

Appeal Statement

**Land at Lodge Road, Hurst,
Wokingham RG10 0SG**

Prepared For
Forays Homes

4499
July 2026



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1 INTRODUCTION

- 1.1 This statement is prepared in support of an appeal made by Forays Homes against Wokingham Borough Council's decision to refuse planning permission for the following development proposal:

'Full application for the proposed erection of 3 no. detached dwellings with associated access, parking and landscaping and creation of a balancing pond.'

- 1.2 The reasons for refusal are set out in full on the decision notice. In summary, they deal with the following matters:

- Unplanned development within the countryside
- The character and appearance of the area
- Whether the proposal is in a sustainable location
- Flooding
- The provision of Biodiversity Net Gain
- The provision of affordable housing

- 1.3 The Council accepted the proposal in respect of all matters other than the six reasons for refusal.

- 1.4 Accompanying the decision, the LPA issued a Case Officer's Report (OR) which is included at **Appendix 1**.

- 1.5 The relevant planning history and site constraints are set out fully within the submitted documentation supporting the planning application. Therefore, these are summarised but not rehearsed fully within this statement of case



THE APPEAL SITE AND SURROUNDINGS

- 1.6 A full description of the site and surroundings is provided within the Planning Statement submitted with the original application. Therefore, we do not provide a full description here. In summary:
- 1.7 The site is currently an open field, to the east of the B3030 (Lodge Road) on the western side of Hurst village. It abuts the built form to the south, and the village encircles the site to the north, east and south. The site to the immediate north is also in residential use.
- 1.8 As set out in the Planning Statement, the application site has been subject to two applications for residential development in the last 10 years. Application reference 153431 for the proposed erection of 12no dwellings, garages and creation of new vehicular access off Lodge Road was refused in February 2016. This was refused but not appealed.
- 1.9 A subsequent application followed (172894) for the erection of 5 no. new dwellings and garages with creation of a new vehicular and pedestrian access to Lodge Road and footway provision. This was subject to a public inquiry, and an appeal decision dated 31st January 2020. The main points from the Inspector's decision are presented in the Planning Statement, but a clear aspect of the case at the time was that the Council could both demonstrate a 5 year supply of deliverable housing land and pass the housing delivery test. This is no longer the case and therefore, as the tilted balance set out under paragraph 11(d) must now be considered, there has been a significant change and shift in favour of planning permission being granted.

THE PROPOSAL

- 1.10 The proposed development is for the erection of three new detached dwellings, including one self-build for the landowner, and associated infrastructure (including a balancing pond).



Figure 1 - Proposed Layout

- 1.11 The proposed development will be access off Lodge Road with an enhanced access in the rough location of the existing access point. It will be centrally located and open out to a three-way driveway for the houses. All three houses will have allocated parking and a double garage within which both cars and cycles can be parked/stored.
- 1.12 The landscaping (trees and hedges) around the periphery of the site will remain to help the proposed development sit comfortably on the site and for it to retain its green characteristics.



2 PLANNING POLICY CONTEXT AND ASSESSMENT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. For the purposes of this application the Development Plan comprises of:

- Adopted Core Strategy (CS) Development Plan Document - January 2010
- Adopted Managing Development Delivery (MDD) Local Plan – February 2014
- Policies Map

2.2 As set out in the Planning Statement, the Council have been preparing a new local plan that sets out the proposed planning strategy for the Borough to 2040. This is proceeding through the final stages of its public examination and is expected to be adopted in 2027. As not yet adopted, this emerging plan is a material planning consideration but carries limited weight in decision making.

2.3 The Council has also initiated their Local Plan 2045. However, this is in its infancy and so has no weight in current decision making.

2.4 It should also be noted that since the previous appeal decision in 2020 the relevant national policy emphasis has changed. The Council can no longer demonstrate a five year supply of deliverable housing land, currently standing at only **2.5 years**, only half the minimum level that it should be. Accordingly, paragraph 11(d) of the National Planning Policy Framework (NPPF) is engaged.

REASONS FOR REFUSAL 1 AND 3 – LOCATION/SUSTAINABILITY

2.5 The first reason relates to whether the location of development is acceptable, stating that *“The proposal represents inappropriate, unplanned development outside of development limits within the countryside”*. This also ties in with the third reason for refusal that deals with the sustainability of the site’s location in terms of access to services and facilities. We therefore consider both reasons together.



- 2.6 To that end, it is accepted that the site is located beyond the defined settlement policy boundary limits, although it is also the case that Hurst (which the site sits directly adjacent to) is a location that Core Strategy Policy CP9 (Scale and location of development proposals) states that limited development is acceptable. The village is sufficiently sustainable, according to policy, CP9, to accommodate new residential development.
- 2.7 In addition, Hurst is identified as a 'Minor Settlement' within Emerging Local Plan Update, with its Policy SS4 identifying that the village is suitable for up to 9 dwellings. That policy also states that limited residential development will be supported *adjacent* to minor settlements where certain circumstances occur (i.e. use of previously developed land, limited infilling or affordable housing). Although the proposal does not fit any of the specific exceptions, the supporting text makes clear that the level of growth is related to the settlement's location, size, and range of facilities and services, as well as the availability of suitable development opportunities. In other words, it is a location that is suitable and sustainable for at least some additional growth.
- 2.8 In this context, the Officer's Report acknowledges that services are available in Hurst and Whistley Green, stating that:
- "There are limited services in Hurst and Whistley Green, which is typical of small villages. These include a village store and post office, bakery and takeaway, primary school, playing fields, village hall, nursery, public houses, places of worship and allotments. It is noted that the Hurst Co-op food store has closed since the appeal and has since been replaced with an independent local convenience/village store, which also includes the local post office."*
- 2.9 However, they go on to conclude that the site is not well connected due to the lack of suitable footpaths or cycle infrastructure, and the distance to the nearest bus stop and railway station. Understandably, they also point to the conclusions of the Inspector in their consideration of the previous appeal - APP/X0360/W/18/3194044 (**Appendix 2**). However, those comments were provided in isolation and there was no positive presumption from the tilted balance. The Council has failed to consider the accessibility of the location in the balance, namely in the context of most para. 11d)



applications will be beyond the settlement boundaries and it is a specific provision, in the NPPF, which accepts that this is the case.

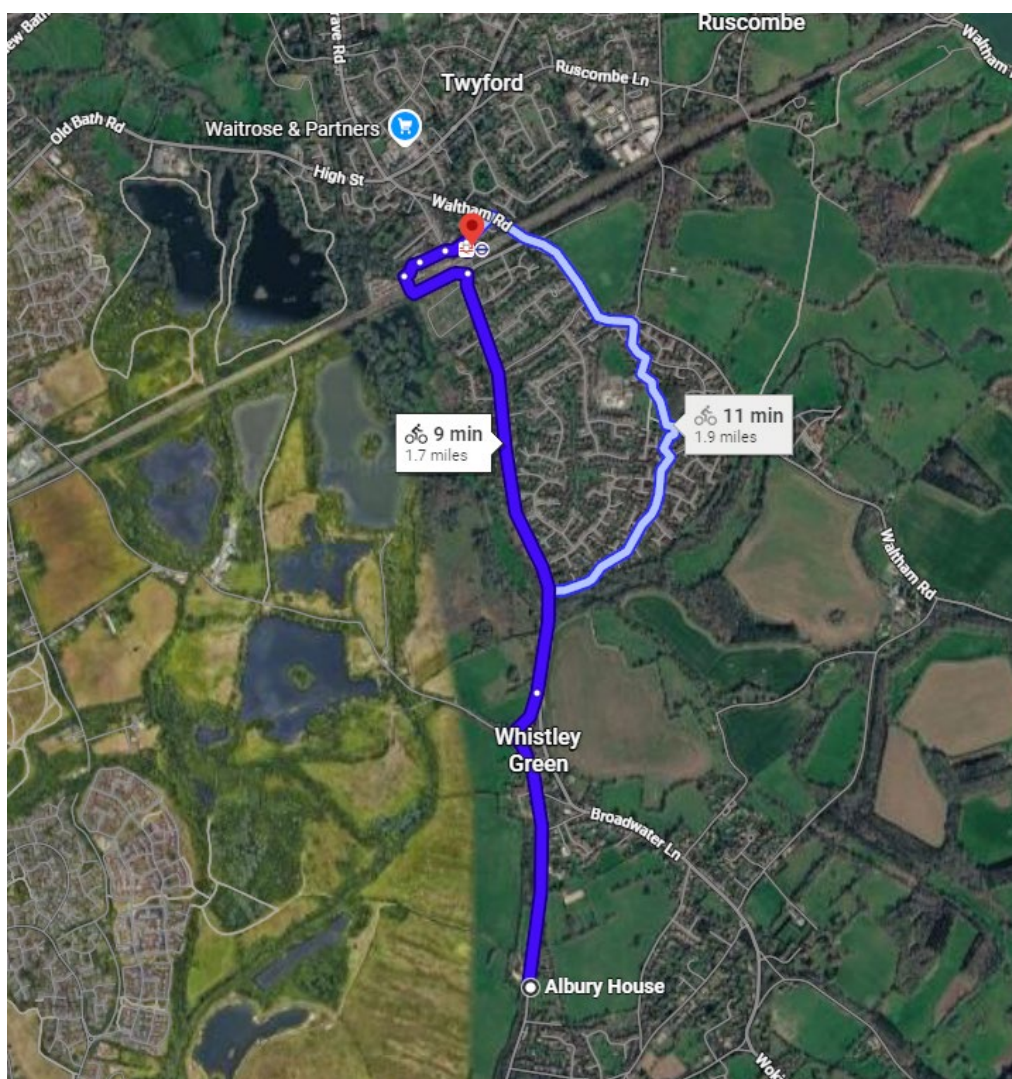
2.10 Notwithstanding, whilst the previous Inspector may have found that access to services and facilities still relies on use of the private car, this is not as prohibitive as implied. Indeed, as pointed out within the Planning Statement this is not necessarily fatal to the outcomes of decisions, with the example appeal decision for ‘Land between School Road and Orchard Road, Hurst’ (**Appendix 3**) where it was explained that:

- Para. 90 – “Moreover, when I consider the development plan conflict in the light of the shortfall in housing land supply, it is likely that, to redress this situation, at least some housing is to be required outside Development Limits on greenfield sites that are deemed to be countryside. It is also reasonable to assume that such sites may well be in less sustainable locations or locations where there is, relatively speaking, a greater reliance on private motorised transport than those identified through the local plan process.
- Para. 91 – “Accordingly, I acknowledge the scheme would give rise to some harm and development plan conflict, but I conclude that its adverse impacts, even if taken together, do not significantly and demonstrably outweigh the benefits that would arise. Therefore, planning permission should be granted.”

2.11 It is clear in this case that the site is not completely remote from services and facilities, which is reflected in the policy position that the settlement of Hurst is a minor settlement capable of accommodating some additional housing development. Paragraph 110 of the NPPF also distinguishes between urban and rural areas, with the focus on sustainable development applied to ‘significant development’. There is a footpath link, immediately opposite the site, that connects the site to the rest of the village. Cycling (normally acceptable under CIHT guidelines for up to 5m miles – see para. 2.15 of the Transport Statement) will get occupiers to the village and into the built up area of Reading.



- 2.12 The Transport Statement is limited in its consideration of what is within the 5-mile catchment so we can provide more evidence on this.
- 2.13 As well as Winnersh Station, which is on the main line between Reading and London, the site is also 1.7 miles from Twyford Station to the north. As alluded to in paragraphs 2.17 and 2.18, this is a station which (unlike in 2020 when the previous appeal was determined) is now on the London Underground network on the newly (2022) opened Elizabeth Line. This is a fundamental change in circumstances since the previous appeal was determined and a change which significantly enhances the sustainability credentials of the site. This is demonstrated below with the route plan to the station and the extract from the London Underground map highlighting Twyford Station and showing links into the City of London.





- 2.14 Whilst there is in general terms a focus on providing options other than travel by private car, it must also be recognised that development proposals are required to cater for the car though the Council's parking standards, even in highly sustainable urban areas. The mission of the planning system is not therefore to completely remove the possibility of travel by private car, but rather to ensure that there are alternative options. This is a realistic proposition in this case, noting that medium to longer distance trips can be taken in part by public transport.
- 2.15 In turning to the suitability of the countryside location, the primary aim of Core Strategy Policy CP11 is to "*protect the separate identity of settlements and maintain the quality of the environment*". This is more nuanced than a blanket ban on development outside development limits, reinforced by the follow up wording that "*proposals outside of development limits will not normally be permitted*". The use of the term 'not normally' clearly provides some degree of flexibility.
- 2.16 Nevertheless, as noted in the Planning Statement, the new homes will have the feel of being part of Hurst, rather than undermining its identity. The Officer's Report suggests that the proposal will erode the openness of a tract of land that "*acts as a vital transition between the northern arms of Hurst and Whistley Green settlements*". Yet, that supposed transition is already disrupted by the two residential properties that are located to the north of the site.



- 2.17 Even so, as we go on to explain under the section on character and appearance, the proposal has been designed to set back the new homes within the site, which together with existing and reinforced hedging along the site edges, the development will not disrupt the perception of the village or create a separate identity.
- 2.18 It is not disputed that there will be some views of the new homes, but as noted in the Landscape and Visual Assessment the development will have a moderate visual impact and a minor/negligible character impact. The Council's position that the development would "fundamentally alter the site's current contribution to the rural scene" is overstating a more reasoned assessment of the proposal's real world impact.
- 2.19 It is otherwise recognised that a previous proposal was dismissed at appeal (APP/X0360/W/18/3194044), but the two proposals are very different in their character and therefore impact (and, again, there was no tilted balance to factor in previously).
- 2.20 In relation to Policy CP11, even the, the previous Inspector made clear that the policy was not entirely aligned with the more balanced approach of the NPPF. Whilst this lack of consistency was then considered limited, again that was in the context of the Council (at that time) being able demonstrate a five year housing land supply.
- 2.21 That is no longer the case, with their latest 'Five Year Housing Land Supply Statement' published in July 2025 (**Appendix 4**) identifies this at being only 2.5 years.
- 2.22 The significance of this is that the presumption in favour of sustainable development set out under paragraph 11(d) of the NPPF should be applied, even for unplanned development proposals. The details of this are set out in the Planning Statement so we do not repeat them here, other than the fundamental principle of granting planning 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; 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
- 2.23 In relation to (i) areas at risk of flooding is one such area that can disengage the tilted balance set out under 11d, but this is the only protected area of relevance to this proposal. As we go on to set out in the relevant section below, this does not provide a strong reason to refuse the proposal.
- 2.24 In relation to (ii) this is a more rounded consideration with particular emphasis on directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Where relevant, we consider these aspects and provide an overall balancing exercise in the conclusion.

REASON FOR REFUSAL 2 – CHARACTER AND APPEARANCE

- 2.25 The second reason relates to the Council's view that the proposed development would have an adverse impact on the landscape, character and appearance of the area through the loss of an open greenfield site, leading them to conclude that the proposal conflicts with Core Strategy Policies CP11 and CP3 and the NPPF.
- 2.26 Regard is also given to the Council's Borough Design Guide Supplementary Planning Document. Its general principles states that "Development must respond positively to its site and local context" and "...create a sense of place that responds positively to the character of the local area in terms of urban design, architecture, landscape and public realm qualities".
- 2.27 In their assessment of the proposal, the Council's Officer Report acknowledges that the proposal represents a reduction in the number of units from the previous scheme



and that the choice of materials better reflects the local palette. However, they go on to state that:

“The application site represents a critical break in the built-up form, serving as a functional and visual buffer between the northern and southern arms of the Hurst and Whistley Green settlements. To the south, the dwellings at Nursery Close and beyond represent the definitive edge of the “built-up” area and delineate the settlement boundary as defined in the Development Plan as a Limited Development Location”

- 2.28 No explanation is provided into why it is a “critical break” in the built form.
- 2.29 Whilst the Council use the previous Appeal decision to reinforce this point, the Inspector only found that the site has a moderate susceptibility to change, stating that:
- “The magnitude of the change if development were to take place would be at a similarly moderate level, leading to an overall moderate and adverse impact on the character of the landscape in this location”.*
- 2.30 The proposal is not the same as that considered in relation to the above, with the new proposal seeking a lower density scheme and in a linear format. Indeed, despite the Council’s view that it will create a *“substantial loss of greenfield land through its conversion into building footprints and extensive areas of domestic hardstanding for vehicular access and parking”*, the reality is that it will amount to about 16% of the total site, leaving 84% as green space.
- 2.31 Nevertheless, it is not claimed that the proposal will be invisible, that is never the case with tilted balance applications and nor is it a requirement. As made clear through the Landscape and Visual Assessment (LVA), the visual impact will not be significant and mitigation measures are possible, most of which are modest such as the management and retention of tree and hedgerow planting. The conclusion reached in the LVA is that the development will have a moderate visual impact and a minor/negligible landscape impact (i.e. not a material change).



- 2.32 Even so, having some visibility will not, as the Council has suggested, fundamentally alter the site's character, nor is this position consistent with the Inspector's conclusions reach in relation to the earlier appeal. Indeed, the development would maintain the verdant approaches with even less interruption than the two existing dwellings to the north, both of which form part of the existing local character.
- 2.33 The new homes will also be set back from the fringes of the site, which will again preserve the sense of openness. There will be views of the homes through the widened access, but that is unremarkable in the context of The Old Lodge and Poole House, and this will still be a much softer impression in compared to the harder edge of the village envelope to the north and south of the site.
- 2.34 Consequently, whilst importance has been placed on the gap between the two parts of the village by the Council, a sizeable gap will remain distinguishable and even with some visibility of the new homes, its low density, combined with the influences of Old Lodge and Poole House as well as the maintained green buffer, the separate identity of the village sought after under policy CP11 would be protected.

REASON FOR REFUSAL 4 – FLOOD RISK ASSESSMENT

- 2.35 This reason has been given on the basis that a satisfactory Flood Risk Assessment (FRA) was not provided, providing scope for resolution. To that end, it is not disputed that parts of the site are within Flood Zone 2 (FZ-2) for pluvial and fluvial flooding and long term surface water flooding. However, the most vulnerable built development is in Flood Zone 1, and the inclusion of the balancing pond will improve drainage across the site.
- 2.36 In general terms, it is noted the strong objections to the application on the grounds of flooding, with most objections implying existing flooding issues. These objections overlook the basic fact that the existing drainage is un-managed. The proposal will introduce a fully managed surface water drainage system which will be a benefit locally and improve the existing situation. Rather than assume that development will worsen



the situation, the third parties need to understand that management of the surface water drainage (which will not happen if permission is refused) is a benefit.

- 2.37 How this information is applied in terms of the planning assessment is then relevant, with the NPPF setting out at paragraph 170 that:

“Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”

- 2.38 The above is followed by paragraph 174 which advises that a sequential risk-based approach should also be taken to individual applications in areas known to be at risk now or in future from any form of flooding. As set out in the Planning Statement and paragraph 174 of the NPPF, the purpose of this test is “...to steer new development to areas with the lowest risk of flooding from any source”.

- 2.39 The submitted sequential test found that a sequential test would not be passed based on a site wide approach. However, it is nevertheless demonstrated that the development would not be at risk from flooding (no real world harm) and therefore it is not a strong reason to refuse the application, which is relevant in respect of the application of paragraph 11d. Consequently, the aims of sequential test are met.

- 2.40 Indeed, whilst the Officer’s Report sets out that development should not be permitted where the Sequential Test is failed and reasonably available sites exist in areas of lower flood risk, this only tells part of the story. The case is that paragraph 174 of the NPPF reinforces does not remove the ability to have regard to the relevant risks to the development from flooding as a material planning consideration outside of the sequential and exception tests.

- 2.41 The above is reinforced through the Appeal Statement on Flood Risk Matters (submitted alongside this statement) which confirms the point that all proposed dwellings, including their respective accesses are located in Flood Zone 1. It explains why the proposed development is acceptable in flooding terms. Sequentially, the built



part of the proposal is therefore aligned with the aims of the NPPF. A similar position is true of surface water flooding with no risk to any of the dwellings, nor is the site identified as being within an area that is susceptible to groundwater flooding within the Council's own Wokingham Strategic FRA, contrary to the position taken in the Officer's Report.

- 2.42 The reasonable conclusion reached in the Appeal Statement on Flood Risk Matters is that In accordance with the NPPF in that the development can be made safe for its lifetime without increasing flood risk elsewhere and is appropriate in flood risk terms. Therefore, flooding is not a strong grounds to refuse the development and nor should it disengage the tilted balance of para. 11d) of the NPPF.

REASON FOR REFUSAL 5 – BIODIVERSITY NET GAIN

- 2.43 This reason relates to establishing the baseline conditions for the BNG assessment, with the Officer's Report stating that:

"A Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain (BNG) Assessment have been submitted, both of which identify modified grassland as the baseline habitat. However, the Ecology Officer advises that the baseline cannot currently be verified. The BNG Assessment refers to a separate grassland survey report and condition assessment sheets, but these documents have not been provided as part of the submission.

