

TOWN & COUNTRY PLANNING ACT 1990 (As Amended)

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

LPA STATEMENT OF CASE

APPELLANT: **DANDARA SOUTHERN LTD & ELSTREE LAND LTD**

APPEAL SITE: **LAND NORTH OF READING ROAD, ARBORFIELD**

DEVELOPMENT: **OUTLINE APPLICATION FOR THE PROPOSED ERECTION OF UP TO 111 NO. DWELLINGS WITH ASSOCIATED WORKS, PARKING, LANDSCAPING, PUBLICLY ACCESSIBLE OPEN SPACE AND ACCESS FROM READING ROAD. (ALL MATTERS RESERVED EXCEPT FOR MEANS OF ACCESS).**

LPA REFERENCE: **243099**

PINS REFERENCE: **APP/X0360/W/25/3371069**

JANUARY 2026



**WOKINGHAM
BOROUGH COUNCIL**

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1. INTRODUCTION

- 1.1 Outline Planning Permission was refused by the LPA under delegated powers on 20th May 2025 under application reference 243099. An appeal has been lodged against the refusal to grant planning permission for Outline application for the proposed erection of up to 111 no. dwellings with associated works, parking, landscaping, publicly accessible open space and access from Reading Road with all matters reserved except for means of access. This Statement of Case sets out the LPA's case in respect of the appeal and refers to the Appellant's Statement of Case where necessary.
- 1.2 A full copy of the decision notice is included in Appendix 1. The reasons for refusal are set out below:

(1) Principle of development

The location of this unplanned development on a greenfield site in the countryside is unacceptable in principle due to the countryside location outside of settlement boundaries; its appreciable detachment from any recognised settlement limits and the resulting quantum of development that would be substantially out of scale with the immediate locality. The development conflicts with the spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02 and TB21 of the MDD Local Plan, Policies IR1, IR2 and AD1 of the Arborfield and Barkham Neighbourhood Plan, the Borough Design Guide SPD and sections 2, 4, 8, 9, 12 and 15 of the NPPF.

(2) Quantum and scale of development

The proposed location and quantum of development would result in a development with a scale, character and density that is out of keeping with character and appearance of the area and countryside, resulting in a harmful detrimental impact on the locality, contrary to policies CP1, CP3, CP9 and CP11 of

the Core Strategy, CC02, CC03 and TB21 of the MDD Local Plan, IR2, AD1 and AD3 of the Arborfield and Barkham Neighbourhood Plan, the Borough Design Guide SPD and sections 2, 4, 8, 9, 12 and 15 of the NPPF.

(3) Impact on the landscape and countryside

The proposed development will have a detrimental impact on the landscape and character & appearance of the area by reason of the loss of fields, paddocks and green infrastructure in the countryside and the erection of a large housing development that is out of keeping with the locality, contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy CC02, CC03 and TB21 of the MDD Local Plan, IR2, AD1 and AD3 of the Arborfield and Barkham Neighbourhood Plan, the Borough Design Guide SPD, the Wokingham District Landscape Character Assessment and sections 12 and 15 of the NPPF.

(4) Unsustainable location

The application site is within an unsustainable location that would not encourage a modal shift towards sustainable modes of transport, by reason of the countryside location outside of settlement limits, distances to facilities and services and poor quality of the local walking environment, contrary to policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, Policies CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.

(5) Best and Most Versatile Agricultural Land

Part of the site is grade 3a Agricultural Land and therefore the development results in the loss of Best and Most Versatile agricultural land, contrary to Core Strategy policy CP1 and section 15 of the NPPF.

(6) Impact on Main River Watercourse

Part of a main river runs along the southern boundary and insufficient information has been submitted to demonstrate that the proposed development will not adversely impact on flood risk or the watercourse, contrary to policy CC10 of the MDD Local Plan, CP1 and CP3 of the Core Strategy, AD4 of the Arborfield and Barkham Neighbourhood Plan and section 14 of the NPPF.

(7) Thames Basin Heath SPA

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.

(8) Planning Obligations – Employment and Skills

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

(9) Planning Obligations – Affordable Housing

In the absence of a completed Legal Agreement, the scheme fails to make adequate provision for affordable housing, contrary to policy CP5 of the Core Strategy and Section 5 of the NPPF.

(10) Planning Obligations – Recreational Facilities

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

- 1.3 It is anticipated that reasons 8 to 10 could be resolved through the Appellant entering into a planning obligation, which would be drafted in accordance with the timetable set out within the Inspector's Start Letter. A CIL Regulation 122 Compliance Statement would also be produced to justify how the planning obligations meet the relevant tests.
- 1.4 30 objection letters were submitted by local residents opposing the planning application. Arborfield & Newland Parsh Council and Councillors Barley and Betteridge also objected to the proposal. Copies of these have been sent to the Inspectorate and are also available on the Council's website.

2. SITE LOCATION & DESCRIPTION

- 2.1 The appeal site (“the Site”) comprises approximately 6.44 ha of land, which is made up of pastoral fields, paddocks, single storey stables and dilapidated buildings, and a caravan storage area in the south-east corner of the Site. The Site is located to the north of Reading Road, outside of any defined settlement limits and within the countryside. Established and younger trees and hedgerows line the boundary of the Site with Reading Road and Church Lane, as well as the western section of the northern boundary of the Site. Trees and scrubland are also present within the site, including along the watercourse, which runs from the north-west corner of the Site, bisecting it up to Reading Road. The watercourse then continues along Reading Road to the east, wraps around Ridgefield Farm and meets the eastern boundary of the Site. The north-east boundary of the site abuts stables and paddocks, with open fields associated with Lockley Farm present to the east, beyond the Site’s eastern boundary.
- 2.2 Approximately 0.7 ha of the site is Grade 3a agricultural land, which is classified as best and most versatile (BMV). The site was entirely within Flood Zone 1, but the updated Environment Agency (“the EA”) maps show that parts of the site to the west now comprise Flood Zones 2 and 3. There are also areas at risk of flooding from surface water in all mapped events (1 in 30, 1 in 100 and 1 in 1000 year risk events).
- 2.3 The appeal scheme does not seek to fix any parameters, with the exception of the means of access to the site. No details of the proposed access points have been submitted for consideration, with the exception of the new main access into the site from Reading Road.

3. RELEVANT PLANNING HISTORY

3.1 The relevant planning history is summarised below:

PLANNING HISTORY		
Application No.	Description	Decision & Date
TP/2001/3728	Proposed temporary permission for use of land as a construction yard.	Refused: 15 June 2001
F/2002/7111	Proposed formation of angling pond with bunds.	Approved: 09 April 2003
VAR/2005/4389	Proposed variation to condition 12 of consent F/2002/7111 to allow a reduction to the visibility splays.	Approved: 24 May 2005
F/2006/7933	Proposed infilling of angling pond and re-grading of the land.	Approved: 19 October 2006
C/2012/0280	Application for submission of details to comply with conditions 3 and 5 of planning consent F/2006/7933. 3. Restoration Scheme. 5. Planning and maintenance scheme.	Approved: 15 May 2012

3.2 The Council will provide information and commentary on the relevant applications, decisions and appeals, including Land to the north of School Road and Land off Langley Common Road.

