

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

PLANNING STATEMENT

**APPLICATION FOR FULL PLANNING PERMISSION FOR THE ERECTION
OF 3NO. DETACHED SELF-BUILD AND CUSTOM BUILD
DWELLINGHOUSES (USE CLASS C3) WITH ASSOCIATED WORKS**

Land North of Mill Lane, Sindlesham, Wokingham, RG41 5DF

October 2025

1. Introduction

This Planning Statement has been prepared on behalf of Elizabeth Rose Homes Limited (“the Applicant”) in support of a full planning application for the erection of 3no. detached self-build and custom build dwellinghouses (Use Class C3) with associated works (“the Proposal”) at Land North of Mill Lane, Sindlesham, Wokingham, RG41 5DF (“the Application Site”).

The purpose of this Statement is to provide a clear and robust justification for the proposed development. It does so by reviewing the site and its surroundings, summarising the relevant planning history (including approvals for new residential development on adjacent/nearby sites), and assessing the Proposal against the relevant provisions of national and local planning policy. In doing so, it will demonstrate that the erection of three detached self-build and custom build dwellings in this location represents an appropriate and sustainable form of development, and one that is entirely consistent with the planning objectives for the area.

This Statement should be read in conjunction with the submitted plans and drawings prepared by MGI Architecture, Arboricultural Report by Duckworths Arboriculture, Flood Risk Assessment & Drainage Strategy and Transport Assessment prepared by Ardent, Noise Assessment prepared by Spratt and Hamer, together with the supporting Ecology Report undertaken by EPR.

An application fee of £1,849.00 has been paid via the Planning Portal.

2. Site and Surrounding Area

The application site comprises an open parcel of land measuring approximately 0.15 hectares, forming part of a wider grassland field located within the northern part of Sindlesham village. The site lies north of Mill Lane and south of the M4 motorway. Immediately south of the motorway, within the same field, are a polytunnel and associated horticultural structures, indicative of the land's existing agricultural use.

Image 1 identifies the site within its wider context. The surrounding area is predominantly residential, characterised mainly by large, detached dwellings set within generous plots. The local streetscape also contains a mix of semi-detached and terraced properties, particularly to the east and south of the site. Architectural styles in the vicinity are varied, though the majority of dwellings are two storeys in height with dual-pitched roofs. The predominant external materials comprise brickwork and concrete roof tiles, with occasional variations in detailing and finish contributing to the area's mixed yet coherent suburban character.



Image 1: Location of the Application Site (source: Google Maps)

Access to the site is taken from a private spur road leading north from Mill Lane. As shown on **Image 2** (Existing Site Plan), the site lies to the west of this access lane, which also serves eight neighbouring properties, and permission was granted in 2017 for a ninth (Land north of Firdale, Mill Lane – ref: 172906). The existing access accommodates both vehicular and pedestrian movements and is currently ungated, ensuring that vehicles can enter the site without the need to wait on the public highway.

To the north of the access stand a number of off-site trees, including four goat willows protected under Tree Preservation Order TPO-1755-2020 (confirmed 28 January 2021).

Images 3 and 4 illustrate the existing condition of the site, while **Image 5** reproduces the relevant extract from Wokingham Borough Council's Policies Map. Review of the adopted Local Plan and associated constraints confirms the following:

- The site is designated as Open Countryside (Policy CP11);
- It lies within a Mineral Safeguarding Area and Area of Search for sand and gravel;
- The land falls within Flood Zone 1, representing the lowest risk of flooding;
- The northernmost edge of the site lies within the M4 Air Quality Management Area (AQMA);
- Within the 2019 Landscape Character Assessment, the site forms part of the *Wokingham–Winnersh Settled and Farmed Clay Area*, which is assessed as having low landscape quality and sensitivity;
- Part of the site includes trees covered by TPO-1755-2020 (confirmed 28 January 2021);
- There are no statutory listed buildings within the immediate vicinity, and the site is not within a Conservation Area;
- The site falls within a SSSI Impact Risk Zone, although given the small scale of development proposed, no significant effects are anticipated.

As confirmed by the Flood Map for Planning (**Image 6**), the site is located entirely within Flood Zone 1, indicating that it is at the lowest probability of flooding from all sources.



Image 2: Extract from the existing site plan



The Flood Map for Planning (shown in **Image 6**) confirms the site is located in Flood Zone 1, the area at least risk of flooding.

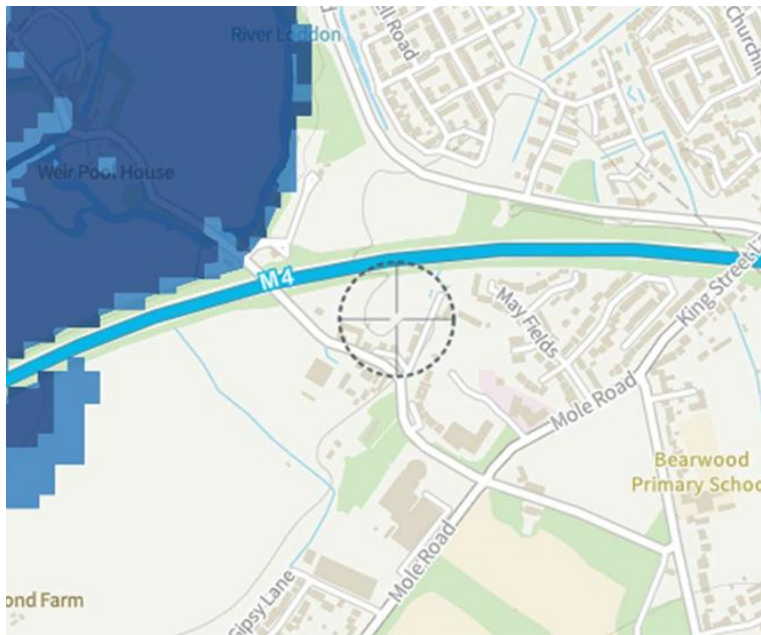


Image 6: Extract from the Flood Map for Planning

3. Planning History

The Site

The Wokingham Borough Council planning search was consulted and confirmed there is only one application which relates to the site itself, an application for “*Outline application for the proposed redevelopment of existing buildings to provide 87 residential dwellings, neighbourhood centre, public open space, access into the site and highway alterations along Mill Lane and landscaping, with Access and Layout to be determined.*” (ref: 201346). However, this was withdrawn on 4 November 2021 and so not determined by the council. As such, there is no recent or relevant planning history directly relating to the site.

Immediate Locality

There are however four applications in proximity of the site which are relevant to the Proposal. These four approvals for new residential development are all outside of the defined settlement limit of Sindleshams, and therefore set a strong precedent for new residential development in this location.

The approved applications at Land north of Firdale, Land to the rear of Lark Rise, and Oakview, are shown in relation to the Application Site in **Image 7**. They are summarised as follows.

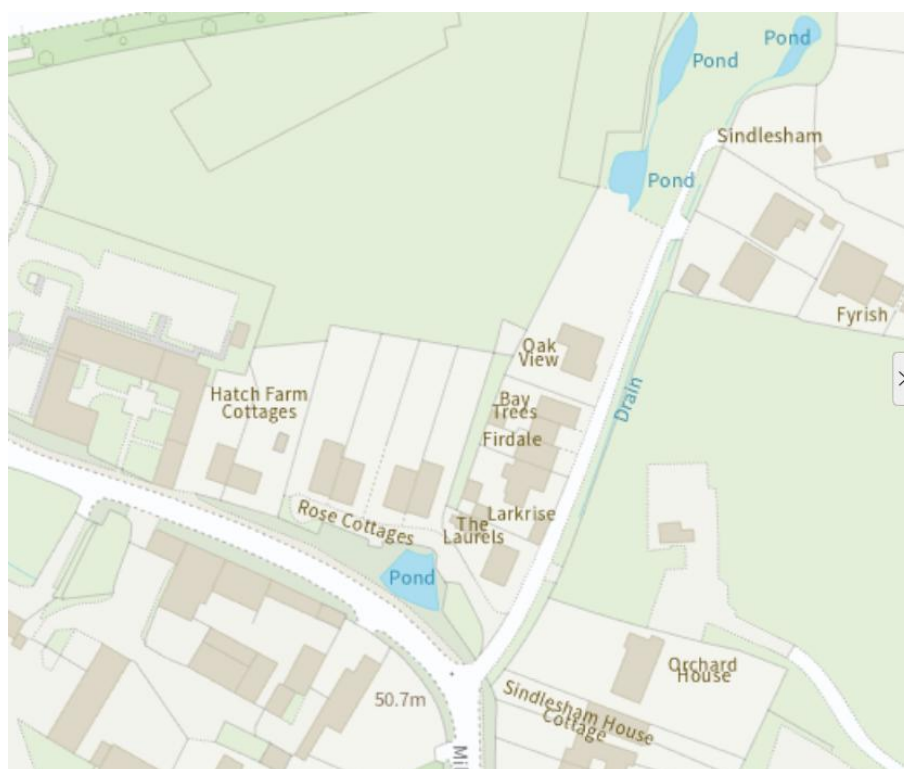


Image 7 – Extract from WBC Policies Map

Land north of Firdale, Mill Lane – ref: 172906, approved on 30 November 2017

This application relates to the Council granting approval for one new dwelling on land adjacent to the Application Site. Land north of Firdale is shown in **Image 8** with the position of the Application Site directly to the north and west.

The dwelling has been built-out and is known as *Oakview*.

The officer's report states that *"The site is on the side of the lane which forms the transition from the settlement envelope to open countryside to its northwestern boundary"*.

In terms of design and character of the local area, the report comments that plots in this area are substantial *"which are reminiscent with the general spaciousness and open feel of the area"*. This indicates that larger unit types set within generous plot sizes are acceptable in the locality in design terms.

The report also states that *"no particular architectural style dominates the streetscene"* giving scope for different designs, and use of materials to be explored.



Image 8 – Extract from SLP application 172906

Land to the rear of Lark Rise, Mill Lane – ref: 181378, approved at appeal on 8 July 2019

This application relates to 4no. semi-detached units being granted at appeal following refusal by the council. The site is directly adjacent to the south of the appraisal site.

