

DELEGATED OFFICER REPORT



WOKINGHAM
BOROUGH COUNCIL

Application Number:	251313
Site Address:	Hambridge Farm, Easthampstead Road, Wokingham, RG40 3BS
Expiry Date:	20 November 2025
Site Visit Date:	17 June 2025
Proposal: Full application for the permanent retention of a rural workers dwelling.	

PLANNING CONSTRAINTS

Countryside
Green Routes and Riverside Paths
Green Risk Zone for Great Crested Newts
Thames Basin Heath Special Protection Area – 5km Linear Mitigation Zone
Archaeological Sites Consultation Zone

PLANNING POLICY

National Policy	National Planning Policy Framework (NPPF) National Planning Policy Guidance (NPPG)
Core Strategy (CS)	CP1 – Sustainable Development CP3 – General Principles for Development CP4 – Infrastructure Requirements CP5 – Housing Mix, Density and Affordability CP6 – Managing Travel Demand CP7 – Biodiversity CP8 – Thames Basin Heaths Special Protection Area CP9 – Scale and Location of Development Proposals CP11 – Proposals Outside Development Limits
MDD Local Plan (MDD)	CC01 – Presumption in Favour of Sustainable Development CC02 – Development Limits CC03 – Green Infrastructure, Trees and Landscaping CC04 – Sustainable Design and Construction 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
Wokingham Borough	SS1 – Sustainable development principles SS2 – Spatial strategy and settlement hierarchy SS5 – Development in the countryside

Local Plan Update (LPU)	SS10 – Meeting our housing needs SS15 – Securing infrastructure CE6 – Reducing energy consumption in existing buildings CE7 – Low carbon and renewable energy generation CE8 – Protecting renewable energy generation C1 – Active and sustainable transport and accessibility C2 – Mitigation of transport impacts and highway safety and design C4 – Green and blue infrastructure and public rights of way ER3 – Supporting the rural economy H1 – Housing mix, density and standards H5 – Rural workers’ dwellings FD1 – Development and flood risk (from all sources) FD2 – Sustainable drainage NE1 – Biodiversity and geodiversity NE3 – Thames Basin Heaths Special Protection Area NE4 – Trees, woodland, hedges and hedgerows NE5 – Landscape and design DH1 – Place making and quality design DH2 – Safeguarding amenity DH6 – Archaeology HC8 – Noise pollution
Other	Borough Design Guide Supplementary Planning Document CIL Guidance + 123 List Sustainable Design and Construction Supplementary Planning Document

PLANNING HISTORY		
F/2015/0893	Erection of livestock shed and construction of roof to existing barn (part-retrospective)	Approved 9 July 2015
180091	Temporary rural worker's dwelling	Approved 23 October 2018 (for 3 years)
183272	Discharge of landscaping details in 180091	Approved 18 December 2018
183430	Discharge of drainage details in 180091	Approved 7 January 2019
190440	Discharge of drainage details in 180091	Approved 5 March 2018
192559	Livestock building and storage building	Approved 3 December 2019
213513	Full application for the change of use of the land for the temporary siting of a rural worker's dwelling	Approved 22 March 2022

CONSULTATION RESPONSES
Internal
WBC Environmental Health – No comments received WBC Drainage – No comments received WBC Highways – No objection subject to condition(s) WBC Landscape and Trees – No objection subject to condition(s) WBC Public Rights Of Way – No comments received WBC CIL – No comments received

WBC Waste Services – No comments received
WBC Cleaner and Greener – No comments received

External

Thames Water Utilities Ltd – No comments received
South East Water – No comments received

REPRESENTATIONS

Parish/Town Council	Wokingham Without Parish Council agreed to submit their objection due to the application for a permanent site, this should remain as temporary accommodation.
Ward Member(s)	No comments received
Neighbours	No comments received

APPRAISAL

Site Description:

The site is located on the eastern side of Easthampstead Road within open countryside, 900m from the southern settlement boundary of Wokingham. The property is used for agricultural purposes and is known as Hambridge Farm with four sheds/barns and some external storage, all developed since 2015. Surrounding development comprises mostly farmland with dwellings interspersed across the countryside. The boundary of the South Wokingham SDL adjoins the northern boundary of the farm.