4. POLICY BACKGROUND

Development Plan

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

4.2 Reference will be made to the following policies, relevant to the main issues in dispute, contained within the adopted Core Strategy:

- 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 (including countryside)
- CP17 – Housing Delivery

4.3 The Core Strategy was adopted in January 2010.

4.4 Reference will be made to the following policies, relevant to the main issues in dispute, in the adopted Managing Development Delivery Local Plan:

- CC01 – Presumption in Favour of Sustainable Development
- CC02 – Development Limits
- CC03 – Green Infrastructure, Trees & Landscaping
- CC09 – Development and Flood Risk
- CC10 – Sustainable Drainage
- TB08 – Open Space, sport and recreational facilities standards for residential development
- TB12 – Employment Skills Plan
- TB21 – Landscape Character
- TB23 – Biodiversity & Development

4.5 Reference will be made to the following policies, relevant to the main issues in dispute, contained in the Arborfield and Barkham Neighbourhood Plan:

- IRS1 – Preservation of Separation of Settlements.
- IRS2 – Recognise, Respect and Preserve Identity and Rural Setting of Settlements.
- IRS3 – Protection and Enhancement of the Natural Environment and Green Spaces
- AD1 – New Development within Development Limits

- AD3 – High Quality Development with Generous Open Space, Properly Landscaped
- AD4 – Address Local Flood Risk Management

4.6 The Arborfield and Barkham Neighbourhood Plan was made on 22nd April 2020.

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

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

4.8 Reference will be made to design guidance including:

- Planning Practice Guidance
- National Design Guide
- National Model Design Codes

Emerging Local Plan

4.9 Paragraph 49 of the NPPF sets out that:

“Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”

4.10 The Site comprises parcels of land which were promoted by the landowners/developer as being available for potential development as part of the emerging Local Plan Update (“LPU”) which is currently being examined. As such the appeal site has been considered by the Council as part of the plan-making process alongside all other promoted sites. The last published

assessment which considered the appeal site was the Housing and Economic Land Availability Assessment 2024 (“the HELAA”). This considers the broad suitability, availability and achievability of all promoted areas of land across the borough. This assessment concluded, at stage 2A Initial Suitability Swift, that the land (parcels 5AR001, 5AR003, 5AR004 and 5AR005) and adjoining parcels to the north-west of Arborfield Cross, would be excluded from further assessment due to being detached from the settlement boundary and not meeting any of the exception criteria.

- 4.11 The site is therefore not proposed to be allocated as part of the LPU or part of the spatial strategy for additional development moving forward with other sites being preferred, and remains countryside.
- 4.12 The emerging LPU policies relevant to the determination of this appeal are set out below:
- SS1 Sustainable development principles
 - SS2 Spatial strategy and settlement hierarchy
 - SS4 Development within and adjacent to minor settlements
 - SS5 Development in the countryside
 - SS10 Meeting our housing needs
 - SS13 Loddon Valley Garden Village
 - SS14 Sites allocated for residential, including residential as part of mixed-use development
 - SS15 Securing Infrastructure
 - SS16 Safeguarded routes
 - C1 Active and sustainable transport and accessibility
 - C2 Mitigation of transport impacts and highway safety and design
 - C3 Active travel
 - C4 Green and blue infrastructure and public rights of way
 - H3 Affordable housing
 - FD1 Development and flood risk (from all sources)
 - FD2 Sustainable drainage
 - FD3 River corridors and watercourses
 - NE1 Biodiversity and geodiversity

- NE2 Biodiversity net gain
- NE4 Trees, woodland, hedges and hedgerows
- NE5 Landscape and design
- DH1 Place making and quality design
- HC1 Promoting healthy communities
- HC2: Community infrastructure
- HC4 Open space, sports, recreation and play facilities
- HC5 Environmental Protection
- HC7 Light Pollution
- HC9 Contaminated land and water

4.13 Reference will be made in the Council's evidence to the LPU policies and the weight attributed to them in line with Paragraph 49 of the NPPF.

5. THE COUNCIL'S CASE

5.1 Reason for Refusal 1: Principle of development

5.1.1 The statutory starting point for determination of the appeal is the development plan. The Appeal Site lies significantly outside of and is detached from the defined settlement limits of the extant Local Plan, lies within designated countryside and conflicts with the spatial strategy of the development plan.

5.1.2 Therefore, the appeal scheme fails to comply with policies CP9, CP11 and CC02, which seek to steer development to the most sustainable locations of which this is not one by definition.

5.1.3 Additionally (as the policy has been referred to by the Appellant - SOC, paragraphs 5.8 onwards), the Council considers that Policy CP17 is supportive of RfR 1 and further illustrates the conflict between the appeal proposals and the spatial strategy.

5.1.4 Policy CP17 sets out the expected sources of housing to meet the identified need, including Strategic Development Locations ("SDLs"), Major, Modest

and Limited Development Locations. The Site lies outside any defined settlement, within the countryside. Therefore, none of the 13,487 homes are envisaged to come forward within this Site . Accordingly, there is no support for the development of the Site in the spatial strategy of the development plan, and to that extent the proposals do not accord with Policy CP17.

- 5.1.5 Turning to proposals for development outside development limits, i.e. within the countryside, Policy CP11 relates specifically to proposals outside of development limits. This policy 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*” unless one of the exceptions applies. The proposal does not fall within any of the exceptions where development is permitted.
- 5.1.6 There is a degree of flexibility (“*not normally permitted*”) for the decision-maker to consider other factors, including the purposes of the policy, whether any of the exceptions are close to being met and the extent to which development limits are breached, as recognised by the Planning Inspector in Watmore Lane Appeal (Appendix 13) and, more recently, in Blagrove Lane Appeal (Appendix 12). The spatial objectives of Policy CP11 are to protect the separate identity of settlements and maintain the quality of environment. It is a common ground that the proposal would not lead to coalescence of settlements. The Council will provide evidence that the scheme would, however, fail to maintain the quality of the environment, which puts the proposal in conflict with CS Policy CP11.
- 5.1.7 CS Policy CP9 states that “the scale of development proposals in Wokingham must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility”. The development plan prioritises housing delivery through the SDLs, which are specifically allocated areas that integrate housing with necessary supporting infrastructure and facilities. There are currently four such SDLs being built out across the borough.

5.1.8 Beyond these, CS Policy CP9 identifies areas falling within Major Development Locations, followed by Modest Development Locations and, at the lowest tier, Limited Development Locations. Arborfield does not fall within any of the listed development limits. As such, proposals for development in this location are in conflict with CS Policy CP9.

5.1.9 MDD LP Policy CC02 sets out that the development limits for each settlement are defined on the Policies Map. It further states:

“Planning permission for proposals at the edge of settlements will only be granted where they can demonstrate that the development, including boundary treatments, is within development limits and respects the transition between the built-up area and the open countryside by taking account of the character of the adjacent countryside and landscape.”

5.1.10 The appeal scheme is neither at the edge of the settlement nor within development limits. It is common ground that the proposal conflicts with the development limits set out in MDD LP Policy CC02.

5.1.11 A central aim of this strategy is to direct new housing to locations within sustainable settlement boundaries and to restrict development in the countryside. This approach is designed, among other things, to maintain environmental quality, protect the separate identity of settlements, locate development in the most sustainable locations, to promote a modal shift away from private car use and provide clarity and certainty about how the borough will be developed. These aims are consistent with national policy in the NPPF and represent established, sustainable planning principles that the appeal proposal fails to meet.

5.1.12 The Council will defend the refusal on the basis of adopted development plan policies and national policy and guidance. The proposal represents unplanned, large-scale development in open countryside, contrary to the spatial strategy and policies CP1, CP3, CP9, CP11, CC02, CC03 and TB21 of the Local Plan, and policies IRS1, IRS2 and AD1 of the Arborfield & Barkham Neighbourhood Plan (“ABNP”). The ABNP does not conflict with the development limits set out in the CS and MDD LP, nor does it seek to re-define settlements as policy designations for growth. The appeal site

remains outside all recognised development limits and its appreciable detachment from any defined settlement represents a fundamental breach of the adopted spatial strategy.