The approved houses have been built-out and are known as Rose Cottages. An extract of the proposed block plan is shown in **Image 9**.

Initially, the council refused the application for four reasons relating to location of development, unsuitable mix of housing, failure to provide adequate living conditions for future occupiers due to layout and orientation, and lack of affordable housing provision.

At appeal, the inspector overturned these concerns as follows:

Location of development – The inspector commented “I note that the proposal would relate to existing residential development that is to either side and opposite the appeal site. The existing dwellings...are so close to the built-up area of Sindlesham that it is difficult to accept that they are detached from the settled area of the village.”

“Although the proposal would be beyond the defined settlement boundary, I note that the overall aims of Policy CP11 of the CS are to protect the separate identity of settlements and maintain the quality of the environment. Although the proposal would not accord with one of the development types set out in Policy CP11 of the CS, I am satisfied that the proposal would not be contrary to the overall aims of the Policy and that the material considerations set out above carry significant weight to overcome any conflict with the Policy. As such I find the proposal to be suitably located for housing”

Mix of housing – The inspector commented “all four of the proposed dwellings would have three bedrooms, two of the dwellings would be slightly larger than the other two, with a deeper floorplan and a bay to the front. Dwellings of this size would appear to accord with the scale of dwellings in the area.”

“I note that 43.5% of the identified future housing need for the Borough is for dwellings with three bedrooms. As such I am satisfied that the mix of housing proposed is acceptable in this context”

Living conditions – The inspector commented “the proposed south facing windows to the Dining areas of the Kitchens are large, and would provide a good level of daylight to the areas that have been designed to accommodate a table. Although the Living Room windows are north facing, the rooms are not overly deep, and the windows are wide and full height. These would provide the Living Rooms with a good level of natural light during the day”

Affordable housing – The inspector commented “The appellant has submitted a signed and dated Unilateral Undertaking (UU) to address this as part of the appeal process. The UU has been agreed by the main parties.”

This appeal decision confirms that the principle of new residential development in this location is established.



Image 9 – Extract from proposed block plan ref: 181378

Land south of Lark Rise, Mill Lane – ref: 220352, approved on 24 March 2022

This application relates to the Council granting approval for one new dwelling on land close to the junction of the private road and Mill Lane. Land south of Lark Rise is shown in **Image 10**.

The dwelling has been built-out and is known as *The Laurels*.



Image 10 – Extract from proposed

The Delegated Officer Report states the following regarding the principle of development, which was accepted:

“The site is located outside the settlement boundary and in the countryside. However, it adjoins the settlement edge of the limited development location of

Sindlesham on its northern boundary and across the private road to the east. On that aspect, Policy CC02 of the MDD Local Plan states that development at the edge of settlements is acceptable where it is demonstrated that it 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.

...the adjoining site to the west has been approved at appeal for four residential dwellings, with the Inspector finding that the development would relate to existing development around it and that it accorded with the intent of Policy CP11. There is also established residential development in the countryside to the southern side of Mill Lane. Accordingly, the site is entirely surrounded by residential development. With the proposal satisfying the underlying objectives of Policy CP11 in terms of environmental improvement and avoiding encroachment, there is no overwhelming justification to oppose the development in principle.”

Regarding sustainability the Delegated Officer Report states:

“...there is established residential development to the north that are further from said facilities and services and the approved development to the west was found to be acceptable on sustainability grounds in 2019 (along with two recent approvals further north along the private road). There would therefore be minimal basis for opposing the subject application on the same grounds and it is accepted that the site is suitable on sustainability grounds.”

This site is approximately 60m to the south of the Application Site, and the Council found both the sustainability and principle of development to be acceptable. It therefore follows that the Proposal should also be found to be acceptable on both grounds.

Oakview, Mill Lane – ref: 242058, approved on 20 December 2024

Most recently this application for the erection of 1no. detached dwelling with associated landscaping and parking followed by the demolition of the existing outbuildings was approved by the Council.

The site is adjacent to the Application Site which lies to the north and west, as shown in **Image 7**. An extract from the site location plan is shown below (**Image 11**).

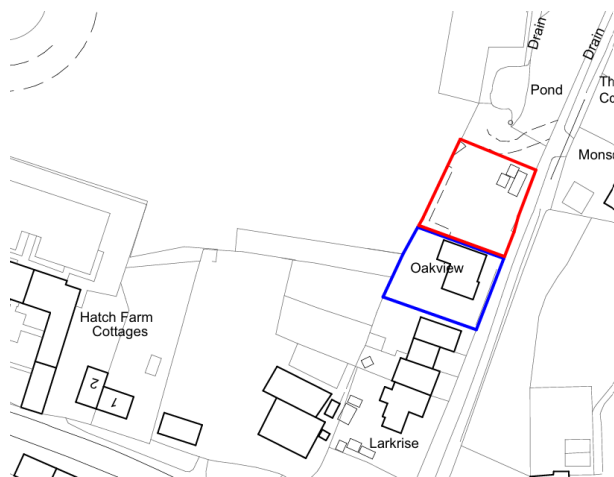


Image 11 – Extract from site location plan ref: PL-101 C

Due to the recency of the decision (December 2024) and its location adjacent to the Application Site, significant weight must be given to this decision in the determination of the Proposal.

In respect of the principle of development, the Delegated Officer Report confirms that new residential development in this location is acceptable:

“...the recent development of Rose Cottages (ref: 181378), to the southwest of the application site, has been approved at appeal for four residential dwellings, with the Inspector finding that the development would relate to existing development around it and that it accorded with the intent of Policy CP11. There have also been three separate applications for additional dwellings on the private road in which the application site is located (ref: 220352, 193,624, 172906), as well as the presence of established residential development in the countryside to the southern side of Mill Lane. Accordingly, the site is entirely surrounded by residential development. With the proposal satisfying the underlying objectives of Policy CP11 in terms of environmental improvement and avoiding encroachment, there is no overwhelming justification to oppose the development despite the proposal not strictly adhering to the requirements of CP11 and it being unacceptable in principle. As stated by the Inspector at paragraphs 9 & 10 of the appeal decision for 181378:

Although the proposal would be beyond the defined settlement boundary, I note that the overall aims of Policy CP11 of the CS are to protect the separate identity of settlements and maintain the quality of the environment. I am satisfied that, for the reasons above, the proposal would not conflict with these aims.... Therefore, although the proposal would not accord with one of the development types set out in Policy CP11 of the CS, I am satisfied that the proposal would not be contrary to the overall aims of

the Policy and that the material considerations set out above carry significant weight to overcome any conflict with the Policy. As such I find the proposal to be suitably located for housing.”

The application was determined favourably against Paragraph 11 of the NPPF, with the tilted balance applying. The Delegated Officer Report confirms that no adverse harm was found:

“Economically, the proposed development would enable job creation during the construction period. The inhabitants of the proposed dwelling would also contribute to the local economy and to the continued viability of local services within the surrounding area.

Regarding the social role, the proposal would make a positive contribution to the council’s housing supply position, at a time where the council cannot demonstrate a 5 year housing land supply.

Regarding its environmental role, the proposal has satisfactorily demonstrated that the development would not harm protected species or protected trees. Moreover, the redevelopment of the site would not result in an adverse environmental impact, and the proposal would also comply with sustainability measures relating to energy efficiency and drainage to a degree through the submitted details and Building Regulations.

Overall, a limited environmental role would be performed. As such, when applying weight to the economic, social and environmental benefits of the scheme, no adverse harm has been identified which would significantly and demonstrably outweigh the identified benefits as required by paragraph 11 of the NPPF. On this basis, the proposal is considered acceptable, and the application is recommended for approval.”

As outlined in this Section of the Statement, the recent planning history in the vicinity of the site sets a strong precedent for new residential development on the Application Site.

4. The Proposal

The Proposal is for full planning permission for **the** erection of 3no. detached self-build and custom build dwellinghouses (Use Class C3) with associated works. Access will be taken via the existing access point off the private road which already serves eight residential properties.

The drawing package prepared by MGI Architecture provides three custom-build design options, each of which can be constructed on any of the three plots. This approach has been developed to provide maximum flexibility for future self-builders, enabling individuals or families who take on the development to select a house type that best reflects their personal needs and lifestyle.

The proposed layout is shown in **image 12** (an extract taken from the Proposed Site Plan) and confirms the position of the dwellinghouses fronting onto the new road, private garden areas, landscaping, a total of 11no. car parking spaces, an EV charging point for each dwellinghouse, and cycle storage.

Use

The scheme proposes residential development (Use Class C3) comprising 3no. self-build and custom build dwellings with associated car parking and garden areas. The site lies within an area of established residential development where the principle of new residential development is accepted.

The site is surrounded by existing residential uses to the east and south, and the introduction of three additional dwellings will be wholly compatible with neighbouring land uses, complementing the established character of Mill Lane and the private road off which the Application Site is accessed.

It is intended that all three units would be self-build and custom build dwellings that would meet the definition based on the Self-Build and Custom Housebuilding Act 2015 and relevant Planning Practice Guidance (PPG). It is proposed that two of the units will be self-build, and one will be available as self-build and custom build.

Amount and Layout

The proposed amount of development consists of 3no. 4-bed, two storey dwellinghouses with private garden areas and a total of 11no. allocated car parking spaces across the site. The proposed footprint of each of the dwellings is approximately 90 sqm.

The proposed total floorspace for these 4no. bedroom, 7-person, two-storey dwellings will accord with the Technical Housing Standards - nationally described space standards

March 2015. The minimum requirement for a 4-bedroom, 7-person, two-storey dwelling is 115sqm. The dwellings, as shown, have a total floorspace of 151sqm.



Image 12 – Proposed layout of the dwellings, access and parking (extract from the Proposed Block Plan)

The Proposal will utilise an existing access point off the private road into the site. A cul-de-sac will be formed with all three dwellinghouses proposed to the south of a new road, with a turning head at the northwestern end of the site. The dwellings would be located in the centre of the site in a linear fashion. Private amenity areas that will serve each property are located to the rear of the dwellings. A secure, cycle store will be provided in each of the rear gardens. There is space for small front garden areas. Refuse/recycling storage will be stored within each property, with bins pulled to the front of the properties (kerbside) on collection days.

