

**PLANNING, DESIGN & ACCESS
STATEMENT IN RESPECT OF THE
CONSTRUCTION OF A DWELLING**

AT

**LAND NORTH OF THE VALE, FOREST
ROAD, WOKINGHAM RG40 5QY**

MLP REF: FR/25/198

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Mark Leedale Planning
Chartered Town Planning Consultant
20 Hurlands place,
Farnham,
Surrey GU9 9HX
01252 718855
markleedale@hotmail.com

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1.0 Introduction

- 1.1. This statement sets out relevant planning policies and the application of those policies, In so doing the following conclusions are reached:
- The local authority conceded that as of March 2024 it could not demonstrate a five-year supply of housing land and the presumption in favour of sustainable development must be applied in accordance with the Framework.
 - The Governments position of housing delivery has reinforced the stated policy of accelerating the provision and this emphasises the weight to be afforded to granting planning permissions. It is likely given the return to a five-year position, that pending the publication of housing land supply in March 2025, the position will have worsened from the existing 1.7 years. By any judgement this is a severe shortfall.
 - In accordance with paragraph 11(d) of Framework24 and given that the policies of the development plan are to be considered as being out-of-date, planning permission should be granted unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”.
 - Moreover, there is planning policy support for self-build housing and it is acknowledged that this can make a “an important contribution to meeting the housing requirement of an area” (73). This is a case in point and the dwelling can be delivered relatively quickly.
 - It is shown on appraisal that the proposed dwelling sits within a cluster of built development and is contained by this and verdant landscape and an access road to the adjoining commercial development. As such the effects on landscape character are not adverse and would not result in such material harm that planning permission should be withheld.
 - This position was expressed by a Planning Inspector in June 2015 who granted permission or a dwelling which has been constructed

and was varied by permission granted in May 2023. Since this time permission has been granted for a substantial outbuilding to the host dwelling and this has been implemented.

- In all respects there is a cluster of built which comprises residential, educational and commercial buildings as well as three dwellings and an access road to the adjoining commercial land use. To this extent the discrete group is one which can accommodate additional development as is proposed.
- The other material considerations relating to ecology is shown to be resolved in a satisfactory manner and there is scope for biodiversity enhancement which can be secured through appropriate planning conditions.
- Matters pertaining to highways and parking are detailed on the submitted plans and can be implemented in a manner which meets the adopted standards of the local authority.

- 1.2. As such, the proposal is sustainable development and the presumption in favour should be applied in accordance with paragraph 11(d) of Framework24.

2.0 **Relevant planning history**

- 2.1. Planning permission for the dwelling known as The Vale was refused December 2014 under reference O/2014/1798. This decision was overturned at appeal dated 29th July 2015. Subsequently reserved matters was approved under reference 161905 in May 2017 and the dwelling was constructed.
- 2.2. In April 2023 an enforcement appeal upheld the Notices pertaining to a building, hardstanding and car sales north of The Vale and quashed the Notice relating to The Vale and an annex building which the local authority had claimed to be a second dwelling. In short, The Vale had been constructed in a position which was considered to be materially different to the permission.
- 2.3. In November 2023 under reference 232260 planning permission was granted for a 4 bay garage and storage building and this was implemented. It was in fact the building for which permission was refused at appeal in 2023 and it was relocated.

3.0 Planning policy

- 3.1. The application site lies within the open countryside. There are no other landscape designations although the Landscape Character Assessment identifies the locality as being within the Ashridge Farmed Clay Lowlands.
- 3.2. The following Core Strategy policies are relevant to consideration of this proposal:
- CP1 - the generic policy of, inter alia, seeking to provide sustainable development
 - CP3 - General principles for development
 - CP5 - Housing mix
 - CP7 - The safeguarding of biodiversity interests
 - CP11 - Development outside of the development limits
- 3.3. The adopted MDD DPD also forms part of the development plan and the relevant policies are as follows:
- CC01 - The presumption in favour of sustainable development
 - CC03 - Trees and landscaping
 - CC04 - Sustainable design and construction
 - CC07 - Parking
 - CC09 - Development and flood risk
 - CC10 - Sustainable drainage
 - TB07 - Internal space standards
 - TB21 - Landscape character
 - TB23 - Safeguarding biodiversity interest in accordance with CP7
- 3.4. The Borough Design Guide (BDG) also refers to rural dwellings and replacements as well as garden size and design. It encourages the use of traditional materials and sympathy with the rural vernacular and general form. This is a matter for reserved matters consideration and can be properly applied at a later time.
- 3.5. In terms of national guidance, the 2024 Framework is relevant and the key sections are as follows:
- 11 Sustainable development
 - 170 Safeguarding and enhancing biodiversity interests
 - 171 Distinguishing between local and national landscape designations and the weight to be afforded to them

4.0. Applying planning policy

- 4.1. In applying planning policy and all other material planning considerations the following matters are pertinent:
1. Is the development acceptable in principle?
 2. Is the design approach and visual impact acceptably resolved?