Proposal Description:

This application seeks approval for the permanent retention of the existing agricultural worker's dwelling on site.

Application 180091 granted approval for the siting of a 3-bedroom mobile home (log cabin) for use as a rural worker's dwelling with car parking and access from Easthampstead Road. Temporary permission was sought and was granted for three years, expiring 23 October 2021.

Following this, application 213513 granted approval for a further 3-year temporary period for an agricultural worker's dwelling, which expired recently. It was noted in the 213513 Officer Report that with the addition of the boot room/porch extension, the structure no longer satisfies the definition of a caravan (as consented by 180091) and was therefore assessed as a dwelling house. This context remains the same to present day.

The applicant now seeks a permanent permission for the dwelling as they believe the farm is now in a financially sustainable position to support its retention in perpetuity. The applicant has provided their financial accounts since the 213513 consent to help justify this.

Principle of Development:

General:

The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The

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

Local Plan Update (LPU):

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

The Proposed Submission Plan (Regulation 19) consultation has now closed and the Council have now analysed the representations received. The Regulation 22 plan was submitted to the Secretary of State for independent examination in February 2025, and two Planning Inspectors have been appointed to examine (EiP) the plan. The examination of the local plan is ongoing, and the council responded to initial questions and requests from the Inspectors in May 2025.

As seen in High Court judgements, even when an emerging plan is at an advanced stage, it may still attract limited weight if further consultation and modifications are required, and the Inspector has yet to issue a final report. Wokingham's LPU has several stages yet to be completed, including the examination hearings and main modifications stages, which restricts the weight that can currently be afforded to non-substantive.

The Council however acknowledge that there are unresolved objections on substantive grounds pursuant to the majority of relevant conditions listed above, meaning weight attracted to these policies is limited.

Countryside:

The site lies within the Countryside as designated in the Wokingham Borough Core Strategy. Core Strategy policy CP11 states, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except in certain circumstances. This criteria is as follows:

- 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:
 - i) Bring about environmental improvements;
 - or ii) 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.

The use of the dwelling for agricultural workers complies with the first exemption criteria of CP11 as the farm is considered to be a sustainable form of rural enterprise.

With regards to exception two, the dwellinghouse is already an established feature of built development within this Countryside location and has existed in this location since 2018. The original buildings in this instance are the agricultural structures and buildings to the immediate north of the dwelling. With this in mind, it is not considered that the permanent retention of the dwelling would result in the excessive encroachment or expansion of development away from the original buildings, subject to conditions.

The wording of Policy CP11 requires compliance with criteria 1, 2 and 3. Compliance with criteria 1 and 2 are noted and criterion 3 does not apply to the proposal. The proposed development is therefore acceptable in principle.

Essential Need:

Paragraph 84 of the NPPF sets out that new isolated homes in the countryside should be avoided unless there are special circumstances, and provides a non-inclusive bulleted list of the factors that may constitute such special circumstances, including at bullet point 1 where there is a need for a rural worker to live permanently at or near their place of work in the countryside. Neither 'essential' nor 'rural' are defined by the NPPF.

The past two temporary consents for the dwelling on this site have established that there is an essential need for a rural worker to be living at the farm. At the time of this application, the livestock enterprise comprises:

- 30 Pigs
- 121 Cows (multiple species)
- 55 Laying hens
- 6 Laying ducks

Due to the wet winter, the pig numbers on site have reduced, however the applicant intends to build this number back up to previous levels which were 5 breeding sows and 2 breeding boars. Since living on site, in the renewed temporary permission in 2022, the applicant has only lost one calf which was stillborn. By living on site, the applicant was able to save the cow.