Three options are available in terms of the internal layout of the new dwellings, due to the custom-build nature of the scheme. However, all units will benefit from 4no. bedrooms and a family bathroom on the first floor, and generous living space on the ground floor with utility room and WC.

The Proposal will provide car parking spaces, in accordance with Wokingham Borough Council's minimum Parking Standards, which states that for 3no. 4-bedroom dwellings, a minimum of two allocated parking spaces per unit are required, along with 2no. unallocated spaces and a visitor space. This gives a minimum requirement of 9no. spaces, and the Proposal includes provision for 11no. spaces. The turning area at the end of the cul-de-sac has a 6m radius and will ensure vehicles can safely manoeuvre, and all leave the site in a forward gear onto the road. An EV charging point will be provided for each dwelling.

Scale

The Proposal provides 3no. two-storey dwellings, each with a floorspace of 151sqm. They are detached properties spaced in generous plot sizes. While the surrounding area includes a mix of two-storey properties (some with rooms in the roof making them essentially three storey), dormer bungalows, and traditional bungalows, the modest height and massing of the proposed dwellings will ensure they remain proportionate and in keeping with the varied character of the locality.

Appearance

The design has been informed by the architectural character of the private road off which the site is accessed, as well as nearby Mill Lane. Local properties predominantly feature red-coloured brick, brick detailing, and dual-pitched roof forms with concrete tiles. The style of homes in general is modern with some traditional features.

For the purposes of self-build and custom-build housing, three options of elevational treatment and internal layout have been provided. The form and scale of the three dwellings will however all be the same, and so it will only be modest changes to the appearance of the dwellings that are proposed to be interchangeable, and will be ultimately determined by the purchasers of the serviced plots.

The proposed dwellings will be finished in:

- Red multi brickwork for all external walls;
- Dual-pitched roofs with red mix concrete plain tiles;
- White UPVC double-glazed doors and windows.

The result will be a simple, modern design that complements the local context while delivering high-quality, energy-efficient homes.

Access

Vehicular and pedestrian access will be taken from the existing access point off the private road, which has served the site for many years and benefits from established use.

The development provides:

- A policy-compliant minimum of 2no. on-plot parking spaces per dwelling;
- A policy-compliant minimum of 2no. unallocated spaces, and 2no. visitor spaces;
- A turning area enabling all vehicles, including a bin lorry, to enter and exit the site in forward gear;
- EV charging points for sustainable travel;
- Safe and convenient pedestrian access to all dwellings.

As the scheme utilises an existing access with no requirement for vehicles to wait on the highway, it is considered acceptable in terms of highway safety.

Landscaping

The Information Layout (extract shown in **Image 13**) demonstrates that there are opportunities for landscaping across the Application Site. Some replacement tree planting is recommended in the accompanying Tree Report to mitigate the small loss of poor quality trees required to facilitate access into the site.

There are opportunities for planting and landscaping in front and rear gardens, at the entrance to the site, and in the land around the road and visitor parking areas.



Image 13 – Information layout

5. Planning Policy and Assessment

This section summarises the national and local planning policy and guidance relevant to the development scheme and assesses the Proposal against it. The plan-led approach to development, as enshrined by Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to accord with the adopted Development Plan unless material considerations indicate otherwise.

The Wokingham Borough Council Development Plan comprises:

- Wokingham Borough Core Strategy (CS) (adopted in 2010); and
- Managing Development Delivery local plan (MDD) (adopted in 2014).

The Council are also progressing with their Local Plan Update (LPU) which has progressed beyond the Proposed Submission Plan (Regulation 19) stage, with representations received on the plan's legal compliance and soundness between 30 September and 13 November 2024.

The Regulation 22 plan was submitted to the Secretary of State for independent examination in February 2025, and two Planning Inspectors have been appointed to examine (EiP) the plan. The examination of the local plan is ongoing, and the council responded to initial questions and requests from the Inspectors in May 2025.

Wokingham's LPU has several stages yet to be completed, including and the examination hearings and main modifications stages, which restricts the weight that can currently be afforded to it, meaning the weight it currently attracts is limited.

Documents other than those that make up the Development Plan but which are material considerations to which differing weight is attached include:

- National Planning Policy Framework (NPPF) 2024 update;
- National Planning Policy Guidance (NPPG);
- Borough Design Guide Supplementary Planning Document (adopted 2012);
- Living Streets: A Highways Guide for Developers SPD (adopted 2019); and
- Topic Paper: Self-build and custom housebuilding (Sept 2024).

At present the Council cannot demonstrate a housing land supply as required by the NPPF, with the most recently published supply position standing at 2.5 years (Five Year Housing Land Supply Statement, 31 March 2025). This means that for applications involving the provision of housing, the policies which are most important for determining the application are deemed to be out of date and the application should be considered

favourably unless the Proposal conflicts with specified NPPF policies or the adverse impacts would significantly and demonstrably outweigh the benefits.

As the Council cannot demonstrate a 5-year Housing Land Supply of deliverable housing sites, the 'tilted balance' is to be engaged. Paragraph 11 d) of the NPPF states that where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, decision takers should grant permission 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 (7); 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.

On this basis, as the Application Site is not located within any protected areas or assets of particular importance (as outlined above in criterion (i) and within footnote 7 and paragraph 189 of the NPPF), there is a presumption in favour of approving this application unless 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 (criterion (ii)).

Principle of Development

Paragraph 10 of the NPPF advises that so that sustainable development is pursued in a positive way, at the heart of the Framework is a *presumption in favour of sustainable development*. For decision-taking this means: approving development proposals that accord with an up-to-date development plan without delay.

Paragraph 39 of the NPPF advises that “*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in*

principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

The Managing Development Delivery (MDD) Local Plan **Policy CC01** states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.

Policy CC02 of the MDD Local Plan states that development at the edge of settlements is acceptable where it is demonstrated that it respects the transition between the built-up area and the open countryside by taking account of the character of the adjacent countryside and landscape.

The Proposal is for a modest development of 3no. detached houses to the north of Mill Lane, where there is built-up development to the east and south of the Application Site. Within the 2019 Landscape Character Assessment, the site forms part of the *Wokingham–Winnersh Settled and Farmed Clay Area*, which is assessed as having low landscape quality and sensitivity. As such, this modest Proposal for 3no. houses set against a backdrop of existing built-form is considered to respect the transition between the built-up area and landscape to the north, which abuts the M4 motorway.

Policies CP6, CP9 and CP11 of the CS permit development where it is based on sustainable credentials in terms of access to local facilities and services and the promotion of sustainable transport.

Policy CP9 – ‘*Scale and location of development proposals*’ of the Core Strategy states that Sindlesham is a limited development location.

Policy CP11 of the CS does not permit new residential development outside of development limits. However, **Paragraph 83** of the NPPF aims to promote sustainable development in rural areas, with housing located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Policy CP11 carries limited weight in the decision-making process because the Council cannot demonstrate a housing land supply as required by the NPPF. Therefore, the recently published NPPF (December 2024) is considered to carry more weight, and proposals for new residential development should be considered positively, in the absence of housing targets being met.

In addition, the recent planning history as highlighted in Section 3 of this Statement confirms the principle for new residential development on the Application Site is acceptable. This includes the sustainability of location, as already noted, Sindlesham is identified as a location suitable for a limited level of development, and the Proposal of 3no. houses is considered to meet this requirement.

The principle of development is therefore acceptable subject to the following assessment.

Design and Visual Amenity

Paragraph 131 of the NPPF confirms that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*

The following local planning policies are of particular relevance to the design and layout of the proposed residential development. Collectively, they emphasise the need for high-quality, contextually appropriate housing that responds to local character, provides a suitable housing mix, and safeguards residential amenity. The aims of these policies are consistent with the overarching design objectives of the **National Planning Policy Framework (NPPF)**, particularly Chapter 12 (*Achieving well-designed places*) and Chapter 11 (*Making effective use of land*), which seek to ensure that development is sympathetic to local character and history, optimises site potential, and creates safe, inclusive and attractive environments.

1. Respecting Local Character and Context – Development must be of an appropriate scale, massing, height, layout, materials and character, integrating sensitively with the surrounding built form (**Policies CP3, R1 and R9**). Proposals should reflect the prevailing height and variation of nearby buildings and contribute positively to the historic and local character of the area (**Policies R1 and R9**). The design should promote a strong sense of place, reinforcing the character and distinctiveness of Wokingham’s residential environments (**Policies CP3 and R1**). These aims accord with **NPPF paragraphs 130 and 134**, which encourage development that is visually attractive, sympathetic to local character and supports a strong sense of place.
2. Housing Mix and Density – Schemes should provide a balanced mix of dwelling types, sizes and tenures, in line with both current and projected housing needs (**Policies TB05 and CP5**). Density and mix should take account of the underlying

character of the area, ensuring the development is both efficient and contextually appropriate (**Policies TB05 and CP5**). This reflects **NPPF paragraphs 124–125**, which promote the efficient use of land while maintaining local character and creating well-balanced communities.