3. Location and transport sustainability
4. Are there any other material planning considerations?

The principle of development

- 4.2. The application site lies within the rural area and the principles of CP11 apply which is a policy of general restraint save for a list of exceptions.
- 4.3. Given that a non-occupancy restricted dwelling (a rural justification) does not apply, there needs to be case advanced for a reasoned justification to depart from this policy.
- 4.4. As of March 2024 the local authority could not demonstrate a 5-year supply of housing land and in fact the figure of 1.7 years represents a severe shortfall in provision. It is acknowledged that the current government is committed to the provision of housing supply and the granting of permissions to enable this.
- 4.5. In circumstances where the local authority will be aware of paragraph 11 of the Framework²⁴ which states:
Plans and decisions should apply a presumption in favour of sustainable development
d) 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 impact 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.*
- 4.6. Thus the starting point is that permissions should be granted and the presumption in favour of sustainable development should be applied (CP1 and CC01). The presumption in favour of the development plan (CP11) has diminished weight where those policies are out of date and, in this case, a dire position in terms of housing land supply and the delivery of housing.
- 4.7. The proposed dwelling would add only one unit to the supply position although Framework²⁴ acknowledges the value of small and medium development and self-build projects to fulfilling need (73). We return to this below.

- 4.8. In summary, the position is whether the development of the proposed dwelling would represent a circumstance where “any adverse impacts of granting permission for the housing would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole”.
- 4.9. For the reasons set out below, it is concluded that such material impacts are not so adverse when weighed against all other matters that they justify the setting aside of the presumption in favour of sustainable development.

Visual impact

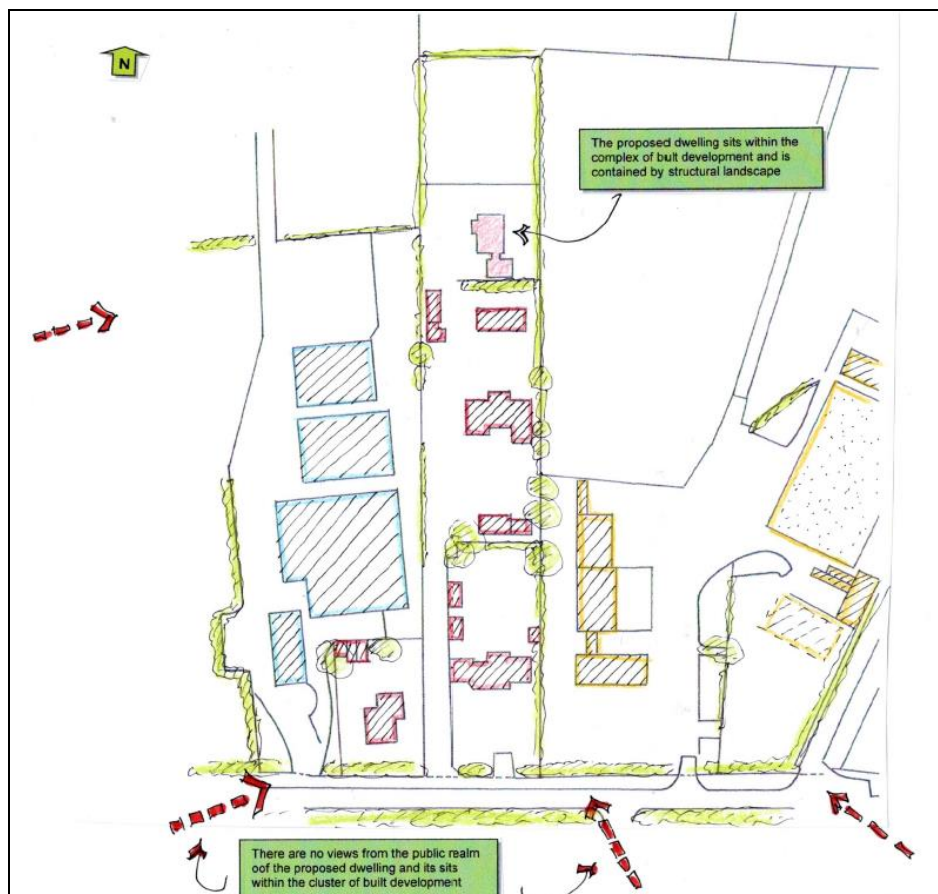
- 4.10. In granting permission for The Vale, the appointed Inspector concluded, *inter alia*:
5. The Borough Council and the Hurst Parish Council have raised objections to the proposal given its countryside location. Whilst such objections may have been valid at some time in the past, my decision has nevertheless been influenced by the physical features associated with the site. These include large, modern structures to the west at Harp Farm, which closely abut the boundary with the appeal site and include B8 uses.
 6. The most adjacent large building was, I understand, recently erected following the grant of planning permission in 2014 (ref: F/2014/0678). This building projects rearwards beyond the proposed site of the new dwelling. There are also substantial modern barnlike structures that extend beyond the rearmost part of the proposed domestic curtilage. All of these represent dominant features within the countryside. Additionally, there is a house associated with Harp Farm close to Forest Road.
 7. To the east is an array of new buildings, which I understand are to be used by a charity for equestrian purposes. The large buildings that I noted during my site visit are immediately to the east of the appeal site with the fields beyond divided into paddocks, together with a hard surfaced manege for equestrian use. This new feature is shown on the submitted drawings and is described as the JAC development, for which permission was granted in 2012 (ref: F/2012/0651).
 8. The appeal site is therefore effectively surrounded on three sides by substantial development, that to the west representing a dominant feature within the countryside. In addition, I am aware that the site has a permitted use which is personal to the appellant for the sale of cars and for car repairs undertaken within outbuildings abutting the main house. These uses and the associated buildings would be removed to permit the proposed new dwelling.
 9. These factors, in combination, have led me to conclude that there are special reasons for making an exception to the normal rural policies for the protection of the countryside.
 10. Subject to an appropriate design for the new dwelling and proposals to provide native hedging to the north and east boundaries of the curtilage indicated on Drawing no. AJT/03, I find on the main issue that development as proposed will not be harmful to the character and appearance of the surrounding landscape, as required by national policy in the Framework¹ and by Policies CP3 and CP11 of the Core Strategy².

