that development plan policies requiring development to be located in sustainable locations remain consistent with the Framework when applied to small-scale residential proposals. The key consideration is not simply the number of movements generated, but whether the development would be located where future occupants can realistically access services and facilities by sustainable means. In this case, the Inspector concluded that the dwellings would be located in a sustainable location and that refusing the development would not conflict with the revised NPPF.

534 In summary, the proposal represents development in an unsustainable location outside of settlement boundaries. The previous appeal decision on the site for a similar scale of development concluded it was unsustainable. Two appeal decisions regarding the site found the location unsustainable for new housing. The poor sustainability of the site has not materially changed since these recent decisions. The proposal conflicts with development plan policy which seeks to locate development in sustainable locations and this objective is consistent with national policy.

Reason for refusal 4 - Flooding and drainage

- 535 This reason for refusal centers on the failure to demonstrate that the development would be safe from flood risk over its lifetime. In the absence of a robust, policy-compliant Sequential Test, it has not been established that there are no alternative, lower-risk sites available for housing, nor has it been substantiated that surface water flood risk and site drainage can be safely managed without increasing flood risk elsewhere.
- 536 Chapter 18 the NPPF 2026 establishes a clear, stepped framework for decision-making. Policy F5(1) sets out that the aim of the Sequential Test is to steer new development towards areas with the lowest risk of flooding from any source and provides that development should not be permitted where reasonably available alternative sites appropriate for the proposed development exist in areas at lower risk.
- 537 Policies F4 and F5 require flood risk to be considered comprehensively, including flood risk from surface water alongside fluvial, tidal and other sources.
- 538 Under Policy F7, development proposals must also be demonstrated to be safe for their lifetime without increasing flood risk elsewhere.
- 539 The application site is liable to multiple sources of flooding. This includes fluvial flood zones 2 and 3 from a main river ditch, high surface water flooding and the highest susceptibility to ground water flooding and emergence. With respect to ground water flooding, groundwater levels are at least within 0.025m of the ground surface, may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.
- 540 In these circumstances, the requirement for the proposed development to satisfy the Sequential Test is not merely a procedural policy requirement. Rather, it is the primary component of national and local flood risk policy, intended to ensure that vulnerable development is

directed away from areas at greatest risk of flooding wherever reasonably available alternative sites exist. Given the severity and extent of the flood risk constraints affecting the appeal site from fluvial, surface water and groundwater sources, strict application of the Sequential Test is of particular importance in this case.

541 The appeal proposal does not fall within any of the exceptions set out in Policy F5 where application of the Sequential Test is not required. The proposed development would be located within an area subject to multiple sources of flood risk, including significant surface water flooding, groundwater emergence and fluvial flooding.

542 The appellant has submitted a Sequential and Exception Test Report. The report does not demonstrate compliance with Policy F5 and ultimately confirms that the proposal fails the Sequential Test. The proposal therefore conflicts directly with Policy F5, which states:

"Where the test applies, development proposals should not be located in areas at risk of flooding where alternative sites, appropriate for the development, are reasonably available in areas with a lower risk of flooding."

543 The government's Sequential Approach to flood risk is long standing and the importance of the Sequential Test is reinforced by Planning Practice Guidance. The strong emphasis of national flood risk policy to avoid locating development in areas at risk of flooding is clearly stated at paragraph 023 (Reference ID: 7-023-20220825) of the PPG:

"What is the aim of the sequential approach?"

The approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. This means avoiding, so far as possible, development in current and future medium and high flood risk areas considering all sources of flooding including areas at risk of surface water flooding. Avoiding flood risk through the sequential

test is the most effective way of addressing flood risk because it places the least reliance on measures like flood defences, flood warnings and property level resilience features. Even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied. Application of the sequential approach in the plan-making and decision-making process will help to ensure that development is steered to the lowest risk areas, where it is compatible with sustainable development objectives to do so, and developers do not waste resources promoting proposals which would fail to satisfy the test. Other forms of flooding need to be treated consistently with river and tidal flooding in mapping probability and assessing vulnerability, so that the sequential approach can be applied across all areas of flood risk.”

544 The appellant refers to the conclusions of the Sequential Test submitted for the neighbouring appeal site. It should be noted that due to the multiple sources of flooding in the area, the Sequential Test for the neighbouring site scored it one of the worst areas for flooding in the area, ranking it 224 out of 257 sites. Furthermore, that assessment related to a larger development proposal. For a scheme of only three dwellings there is an even greater likelihood that alternative, lower-risk sites would be reasonably available.