3. Residential Amenity – Development must protect the amenity and quality of life of both existing and future occupiers, avoiding harm through overlooking, loss of light, overshadowing, overbearing impacts or noise (**Policy CP3**). Layouts should ensure adequate privacy, outlook and usable private amenity space for all dwellings (**Policies CP3, R6 and R16**), consistent with **NPPF paragraph 130(f)**, which seeks high standards of amenity for existing and future users.
4. Functionality, Safety and Accessibility – Proposals must create functional, safe, secure and adaptable environments, designed to support accessibility for all users (**Policies CP3 and R6**). Building frontages should contribute to street safety and activity, providing natural surveillance through well-placed windows and active frontages (**Policy R6**). Development should integrate effectively with existing streets and pedestrian routes, promoting movement and connectivity (**Policies CP3 and R6**). These principles align with **NPPF paragraph 130(b)**, which seeks developments that are safe, inclusive and accessible, with clear pedestrian routes and active street frontages.
5. Environmental Quality and Biodiversity – Development must have no detrimental impact on ecological, landscape, heritage or geological features, and should maintain or enhance biodiversity and natural habitats, including those supporting protected species (**Policy CP3**). Landscaping should form an integral part of the design, reinforcing local distinctiveness and enhancing visual quality and ecological value (**Policies CP3 and R1**). This is consistent with **NPPF paragraphs 131 and 174**, which promote green infrastructure and biodiversity within well-designed environments.
6. Place-making and Integration – Proposals should make full and efficient use of the site while contributing positively to the character and vitality of the local area (**Policy CP3**). The design should deliver a cohesive relationship between buildings, spaces and surrounding development, reflecting Wokingham’s established urban and suburban character (**Policies CP3 and R1**). This approach is consistent with **NPPF paragraphs 130–132**, which seek development that establishes a strong sense of place and enhances the quality of the built environment.

The proposed development for 3no. detached 4-bedroom self-build and custom build dwellings has been designed with close regard to these principles and policies.

The design and layout of the scheme respond sensitively to the site's suburban context, in a built-up area. The three dwellings are arranged in a linear formation, reflecting the established pattern of frontage development within the locality. The units would sit in a similar pattern to the Rose Cottages development to the south of the Application Site.

The scale, height and massing of the proposed houses are consistent with surrounding detached dwellings, ensuring the development integrates seamlessly into the existing streetscape. The height of the dwellings would be approximately 8.5 metres, which is entirely appropriate in the context of other two storey developments in the lane, especially the existing Oak View dwelling and dwelling recently approved to the north, which also stand at a height of approximately 8.5 metres.

The proposed palette of materials—comprising high-quality finishes such as red multi brickwork and red plain roof tiles—reflects those commonly used locally, thereby reinforcing the area's established character and contributing to a strong sense of place, in accordance with **Policies CP3 and R1** and **NPPF paragraph 134**.

Each dwelling benefits from generous private rear gardens and landscaped front gardens, providing usable and defensible amenity space consistent with local standards and the surrounding residential form. **Policy R16** requires a minimum depth of 11 metres for rear gardens, which the Proposal delivers.

Paragraph 198(a) of the NPPF states that planning decisions should “*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*”. A Noise Impact Report accompanies the application due to the M4 motorway being located approximately 60 m from the nearest proposed dwellings. The report confirms that the noise levels will achieve acceptable levels as described in BS 8233:2014, subject to 1.8 acoustic fencing being erected in the private garden areas, and rooms and living rooms consisting of double-glazed units in well-sealed frames and a quality mechanical system or a passive acoustic vent.

The proposed dwellings are 40+ metres from the rears of Rose Cottages, and at a 90-degree angle with the properties which front onto the lane to the east. Thus the separation between dwellings ensures adequate privacy, outlook and natural light for both new and neighbouring occupiers, safeguarding residential amenity in accordance with **Policy CP3** and **NPPF paragraph 130(f)**. The layout has been designed to create an attractive and secure environment with active frontages overlooking the cul-de-sac,

providing natural surveillance and promoting a sense of safety, consistent with the design principles set out in **Policy R6** and **NPPF paragraph 130(b)**.

The Proposal makes efficient use of the site while respecting its context, delivering three family-sized homes that contribute to the borough's identified housing needs in accordance with **Policies TB05** and **CP5**, and the aims of **NPPF paragraphs 124–125** relating to the effective use of land. The form and density of the scheme are appropriate to the site's size, location and character, ensuring a balanced and sustainable pattern of development.

Parking is provided in line with adopted standards, with safe and convenient access for vehicles, pedestrians and cyclists (as discussed further in the Access and Parking section). Landscaping will be integrated throughout the development to soften boundaries and enhance biodiversity, consistent with **Policy CP3's** emphasis on environmental quality and ecological value, and **NPPF paragraph 174**, which supports biodiversity enhancement in development.

In summary, the Proposal accords with the key objectives of **Policies CP3, CP5 and TB05**, and the design guidance within **Policies R1, R6 and R9**, as well as the relevant provisions of the **NPPF**, by delivering a modest, high-quality residential scheme in a built-up area that optimises the potential of the site, contributes positively to local housing choice, and achieves a high standard of design that respects the character and amenity of the surrounding area and neighbouring occupiers.

Access and Parking

The existing access will be utilised and Ardent have prepared an Access Arrangement drawing which demonstrates appropriate visibility splays and turning into, and out of the site, can comfortably be achieved.

WBC Car Parking Standards set out the Council's minimum parking and cycle standards. The dwellings will provide a minimum of two car parking spaces, in accordance with the Council's standards which states that for 4no. bedroom dwellings, a minimum of two parking spaces are required. In addition, two unallocated spaces and two visitor spaces should also be provided. The Proposal provides:

- A policy-compliant minimum of 2no. on-plot parking spaces per dwelling (a total of seven allocated spaces);
- A policy-compliant minimum of 2no. unallocated spaces, and 2no. visitor spaces (a total of two unallocated spaces and two visitor spaces);

A turning area is available so that vehicles can safely manoeuvre, and all leave the site in a forward gear onto the road. This includes a bin lorry, for which tracking is provided. An EV charging point for each dwelling and cycle storage (in each rear garden) is provided to encourage sustainable modes of transport.

Refuse and recycling will be stored within each property, and bins taken to kerbside in front of the properties on collection days.

Ecology and Trees

An Ecology Report undertaken by EPR accompanies the application. The report concludes that the proposed development would not impact any designated site or ecologically important or protected habitats subject to mitigation measures.

As the Proposal is for self-build and custom-build, the application is exempt from Biodiversity Net Gain. Nevertheless, enhancement measures will be incorporated to increase opportunities for local biodiversity in line with the aspirations of the NPPF and local planning policy. These are detailed in the accompanying Ecology Report.

An Arboricultural Report by Duckworths Arboriculture has been carried out as part of the site includes trees covered by TPO-1755-2020 (confirmed 28 January 2021). A group of low-quality Goat Willows (category 'C'), not covered by the TPO, is proposed for removal to facilitate the new site access. Replacement tree planting is suggested to mitigate this loss of tree coverage on the site.

A Tree Protection Plan in accordance with BS5837 has been prepared and will ensure the protection of the category 'B' Oak tree which is located near to the site entrance. All services and drainage infrastructure have been planned to avoid impact on the tree's roots. There will be no adverse impact on the tree due to the employment of no-dig construction techniques and a porous road surface.

It is considered that the proposed development would not impact any protected or notable species provided that the mitigation measures in this report are implemented, in accordance with **policies CP3 and R1** of the Local Plan, and **NPPF paragraphs 131 and 174**, which promote green infrastructure and biodiversity within well-designed environments.

Self-build and Custom Build

For the purposes of self-build and custom-build housing, three options of elevational treatment and internal layout have been provided. The form and scale of the three dwellings will however all be the same, and so it will only be modest changes to the appearance of the dwellings that are proposed to be interchangeable, and will be ultimately determined by the purchasers of the serviced plots.

Proposing self-build and custom build units should be given additional positive weight in the decision-making process due to the council's responsibility under the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) to provide enough self/custom build housing in the borough to meet demand.

Currently it is understood that around that 600 people have registered a demand for plots in WBC since the custom and self-build register started in 2016, and since then only 217 custom and self-build plots have been granted permission. This leaves an outstanding need for 383 plots to meet the current demand.

There is therefore clearly a huge unmet demand for self-build building plots in WBC and the Proposal would deliver 3no. valuable family sized plots, in a sustainable location.

It is considered that this should attract significant weight in favour of the Proposal. Indeed, there have been two recent appeal decisions, references APP/W3520/W/23/3316136 and APP/T0355/W/22/3309281/APP/T0355/W/23/3314990 (attached at **Appendix 1**), where an inspector has given the delivery of self-build and custom-build dwellings against unmet need significant weight in the decision-making process.

The WBC register is split into two parts with those who meet one of the following criteria given preference. In order to be eligible for Part One of the register, applicants are required to:

- Have either lived in the borough for at least 5 years; and/or
- Be in full-time employment (greater than 16 hours per week) within the Borough for at least 5 years; and/or
- Have an immediate family member (mother, father, brother, sister or adult child) who has lived in the borough for the past 5 years prior to the application.

The applicant has two registrants who both meet at least one of the above criteria, and are ready to take two of the three self-build and custom-build plots subject of this application.

Flood Risk and Drainage

The Application Site lies in Flood Zone 1, the area at least risk of flooding. The Environment Agency's surface water flood map shows that the Application Site is almost entirely situated at 'Very Low' risk of surface water flooding. The Proposal has been informed by the Wokingham Strategic Flood Risk Assessment (SFRA) and accords with **Policy CC09** (Development and Flood Risk) and the sequential, risk-based approach set out in the National Planning Policy Framework. A proportionate, site-specific Flood Risk Assessment and Drainage Strategy prepared by Ardent demonstrates that the 3no. dwellings will be safe for their lifetime, will not increase flood risk on or off site, and will incorporate sustainable drainage systems (SuDS) with appropriate long-term management in accordance with **Policy CC10** and relevant NPPF guidance.

6. Summary and Conclusion

The Proposal is for full planning permission for the erection of 3no. detached self-build and custom build dwellinghouses (Use Class C3) with associated works at Land North of Mill Lane, Sindlesham, Wokingham, RG41 5DF.

This Planning Statement and the existing/proposed drawings, and accompanying surveys/reports, confirm that the Proposal is wholly compliant with adopted policies in the Development Plan and the NPPF.

The recent planning history as highlighted in Section 3 of this Statement confirms the principle for new residential development on the Application Site is acceptable. This includes the sustainability of location with Sindlesham identified as a location suitable for a limited level of development, and the Proposal of 3no. houses is considered to meet this requirement.

