



WOKINGHAM BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990

TOWN & COUNTRY PLANNING

(INQUIRIES PROCEDURE) (ENGLAND) RULES 2000 (As Amended)

Proof of Evidence

Mark Croucher BA (Hons) MSc

Principal Planning Officer Team Leader for Wokingham Borough Council

APPELLANT:	Mactaggart and Mickel Strategic Land
APPEAL SITE:	Land Between Lodge Road and Tape Lane RG10 0EG, Hurst, Wokingham, RG10 0EG
PROPOSAL:	Outline application for the proposed erection of up to 99 no. dwellings, green infrastructure, open space, pedestrian and cycle links, recreational facilities and other associated infrastructure and access points on Lodge Road and Tape Lane with required improvements. (All matters reserved except for means of access.)
LPA REFERENCE:	242067
PINS REFERENCE:	APP/X0360/W/25/3364304

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1.0 QUALIFICATIONS; EXPERIENCE AND SCOPE OF EVIDENCE

- 1.1 My Name is Mark Croucher and I am Principal Planning Officer Team Leader for Wokingham Borough Council. I have 19 years' experience working in Local Government, specifically for Local Planning Authorities. I hold a Bachelor of Arts (Honours) degree from Solent University and have a Master of Science in Spatial Planning from Oxford Brookes University.
- 1.2 I have worked for Wokingham Borough Council since January 2015 and have taken on senior leadership role within the Development Management team. In this capacity I lead on Major applications, Major appeals and Secretary of State call-ins. I have provided expert evidence on behalf of the Authority in numerous planning Inquiries & Hearings, which have involved major housing schemes and commercial development.
- 1.3 Prior to this, I worked in planning officer roles for Woking Borough Council and Winchester City Council, dealing with a wide range of applications and appeals.
- 1.4 My evidence is provided in support of the Council's reasons for refusal and is my true and professional opinion. I am familiar with the issues relevant to this appeal. I was the case officer for the planning application and the previous application for 200 houses that was dismissed at appeal. The evidence will also serve to introduce the Council's other witnesses. I will not seek to duplicate information already provided to the Inspector in the Council's Statement of Case. This Proof of Evidence should be read alongside the Statement of Case and the Council's other evidence.

2.0 INTRODUCTION AND SUMMARY

Introduction

- 2.1 The officer report and decision notice setting out the reasons for refusal has been approved by the Head of Service and the Chairman of Planning Committee. 11 reasons for refusal were established. This Statement of Case

sets out the case for refusing the development and refers to the Appellant's Statement of Case where necessary.

- 2.2 A full copy of the decision notice is included at CD1. The reasons for refusal are set out below:

1. The proposal results in an unsustainable pattern of development by reason of the creation of a new unplanned large housing estate on a greenfield site in the countryside outside of settlement limits. It would be significantly out of scale with neighbouring small village of Hurst and the level of existing infrastructure within the village. The development is contrary to the spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 2, 4, 8, 9, 12 and 15 of the NPPF.

2. The application results in the loss of an area of Best and Most Versatile agricultural land contrary to Core Strategy policy CP1 and section 15 of the NPPF.

3. The proposed development will have a detrimental impact on the landscape and the character and appearance of the area by reason of the quantum, scale, parameters and location of the development. It would result in the loss of characteristic landscape features and erode of the separation between existing villages and their rural setting. The development is contrary to policies CP1, CP3, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 12 & 15 of the NPPF.

4. The application site is within an unsustainable location where residents would be reliant on private vehicles for basic day-to-day needs, by reason of the countryside location outside of settlement limits, distances to facilities and services, limited public transport links and poor quality of the walking/cycling environment, contrary to policies CP1, CP2, CP3, CP6 and

CP11 of the Core Strategy, CC01 and CC02 of the MDD Local Plan, the Borough Design Guide SPD and section 8 & 9 of the NPPF.

5. In the absence of a satisfactory Flood Risk Assessment and the Environment Agency objection, the proposed development has failed to demonstrate it would have an acceptable flooding and drainage impact contrary to Core Strategy policy CP1 and CP3, MDD Local Plan Policy CC09 and CC10 and Section 14 of the NPPF.