5.1.13 The Appellant argues that the site is attached to a defined settlement (“the historic core of Arborfield”) and references the ABNP policies to support its contention that Arborfield is a settlement in its own right. By virtue of ABNP forming part of the Development Plan, the Appellant asserts that the identification of Arborfield village as a settlement within the ABNP “overrides” the distinction made within and the settlement limits defined by both the Development Plan and the LPU. The site is, however, clearly outside of the settlement limits set out in the ABNP.

5.1.14 The Council will show that the Site is detached from any defined settlement limits and that the Appellant’s interpretation of “settlement” within the ABNP and Arborfield & Newland Village Design Statement is narrow and inconsistent with that of the Development Plan. As stated, the site is also not allocated in the emerging Local Plan Update and would continue to be countryside.

5.1.15 Paragraph 49 of the NPPF states that weight may be given to relevant policies in emerging plans according to:

“the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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

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)”

5.1.16 Section 5.9 of this statement outlines the progress of the Council’s emerging Local Plan. The LPU proposes that the majority of new land for development is concentrated into strategic scale developments, which provide the best opportunity deliver sustainable communities. The LPU proposes the allocation of a new sustainable garden community at Loddon Valley Garden Village (LVGV), and additional sustainable extensions of existing SDLs at

Arborfield Green and South Wokingham. Allocations are also proposed on the edge of major and modest development locations, alongside proportionate extensions to defined minor settlements.

5.1.17 The LPU is at an advanced stage with the deliverability of the proposed Strategic Development Locations, including the LVGV, having been examined in the Part 1 Hearings.

5.1.18 The appeal site is not allocated for development in the LPU, it does not fall within an area where growth is anticipated and, should there be no changes to the development limits, would remain in designated countryside. It is, therefore, contrary to the emerging LPU strategy. Given the now advanced stage of the LPU (which has progressed significantly since the application the subject of the appeal was determined), the conflict with the LPU strategy attracts greater weight than was previously the case.

5.2 Reason for Refusal 2: Quantum and scale of development

5.2.1 The Planning Practice Guidance (“PPG”) sets out how design should be considered for an outline application:

“How is design considered in outline planning applications?”

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

[...]

‘Design quality cannot be achieved through an outline planning application alone. Outline planning applications allow fewer details about the proposal to be submitted than a full planning application, but can include design principles where these are fundamental to decision making.’

5.2.2 The appeal scheme is submitted in outline form, with all matters reserved apart from means of access, which are fixed for approval. The purpose of an outline application is to demonstrate that the proposed quantum of development can be adequately accommodated within the constraints of the

site. A parameter plan and masterplan have been submitted, although these are of illustrative nature only. Notwithstanding its outline form, the scheme establishes a number of fundamental and irreversible parameters, including the location of the access road and the overall quantum of development. In addition, the site is subject to physical and spatial constraints such as flood zones, areas at risk of flooding, on-site delivery of public open space, main river and tree root protection areas (including buffer zones for veteran trees), which would materially influence the form, layout and developable area of the site.

5.2.3 The Council will show that, given the appellant's failure to adequately address constraints discussed in other parts of this statement of case, officer report and consultation responses, it is clear that the quantum of development proposed cannot be acceptably incorporated into this Site, which sits far away from existing defined settlements, in the countryside.

5.2.4 Whilst recognising the NPPF's requirement to support proposals that make efficient use of land, this requires, for example, that the desirability of maintaining an area's prevailing character and setting and importance of securing well-designed are taken into account. The Council will show that the appeal scheme would introduce development of a suburban form and density that is out of keeping with the low-density rural pattern of the locality and the morphology of Arborfield village. As a result, the appeal scheme would fail to integrate with the local character and would fundamentally affect the setting of Arborfield village. The proposal is, therefore, contrary to CS Policies CP1, CP3, CP9 and CP11, MDD LP Policies CC02, CC03 and ABNP Policies TB21, IRS2, AD1 and AD3, the Borough Design Guide SPD and sections 2, 4, 8, 9, 12 and 15 of the NPPF.

5.3 **Reason for Refusal 3: Impact on the landscape and countryside**

5.3.1 CS Policies CP1, CP3 and CP11, MDD LP Policies CC03 and TB21, and the Wokingham Borough Landscape Character Assessment all refer to maintaining or enhancing the quality of the environment, and the proposal conflicts with these requirements.

- 5.3.2 Paragraph 187 of the NPPF states “*planning policies and decisions should contribute to and enhance the natural and local environment by: [...] (b) recognising the intrinsic character and beauty of the countryside.*”
- 5.3.3 The Council will demonstrate that there would be significant deleterious impacts on the Reading Road which runs between the Site and Arborfield Cross roundabout. Reading Road is identified as a Green Route.
- 5.3.4 The Council will show that this major unplanned housing development on fields and paddocks in the countryside, outside of the settlement boundaries, together with associated works along Reading Road, would have a detrimental urbanising impact on the landscape and the character of the area, which would be experienced by numerous receptors across different viewpoints.
- 5.4 **Reason for Refusal 4: Sustainability of the location**
- 5.4.1 The Site lies outside defined development limits, within open countryside, and is appreciably detached from Arborfield Cross. This conflicts with the spatial strategy of the Development Plan, which seeks to concentrate development in areas with existing or proposed levels services and facilities reflective of both the scale of proposed development and the accessibility to those services and facilities.
- 5.4.2 The proposal is contrary to Core Strategy Policies CP1 *Sustainable Development*, CP2 *Inclusive Communities*, CP3 *General Principles for Development*, CP6 *Managing Travel Demand* and CP11 *Proposals Outside Development Limits*, together with MDD LP Policies CC01 *Presumption in Favour of Sustainable Development* and CC02 *Development Limits* and sections 8 and 9 of the NPPF.
- 5.4.3 The consultation responses produced by the Highways Officer during the determination stage identify that some of the journeys would less likely be made by active travel modes. The Officer Report concludes that the occupiers of the proposed dwellings would be overly reliant on private motor

vehicles, which would fail to deliver the desired modal shift away from the use of private motor vehicles.

5.4.4 Paragraph 89 of the NPPF recognises that if it is necessary to deliver sites in more rural areas, these should be sensitive to their surrounding and “exploit **any** opportunities to make the site more sustainable” (emphasis added).

5.4.5 Paragraph 109(e) of the NPPF advises that to deliver sustainable places, proposals should identify and pursue opportunities to deliver sustainable transport measures.

5.4.6 The distances to day-to-day facilities such as schools, shops, health services and community amenities remain well beyond the walkable distances. Walking routes are poor and unattractive, lacking continuous footways, street lighting and safe crossing points; therefore, these fail to provide realistic alternatives to private car use for most trips.

5.4.7 It is acknowledged that, as part of this appeal, the Appellant seeks to exploit additional opportunities to make the location more sustainable. Whilst the Council accepts that opportunities to maximise sustainable transport solutions vary depending on location, the Appellant’s proposed package of measures seeking to improve the sustainability of the site does not overcome the Council’s concerns. The Council reserves the right to comment on any additional information submitted on this matter. A Statement of Common Ground is anticipated to identify matters in disagreement.

5.5 **Reason for Refusal 5: Loss of Best and Most Versatile Agricultural Land**

5.5.1 Annex 2 of the NPPF defines Best and Most Versatile Agricultural Land (“BMVAL”) as land in grades 1, 2 and 3a of the Agricultural Land Classification.

5.5.2 CS policy CP1 *Sustainable Development* states that development will be permitted that avoids areas of best and most versatile agricultural land.