The design of the 3no. two-storey self-build and custom-build properties accords with the key objectives of **Policies CP3, CP5 and TB05**, and the design guidance within **Policies R1, R6 and R9**, as well as the relevant provisions of the **NPPF**, by delivering a modest, high-quality residential scheme in a built-up area that optimises the potential of the site, contributes positively to local housing choice, and achieves a high standard of design that respects the character and amenity of the surrounding area and neighbouring occupiers.

In addition, additional positive weight should be given in favour of the application due to it being an application for self-build and custom-build housing, in a context of the Council having a significant unmet demand for self-build building plots within the borough.

For these reasons the Proposal is considered entirely acceptable and should be granted planning permission.

Appendix 1



Appeal Decision

Hearing (Virtual) held on 6 June 2023

Site visit made on 7 June 2023

by D Wallis MRTPI, BSc (Hons), PGDip (Environmental Planning)

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/W3520/W/23/3316136

Land West of Suffolk House, Ixworth Road, Norton, Suffolk, IP31 3LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ash Property Partnership Ltd against the decision of Mid Suffolk District Council.
 - The application Ref DC/22/01941, dated 8 April 2022, was refused by notice dated 23 December 2022.
 - The development proposed is Erection of 9 self-build/custom build dwellings.
-

Decision

1. The appeal is allowed, and planning permission is granted for the erection of 9 self-build/custom build dwellings at Land West of Suffolk House, Norton, IP31 3LP in accordance with the terms of the application, Ref DC/22/01941, dated 8 April 2022, the Unilateral Undertaking submitted with it and subject to the conditions in the attached schedule.

Preliminary Matters

2. The application is submitted in outline form with all matters reserved except for access. In the Hearing, it was confirmed that the plan reference 100-225/006E, whilst marked as indicative, constituted full details of the access arrangements against which the development was assessed. I have taken this into account in my decision.
3. Policies referenced in the Council's decision notice are from the Mid Suffolk Local Plan 1998 (MSLP), the Core Strategy 2008 (CS) and the Core Strategy Focused Review 2012 (CSFR). These policies are prior to the preparation of a Joint Local Plan (JLP) between the Council and neighbouring Babergh District Council. During the Hearing it was reported that the Examination in Public of the JLP was ongoing and thus emerging policies could only be given limited weight at the current time. I have taken this policy position into account in my decision.
4. A Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) accompanies the appeal. A signed version was provided to the Hearing, to which the Council agreed served the purpose required of it. Some formatting and typographical amendments were agreed to be necessary during the Hearing, and a final signed version of the UU was received on 26 June 2023. I shall return to this later in my decision.

Main Issues

5. The main issues for the appeal are:

- whether the appeal site is in an appropriate location for the type of development proposed; and
- whether there are material considerations to warrant a departure from the Development Plan.

Reasons

Whether the site is an appropriate location

6. The appeal site constitutes an open field in undeveloped countryside to the rear of properties within the village of Norton. It is broadly rectangular in shape and abuts the settlement of Norton on its eastern and southern boundaries. Access to the appeal site is to the east off the A1088, Ixworth Road, in between a pair of bus stops and along the boundary with Suffolk House.
7. The appeal proposal would provide 9 new self-build dwellings, all of which would be outside of the village. It was indicated during the Hearing that the settlement boundary for Norton would be unlikely to change in the emerging JLP. The Development Plan, particularly policies H7 of MSLP and CS1 of the CS, directs new development to within existing settlements. There is an expectation within policies CS1 and CS2 that the areas outside settlements, identified as being countryside, would be protected for their own sake.
8. I note the Council's unchallenged submissions that it has a robust five-year housing land supply position¹ with more than enough land to meet its housing requirements within existing settlements and allocations. In light of this, it is clear to me that development of the appeal site for housing would be contrary to the spatial strategy of the Council and would undermine a plan-led system.
9. On this basis, the proposal would conflict with the aims of the adopted Development Plan seeking to locate housing growth within existing settlements. The appeal site would therefore be an inappropriate location for new housing, in conflict with policies H7 of the MSLP, and policies CS1 and CS2 of the CS.

Whether there are material considerations to warrant a departure

10. The appellant highlights that the appeal scheme is for self-build and custom housing and has submitted a UU to secure the development as such. The appellant stated that a failure of the Council to provide enough serviced plots to meet the housing needs constituted a breach of the statutory duties for the authority under the Self-Build and Custom Housebuilding Act 2015 (as amended) (the Act). This should, it was argued, weigh in favour of allowing the appeal.
11. The Council admitted that only 153 permissions for self-build units had been granted compared to a register of 286 self-builders, thus a shortfall of 133 units² currently exists.

¹ Purported to be in excess of 10 years at the date of the Hearing

² Document entitled: "Appeal Self Build Custom Build by Base Period" submitted during the Hearing

12. The appellant stated the shortfall was likely to be higher because the Council's self-build register, shared jointly with Babergh Council, identified that 585 self-builders required a serviced plot, not just 286. Furthermore, the appellant criticised the Council's use of Community Infrastructure Levy (CIL) forms to reach the 153-dwelling figure, stating that actually only few permissions granted genuinely secure housing for such purposes. In addition, it was alleged the Council had not taken into account secondary data sources in calculating its housing need.
13. I have reviewed the evidence and there is no doubt, even on the best-case position of the Council, that there is an actual shortfall of self-build and custom dwellings of a minimum of 133 units. The statutory duty under the Act to provide enough serviced plots has therefore not been met to date, nor over the last few years³. In these circumstances, even if the reality is that the shortfall in supply may be greater than envisaged, the weight of failing to meet the statutory duty is substantial. Taking into account the advice of the planning practice guidance⁴, I recognise that the Council has been making progress in seeking to provide for self-build dwellings, but this does not reduce the weight of the failed duty. Such weighs in favour of the proposal as a departure from the Development Plan.
14. The appellant also raises that, in the absence of a planning policy within the adopted Development Plan tackling self-build housing, the tilted balance in paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged. Appeal decisions were submitted evidencing a similar approach and conclusions on this matter.
15. The Council accepted that it does not have an adopted policy for self-building at the current time, giving only limited weight to policy LP08 in the emerging JLP that would support provision of self-build units. Paragraph 11(d) of the Framework directs that where there are no relevant development plan policies, permission should be granted subject to 11(d)(i) or 11(d)(ii). I was not presented with any compelling evidence for me to take a different view to that of other Inspectors in the appeal decisions cited. Therefore, despite the Council demonstrating a five-year housing land supply, I conclude that the tilted balance does apply in this instance.
16. The appeal development would result in the loss of an undeveloped greenfield site, although I have not been presented with any argument that the landscape is of particular significance or sensitivity. None of the restrictions in footnote 7 to paragraph 11(d)(i) of the Framework are said to apply. Future residents may have high reliance on the private car due to the limited public transport options, but the Framework acknowledges access to public transport is likely to differ between urban and rural areas. Furthermore, it is reasonable to conclude that a proportion of trips could be carried out to services within the village on foot or by bike. I do not therefore consider there is significant environmental harm arising from the development.
17. From my site visit, I noted that the appeal development would be in close proximity to the village hall, primary school, grocery store and the nearby public house. I observed that all of the local services for day-to-day living said

³ Paragraph 4.7 of the LPA Appeal Statement of Case

⁴ Paragraph: 038 Reference ID: 57-038-20210508

to be available by the appellant⁵, as agreed by the Council, were within easy walking distance. In this context, the appeal development would be suitably located to make use of local shops and services and thus contribute to the viability and vitality of these facilities. It would therefore contribute economically and socially to the rural community.

18. I note that the Council had not alleged the appeal site was in an unsustainable location in previously refused applications for open-market housing. It was said during the Hearing that the appeal site effectively had become more unsustainable with the ever-increasing housing land supply of the Council⁶. However, it was confirmed in the Hearing that the economic, social and environmental parameters regarding the appeal site and the village of Norton had not changed since the previously refused schemes. I therefore find no reason to consider the appeal site an unsustainable location on the basis of the land supply position alone.
19. Whilst the Council argue that parts of policies CS1 and CS2 of the CS are consistent with the Framework, I have no substantive evidence to convince me to depart from the findings of other Inspectors on the weight to be given to these policies⁷. I therefore consider the conflict between the appeal scheme and the Development Plan to have reduced weight.
20. Objectors to the development have raised issue with highway safety, effects on heritage assets and wildlife. However, no arguments have been advanced by the Council or its consultees on these grounds and there are no detailed submissions to substantiate the arguments made. To this extent, there is nothing before me to justify a case of planning harm arising from the development.
21. In conclusion, the tilted balance is engaged and the planning benefits of providing 9 self-build units, in light of an identified shortfall, would be substantial. The submission of the UU, which I have reviewed and consider meets the necessary tests for obligations⁸, adds security to the benefits of meeting the local housing needs. These benefits include the economic and social support for the rural community as well as meeting the local housing needs. Whilst the development would conflict with the spatial strategy of the Council, this would not significant and demonstrably outweigh the benefits. This is particularly in recognition of the statutory duty upon the Council to deliver serviceable plots.
22. On the basis of the above, I consider there are material considerations to warrant a departure from the Development Plan in this instance. The appeal should therefore succeed.

Conditions

23. A list of conditions was supplied by the main parties within the signed statement of common ground, which included the implicit agreement of the appellant to those conditions requiring submissions prior to commencement of development. The conditions were discussed and, in part, revised during the Hearing. Nonetheless I have the following comments to make.

⁵ Paragraph 11 in the appellant statement from Mr Cobbald

⁶ Purported to be in excess of 10 years at the date of the Hearing.