6. By virtue of a lack of accurate information, an assessment date for baseline biodiversity value cannot be agreed. Therefore an assessment of how 10 percent biodiversity net gain will be achieved is not possible and as such, if granted planning permission, there is no guarantee if 10 percent biodiversity net gain will be achieved, hence would be contrary to Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

7. The application has failed to demonstrate the proposed development will have an acceptable impact on ecology and biodiversity by reason of the impact on protected species, wildlife and habitats, contrary to policy CP1, CP3 and CP7 of the Core Strategy, CC01 and TB23 of the MDD Local Plan and section 15 of the NPPF.

8. 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 Local Plan TB12.

9. 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 6 of the NPPF.

10. In the absence of a completed Legal Agreement, the development fails to secure a schedule off-site highway works for pedestrian and sustainable

travel infrastructure and the management/adoption of internal estate roads and public open spaces, contrary to Core Strategy policy CP1, CP3, CP4 and CP6 and MDD Local Plan policy CC03 and TB08 and sections 4, 8, 9 and 12 of the NPPF.

11. 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.

- 2.3 It is anticipated that reasons 8 and 11 can be resolved by a signed legal agreement, and this is currently being discussed between the parties.
- 2.4 After further discussion with the appellant, the Council has accepted the BNG baseline and therefore RfR 6 has been overcome.
- 2.5 RfR 7 remains unresolved. While the areas of dispute have narrowed between the appellant and the council, a fundamental issue persists; there are no 'wholly exceptional reasons' to justify the degradation of irreplaceable habitat. The Council maintains that this results in a clear and direct conflict with paragraph 193(c) of the NPPF, which states that: *'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'*. In the absence of such justification, the NPPF directs that permission should be refused.
- 2.6 It is important to highlight that the EA objection partly related to the ecological impact of the development, and they are currently viewing the additional information submitted from the appellant.
- 2.7 The Council received an amended Flood Risk Assessment and Drainage Strategy with associated appendices, including a Flood Risk Modelling Report, on 08.07.2025. Whilst the Environment Agency is reviewing the fluvial flooding and ecology implications, the Council must also review any pluvial flooding

implications from the new information submitted, in their role as the LLFA. An update on this matter will be provided by 29.07.2025.

- 2.8 Two additional Proofs of Evidence from independent experts have also been submitted, relating to landscape and unsustainable location, and support the reasons for refusal and the Council's case.

Summary of this Proof of Evidence

- 2.9 The appeal site lies outside the defined settlement limits within the countryside and fundamentally conflicts with the spatial strategy of the adopted development plan, including Core Strategy policies CP1, CP2, CP9, CP11, and CP17, as well as MDD Local Plan Policy CC02. These policies aim to direct growth toward sustainable locations with adequate services and infrastructure, protect the countryside, and maintain the separate identity of settlements.
- 2.10 Hurst is identified as a Limited Development Location where up to 25 dwellings are supported during the plan period. The appeal scheme proposes 99 dwellings, which is over a 300% increase, outside of the settlement boundaries. This breach is substantial and contrary to both adopted and emerging policy. The scale and location of the scheme are entirely inappropriate for a small rural village with limited infrastructure and poor accessibility.
- 2.11 The Local Plan Update (LPU)¹, which has been submitted for examination, continues to identify Hurst as unsuitable for significant development, limiting development proposal up to 9 dwellings. The appeal site was promoted for allocation but was rejected through the Housing and Economic Land Availability Assessment (HELAA) process. The LPU's spatial strategy continues to focus growth on strategic locations with supporting infrastructure, and the quantum of development would significantly exceed the 9 dwelling limitations for such a locations referred to in the LPU policy S4.