In the context of this current application, the established need for an essential worker to live on site has not been altered from the past two judgements; this is agreed between the Case Officer and the independent agricultural consultant the LPA sought advice from during the assessment period.

Whilst an essential need has been established, the key assessment surrounding the permanent retention of agricultural worker's dwellings is whether its retention is financially viable in perpetuity. In this regard, the applicant has submitted their

financial statements since the 2022 renewal permission which have been reviewed by an independent agricultural consultant the LPA sought advice from during the assessment period.

On review of the accounts and supporting evidence, the consultant has determined that the farm have demonstrated a healthy and sustainable increase in their profits. This supports the proposed long term growth potential of the business as outlined in the updated business plan submitted in association with application 213513. As such, they consider that the farm has a viable business model for the future and supports the retention of the dwelling in perpetuity.

Character of the Area:

Policy Context:

Paragraph 187(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.'

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).

The National Design Guide section B1, paragraph 67 also states that the built form of well-designed placed 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;

Assessment:

No alterations are proposed to the dwellinghouse, which is currently enclosed by timber post and rail fencing and includes a gravel drive, a timber vehicle gate and an area of amenity/garden land to the south-west.

The dwellinghouse is already an established feature of built development within this Countryside location and has existed in this location since 2018. Due to its single storey nature, it is also well screened from the majority of public viewpoints due to the dense hedgerow lining the site's south-western boundary and entrance.

Conditions will be imposed to protect the character of the Countryside will include a restriction on the use of the dwelling by limited to a person solely or mainly working within the subject agricultural holding, and to any resident dependants. Furthermore,

should the agricultural use cease, the dwelling will be required to be removed and the land restored to its original condition.

Overall, subject to the conditions referenced above, the proposals will have an acceptable impact on the character of the area and surrounding landscape.

Neighbouring Amenity:

There are no neighbouring amenity concerns as the dwelling is well separated from any nearby residential properties.

Highway Access and Parking Provision:

The rural worker's dwelling benefits from previous temporary consents. In respect of sustainability, WBC Highways agree with the previous assessment, in that the nature of a rural workers dwelling with a farm worker on site offers a degree of sustainability, reducing the number of private vehicle trips, and on balance this is considered acceptable.

The retained use of the existing access is considered acceptable, as per previous consents. The proposed level of parking is also considered acceptable and consistent with previous consents.

Cycle storage has previously been provided within a building on site and access gates are set back.

Subject to conditions, WBC Highways have no objections to the proposed development.

Amenity Space:

The dwelling would continue to retain the existing amenity space which was previously considered adequate. There are therefore no objections on these grounds.

Flooding and Drainage:

The dwelling is located within Flood Zone 1 and is at low risk of surface water flooding. There are therefore no objections on flood risk or surface water drainage grounds.

Landscape and Trees:

WBC Landscape and Trees raise no objections to this development's impact on the landscape character, nor on any arboricultural grounds. WBC Landscape and Trees however have requested that this consent should be subject to a landscaping condition. The Case Officer however considers this condition unnecessary to make the scheme acceptable as the site is already a well-established feature in the landscape that benefits from notable hedgerow screening on the boundary abutting Easthampstead Road.

Ecology:

Great Crested Newts:

The site is located within a Green Risk Zone for Great Crested Newts, which indicates a low risk. As the development is already established on site, there are no anticipated impacts on this protected species.

Archaeology:

The site is located within a consultation zone for an area of archaeological interest. Despite this, the development simply involves the retention of existing development and therefore does not pose any risks to potential archaeological remains.

Thames Basin Heath Special Protection Area (TBH SPA):

Policy CP8 states that where there is a net increase in dwellings within 5km of the SPA, contributions to access management measures and monitoring in line with the Delivery Framework will be required.