The Ecology Officer therefore notes that, without the grassland survey and associated condition sheets, it is not possible to confirm the habitat condition or understand the justification for the condition categories applied. This is particularly relevant as the biodiversity metric identifies four different types of modified grassland with varying condition scores, whereas the submitted reports refer only to modified grassland in general terms."

- 2.44 As such, this reason is a matter of confirmation rather than an objection in principle. The referenced grassland survey and condition assessment is therefore provided with this appeal. This identifies that the grassland is in poor condition and sets out the



justification in relation to the BNG Assessment. As per established procedure, the standard conditional requirements of the Biodiversity Net Gain Regulations can be relied upon by the Inspector.

REASON FOR REFUSAL 6 – AFFORDABLE HOUSING

- 2.45 The final reason for refusal relates to the absence of a completed Legal Agreement (S106) to secure adequate provision for affordable housing. As set out in both the planning statement and the Officer's Report, the practical means of delivery for the affordable housing is through a commuted sum, which the Council has calculated as being £172,244.50.
- 2.46 The Appellant has raised no resistance to this requirement and the only reason it has not been secured is set out in the Officer's Report, that being:
- "Since the application has been recommended for a refusal for various other reasons, no legal agreement is sought to secure the affordable housing contributions."*
- 2.47 To address this matter a signed Unilateral Undertaking is provided with the appeal that secures the required affordable housing requirement. Consequently, it is open to the Council to withdraw this reason for refusal.



3 CONCLUSION – PLANNING BALANCE

- 3.1 In assessing the proposal, it is not disputed that some conflict exists in relation to the Development Plan, particularly policy CP11. However, due to the Council's lack of a demonstrable housing land supply of five years, the tilted balance set out under paragraph 11d of the NPPF can be engaged.
- 3.2 To that end it has been demonstrated that flooding is not a strong reason to refuse the application, and there are no other protected areas or assets of particular importance (as listed in NPPF footnote 7) area applicable. As such the development should have only been refused had any adverse impacts approving the application **significantly and demonstrably** outweigh the benefits.
- 3.3 We set out the planning benefits below (applying the scale of significant, moderate, limited and minimal weight, on a sliding downward scale):
- There would be a boost to housing supply within the context of a 5YHLS of 2.5 years. Whilst only for a limited number of houses given the Council's substantial under delivery, this carries *significant* weight.
 - The provision of 3 houses within a location that would not be unsustainable for a limited housing scheme. This carries *significant* weight.
 - There would be a financial contribution towards off site affordable housing which carries *moderate* weight.
 - There would be biodiversity net gain of 27% in habitat units and 12% for hedgerow units. Watercourse units would increase by 37%. The development would provide a contribution towards CIL. These benefits are afforded *moderate* weight.
 - The proposal addresses an identified surface water flooding issues on the site and the surrounding area. The balancing pond of the nature proposed is not



required to mitigate the scheme. It is therefore an added public benefit to be afforded *moderate* weight.

- One of the dwellings will be a self-build dwelling for the landowner. This carries *limited* weight.
- The development will contribute to the economy by providing jobs during the construction stage and the new residents will use local shops and services, adding to their viability. This carries *limited* weight.

3.4 Whilst the proposal will result in development in the countryside, the existing and emerging local plans do allow for some development beyond the settlement limits. The proposed development does not accord with any of the emerging policy exceptions, but that is a weak reason for refusing the development in the context of the under delivery of homes when the site is adjacent to a settlement (which the local plans states is capable of accommodating new houses)

3.5 The proposal will result in a change to the appearance of the site by introducing built development but that is the case for any green field development. This change will have limited impact on the character and appearance of the area and will not significantly alter the separate identity of the village or significantly impact on the quality of the environment. The result will be a moderate level of change and low level of harm. We give this *moderate* weight in the planning balance.

3.6 The only other issue counting against the proposed development is the accessibility of the site. Developments approved under the provisions of the tilted balance will generally be outside of a development area (settlement policy boundary). The aim isn't to remove the use of the private car completely, the aim is to ensure that there are options available. In this case, there is a path into the village and cycling is possible into the village and into Reading. As explained in para 2.15 of the Transport Statement, the CIHT guidance states that cycling should be considered for trips up to 5 miles and this includes Twyford Station which is, since the previous appeal was determined, now on the London Underground network. This fundamentally makes the site more



accessible as it is only a gentle 9 minute cycle to the London Underground network. This reduces the amount of weight to be afforded to the accessibility of the site to *limited* weight.

- 3.7 In considering the overall planning balance, the benefits far outweigh the harm and therefore the appeal should be allowed.



APPENDIX 1 – OFFICER’S REPORT

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	252934
Site Address:	Land at Lodge Road, Hurst, Wokingham, RG10 0SG
Expiry Date:	16 March 2026
Site Visit Date:	12/02/2026
Proposal: Full application for the proposed erection of 3 no. detached dwellings with associated access, parking and landscaping and creation of a balancing pond.	

PLANNING POLICY	
National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP2 – Inclusive Communities CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits CP17 – Housing Delivery
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction CC05 – Renewable Energy and Decentralised Energy Networks CC06 – Noise CC07 – Parking CC09 – Development and Flood Risk CC10 – Sustainable Drainage TB05 – Housing Mix TB07 – Internal Space Standards TB21 – Landscape Character TB23 – Biodiversity and Development TB25 – Archaeology
Joint Minerals and Waste Plan (JMWP)	DM1 - Sustainable Development DM2 - Climate Change – Mitigation and Adaptation DM5 - Protection of the Countryside DM10 - Flood Risk
Wokingham	SS1 – Sustainable development principles SS2 – Spatial strategy and settlement hierarchy

Borough Local Plan Update (LPU)	SS5 – Development in the countryside SS10 – Meeting our housing needs CE3 – Environmental standards for residential development C1 – Active and sustainable transport and accessibility C2 – Mitigation of transport impacts and highway safety and design C3 – Active travel C5 – Parking and electric vehicle charging H1 – Housing mix, density and standards H3 – Affordable housing FD1 – Development and flood risk (from all sources) FD2 – Sustainable drainage NE1 – Biodiversity and geodiversity NE2 – Biodiversity net gain NE4 – Trees, woodland, hedges and hedgerows NE5 – Landscape and design NE6 – Valued landscapes NE7 – Sites of Urban Landscape Value DH1 – Place making and quality design DH2 – Safeguarding amenity HC5 – Environmental protection HC7 – Light pollution HC8 – Noise pollution HC9 – Contaminated land and water
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List A Design for Hurst

PLANNING HISTORY		
Application No.	Description	Decision & Date
153431	Full application for the proposed erection of 12no dwellings, garages and creation of new vehicular access off Lodge Road.	Refused, 10/05/2016 Withdrawn at appeal on 23/01/2017
172894	Full application for the proposed erection of 5 no. new dwellings and garages with creation of a new vehicular and pedestrian access to Lodge Road and footway provision.	Refused, 06/12/2017 Dismissed at appeal on 31/01/2020 under APP/X0360/W/18/3194044

CONSULTATION RESPONSES

Internal

WBC Environmental Health – No comments received.
WBC Drainage – Further information requested.
WBC Highways – Further information requested.
WBC Economic Prosperity & Place (Community Infrastructure) – No comments received.
WBC Landscape and Trees – Objects to proposed development.
WBC CIL – The proposed development will be CIL liable.
WBC Ecology Newts – Further information requested.
WBC Ecology – Further information requested.
WBC Waste Services – No comments received.
WBC Cleaner and Greener – No comments received.

External

Thames Water Utilities Ltd – No comments received
The Environment Agency – Objects to proposed development. Further information requested.
Berkshire Archaeology – No objections, subject to a condition.
GCN Naturespace – Further information requested.

REPRESENTATIONS

Parish/Town Council	St Nicholas Hurst Parish Council: • Impact on existing settlements: Development represents infill along Lodge Road, outside the established settlement, compromising spatial separation between Whistley Green and Hurst, contrary to WBC policy CP11. • Flooding: Site is in Flood Zone 2; poor drainage; foul water treated on-site and discharged to ditches not linked to watercourses, potentially worsening flood risk. Proposed balancing pond unlikely to adequately address drainage concerns. • Sustainability: Hurst lacks accessible amenities without a car; limited bus service; unsafe/incomplete pedestrian routes; schools not readily accessible without crossing busy roads or car travel. • Local Plan: The site is not allocated in the emerging Local Plan; Hurst is a limited development location; development would alter spatial separation inconsistent with policy. • Landscape and Visual Impact: Development would reduce open views across fields from Lodge Road to Tape Lane, harming rural character and appearance.
Ward Member(s)	No comments received
Neighbours	30 objections from individuals (excluding duplicates) have been received, commenting on the following matters (as

summarised):

Highways / Access:

- New vehicular access onto Lodge Road (40mph semi-rural road) introduces safety risks, conflicts with through traffic, cyclists, and pedestrians.
- Lack of speed reduction, traffic calming, or safe pedestrian routes; all journeys would realistically rely on private vehicles.
- Dangerous exits from the site onto busy roads; collision risk increased.
- Existing local roads unsuitable for additional traffic; increased pressure on parking, schools, and services.
- Roads unlit, narrow, fast, with twists/turns, and no continuous cycle paths or pavements.
- Specific request for consistent speed limit reductions along Lodge Road (40 → 30 mph) to improve safety.

Officer comment: Please see Highway Access and Parking Provision section of this report.

Flooding / Drainage:

- Site is low-lying; large portions within Flood Zones 2 and 3.
- Southern parts function as floodplain; development would displace floodwater onto neighbouring properties.
- Drainage and sewer connections inadequate; Hatchgate Ditch blocked, foul water strategy not fully detailed.
- Proposed attenuation measures, balancing pond, or other drainage plans unlikely to mitigate flooding effectively.
- Hurst already prone to flooding; residents report increased insurance premiums.
- Previous appeal decisions highlighted flood risk as a reason for refusal.
- Concerns about viability and realism of proposed drainage/sewerage solutions.
- Requests for mandatory balancing pond with sufficient capacity to protect existing properties.
- Requirement for secure fencing around balancing pond to protect children.
- The development would worsen floodplain issues and drainage plans are flawed.

Officer comment: Please see Flooding and Drainage section of this report

Impact on Countryside / Character / Settlement Separation:

- Site lies outside the defined settlement boundary; represents unjustified residential development in open countryside.
- Erosion of open countryside gap along Lodge Road, diminishing separation between northern and southern Hurst and contributing to settlement coalescence with Whistley Green.
- Harm to rural character, landscape, and visual amenity; density, scale, and siting inappropriate.
- Conflicts with previous appeal decisions (2020 appeal for 5 dwellings; nearby 99-house appeal).
- Development sets a dangerous precedent for ribbon development on adjoining fields.
- **Mr Ray Clark:** site contributes to separation between northern and southern parts of Hurst; development would erode this gap.

Officer comment: See *Principle of Development, Character of the area and Trees and Landscape Impact* sections of this report.

Planning History / Sustainability:

- Site not part of housing land supply; Hurst is a limited development location and has already contributed to borough development limits.
- Proposal fails to meet exception criteria; limited benefit of three dwellings does not outweigh substantial harms.
- Site unsustainable in relation to services and public transport; high reliance on private cars.
- Previous planning history noted, including 2020 appeal dismissal and nearby 99-house appeal.

Other / Environmental Concerns:

- Potential contamination / leachate risks from nearby capped landfill.
- Surface water management affected by surrounding landscape and previous development.
- Flood Risk Assessment and supporting documents considered incomplete or inconsistent.

10 letters of support have been received in relation to the application, nine of which were submitted via a third-party organisation, 'Just Build Homes'. It should be noted that, due to the involvement of this third party, the Council is

	unable to verify consent to publish the content of these submissions. In addition, some of the letters received did not include a name or address. As a result, the specific content of these letters is not explicitly reproduced in this report, although their existence and general support have been taken into account by the Case Officer in the assessment of the application. The comments of support submitted directly via the Council's website are summarised below: • Support for the application for three new homes; notes high local housing need and considers the scheme well thought out and logical.
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APPRAISAL

Site Description:

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

Planning History and Proposed Development:

This application represents the latest submission in a series of planning proposals for residential development at the site. The first application, under planning reference 153431, sought permission for the erection of 12 dwellings and was refused in May 2016. The second application, under planning reference 172894, proposed the erection of 5 new dwellings and was refused in December 2017. This second application was subsequently appealed under ref: APP/X0360/W/18/3194044 under via a public inquiry, and the appeal was dismissed in January 2020.

This application seeks planning permission for the erection of three two-storey detached dwellings (two 4-bedroom and one 3-bedroom), including a detached carport for one dwelling (plot 1) with associated access, parking, landscaping, and the creation of a balancing pond.

Principle of Development:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plans for the area are the Wokingham Borough Core Strategy 2010 and the Managing Development Delivery Local Plan 2014. At a national level, the National Planning Policy Framework (NPPF) constitutes

guidance which the Local Planning Authority (LPA) must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making but is a material consideration in any subsequent determination.

National Planning Policy Framework (2024):

The latest published assessment of housing land supply concluded a deliverable supply of 2.5 years as of the 31st March 2025.

The National Planning Policy Framework (NPPF) states under paragraph 11 that where a local planning authority is unable to demonstrate a five-year supply of deliverable housing sites, the most important policies relating to the application may be viewed as being out of date. It continues to advise that unless there are specific policies in the NPPF protecting the land subject to the application, that permission should be granted unless the adverse impacts of doing so would **significantly and demonstrably** outweigh the benefits when assessed against the NPPF. This presumption in favour of sustainable development outlined in paragraph 11 of the NPPF is commonly referred to as the 'tilted balance' as harm and benefits are not weighed equally, but tilted according to paragraph 11(d)ii).

Having established the tilted balance is 'engaged', Paragraph 11d(ii) requires the proposals to be considered against the policies of the NPPF taken as a whole and the three pillars of sustainable development. These will inform the planning balance exercise carried out at the end of this report.

Core Strategy (2010):

The site is located outside of development limits and therefore subject to assessment under Policy CP11 of the Core Strategy. Policy CP11 does not permit development outside of development limits unless it falls within the following exemption criteria:

1. It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and
2. It does not lead to excessive encroachment or expansion of development away from the original buildings; and
3. It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; or
4. In the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building;
5. In the case of replacement dwellings the proposal must:
 - Bring about environmental improvements; or
 - Not result in inappropriate increases in the scale, form or footprint of the original building.
6. Essential community facilities cannot be accommodated within development limits or through the re-use/replacement of an existing building;
7. Affordable housing on rural exception sites in line with CP9.

Criterion 1:

The proposals do not contribute to diverse and sustainable rural enterprises within the borough, nor does they promote recreation in, and enjoyment of, the countryside. The proposals therefore fail criterion 1.

Criterion 2:

Like the previous refusal of 172894, the proposal would result in a hitherto undeveloped rural grassed field land being used as permanently residential with associated hardstanding and residential paraphernalia, thus introducing built form into the countryside. As such it would result in excessive encroachment and expansion of development away from original buildings and is contrary to criterion 2.

Criterion 3:

The proposals do not involve existing buildings or replacement buildings. The proposals are therefore contrary to criterion 3.

Criteria 4, 5 and 6:

The proposals do not involve residential extensions, replacement dwellings or essential community facilities and therefore these criteria are not relevant to this application's determination.

Criterion 7:

The proposals do not involve affordable housing on a rural exception site. The site area triggers for affordable housing contributions and the PDAS suggests that the application would like to provide monetary contributions in lieu of the Council's Affordable Housing contributions. However, there is no provision of on-site affordable housing and as such, the proposal is not considered to comply with point 7 of CP11.

The clear starting point is that this proposal will not normally be permitted. The proposed development does not accord with any of CP11's criteria.

Emerging Local Plan Update (LPU):

The Local Plan Update (LPU), the plan which will supersede the adopted Core Strategy and MDD local plans, is at Regulation 22 stage as it has been submitted to the Planning Inspectorate for examination. As per paragraph 49 of the NPPF: Local planning authorities may give weight to relevant policies in emerging plans according to:

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

As a whole, the LPU is still given limited weight, despite its advance stage of preparation. This is owing to unresolved objections to a great number of the policies contained within it. However, those policies marked in bold in the policy table earlier in this report are those that have received less objection and therefore individually

hold are considered by officers to hold moderate weight in the determination of this application. All the others hold limited weight. The policies that hold moderate weight will feed into/ be considered in their relevant sections in this report.

Character of the Area:

Policy Context:

With regards to well-designed places, paragraph 130 of the NPPF states planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Similarly, paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. This is supported by paragraph 125 of the NPPF too, which states:

“Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.”

The National Design Guide section B1, paragraph 67 also states that the built form of well-designed places should relate well to:

- the site, its context and the opportunities they present;
- the proposed identity and character for the development in the wider place;

Paragraph 68 follows on from this stating that houses and streets should establish an appropriate relationship with the pattern, sizes and proportions of existing houses in the local area.

Policy CP11 supports development in the countryside only where it maintains the high quality of the rural environment. Policy CP1(1) similarly only supports development that maintains or enhances the high quality of the environment, with policy CP3 supporting development of an appropriate mass, layout, built form, height and character to the area CP3(a) and which makes a positive contribution to the sense of place contributes to the buildings and spaces themselves and in the way they integrate with their surroundings CP3(f).

The Borough Design Guide Supplementary Planning Document provides further guidance for developers with general guidance that development should respond positively to its site and local context (G1) and respond positively to the local

character of the area (G2).

Policy TB21 of the Managing Development Delivery Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals should retain or enhance the condition, character and features that contribute to the landscape.

Proposed development:

The main change to the development since the refusal of application ref. 172894 is the reduction in the number of dwellings proposed, from five to three. This reduction has informed the revised design approach, resulting in a simpler and more linear layout across the site.

The proposed materials have also been amended. Previously, concerns were raised regarding the extensive use of black weatherboarding on several of the dwellings, which was considered to contrast with the palette of materials found in surrounding properties and the wider countryside setting.

Based on the submitted elevation drawings, Plots 2 and 3 are proposed to be constructed using a combination of orange brick and brown hanging tiles, while Plot 1 would incorporate similar materials with the addition of a cream rendered ground floor. These materials are considered to better reflect the local palette of materials present in the surrounding area.

Assessment:

The application site represents a critical break in the built-up form, serving as a functional and visual buffer between the northern and southern arms of the Hurst and Whistley Green settlements. To the south, the dwellings at Nursery Close and beyond represent the definitive edge of the "built-up" area and delineate the settlement boundary as defined in the Development Plan as a Limited Development Location.

The Inspector's previous assessment (APP/X0360/W/18/3194044) established that the site is an important component of the rural open space separating the distinct arms of the village, stating the following in paragraph 25:

'...I have observed the site is an important component of the rural open space between northern and southern arms of the village. It serves a purpose in retaining the rural character along Lodge Road... given that the appeal site is important to the gap between the developed areas the impact in the immediate locality would be more keenly felt.'

Although the current proposal arranges the three dwellings in a linear format, this layout fails to address the fundamental concern regarding the erosion of the physical gap between settlements. The proposed layout places the bulk of the three dwellings towards the northern end of the application site, projecting deeper into the designated countryside, away from the pattern of development to the south. Plot 1, in particular, sits approximately 8 metres from the northern boundary shared with 'Badgers

Bottom'. This positioning ensures that the built form is not merely a rounding-off of the southern edge, but a deliberate northward migration of the settlement edge, effectively eroding the openness of a tract of land that currently acts as a vital transition between the northern and southern arms of the Hurst and Whistley Green settlements. The introduction of a group of 3 new dwellings would result in residential developments spreading into the countryside which would give rise to significant harm to the rural character of the area.

The development appears to mirror the scale, linear layout and shared access arrangement of three properties to the south, namely Pine Croft, 'Southerndown', and 'Albury House'. However, a reliance on these dwellings as a design precedent is fundamentally misplaced. There is a clear divergence in character and designation between the two areas. Those existing properties lie within the Limited Development Location and are part of an established built-up grain, supported by further development along Sawpit Road and the cul-de-sac of Barber Close to their rear. In contrast, the application site and the immediate countryside to the north exhibit a distinctly more informal and rural character. The neighbouring properties of 'The Old Lodge' and 'Badgers Bottom' are orientated away from Lodge Road, reinforcing their status as low density dwellings within extensive grounds rather than part of a formal street scene. As such, the site and its southern neighbours belong to two fundamentally different character settings; to apply the built-up grain of the south to the rural gap of the north would be discordant.

The proposal would result in the substantial loss of greenfield land through its conversion into building footprints and extensive areas of domestic hardstanding for vehicular access and parking. The scale of the proposed access and turning infrastructure would occupy a significant proportion of the site, requiring the removal of sections of the established hedgerow along the Lodge Road frontage to achieve appropriate access and visibility splays. This would erode an existing landscape feature and diminish the rural character of the area.

The extent of the domestic built form and associated hardstanding would be clearly perceptible from Lodge Road and from the wider landscape, including by users of the permissive footpath immediately to the west, which the previous Inspector identified as a sensitive viewpoint:

In visual terms the site also performs a function in clearly forming part of the gap between developed areas. It is visible from the permissive path to the west, particularly when leaves have fallen from the trees. Although the boundary trees and hedgerows along the roadside of the site itself limit visibility of the paddock area the boundary is an attractive (if unkempt) feature in its own right. Users of the permissive path can be regarded as sensitive to visual change since many of them will be using the path for recreational purposes. (paragraph 26).