NPPF Para 187(b) states that decisions “*should contribute to and enhance the natural and local environment by (...) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land*”.

- 5.5.3 It is common ground that the appeal scheme would result in a loss of 0.7 ha of BMVAL. Therefore, the appeal scheme conflicts with both policies. This conflict will be considered in the overall planning balance.

5.6 Reason for Refusal 6: Flood risk and impact on Main River

- 5.6.1 A watercourse classified as a Main River traverses the Site north-south in the western section of the Site. The Main River also runs along the southern boundary of the Site with Reading Road that the main access would traverse.
- 5.6.2 The Environment Agency (“the EA”) commented that works relating to the southern Main River had not been addressed nor shown on plans.
- 5.6.3 Following the submission of the appeal, the EA supplied further comments (Appendices 29 and 30, sent to the Appellant on 19th December 2025 and 2nd January 2026 respectively), where it confirmed that it is opposed to the culverting of any watercourse and is unlikely to grant a flood risk activity permit for this scheme as submitted. It also highlighted that whilst crossings of watercourses should be avoided, these should only be proposed where necessary. These should have a form of clear span bridges; the design should demonstrate that the proposed crossings would not cause flooding either upstream, downstream or at the Site.
- 5.6.4 The drainage strategy indicates that the proposed access would require culverting of the Main River, which the EA objects to.
- 5.6.5 The appeal is not supported by details of how the access across the Main River would be constructed and the Appellant has confirmed (Statement of Case, paragraph 5.50) that detailed design of the culvert would follow at

reserved matters stage. The Council submits that these details should be available at the outline application stage given that access is not a reserved matter.

- 5.6.6 The EA has further confirmed that the submitted Flood Risk Assessment (“FRA”) does not adequately assess whether the development would increase flood risk elsewhere. This is because the FRA was not updated following the updates to the EA’s Flood Maps for Planning in March 2025 (prior to the determination of the application), to identify that parts of the site are in Flood Zones 2 and 3 and, therefore, at medium to high probability of fluvial flooding. This change alters the flood risk context. The Appellant must submit a revised FRA to account for the updates to the mapping, which should also include a climate change allowance so that the future flood risk extent of fluvial Flood Zones 2 and 3 are established.
- 5.6.7 The Appellant acknowledges (paragraph 5.63 and onwards in the Appellant’s Planning Proof of Evidence) that the FRA produced to accompany the planning application was based on the previous iteration of Flood Maps for Planning, which showed that the Site lay wholly within Flood Zone 1. The Appellant recognised the change in the flood risk context and that parts of the site now lie in Flood Zone 2/3. The Appellant identifies that a pedestrian footbridge, providing continuation of footpath into an area of open space to the west, is currently shown on the Illustrative Masterplan. They go on to state that the access via footbridge to this part of the site is not essential and that, in any event, the footbridge would not land in Flood Zone 2/3. The Appellant concludes that on the basis that no built development would be located outside of Flood Zone 1, the requirement for Sequential Test is not triggered.
- 5.6.8 Paragraph 174 of the NPPF and the PPG set out that Sequential Test should be applied to steer development to areas with the lowest risk of flooding from any source. Paragraph 175 advises that:

*“The sequential test should be used in areas known to be at risk now or in the future from **any form of flooding**, except in situations where a site-specific flood risk assessment demonstrates that no built*

*development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from **any source**, now and in the future (having regard to potential changes in flood risk)” (Emphasis added)*

- 5.6.9 The EA advised that the submitted FRA “*does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess whether the development will increase flood risk elsewhere.*”
- 5.6.10 Paragraph 181 of the NPPF advises that “*when determining any planning applications, the LPA should ensure that flood risk is not increased elsewhere.*” Footnote 63 clarifies that a site-specific FRA should be provided for development in Flood Zones 2 and 3.
- 5.6.11 The Council notes that the Appellant’s conclusions within their PoE predate the EA’s consultation response. In light of the EA’s objection without the full extent of existing and future flood risk being set out in an up-to-date FRA, the Appellant has failed to demonstrate that the proposal would not result in an increased flood risk.
- 5.6.12 Moreover, as the EA’s update to flood maps indicates that the Site lies in Flood Zones 2 and 3 and more vulnerable type of development is proposed, a Sequential Test would, therefore, normally be required, unless evidence is provided by the Appellant to demonstrate, by way of an updated FRA, that no built development within the site boundary would be located on an area at risk from fluvial flooding now and in the future (i.e. including climate change allowances in accordance with paragraph 172 of the NPPF and the EA Standing Advice).
- 5.6.13 The Council reserves the right to provide further comments should the Council be in receipt of updated evidence in response to communication from the Council on the 19th December 2025 and 2nd January 2026. This requirement arises as a consequence of the updates to the EA’s Flood Maps

for Planning as identified in the Appellant's Proof of Evidence and the EA's updated comments.

- 5.6.14 The Appellant has, therefore, failed to demonstrate at this stage that the proposal would not adversely impact on flood risk or the watercourse. The proposal is contrary to CS Policies CP1, CP3, MDD LP Policies CC09, ABNP Policy AD4 and sections 14 and 15 of the NPPF.

5.7 Reason for Refusal 7: Impacts on Thames Basin Heaths Special Protection Area

- 5.7.1 CS Policy CP8 Thames Basin Heaths Special Protection Area states that where development is likely to have an effect on the Thames Basin Heaths Special Protection Area ("TBH SPA"), the applicant is required to demonstrate that adequate measures to avoid and mitigate any potential adverse effects are delivered. CS Policy CP7 Biodiversity reinforces this requirement. SANG requirements are set out within CS Policy CP8 and are 8 hectares per 1,000 population (calculated at a rate of 2.4 per household) for residential proposals for one house or more within 5km buffer zone of TBH SPA. This methodology reflects the approach contained in the TBH SPA Delivery Framework prepared by TBH Joint Strategic Partnership Board (Appendix 55).
- 5.7.2 The Site lies approximately 4.18km from Bramshill Plantation, which is a Site of Special Scientific Interest ("SSSI") and which forms part of the TBH SPA. Therefore, the site falls within the 5km zone of influence of TBH SPA.
- 5.7.3 The Council delivered Rooks Nest Wood SANG, which had been scaled to offer capacity for development which accords with development plan, subject to catchment requirements. The Appellant has referred to an appeal decision involving Dacorum Borough Council (appeal ref: 3333545) but the circumstances there were very different. As set out at paragraph 23 of the decision, the Inspector was satisfied in the circumstances of that matter that there was sufficient capacity at the SANG site in question to accommodate the appeal scheme without prejudicing the future delivery of development in the borough. The Council will demonstrate that there is not sufficient

capacity to accommodate this appeal scheme at Rooks Nest Wood SANG without prejudicing the delivery of planned development which accords with the development plan.

5.7.4 The Site is located outside of development limits, not allocated for development and is contrary to the development plan. The Council would not be willing to allocate SANG capacity for the appeal scheme, as this would prejudice the delivery of planned development which accords with the development plan. There is nothing unreasonable in the Council's position, namely to safeguard strategic SANG capacity for planned development which is in accordance with the development plan.

5.7.5 There is no alternative solution put forward by the Appellant to demonstrate how the appeal scheme would secure adequate avoidance/mitigation measures in respect of the scheme's impacts on the TBH SPA. The Council will show that insufficient information has been provided to enable the Planning Inspector as the Competent Authority to conclude that the appeal scheme would not have unacceptable impact on the TBH SPA. This matter will be returned to in the Planning Balance section.

