

28 March 2025

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sir/Madam

**Re: Appeal of Refused Application 242719 at 178 Bearwood Road,
Barkham, Wokingham, RG41 4SH**

This appeal is submitted by ET Planning on behalf of the Appellant, Joe Kay, following the decision of Wokingham Borough Council to refuse planning permission on 20 December 2024 for application reference 242719 at 178 Bearwood Road, Barkham, Wokingham, RG41 4SH for the following development:

"Application to vary conditions 2 and 8 of planning consent 240665 for the proposed erection of 1 no. four bedroom detached dwelling with associated landscaping following demolition of the existing dwelling and garage. Condition 2 refers to the approved details and condition 8 to landscaping, and the variation is to change the siting of the approved dwelling with accompanying landscape plan, plus a change to fenestration".

The application was submitted to the LPA on 25/10/2024 and registered on 04/11/2024. There is no dispute regarding the development description.

Validated Red Line Plan

The site location plan that the application was validated with, correctly reflects the site location plan approved in 240665 (the original consent) which outlined an area of woodland to the north of the site in a contiguous red line with the rest of the site.

However, during the determination of 240665 the LPA had requested amendments for a smaller red line – as such this area of woodland was approved with a site block plan outlined in blue (with the site location plan remaining unchanged enclosing the wider site in red).

When the S73 (the appeal proposal) was submitted the Location Plan was submitted to reflect the red and blue lines of the approved Block Plan. The LPA Validation Team would not validate the application unless it reflected the red line of the approved location plan. The S73 proposed site block plan had shown this northern area of woodland in red reflecting the original red line (and not blue).

It is requested the Inspector determines the application based on the plans submitted on 25th October to more accurately reflect the original consent (with the woodland area to the north being within the blue line).

It should be noted there is no prejudice nor substantial change to this plan being corrected at appeal as all relevant land and neighbouring land remains the same in terms of ownership and the development does not seek to change anything that was not previously consulted upon. This was the plan submitted to the LPA initially, the appellant is not asking for the Inspector to accept new plans but determine the application based on the initially submitted plan (which has no material difference) to reflect the blue and red line boundaries approved in the original consent for consistency (all are within the appellant's ownership).

The LPA has been approached regarding the acceptability of a S96a non-material amendments to the original permission to address this matter and the Inspectorate will be updated in due course on this matter.

This letter comprises three parts to address the following:

1. Appeal Documents
2. Confirmation of the List of Plans Submitted with the Application
3. Choice of Procedure – Request for a Hearing

1. Appeal Documents

The appellant's appeal submission comprises:

- Planning Appeal Statement (and 9 appendices) prepared by ET Planning;
- Landscape Statement prepared by Blade;
- Draft Statement of Common Ground

A Draft Statement of Common Ground has been provided as has a copy of the original application form.

As stated above, the appellant is seeking to correct the proposed site block plan to change a section enclosed in the red line from red to blue to reflect the boundaries in the approved site block plan.

2. Confirmation of the List of Plans Submitted with the Application

The following table provides the documents submitted to the LPA with the application and are the plans/documents the LPA made their decision upon:

Plan/Document	Drawing No.	Date of Submission
Application Form		25 th October 2024
CIL Form 1		25 th October 2024
Planning Statement + Appendices	Prepared by ET Planning	25 th October 2024
Design Statement and Landscape Assessment	Prepared by Artel31	25 th October
Site Location Plan	640 PL 00 Rev. A	25 th October 2024
Proposed Landscaping Plan	650 PL 16	25 th October 2024
Proposed Site Elevations	640 PL 13 Rev B	25 th October 2024
Proposed North and East Elevations	640 PL 12 Rev B	25 th October 2024
Proposed South and West Elevations	640 PL 11 Rev C	25 th October 2024
Proposed First Floor Plans	640 PL 10 Rev B	25 th October 2024
Proposed Ground Floor Plan	640 PL 09 Rev B	25 th October 2024
Proposed Site Plan	640 PL 08 Rev B	25 th October 2024
Proposed Site Block Plan	640 PL 07 Rev D	25 th October 2024
Existing North and East Elevations	640 PL 06	25 th October 2024

Existing South and West Elevations	640 PL 05	25 th October 2024
Existing Loft Plan	640 PL 04	25 th October 2024
Existing Ground Floor Plan	640 PL 03	25 th October 2024
Existing Site Plan	640 PL 02	25 th October 2024
Existing Site Block Plan	640 PL 01 Rev A	25 th October 2024
Existing Location Plan	640 PL 00 Rev A	25 th October 2024
Arboricultural Survey and Statement	Prepared by LandArb Solutions	25 th October 2024
BNG Assessment	Prepared by Ellendale Environmental	25 th October 2024
Submitted Following Invalid Letter		
Site Location Plan	640 PL 00 Rev. A	30 th October 2024
Existing Site Block Plan	640 PL 01 Rev. A	30 th October 2024
Proposed Site Block Plan	640 PL 07 Rev. E	30 th October 2024
Proposed Landscaping Plan	650 PL 16 Rev.A	30 th October 2024

No amendments were submitted during the application and all of the above are the documents that the application was determined upon.

3. Choice of Procedure – Request for a Hearing

It is requested that this appeal is determined by a hearing procedure as it is considered a verbal format would be required to address the complexity of the reason for refusal.

In accordance with the ***criteria for determining the procedure for planning appeals*** the following explicit examples are provided (albeit it is acknowledged the criteria for each procedure is not fully descriptive or entirely determinative):

- The LPA considers the S73 not varying condition 13 is incompatible with the proposed variation however, the appellant considers there to be multiple reasons why this is not the case;
- The Inspector is likely to need to test the evidence by questioning or clarifying matters. The LPA has conflated principle (spatial) issues which are not relevant (owing to the S73 nature of the application) with landscape harm. Likewise, the LPA has also conflated a potential designation of the site with a 'valued landscape' for the purposes of the

Framework. This is evident in the Officer Report and the Inspector will need to clarification from the LPA to understand what the landscape impact of the development actually is and the correct policy test to decide whether this is acceptable or not;

- The judgements of ***Stroud District Council v Secretary of State for Communities and Local Government v Gladman Developments Limited [2015] EWHC 488 (Admin)*** and ***Forest of Dean District Council v Secretary of State for Communities And Local Government & Anor [2016] EWHC 2429 (Admin)*** will be relevant for the appeal and are crucial for the LPAs assessment of 'valued landscapes';
- The landscape policies in the adopted plan are also inconsistent with the current framework and should the Inspector be required to undertake a balancing exercise the weighting to be applied to these policies will need to be further interrogated, the judgement of ***Telford and Wrekin v Secretary of State for Communities and Local Government and ANOR [2016] EWHC 3073*** may also be relevant however, the extent and ability of the appellant to address this is uncertain owing to the conflicting approach by the LPA;
- There is no need for evidence to be tested through formal questioning by an advocate or given under oath however, it is not considered written representations would be inappropriate as it is difficult to delineate where landscape evidence and planning policy overlap;
- It can be reasonably expected the LPA will be able to present their own case.

As such, it is considered that the hearings procedure is most appropriate format the appeal.

I trust the above is sufficient to validate the application however, if further clarification is required, please do not hesitate to get in touch.

Yours sincerely,



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