The proposal is located within 5km of the Thames Basin Heath Special Protection Area and therefore meets the threshold required to mitigate its impact on this through contributing to the Council's mitigation strategy as per policy CP8 of the Core Strategy. The Appropriate Assessment relevant to this application is outlined below. Such contributions have been secured via a S106 Legal Agreement.

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.

Conclusion:

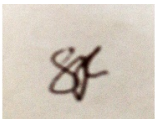
Overall, the proposed development complies with the development plan. Subject to conditions and the aforementioned S106 legal agreement securing SANG and SAMM contributions to mitigate the development's impact on the Thames Basin Heath Special Protection Area, this application is recommended for approval.

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, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. 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:	Approval
Date:	29 October 2025
Earliest date for decision:	25 June 2025

Recommendation agreed by: (Authorised Officer)	
Date:	29.10.25

The Conservation of Habitats and Species Regulations 2017 Screening Assessment and Appropriate Assessment

In the light of the “Sweetman Judgement” (People Over Wind and Sweetman v Coillte Teoranta, April 2018), the comments below comprise an Appropriate Assessment which includes advice on necessary avoidance and mitigation measures which is consistent with the advice provided to the Planning Inspectorate on such matters.

Summary of Response

WBC, in consultation with Natural England, has formed the view that any net increase in residential development between 400m and 5km straight-line distance from the Thames Basin Heath Special Protection Area (SPA) is likely to have a significant effect on the integrity of the SPA, either alone or in-combination with other plans or projects. An Appropriate Assessment has been carried out which includes regard to mitigation requirements.

This site is located approximately **2.56km** (measured from the access road to the application site) from the boundary of the SPA and therefore is likely to result in an adverse effect on the SPA, unless it is carried out together with appropriate avoidance and mitigation measures.

On commencement of the proposed development, a contribution (calculated on a per-bedroom basis) is to be paid to Wokingham Borough Council (WBC) towards the cost of measures to avoid and mitigate against the effect upon the Thames Basin Heaths SPA, as set out in WBC’s Infrastructure Delivery Contributions Supplementary Planning Document (SPD).

The strategy is for relevant developments to make financial contributions towards the provision of Suitable Alternative Natural Greenspaces (SANGs) in perpetuity as an alternative recreational location to the SPA and financial contributions towards Strategic Access Management and Monitoring (SAMM) measures.

In this instance, the proposed development would result in a net increase of **1no. 3-bedroom dwelling** within 5km of the SPA which results in a total SANG contribution of **£2,690.93**.

The proposed development is required to make a contribution towards Strategic Access Management and Monitoring (SAMM) which is also calculated on a per bedroom basis. Taking account of the per bedroom contributions this results in a total SAMM contribution of **£1,077.00**.

The total SPA related financial contribution for this proposal is **£3,767.93**. The applicant **must agree** to enter into a S106/s111 agreement to secure this contribution prior to occupation of each dwelling. Subject to the completion of the S106 agreement, the proposal would not lead to an adverse effect on the integrity of the SPA and would comply with SEP

Saved Policy NRM6, policy CP8 of the Core Strategy, and the NPPF.

1. The Conservation of Habitats and Species Regulations (2017) as amended

In accordance with The Conservation of Habitats and Species Regulations (2017) as amended, Regulation 63, a competent authority (in this case Wokingham Borough Council (WBC)), before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

- a. is likely to have a significant effect on a European site...(either alone or in combination with other plans or projects), and
- b. is not directly connected with or necessary to the management of that site.

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

A person applying for any such consent, permission or other authorisation must provide such information as WBC may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

WBC must for the purposes of the assessment consult Natural England (NE) and have regard to any representations made by that body. It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate. In the light of the conclusions of the assessment, and subject to Regulation 64 (Considerations of overriding public interest), WBC may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

In considering whether a plan or project will adversely affect the integrity of the site, WBC must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that the consent, permission or other authorisation should be given.