¹ CD12.3

- 2.12 Hurst is a historic rural village with a long-established and distinctive character shaped by its agricultural past and incremental, small-scale development. The appeal site lies between Hurst and Whistley Green, forming part of a vital rural undeveloped gap that contributes to the separation and identity of both areas. The site has been historically used for agricultural and grazing and offers attractive views from public vantage points such as Tape Lane and Lodge Road, both of which retain a distinctly rural feel. The village has evolved through linear development along roads and small, modest infills. The surrounding open fields are intrinsic to its character.
- 2.13 It is self-evident that the proposal would result in a harmful impact to the landscape and the character and appearance of the area. This major unplanned housing development on undeveloped fields in the countryside, outside of the settlement boundaries of the small village of Hurst, would have a detrimental urbanising and negative impact on the landscape. The extent of the landscape impact is set out in a separate PoE from Mr Stuart Ryder.
- 2.14 Development Plan policies TB21, CC03, CP1, CP3, and CP11, and the Wokingham District Landscape Character Assessment all refer to maintaining or enhancing the quality of the environment, and the proposal conflicts with these requirements. This is consistent with para 187 of the NPPF which 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.'* Even without considering the council's case, it is clear from the Appellant's LVIA that the development would conflict with these development plan policies and this section of the NPPF.
- 2.15 Reducing the quantum of development from the previous appeal to 99 dwellings does not resolve the core negative effects on the landscape. The location and the site area have not changed. The development would still spread over a wide area and the proposed access road is in the same location and would cut through the open land the development seeks to preserve. The remaining open areas would no longer retain their agricultural or undeveloped character;

instead, they would become formalised, managed green spaces that merge with the built form rather than preserve the site's rural identity.

- 2.16 There are incongruous design features and characteristics due to the parameters of this development, which in some respects makes the current proposal worse than the previous appeal scheme. The main access and road coming off it is isolated from the development, visually intrusive, and poorly integrated into the surrounding context, offering no natural surveillance, enclosure, or positive contribution to the rural character of Hurst. It lacks any coherent relationship with the existing built form or street hierarchy, thereby undermining the creation of a sense of place. This harm is not an inevitable consequence of development but a direct result of this specific proposal.
- 2.17 The scale and form of the proposed 99-dwelling scheme are wholly disproportionate to Hurst's historic pattern of small-scale, incremental growth. The introduction of large, disconnected perimeter blocks creates a harsh edge to the village and an uncharacteristic intrusion into the countryside. The scheme fails to respect local character, undermines the edge-of-settlement policy CC02, and conflicts with national design principles set out in the National Design Guide and NPPF paragraph 139. The parameter areas of development, including the number of dwellings and location of the access, would be fixed, locking in long-term harm and permanently eroding Hurst's rural identity that cannot be rectified through reserved matters.
- 2.18 The proposed development would result in the loss of approximately 5.9 hectares of Grade 3a Best and Most Versatile (BMV) agricultural land, contrary to Core Strategy policy CP1 and paragraph 187(b) of the NPPF, both of which seek to protect high-quality agricultural land due to its economic and environmental value. Although the appellant claims some areas would remain undeveloped, the change of use would nonetheless sterilise the land for future commercial agricultural use. The previous appeal Inspector acknowledged this loss and afforded it modest weight in the planning balance. The proposal would therefore cause material harm through the irreversible loss of BMV land.

- 2.19 The pre-emptive felling of two oak trees (T85 and T86) prior to submission of the current application resulted in the degradation of onsite habitat directly attributable to the development. Both the PPG and NPPF make clear that where habitat has been degraded and no evidence remains of its biodiversity value, the highest reasonable value must be assumed. The Appellant's own Ecological Impact Assessment (ECIA) accepts this and assumes the trees were veteran and that their removal constitutes the loss of irreplaceable habitat. While the Appellant now proposes a compensation strategy, the PPG and NPPF also require 'wholly exceptional reasons' to justify such harm. There are no such wholly exceptional reasons. The proposal conflicts with national and local policy, fails to meet the required policy tests for loss of irreplaceable habitat, and provides a clear reason for refusal under NPPF paragraphs 193(c) and 11(d)(i).
- 2.20 Hurst is a small rural village with a limited range of everyday services and facilities and intermittent footpath infrastructure. The site is in a location where residents would be heavily reliant on private vehicles for the most basic day-to-day needs. This would be acutely experienced by the occupants of the affordable houses where expenditure on travel for basic services would be a necessary requirement of living at the site. This runs directly contrary to the overarching principles of sustainable development set out in paragraphs 8 and 110 of the NPPF, which emphasise reducing the need to travel and promoting sustainable patterns of growth.
- 2.21 This proposal would introduce a significant residential development and substantial new population into a location incapable of the desired modal shift away from a reliance on private vehicle. The infrastructure works proposed do not alter the fact the Hurst is a small rural village, inappropriate for significant housing development and in some instances, they are also impractical and would fail to meet the CIL regulations test.
- 2.22 There are benefits to this appeal proposal, most notably the provision of market and affordable housing, which has substantial weight in favour of the