⁷ Appeal 3291011 and the Appeal cited in paragraph 6.27 in the Appeal Statement of Tetlow King Planning

⁸ Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended)

24. For clarity on the development hereby permitted and how reserved matters submissions should be managed, having regard to the self-build nature of the development, I have imposed conditions 1, 2 and 3. This includes a 5-year period for reserved matters submissions to be made to the local planning authority, as agreed between the main parties in the Hearing.
25. In imposing condition 4, I have taken into account the annotation that plan 100-225/006E is indicative. However, the main parties confirmed this was the only plan that secured the means of access to the appeal site and had formed the basis of all highway assessments to date. It is therefore logical to ensure, in the interests of highway safety, that the access is carried out in accordance with that plan.
26. Conditions 5 and 6 are necessary to ensure archaeological assets are duly protected, whilst conditions 7, 8, 9, 11 and 12 are all required in the interests of highway safety for all users.
27. The footway crossing required under condition 10 would be provided, in part, on land forming part of the public highway. Delivery of the footway would therefore have to be secured via an agreement pursuant to section 278 of the Highways Act 1980 (as amended). The Highway Authority have requested the crossing and, from my site visit, I believe it to be necessary to ensure safe use of the highway by all users, given the speed and nature of traffic. I have imposed condition 10 so that the local planning authority are notified of the approved details. I have modified the condition to require the crossing to be fully completed prior to the occupation of the first dwelling rather than the ninth, to ensure delivery of the necessary infrastructure in the event that less than 9 dwellings are built.
28. Condition 13 is necessary for proper management of the development whilst conditions 14 and 15 are imposed to ensure construction across the site is undertaken without detriment to the living conditions of nearby occupiers. To ensure adequate protection and enhancement for local wildlife, conditions 16 to 19 are necessary.
29. During the Hearing, the main parties agreed to an additional condition securing a phasing plan for the scheme. I consider that the wording of condition 20 broadly reflects the agreement reached, and the condition is both reasonable and related to the development hereby permitted.

Conclusion

30. For the reasons given, subject to the conditions in the attached schedule and the UU, I conclude that the appeal should succeed.

D Wallis

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Approval of the details of the layout of the development, the scale and appearance of buildings, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before the construction of the dwelling on that particular plot is commenced. The development of each plot shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 5 years from the date of this permission
- 3) The development of each individual plot hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved for that plot.
- 4) The development hereby permitted shall be carried out in accordance with the details shown on the Local Plan received by the Council on 11 April 2022 and, insofar as it relates to the matter of access to which this permission relates, Drawing 100-225/006E.
- 5) Prior to the commencement of development, the applicant shall secure the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI), which has been submitted to and approved in writing by the local planning authority. The WSI shall include an assessment of significance, research questions and:
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - vii. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 6) No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under the above condition and the provision made for analysis, publication and inspection of results and archive deposition.
- 7) Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing No. 100-225/006E with an X dimension of

- 2.4 metres and a Y dimension of 38 metres in North direction and 59 metres in the South direction to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 8) No part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with Suffolk County Council's standard access drawing DM01, with a minimum entrance width of 4.5 metres for a shared access and made available for use. The access shall be retained as such thereafter.
- 9) Prior to the development hereby permitted being first occupied, the improved vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The access shall be retained as such thereafter.
- 10) Prior to the commencement of development, details of the new footway crossing on A1088 shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed prior to the occupation of the first dwelling hereby approved in accordance with the approved scheme. The footway shall be retained thereafter in its approved form.
- 11) Concurrent with each submission of reserved matters for an individual plot, details of vehicle parking, including secure, lit and covered cycle storage and electric vehicle charging infrastructure for that plot shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the relevant plot is brought into use and shall be retained as such thereafter.
- 12) Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained as such thereafter.
- 13) Concurrent with each submission of reserved matters for an individual plot, details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained as such thereafter.
- 14) Any construction work associated with the proposal shall be restricted to:
- i. 08.00 and 18.00hrs Mondays to Fridays;
 - ii. and between the hours of 09.00 and 13.00hrs on Saturday.

There shall be no working and/or use operated on Sundays and Bank Holidays. There shall be no deliveries to the development outside of these approved hours.

- 15) Prior to the commencement of development, a demolition and construction management strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include access and parking arrangements for contractors' vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The construction of the development on any and every plot shall only take place in accordance with the approved strategy.
- 16) Mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology Survey (MHE Consulting Ltd) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 17) Prior to the commencement of development (including any demolition, ground works, site clearance) a Biodiversity Mitigation Method Statement for mobile protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the method statement shall include the following:
 - i. purpose and objectives for the proposed works;
 - ii. detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - iii. extent and location of proposed works shown on appropriate scale maps and plans;
 - iv. timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - v. persons responsible for implementing the works;
 - vi. initial aftercare and long-term maintenance (where relevant); and
 - vii. disposal of any wastes arising from works.

The works shall be carried out strictly in accordance with the approved details and shall be retained as such thereafter.

- 18) Prior to works above slab level, a Biodiversity Enhancement Strategy for Protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
 - i. purpose and conservation objectives for the proposed enhancement measures including birds, bats and hedgehogs;
 - ii. detailed designs to achieve stated objectives;

- iii. locations of proposed enhancement measures by appropriate maps and plans;
- iv. timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- v. persons responsible for implementing the enhancement measures; and
- vi. details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

- 19) Prior to the occupation of the development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained as such thereafter. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- 20) Prior to the commencement of development, a Community Infrastructure Levy (CIL) phasing plan shall be submitted to and approved in writing by the Local Planning Authority. This shall detail the delivery of CIL to the local planning authority on a plot-by-plot basis and how relevant dates and milestones will be recorded. The development shall be carried out in accordance with the phasing plan, which shall remain in effect until all dwellings hereby permitted have been constructed.

APPEARANCES

FOR THE APPELLANT:

Phil Cobbald
Simon Gray
Andrew Moger

FOR THE LOCAL PLANNING AUTHORITY:

Daniel Cameron
Robert Feakes

DOCUMENTS

1. Statement of Common Ground signed 5 June 2023
2. Unilateral Undertaking signed 26 June 2023
3. Appeal Self Build Custom Build by Base Period
4. Appeal Decision 3291011



Appeal Decisions

Hearing held on 27 March 2023

Site visit made on 27 March 2023

by K Savage BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2023

Appeal A Ref: APP/T0355/W/22/3309281

Land Adjoining Pondview, Sturt Green, Holyport, Berkshire SL6 2JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Ms Janet Mead-Mitchell against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
- The application Ref 21/03573, dated 2 December 2021, was refused by notice dated 19 April 2022.
- The development proposed is outline planning application (all matters reserved other than access) for 4 serviced plots for self-build and custom housebuilding.

Appeal B Ref: APP/T0355/W/23/3314990

Land Adjoining Pondview, Sturt Green, Holyport, Berkshire SL6 2JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Janet Meads-Mitchell against the decision of the Council of the Royal Borough of Windsor and Maidenhead.
 - The application Ref 22/02789, dated 14 October 2022, was refused by notice dated 21 December 2022.
 - The development proposed is outline planning application (all matters reserved other than access) for 4 serviced plots for self-build and custom housebuilding.
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Decisions

1. Appeal A is allowed and planning permission is granted for outline application for access only to be considered at this stage for four serviced plots for Self-Build and Custom Housebuilding, at Land adjoining Pondview, Sturt Green, Holyport, Berkshire SL6 2JH, in accordance with the terms of the application, Ref 21/03573, dated 2 December 2021, subject to the conditions set out in the attached schedule.
2. Appeal B is allowed and planning permission is granted for outline planning application (all matters reserved other than access) for four serviced plots for Self-Build and Custom Housebuilding, at Land adjoining Pondview, Sturt Green, Holyport Berkshire SL6 2JH, in accordance with the terms of the application, Ref 22/02789, dated 14 October 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

3. The applications were both made in outline with all matters reserved except for access. I have considered the appeals on the same basis and have treated the submitted plans as being for illustrative purposes only, apart from those specifically related to the matter of access in each proposal.

4. The appellant has submitted a unilateral undertaking (UU) in respect of each case dealing with, among other things, Self-Build and Custom Housebuilding. I have taken these into consideration later in this decision letter.
5. The Council initially included a reason for refusal in each case relating to the impact on protected species. The appellant has subsequently produced additional evidence to address this matter to the Council's satisfaction. From the evidence before me, I have no reasons to conclude otherwise. Consequently, this matter no longer forms a main issue of the appeal.

Main Issues

6. The site lies within the Metropolitan Green Belt. Therefore, the main issues in both cases are:
 - Whether the proposal amounts to inappropriate development in the Green Belt, including the effect on the openness of the Green Belt and the purposes of including land within it;
 - If the development is inappropriate within the Green Belt, whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Whether Inappropriate Development

7. The Government attaches great importance to Green Belts. Paragraph 149 of the National Planning Policy Framework (the Framework) states that the construction of new buildings within the Green Belt is inappropriate development but it lists certain forms of development which are not regarded as inappropriate. These include, at criterion e), limited infilling in villages.
8. Policy QP5 of the Borough Local Plan (February 2022) (the BLP) sets out that the rural areas in the Royal Borough are defined as land within the Metropolitan Green Belt, which includes those settlements that are 'washed over' by the Green Belt. In all instances, national Green Belt policy will be applied to development in these areas. The policy adds that permission will not be granted for inappropriate development unless very special circumstances are demonstrated. This accords with the national approach set out in the Framework.
9. The site is a roughly rectangular parcel of land located on Sturt Green, a straight lane with fairly consistent linear housing on its southern side between the junction with the A330 Ascot Road and the appeal site. On the northern side, development is slightly more intermittent with a pond and wider undeveloped land directly opposite the site.
10. The Framework does not define 'limited infilling.' Paragraph 6.18.9 of the BLP states that, for the purposes of applying Policy QP5, limited infilling is considered to be the development of a small gap in an otherwise continuous frontage, or the small scale redevelopment of existing properties within such a frontage. It also includes infilling of small gaps within built development. It should be appropriate to the scale of the locality and not have an adverse impact on the character of the locality.