2. Stage 1 Screening for Likely Significant Effects

WBC accepts that this proposal is a 'plan or project' which is not directly connected with or necessary to the management of a European Site. The Thames Basin Heaths Special Protection Area (SPA) is a European designated site which affects the borough, and WBC must ensure that development does not result in an adverse impact on the SPA. The potential adverse effects on the integrity of the SPA include recreational activities from inside the SPA and air pollution from inside and outside the SPA.

At this stage WBC cannot rule out 'likely significance effects' on the SPA (alone or in combination with other plans or projects) because the proposal could undermine the Conservation Objectives of these sites. This is because the proposal lies within **2.56km** of the SPA and:

- represents a net increase in dwellings within 400m - 5km of the Thames Basin Heaths Special Protection Area (SPA) which will lead to an increase in local population and a potential increase in recreational activity on the SPA

As the 'likely significance effects' cannot be ruled out at this stage an Appropriate Assessment must be undertaken.

3. Stage 2 Appropriate Assessment

Based on the information proposed by the applicant, WBC must decide whether or not an adverse effect on site integrity (alone or in combination with other plans or projects) can be ruled out. Mitigation may be able to be provided so that the proposal is altered to avoid or reduce impacts.

The following policies and guidance set out WBC's approach to relevant avoidance and mitigation measures which have been agreed with Natural England. For the majority of housing developments this will comprise the provision of (or contribution towards) Suitable Alternative Natural Greenspace (SANG) and a contribution towards the Strategic Access Management and Monitoring (SAMM) Project. The financial contributions towards SANG would be either through an obligation in a s106 agreement that requires WBC to allocate an appropriate amount of the development CIL receipt towards the provision of SANG, or through an obligation in an agreement under s111 of the Local Government Act, that requires the developer to make an appropriate financial contribution towards the provision of SANG (to be used in the event that the developer successfully seeks CIL relief). Developers will be required to secure an appropriate financial contribution to the SAMM project through an obligation in a s106 agreement.

For SDL development (and occasionally some other larger non SDL developments) within 5km of the SPA, SANG is required at a minimum of 8 ha per 1,000 new residents, constructed and delivered to Natural England's quality and quantity standards and a contribution towards pan SPA access management and monitoring (as advised by the Thames Basin Heaths Joint Strategic Partnership Board). For SDL development (and occasionally some other larger non SDL developments) between 5 and 7km, the proposals will need to be individually assessed but it is likely that SANG will be required on site in line with Natural England's quality and quantity standards, although the exact requirement will be agreed having regard to evidence supplied.

a. Policies and Guidance

For this proposal the following guidance and policies apply:

- South East Plan (May 2009) Policy NRM6 (Thames Basin Heaths Special Protection Area)
<http://webarchive.nationalarchives.gov.uk/20100528160926/http://www.gos.gov.uk/gos/e/planning/regionalPlanning/815640/>
- Wokingham Borough Core Strategy (2010) Policy CP8 (Thames Basin Heaths Special Protection Area) sets out the approach WBC will take in order to protect the TBH SPA
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>
- Wokingham Borough Core Strategy (2010) Policy CP7 (Biodiversity) sets out the approach WBC will take in order to protect national and international nature conservation sites
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Final%20adopted%20Core%20Strategy%20inc.%20cover.pdf>
- Wokingham Borough Managing Development Delivery Local Plan (2014) Policy TB23 (Biodiversity and Development)
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20MDD.pdf>
- Infrastructure Delivery and Contributions SPD (2011)
<https://www.wokingham.gov.uk/sites/wokingham/files/2023-06/Adopted%20Infrastructure%20De~nd%20Contributions%20SPD.pdf>

The project as proposed would not adversely impact on the integrity of the SPA if avoidance and mitigation measures are provided as stipulated by these policies and guidance.

b. SPA Avoidance and Mitigation Measures

i) The provision of Suitable Alternative Natural Greenspace (SANG) and its ongoing maintenance in perpetuity.