5.8 **Reasons for Refusal 8-10: Planning Obligations**

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

5.9 **Additional Issue 1: Prejudice to the delivery of Loddon Valley Garden Village**

5.9.1 The Local Plan Update ("LPU") sets out the council's long term development strategy for the borough in the period up to 2040. The LPU was submitted to the Secretary of State in February 2025, with subsequent stages set out in Table 1 below:

LPU key milestone	Date
Submission to Secretary of State	28 February 2025
Inspectors appointed to hold independent examination	6 March 2025
Receipt of Initial Questions from Inspectors	17 April 2025
WBC response to Inspectors Initial Questions	18 June 2025
Receipt of Inspectors Matters, Issues and Questions (MIQs) for Part 1	3 October 2025
WBC publish Regulation 24 notice of hearing sessions	5 October 2025
WBC response to Inspectors MIQs	3 November 2025
Part 1 Hearing Sessions	18 November 2025 – 21 November 2025
WBC response to key actions following Part 1 Hearing Sessions	1 December 2025; 17 December 2025
Receipt of Inspectors' Part 1 Post Hearings Letter	18 December 2025

Table 1: LPU Timetable

- 5.9.2 Part 1 Hearings have, therefore, been undertaken, which considered the following matters: (1) Legal Compliance and Duty to Co-operate, (2) Strategic Transport, (3) Proposed Strategic Development Locations (“SDLs”) and (4) Housing Requirement and Supply.
- 5.9.3 The Inspectors’ Part 1 Post Hearing Letter was published on 18 December 2025 (Appendix 17) and confirmed that the examination of the LPU should proceed to Part 2 Hearings. These hearings are anticipated in spring 2026.
- 5.9.4 As mentioned above, the Part 1 Hearings examined the deliverability of proposed Strategic Development Locations, including the proposed Loddon Valley Garden Village (“LVGV”).
- 5.9.5 LVGV is proposed to allocate approximately 3,930 dwellings, of which at least 2,700 would be built within the plan period (as outlined in LPU Policy SS10). This amounts to approximately 48% of newly allocated sites. The housing trajectory included in the LPU shows that first completions are projected to be in 2027/28.
- 5.9.6 The LVGV allocation will primarily be delivered through three applications supported by an overarching Infrastructure Delivery Plan (Appendix 25). Two (out of three) applications ref. 252498 and 252769 have been submitted and recently validated, on 24th October 2025 and 17th November 2025

respectively. The applications together seek the delivery of up to 3,230 dwellings and associated infrastructure. The third application is anticipated in spring 2026.

- 5.9.7 Figure 1 below shows LVGV Land Ownership and, broadly, location of each of three applications to make up LVGV.

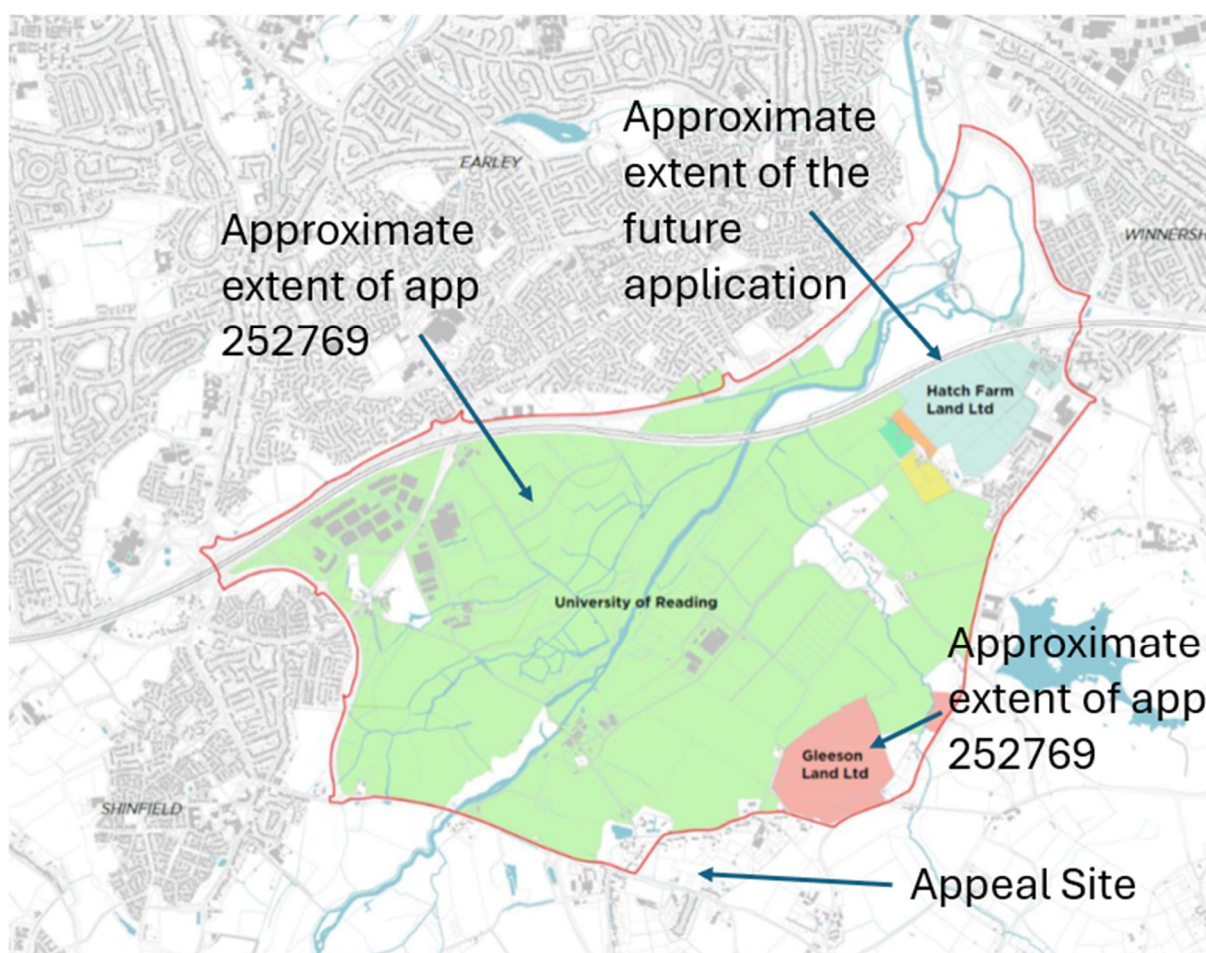


Figure 1: LVGV Land Ownership

- 5.9.8 The LPU is supported by the Transport Assessment Report 2024 (Appendix 23) and the Transport Assessment Report (2032 Interim Year Assessment) (Appendix 24). The former assesses the impact of the planned growth in 2040, with the latter assessing the impact of the initial period of planned growth to 2032. For LVGV, 800 units were assessed as being delivered by 2032.