The development would therefore fundamentally alter the site's current contribution to the rural scene and result in harm to the character and appearance of the countryside.

Furthermore, as highlighted by the Inspector in the previous appeal decision, the

proposed dwellings would also be visible from Tape Lane, albeit across the intervening open field. The dwellings, with a height of approximately 9 metres similar to those previously proposed, would project above and between existing vegetation, emphasising the encroachment of built development into the countryside. Even accounting for the reduction in the number of dwellings and the proposed landscaping, the development would remain visually prominent within the rural landscape.

Overall, even with the reduced number of units, the development would fundamentally alter the site's character from a rural paddock to a domestic setting. This form of 'urban creep' would be perceived as an encroachment into the countryside and would fail to maintain the high quality of the rural environment. The harm arises not only from the presence of the buildings themselves, but also from the loss of the physical and visual gap that currently plays an important role in preventing the coalescence of the settlement areas between Hurst and Whistley Green. The proposal would therefore fail to respect the transition between the built-up area and the countryside. As such, the development would not reflect the local character or established settlement pattern, resulting in harm to the character and appearance of the area and the wider landscape.

Sustainable Location

Policy CP9 of the Core Strategy states 'the scale of development proposals in the borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility.'

Policy CP6 states of the Core Strategy states:

'Planning permission will be granted for schemes that:

a) Provide for sustainable forms of transport to allow choice;

b) Are located where there are or will be at the time of development choices in the mode of transport available and which minimise the distance people need to travel;'

The supporting text to Policy CP6 states:

'Paragraph 2.16 recognises that the borough has one of the highest car ownership rates of any English local authority. To reduce the likelihood that these vehicles will be used and to encourage modal shift, it is important to ensure all proposals achieve sustainable development'

'To help achieve sustainable development, proposals likely to generate significant demands for travel movements should be located in areas with best access to existing good services. This means that people can have the widest range of choice in selecting transport modes and help reduce the use of the private car. The availability of good existing public transport services has been considered in drafting the strategy for the Borough.'

The Borough Design Guide SPD states 'if places are to be sustainable then the aim should be to create: Walkable neighbourhoods, with a range of facilities within 10 minutes walking distance of residential areas, which encourage people to travel on foot or by bicycle.' Walkable neighbourhoods are defined in Manual for Streets (MfS) as those typically characterised by having a range of facilities within 10 minutes walking distance from residential areas. Manual for Streets clarifies that 10 minutes walking distance is roughly 800 metres. The Urban Design Compendium further advises:

'People should be able to walk in 2-3 minutes (250 metres) to the post box or telephone box: the newsagent's should be within 5 minutes (400 metres). There should be local shops, the bus stop, the health centre and perhaps a primary school within a walking distance of (say) 10 minutes (800 metres).'

The National Design Guide states that a walkable means 'local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius)'.

The Chartered Institution of Highways and Transportation (CIHT) document 'providing for journeys on foot' states approximately 80% of walk journeys are less than one mile. The average length of a walk journey is one kilometre (0.6 miles). The location of local facilities would fall outside of this norm.

The document further advises that 400 metres is a desirable walking distance outside of city centres; 800 metres is stated as acceptable and 1,200 metres is the preferred maximum. The document further states that these suggested walking distances are for pedestrians without a mobility impairment. The definition of a pedestrian MfS includes people of all ages, sizes and abilities. Therefore, the maximum distance in the CIHT document does not take into account disabled, elderly or small children and is referred to as an upper limit: the maximum threshold would not result in an inclusively located development where people of all ages, sizes and abilities would be encouraged to walk to local services.

Along with distances, the movement framework should be safe, convenient and inclusive. This is set out in CS policy CP2, Manual for Streets and the National Design Guide.

Policy CP6 refers to encouraging a modal shift away from the use of private motor vehicles. Therefore, whilst the upper walking distances recommend what could be deemed walkable, the policy aim is not just to locate development where some individuals may choose to walk: it is to locate development in areas with best access to existing good services to actively encourage a modal shift where the whole community would be encouraged to utilise sustainable modes of transport.

Assessment:

The application site is located outside of settlement limited with the designated limited development boundary located approximately 20 metres to the south.

It is already established by the Inspector for the previous appeal (ref:

APP/X0360/W/18/3194044) that the application site is located in an unsustainable location. Paragraph 40 of the Inspector's decision states the following:

“Taking all of these matters together it is my judgement that the location of the appeal site would not follow sustainable principles. Residents of the site would not be likely to take advantage of walking, cycling or public transport to any significant degree. In my judgement this is not an accessible location as required by Policy CP9. In this respect it is distinguishable from the Valley Nurseries site which has an entirely different relationship with surrounding streets, facilities and access to public transport. The likely reliance on private vehicles would not be in tune with the NPPF objectives and would be in conflict with most important policy CP9 and Core Strategy Policies CP1 and CP6 which, taken together, seek to ensure that development provides for sustainable forms of transport to allow choice (amongst other things). In this instance I do not accept that there would be a realistic and viable choice for the majority of people.”

In response, the applicant has submitted an updated Transport Statement (by Pulsar, October 2025). The report, as summarised, has made the following justification on sustainability grounds:

- The site is located within walking distance of several local facilities and amenities, including a local school and recreation ground, which are said to be approximately a 5–10 minute walk away. It is also noted that a local bus service operates within around a five-minute walk of the site, providing connections to Twyford and Winnersh and onward links to rail services. On this basis, it is suggested that future residents would have access to a range of travel options, including walking and public transport, to reach nearby facilities and larger settlements.

There are limited services in Hurst and Whitley Green, which is typical of small villages. These include a village store and post office, bakery and takeaway, primary school, playing fields, village hall, nursery, public houses, places of worship and allotments. It is noted that the Hurst Co-op food store has closed since the appeal and has since been replaced with an independent local convenience/village store, which also includes the local post office. The services listed above, including the also not concentrated in a central location but are interspersed throughout the two villages with a small concentration on Broadwater Lane to the north and some along Sawpit Road and School Road to the south, extension to the east.

Walking:

There are no footways provided along Lodge Road in the vicinity of the application site. The closest footpath is located approximately 95 metres to the south on the eastern side of Lodge Road, between Nursery Close and Sawpit Road. This footpath is present on only one side of the road, is less than the minimum recommended width of 2 metres as set out in Manual for Streets (MfS) and is not served by street lighting. From Sawpit Road, there are no footways for a distance of approximately 170 metres east from its junction with Lodge Road to its junction with Barber Close.

The poor usability of Sawpit Road was previously established by the Inspector in relation to the appeal at the application site (ref: APP/X0360/W/18/3194044). The Inspector stated:

“...I do not agree with the assessment of the Appellant that this is a road used, in effect, as a shared surface...” and “...I walked the road on several occasions and did not consider it to be akin to a shared surface. It has not been designed as such, and traffic does not seem to behave as it would on a designed shared surface, by reducing speed and being aware that pedestrians may be present. Traffic behaves as one would expect on a 30mph village street with parked vehicles present – by taking avoiding action where necessary, but not seemingly being aware of any increased propensity for pedestrian activity.” (Paragraph 30)

‘In any event it is not a pleasant pedestrian route. The presence of parked cars forces pedestrians towards the centre of the relatively narrow carriageway. It is for the most part impossible to use the verge on the northern side as it has been churned up by parked vehicles. In darkness this would be a further hazard. Further towards the village centre there is formal footpath, but this is variable in width and I am not satisfied that it would be wholly suitable for anyone with impaired mobility or with small children. In addition it is necessary to cross the road in order to continue on the footpath close to the school, and then cross back because of the discontinuous nature of the path. The second crossing point outside the school is also a pinch point for traffic because of the presence of parked vehicles outside the school, and this can make crossing more difficult. Furthermore the pedestrian, if heading for the village store, then has to cross the A321 on 2 occasions. In short I do not consider that the pedestrian route to the village is in any way an attractive route for pedestrians. I am sceptical that it would be used much, if at all.’ (Paragraph 31)

While the supporting Transport Statement suggests that 81% of journeys shorter than 1 mile were made wholly on foot, it does not imply that 1 mile should be taken as a benchmark for an acceptable walking distance. It would be a misinterpretation to conclude that day-to-day journeys of up to 1 mile (1.6 km) represent a reasonable or ‘maximum’ walking distance.

The walking distances set out in the IHT’s Guidelines for Providing for Journeys on Foot to be the most applicable reference for assessing pedestrian accessibility. These distances are understood to apply broadly, including within rural areas and for journeys such as commuting and school travel.

It is also noted that the walking trip assessment within the submitted Transport Statement relies, in part, on the use of a permissive footpath located on the western side of the B3030 Lodge Road. The applicant should be reminded that there is no permanent legal right of way for the public to access this path at all times. In addition, there is no suitable crossing point across the B3030 adjacent to the site frontage. Furthermore, the route is unsealed and lacks lighting, and would therefore be unsuitable for use during inclement weather or outside of daylight hours.

The site would not be well connected to any local centre or employment areas. Some

limited facilities are located within approximately 1,200 metres, including a small bakery, 'Hurst Bakery & Provisions', which is infrequently open and, at the time of writing, is shown as permanently closed on Google Maps, as well as a convenience store and a public house. There is a Primary School, Community Hall and Nursery to the south but as aforementioned, there are no footpaths linking the site to School Road and parents and children would have to walk down a single-track road with no street lighting.

There is also no information within the submission regarding the capacity of the local primary school, St Nicholas Church of England Primary School, to accommodate children arising from the development. The school is understood to be oversubscribed, which may place additional pressure on local education provision and could result in reliance on schools outside the immediate catchment area, which is generally considered to be unsustainable.

Overall, opportunities for pedestrians are very limited; the walking environment and experience would be a poor one that would fail to deter the use of private motor vehicles and encourage a modal shift to walking and cycling.

Cycling

There is currently no dedicated cycling infrastructure along the B3030 Lodge Road. The speed limit along the site frontage is 40mph, increasing to the national speed limit approximately 45 metres south of Sawpit Road. As a result, cyclists would be required to travel within the carriageway alongside motor vehicles.

Under Local Transport Note 1/20 (LTN 1/20), this arrangement is classified as 'mixed traffic' conditions. 'Mixed traffic' conditions with speed limits of 40mph are considered as "Provision suitable for few people and will exclude most potential users and/or have safety concerns". Protected spaces for cycling are required to be considered safe for most users.

In addition, the surrounding roads are relatively narrow and largely unlit, which would further reduce the attractiveness and perceived safety of cycling in this location.

The Inspector in the 2020 appeal decision relating to the application site made the following observation:

"I do not rule out the use of cycles for access to and from the appeal site, but this must be tempered by the fact that Lodge Road has the potential to be an intimidating route, as implicitly acknowledged by the Appellant's suggestion that cyclists could walk as far as Sawpit Road. In my judgement cycling is not likely to be a significant alternative mode of transport used by occupants of the appeal site." (Paragraph 35).

Overall, the site has limited opportunities for safe and attractive cycling. The absence of dedicated infrastructure and the nature of the surrounding road network mean that cycling is unlikely to represent a realistic or attractive travel option for most potential residents.

Buses

There are bus stops along the A321 for the 128/129 bus, which is a subsidised service. The frequency of 128/129 service does not meet the good service criteria as set out in policy CP6:

'a) At least a thirty minute service frequency during peak times (7:00 to 9:00 and 16:00 to 19:00 Monday to Saturday); and

b) At least an hourly service frequency during off-peak hours (9:00 to 16:00 and 19:00 to 22:00 Monday to Saturday and between 7:00 and 22:00 on Sundays).'

There are no services on Sundays. Services during peak hours do not have a frequency of 30 minutes. Services off peak have a frequency greater than one hour. There are no services in the evening with the last bus being around 6pm towards Reading and 7.30pm towards Wokingham. The first bus of the day is also relatively late at 7.45am towards Wokingham and 7.25 towards Reading.

The closest bus stop served by the 128 and 129 services. to the site is located approximately 575m away to the southeast along School Road on the southern side of the carriageway. There are no shelters or seating at these stops.

There are no nearby secondary schools. The nearest secondary schools are between 3 – 4.5km from the site as the crow flies. The bus service does not go near the Piggot School (north of Twyford), the nearest stop in Twyford is 1.5km away. The infrequency of the service would also make it unpractical for school children. Morning busses would either result in pupils being significantly early or considerably late.

As the bus service does not meet the good criteria set out in CP6, the buses to secondary schools' southward towards Wokingham would generally be out of phase with start and finish times. Pupils would also have a choice of arriving appreciably before school opening times or being significantly late. Homeward journeys would result in lengthy waiting times for buses, which would be half an hour in some cases, and long journey times home of up to one hour.

Access to the same local schools via this bus service was considered in a more recent appeal decision under ref: APP/X0360/W/25/3364304 relating to an outline application for 99 dwellings on land adjoining the eastern boundary of the application site. The inspector stated the following:

Higher order centres can also be accessed by bus. There are bus stops within walking distance of the site. The 128/129 service connects to Twyford, Winnersh, Wokingham, Woodley and Reading on roughly an hourly basis but with a limited evening service and no service on Sundays. Even with a recent improvement to the bus services through Hurst, they fall below the standard of service considered to be 'good' in the supporting text to Policy CP6 of the Core Strategy. (paragraph 35).

There has been no material change in the bus service since the previous appeal, it

has the same poor service.

The limited accessibility of the site and the wider area to services and facilities by sustainable modes of transport has also been recognised in the appeal case APP/X0360/W/25/3364304 adjoining the application site. Although that proposal included a detailed package of transport measures intended to improve opportunities for walking, cycling and bus use, the Inspector concluded that these measures were insufficient to overcome the fundamental issue that the surrounding villages offer only a limited range of services and facilities.

The Inspector stated the following in paragraph 43:

'I conclude that the location of the development is not readily accessible to services and facilities by sustainable means of transport, and while the package of travel measures would be of benefit it would not increase accessibility to higher order services and facilities to the extent that would make it fully sustainable. The development would therefore conflict with Policies CP1, CP3 and CP6 of the Core Strategy which seek to provide choices in the mode of transport available and minimise the distance people need to travel. I recognise that opportunities to maximise accessibility varies between urban and rural areas, but that does not by itself justify significant development being located in an area with restricted accessibility....'

Overall, the existing bus service is limited, which emphasises the spatial strategy's importance of locating housing development in sustainable locations with established transport connections, rather than on the edge of small villages in the countryside.

Rail

Twyford railway station would be an approximately 2.5km walk from the centre of the site which is outside of any recommended walking distance. The footpaths along the A321 are only one side of the road for large sections and have narrow sections less than the minimum 2m metre width. Large sections of the road have no street lighting, are well trafficked and benefit from no passive surveillance due to the rural location. The potential offsite works towards the railway station do not change the length of the journey being outside of recommended maximum guidelines and narrow sections of the pavement would still remain.

In conclusion, the application site is not located within convenient walking distance of most day-to-day facilities and services, such as schools, retail, leisure and medical facilities. This is likely to discourage future residents from travelling on foot and instead increase reliance on private vehicles. Footways in the area are either absent or unlit, and cycling conditions are poor. In addition, the available bus service does not meet the Council's definition of a good level of public transport provision.

As such, the site is poorly located in relation to local facilities and services, and future occupiers would be heavily reliant on private motor vehicles. The proposal therefore conflicts with Policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, Policies CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD, and Sections 8 and 9 of the NPPF.

Neighbouring Amenity:

The proposed dwellings would be appropriately positioned away from the site boundaries, and adequate separation distances would be maintained between each of the new dwellings to ensure that no unacceptable loss of light or overbearing impacts would arise.

It is noted that Plot 1 would introduce a new first-floor window on the northern side elevation, which could allow views towards the rear garden of Badgers Bottom. However, this window would be located approximately 30 metres from the rear elevation of that property, and any potential views are likely to be largely screened by existing mature vegetation along the intervening boundary. In any event, the window could be conditioned to be obscure glazed, given that it would serve a non-habitable room.

The proposed first-floor side windows at Plots 2 and 3 would be appropriately positioned to ensure that no unacceptable mutual overlooking would occur between the dwellings. Accordingly, no objections are raised to the proposal on neighbouring amenity grounds.

Amenity Space:

Internal:

The internal space standards for new dwellings are set out in the Borough Design Guide and supported by Policy TB07 of the MDD. All three dwellings proposed meet the minimum standards required for their occupancy levels and would provide adequate internal space to serve future occupiers.

External:

The Borough Design Guide specifies a minimum depth of 11 metres for rear gardens and a 1 metre set-back from the site boundary to allow access thereto. The proposed amenity spaces of all dwellings comply with the requirements of the Borough Design Guide.

Highway Access and Parking Provision:

Site Access

The proposed development would be accessed via a 4.8-metre wide improved access onto the B3030 Lodge Road, broadly in the location of the existing access point.

Lodge Road is subject to a 40mph speed limit, which typically requires visibility splays of 2.4m x 120m to be achieved at the access point. The submitted Transport Statement assesses these sightlines using a 0.5m offset, as set out in Appendix B, which is noted. Visibility splays should be provided across land within the applicant's control or the public highway and should be kept clear of obstructions exceeding 0.6m in height.

The submitted information indicates that the maximum achievable stopping sight distance (SSD) along the tangent to the bend is approximately 100.3 metres before being obstructed by a tree located outside the applicant's control. Given that the speed limit transitions from national speed limit to 40mph approximately 45 metres to the south of Sawpit Road, the appropriate SSD for a 40mph road would typically be around 102 metres.

Should the application be recommended for approval, it may be necessary for the applicant to review the precise siting of the access, including the potential to relocate it slightly to the north, in order to ensure that the required visibility standards can be achieved. This could be secured via a condition in the event of any approval.

Internal Access Road

The internal access road is proposed to operate as a shared surface with a width of 4.8 metres throughout, which would be capable of accommodating two-way traffic. This arrangement is noted.

Whilst it is anticipated that the internal road would remain private, it would be expected to be constructed to an appropriate highway standard. In this regard, a service margin would typically be required along the road where development is proposed, in accordance with the Borough's highway design guidance. This would normally comprise a 2m service margin, with 0.5m required where no services are present and up to 1m where street lighting is proposed. Such details could be addressed as part of the detailed design stage and secured via a condition if the application were to be recommended for approval.

A swept path analysis has been submitted demonstrating that a DB32 fire appliance can enter and acceptable.

Parking

In accordance with Wokingham Borough Council's Parking Standards, a development of this scale in a village location would typically require a minimum of eight parking spaces within the red line boundary, including provision for unallocated and visitor parking.

Parking spaces are expected to have minimum dimensions of 5.0m x 2.5m. The minimum size for a single garage or carport intended for parking purposes is generally 6m x 3m, with each garage space contributing 0.5 spaces towards the overall parking provision. Parking spaces positioned in front of garages are typically set back by at least 0.5m from the garage door to allow for door opening.

The submitted plans indicate the provision of five allocated driveway spaces, two carport spaces and four garage spaces. However, the level of unallocated or visitor parking provision appears limited. In addition, consideration may need to be given to the length of the driveways serving Plots 2 and 3 to ensure that additional parking does not obstruct the shared access road. This could be addressed through minor revisions to the layout if necessary.

Should the application be recommended for approval, the overall parking layout and provision could be secured through a condition as appropriate.

EV Charging Points

Each new dwelling would be expected to provide at least one electric vehicle charging point in accordance with Building Regulations (Approved Document S). The submitted information indicates that each dwelling would be provided with an EV charging point, which is noted.

Cycle Provision

In accordance with the Council's Parking Standards, dwellings with six or more habitable rooms are expected to provide three cycle parking spaces per dwelling. A shed has been indicated within the rear garden of Plot 1, which could provide cycle storage; however, the submitted dimensions of approximately 1.8m x 1.8m may be limited in terms of accommodating three bicycles. Similarly, garages of approximately 6m x 6.3m may not comfortably accommodate both car parking and cycle storage.

Should the application be recommended for approval, further details of cycle parking provision, including suitable storage areas with convenient access to the rear garden or appropriately sized garages or stores, could be secured by condition.

Refuse Collection Strategy

According to Manual for Streets, the maximum carrying distances for households (30m) and refuse collection operators (25m) from the collection point. Such standards will apply to all plots within the site.

While kerbside refuse collection arrangement will likely be suitable for this site, a bin store / bin collection point shall be indicated on the plan. This could be secured by condition in the event of any approval.

Flooding and Drainage:

Policy CC09 of the MDD Local Plan requires consideration of flood risk from historic flooding.

Policy CC10 of the MDD Local Plan requires sustainable drainage methods and the minimisation of surface water flow.

The application site is subject to multiple sources of flood risk. A main river ditch runs along the eastern boundary of the site and parts of the application site fall within fluvial Flood Zones 2 and 3. In addition, significant areas of the site are identified as being at risk of surface water flooding, including areas within the 1 in 10 and 1 in 100 year extent. The site is also located within an area identified as having very high groundwater levels, where groundwater emergence is mapped as being either at ground level or within 0.025m of the ground surface. The site is therefore at risk from fluvial, surface water and groundwater flooding.