In accordance with the development plan, the proposed development will be required to provide alternative land to attract new residents away from the SPA. The term given to this alternative land is Suitable Alternative Natural Greenspace (SANG).

As this development is not part of an SDL, the developer may make a payment contribution towards strategic SANGs in line with schedule below (most likely this will be at Rooks Nest Wood SANG although it is subject to SANGs capacity in the right location within Wokingham borough). An occupation restriction will be included in the Section 106 Agreement in order to ensure that the contribution has been made prior to occupation of the dwellings. This gives the certainty required to satisfy the Habitats Regulations in accordance with South East Plan Policy NRM6 (iii) and Core Strategy Policy CP8

The development will result in a net increase of **1no dwellings**, broken down as follows: **1no 3 bedroom dwelling**. Depending on the dwelling mix, the level of SANG payments are set out as follows:

No. of bedrooms	SANG Contribution 5km	Aggregate SANG Contribution
3 bedrooms	£2,690.93	£2,690.93
Total SANG Contribution		£2,690.93

ii. Strategic Access Management and Monitoring (SAMM) Contribution

The proposed development will also be required to make a contribution towards Strategic Access Management and Monitoring (SAMM). This project funds strategic visitor access management measures on the SPA to mitigate the effects of new development on it.

From 1st April 2023 SAMM contributions have been updated across the 11 Local Authorities affected by the Thames Basin Heaths Special Protection Area. Following engagement with Natural England, the Joint Strategic Partnership Board agreed this change is necessary to ensure sufficient income is raised to cover the costs of the SAMM project in perpetuity. Without this change the SAMM project would be at risk of being unable to deliver the objectives of the SAMM project, and therefore secure positive outcomes for the SPA

The level of contributions are calculated on a per bedroom basis. The application for this development is for **1no 3 bedroom dwelling**. Depending on the dwelling mix, the level of SAMM payments are calculated as follows:

No. of	SAMM	Aggregate SAMM
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bedrooms	Contribution 5km	Contribution
3 bedrooms	£1,077.00	£1,077.00
Total SAMM Contribution		£1,077.00

Prior to the permission being granted the applicant must enter into a Section 106 Agreement based upon the above measures.

4. Conclusion

An Appropriate Assessment has been carried out for this development in accordance with the Habitats Regulations 2017. Without any appropriate avoidance and mitigation measures the Appropriate Assessment concludes that the development is likely to have a significant effect upon the integrity of the SPA with the result that WBC would be required to refuse a planning application.

Provided that the applicant is prepared to make a financial contribution (see above) towards the costs of SPA avoidance and mitigation measures, the application will be in accordance with the SPA mitigation requirements as set out in the relevant policies above.

WBC is convinced, following consultation with Natural England, that the above measures will prevent an adverse effect on the integrity of the SPA. Pursuant to Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC) and Regulation 63(5) of the Conservation of Habitats and Species Regulations (2017) as amended, and permission may be granted.

If the applicant does not agree with the above mitigation and does not enter into a Section 106 Agreement to secure the measures, then the application must be refused using the following reason for refusal.

5. Example Reason for Refusal

In the absence of a planning obligation to secure suitable avoidance and mitigation measures and access management monitoring arrangements, in terms that are satisfactory to the Local Planning Authority (LPA), the LPA is unable to satisfy itself that the proposals include adequate mitigation measures to prevent the proposed development from having an adverse effect on the integrity of the Thames Basin Heaths SPA, in line with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 as amended and Article 6(3) of Directive 92/43/EEC. The proposal would be contrary to Policy NRM6 of the South East Plan, Policies CP8 and CP4 of the Core Strategy.

Date:	14/07/2025	Signed:	<i>Kieran Neumann</i>
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PLANNING CONSTRAINTS/STATUS
Insert where relevant