- 5.9.9 The LPU's housing trajectory and phasing assumptions are based on evidence. Evidence shows a need to carefully manage impacts on the highway network, with growth carefully aligned with mitigations to ensure unacceptable impacts do not arise. For example, the 2032 Interim Transport Assessment identifies mitigation measures and trigger points for highway mitigation works to enable the delivery of 800 units within LVGV. The LVGV Financial Viability Assessment (Appendix 26) demonstrates that delivering the site viably is predicated on this projected level of housing build out being aligned with infrastructure delivery and associated costs.
- 5.9.10 The LPU is now set to proceed to Part 2 Hearings in spring 2026 and two out of three LVGV applications have already been submitted by the principal landowners. As a result there is now a higher level of confidence to conclude that LVGV is a deliverable site (subject to detailed consideration of policy wording) and that planned development will come forward on the site in the short/medium term. The deliverability of the LVGV allocation is reliant on the delivery of infrastructure, in particular highway mitigation measures, at certain trigger points set out in the Infrastructure Delivery Plan and reflected in the LVGV Viability Assessment.
- 5.9.11 The Transport Assessment submitted in support of the appeal proposals has not considered the cumulative effects on the highway from the appeal proposals in conjunction with development as part of the LVGV. Given the advanced stage reached by the LPU and the fact that two applications for permission have been made (and a third is imminent), the Council considers that there is a need for the Appellant to update its Transport Assessment to account for the LVGV. The Council is concerned, in particular, that the appeal scheme may prejudice the delivery of the LVGV by eroding the 800 unit headroom for the delivery of planned development as part of the LVGV. The viability of the delivery of housing units as part of the LVGV, given the highway mitigation that is envisaged to be required, could be adversely affected if the headroom envisaged to enable its partial delivery is taken up by other unplanned development. Other highway mitigation may be required, or mitigation required earlier than previously expected.

5.9.12 It is acknowledged that there are other housing schemes in Arborfield area which have received a resolution to grant planning permission (232490 and 250735, totalling up to 120 units) and there are other applications, yet to be determined, totalling a further up to 582 units. Since the determination of the two earlier applications, circumstances have changed, and LPU has made significant progress, including the recent confirmation that the LPU can progress to Part 2 Hearings. There are other live applications, which will be considered by the Council in due course, including Land to the North of Arborfield Road (191 units, application reference 242484) and Land at Hyde End Road (183 units, application reference 252138), both of which are proposed to be allocated as part of the LPU.

5.9.13 If the appeal was to be allowed, it would consume up to 29%¹ of the 800 unit headroom modelled in the 2032 Interim Transport Assessment. No evidence has been provided by the Appellant to demonstrate the proposals would not prejudice the delivery of LVGV and the planned highway mitigation measures.

5.9.14 The Council reserves the right consider whether the conclusions of any further information produced as part of this appeal could give rise to prematurity concerns that would undermine the plan making process. In any event, the Council considers that the Appellant must update its Transport Assessment to demonstrate how the appeal scheme could come forward alongside the LVGV, without causing unacceptable impacts on the highway network and without prejudicing the delivery of the LVGV; the viability of which is essential to delivering both a significant amount of housing and the infrastructure required to support it.

5.10 **Additional Issue 2: Access and Visibility Splays**

5.10.1 The application is in outline with all matters except of access reserved. The Appellant confirms that the proposed main access is the only suitable access

¹ 29% represents the cumulative number of units of the appeal proposal and two applications (250735 and 232490) benefitting from a resolution to grant planning permission

point for the Site and it has been informed by a speed survey to inform the required visibility splays.

5.10.2 At the application stage, concerns were raised about visibility splays which appeared to be obstructed by vegetation and trees. Despite the 30mph speed limit, the surveys established that 85th percentile (85thile) speeds were around 40mph. The required visibility splays were shown on drawing No. 147-0017.001, proposing an additional island in the road to enable the visibility splay to extend to the centre of the road. These proposals were supported by a Stage 1 Road Safety Audit, recording how vegetation represented some visibility concerns.

5.10.3 To address remaining concerns, the correspondence regarding highway amendments (19th March 2025) confirmed that the tree in question was T14 and it was proposed to be removed. The Highways Officer accepted the introduction of an additional island would reduce speeds and proposed that details of the proposed vehicular and pedestrian accesses onto Reading Road could be conditioned provided showing visibility splays 2.4m x 43m (based on a 30mph design speed, applying Manual for Streets) and the highway works, as part of S278 highway works.

5.10.4 During the appeal, the Appellant's Arboricultural Proof of Evidence was submitted with visibility splays shown. Coupled with the proximity of the proposed priority working build outs, concerns arose in terms of safety of the access.

5.10.5 The Council is in the process of liaising with the Appellant on this matter, which included an on-site meeting on 7th January 2026, and it has been agreed that further work would be undertaken to address the Council's concerns. It is envisaged that a Statement of Common Ground will be produced on this matter.

5.11 **Additional Issue 3: Irreplaceable Habitats**

5.11.1 Paragraph 193 of the NPPF states

“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.”

- 5.11.2 CS Policies CP3 *General Principles for Development* and CP7 *Biodiversity* establish that proposals should not have a detrimental impact on ecological features, including veteran trees. In addition, MDD LP Policy TB23 *Biodiversity and Development* requires proposals to provide appropriate buffer zones between development and habitats.
- 5.11.3 Veteran trees, an irreplaceable habitat, are present within and in close proximity to the Site. It is agreed that T4, T39, T50, T56 and T72 are at least of veteran status (although the Council considers T72 to be ancient the effect of this status is the same, in planning, as the veteran status that the appellant agrees it has).
- 5.11.4 Other trees T3 and also T87 are shown as notable trees and are the ancient and veteran trees of the future. They are of sufficient value in their locations to be treated as veterans as a precautionary approach. T87 is mentioned in the appellants tree report as “growing close to the western boundary of the site”, but is actually on the eastern side close to the large, prominent ancient oak T72). Its treatment in the indicative layout does not reflect its importance now nor in the future vis-a-vis the continuity of irreplaceable habitats and buffer zones.
- 5.11.5 In addition, and contrary to best practice, younger trees, most likely of the same stock as T72, are shown to be removed from the buffer zone of that ancient oak. Again, this does not reflect its importance now nor in the future vis-a-vis the continuity of irreplaceable habitats and buffer zones.
- 5.11.6 The Standing Advice goes on to say that sustainable drainage schemes should only be approved if they do not affect root protection areas (“RPAs”) and any change to the water table does not negatively affect veteran trees.
- 5.11.7 The British Standard 5837:2012 advises that the morphology and disposition of the roots, when influenced by past or existing site conditions, may require

deviation from the minimum RPA, and that structures should not be constructed within the RPA of trees to be retained.

5.11.8 The Council will show that appropriate buffers have not been afforded to veteran trees, including: appropriate compensatory off-setting to take account the presence of roads; the inclusion of gardens and structures within RPAs; failure to retain linkages with wider ecological networks; and the failure in not 'creating or establishing habitat' in buffer zones.

5.11.9 It has come to the Council's attention that the Tree Survey does not include trees present within an area in the north-west corner of the site, to the east of The Spinney.

5.11.10 The Council submits that the Appellant failed to demonstrate how the proposed quantum of development, land uses, drainage strategy and proposed access points would not result in a deterioration of irreplaceable habitat. The Council does not consider that wholly exceptional reasons exist to justify deterioration of irreplaceable habitat. The Council reserves the right to comment on any further information that may be submitted.

5.12 **Additional Issue 4: Protected Species and BNG**

5.12.1 Additional information submitted during the appeal indicates that the Appellant is seeking to deliver improvements to pedestrian routes between the Site and Arborfield Cross. These would include, inter alia, vegetation removal, footway widening and installation of street lighting. Additional tree removal is also proposed along Reading Road to the south of the Site.

5.12.2 These additional proposals are not accompanied by an amended Ecological Impact Assessment, nor identified in the BNG baseline.

5.12.3 Paragraph 193 of the NPPF states that planning permission should be refused where significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for. CS Policies CP3 *General Principles for Development* and CP7 *Biodiversity* establish that proposals should not have a detrimental impact on

ecological features or species of principal importance for nature conservation. MDD LP Policy TB23 *Biodiversity and Development* requires proposals to enhance and incorporate new biodiversity features, provide appropriate buffer zones between development and designated sites as well as habitats and species of principal importance for nature conservation and ensure ecological permeability.