Paragraph 175 of the National Planning Policy Framework states that the Sequential Test should be applied in areas known to be at risk from any form of flooding, unless it can be demonstrated through a site-specific flood risk assessment that no built development, access routes, land raising or other vulnerable elements would be located within areas at risk from flooding. In this case, the submitted Flood Risk Assessment demonstrates that built development, access arrangements and associated engineering works would all be located within areas at risk from flooding, including fluvial and surface water flooding. The requirement to apply the Sequential Test therefore clearly arises.

The accompanying document titled *Flooding Sequential Test and Exception Test* acknowledges that the Sequential Test is required and concludes that the proposal fails the Sequential Test.

Paragraph 174 of the National Planning Policy Framework states unequivocally that: *“Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.”* It therefore follows that this policy position provides a strong reason for refusing the development.

Evidence relating to the availability of alternative sites has been recently examined in the appeal decision relating to land at Lodge Road (APP/X0360/W/25/3364304) following a Public Inquiry. That site adjoins the eastern boundary of application site, which is liable to flooding from the same sources. In that case, approximately 14,500 dwellings were identified on sites considered sequentially preferable to development in this location. That appeal site ranked 225 out of 257 sites, placing it within the bottom 15% of sites in sequential terms, indicating that the location performs poorly when assessed against the Sequential Test. The Council also identified that a number of sites had been incorrectly discounted, meaning that the number of sequentially preferable sites was likely to be greater than identified in that assessment.

Whilst the applicant refers to the Lodge Road appeal decision, it is important to note that a greater proportion of the current application site is affected by fluvial and surface water flood risk than the Lodge Road site. The submitted Flood Risk Assessment shows that parts of the proposed dwellings, access arrangements, turning areas and gardens would fall within areas at risk from flooding, and the proposed attenuation basin would also constitute an engineering operation located within areas affected by fluvial flooding and very high groundwater levels. The flood risk constraints affecting the application site are therefore more extensive and more acute than those previously considered in the Lodge Road appeal. Notwithstanding, all of the site is within an area with the higher susceptibility of Ground Water flooding.

It is established national policy that the Exception Test should only be applied where the Sequential Test has been passed. As the Sequential Test has been failed in this case, it is not necessary to consider whether flood risk could theoretically be mitigated through design measures. Notwithstanding this, the Council's Drainage Engineer has raised concerns regarding the feasibility of the proposed drainage strategy, including the siting of the attenuation basin within areas affected by fluvial flooding and the implications of the consistently high groundwater levels across the

entirety of the site.

The flood risk implications of the site therefore provide multiple and strong reasons for refusal:

First, national policy at paragraph 174 of the National Planning Policy Framework clearly states that development should not be permitted where the Sequential Test is failed and reasonably available sites exist in areas of lower flood risk.

Second, the site is affected by multiple sources of flooding, including fluvial, surface water and groundwater flooding, rather than a single isolated flood risk constraint.

Third, the entire site lies within an area of very high groundwater susceptibility, and elements of the proposed development would be located within areas at risk from fluvial and surface water flooding, meaning that flood risk affects all the developable areas of the site.

Fourth, even if the Exception Test were applicable, which it is not in this case, the available evidence does not demonstrate that flood risk could be safely and sustainably managed, nor that the proposal would avoid increasing flood risk elsewhere.

Finally, even where mitigation measures are proposed, residual flood risk would remain, with potential consequences including damage to buildings and possessions, disruption to the lives of occupants, reduced usability of external amenity space, and accessibility issues for users including children and people with disabilities. As noted by the Inspector in the Lodge Road appeal decision:

“Even with mitigation in place, there will always be a residual risk of flooding. If flooding does take place, it can cause significant damage to buildings and their contents, and disrupts the lives of occupants both during a flood and afterwards. It therefore makes sense to avoid such potential harm wherever possible.”

In light of the clear failure of the Sequential Test and the significant flood risk constraints affecting the site, the proposal is contrary to national planning policy relating to flood risk and provide a strong reason for refusal. The policy position is clear that development should not be permitted in such circumstances. Accordingly, as per NPPF footnote 7, the adverse policy conflict arising from flood risk is significant and the tilted balance in favour of sustainable development does not apply in this case.

Affordable Housing:

Policy CP5 of the Core Strategy, Policy TB05 of the MDD Local Plan and the Affordable Housing SPD specify that affordable housing is required when the proposal is for 5+ dwellings or residential developments on a site area of more than 0.16 hectares

The threshold for affordable housing is 5 dwellings or more on residential sites of 0.16 hectares or larger. The site exceeds this threshold and therefore there is a

requirement for the provision of affordable housing.

To meet the requirements of Policy CP5 of the Core Strategy, the site is classified as Greenfield and of modest size so a minimum of 40% of the total number of units (net) should be provided as affordable housing. This equates to 1.2 units for this proposal. Due to the site location and nature of the dwellings, the practical means of delivery for the affordable housing is through a commuted sum.

The calculation of the commuted sum, in accordance with the Affordable Housing SPD, has been calculated as £172,244.50 index-linked towards affordable housing in the borough.

Since the application has been recommended for a refusal for various other reasons, no legal agreement is sought to secure the affordable housing contributions. In the absence of any measures to secure the affordable housing, the proposal is considered to be in contrary to policies CP1 and CP5 of the Core Strategy 2010, Policy TB05 and Appendix 12 of the Managing Development Delivery Local Plan 2014 and the Affordable Housing Supplementary Planning Document 2013.

Landscape and Trees:

Policy:

Policy TB21 of the Managing Development Delivery Local Plan states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including the landscape quality; landscape strategy; landscape sensitivity and key issues. Proposals should retain or enhance the condition, character and features that contribute to the landscape.

Policy CC03 of the Managing Development Delivery Local Plan aims to protect green infrastructure networks, promote linkages between public open space and the countryside, retain existing trees and establish appropriate landscaping.

Paragraph 180(b) of the NPPF requires that planning applications enhance the natural and local environment by 'recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Landscape Character:

Wokingham Borough Landscape Character Assessment (WBLCA), dated November 2019, identifies a number of different landscape character areas (LCA's) across the Borough and provides key information regarding each of the LCA's. The site falls within C1 Hurst River Terrace but is very close to the eastern edge of LCA B1 'Loddon River Valley with Open Water'. The character of the site seems more akin to C1 LCA where key characteristics include;

- Simple agricultural landscape of mainly arable farmland, with pasture enclosed in relatively large straight-sided fields, including smaller areas of horse and

pony paddocks.

- Villages located around historic cores including Whistley Green and Hurst, which has a Conservation Area. Newer linear development within these settlements is aligned along the network of roads and rural lanes. There is no strong local vernacular, although there are fine early buildings and building character is unified by the presence of red brick.
- A rural and tranquil area, with only southern edge affected by movement and noise of the M4 and its junction with the A329 (M) and crossed by pylons.

Each LCA has Valuable Landscape Attributes which for C2 in relation to the site include;

Peaceful open character of the undeveloped arable and pastoral landscape, rural settlement pattern of small villages with historic cores unified by red brick. A network of narrow rural lanes and characteristic roadside ditches which contribute to scenic quality. Small wetland habitats including drainage channels and numerous farm ponds valued for flora and fauna.

Key Issues affecting C2 LCA relevant to the site include;

- Hedgerow loss associated with past expansion of fields and intensification of agriculture.
- Demand for residential development increasing linear development along rural lanes and continuing to push towards the amalgamation of close settlements Whistley Green and Hurst impacting rural character. Incremental suburbanisation of buildings.
- Increasing traffic on rural lanes has led to demands for upgrading the winding network of rural lanes with new signage, line painting and widening is threatening the intimate rural character of the lanes.

The Landscape Strategy for LCA C1 is to conserve and enhance the quiet rural and agricultural landscape. There are opportunities to enhance the landscape through restoration and management of hedgerows. In terms of development the aim is to conserve the low density pattern of settlement centred around Hurst and Whistley Green.

The Landscape Guidelines for C2 pertinent to the site include;

Conserve the open and rural qualities of the landscape, conserve and manage hedgerows and hedgerow trees for the links they provide across the landscape for wildlife. Maintain the sparse settlement pattern of villages controlling new development, and avoiding further spread of linear development. Conserve the peaceful and open rural character of the landscape between adjacent village centres and retain their sense of physical and visual separation. Maintain and enhance the character of rural lanes.

Landscape Appraisal

The Council's Trees and Landscape Officer has reviewed submitted Landscape Appraisal (Ref. FOR1578LVA April 2025). The site is described in the LVIA as a 'scrubby' field bound by hedgerows and trees, with some hedgerows in relatively good condition. Noise from Lodge Road is apparent. The site lies within a pocket of residential dwellings, with development to the south from Nursery Close and large detached dwellings to the west and north, suggesting visual connectivity with surrounding areas.

The LVIA notes that, although there are some features of landscape value, the site lacks a coherent composition, with landscape features considered commonplace and affected by man-made elements and human activity, including road noise. The susceptibility of the site to change is assessed as medium, with medium landscape value and overall medium sensitivity. The proposal for three dwellings is considered broadly consistent with the surrounding context, but the Council's Trees and Landscape Officer believes that the site's value as a settlement gap and visual amenity has been underestimated, and that the proposals would have a harmful effect on landscape character.

Field surveys were undertaken at the end of April when deciduous trees were in leaf. The visual impact is expected to be more pronounced in winter months. Changes since 2019 include the timber post-and-rail fence replacing the original northern field gate and relocation of the field entrance to the southern end. A small shipping container remains near the horse-rider warning sign, and the central area appears as maintained lawns in recreational use.

Six viewpoints were assessed: Lodge Road at the access to Nursery Close, four views along Lodge Road, and one view from Tape Lane. Receptors were all road users with medium sensitivity. The Council's Trees and Landscape Officer considers that users of these routes would notice the development and that it would have a moderate to major visual impact.

The site has been the subject of two appeals in 2018 and 2019 (APP/X0360/W/18/3194044), both dismissed. Inspector Major (2019) described the site as lying within Wokingham Borough Landscape Character Assessment Area C2 'Hurst River Terrace', noting flat to undulating topography, scattered settlement linked by rural roads, a working agricultural landscape with fields of varying sizes, hedgerows, and wooded horizons.

The inspector noted that the site is a small field with strong vegetated boundaries providing some enclosure from Lodge Road and that it forms an important component of the open space separating the northern and southern arms of Hurst/Whistley Green. It was not considered exceptional and is not designated as Valued Landscape under NPPF187a. The Council's Trees and Landscape Officer considers that this assessment remains relevant and that the site plays a key role in maintaining the rural character and separation of settlement arms.

The LVIA describes the site as a traditional small-field composition with hedgerows along boundaries and some self-set planting internally. The Council's Trees and

Landscape Officer believes that the LVIA's description of the site as 'lacking coherent composition' is misleading, as the historic field character remains largely unchanged, and overgrown edges reflect lack of management rather than previous design.

Overall, the officer considers the site to be a significant component of the settlement gap. The LVIA states that the proposed development would result in a moderate magnitude of change, minor landscape effect, and major/moderate visual impact. The Council's Trees and Landscape Officer believes that the proposals for three dwellings would have a similar harmful effect on the character and appearance of the site as previous proposals for five or twelve dwellings. The development would fail to respect the transition between the built settlement and the countryside, and the undeveloped land to the north of Badgers Bottom is insufficient to offset this harm. The officer concludes that the proposals would not conserve or enhance the quality of the environment or retain the sense of place, causing a detrimental impact on character and appearance.

Site Layout and Mitigation

The Council's Trees and Landscape Officer notes that no Landscape Strategy Plan is included within or appended to the LVIA, which limits the ability to assess the effectiveness of mitigation measures. Written mitigation in Section 7 outlines objectives to:

- Minimise views from residential areas
- Assist visual integration of the development
- Provide an internal landscape structure and enhance internal road corridors
- Reinforce wildlife corridor opportunities at site boundaries

Mitigation proposals include ornamental planting within residential frontages, building heights reflecting surrounding dwellings, setbacks from boundaries to allow vegetation growth, and use of materials sympathetic to local vernacular.

However, the Council's Trees and Landscape Officer considers that there is insufficient clarity on the management of existing vegetation, integration of scrub and planting areas within private gardens, and the long-term sustainability of mitigation measures. Without detailed plans, the officer believes that the proposed mitigation is unlikely to prevent adverse impacts on landscape character and visual amenity.

Arboricultural Matters

The site contains mature and semi-mature native trees along its boundaries, which contribute significantly to the rural character of the area and provide visual screening. Group G35 on the northern boundary comprises Ash, Cherry, Hawthorn, Oak, Field Maple, and Walnut. Most of the trees within this group are classified as category 'C', are considered incompatible with development, and are proposed for removal. The Council's Trees and Landscape Officer considers that their loss would weaken the boundary enclosure and reduce the site's rural character.

The western boundary along Lodge Road features a mature, unmanaged hedgerow, affected by Ash dieback to varying degrees. While most trees are category 'C' under BS5837:2012, the officer believes this does not diminish their value in defining the settlement gap. Specific trees along Lodge Road, including T9, T10, T11, and T12, are recommended for removal. Two category 'U' Ash trees north of the site entrance and a further two category 'C' Ash trees to the south are also proposed for removal. No replacement planting is indicated, and the officer considers that this would result in a substantial loss of boundary screening and increased visibility of any new dwellings within the settlement gap, undermining the rural character.

The western boundary hedge varies in height from approximately 4–17 metres, is deciduous, and includes significant Ivy growth on taller stems. The hedgerow is located less than a metre from the road edge, and the proposed visibility splays for the site entrance conflict with the existing vegetation. The Council's Trees and Landscape Officer notes that the Arboricultural Impact Assessment (September 2025) fails to provide sufficient detail regarding the extent of tree and hedgerow removal or proposed replacement planting, limiting the ability to assess arboricultural impacts accurately.

Within the site, areas of scrub, particularly along the southern and eastern boundaries, include regenerating Aspen and Blackthorn. Some scrub areas appear to be retained, while others may be incorporated into private gardens or replaced with new planting. The officer considers that the limited information on species composition, tree condition, and long-term management makes it difficult to evaluate the potential arboricultural impact of the development fully.

Overall, the Council's Trees and Landscape Officer believes that the site's boundary trees and hedgerows are an important component of visual enclosure and the rural character of the area. The proposed development would result in the removal of key trees, a reduction in hedgerow continuity, and greater visual exposure of the site. The lack of detailed replacement and management proposals raises concerns regarding the long-term sustainability of the vegetation and the adequacy of mitigation measures, and the officer objects to the scheme on these grounds.

Ecology:

Policy:

Core Strategy policy CP7 states that:

“Development [...] Which may harm habitats or, species of principle importance in England for nature conservation, veteran trees or features of the landscape that are of major importance for wild flora and fauna (including wildlife and river corridors), whether directly or indirectly, [...] will be only permitted if it has been clearly demonstrated that the need for the proposal outweighs the need to safeguard the nature conservation importance, that no alternative site that would result in less or no harm is available which will meet the need, and:

- i) Mitigation measures can be put in place to prevent damaging*

- impacts; or
- ii) *Appropriate compensation measures to offset the scale and kind of losses are provided.”*

MDD policy TB23 states that:

“Planning permission for development proposals will only be granted where they comply with policy CP7 – Biodiversity of the Core Strategy and also demonstrate how they [...] Provide appropriate buffer zones between development proposals and designated sites as well as habitats and species of principle importance for nature conservation.”

This application is supported by a Preliminary Ecological Appraisal (AKB Ecology, 24-041-PEA-v1, February 2025).

Bats

The Ecology Officer notes that the applicant’s ecologist has assessed the rural, isolated trees within the centre of the site as offering negligible potential for roosting bats and based on the photographs provided considers this conclusion to be reasonable. However, the officer raises concern that the applicant’s ecologist has not categorised the roosting potential of the boundary trees or assessed the flight routes and foraging potential of the site in accordance with the guidelines of the Bat Conservation Trust.

The site contains tree lines along the eastern and western boundaries, with younger treelines to the north. The Ecology Officer notes that the applicant’s submission does not categorise the roosting potential of trees within these treelines or provide a full assessment of activity and foraging potential, which deviates from best practice guidance. Notwithstanding this omission, the Ecology Officer considers that the proposed development is unlikely to result in direct harm to bats due to the approximate 16 metre buffer between the proposed built development and the identified foraging and commuting routes along the site boundaries.

However, the Ecology Officer highlights that the height of the proposed dwellings, combined with integrated lighting mounted at higher wall levels, has the potential to illuminate a wider area. This may disrupt commuting corridors and negatively affect light-sensitive bat species. A sensitive lighting approach is therefore required to ensure that artificial lighting does not adversely affect the surrounding treelines, scrub or woodland. These areas are likely to support nocturnal and diurnal European Protected Species such as bats and badgers, as well as species of principal importance including certain invertebrates and hedgehogs.

The Ecology Officer advises that a sensitive lighting plan, which could be secured by condition in the event of any approval.

The report also recommends that species-specific biodiversity enhancements be incorporated into the development. These could include measures such as the installation of integrated bird and bat boxes within the proposed dwellings. In the event that planning permission were to be granted, details of such enhancements, including the specification and location of bird and bat boxes, could be secured by condition.

Great Crested Newts

The development falls within the red impact risk zone for great crested newts. There are 5 ponds within 500m of the development proposal, the closest of which being c.220m from the site but

A District Licensing Officer, acting on behalf of NatureSpace, reviewed the ecological information submitted for the site, including a Preliminary Ecological Appraisal (February 2025) and a Great Crested Newt (GCN) survey letter (April 2025).

The appraisal identified areas of suitable habitat to be retained, including scrub, and rubble piles requiring deconstruction under precautionary working methods. A wet ditch noted in January was dry by April, allowing works under a precautionary working method statement (PWMS). While the risk of encountering GCN is considered low, the officer recommended avoidance measures prior to and during construction, to be provided by a suitably qualified ecologist and approved by the local planning authority. Retention of suitable habitat features where possible is advised. The officer also highlighted the option to use the Wokingham Borough Council District Licence for GCN mitigation or, alternatively, an informative requiring works to cease if GCN are discovered, in line with statutory protections. A suitable condition could be attached to secure a licensed mitigation (where required) in the event of any approval.

Badgers

Badgers are known to be present near the application site, and it is likely that they use the site to some extent for foraging.

Should permission be granted, a construction method statement should be secured by condition to ensure works do not harm badgers or their setts. This should include a pre-commencement ecological survey and precautionary site measures to prevent disturbance, injury, or the creation of new setts during construction.

Biodiversity Net Gain

Mandatory biodiversity net gain of 10%, as outlined in the Environment Act 2021, applies to this development proposal.

A Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain (BNG) Assessment have been submitted, both of which identify modified grassland as the baseline habitat. However, the Ecology Officer advises that the baseline cannot currently be verified. The BNG Assessment refers to a separate grassland survey report and condition assessment sheets, but these documents have not been provided as part of the submission.

The Ecology Officer therefore notes that, without the grassland survey and associated condition sheets, it is not possible to confirm the habitat condition or understand the justification for the condition categories applied. This is particularly relevant as the biodiversity metric identifies four different types of modified grassland with varying condition scores, whereas the submitted reports refer only to modified grassland in general terms.

Until the missing grassland survey and condition assessment sheets are submitted, the Ecology Officer advises that the baseline habitat position cannot be confirmed and the BNG calculation cannot be validated.

The Ecology Officer notes that the submitted biodiversity metric includes a post-development scenario. However, it would not be appropriate at this stage to approve the detailed habitat proposals. A significant proportion of the on-site habitat units are attributed to the enhancement of woodland and modified grassland to neutral grassland, together with the creation of mixed scrub and a non-priority pond. To ensure these habitats are appropriately managed for a period of 30 years, the Ecology Officer advises that details of management and monitoring should be secured through a Habitat Management and Monitoring Plan (HMMP). The officer therefore recommends that a planning obligation be secured to ensure monitoring of the proposed on-site biodiversity net gain measures in accordance with the HMMP.

As this application is being recommended for refusal on several other grounds, this grassland survey was not requested. Its absence will form part of the general Ecological reason for refusal based on the comments provided above on Biodiversity Net Gain

Archaeology:

There are potential archaeological implications with this proposal as evidenced by Berkshire Archaeology's Historic Environment Record (HER). The application site lies in an area with high archaeological potential in part due to the number of find spots locally for Mesolithic flints.

This application proposes a development on a reasonable scale within an area that has not previously been developed. In view of the archaeological potential of the application site, it is considered reasonable that a condition is attached in case the application is recommended for approval for further archaeological investigations to be carried out prior to the commencement of the proposed development.

Contamination:

The site is identified as potentially contaminated on the Wokingham Borough Council GIS mapping system. In the event that planning permission were to be granted, it would be necessary to attach a condition requiring a thorough site investigation to identify any contamination. Where contamination is found, appropriate remedial or protective measures would be required to ensure that risks to human health, controlled waters, and the wider environment are adequately managed both during and after construction..