11. It is common ground between the main parties that the proposal for four dwellings in each case would constitute limited infilling in the context of Policy QP5 and the Framework. This is also the conclusion reached by the Inspector in a previous appeal on the site in 2018¹. The site is enclosed by development to either side on Sturt Green and Rolls Lane, and at the rear, and having observed the site I agree that it would amount to limited infilling in this instance. The outstanding question, therefore, is whether the proposal lies within a village.
12. The Framework does not set out a methodology to be considered in determining whether a proposal would be within a village. Policy QP5 states that, within the Royal Borough, village settlement boundaries as identified on the Policies Map will be used in determining where limited infilling may be acceptable. This may occur outside of the identified village settlement boundaries where it can be demonstrated that the site can be considered as falling within the village envelope as assessed on the ground, this being based upon assessment of the concentration, scale, massing, extent and density of built form on either side of the identified village settlement boundary and the physical proximity of the proposal site to the village settlement boundary.
13. This approach reflects the Court of Appeal judgment in *Julian Wood*², wherein it was held that whilst settlement boundaries as set out in a development plan are a consideration in whether a proposal for limited infilling fell within a village, they are not determinative, and whether the proposal falls within a village is ultimately a matter of planning judgment for the decision maker based on the facts on the ground.
14. As worded, Policy QP5 seeks for specific factors to be taken into consideration, rather than additional criteria to be strictly met. In this respect, I do not regard Policy QP5 as being inconsistent with the Framework, but rather it sets out factors to which a decision maker might reasonably have regard in reaching a view on the question of limited infilling.
15. Sturt Green lies outside of the settlement boundary for Holyport. The Council points to the site being some 700m from the nearest point of the boundary and takes the position that development on Sturt Green lies outside of the village of Holyport. The appellant argues that various factors, including the historic development of the area and landscape assessments, point to the development being part of the village of Holyport. The Inspector in 2018 determined that Sturt Green did not fall within Holyport.
16. Holyport is centred around the village green bounded by Ascot Road, Holyport Road, and Moneyrow Green, with development extending respectively along these roads to the north, north-east and south. The appellant, through a landscape character assessment, has identified the village envelope as including Sturt Green, due to the village green extending to the south-west along Ascot Road, in doing so connecting Sturt Green with Holyport.
17. I understand that there may be historic links between Sturt Green and Holyport, that residents of Sturt Green may consider themselves part of the village, frequent its facilities and use a Holyport address. However, for the purposes of determining whether a proposal would amount to inappropriate

¹ Appeal Ref APP/T0355/W/18/3201716

² *Julian Wood v The Secretary of State for Communities and Local Government*, Gravesham Borough Council EWCA Civ 195 - 9 February 2015

development, it is the assessment on the ground which is the most relevant consideration.

18. In that respect, I saw that the village green as it extends along Ascot Road is a narrow finger of land bisected and dominated by the main road. A line of trees surrounding a brook next to the village signs provides a distinct visual and physical separation between the main green and main road leading to the south. Beyond this point, there is a clear gap in development on both sides of the road. This absence continues on the eastern side, whilst the western side is populated by a small number of detached properties with spaces between them creating a rural character. Although there is a large property on the corner of Ascot Road and Sturt Green, it is concealed by trees which visually separate development on the two roads, adding to the impression of Sturt Green being detached. Although not decisive, I noted that the speed of traffic along Ascot Road was quite fast and did not give the impression of being part of the village, but rather a main road in the countryside.
19. The appellant points to the Council's Landscape Character Assessment (2004) (LCA), not before the previous Inspector, as acknowledging that there has been a coalescence of Holyport with Moneyrow Green, Forest Green, Stud Green, Touchen End and Paley Street along the B3024. However, whilst there is reference to 'Stud Green' I was told at the hearing that both 'Sturt' and 'Stud' have been used interchangeably over time to refer to the lane itself and the surrounding area. Having regard to the names listed, and their order, it seems to me the LCA is referring to linear development along Moneyrow Green, continuing along the B3024 and then south along Ascot Road, not north, where the gap between Holyport College and Sturt Green is largely absent development with the exception of the polo club buildings. Consequently, I am not persuaded that this assessment is firm evidence of Sturt Green being part of the village.
20. Having regard to all of the evidence before me, I conclude that Sturt Green does not lie within a village, but rather forms a separate cluster of rural residential development. Therefore, the proposal does not meet with the relevant exception at Paragraph 149(e) of the Framework or Policy QP5 and is therefore inappropriate development in the Green Belt.

Openness and Green Belt Purposes

21. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect.
22. The appeal site does not contain any permanent structures. Recent works have taken place to lay hardstanding and other materials across parts of the site to create a parking area, seating area, clothesline and space for a trampoline. I understand these works are associated with the residential use of the dwelling to the rear of the site, but there was no certainty expressed at the hearing as to the planning status of these works.
23. This aside, the proposed four dwellings, under either proposal, would result in substantial and permanent built form where there presently is none. In spatial terms, this would result in a substantial loss of openness.
24. In visual terms, I note the arguments from the appellant that the site is surrounded by development on three sides and is not contiguous with the wider

expanses of the Green Belt beyond Sturt Green. However, whilst I accept that the proposals would not have the same visual impact as a development of housing in an open landscape, the absence of development on the site does continue directly opposite and beyond to the north. Consequently, I consider that the site does contribute to the openness of the Green Belt, and there would be a loss of openness in visual terms as a result of the proposals.

25. Having regard to the physical characteristics of the site, the only relevant Green Belt purpose in this case is to assist in safeguarding the countryside from encroachment. Although I accept that the proposal would not result in development extending beyond the outer edge of built form on Sturt Green and Rolls Lane, it would still represent an intensification of development along the lane and within the Green Belt. In these respects, the proposal would offend the aforementioned Green Belt purpose, albeit in a limited manner.

Other Considerations

Self-Build and Custom Housebuilding (SBCH)

26. The Self-Build and Custom Housebuilding Act 2015 introduced a duty on local authorities to keep a register of individuals, and associations of individuals, who wished to acquire serviced plots of land to bring forward for SBCH projects. Councils are required to have regard to those registers when carrying out planning functions. The Housing and Planning Act 2016 further provides that local planning authorities must give suitable planning permissions to meet the demand for SBCH. The Planning Practice Guidance adds that these registers are likely to be material considerations in decisions involving proposals for SBCH.
27. The Council's data in respect of SBCH covers 12-month base periods starting in April 2016³. At the end of each base period, the local planning authority has three years to permit an equivalent number of suitable permissions for SBCH, as there are entries for that base period. As of October 2022, the Council has recorded seven base periods, of which the first four have passed the three year time period for permissions to be granted. The Council's own figures show that the total number of entries on the register across the four base periods from April 2016 to October 2019 is 429. In that time, the Council has granted permission for 111 units, a shortfall of some 318 units.
28. The Council offers some pushback to these numbers, pointing to the potential for double counting in some instances. However, it concedes that the number may also underestimate the actual demand, a point made by the appellant when pointing to secondary sources of demand for SBCH. However, any minor effect these considerations would have on the figures set out are ultimately not determinative as the Council has accepted that the shortfall would still be of a similarly significant magnitude.
29. I enquired at the hearing as to the Council's intent in addressing this shortfall. The Council pointed to Policy HO2(4) of the BLP which requires proposals for 100 or more net new dwellings (on greenfield sites) to provide 5% of the market housing as fully serviced plots for custom and self-build housing, whilst on other allocated and windfall sites, the Council will encourage the provision of custom and self-build plots. However, the Council did not dispute the appellant's figures that allocated sites within the development plan would

³ The first base period covers a seven month period from 1 April 2016 to 30 October 2016

- collectively only be expected to contribute 197 plots for SBCH, some of which may take the length of the plan period to 2033 or beyond to come to fruition.
30. In short, therefore, the projected SBCH delivered on large scale sites under Policy HO2 falls significantly short of meeting the outstanding demand for SBCH plots, let alone the demand coming forward to be met at the moment from base periods 5, 6 and 7 and future base periods. It is therefore highly likely that demand for SBCH will have to be met in large part through smaller allocated and windfall sites. Given that 83% of the Royal Borough is covered by Green Belt, it seems inevitable that some of the demand for SBCH will have to be met on sites within the Green Belt.
 31. In such a scenario, and against a very substantial and acknowledged shortfall, the proposals for four SBCH plots, which would be secured through the submitted UUs, must merit very significant favourable weight in the planning balance. In reaching a view, I have had regard to the weight afforded to SBCH by Inspectors in several appeal decisions put to me, and to the Council's questioning of their equivalence to the current appeals. Ultimately, differences in terms of the scale of development, the policy context, the Council's SBCH position and whether Green Belt is a material consideration mean they are not directly comparable to the proposals before me. Thus, my conclusions have been reached on the case-specific evidence put to me.
 32. In addition, the submitted UU for Appeal B would further secure one of the SBCH plots as a discounted market sale plot, to be used for the construction of an affordable housing dwelling. The Council has questioned the need for this type of affordable housing, but it is nevertheless a further benefit of Appeal B, albeit one of limited weight as it would deliver only a single unit.

Fall-Back Position

33. The appellant argues that, should the appeals fail, they are likely to sell the site to the owners of the dwelling at the rear, Lovelace House, with the intention being to make use of the land as residential garden and to erect a number of outbuildings and other ancillary works under permitted development.
34. I have heard and read in evidence details of the planning and usage history of the site. Of note is a 1988⁴ permission for '*two storey side extension and change of use of field to domestic garden*' at Pondview, the dwelling to the side of the appeal site. There is some dispute between the main parties as to the extent of the appeal site to which this change of use applied. However, the pertinent point is that in 2005, the appeal site was severed from Pondview when the dwelling was sold, with a later transaction in 2008 selling a further piece of land to the new owners of Pondview. On this basis, the appeal site was no longer in use after 2005 as residential garden in connection with a dwelling and, on the evidence before me, has not been used as such since that time as it has not been associated with any other dwelling.
35. As of the date of the hearing, the neighbouring owners have not acquired the appeal site, and notwithstanding that I saw some level of domestic activity on the land, no evidence has been put to me to suggest that the appeal site should be regarded as lawfully falling within the curtilage of Lovelace House. Moreover, although the neighbouring owners have sought pre-planning advice in respect of potentially erecting outbuildings on the land, this is no more than an informal request and no substantive evidence, such as a lawful development

⁴ Council Ref 421558, dated 16 December 1988

certificate, has been put before me to indicate that such works could be undertaken. As such, I am not persuaded that permitted development rights to erect outbuildings⁵ in fact apply at the time of writing and could be exercised.