- 5.12.4 The Appellant's Proof of Evidence is accompanied by a Statement from their Ecology Consultant ("Ecology Statement"), which pertains to the new improvements to pedestrian routes between the Site and Arborfield Cross.
- 5.12.5 The Ecology Statement advises that if lighting is required, there are unlikely to be significant direct impacts on species such as bats, if lighting is installed in line with the Institution of Lighting Professionals Guidance Note 08/23.
- 5.12.6 The Appellant confirms in their Proof of Evidence that improvements to connectivity of the site would include street lighting along Reading Road, details of which have been included in the Appellant's Highways Proof of Evidence. The delivery of these improvements is proposed to be secured by condition. It is, therefore, unclear, whether the conclusions within the Ecology Statement were based on the details included in the Highways Proof of Evidence.
- 5.12.7 The Ecology Statement does not clarify which area has been visited by the Appellant's Ecologist and what was assessed; there are no details available to outline how the assessment regarding light-sensitive species was undertaken.
- 5.12.8 The Council notes that the Ecological Impacts Assessment ("EcIA") submitted at the application stage identified bat roosts locally. Both the EcIA and accompanying Bat Survey Addendum show records were identified of light sensitive species such as *Myotis*, *Plecotys* and *Barbastelle*.
- 5.12.9 Moreover, whilst presence of common habitats was identified, the Ecology Statement does not consider whether dark corridors are present within the area where new street lighting is proposed. There is not sufficient

assessment as to the impacts of the proposed lighting on light-sensitive species. As such, the mitigation hierarchy outlined in paragraph 193 of the NPPF has not been applied.

5.12.10 The additional information provided indicates that T33 and T35 would need to be identified in the BNG Baseline given the size of these trees and their proposed removal. G32 may also need to be identified given the stem diameter of 500, although the Council acknowledges there may be a drafting error in the Tree Survey results. The updated BNG Baseline will need to be incorporated into a new iteration of BNG metric, which will need to ensure that all categories are clearly identified (habitats, hedgerow and watercourse).

5.12.11 The Council reserves the right to comment on any further information that may be submitted and call an expert witness if required.

6. **PLANNING BALANCE**

6.1 The starting point for decision making is the development plan. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended) state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 Paragraph 11(d) of the NPPF states:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting 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.”

6.3 Paragraph 232 of the NPPF states:

“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”

6.4 In accordance with paragraph 11 of the NPPF, the policies most important for determining this application are those that establish the spatial strategy and control development outside settlement limits. These include CP9 *Scale and Location of Development Proposals* and CP11 *Proposals Outside Development Limits*, together with MDD LP Policies CC01 *Presumption in Favour of Sustainable Development* and CC02 *Development Limits*. The policies most important for determining this appeal also include those within the ABNP that set the principle of development and safeguard the character and sustainability of the area. These comprise IRS1 *Preservation of Separation of Settlements* and AD1 *New Development Within Development Limits*. Collectively, these policies address the principle of development. They are, therefore, central to the application of the presumption in favour of sustainable development and the planning balance under paragraph 11 of the NPPF.

6.4.1 The appellant contends that the Council’s inability to demonstrate a five-year housing land supply (5YHLS) engage the presumption in favour of sustainable development under paragraph 11(d) of the National Planning Policy Framework (NPPF).

6.5 However, paragraph 11(d)(i) of the NPPF states that the presumption in favour of sustainable development does not apply if policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 8 to paragraph 11(d)(i) lists “irreplaceable habitats”, “habitat sites” and areas at risk of flooding as such areas or assets.

- 6.6 As set out in section 5.111, it has not been demonstrated that the proposal would not result in a deterioration of irreplaceable habitats. As set out in section 5.75.7, insufficient information has been submitted to conclude that the appeal scheme would not have unacceptable impact on the TBH SPA or on flood risk, as outlined in section 5.6. The Council considers that the tilted balance is, therefore, disengaged due to the operation of paragraph 11(d)(i) of the NPPF.
- 6.7 Should the Inspector nevertheless consider the tilted balance under paragraph 11(d)(ii) to be engaged, the Council will show that the adverse impacts of the proposed development significantly and demonstrably outweigh the benefits.
- 6.8 For the purposes of this Statement of Case, the Council has identified the principal harms and benefits and indicated their broad significance. The detailed weighting attributed to each individual harm and benefit, supported by evidence and professional judgment, will be set out in the Council's Planning Proof of Evidence.

Harms

- 6.9 While the Council accepts that the conflict with the spatial strategy of the development plan cannot attract full weight in the planning balance, given that the spatial strategy has functioned effectively to secure a surplus of housing to date, that the conflict should nonetheless be afforded significant weight. The scale and nature of the breach of settlement limits in this appeal is also substantial and excessive.
- 6.10 The scheme would result in a loss of BMVAL, albeit a relatively small amount. It would introduce a suburban form of development out of keeping with the low densities of Arborfield village, resulting in a harm to the village setting and its morphology. The proposal would also result in urbanising effect on the rural character of the area, resulting in a harm to landscape and countryside. These harms weigh considerably against the proposal.

- 6.11 The location of the site is such that would fail to deliver the desired modal shift away from the use of private motor vehicles. There are also unresolved safety concerns relating to the highway access safety. Additionally, with reference to the LPU being at advanced stage and lack of an updated Transport Assessment, it has not been demonstrated that the appeal scheme can be delivered without prejudicing the delivery of the LVGV. The proposal would also conflict with the LPU strategy. These harms weight significantly against the proposal.
- 6.12 Additionally, it has not been demonstrated that the proposed access could be adequately accommodated with reference to flood risk and ecology. Finally, the proposal has not demonstrated, with reference to the most recent data, that it would not have unacceptable impacts on people and property during flooding events. These harms which weigh significantly against the proposal.
- 6.13 In light of the Council's refusal to allocate capacity at Rooks Nest Wood SANG, it has not been demonstrated that the proposal would not have unacceptable impact on the TBH SPA. Nor has it been demonstrated that the proposal would not result in deterioration of irreplaceable habitats. These harms weigh heavily against the scheme. Furthermore, the proposed works on Reading Road are not accompanied by information to demonstrate that they would not have unacceptable impacts on protected species, which also weighs heavily against the scheme.
- 6.14 Whilst the failure to secure opportunities to develop local employability skills, policy-compliant affordable housing and contributions to sport and recreational facilities, through the lack of a completed planning obligation, also weighs against the appeal scheme, it is considered these harms are likely to be overcome through the anticipated completion of Section 106 legal agreement.

Benefits

- 6.15 The Council recognises the benefits that would be associated with the appeal scheme.

- 6.15.1 The appeal scheme would deliver both market and affordable housing (the latter subject to completion of a Section 106 legal agreement), and this is a weighty material benefit.
- 6.15.2 While the Council acknowledges the technical shortfall in 5YHLS, this does not automatically override the plan-led spatial strategy or justify development in unsustainable or inappropriate location. Where the tilted balance is engaged, it must be applied in the context of the wider evidence base, including historic housing delivery, the emerging LPU and benefits and harms arising from the appeal proposal.
- 6.15.3 The Council published its Five Year Housing Land Supply (5YHLS) Statement at 31st March 2025 in August 2025, after the planning application had been determined. The deliverable housing land supply is 2.5 years against a Local Housing Need (LHN) figure of 1,316 dwellings per annum plus a 5% buffer. This incorporates the government's December 2024 changes to the standard method for calculating LHN.
- 6.15.4 The appellant asserts a lower figure of 2.3 years based on disputed delivery assumptions for three sites.
- 6.15.5 The Council will demonstrate that the deliverable housing land supply is 2.5 years. The Council will show that its approach accords with Annex 2 of the NPPF and PPG. In any event, the difference between the parties' figures is immaterial to the balance of considerations in the appeal.
- 6.15.6 As part of its evidence in relation to the weight to be accorded to the delivery of housing, the Council will also refer, by way of context, to the historic delivery of housing in the borough as well as the emerging LPU.
- 6.15.7 In relation to affordable housing, the Council recognises the importance of affordable housing and has undertaken appraisals of its affordable housing need in 2020 and, more recently, in 2023.