Planning Balance:

The starting point for decision making is the development plan. Section 70[2] of the TCPA 1990 & 38[6] of the PCPA 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The plan-led approach advocated by law

is reinforced numerous times throughout the NPPF including paragraph 47:

'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'

The Council cannot demonstrate a 5 year housing supply and therefore the development must be assessed in line with Paragraph 11d(ii) and against the policies in the NPPF taken as a whole. The three overarching objectives contained within paragraph 8 of the Framework seek to balance growth and local community needs against protection of the natural, built and historic environment. The benefits and disbenefits are therefore considered against these three broad topic areas below.

Whilst the policies which are most important for determining the application are out of date by virtue of the absence of a 5 year housing land supply, that does not mean the policies carry no weight. The weight attached to the development plan policies is a matter for the decision maker(s).

Economic:

It is acknowledged that the site would perform a limited short term economic role as a result of the construction period, and a modest longer-term economic role via consumer spend and CIL liable payments. As the number of homes proposed is limited however, the weight afforded to their provision is also limited. These are residual consequences of any housing development.

Social:

The development would make a small contribution to the boroughs housing stock in the creation of three new homes and a modest longer-term economic role via local consumer spending and CIL liable payments. Similar to the economic performance though, the limited number of homes proposed also limits the weight applied to their benefits in the planning balance.

Environmental:

The development could reasonably be expected to demonstrate a degree of inherent sustainability through compliance with Council supported energy efficiency and Building Regulations standards. There would also be an ability to impose conditions securing biodiversity enhancements to the site, as well as new/additional landscaping. However, these measures would not outweigh the already highlighted landscape harm, biodiversity net loss on site and the fact the occupiers of the dwellings would be overly reliant on private motor vehicles to access basic amenities and services. Overall, the environmental performance of the development would be negative.

Disbenefits:

The site is located outside the defined settlement boundary within the open countryside and therefore conflicts with the Council's spatial strategy. The site forms an important rural gap and visual break in the landscape, a role previously identified by an appeal Inspector as contributing to the separation between the northern and southern arms of the Hurst and Whistley Green settlements. The introduction of domestic built form in this location would erode this transitional area, resulting in

encroachment into the countryside and contributing to the coalescence of these settlements, thereby failing to maintain the high quality of the rural environment. Furthermore, the site represents an unsustainable location for residential development due to its limited accessibility to services and facilities by sustainable transport modes. The proposal also fails to adequately address the significant fluvial, surface water and groundwater flood risks affecting the site.

Conclusion

In engaging the tilted balance, those adverse impacts (as set out in the foregoing) as a result of the proposed development are considered to **significantly and demonstrably** outweigh the limited benefits of this scheme when assessed against the framework as whole. The recommendation is therefore to refuse planning permission.

Community Infrastructure Levy (CIL):

When planning permission is granted for a development that is CIL liable, the Council will issue a liability notice as soon as practicable after the day on which the planning permission first permits development. Completing the assumption of liability notice is a statutory requirement to be completed for all CIL liable applications.

The Public Sector Equality Duty (Equality Act 2010):

In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation. There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.

RECOMMENDATION

Conditions agreed:	Not required
Recommendation:	Refuse
Date:	2 March 2026
Earliest date for decision:	9 February 2026

Recommendation agreed by: (Authorised Officer)	
Date:	16.03.26



APPENDIX 2 – APPEAL DECISION APP/X0360/W/18/3194044



Appeal Decision

Inquiry opened on 3 December 2019

Site visit made on 2 and 13 December 2019

by Philip Major BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31st January 2020

Appeal Ref: APP/X0360/W/18/3194044

Land at Lodge Road, Hurst, Wokingham RG10 0SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by JPP Land Ltd against the decision of Wokingham Borough Council.
 - The application Ref: 172894, dated 29 September 2017, was refused by notice dated 6 December 2017.
 - The development proposed is the erection of 5 dwellings and garages with creation of a new vehicular access and pedestrian access to Lodge Road and footway provision.
 - This decision supersedes that issued on 10 December 2018. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The inquiry sat for 4 days between 3 and 6 December. Closing submissions were subsequently submitted in writing with my agreement, and the inquiry was formally closed in writing on 6 January 2020. I am required to determine this appeal afresh. The previous 'decision' has no legal basis. There may be elements of a previous Inspector's consideration of a case which are relevant as material considerations even though a decision was quashed, but ultimately I must make my own judgement on the merits of this case. It is notable that the previous 'decision' was quashed by agreement on one ground only, with no judgement being made in relation to the other 4 grounds of claim. Furthermore, the evidence put to me was significantly different to that given in 2018, and the site context has changed with the ongoing redevelopment of the property known as the Old Lodge. I am therefore in a position where I can take little from the previous Inspector's consideration of the proposal.
3. I undertook a pre inquiry unaccompanied site visit on 2 December 2019. With the agreement of the parties I also undertook a more extensive unaccompanied site visit on 13 December 2019. This second visit included my entering the site itself and walking between the site and various locations in and around the settlement.
4. At the previous inquiry a Unilateral Undertaking (UU) pursuant to S106 of the 1990 Act was submitted, which deals with the payment of a sum towards the provision of affordable housing. That UU remains extant. An additional UU has now also been submitted, dated 4 December 2019, which is designed to make

provision for the implementation of a sustainable transport strategy. I make reference to these UUs later in the decision.

5. A statement of common ground (SoCG) sets out matters of agreement, and those remaining in dispute. In general it is fair to say that 3 of the initial reasons for refusal of the proposal remain in play and set 3 parameters for disagreement. These reasons for refusal are numbers 1, 2 and 7, which deal with the impact of the proposal on the character and openness of the area, the locational acceptability of the site, and the impact of the proposal on particular characteristics of the site. In addition there is disagreement on whether the so-called tilted balance should apply in this case, either that contained within Policy CC01 of the Managing Development Delivery Local Plan document (MDDLDP) or within paragraph 11 of the National Planning Policy Framework (NPPF).
6. Although there is no disagreement that the Council can presently demonstrate a 5 year supply of deliverable housing land, and that it has met the housing delivery test, evidence was heard on housing matters. However it is accepted that the tilted balance cannot apply in this case through the lack of a 5 year housing land supply. Any tilted balance would have to rely on the most important policies for determining the appeal being out of date, or the invocation of the alternative test set out in the development plan. I turn to policy matters next.

Policy Background

7. I deal here with the most important policies for determining the appeal, and other policies of relevance which require further examination. It is agreed by the main parties that for the purposes of paragraph 11d) of the NPPF Policies CP9 and CP11 of the Wokingham Borough Core Strategy (CS) of 2010, along with Policy CC02 of the MDDLDP are most important policies. There is disagreement in relation to CS Policy CP17. These policies have been much debated and a number of appeal decisions have been brought to my attention. I deal with the policies in turn.
8. Policy CP17 relates to housing delivery. It sets a minimum requirement for housing to be provided in the period to 2026. Both parties agree that the requirement (of at least 13230 homes) is now out of date, and this is common ground in a number of previous appeal decisions. The requirement was based on the South East Plan, which no longer exists, and has been overtaken by more up to date assessments of need. Quite rightly the policy includes provision for a rolling 5 year supply of sites, as required by the NPPF. The policy also includes measures which are designed to offer flexibility in bringing land forward, and in identifying future land supply. This appeal seeks to provide housing to assist in meeting the requirement. To that extent the policy is clearly relevant¹. It is axiomatic that housing requirements change over time, and any policy seeking to set out a forward supply trajectory has to cope with both the change in the requirement and the variability of delivery. It is not an exact science. For that reason no doubt, as well as to enable supply beyond the identified requirement at any one time, the policy does not seek to set a cap on housing numbers, which gives it flexibility. Similarly, the phasing requirements are set out as averages, which further allows for flexibility. The policy sets out the manner in which it would like and indeed expect

¹ In this regard I disagree with the previous Inspector

- development to proceed, but the variables associated with housing provision make strict adherence to policy aspirations a difficult, if not impossible, task.
9. In such circumstances I find it difficult to accept the suggestion that the whole policy should be regarded as being out of date because the housing requirement has changed, the delivery has not been in strict conformity with aspirations, or that there has been a change to the NPPF in the interim period. Arguments that such matters can be decisive in a judgement on whether a policy of this nature is or is not out of date seem to me to risk placing an undue burden on planning authorities which by their nature are unlikely to have the resources to provide nimble responses to background changes of that kind. The NPPF does not suggest that a policy can be said to be out of date as soon as housing requirements change but requires periodic reviews, and the Council has carried out its own assessments. In any event what is clear on the ground is that Policy CP17 has provided no hindrance to the provision of a 5 year supply of housing land or the significant surplus of houses delivered in the recent past. In essence CP17 is working despite the housing requirement within it being expressed at a lower level than is currently agreed. On balance I regard Policy CP17 as being not out of date overall despite the fact that the housing figures mentioned are.
10. I turn, then, to whether Policy CP17 is a 'most important' policy for the determination of the proposal. In that it sets out the intentions for housing provision it seems indisputable to me that it is important in the widest sense of planning for the Borough. However it is not a development management policy for individual applications. Individual site allocations, proposals and applications respond to the aspirations of the policy, but the policy itself cannot play a significant role in assessing whether the detail of any application is acceptable. For that reason it is my judgement that Policy CP17 is not one of the most important policies for determining this proposal. For the purposes of the tilted balance flowing from NPPF paragraph 11, whether or not the policy is out of date (as above) therefore becomes a moot point. That does not, however mean that it has no role in the planning balance, to which I turn later.
11. Other appeals brought to my attention in evidence clearly respond to the evidence heard in respect of those particular proposals. I cannot take any of those decisions and judgements to be binding on my consideration of this proposal. None therefore provides a conclusive finding in relation to Policy CP17. In any event, in the context of this appeal, the status of Policy CP17 is not a definitive matter, and in this I agree with the Inspector who considered the Wyvols Field appeal².
12. Policy CP9 seeks to set out the scale and location of development proposals. Hurst falls within a category described as a limited development location. In such locations (and elsewhere) the scale of development proposals is expected to reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. The objectives of the policy clearly follow the intentions of the NPPF in seeking to guide development to locations where travel is reduced and a choice of travel mode is likely to be available. In my judgement this policy is therefore consistent with the NPPF and should be regarded as being up to date.

² APP/X0360/W/17/3170340

13. Policy CP11 deals with development outside identified settlement limits. The objective is clearly stated to be the protection of the separate identity of settlements and maintenance of the quality of the environment. Development which does not fall within a specified range of criteria will not normally be allowed. Although the use of the word normally implies some discretion applies where material considerations might lead to a different conclusion, it does not suggest that there would be a balancing exercise carried out of the type envisaged by the NPPF. Although not going as far as indicating that the countryside should be protected for its own sake the policy is to some degree out of kilter with the more balanced approach of the NPPF. Hence its consistency with the NPPF is reduced and any conflict with the policy is also reduced. However the lack of consistency is limited and any conflict with the policy will still attract significant weight.
14. Policy CC02 follows on from Policy CP9 and sets development limits for settlements. It can only be regarded as a logical extension from the expectation of both the strategy for the scale and location of development, and the numbers of dwellings set out in Policy CP17. The housing requirement has changed over time and that can have implications for development limits, but there is nothing in this case which leads me to believe that the limits are currently inappropriate for Hurst, or across the Borough in general. In that sense I have nothing before me to show that the limits are necessarily out of date. That is simply a proposition based on the fact that housing requirements have risen and that of necessity more space will be needed around villages or other settlements to address the requirement. To accept that proposition would mean that the development limits had been set based on site capacity studies of great accuracy, with no scope for a change in capacity by increasing or decreasing density (for example). Nothing to that effect has been suggested.
15. I also do not accept as a proposition the premise that policies should be regarded as being out of date by inference based on housing numbers set in a different policy, as appears to be the case here. Analysis and judgement are required. Although there have been developments permitted outside development limits, I am informed that there were good reasons for this, and that it does not indicate that development limits generally should be disregarded. Until it can be shown more persuasively that settlement limits are out of step with housing requirements, I am not satisfied that it has been shown that there is inconsistency with the NPPF to the extent that Policy CC02 should be regarded as being not up to date. In this regard I differ from previous Inspectors to some extent, but only in the weight to be given to conflict with the policy. As noted in the High Court judgement in *Wokingham and SoS for Housing, Communities and Local Government v Taylor Wimpey UK Limited and others*³, the judgement of the Inspector was upheld in relation to the basket of most important policies even though there was some conflict between the policies and the NPPF.
16. On the basis of the foregoing paragraphs I have found some minor inconsistency with the NPPF in the most important policies. But taken as a whole I do not accept that the basket of most important policies is out of date. For this reason paragraph 11d) of the NPPF (the tilted balance) is not engaged. Even had I agreed with other Inspectors that the development limits of Policy

³ [2019] EWHC 3158 (Admin)

CC02 should be regarded as being out of date this would not make the whole policy out of date, or the basket of most important policies as a whole out of date. In this respect my judgement accords with other Inspectors and is supported by the High Court judgement set out above.

17. Policy CC01 of the MDDLDP is also relevant and sets out its own tilted balance in part 2 of the policy. Essentially its wording largely follows the now superseded 2012 version of the NPPF in setting a test of whether relevant policies are out of date, and if so invoking a presumption in favour of development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The policy itself, in referring to relevant (as opposed to most important) policies shows inconsistency with the NPPF. It is, to that extent, out of date. Even were I to agree that the policy should be afforded full weight some of the relevant policies to be taken into account which are in play in this case, as set out above, should not be regarded as being out of date.
18. Other relevant policies for the purpose of assessment against Policy CC01 advanced by the Appellant as being out of date are CP1, CP3, CP5, CP6 and CC04. CP1 is an overarching policy seeking sustainable development. It may not exactly follow some of the phraseology of the NPPF but its aims are clearly aligned with national objectives. The policy has enough consistency with the NPPF to be assessed as being up to date. Similar comments apply to the general principles for development laid out in Policy CP3, the objectives for managing travel demand in Policy CP6, and the aims of Policy CC04 for sustainable design and construction. The policies may have detailed wording which does not reflect the latest version of the NPPF but in my judgement the objectives closely match national policy. They should be regarded as being up to date. Policy CP5 has a degree of inconsistency with the NPPF in its affordable housing threshold, albeit not wholly in relation to this proposal. That point is therefore of little relevance in the determination of this appeal.
19. Taking all of the relevant policies into account it is my judgement that they should not be deemed to be out of date such that the tilted balance of Policy CC01 should apply.
20. I note here that the Council is working on a replacement local plan which will take housing and other matters forward in the future. That process is in its early stages and can as yet be given no weight. Similarly, although I have noted the intention to bring forward a neighbourhood plan for Hurst, this too is at a very early stage and can likewise be given no weight at present.

Main Issues

21. The main issues in the appeal are:

- (a) The effect of the proposal on the character and appearance of the area;
- (b) Whether the location of the site is appropriate in relation to sustainability objectives to limit the need to travel and offer a choice of transport modes.

Reasons

Character and Appearance

22. The appeal site has no formal designation and lies within the Open Clay Lowlands landscape character type of the Berkshire Landscape Character

- Assessment of 2003, and the Hurst River Terrace in the finer grain of the Wokingham District Landscape Character Assessment of 2004. In general these studies have a degree of commonality in identifying the characteristics of the locality. These characteristics include a flat to gently undulating landform, scattered settlement, a working agricultural landscape with variable field sizes, hedgerows and wooded areas, and regular drainage ditches. Horizons tend to be of a wooded nature, and the Hurst River Terraces are identified as having a degree of openness, with lanes connecting settlements.
23. The appeal site does not exhibit the openness which may be found elsewhere but has relatively strong vegetated boundary features which offer a degree of enclosure when seen from Lodge Road. It has the character of a small overgrown paddock, albeit with a container and other minor structures present on the land. In my judgement the site is an important component of the open space which separates the northern and southern arms of the identified settlement of Hurst/Whistley Green. It is, however, not exceptional in itself, and cannot be regarded as a valued landscape for the purposes of NPPF paragraph 170. When travelling between the northern arm (Whistley Green) and the southern arm on the approach to Sawpit Road, the clear character is that of a rural and largely undeveloped tract of land to the east of Lodge Road. The presence of Badgers Bottom to the north of the appeal site is no more than a minor intrusion into the rural scene, located as it is behind significant vegetation. I find it stretching a point too far to describe the land to the north of the appeal site as being developed in the sense of it being related to the settlement pattern. It is simply a well concealed country house in extensive grounds.
 24. The Old Lodge on the western side of Lodge Road has an entirely different relationship with the countryside around it. However, as it is located outside the open space between Whistley Green and Sawpit Road it does not register as having any significant impact on the character of that open space. Nursery Close to the south, and the houses beyond that, are the first real sign of the 'built up' area proper, and it is here that they delineate the settlement boundary as set out in the development plan. It is only at its southern boundary where the appeal site comes close to existing development within the settlement. I therefore reject any notion that the appeal site is developed on 3 of its sides.
 25. It is not disputed that development of the site would change its character. Housing, the access road, gardens and realignment of hedgerows would be a fundamental change. As I have observed the site is an important component of the rural open space between northern and southern arms of the village. It serves a purpose in retaining the rural character along Lodge Road, and in my judgement it therefore has a moderate degree of susceptibility to change. The magnitude of the change if development were to take place would be at a similarly moderate level, leading to an overall moderate and adverse impact on the character of the landscape in this location. It is axiomatic that any impact would reduce with distance, but given that the appeal site is important to the gap between the developed areas the impact in the immediate locality would be more keenly felt.
 26. In visual terms the site also performs a function in clearly forming part of the gap between developed areas. It is visible from the permissive path to the west, particularly when leaves have fallen from the trees. Although the

boundary trees and hedgerows along the roadside of the site itself limit visibility of the paddock area the boundary is an attractive (if unkempt) feature in its own right. Users of the permissive path can be regarded as sensitive to visual change since many of them will be using the path for recreational purposes. The change which would ensue from the development would be locally significant and would be perceived as the extension of built development into the open countryside. The new access would be a particularly urbanising feature with direct views into a cul-de-sac of large houses.

27. Furthermore, the proposed dwellings would be seen from Tape Lane, albeit across the intervening open field. Nonetheless the houses would project above and between existing vegetation, again emphasising the extension of built development into the countryside. I accept that a landscaping scheme could address this to a degree over time, but 5 houses on the site are unlikely to be wholly hidden. Taken overall I consider that the visual impact of the proposal would result in moderate harm.
28. The net result of the proposal would be that there would be a harmful impact to both the character and appearance of the area for the reasons set out above. The development would not respect the transition between the built up area and the countryside. The fact that an area of open land would be retained to the north of Badgers Bottom is not sufficient to ameliorate this harm. The harm would be at the upper end of the moderate scale. As such the proposal would be in conflict with most important policies CC02 and CP11, and this attracts significant weight. I also find conflict with Policies CP1 and CP3 of the Core Strategy in so far as the proposal would fail to maintain or enhance the high quality of the environment, would be detrimental to the landscape and would not be of appropriate character.

Location

29. Hurst and Whistley Green as a single entity has a range of facilities which are available to the residents. These include a village store and post office, bakery and takeaway, primary school, playing fields, village hall, nursery, public houses, places of worship and allotments. There is also a bus service which runs through the settlement and connects with Wokingham and Reading via Twyford and Winnersh. All those settlements have main line railway stations. There are a number of employment opportunities around the settlement, though I have no evidence of the realistic opportunities for employment at these locations, or the number of employees at each one. Against this background I have a significant amount of evidence relating to the potential for walking, cycling and the use of public transport for access to services and facilities. I have taken note of the guidelines issued by the CIHT⁴ and others relating to walking distances but note that these are guidelines only and are not expected to apply in all locations, because other matters also influence choice.
30. To start with walking, it would be fair to say that the appeal site is about as far from the village store as it is possible to be whilst being just outside the settlement boundary. The walking distance is about 1300m, though this would not necessarily put off fit and active people who were not expecting to carry much weight in shopping. But distance is not the only indicator of whether a walk will be undertaken. In this case the walk would be along largely unlit

⁴ Chartered Institute of Highways and Transportation

roads, and along one stretch of unlit Sawpit Road the lack of a footpath would be a disincentive to walkers. I do not agree with the assessment of the Appellant that this is a road used, in effect, as a shared surface. It is not heavily trafficked, but is nonetheless an access route to the village hall, nursery, primary school, Barber Close and Martineau Lane among others. It is also the bus route. I walked the road on several occasions and did not consider it to be akin to a shared surface. It has not been designed as such, and traffic does not seem to behave as it would on a designed shared surface, by reducing speed and being aware that pedestrians may be present. Traffic behaves as one would expect on a 30mph village street with parked vehicles present – by taking avoiding action where necessary, but not seemingly being aware of any increased propensity for pedestrian activity.