development. other limited benefits include open space and the economic consequences of development and residents spending.

- 2.23 Over four decades of planning appeals have consistently refused (and consistently upheld by Inspectors on appeal) on this land including schemes for significantly smaller proposals than this appeal scheme due to the need to protect this attractive land which forms part of the countryside and an important landscape between the two villages of Hurst and Whistley Green. The recent appeal dismissed appeal decision provides an up-to-date analysis of the site and its unsuitability for significant housing development. This consistent planning history is an important material consideration in this appeal.
- 2.24 The appeal proposal has received a significant number of local objections, and these raise legitimate material planning consideration.
- 2.25 Significant previous over-delivery of housing (as recognised by the housing delivery test) and the emerging Local Plan Update are important considerations in understanding the overall delivery/supply picture and establishing that the current development plan has functioned well. These are all factors that must be taken into account when considering the wider context to the current shortfall in housing land supply and the weight attached to the spatial strategy.
- 2.26 Delivering housing is an important objective and one for which the Council has a very strong in delivery record, but sustainable development is not judged on housing numbers alone.
- 2.27 Although the Council currently cannot demonstrate a five-year housing land supply, NPPF paragraph 11(d)(i) is clear that planning permission must still be refused where policies protecting assets of particular importance provide a clear reason for refusal. Footnote 7 of the NPPF confirms that irreplaceable habitats, including veteran trees, fall within this protected category. The acknowledged degradation of two potentially veteran oak trees (T85 and T86), accepted by the appellant as irreplaceable habitat, disengages the tilted balance and triggers a strong presumption against approval under paragraph

11(d)(i) and NPPF paragraph 193(c). The absence of 'wholly exceptional reasons', as required by national policy, confirms that the application should be refused on this basis alone.

- 2.28 Putting aside the disengagement of the titled balance caused by the degradation irreplaceable habitat. The adverse impacts would significantly and demonstrably outweigh the benefits. The change to para 11 in 2024 NPPF highlights that decision must now have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 2.29 As will be set out in evidence, the development is not within a sustainable location. The appeal parameters would lock-in poor design features that could not be rectified by reserved matters and cannot be considered to facilitate a well design place. Half the new dwelling would however be affordable homes. Considering these factors in combination emphasised by paragraph 11, the harm significantly and demonstrably outweigh the benefits. Furthermore, there are other harmful impacts such as the loss of BMV and degradation of irreplaceable habitats that would outweigh the other limited benefits of the proposal. The latter providing a clear and standalone reason for refusal by itself.
- 2.30 For the reasons set out in this PoE, the appeal should be dismissed. While there are benefits there are significant and overriding harmful impacts and conflicts with national and local policy.
- 2.31 The above conclusion sets aside the outstanding drainage and flooding implications of the site and the Environment Agencies objection, which is also set out detrimental ecological impacts. Additional Flooding and Drainage information is under review. If these issues are overcome, it does not alter the material considerations that demonstrably weigh against this appeal proposal and provide strong reasons for refusing the development.