- 6.15.8 The Local Housing Needs Assessment (“LHNA”) 2020 identifies a figure of 407 dwellings per annum (“dpa”), whereas the most recent LHNA (2023) identifies a gross annual affordable housing need of 352 dpa.
- 6.15.9 The Appellant argues that the LHNA (2023) should not be relied on, because it includes an allowance for First Homes (which no longer appears as an affordable housing tenure in the NPPF 2024), and instead relies on LHNA (2020) figures.
- 6.15.10 The Council will show why the more recent LHNA (2023) should be used and will provide evidence to demonstrate high levels of affordable housing delivery to date and that it has a healthy pipeline of affordable homes, sufficient to meet the needs of all households in the greatest need as it currently stands, as well as to help meet future needs.
- 6.16 There would also be some temporary economic benefits associated with construction and limited local spending. However, whilst constituting a benefit, these are not unique to this scheme.
- 6.17 Subject to a Section 106 legal agreement, the proposal would secure a policy-compliant provision of several typologies of Open Space and BNG, which are recognised benefits.
- 6.18 The proposed enhancements to public transport infrastructure and services, as well as improvements to walking environment are acknowledged benefits that weigh in favour of the scheme.

Overall Planning Balance

- 6.19 In conclusion, the application of policies in the NPPF that protect areas or assets of particular importance provides strong reasons for refusing the appeal scheme, disengaging the tilted balance.
- 6.20 Even if the Inspector considers that tilted balance is engaged, the adverse impacts of allowing the appeal scheme would significantly and demonstrably outweigh its benefits when assessed against the NPPF 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. The appeal scheme is contrary to the development plan, and there are no considerations which would justify a decision other than in accordance with the development plan.

7. WITNESSES

7.1 The Council intends to call witnesses in respect of the following matters:

- Planning
- Landscape and character of the area
- Highways and transport
- Housing land supply

7.1.1 The loss of BMVAL is agreed and it is not considered necessary for a witness to be called on this matter.

7.1.2 The Environment Agency maintains its objection. The Environment Agency advised that it will be providing a separate statement but do not intend to be a Rule 6 party to this appeal.

7.1.3 Further information has been submitted which raises implications in terms of biodiversity and ecology. Should these matters remain unresolved, the Council reserves the right to call an ecology witness.

7.1.4 Subject to no new information being submitted by the Appellant, the Council is not intending to call any additional witnesses. If this is not the case, the Council reserves the right to call witnesses with expertise relevant to such new information.

7.1.5 Additional officers of the Council can be available to contribute to any Condition or S106 round table discussion, should this assist the Inspector.

8. LIST OF DOCUMENTS

- 8.1 The Council will refer to the following documents and appeal decisions and will seek to liaise with the Appellant regarding any additional documents and appeal decisions that may be required as part of the Core Documents.

Appendix 01	Land to the north of School Road (250735) Officer Report
Appendix 02	Land to the north of School Road (250735) Planning Committee Minutes
Appendix 03	Land off Langley Common Road (232490) Officer Report
Appendix 04	Land off Langley Common Road (232490) Minutes of Planning Committee Meeting
Appendix 05	Barkham Manor Farm, Barkham Road (160207) Appeal Decision Notice (3142135)
Appendix 06	Land to the rear of No. 6 Johnson Drive (172230) Appeal Decision Notice (3205487)
Appendix 07	Land at Baird Road (202303) Appeal Decision Notice (3276169)
Appendix 08	Land to the west of St Anne's Drive (203544) Appeal Decision Notice (3297645)
Appendix 09	Willow Tree House (203560) Appeal Decision Notice (3275086)
Appendix 10	Land known as Woodlands Farm, Wood Lane Appeal Decision Notice (3270397)
Appendix 11	Land east of Lodge Road (220458) Appeal Decision Notice (3309202)
Appendix 12	Land adjacent to Blagrove Lane (222306) Appeal Decision Notice (3354667)
Appendix 13	Land off Watmore Lane, Maidensfield (230208) Appeal Decision Notice (3331651)
Appendix 14	Bluebell Farm (240788) Appeal Decision Notice (3356397)

Appendix 15	Land at Heathlands Road (240831) Appeal Decision Notice (3359928)
Appendix 16	Land East of Warren Lodge, Warren Lane (242011) Appeal Decision Notice (3364902)
Appendix 17	Examination of the LPU Inspectors' Letter (17 December 2025)
Appendix 18	WBC Local Plan Update 2023-2040 Proposed Submission Plan
Appendix 19	WBC Response to the Inspector's MIQ – Response to Matter 2 Strategic Transport (3 November 2025)
Appendix 20	WBC Response to the Inspector's MIQ – Response to Matter 3 The Proposed Strategic Development Locations (3 November 2025)
Appendix 21	Local Housing Needs Assessment (2023)
Appendix 22	Five Year Housing Land Supply Statement at 31 March 2025
Appendix 23	Transport Assessment Report (2024)
Appendix 24	Transport Assessment Report 2032 Interim Year (2024)
Appendix 25	Infrastructure Delivery Plan (2025)
Appendix 26	Loddon Valley Garden Village Financial Viability Assessment (2025)
Appendix 27	Local Cycling and Walking Infrastructure Plan (2023)
Appendix 28	South Wokingham Phasing
Appendix 29	Environment Agency Email 18 December 2025
Appendix 30	Environment Agency Email 24 December 2025
Appendix 31	British Standard BS5837 2012 Trees in relation to design, demolition and construction
Appendix 32	Ancient woodland, ancient trees and veteran trees (Standing Advice)

Appendix 33	Londsdale “Veteran trees further guidance on management” (2013)
Appendix 34	Guidelines for Landscape and Visual Impact Assessment (2013)
Appendix 35	Technical Guidance Note 02/21 Assessing landscape value outside national designations
Appendix 36	WBC Landscape Character Assessment (2019)
Appendix 37	WBC Landscape Character Assessment (2019) Areas B-C
Appendix 38	WBC Landscape Character Assessment (2019) Areas J-K
Appendix 39	Historical Maps
Appendix 40	Manual for Streets 1 (2007)
Appendix 41	Manual for Streets 2 (2010)
Appendix 42	National Design Guide (2021)
Appendix 43	Local Transport Note 1/07 (2007)
Appendix 44	Local Transport Note 1/20 (2020)
Appendix 45	Local Transport Note 1/24 (2024)
Appendix 46	Buses in Urban Developments (2018)
Appendix 47	Planning for Walking (by 2015)
Appendix 48	How far do people walk (2015)
Appendix 49	Less Traffic Where People Live (2003)
Appendix 50	Guidelines for Providing for Journeys of Foot (2000)
Appendix 51	Land to the north of Arborfield Road (242484) Location Plan
Appendix 52	Land east and west of Hyde End Road (252138) Location Plan
Appendix 53	Land north of Mole Road and Church Lane (252769) Location Plan

Appendix 54 Hall Farm, Church Lane (252498) Location Plan

Appendix 55 TBH SPA Delivery Framework (2009)

8.2 The following online resources will also be referred to:

Appendix 56 National Travel Survey

Appendix 57 Design Manual for Roads and Bridges