31. In any event it is not a pleasant pedestrian route. The presence of parked cars forces pedestrians towards the centre of the relatively narrow carriageway. It is for the most part impossible to use the verge on the northern side as it has been churned up by parked vehicles. In darkness this would be a further hazard. Further towards the village centre there is formal footpath, but this is variable in width and I am not satisfied that it would be wholly suitable for anyone with impaired mobility or with small children. In addition it is necessary to cross the road in order to continue on the footpath close to the school, and then cross back because of the discontinuous nature of the path. The second crossing point outside the school is also a pinch point for traffic because of the presence of parked vehicles outside the school, and this can make crossing more difficult. Furthermore the pedestrian, if heading for the village store, then has to cross the A321 on 2 occasions. In short I do not consider that the pedestrian route to the village is in any way an attractive route for pedestrians. I am sceptical that it would be used much, if at all.
32. The walk to the village store could of course take a detour along Tape Lane, but this involves further walking along a stretch of road with no footway. Tape Lane serves a number of residential properties and is unlikely to be a reasonable option because of the likelihood of conflict with vehicular traffic. There is a further option for pedestrians to reach the village store, which would involve crossing Lodge Road and using the permissive path to the north before re-crossing Lodge Road and walking through Whistley Green to meet the footpath at the northern end of the settlement. But the crossing of Lodge Road twice and the unsurfaced and unlit nature of the permissive path would make this an unattractive alternative route for day to day needs. Taking these matters in the round it is my judgement that even with the new stretch of footpath alongside Lodge Road which is proposed the walk to the village store area would be most unlikely to be a regularly viable option for the majority of occupants of the development.
33. I do of course accept that some facilities in the village are considerably closer than the village store, such as the school and village hall. These fall within what would normally be regarded as reasonable walking distances. Even so the unattractiveness of walking along Sawpit Road applies to these destinations too, and must call in to question whether pedestrian access would occur in practice. In my judgement it would not occur on most occasions. Finally, I have considered the potential for any person to walk to Twyford Station. This would take about half an hour, but again suffers from the fact that the permissive path would have to be used in part, and that there would be a

stretch of the walk where no footpath exists. Distance and footpath configuration suggest that this would be an unlikely option.

34. Before turning to other modes of transport I address the suggestion that occupants of the development would walk to work if they were employed at premises in or around the settlement. I do not believe that they would be likely to do so. This is because of the nature of the pedestrian walks available. The permissive path to the south of the appeal site is unlit, gravel surfaced but, as shown on my site visits, is prone to becoming muddy and slippery with falling leaves. This would not be the case at all times of the year but nonetheless for much of the time the route would be unattractive for pedestrians. Other business locations would have similar and other pedestrian access drawbacks resulting from the use of the permissive path, Sawpit Road or village streets with no footpaths. I therefore do not consider that there is any strong likelihood of any person employed locally choosing to walk to work from the appeal site.
35. Turning to the potential for cycle use, this seems to me to be a somewhat more viable option. I observed a number of cyclists using local roads on my site visits. However, it is acknowledged that the use of the busier roads, including Lodge Road (especially where it meets the national speed limit) would be likely to be used only by the more confident cyclist. I do not rule out the use of cycles for access to and from the appeal site, but this must be tempered by the fact that Lodge Road has the potential to be an intimidating route, as implicitly acknowledged by the Appellant's suggestion that cyclists could walk as far as Sawpit Road. In my judgement cycling is not likely to be a significant alternative mode of transport used by occupants of the appeal site.
36. Public transport is available, by bus, in the settlement. The service, with destinations as set out above (and others along the route) runs 6 days a week, at roughly hourly times on weekdays but more infrequently on Saturdays. Access to the bus would be on Sawpit Road, quite close to the appeal site. As a hail and ride service there would be no need to walk as far as the 'formal' stop at the junction of Barber Close, though waiting on Sawpit Road would not be without difficulty because of the drawbacks the road exhibits (as set out above). The provision of a bus shelter as proposed may encourage use but would require the walk along the part of Sawpit Road with no footpath.
37. The Inspector for the Valley Nurseries appeal⁵ accepted that the bus service would provide a reasonable alternative to the use of a private motor vehicle on most days of the week. That is against the background of there being different, and in my judgement preferable, access arrangements to bus stops from Valley Nurseries.
38. In any event what is a reasonable alternative is not necessarily the same as a practical alternative for many eventualities. For example, a bus service to Twyford railway station might well encourage commuters to use that facility. But I question whether an hourly service would offer sufficient certainty and flexibility to be attractive. A late running bus and missed connection, with no replacement service for an hour, would not be likely to encourage reliance on the service for many people. Indeed, the putative decision of the previous Inspector in this appeal noted the inflexibility of the proposition and, although I have made my own assessment, I cannot disagree with that finding. Taken

⁵ APP/X0360/W/17/3171083

with the relatively early times at which the service ceases in the afternoon/evening the limited timetable suggests to me that it would not be an attractive option for anyone who required a bus connection for commuting. Rather it seems to me that the service is adequate for daytime trips to local destinations for leisure or other non-critical visits.

39. It is right to say that bus services in rural areas cannot be expected to be the equivalent of those in urban locations, and the reliance on the 'good' definition of the Council may be unrealistic in some cases, including village locations. Each proposal needs to be assessed individually. In this case I do not consider that the service through Hurst in either direction would encourage the potential occupants of the appeal site to use it other than for occasional non essential purposes even with the provision of subsidised travel for an initial period. It is simply not convenient enough to be able to replace the reliance on private vehicles.
40. Taking all of these matters together it is my judgement that the location of the appeal site would not follow sustainable principles. Residents of the site would not be likely to take advantage of walking, cycling or public transport to any significant degree. In my judgement this is not an accessible location as required by Policy CP9. In this respect it is distinguishable from the Valley Nurseries site which has an entirely different relationship with surrounding streets, facilities and access to public transport. The likely reliance on private vehicles would not be in tune with the NPPF objectives and would be in conflict with most important policy CP9 and Core Strategy Policies CP1 and CP6 which, taken together, seek to ensure that development provides for sustainable forms of transport to allow choice (amongst other things). In this instance I do not accept that there would be a realistic and viable choice for the majority of people.

Other Matters

41. Some time was taken up at the inquiry debating past and future housing requirement and supply. I am clear that the Council has made significant strides in addressing past backlogs and bringing forward land for development. The fact that it has a satisfactory supply position now, and has satisfied the housing delivery test, is testament to that. Indeed I accept that at present the Council is following the advice to significantly boost supply. Future requirements are bound to change, as they have in previous years, and the future Local Plan will be expected to take steps to address the requirement. I accept that the Local Plan will be some 2 years or more in preparation, but I am not satisfied that it has been shown on the balance of probabilities that it is likely that housing supply in the near future will decline as predicted by the Appellant. Housing predictions are a difficult area and precision is impossible. At present the Council seems to be in a position of supplying what is necessary whilst being in the nascent stage of preparing future plans. When those plans become clearer future decisions will be able to take account of likely future supply. I must deal with the situation as presently acknowledged, with the Council having a 5 year supply of deliverable sites and a recent strong performance in delivery.
42. Affordable housing continues to be provided in the Borough though there is still a need for more. The need has been described in the planning officer's report as critical, and by the Council's expert witness on affordable housing as significant. In either case the provision of affordable housing is something to

which I attach significant weight notwithstanding the Council's claimed pipeline of supply.

43. In regard to affordable housing the S106 Undertaking of 2018 made provision for a contribution to assist in its provision. The more recent 2019 Undertaking makes provision for the implementation of a transport strategy. This includes such matters and grants towards the purchase of electric vehicles and bicycles, as well as charging points. There would also be an element of subsidised public transport, a welcome pack for each home, and the provision of a bus stop shelter. Most of these matters deal with short term encouragement to change behaviour but, because of the nature of the site location, are unlikely to provide long term results. As I have concluded that the appeal should be dismissed it is not necessary for me to consider these matters in further detail.
44. A number of other matters were brought up at application and appeal stage by third parties, including the St Nicholas Hurst Parish Council. These matters, where material, have been addressed by the Appellant or can be dealt with by condition or obligation. In particular the Council maintains no objection to the proposal on the basis of matters including highway safety, flood risk, drainage, ecological matters, design and school place availability. The main issues in dispute therefore remain as above, and my findings on those must be balanced against the benefits of the proposal, to which I turn next.

Conclusions and Planning Balance

45. I deal first with the benefits advanced by the Appellant. These are dealt with in the light of the 3 strands of sustainable development set out in the NPPF.
46. I accept that the development would provide some economic benefit. New house building provides both direct economic benefits in jobs, but also indirect benefits by contributing to the financial turnover of suppliers. There would also be a boost to the local economy from the initial occupancy and post occupancy spending. These are material considerations which attract moderate weight.
47. In relation to the social strand of sustainable development the provision of market homes is important and is a material consideration of some weight. However as there would be just 5 dwellings in a situation where the Council can show a 5 year supply of deliverable sites, and where the housing delivery test has been met, this benefit should not attract more than moderate weight. I recognise that the provision of affordable housing (in this case a contribution towards its provision) is a benefit, and in an area with an acknowledged significant, if not acute, need for such homes, this is of significant weight. Evidence from the Parish Council suggest that the provision of 5 new homes would do little extra to sustain what is an already vibrant community with a number of existing services. There is no tangible benefit shown in this respect.
48. Taking into account environmental considerations it is acknowledged by the Appellant that there would be some landscape harm, but in an area which has no landscape designation and which is not a valued landscape. This can be seen as a comparative benefit only in the sense that landscape with a greater importance is not involved. It is not a benefit of itself even allowing for mitigation planting.
49. Set against these benefits are the matters above in which I have identified harm. This involves harm to the character and appearance of the landscape at the top of the moderate scale, and conflict with the development plan. In

addition there is conflict with the sustainable principles of both the NPPF and the development plan, and resultant harm from the likely increase in the use of private vehicles with no adequate option to access alternative modes of transport. This matter carries significant weight.

50. Although it is apparent that the proposal is not in conflict with some development plan policies, such as housing supply policy CP17 and policy CC04, taken overall the proposal is in conflict with the most important policies for determining this appeal, and with the development plan as a whole. The proposal cannot be regarded as sustainable development and there is consequent conflict with policy CP1. There are no material considerations of sufficient weight which indicate that a decision should be made other than in accordance with the development plan.
51. Even had I concluded that the tilted balance of the NPPF or Policy CC01 should apply my overall judgement is that the harm I have identified significantly and demonstrably outweighs the benefits in this case. By either route to a decision, therefore, the appeal must be unsuccessful. The proposed development simply fails to address the fundamental shortcomings associated with the appeal site. Put simply, this would be the wrong development in the wrong place. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms H Sargent She called	Of Counsel
Ms B Crafer BHons (Landscape Architecture) DipLA DipUD CMLI Mr R Johnson HND	Chartered Landscape Architect, Wokingham Borough Council. Spoke at the landscape round table session. Senior Assistant Engineer, Wokingham Borough Council.
Mr N Bailey	Interim Assistant Director, Housing and Place Commissioning, Wokingham Borough Council.
Mr I Bellinger BSc(Hons) DipTP MRTPI Mr S Taylor BTP	Manager for Growth and Delivery, Wokingham Borough Council. Planning Specialist, Wokingham Borough Council.

FOR THE APPELLANT:

Mr M Bedford He called	Queen's Counsel
Ms S Gruner BHons (Landscape Architecture) CMLI Mr T J Wall BA(Hons) MSc MCIHT CMILT Mr D Bond BA(Hons) MRTPI	Associate Landscape Architect and Urban Designer, CSA Environmental. Spoke at the landscape round table session. Associate Partner, i-Transport LLP. Partner, Woolf Bond Planning LLP.

INTERESTED PERSONS:

Mrs L Robinson	Hurst Neighbourhood Plan Working Group.
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DOCUMENTS SUBMITTED AT THE INQUIRY AND SUBMISSIONS SUBMITTED AFTER THE INQUIRY

- 1 Notification letter of the inquiry
- 2 Opening statement on behalf of the Appellant
- 3 Opening statement on behalf of the Council
- 4 Comparative table of distances from the appeal site and Valley Nurseries within Hurst
- 5 Table of affordable housing need
- 6 Comparative table of open market house prices
- 7 Extract of the Core Strategy key diagram
- 8 Extract from the Managing Development Delivery Document Local Plan, page 67
- 9 Extract from the Managing Development Delivery Document Local Plan, pages 173 and 174

- 10 Unilateral Undertaking dated 4 December 2019
- 11 Table of expected housing land supply from 2006 to 2016
- 12 Sefton MBC v SoS for the Environment, Transport and the Regions, January 2002
- 13 Written submission from Mrs Robinson
- 14 Closing Submissions on behalf of the Council
- 15 Closing submissions on behalf of the Appellant
- 16 Late information on affordable housing from the Council and the Appellant's response



APPENDIX 3 – APPEAL DECISION FOR ‘LAND BETWEEN SCHOOL ROAD AND ORCHARD ROAD, HURST



Appeal Decision

Hearing held on 4 September 2024

Site visit made on 5 & 9 September 2024

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2024

Appeal Ref: APP/X0360/W/24/3342812

Land between School Road and Orchard Road, Hurst, Reading, RG10 0SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ms Penelope Clayden and Helmsley Land Ltd against the decision of Wokingham Borough Council.
 - The application Ref is 230074.
 - The development proposed is the erection of 23 dwellings with associated access and 15 carparking spaces for the local primary school.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 23 dwellings with associated access and 15 car parking spaces for the local primary school at land between School Road and Orchard Road, Hurst, Reading, RG10 0SD in accordance with the terms of the application, Ref 230074, subject to the conditions in the attached schedule.

Preliminary Matters

2. This is an outline application with all matters other than access reserved for later consideration. Moreover, the only elements of access being considered are the entry/exit points onto School Road from the proposed housing estate and the car park. As a result, I am treating all details on the various submissions relating to matters other than those points of access as being illustrative but nonetheless informative, indicating one possible way the scheme could be implemented.
3. As originally proposed a further access was shown to Orchard Road, but that is now no longer intended. Although the site's red line on the location plan is drawn to allow for such an access, no access to that road forms part of this scheme now. Moreover, the proposal originally sought planning permission for 24 dwellings, but the scheme was amended to 23 during its consideration and I am assessing it on that basis.
4. There is an emerging Local Plan which has reached Regulation 19 stage. My attention has been drawn to no policies from that and no significant changes to the proposal's development plan context. Consequently, it has not had a bearing on my decision other than in relation to the necessary housing land supply (discussed below).

Main Issues

5. The main issues in this case are

- a) the principle of the development and its effect on the character and appearance of the area;
- b) whether this is a sustainable location for such a development;
- c) the effect on highway safety and
- d) if harm would be caused by any of the above whether a decision contrary to the development plan would be justified by other material considerations.

Reasons

The principle and the effect on the character and appearance

The principle and the effect on the wider landscape

6. In the *Wokingham Borough Core Strategy* (the Core Strategy) the defined Development Limits around Hurst take an irregular form reflecting what the *Borough Design Guide* (the Design Guide) notes is the loose nature of the village. Core Strategy Policy CP11 says development outside Development Limits will only be normally accepted in certain circumstances. This is supported by Core Strategy Policies CP1 and CP3, and by Policy TB21 in the *Wokingham Borough Managing Development Delivery Local Plan* (the MDD) as they seek to maintain the quality of the environment in the Borough, and retain or enhance the condition, character and features that contribute to the landscape. Reference was also made to Core Strategy Policy CP9, which says development proposals within Development Limits will be accepted. However, I consider it inappropriate to infer it finds proposals outside of those limits to be unacceptable, as such schemes are considered under Core Strategy Policy CP11. In any event, Core Strategy Policy CP9 appears to concern issues of sustainability rather than character and appearance. As such, I find it is not directly relevant to this issue.
7. The appeal site has the appearance of a single field that was, until recently, used for grazing but is now overgrown. It runs from School Road to the north through to Orchard Road on the south. On its east is the village primary school and the large plot occupied by Vine Cottage, while to the west is the village hall and a house called Willowmead. The site has trees along its School Road frontage but is otherwise generally bounded by hedging. Along with the school on one side and the group of buildings around the village hall on the other, the site lies outside of but immediately adjacent to the development limits for Hurst, which at this point run along School Road itself. Much of the boundary planting and trees on the south, east and north sides is the subject of a tree preservation order.
8. As none of the certain circumstances given in Core Strategy Policy CP11 apply to this proposal, they are not a basis to support the scheme.
9. However, that policy says that '*in order to protect the separate identity of settlements and maintain the quality of the environment*' development outside Development Limits will not normally be permitted. Whilst there appears to be an assumption that a proposal outside of the Development Limits would contravene one or both of those aims, if the specific issues around a case meant it did not, then the policy would not be contravened and there would be no need to comply with any of the certain circumstances given.

10. Although it was suggested that the first of these 2 aims sought to protect the identity of the settlement next to which the development was occurring, I have difficulty reading the policy in that way. Rather, it seems to be directed towards avoiding the coalescence of neighbouring settlements, so undermining their respective identities as distinct and separate villages or hamlets. The development would not offend this aim, as my attention was drawn to no village to the south or south-east of Hurst where the sense of separateness would be threatened. In any event, the site has some built development to its east and west, while further properties and commercial operations are on the southern side of Orchard Road. As a result, even if there was another settlement in that direction, I consider that, when seen on the ground, the proposal would not be bringing Hurst any closer and so would not be diminishing any separation.
11. Turning to the second aim, although quite clearly appreciated by local residents, the site does not form or abut part of a valued landscape under the *National Planning Policy Framework* (the Framework) and is not allocated as a Local Green Space.
12. It was not explained why the current Development Limits for the village follow the lines they do. I accept though that by building a housing estate on this field outside those limits, in what is treated as the countryside in the development plan, the scheme would not maintain the quality of the rural environment in which Hurst sits and would not retain a feature that contributes to the landscape.
13. However, on the ground what is perceived as countryside when assessing character and appearance does not necessarily reflect what is defined as such by the adopted Development Limits. Here, the nature of the topography in the area, the planting around and the presence of the village, mean that any appreciation of the site is very much confined to its immediate surroundings, even in winter with fewer leaves on the trees. From where it could be seen to the south, the proposal would be viewed in the context of the buildings adjacent, and would not be projecting out of the existing settlement fabric. Furthermore, the row of hedging on each side of Orchard Road means more expansive views southwards over and from the appeal site are now greatly restricted, and so in this regard the scheme would not impede any wider vistas that may be present.
14. In the *Wokingham Borough Landscape Character Assessment* (the LCA) the appeal site lies in Character Area C2, called Hurst River Terrace. This area can be summarised as being a tranquil rural lowland landscape of large flat arable fields, crossed by a network of rural roads and with small settlements. However the boundary to that LCA area runs along the south side of the site, and beyond is Character Area I4 (Hurst Farmed Clay Lowland), which the site is outside of but immediately adjacent to. This Character Area can be seen as being a relatively flat lowland agricultural area with pockets of equestrian grazing, crossed by a network of rural roads and small settlements.
15. The limited size of the site, its location with buildings around and my findings on its effect on the looseness of the village (discussed below) would mean the scheme would not cause material harm to LCA Character Area C2. I see no conflict with the key issues the LCA identifies as facing this area. In particular, in my opinion the scheme's constrained nature means it would not increase

linear development along country lanes. Furthermore, noting the strong hedges on Orchard Road that provide a clear and distinct physical and visual separation from the landscape to the south, and again taking account of its location between other buildings, the scheme would not adversely affect LCA Character Area I4 either.

Effect on the character and appearance within the village

16. The carriageway of Orchard Road has an informal, rural feel, being relatively narrow with no pavements, kerbs or lighting, but with extensive planting to either side. Having said that, although much of the road lies outside of the Development Limits, with the exception of the appeal site and the land opposite that are found near the middle, it tends to be lined by dwellings and properties in large curtilages. As such, there is an awareness of buildings along its length, albeit heavily screened by boundary planting or relatively striking fencing.
17. The illustrative plan shows a row of dwellings broadly facing Orchard Road, behind the boundary planting that would be maintained in its current continuous state. Furthermore, the appellants have confirmed that no part of any dwelling or flat would be within 20m of the carriageway. To my mind this arrangement would not appear discordant in the streetscape or out of keeping with the general pattern of buildings along this road. Concern was expressed about the possible loss of the hedging and trees to this frontage in due course. I have no grounds to consider this would occur, and with the tree preservation order and the imposition of conditions at the reserved matters stage, some control over such operations would remain in place.
18. Turning to the effect on School Road, when entering the village from the south the road coming down the hill from the church has a rural, enclosed character due to its informality and the trees to either side. However, this changes at the junction with Orchard Road where the large new houses accessed off Sawpit Road (the Sawpit Road scheme) are visible on the left and the Air Scout Hut, village hall and associated parking are apparent on the right. Although screened to an extent by planting along the boundaries and roadside, these nonetheless introduce built form into the streetscape that dilute appreciably any rural character the road may have had further south.
19. As one moves past the junction with Sawpit Road, the more formal nature of School Road becomes apparent, with its pavement and maintained verge down one side. Moreover, the complex around the village hall opens up, while there is an awareness of housing on Martineau Lane. Then, beyond the appeal site there is the primary school, the flats opposite, and housing on either side of the road thereafter. Within the street scene there is a diversity, with an appreciable variety of built form, layouts and densities found along its length. Whilst the appeal site acts as some relief in this, to my mind when reaching this point the road has changed from having a distinctly rural character. Rather, with its mix of buildings and the presence of planting, it has acquired a character more expected within a village in the countryside that has experienced organic incremental growth over the years.
20. Clearly there would be a change in the appearance of School Road, as the field would be lost, and some harm would result as a consequence. However, such an effect invariably occurs when fields are redeveloped. Furthermore, what would be created would be a line of houses/flats set back a minimum of 10m

from the carriageway but this would not be a lengthy run and, even accounting for its density, would not be appreciably at odds with the general diversity on the road at present. A car park would also be formed, but this would not be a novel or new feature, with car parks already found at the village hall, the school and the Dorndon House flats. Similarly the accesses to the new estate and the car park reflect a number of accesses already in the area. The scheme would result in the loss of some trees on this road frontage and again this would be harmful to a degree, but replanting would occur that would, in time, compensate for this. Overall, I therefore consider the harmful effect on the development when seen from School Road would be limited.