545 Consequently, the Exception Test cannot be engaged, because the appeal scheme fails the first and fundamental stage of the sequential approach to managing flood risk - to avoid such a risk where there are reasonably available alternative sites. NPPF Policy F6 1b makes clear that the Exception Test should only be engaged *“in addition to satisfying the sequential test in policy F5 where applicable”*. The proposal does not achieve this.

546 The appellant’s Flood Risk Matters Report and appeal statement (para

2.41) presents a combination of factors to support the proposal, noting that the three proposed dwelling footprints are sited within Flood Zone 1, Finished Floor Levels (FFLs) are elevated above calculated flood levels, and surface water risk across the lower site and access road can be managed via an attenuation basin and SuDS strategy.

547 This has been reviewed by the WBC Drainage team, who maintain that their original consultation response of 21 January 2026 remains active and relevant, confirming that planning conditions cannot be used to resolve fundamental, unevidenced hydraulic risks. Furthermore, the appellant's May 2026 report fails to address or resolve the five specific technical deficiencies previously identified by the WBC Drainage team:

1. Fluvial Flood Risk (Flood Zone 2): Absence of evidence or hydraulic modeling demonstrating whether the proposed 250mm raised pond rim displaces floodplain storage, alters local flow routes, or whether the attenuation pond stays functional during a fluvial flood event.
2. Surface Water Flood Risk: Absence of an exceedance and overland flow routing plan for the proposed attenuation pond, which is sited directly within a mapped surface water flow path and ponding area.
3. Groundwater Flood Risk: Absence of seasonal groundwater monitoring data, and no confirmation that the proposed attenuation pond base level (36.25m AOD) remains safely above seasonal high groundwater levels.
4. Surface Water Drainage Strategy: No assessment or evidence regarding off-site ditch condition, capacity, or continuity, alongside an unjustified proposed surface water discharge rate of 1.0–1.1 L/s (which exceeds baseline greenfield rates).
5. Combined Flood Mechanism Performance: Complete failure to submit an assessment evaluating how the overall drainage system performs under simultaneous fluvial, surface water, and groundwater flood conditions.

548 Consequently, the proposal has not demonstrated compliance with Policy F7. The evidence before the Inspector does not establish that the development would remain safe throughout its lifetime or that flood risk elsewhere would not be increased. Policy F7 2 states that the development should be refused unless it meets all of the criteria (a)-(e). For the reasons set out above the proposal would not comply with these requirements.

549 In addition, the site plan still shows the dwelling to the south having parts of their driveway, access road and large parts of their garden within flood zone 2. A worse position would be with respect to surface water flooding which would encroach further into the plots – therefore it cannot be concluded to meet F72a as the most vulnerable areas are not located in lowest areas of flood risk. The residential areas of development are not solely located in the areas of lowest flood risk which are at the north of the site.

550 The Inspector determining the adjoining appeal (APP/X0360/W/25/3364304) (Appendix 4) placed considerable weight on the objective of avoiding flood risk in the first instance. The Inspector observed that, even where mitigation measures are proposed, there remains a residual risk of flooding capable of causing disruption and damage to occupiers. The Inspector concluded that where reasonably available alternative sites exist in areas of lower flood risk, national policy indicates that development should not be permitted:

“National flood risk policy places a strong emphasis on avoiding locating vulnerable development such as housing in areas at risk of flooding. Even with mitigation in place, there will always be a residual risk of flooding. If flooding does take place, it can cause significant damage to buildings and their contents, and disrupts the lives of occupants both during a flood and afterwards. It therefore makes sense to avoid such potential harm wherever possible. Paragraph 174 of the Framework says that development should not be permitted if there are reasonably available sites

appropriate for the proposed development in areas with a lower risk of flooding. That is a strongly worded policy. Since there are reasonably alternative sites available in this case, it follows that the development should not be permitted.”

551 The appeal proposal fails the Sequential Test required by Policy F5 in an area of significant flood risk from multiple sources, which provides a strong reason for refusal. In addition, the appellant has failed to demonstrate compliance with Policy F7 because the development has not been shown to be safe for its lifetime, nor has it been demonstrated that flood risk elsewhere would not increase. It has also not been shown that the residential areas are within the lowest areas of flood risk. The policy makes clear that in these circumstances the development should be refused.

552 Since the Sequential Test has not been passed, the Exception Test cannot be engaged and does assist the proposal. Even if it were engaged, the deficiencies in the flood risk and drainage evidence would prevent the proposal from satisfying those requirements.

553 The proposal is therefore fundamentally contrary to Chapter 18 of the NPPF (2026), Core Strategy Policies CP1 and CP3, and MDD Local Plan Policies CC09 and CC10. This conclusion is consistent with the findings of the Inspector on the adjoining appeal site, who determined that residential development in this location should not be permitted because reasonably available sites exist in areas at lower risk of flooding and the residual impacts of flooding in the area.