- 4.11. The 2023 Inspector came to a similar view on the residential development and stated:

55. Thus, for the reasons given above, I find that the dwellings do not harm the character and appearance of the area and there is no conflict with policies CP1, CP3 or CP11 of the CS or policies CC03 and TB21 of the MDD in this regard.

- 4.12. In this case, the Inspector agreed that there were no views from Forest Road or surrounding roads and referred to the access to Warren Farm which, of course, is a private view and not material.

- 4.13. These are statements and decisions based on the visual effect of a dwelling and the containment by built development on three sides. Since this time, the verdant cover which has been referenced has matured and the reserved matters application has been granted. This is shown below by the design principles diagram which is submitted as part of this application (MLP/DESIGN/01).



- 4.14. To reinforce the point photographs 1 and 2 below show the views from Forest Road which can be verified on the site visit. They clearly show that there are no public views to the application site.



1



2

- 4.15. Photograph 1 looking west shows Harp Farm, Cherry Trees and the buildings at Rehoboth above the hedgerows along Forest Road. From the east, photograph 2 shows how the commercial buildings dominate short and medium range views.
- 4.16. The dearth of views to the application proposal is not, of itself, justification for allowing development and this is not the position adopted by the applicant. Rather, it is a matter to be weighed in the planning balance having regard to the Framework test of whether allowing development for housing would significantly and demonstrably outweigh the benefits of that provision.

4.17. On appraisal it is shown that the impact of development is not one which is adverse when considered against the landscape impact and views around the cluster of buildings. As such there is no prima face conflict with TB21 or the policies of the Farmework24 which would militate against the granting of planning permission.

4.18. The other material considerations of access, appearance, landscaping, layout and scale are all capable of satisfactory resolution in accordance with policies of the development plan and Design Guide. This has been shown to be the case with the decisions pertaining to The Vale and related buildings.

Transport sustainability and location

4.19. There is no doubt that the occupiers of the proposed dwelling will be reliant on the private car as are many householders in the newly developed SDL's a short distance to the south of the application site.

4.20. This position must be set against the distance to the principal settlement of Wokingham and the lower level settlement of Binfield where the following apply.

- Wokingham Railway Station and town centre 2.6 miles
- Food supermarket 2.0 miles
- Binfield library and post office 2.0 miles
- Bracknell town centre 4.5 miles

4.21. The issue is that the travel distances to this infrastructure is limited and the commensurate with recent housing development on the edge of settlements where there is limited public transport.