21. In assessing this element of the scheme, I have no reason to assume the car park would become a focus for fly-tipping or any other sort of nuisance, especially as I saw no evidence of such anti-social behaviour elsewhere in the village. There would need to be a management responsibility established, and if such occurrences did in fact happen there would then be a channel for them to be addressed and resolved.
22. Again, in relation to the second aim of Core Strategy Policy CP11, the Design Guide states that loose villages such as Hurst are generally more spacious and less enclosed, with landscape and the rural hinterland penetrating into the settlement. The field subject of this appeal contributes to the sense of looseness in this part of the village, by the way it fragments the built form with open green space. The openness it provides will be clearly lost by the scheme, but, as stated above, that often occurs with developments in and around villages, and, once more, such change is not necessarily harmful. Furthermore, I consider that, when taking the village as a whole, its fragmented and irregular form means the surrounding landscape and rural hinterland would continue to penetrate into the settlement even if this scheme were to be built. As such, it would still be a loose village.
23. There would also be opportunity for compliance with many of the common characteristics of such villages that are identified by the Design Guide, namely a varied development character, a loose arrangement of buildings, a set back from the road, and planting dominating front gardens. The maintenance of hedging around much of the site would enable a mature landscaped context for the development to be provided from the outset, and this could be supplemented by the planting that would occur between the housing and the roads, and also along the footpath on the eastern side. The layout on the illustrative plans shows one of the 2 trees in the centre being removed, but that layout is not fixed, and opportunity to revisit that would exist at reserved matters stage.
24. Accordingly I find that the loss of the field would cause some limited harm to the character and appearance of School Road, but would otherwise not result in unacceptable harm to the village or its loose character.

Effect on the footpath

25. A public footpath links School Road and Orchard Road, which initially runs between the school playing field and a tall hedge but then crosses the eastern side of the appeal site. Based on my observations, it appeared to be well used. It is reasonable to assume its walkers would not just be those wishing to get from one road to the other, but also people who are wanting to enjoy the countryside and are using it as part of a longer route.

26. The tall hedge would restrict inter-visibility to a great extent between the northern half of the path and the appeal site. However noise associated with the development could still be heard, and there would be an awareness of any house placed in or around the position of Plot 12 on the layout. Moreover, although a relatively wide strip could remain for the route of the path between the rear boundary fences of the new houses and the side fence of Vine Cottage, the current views over the field would be lost and replaced by an awareness of the development. Therefore, given the recreational nature of this path, I consider the impact of the scheme would mean some harm would be caused to the local environment.

Effect on heritage assets

27. MDD Policy TB24 says the Council will conserve and seek the enhancement of designated heritage assets in the Borough and their settings. MDD Policy TB26 adds that planning permission will only be granted for proposals affecting an Area of Special Character (ASC) where they demonstrate that they retain and enhance the traditional, historical, local and special character of the area and its setting.
28. To the east sits the Grade II listed Vine Cottage. This seems to have originally been a timber-framed dwelling from the 15th Century that reflected the vernacular style of the time, though appears to have been extended appreciably in the 17th Century and later. To my mind, and in so far as this appeal is concerned, its significance is partly architectural and partly historic, as it demonstrates construction practices of rural dwellings from that period.
29. Vine Cottage though stands in a large plot, and is separated from the appeal site by what appear to be more recent extensions, additions and outbuildings, as well as by a sizeable paddock and the established boundary hedge. The appellants find the scheme would cause a low level of less than substantial harm to the significance of this building. However, given the scale of the separation, I consider a development along the lines of that on the illustrative plans would not have an adverse effect on the setting of that designated heritage asset, and so would not harm its significance.
30. To the west is what the Council has defined in the development plan as an ASC. I have no specific assessment from the Council to explain clearly what comprises the traditional, historical, local and special character of this area or what adds to its significance, beyond being told it is a non-designated heritage asset. Three of the oldest buildings in the ASC, namely Willowmead, the village hall and the building now used by the pre-school, appear to date from the late 19th or early 20th Centuries and form a pleasing and attractive ensemble, displaying, to a greater or lesser extent, detailing from that period. Otherwise, apart from the Lodge and the Old School House that stand away to the south, the Air Scout Hut is a modern functional building of little design merit, and the houses in the Sawpit Road scheme, which I was told were larger in size than considered by the Planning Inspector when determining the outline proposal for that site, are also particularly dominant.
31. The field subject of this appeal allows the eastern side of the ASC to be readily apparent. Willowmead is notable at the southern end of this boundary, as is the relatively blank, plain roof of the village hall behind, with the taller pre-school building being nothing more than glimpsed in between. Little of the ASC can therefore be appreciated from here. Therefore, taking a balanced

judgement on this matter, and mindful that a sliver of the ASC encroaches into the south-west corner of the appeal site, the effect of the proposal on that non-designated heritage asset and its setting would not harm its significance, and so would retain any traditional, historical, local and special character the area may possess.

Conclusions on this issue

32. Accordingly I conclude the proposal would not harm the significance of the listed building or the ASC, and so would not conflict with MDD Policies TB24 or TB26. I also consider the character of Hurst as a loose village, as described in the Design Guide, would not be compromised.
33. However, I further conclude that some limited harm to the quality of the environment and the character and appearance of the area would be caused by building on this field outside the settlement boundary, as well as to School Road and to the footpath, in conflict with Core Strategy Policies CP1, CP3 and CP11, and Policy TB21 in the MDD.

Sustainability

34. The Framework says that proposals should ensure appropriate opportunities to promote sustainable transport modes can be taken up, given the type of proposal and its location. It adds development should be focussed on locations that give priority first to pedestrian and cycle movements and second – so far as possible – to facilitating access to high quality public transport. Overall, when applying this Government guidance, to my mind it does not mean new houses should be limited to places where all the needs of their residents could be met entirely by a choice of transport modes other than by private motorised vehicles, as there would be few if any undeveloped sites with such a level of accessibility in the Borough. Rather, the guidance is qualified to a certain degree, and there is an acceptance of sites being developed even though future occupiers would be reliant, to some extent, on the private car. This is acknowledged by the Framework recognising that opportunities to maximise sustainable transport solutions will vary between rural and urban areas.
35. The approach in the Framework underlies the spatial strategy found in the development plan. Core Strategy Policy CP9 requires the scale of new schemes to reflect the proposed or existing level of services at or in a location. To this end, Hurst is identified as one of 9 Limited Development Locations. This is illustrative of the services it offers, and places it in the third tier of settlements in the Borough, beneath major and modest development locations, where services are more extensive. This position is supported by Core Strategy Policy CP17, which concerns housing delivery. It states that over the plan period there should be 100 houses delivered within the Limited Development Locations, with sites generally not exceeding 25 units. To my mind the thrust of this policy is to ensure new housing is in some way proportionate to the services a settlement offers, thereby stimulating the survival of those services but not overwhelming them or meaning they were inadequate. This policy context expressly concerns proposals within Development Limits, and so is not strictly applicable to the development before me. Despite that, it was agreed by the parties that as an illustration of the service provision and the status of Hurst in this regard, it could be used to guide consideration of this proposal.

36. Moreover, I agree with the parties' shared view at the Hearing that the sustainability of a location was not defined by the site's position relative to Development Limits. This is because, potentially, sites outside of such limits could have equal if not better access to services than those within, especially in a settlement such as this with irregularly shaped Development Limits. This though conflicted, in part, with the Council's second reason for refusal, where the sustainability of the location appeared to hinge to a degree on its countryside location outside the settlement limits, rather than the development's direct relationship to whatever services were available.
37. Putting aside the fact that the scheme is outside the Development Limits, it is for less than 25 units as required by Core Strategy Policy CS17. However, I was told that during the Plan period 38 houses have been built in Hurst, which means that, cumulatively, the village accounts for a significant proportion of the 100 houses this policy says should be built in all 9 such locations.
38. The site has good access to the school, pre-school, village hall and Air Scout hut, all of which are immediately adjacent. Moreover, play areas and allotments are within an easy walking distance. I also consider that, although too far for some, the distances involved and the connecting pavements mean the Green Man Public House and the village shop/post office are readily walkable for most residents. Moreover, some of the pavements may be narrower than normally desirable, and while this may be less than ideal for those with mobility issues or prams, it has not been said this would render them impassible. Therefore, I have no basis to find the pavements would be inappropriate for those living at this scheme to use. To get to the shop/post office requires crossing the A321 twice in each direction. However, crossing even a main road does not render a facility inaccessible on foot. In any event that is something virtually all the village residents have to do now, as there is no pavement on the side of the main road past the shop/post office. While the absence of any specific crossings at that point may also create difficulties for certain residents, again it does not mean access on foot would be impractical for all living here.
39. To the south is the church, the bowls club and another public house. The route to these is along a winding road that, for some of its length, is subject to the national speed limit, yet has no pavements or pedestrian refuges. Therefore, although the distance is not far, it is unlikely residents would walk to any of these places.
40. In the light of the above, I consider that Hurst offers a basic range of services, many of which are reasonably accessible from the appeal site by a variety of modes other than motorised transport. However, I recognise that some of these (such as the school or play area) would not be used by the households that did not have responsibility for children of a certain age or, in the case of the school, did not include adults who worked there. Furthermore, the services available are not extensive. My attention was drawn to no health provision in Hurst, education above primary school level is not available, the shop, although maybe offering day-to-day top-up goods, does not cater for more extensive retail needs, the faith options are limited and there are few opportunities for employment or entertainment.
41. Inevitably for these residents would need to travel further afield to Twyford, Winnersh, Wokingham or Reading. Given the distances involved, the nature of

the roads and the limited pavements, many residents would be unable to cycle or walk to them. For others it may be possible, but the speed of traffic, the limited lighting and the scarce pavements would make them reluctant to embark on such journeys. Indeed, even if they did so on pleasant days or when their journey was not demanding, it is unlikely they would cycle or walk those routes in inclement weather, when dark, when having a tight timescale to meet or, for example, when wanting to do a large shopping trip. Overall, few if any would regularly make these trips on foot or on a bicycle.

42. To overcome this issue, reference is often made to the residents using home deliveries. However, this only concerns one element of the services the village does not provide. Furthermore, there is no guarantee residents would make use of this service, or that it would not generate multiple trips as a variety of delivery agencies were used. Often too shopping trips are linked with those to work or school, and so a home delivery service would not prevent a trip from taking place. I therefore afford this possibility little weight.
43. The village is on a bus route between Wokingham/Winnersh and Twyford/Reading, and the bus stops, which the appellants are proposing to upgrade and so make more attractive, are immediately by the site. The timetable I was provided with, which the parties agreed was the currently operative one, showed buses each way roughly every 65 minutes through the working day.
44. This timetable falls short of the definition of a 'good' public transport service found in the supporting text to Core Strategy Policy CP6 as it does not have the requisite service frequency. However, this is a definition that is applied Borough-wide, to town centres, suburbs and rural areas alike, and I would anticipate that few places outside the main built up areas would comply. It was also said this service was unreliable, but over the lengthy periods I was undertaking my visits I noted buses came more or less when they were due.
45. I accept though that relying on the bus will reduce a person's flexibility, especially at the beginning and end of the working day. In particular, using it to access work or schooling in nearby towns, although not impossible, is nonetheless difficult. Moreover, the service does not provide opportunity to go out for the evening during the week, is reduced on a Saturday, and does not run on a Sunday. I was also told it was of little value accessing health services. Taking these points together, while the bus service would be of some value it is most unlikely to fulfil the needs of individual households. At best I would expect future residents to use it in conjunction with car travel.
46. In assessing this matter I am aware the appellants are proposing a Sustainable Transport Strategy, Travel Vouchers to the first occupiers of each house, and funding to the Council under its established scheme to encourage residents to consider and make use of the various transport options available to them for local journeys. Although it may be said the value of some of these measures is far from certain, they are nonetheless likely to be of some benefit and so would encourage, to a greater or lesser extent, the use of alternative transport modes.
47. Overall, I therefore find that the site has a reasonable accessibility to what services the village offers, but these services are basic. Whilst there is the possibility of using the bus to access neighbouring towns for what is not within Hurst, that opportunity is limited by timetabling, and so to access wider service needs will result in some reliance on the car.

48. This reliance on the car though is one that existing residents in the village have to cope with, and indeed some houses within the Development Limits probably have an inferior access to the services available in Hurst. In this regard I am mindful of the advice in the Framework concerning the differing opportunities that exist between urban and rural areas for maximising alternative modes of transport. Despite this inevitable reliance, to some degree, on private motorised vehicles, the development plan did not deem the village unsuitable for new housing but rather identified it in Core Strategy Policies CP9 and CP17 as one where some limited development could take place, notwithstanding the failings in the services available. I am aware too that, while accepting it is outside of the Development Limits, this scheme does not exceed the figure of 25 units found in Core Strategy Policy CP17, that that policy contains no reference to a cumulative effect, beyond the total figure of 100 houses, and that no harm to the village's services that are the subject of Core Strategy Policy CP9 have been highlighted in a decisive manner.
49. In assessing this issue, the appeal decision concerning the Sawpit Lane scheme found that whilst it was likely there would be some car use to access facilities further afield, there was no basis to support the assertion that the future occupants of those proposed dwellings would be overly reliant on private motor vehicles. This though seemed to be based on the suitability of the bus to access services in neighbouring towns, and for the reasons given above, I have come to different findings on that point in relation to the timetable now before me. I have also explained why I have described the range of services available in the village as 'basic' rather than 'good'.
50. I have noted as well the decision concerning Land East of Lodge Road from 2023 (the Lodge Road decision), which was a scheme for 200 homes attached to the western side of Hurst that was refused on appeal. In that, the quality of the access to services within the village was questioned, with the frequent lack of pavements along roads being noted. Concerning the narrow pavements in Hurst, it says

'[t]his is not untypical of rural settlements, but whilst it is clearly an accepted fact of life for existing residents, I am not persuaded that it is the sort of network which should simply be expected to absorb and accommodate the additional usage likely to arise from a further 200 dwellings.'

To walk to the services though that scheme might have relied more on Tape Lane which is narrow with limited pavements. However, I am satisfied that, to access the main services available in the village from the site before me, the pavement network is suitable. This current scheme is not for the further 200 houses being considered in the Lodge Road decision, but rather for only about a ninth of that, and so the pressures that would arise on these pavements would be appreciably less.
51. I was also mindful of the various other appeal decisions submitted concerning this matter, but consider none lead me to different findings.
52. Drawing all the above together, I find that Hurst offers a basic range of facilities and services that would, to a greater or lesser extent, partially meet the day-to-day needs of some of the future residents, and would be reasonably considered as walkable from the scheme, both in terms of distance and the quality of the connections. Furthermore, I accept that limited

development is accepted in this village, and I have no substantive evidence to show that this proposal would overwhelm its existing services.

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

Highway safety

54. Although not a concern raised by the Council, this was a matter brought up by third parties.
55. For much of the time that I was visiting the site, School Road was lightly trafficked, carrying agricultural vehicles as well as cars, vans and buses. It offered good visibility, and although some cars (presumably belonging to teachers or school visitors) were parked at the kerbside by the school playing field, these did not cause an appreciable disruption to the free flow of traffic. I recognise that my observations were just snapshots of time but, given the submissions I have received, I have no grounds to assume they are not broadly representative of the character of this road during much of the day.
56. Given this, I consider the use of neither the access to the car park nor the access to the housing would compromise highway safety unacceptably. Vehicles are not travelling fast, and the numerous drives, junctions and accesses on School Road mean drivers are mindful of emerging traffic. Moreover, both access points would have good visibility, and although they are close to the junction with Tape Lane opposite, the number of vehicular movements each would generate would not lead to any undue conflict.
57. However, twice and maybe 3 times a day for about 20-30 minutes, the character of the road changes, as parents/carers arrive by car to drop off and collect children who attend the school. I watched this situation on the morning of 5 September and also in the afternoon of 9 September. On these occasions, I saw over 40 cars parked along the south-east side of the road, from close to the village pond down to the village hall car park entrance, albeit not within the restricted parking area in front of the school. I also saw it at mid-day on 5 September when, I believe, one year group was being collected, and even then I observed over 25 cars parked up on the road. This reduced the carriageway, in effect, to a single track, albeit with occasional passing places where there were drives or similar. Again, although my observations were restricted to isolated days, and I appreciate too that 5 September was the first day of the new school year and also had poor weather, once more I had no reason to consider that what I saw was not broadly representative of the situation at these times each day.
58. It is not uncommon outside primary schools across the country for there to be extensive on-street parking for a time as children are dropped off or collected, and so it is not necessarily adverse or unsafe. Furthermore, pedestrians were crossing the road and parents/carers were getting their children in or out of cars, and while these inevitably involved some element of risk and hazard, they did not appear to create an unacceptable danger. Rather, the speed restrictions, the awareness of the school, the narrowed carriageway and the

general activity all meant I observed drivers proceeding with caution past the parked vehicles. Although there were some times when a car travelling in one direction had to manoeuvre to let a vehicle going the opposite way pass, the good forward visibility and the presence of gaps in the kerbside parking meant these occurrences were readily and safely resolved.

59. In such a context, and given that double yellow lines are to be formed to either side of the proposed junctions to allow clear visibility between cars leaving the development and other highway users, I consider that any additional traffic introduced into the road network by the development would not have an unacceptable effect on highway safety at these times.
60. Concern was expressed about the potential conflicts that may occur between cars entering/leaving the new accesses and parents/carers and children walking to and from school. I saw many walking past the appeal site, whether having parked at the village hall or come from the housing beyond. They would have to cross these access points, and indeed any new junction introduces a further possible place of conflict. However, the proximity to School Road means parents/carers are already paying close attention to the safety of their children, and with the provision of adequate sight lines I see no reason why either new access should cause unacceptable danger.
61. The need for the car park would result from the reduction in kerbside parking arising because of the proposed parking controls around the new access to the estate. Its precise layout is yet to be established, and how it is to be used is still unclear. Whilst in the description of development it is said to be for the local Primary school, and presumably its staff as well as parents/carers, the appellants are willing for it to be used by the general public. Although within the parking area some cars would be manoeuvring whilst children are walking to or from others, if suitably arranged then to my mind it need not be any more unsafe than the kerbside parking now practiced.
62. Accordingly, I conclude the proposal would not have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would not be severe. As such, it would not conflict with Core Strategy Policy CP6, which seeks to maintain highway safety or the Framework.

Other Matters

Flooding

63. Much information was submitted by third parties saying there was flooding, not just on the site but also in the wider environs of Hurst. On site, even if the flooding could be addressed, it was contended that water would be displaced onto neighbouring properties. Concerning flooding elsewhere, this it was said was a result of many things, but maybe especially a failure of owners to maintain their ditches and drainage channels. They did not deem infiltration to be an option here, as evidenced by the Sawpit Road scheme, so water would need to be discharged into these ditches, exacerbating their failings and the failings elsewhere downstream in the drainage system.
64. I do not doubt that drainage and flooding are real and genuine concerns of those who live locally. Furthermore, I have noted the *Wokingham Section 19 Flood Investigation Draft Report* (dated March 2024), and the concerns it expresses about flooding around this area of the Borough. I was told though

that the site is in Flood Zone 1. I am aware too that a drainage scheme could be agreed at the same time as reserved matters to ensure discharge from the site was carefully controlled. Mindful of this, the technical evidence before me does not show that, if discharged in a controlled manner, water from this site would have a material effect on flooding elsewhere. Consequently, whilst I note the concerns on this matter, it is not something on which the appeal can be dismissed.

Living conditions

65. Willowmead has a number of windows looking onto the site, including a large one at first floor level in a detached annexe close to the boundary. Inevitably the outlook from these windows, and also from the property's garden, will be changed, and the residents there will experience more noise and disturbance. However, that of itself does not mean the resultant situation would be unreasonable, and the precise relationships could be taken into account when the reserved matters applications are determined.
66. I have no reason to consider the scheme would have a harmful effect on other residents in the vicinity.

Best and most versatile farmland

67. The Framework states that decision-makers should recognise the wider benefits from natural capital, including the economic and other benefits of the best and most versatile agricultural land. It defines this as land falling in Agricultural Land Classifications 1, 2 or 3a. Clearly safeguarding good-quality farmland has benefits not only for the nation's food security but also with regard to sustainability. However, if the appeal site falls within Classification 3a, I consider that its size and its isolated nature, divorced from other fields and accessible only from School Road, mean its economic benefits are limited and so any loss in this regard would not be unacceptable.