Reason for refusal 5 - Biodiversity net gain

554 Biodiversity Net Gain is mandatory for major and minor planning applications unless the development meets the exception criteria set out in paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 the Biodiversity Gain Requirements (Exemptions) Regulations 2024. and The Environment Act 2021 (Commencement No. 8 and

Transitional Provisions) Regulations 2024.

- 555 The PEA and BNG Assessment submitted with the original application identify modified grassland as the baseline habitat. However, the required grassland survey and associated condition assessment sheets were not submitted as part of the application. Consequently, the Council's Ecology Officer has been unable to verify the baseline habitat condition or validate the submitted BNG calculation. The outstanding survey information is therefore necessary to establish the accuracy of the biodiversity baseline and the claimed biodiversity net gain.
- 556 A grassland Survey was provided to the council on as part of this appeal which is currently being reviewed.

Reason for refusal 6 - Affordable Housing contribution

- 557 Affordable Housing provision is a material planning consideration as set out in the NPPF (Chapter 6), Policy CP5 of the Core Strategy and MDD Local Plan Policy TB05. Policy CP5 requires a minimum of 40% affordable housing for the development given its countryside location. Policy TB05 and the Council's Affordable Housing SPD both require that developments provide for appropriate housing mix which reflects a balance between the underlying character of the area and both the current and projected needs of households.
- 558 Policy CP5 of the Core Strategy, Policy TB05 of the MDD Local Plan and the Affordable Housing SPD specify that affordable housing is required when the proposal is for 5+ dwellings or residential developments on a site area of more than 0.16 hectares.
- 559 To meet the requirements of Policy CP5 of the Core Strategy, the site is classified as Greenfield and of modest size so a minimum of 40% of the total number of units (net) should be provided as affordable housing. This equates to 1.2 units for this proposal. Due to the site location and nature of the dwellings, the practical means of delivery for the affordable housing is through a commuted sum.

560 The Appellant has provided a draft legal agreement to cover these obligations and this is currently in review by the Council. Should the financial contribution towards affordable housing provision be secured by way of a legal obligation in advance of the hearing, the reason for refusal would be overcome. If not, the reason for refusal would still stand

6 Planning balance / Conclusion

61 The statutory starting point for determination remains the development plan, with which the proposal directly conflicts. Under Policy S5 of the 2026 NPPF, market housing outside defined settlement boundaries is acceptable only where specific criteria are met. While the Council's 2.5-year housing land supply engages Policy S5(1)(j), the proposal fails both of its fundamental limbs.

62 The site functions as a critical countryside buffer and visual break between settlement arms; extending three substantial detached dwellings across this frontage projects built form beyond the defensible boundary, consolidating ribbon development and eroding rural openness rather than forming a cohesive settlement extension. Furthermore, given the site's complex multi-source flood risk, failure to pass the Sequential Test and establish safe drainage infrastructure means the proposal cannot safely accommodate the scale of development proposed. Having failed both requirements of Policy S5(1)(j), the scheme cannot benefit from this policy exception.

63 Even if the Inspector considers the scheme compliant with Policy S5(1)(j), permission must still be refused under Policy S5(2), which dictates that development should be refused where adverse impacts substantially outweigh the benefits due to non-compliance with national decision-making policies.

64 In this case, the scheme directly conflicts with the mandatory flood risk provisions of Chapter 18 of the NPPF. The Appellant explicitly

acknowledges failure of the Policy F5 Sequential Test, as reasonably available alternative sites exist in lower flood risk areas. This failure prevents engagement of the Exception Test. Moreover, the proposal fails Policy F7(2), which explicitly states that development in areas at risk of flooding should be refused, as residential curtilages remain within flood risk areas and fundamental, unevidenced hydraulic risks leave the scheme unsafe over its lifetime.

- 65 In applying the overall planning balance, the limited contribution of three market dwellings towards the Council's housing deficit, together with any construction jobs and longer-term benefits arising from resident expenditure, is acknowledged. However, these benefits are typical of most housing developments and are not unique to this scheme or location. Given the limited scale of the proposal, the contribution towards the housing deficit carries only minor weight. Overall, these benefits are therefore afforded moderate weight.
- 66 These benefits are heavily and demonstrably outweighed by the severe spatial harm through domestication of the countryside, locational unsustainability due to severe non-car infrastructure deficits, and unresolved flood risks. As the adverse impacts substantially and demonstrably outweigh the benefits, the Inspector is respectfully requested to dismiss the appeal. In the event the Inspector is minded to allow this appeal, the LPA has suggested a number of conditions in Appendix 7.