36. Furthermore, under the rights in question, there are notable limitations on the height, position and form permitted structures can take, in particular that they are limited to a single storey in height. Therefore, even if such rights did apply, or were to be subsequently gained by the neighbouring owners, the extent of built form which could accrue under permitted development is likely to be substantially smaller in overall scale than the proposed four dwellings under either scheme.
37. In summary, the evidence does not indicate that a tangible fall-back position exists, or even if it did that it would be comparable or larger in scale than the development proposed. Therefore, the argued fall-back position does not merit positive weight towards granting either proposal, as it would not have a more harmful effect in terms of Green Belt openness.

Other Potential Benefits

38. The appellant points to potential highway safety improvements at the junction of Rolls Lane and Sturt Green. I saw there was some restricted visibility for vehicles emerging from Rolls Lane, but any improvements in this respect would be down to re-landscaping of the site and the continued maintenance of vegetation on the corner. Although no landscaping proposals are before me at this stage, the reserved matters would be prepared in accordance with the appellant's proposed design code, which includes measures to ensure landscaping is maintained.
39. However, Rolls Lane is a small lane serving a limited number of dwellings, and traffic on it and on Sturt Green is low. Therefore, despite the limitations to visibility, the risk of conflict between vehicles is low, and whilst improvements in this respect through proposed landscaping are positive, the overall benefit to highway safety would be modest at best.
40. The appellant initially argued that the proposals would be a form of community-led development. However, it was accepted at the hearing that the proposal would not fall within any of the examples of community-led housing approaches, namely co-housing, community land trusts or co-operatives, set out at Policy HO2(5). Consequently, this is not a factor attracting any additional weight in favour of the proposal.
41. There would be economic benefits associated with the construction of the dwellings and from use of local services by future occupants, though given the scale of development, and the temporary nature of construction works, such benefits would attract limited weight in favour of the proposal.

Other Matters

42. As referred to above, the Council withdrew its reasons for refusal relating to protected species following the submission of additional evidence by the appellant, and subject to a condition specifying working practices on site. From all that I have seen and read, I am satisfied that the proposal is capable of avoiding harm to protected species, in particular the great crested newt.

⁵ under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

43. The signed UUs make provision for the delivery of the proposed SBCH units and, separately, would secure the assessment and delivery of required contributions towards offsetting carbon emissions in line with the Council's aims under Policy SP2 of the BLP to mitigate climate change. The UU for Appeal B further secures one discounted market sale plot. I am satisfied that each undertaking meets the three tests set out in Paragraph 57 of the Framework for planning obligations. As a result, I have taken the completed UU into account, though as the carbon reduction provisions are required to mitigate the impact of the development, they are a neutral factor in the planning balance.
44. I have had regard to other concerns raised, including those by interested parties both at the hearing and in writing, beyond those I have already addressed. Ultimately, the Council does not oppose the proposal on grounds other than those set out in the main issues, and taking account of the evidence before me, I have not identified other matters of such significance as to result in further material benefits or harms to be factored into the planning balance.

Planning Balance

45. The proposal would amount to inappropriate development as set out in the Framework, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the proposal would lead to a significant loss of openness to the Green Belt. The Framework directs that substantial weight should be given to the harm to the Green Belt.
46. The benefits in respect of additional housing, economic activity and highway safety, and in the case of Appeal B, affordable housing, would each attract limited weight given the scale of the development proposed in each case. However, for the reasons set out, the provision of four SBCH dwellings in the face of a substantial shortfall in delivery of such housing against statutory requirements is a matter of overriding weight in each case.
47. Taken as a whole, therefore, the other considerations in each case clearly outweigh the totality of the harm identified to the Green Belt. Consequently, I conclude that the very special circumstances necessary to justify the proposal exist in each appeal.
48. Given this conclusion, the proposal would accord with national policy set out in the Framework and the general approach to development in the Green Belt under Policy QP5 of the BLP. There are no other material considerations which indicate that decisions should be made other than in accordance with the development plan in either appeal. Therefore, both appeals should succeed.

Conditions

49. The parties have agreed lists of conditions for each appeal. Having considered these and sought clarification at the hearing, I am satisfied that the conditions set out below are applicable to both appeals.
50. Conditions relating to the timing of reserved matters applications, implementation of the development and the relevant approved plans, are all necessary to provide certainty.
51. Conditions are further necessary in respect of external materials to ensure a satisfactory appearance. The parties agreed to a condition requiring details of hard and soft landscaping works; however, such details would fall under the

reserved matter of landscaping. Consequently, I have amended the condition to relate only to the implementation of the approved landscaping and its ongoing maintenance and/or replacement. This is to ensure a satisfactory appearance.

52. A condition requiring the approved access to be constructed prior to occupation of the development is required in the interest of highway safety. Details of measures to deliver biodiversity net gain on the site, and a timescale for their implementation, are necessary to accord with the aims of the Framework and BLP to enhance biodiversity. In a similar vein, details of external lighting are required to limit the effects of light pollution on wildlife.
53. A condition is also required for the submission, approval and implementation of a Construction Environmental Management Plan, to include in particular details of reasonable avoidance measures to be employed during the construction phase to protect great crested newts and other species.

Conclusion

54. For the reasons set out, I conclude that both Appeal A and Appeal B should be allowed.

K Savage

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/T0355/W/22/3309281

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered Site Location Plan, Unnumbered Site Plan (1:200).
- 5) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones."
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a Reasonable Avoidance Measures (RAMs) method statement for great crested newt, reptiles, and common amphibians, measures to protect badgers and other mammals during works, a pre-commencement walkover survey to ensure that no badger setts have been created on or immediately adjacent to the site, measures to protect nesting birds and stag beetle, a wildlife-sensitive lighting strategy during works, and the procedures to follow should any protected species be encountered on the site during works.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

- 6) No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained in accordance with the approved details.
- 7) The details approved under Condition 1 for the reserved matter of landscaping shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the local planning authority gives its prior written consent to any variation.
- 8) Prior to the commencement of the development above slab level, details of the biodiversity net gain which will be delivered as part of this development (including a clear demonstration through the use of an appropriate biodiversity calculator such as the Defra Metric 3.0 that a net gain would be achieved) shall be submitted to and approved in writing by the local planning authority. Details of the biodiversity enhancements including the timescales to install them, to include integral bird and bat boxes, tiles, or bricks on the new building and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens) shall also be submitted to and approved in writing by the LPA. The agreed net gain and biodiversity enhancement measures will thereafter be implemented/installed in full as agreed.
- 9) Prior to the installation of any external lighting, a detailed external lighting scheme shall be submitted to and approved in writing by the local planning authority. The report shall include the following figures and appendices:
 - A layout plan with beam orientation
 - A schedule of equipment
 - Measures to avoid glare
 - An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and positions of bird and bat boxes.

The approved lighting plan shall thereafter be implemented as agreed.

Appeal B Ref: APP/T0355/W/23/3314990

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Unnumbered Site Location Plan, Proposed Plan (with Access Visibility Splays).
- 5) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
 - i) Risk assessment of potentially damaging construction activities.
 - j) Identification of "biodiversity protection zones."
 - k) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including a Reasonable Avoidance Measures (RAMs) method statement for great crested newt, reptiles, and common amphibians, measures to protect badgers and other mammals during works, a pre-commencement walkover survey to ensure that no badger setts have been created on or immediately adjacent to the site, measures to protect nesting birds and stag beetle, a wildlife-sensitive lighting strategy during works, and the procedures to follow should any protected species be encountered on the site during works.
 - l) The location and timing of sensitive works to avoid harm to biodiversity features.
 - m) The times during construction when specialist ecologists need to be present on site to oversee works.
 - n) Responsible persons and lines of communication.
 - o) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - p) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
- 6) No development above slab level shall take place until details of the materials to be used on the external surfaces of the development have

been submitted to and approved in writing by the local planning authority. The development shall be carried out and maintained in accordance with the approved details.

- 7) The details approved under Condition 1 for the reserved matter of landscaping shall be carried out as approved within the first planting season following the substantial completion of the development and retained in accordance with the approved details. If within a period of five years from the date of planting of any tree or shrub shown on the approved landscaping plan, that tree or shrub, or any tree or shrub planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes seriously damaged or defective, another tree or shrub of the same species and size as that originally planted shall be planted in the immediate vicinity, unless the Local Planning Authority gives its prior written consent to any variation.
- 8) Prior to the commencement of the development above slab level, details of the biodiversity net gain which will be delivered as part of this development (including a clear demonstration through the use of an appropriate biodiversity calculator such as the Defra Metric 3.0 that a net gain would be achieved) shall be submitted to and approved in writing by the local planning authority. Details of the biodiversity enhancements including the timescales to install them, to include integral bird and bat boxes, tiles, or bricks on the new building and native and wildlife friendly landscaping (including gaps at the bases of fences to allow hedgehogs to traverse through the gardens) shall also be submitted to and approved in writing by the LPA. The agreed net gain and biodiversity enhancement measures will thereafter be implemented/installed in full as agreed.
- 9) Prior to the installation of any external lighting, a detailed external lighting scheme shall be submitted to and approved in writing by the local planning authority. The report shall include the following figures and appendices:
 - A layout plan with beam orientation
 - A schedule of equipment
 - Measures to avoid glare
 - An isolux contour map showing light spillage to 1 lux both vertically and horizontally, areas identified as being of importance for commuting and foraging bats, and positions of bird and bat boxes.

The approved lighting plan shall thereafter be implemented as agreed.

APPEARANCES

For the appellant

Rosie Dinnen	Director, Tetlow King
Janet Meads-Mitchell	Appellant
Clive Mitchell	Husband of Appellant

For the local planning authority

Claire Pugh	Team Leader, Development Management
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Interested parties

Dave Bough	Local Resident
Lucy Pickering	Local Resident
Jago Pickering	Local Resident
Helena Chapman	Local Resident

Documents submitted after the hearing

- 1) Letter dated 31 March 2023 from appellant setting out ownership and usage history of the appeal site.
- 2) Council response dated 3 April 2023 to appellant's letter of 31 March 2023.