3.0 PLANNING HISTORY

Appeal Site

- 3.1 This site has a long planning history, with several applications and appeals that have been refused or dismissed. A consistent reason in these decisions is that the land is important countryside that contributes to the setting of the villages, unsustainable and should not be developed.
- 3.2 There is planning history for refusals on this site dating from 1973 to 1977, the details of which are within Appendix 1-3. It is however relevant to first consider a decision in August 1986, when planning permission was refused for the development of 177 dwellings with facilities including community centre, nursing home, shops and recreational facilities on land between Lodge Road and Tape Lane (ref. 25924). An appeal was dismissed and called in by the Secretary of State to make the final decision (Appendix 5). The Inspector (at paragraph 344) concluded:

‘In my opinion the development of the appeal site within the area enclosed by the inverted ‘C’ would project development into the open countryside notwithstanding the fact that the site is enclosed by hedges and trees and is bordered, at least in part, by the B3030 to the west....The introduction of development onto the appeal site would produce a substantial mass of building which would be visible from the B3030, both from the existing viewpoints of the site from the south-west and also from the proposal access on Lodge Road. This extension westwards of development would tend to visually close the gap between the small area of development on Lodge Road...and the development along Lodge Road at Whistley Green to the detriment of the visual amenity of the area’.

- 3.3 On 10th November 1988, the appeal was also dismissed by the Secretary of State. Copies of the decision notices are attached as Appendix 4. Importantly, the SoS concluded that the development of 177 homes would not relate well in

scale and location to the exiting development, pattern of settlement or surrounding land uses and that the countryside should be conserved in this location. Back in 1988 there was also short fall in housing land supply (paragraph 18) but due to the demonstrable harm identified with this scheme, the proposal was dismissed. He stated:

The SOS agrees with the Inspector that development of the appeal site would project development into the open countryside...He shares the Inspector's view that the proposal would represent an intrusion into the countryside and would, by substantially filling in the inside area of what was described at the inquiry as an inverted 'C', completely alter the form and visual character of the village. He further agrees with the Inspector that extension westwards of development would tend to visually close the gap between the development to the north and south to the detriment of the visual amenity of the area.

As for social issues, the SOS does not doubt that the proposal, because of its size in comparison with the main built-up part of Hurst, would have a major effect both in relation to the character of the village itself and on the existing community".

- 3.4 On 13th December 1999, planning permission was refused for the erection of a farm shop and equipment store building and siting of mobile home. On 30th June 2000, this decision was dismissed on appeal. Whilst it is accepted that the policy at that time which protected this land as part of a 'setting of settlement' rural area is no longer within the current Development Plan, the Inspector accepted that the fields form 'an integral part of the village's rural setting'. The scheme, which was for a significantly smaller development in terms of quantum than this Appeal scheme was not acceptable and was considered to be 'out of keeping with the rural setting of the west side of the village' (paragraph 17) (Appendix 6).
- 3.5 On 21st March 2002, a similar proposal for the erection of a farm shop building with associated car parking and access (ref. F2001/3149) was also dismissed

on the grounds that the one agricultural building would *'demonstrably harm the rural character and appearance of the locality and would seriously erode the landscape setting of the settlement of Hurst'* (paragraph 19) (Appendix 7).

- 3.6 On 31st October 2007, planning permission was refused for the erection of stables and barn to form equine treatment centre with menage, access and horse walkers with storage building for tree nursery (ref. F/2007/2154) with five reasons for refusal including the harmful impact to the visual character and open nature of the countryside due to the size and scale of the development [of stables and barn]. An appeal was withdrawn in September 2008. A copy of the decision notice is at Appendix 8.
- 3.7 Further applications were submitted and refused and dismissed on appeal (heard by way of an Inquiry) in 2009 for 'stables and barn to form equine treatment centre with menage, access and horse walkers and the siting of a mobile home' (Appendix 9). The conjoined appeal decision on 5th February 2009 described the site as being *'level and predominantly open in character apart from trees and hedgerows in the northern section and around the boundary. It is part of a larger area of undeveloped land which provides an attractive open setting to Hurst and maintains the rural character of the wider area. Whilst not designated as a gap between settlements, this area of undeveloped, open land retains a particularly attractive pastoral appearance and provides visual separation between loose knit areas of housing which surround it to the north, east and south'* (paragraph 6). The Inspector found the proposal to *'harm the character and appearance of the simple and open rural landscape'* (paragraph 13).
- 3.8 This brings us to the recent appeal decision on the site (CD7.1) less than two and half years ago on 9th March for *'200 homes, open space, pedestrian and cycle links, recreational facilities (Class E) and other associated infrastructure including the formation of a new highway access road from Lodge Road located adjacent to the existing field access to be closed'*. This appeal was similarly dismissed with the inspector citing various harms including conflict with the spatial strategy, landscape impact, loss of BMV land, and unsustainable

location. The titled balance was also engaged in that decision due to a housing land supply shortfall and the Inspector concluded that the harm would significantly and demonstrably outweigh the benefits of developing this site.