Ecology

68. Given the nature of the site and the fact that it has not been grazed for 2 years, it is to be expected that wildlife might use it for foraging or even as habitat. However, as most of the boundary planting on site is to remain, there is no technical evidence to demonstrate clearly that the scheme would cause unacceptable ecological harm. Whilst the site being unused for so long might have changed the findings of the Preliminary Ecological Appraisal, I have no reason to consider this would be to a material degree. As part of the scheme a Biodiversity Net Gain Plan is proposed, which I consider would ensure benefits accrued through the development.
69. Accordingly, I have no grounds to find the effect on ecology and biodiversity would be unacceptable.

Infrastructure contributions

70. A signed and dated Unilateral Undertaking under section 106 of the Act (the Undertaking) has been submitted making commitments in a number of areas.
71. Firstly, 9 of the homes would be affordable. Moreover, there is also a further commitment to a financial contribution in lieu of the 0.2 of an affordable home that would not be provided on site, to be used towards the off-site provision or

regeneration of affordable housing within the Borough. Taking the on-site and off-site requirements together, I consider this to be in accordance with the policy requirement for 40% affordable homes, and satisfies the requirements of Regulation 122 in the *Community Infrastructure Levy Regulations 2010* (the Regulations).

72. Turning to transportation matters, the Undertaking includes commitments to ensure the bus stops can be up-graded, parking restrictions can be secured on School Road, a Travel Voucher is provided to the first occupiers, and the Council can encourage residents to consider and make use of the various transport options available to them for local journeys. Moreover, there are also commitments about the maintenance of estate roads, and the use, delivery and management of the car park. The relevance and applicability of these in relation to the scheme have been discussed above, and again I am satisfied they accord with the Regulations.
73. Thirdly contributions are also proposed to be used for enhancing parks and gardens, amenity green space, sports facilities, play facilities and allotments, in the first instance in the Parishes of Hurst, Charvil, Ruscombe or Twyford. Mindful of MDD Policy TB08, and noting that such contributions are intended to be spent in the area around the site, I consider there is, again compliance with the Regulations.
74. Fourthly, a Biodiversity Net Gain Plan and a Sustainable Drainage Scheme are to be submitted and implemented, which, as stated above, are relevant to the scheme and in accord with the Regulations.
75. Finally, a commitment is made to an Employment Skills Contribution or Plan, which again I understand to be policy compliant.
76. Overall, I therefore find the terms of the Undertaking are not incompatible with the Regulations, and are material in respect of the determination of the appeal. I therefore attach weight to them in coming to my decision.
77. No education contributions are given in the Undertaking, and none were requested by the Council. I have no reason to consider differently.

Other uses for the site and other concerns

78. The site might have been used for events in the past, and some may want it to be used for the expansion of the school, but those are not matters on which I can resist this development.
79. I have noted the numerous other concerns raised by local residents but consider none offer me a basis to find harm with the scheme.

Other material considerations and the planning balance

80. I have therefore found policy conflict would be caused by the scheme's harm to elements of the character and appearance of the area, as well as to the aims of sustainability. The Council's Statement of Case concluded that it considered there was no foreseeable scenario that would lead a decision maker to determine as acceptable this unsustainable form of development, which was in conflict with the development plan and basic planning principles. However, section 38(6) of the *Planning and Compulsory Purchase Act 2004* refers to a balance, saying development should be in accordance with the

development plan unless material considerations indicate otherwise (my emphasis). Therefore, whilst the primacy of the development plan remains and its status is unaffected, clearly there is the possibility of instances arising where a scheme is allowed despite development plan conflict. To assess that requires a judgement by the decision-maker based on the relative weights they afford relevant considerations.

81. The appellants have offered a number of material considerations that they considered weighed in favour of their scheme. First and foremost is the fact that the Council cannot demonstrate a required housing land supply. As a result, paragraph 11d) of the Framework is engaged. In relation to this scheme, this states that where the policies which are most important for determining the proposal are out-of-date (including situations where the local planning authority cannot demonstrate a necessary housing land supply) permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits (paragraph 11d)(ii)).
82. Given the stage the emerging Local Plan has reached, the Council needs to demonstrate only that it has a 4-year supply. However, it was agreed by the parties that the current supply was below that, being 3.2 years.
83. The Council said the reason for this shortfall was because it had substantially exceeded its delivery targets over the last few years, and as a result its supply of deliverable sites had been drained. It therefore contended that the shortfall in supply was not a failure of its policies but rather a demonstration of their success. Furthermore, it was on course to deliver more than the number of houses anticipated in the Core Strategy when the plan period ended in a few years. These circumstances, to my mind, do not prevent the application of Framework paragraph 11d)(ii), as that makes it clear it applies when there is a housing land supply shortfall, irrespective of the reasons for that. Indeed any housing land supply figure is not a ceiling that should not be exceeded, and the oversupply of housing is not, of itself, a justification for resisting a development. Notwithstanding that, I consider it reasonable to assume the high delivery over recent years should temper the benefit of housing to some extent.
84. It also contended the shortfall was to be addressed through allocations in the emerging Local Plan. However, those sites do not fall now within the Framework's definition of deliverable. Furthermore, from the timescales I was given that still means the shortfall is to remain for a number of years whilst the plan is examined and adopted and its effects become apparent. As such, this does not lead me to assess the shortfall differently.
85. In the light of the above, I consider the shortfall is appreciable. Moreover, I afford the supply of additional housing substantial weight in favour of the scheme, and, despite the tempering effect, I afford the over-supply limited weight. These weightings are in line with those agreed by the Council and the appellants in the Statement of Common Ground.
86. Turning to whether the most important policies are out of date, as I read it I consider Core Strategy Policy CP11 does not appear to offer a basis to resist development in the countryside that would neither fail to protect the separate identity of settlements nor maintain the quality of the environment, as any such development would not conflict with its purpose. Although that brings some flexibility, it is nonetheless more proscriptive than the Framework in

regard to proposals outside of settlements, and so the weight I attach to the development plan conflict is reduced somewhat. MDD Policy TB21 though seems less flexible, especially in relation to its second point, and to my mind goes beyond the more nuanced position in the Framework concerning development in the countryside. However, Core Strategy Policies CP1, CP2, CP3 and CP6 are a local reflection of the thrust for sustainability found in the Framework.

87. A further aspect of support for the scheme was the delivery of affordable housing. Again in the Statement of Common Ground it was agreed there was a persistent unmet need for this in the Borough, and substantial weight should be given to its delivery. I accept that the nature of house prices in Wokingham Borough means there will be an on-going demand for affordable housing, but on the evidence before me I have no basis to differ from the parties' agreed position.
88. Beyond these, I accept there would be economic benefits during the construction phase and afterwards. There would also be biodiversity net gain with the scheme. Such benefits though could come with any new housing, and so I afford them moderate weight. I recognise that upgrading bus stops and various open space facilities around would benefit not just the scheme's residents but also the wider public, and so afford these moderate weight too.
89. The delivery of the car park has been offered as a safety benefit and also a benefit to the environment by reducing kerbside parking. However, I have not been persuaded that any danger to pedestrians or the free-flow of traffic resulting from the current reliance of parents/carers on parking at the side of the road is sufficient to mean the weight to be afforded to this is significant. I therefore afford this limited weight.
90. Moreover, when I consider the development plan conflict in the light of the shortfall in housing land supply, it is likely that, to redress this situation, at least some housing is to be required outside Development Limits on greenfield sites that are deemed to be countryside. It is also reasonable to assume that such sites may well be in less sustainable locations or locations where there is, relatively speaking, a greater reliance on private motorised transport than those identified through the local plan process.
91. Accordingly, I acknowledge the scheme would give rise to some harm and development plan conflict, but I conclude that its adverse impacts, even if taken together, do not significantly and demonstrably outweigh the benefits that would arise. Therefore, planning permission should be granted.
92. In making this judgement, I accept that the Lodge Road decision reached a different view. However, that was for an appreciably larger development, that had a different relationship to the settlement's services and its built form. As such the relative weights attributed to the scheme's benefits and adverse impacts would not have been the same.

Other decisions

93. I have received numerous decisions from over the last 20 years concerning appeals elsewhere. In my reasoning I have made explicit reference to the decision allowing the Sawpit Road scheme as well as to the Lodge Road decision due to their recentness and their proximity to the site. Otherwise,

these decisions concern different developments in different places, often assessed under a different version of the Framework, and such factors could account for the conflicting findings they sometimes appear to reach. Ultimately, the judgement each Inspector makes is driven very much by the circumstances of the case before them, and by the relative weightings they attach to the various considerations. Consequently, while I have noted these decisions, having regard to the submissions presented to me I see nothing to lead me to change my findings.

Conditions

94. Conditions relating to the submission of reserved matters and the commencement of development, along with a condition confirming the approved plans, are justified for the avoidance of doubt.
95. In the interests of highway safety, the outstanding details of the accesses, along with the construction details of the roads, should be agreed. They should then be laid out prior to occupation and retained with suitable sightlines secured at the junction. For the same reason there should be agreed a parking strategy for the car park, though the Undertaking provides specific commitments concerning when the car park will be provided.
96. Having regard to the character and appearance of the area, any external lighting should be agreed. Moreover, the new dwellings and flats (as opposed to any outbuildings or boundary treatments they may have) should be set back at least 20m from Orchard Road's carriageway and 10m from the carriageway on School Road.
97. In the interests of adequate drainage, a drainage scheme should be submitted with or before the reserved matters. I consider it unnecessary for the drainage condition to list the various modelling, guidance and standards with which it should comply, as that could be a requirement of the Council's when it considers those details. Mindful of the possible presence of archaeology, a scheme of archaeological works should be approved. In the interests of public health, a condition should also be imposed addressing any unexpected contamination.
98. In the light of sustainability, a Sustainable Transport Strategy should be secured in line with the commitment in the Highways Statement of Common Ground, and details of sustainability measures for the dwellings should accompany the reserved matters submissions.
99. Finally, the hours of working should be controlled so as to avoid undue harm to adjacent living conditions. To protect the wildlife around the site, and also to respect highway safety, a method statement and ecological management plan for the construction phase should also be agreed. Ecological impact would also justify the approval of a Landscape and Ecological Management Plan.
100. Conditions were suggested relating to the agreement of landscaping, tree protection and the long-term design objectives, management responsibilities, timescales and maintenance schedules for all landscape areas. However, insofar as these lie outside of the Landscape and Ecological Management Plan they can be addressed under reserved matters. A condition restricting the development to no more than 23 dwellings is unnecessary as that is all for

which permission is granted, whilst electric charging points are subject of other legislation.

Conclusion

101. Accordingly, for the reasons given I conclude the appeal is allowed.

Mr JP Sargent

INSPECTOR

Conditions Schedule

- 1) Details of the appearance, landscaping, layout, and scale (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) Unless otherwise agreed under conditions elsewhere on this decision the development shall be carried out in accordance with the following plans: Location Plan 235.113, Parameter Plan 235.115 Rev C, and Site Access Plan ITB18301-GA-0011 Rev C.
- 5) Prior to the submission of any reserved matters applications an archaeological Written Scheme of Investigation (WSI) together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and timetables within the WSI.
- 6) With or before the submission of reserved matters, outstanding details of the proposed vehicular accesses on to School Road (including any associated pedestrian crossing facilities) shall be submitted to the local planning authority for approval in writing. Prior to first occupation the accesses shall be formed in accordance with the approved details and shall be thereafter retained.
- 7) With or before the submission of reserved matters, details of the construction and levels of roads and footpaths shall be submitted to the local planning authority for approval in writing. Prior to the first occupation of the development the roads and footways shall then be constructed in accordance with the approved details to road base level, with the final wearing course being provided within 3 months of first occupation.
- 8) With or before the submission of reserved matters, a layout for the car park and a Parking Management Strategy for its management shall be submitted to the local planning authority for approval in writing. The submitted Parking Management Strategy shall include details of the management of all parking spaces and traffic regulation orders. The approved layout and Parking Management Strategy shall be implemented prior to the first occupation of the development and shall be thereafter retained.
- 9) With or before the submission of reserved matters, a detailed drainage strategy shall be submitted to the local planning authority for approval in writing. Where surface water cannot be infiltrated but requires disposal off site, evidence of consent to discharge/connect through third party land or to their network/system/watercourse must be provided. Prior to the first occupation of the development the drainage scheme shall be

carried out in accordance with the approved detailed drainage strategy and shall be thereafter retained.

- 10) With or before the submission of reserved matters, a baseline for the level of carbon reduction shall be agreed in writing with the local planning authority, and details of sustainability measures to show that the development will result in carbon reductions equal to or below that baseline shall then be submitted to the local planning authority for approval in writing. No building shall be occupied until the sustainability measures associated with that property are installed in full working order in accordance with the approved details, and they shall thereafter be retained unless they are replaced by more efficient and sustainable technology.
- 11) With or before the submission of reserved matters, a Landscape and Ecological Management Plan (LEMP) shall be submitted to the local planning authority for its approval in writing. The LEMP shall comprise
 - a) a description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management, to include management of habitats for biodiversity net gain;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period)
 - g) details of the body or organization responsible for implementation of the plan; and
 - h) ongoing monitoring and remedial measures.

The plan shall set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development will be implemented in accordance with the approved LEMP.

- 12) No development shall take place until a Construction Method Statement, including a Construction Ecological Management Plan, has been submitted to, and approved in writing by, the local planning authority. The statement shall provide for the following:
 - (a) the location and means of construction of suitable works access;
 - (b) the location of parking of vehicles of site operatives and visitors;
 - (c) the location for the loading and unloading of plant and materials;
 - (d) the location and means of storing plant and materials used in constructing the development;
 - (e) the erection and maintenance of security hoarding;

- (f) wheel washing facilities;
- (g) measures to control the emission of dust and dirt during construction;
- (h) a scheme for recycling/disposing of waste resulting from works;
- (i) hours of delivery; and
- (j) mitigation and avoidance measures for ecology, biodiversity and tree protection at the construction stage.

The details and measures in the approved Statement shall be adhered to throughout the construction period.

- 13) No work relating to the development hereby approved, including works of preparation prior to building operations, shall take place other than between the hours of 0800h and 1800h Mondays to Fridays, 0800h to 1300h on Saturdays and at no time on Sundays or Bank or National Holidays.
- 14) If land contamination is found at any time during site clearance, groundwork and construction, the discovery shall be reported immediately to the local planning authority. A full contamination risk assessment shall be carried out and, if found to be necessary, a remediation method statement shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved remediation method statement.
- 15) Prior to its first operation, each access onto School Road shall be provided with visibility splays of 2.4m x 57m to the south and 2.4m x 45m to the north, and these shall contain no obstruction greater than 0.6m in height when measured above the adjacent carriageway. These visibility splays shall be thereafter retained and kept clear of any obstruction greater than 0.6m in height when measured above the adjacent carriageway.
- 16) Prior to the first occupation of the development, a Sustainable Transport Strategy that accords with the terms of the *Land adjacent to School Road, Hurst: Transport SoCG* (dated 3 September 2024), together with a timetable for its implementation, shall be submitted to and approved in writing by the local planning authority. The approved Sustainable Transport Strategy shall then be put into practice in accordance with the approved timetable,
- 17) No external lighting shall be installed other than in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 18) No part of the main building of any dwelling or flat (but for the avoidance of doubt, not including any detached outbuildings or any boundary treatments) shall extend to within 20m of the carriageway of Orchard Road, or to within 10m of the carriageway of School Road.

APPEARANCES

FOR THE APPELLANT:

C Brockhurst	Landscape consultant
T Rumble	Planning consultant
T Wall	Highways consultant

FOR THE LOCAL PLANNING AUTHORITY:

G Adam	Development Control, Highways
I Church	Planning Policy, Housing
B Crafer	Landscape Architect
H Maynard	Team Leader Planning Department

INTERESTED PARTIES:

D Boyd	Vice Chair, St Nicholas Hurst Parish Council
Mr Butler	Local resident
Cllr S Conway	Leader of the Council & Councillor for Twyford, Ruscombe and Hurst Ward
P Curry	Chair, St Nicholas Hurst Parish Council
I Fiennes	Local resident
G Manning	Local resident
Mr Norris	Local resident
J Osborne	Local resident
C Woodward	Local resident

DOCUMENTS SUBMITTED AT OR AFTER THE HEARING

FROM THE APPELLANT

APP1: *Land adjacent to School Road, Hurst Transport SoCG* (dated 3 September 2024)

APP2: Signed and dated Unilateral Undertaking with explanatory email (dated 13 September 2024)

APP3: Response to Document LR1 with Conditions Note (dated 26 September 2024)

FROM THE COUNCIL

LPA1: Appendix 3 from *Wokingham Borough Core Strategy*

LPA2: Document concerning open space provision (received 13 September 2024)

LPA3: *Local Plan Update 2023-40 Proposed Submission Plan*

LPA4: Response to Document APP3 (dated 4 October 2024)

FROM LOCAL RESIDENTS

LR1: Statement from D Birtles (received 17 September 2024)



APPENDIX 4 - FIVE YEAR HOUSING LAND SUPPLY STATEMENT



**WOKINGHAM
BOROUGH COUNCIL**

**Wokingham Borough
Five Year Housing Land Supply Statement
at 31 March 2025**

Published 31 July 2025

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Executive Summary

The National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old.¹

The supply of specific deliverable sites should include a buffer (moved forward from later in the plan period) of 5% to ensure choice and competition in the market; or 20% where delivery was below 85% of the housing requirement over the previous three years.²

This Five-Year Housing Land Supply Statement sets out the housing completions at 31 March 2025 and the supply of deliverable sites for the subsequent five year period 1 April 2025 to 31 March 2030.

The meaning of 'deliverable' is set out in the Glossary of the NPPF. This states:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years."*

(NPPF, Annex 2: Glossary, page 72)

It is clear that deliverable means that sites should be realistically capable of being delivered within the next five years. It does not require certainty of delivery. This interpretation was confirmed in the judgement; *St Modwen Developments Ltd v Secretary of State for Communities and Local Government*) (October 2017) in paragraph 38:

¹ NPPF, paragraph 78.

² NPPF, paragraph 78

“Deliverability is not the same thing as delivery. The fact that a particular site is capable of being delivered within five years does not mean that it necessarily will be. For various financial and commercial reasons, the landowner or house builder may choose to hold a site back. Local planning authorities do not control the housing market. The NPPF recognises that.”

(St.Modwen v. SoSCLG, paragraph 35)

“Sites may be included in the five-year supply if the likelihood of housing being delivered on them within the five-year period is no greater than a “realistic prospect” – the third element of the definition in footnote 11. This does not mean that for a site properly to be regarded as “deliverable” it must necessarily be certain or probable that housing will in fact be delivered upon it, or delivered to the fullest extent possible, within five years.”

(St.Modwen v. SoSCLG, paragraph 38).

Whilst the judgement was made with reference to a previous version of the NPPF, March 2012, the key term ‘realistic prospect’ is unchanged in the latest NPPF.

Monitoring Requirement

A standard method for calculating Local Housing Need (LHN) was introduced in 2012 and a Housing Delivery Test alongside the revised NPPF in 2018. The December 2024 NPPF and PPG updates changed the formula for calculating LHN and the application of additional buffers. As a result, of the December 2024 update, the LHN for Wokingham Borough has increased from 748 dwellings to 1,316 dwellings, an increase of 76%. The LHN of 1,316 homes per annum has therefore been applied to the housing land supply position at 31st March 2025.

Performance against the latest Housing Delivery Test requires the council to only apply a 5% buffer, having delivered 169% of the required homes over the preceding 3 years. Housing need over the 5 year period, including a 5% buffer is therefore 7,014 dwellings.

The council’s decision to assess the five-year housing land supply position against LHN does not indicate that the strategy established by the Core Strategy is out of date. It simply reflects that the outcome of the standard method is higher than the adopted housing requirement within the Core Strategy.

Sources of Land Supply

Sources of land supply used to calculate the five-year land supply position include:

- Large site delivery (sites delivering 10 or more dwellings (net))
- Small site delivery (sites delivering 9 dwellings or less (net) including windfall allowance)
- An allowance for unidentified large sites (windfall)

The council's assessment of deliverability is based on robust analysis, utilising information from landowners/developers and the council's knowledge of the proposed development and specific knowledge regarding the site. This ensures there is a realistic prospect that the projected housing will be delivered within the five-year period. The council's approach complies with government planning practice guidance.

Five-Year Land Supply Position at 31 March 2025

At 31 March 2025, the council can demonstrate a 2.5 year deliverable housing land supply against the LHN of 1,316 with the total number of dwellings deemed deliverable in the 5-year period being 3,414.

Housing land supply at 31 March 2025	
Housing need at 1,316 homes per annum 01/04/2025 – 31/03/2030	6,580
Housing need plus 5% buffer for period 01/04/2025 – 31/03/2030	6,909
Annual rate for 5 years plus 5% buffer	1,382
Total deliverable housing supply for period ³ 01/04/2025 – 31/03/2030	3,414
Total deliverable housing supply in years for period 01/04/2025 – 31/03/2030	2.5 years

The above figures take no account of past over delivery of dwellings within Wokingham Borough. As the council cannot demonstrate a five-year year supply of deliverable sites at 31 March 2025, the presumption in favour of sustainable development as outlined in NPPF paragraph 11, applies.

³ Table 4.2