4.22. The servicing of the dwelling will be undertaken in conjunction with that for the existing dwellings at Harp Farm, Cherry Trees and The Vale and there is no significant pressure on services. It follows that whilst outside of defined settlement boundary, the proposed dwelling is not isolated and is within a cluster of built development which includes other dwellings.

4.23. The 2015 Inspector would have been aware of the relevant policies and in particular CP11 and the position of the proposed dwelling in relation to settlements. Reason for refusal 2 of the 2014 application stated:

2. The proposed development is located in an isolated, unsustainable location outside the defined settlement limits. In the context of the Council being able to demonstrate adequate sites for housing within the settlement boundary the proposed development is contrary to the requirements of the NPPF and Policies CP3 and CP11 of the Core Strategy & MDD Local Plan Policy CC01.

- 4.24. With this in mind the determination was made to allow the appeal, even in the context of having sufficient housing land supply at this time. Plainly this is no longer the case. As such, the policies of the development plan were, at the time, up to date and material whereas they are now out of date as a result of the housing land supply position. There is no basis to come to an alternative view in respect of the current application and the weight afforded to Framework 11(d) should be one which finds in favour of development.

Other material planning considerations

- 4.25. The other material planning considerations which are implicit in applying planning policy and development management matters are as follows:
- Highways access parking
 - The effect on biodiversity and enhancement
 - Surface water drainage and flooding
 - Internal space standards
 - Sustainable construction
 - Residential amenity
 - Self-build
- 4.26. There is adequate provision for parking (cars and cycles in the garages) which can be considered at reserved matters stage. In the various applications no objection to this position has been stated and there remains adequate visibility to Forest Road in both directions. For this reason there is no conflict with development plan policies CP3 or CP07.
- 4.27. In regards to biodiversity, the submitted PEA sets out the position and there is no overriding conflict with policy TB23 or CP7. There is scope for additional survey work, if required, and for biodiversity gains which can be secured through appropriate planning conditions.
- 4.28. In setting this out, we have regard to the BNG requirements which are not applicable to self-build housing projects.
- 4.29. Matters pertaining to surface water and other flooding are not implicated on this site and there is no conflict with development plan policies CC09 or the relevant sections of Framework24.

- 4.30. Internal space standards and sustainable construction are matters which can be covered through the reserved matters process. At this time there needs to be an approach which complies with policies CC04 and TB07.
- 4.31. In respect of residential amenity the issues are whether a dwelling can be developed whilst allowing for appropriate separation distances and ensuring that there is no loss of privacy to adjoining occupiers. These are resolvable through design and the indicative layout shows the separation of some 17m between the front elevation of The Vale and the side of the proposed dwelling. There is also the intervening 4 bay garage and storage building which will further safeguard amenity.
- 4.32. The prospective occupiers will benefit from a relatively substantial garden area and outlook - however designed - which will benefit from open aspects. In all respects there is no prima face conflict with policy CP3 or the usually applied development management criteria.
- 4.33. On the matter of self-build projects the Framework sets out a positive policy at paragraph 73(b) and the applicant remains on the self-build register at the Council. The development plan is silent on this issue and is post-dated by the Framework approach.
- 4.34. The matter of self-build projects is one which should be weighed in the planning balance and is referenced in the summary to this Statement.

5.0 Summary - the planning balance

- 5.1. By way of summary, the following matters are set out:

- The local authority has properly conceded that as of March 2024 it could not demonstrate a five-year supply of housing land. In fact the shortfall is severe at 1.7 years and we await the most recent statement in due course.
- Under these circumstances the Framework is clear that the relevant policies of the development plan shall be regarded as being out of date and the presumption in favour of sustainable development must be applied. This is a point on which the applicant may draw considerable comfort in the determination of this application.

- This is emphasised by the new Government's commitment to accelerating the positive determination of planning permissions for housing development.
- Moreover, there is planning policy support for self-build housing and it is acknowledged that this can make a "an important contribution to meeting the housing requirement of an area" (73). This is a case in point and the dwelling can be delivered relatively quickly.
- The other material considerations relating to ecology is shown to be resolved in a satisfactory manner and there is scope for biodiversity enhancement which can be secured through appropriate planning conditions.
- Matters pertaining to highways and parking are detailed on the submitted plans and can be implemented in a manner which meets the adopted standards of the local authority.
- Thus the key issue given 11(d) is whether the development proposal would, on balance, significantly or demonstrably outweigh the clear benefits of housing provision. Given the visual and other development management appraisal along with the severity of the housing supply position, this balance should fall in favour of the grant of planning permission.

5.2. As such, the proposal is sustainable development and the presumption in favour should be applied in accordance with paragraph 11(d) of Framework24.