- 3.9 To conclude, for more than four decades planning permission has been consistently refused (and consistently upheld by Inspectors on appeal) on this land including schemes for significantly smaller proposals than this appeal scheme due attractive and sensitive qualities of the landscape that are important to the character and setting of Hurst and Whistley Green. The recent appeal dismissed appeal decision provides an up-to-date analysis of the site and its unsuitability for significant housing development. This consistent planning history is an important material consideration in this appeal.

Planning history of surrounding sites

- 3.10 A site 250m to the north of the appeal site was granted planning permission (ref. 162219) on appeal in 2017 for 16 dwellings but was an allocated site within the Council's Development Plan. The development, known as the Valley Nurseries has been implemented. Appeal decision APP/X0360/W/17/3171083 is at Appendix 10.
- 3.11 On 4th August 2022, planning permission was granted on appeal (heard by way of written representations) (ref. 211532) for 6no. dwellings (2 detached four-bedroom dwellings and 2 semi-detached three-bedroom dwellings) together with associated site access, car parking, home offices and landscape at Land at Junction of Sawpit Road and School Road in Hurst (380m south of the Appeal Site). Appeal decision APP/X0360/W/21/3280255 is at Appendix 11.
- 3.12 On 31st January 2020, planning permission was dismissed on appeal (heard by way of a public inquiry) for the development of 5 dwellings and garages with creation of a new vehicular access and pedestrian access to Lodge Road and footway provision on Land at Lodge Road, Hurst (plot of land south of Badger's Bottom/Poole House) (Appendix 12) (adjacent to the Appeal Site to the west). The Inspector concluded that:

‘given that the appeal site is important to the gap between the developed areas the impact in the immediate locality would be more keenly felt’ (para 25).

‘In visual terms the site also performs a function in clearly forming part of the gap between developed areas’ (para 26).

“The net result of the proposal would be that there would be a harmful impact to both the character and appearance of the area for the reasons set out above. The development would not respect the transition between the built up area and the countryside. The fact that an area of open land would be retained to the north of Badgers Bottom is not sufficient to ameliorate this harm. The harm would be at the upper end of the moderate scale. As such the proposal would be in conflict with most important policies CC02 and CP11, and this attracts significant weight. I also find conflict with Policies CP1 and CP3 of the Core Strategy in so far as the proposal would fail to maintain or enhance the high quality of the environment, would be detrimental to the landscape and would not be of appropriate character’ (para 28).

- 3.13 On 12th May 2016, an application was refused for the construction of 12 dwellings on the land east of Lodge Road (adjacent to the Appeal Site to the west) for the reasons including: unsustainable location, inappropriate location in the countryside and harm to the character of the area, loss of important hedgerow (Council ref. 153431). An appeal was subsequently withdrawn. A copy of the decision notice is at Appendix 13.
- 3.14 An appeal was allowed for 23 dwellings along School Road. Whilst the appeal was allowed, the inspector identified the unsustainability of the site, which was more centrally located. (Appendix 14).

4.0 THE SITE AND ITS SURROUDNINGS

History

- 4.1 A summary of the Historical Setting of Hurst can be found the Village Design Statement: A Design for Hurst². This sets out that Hurst (“woody hill”) does not seem to have been mentioned until around 1220, while Whistley (Anglo Saxon wisc = marshy ground; ley = a meadow) goes back at least to the 9th century and was catalogued in the Domesday Book in 1086.
- 4.2 The Royal Forest of Windsor once extended westwards to the Loddon. Much of the Forest was cleared from the 13th century onwards, both to create arable land and for its timber. By the early 17th Century there was a small building boom as many smaller cottages were built to house their servants and farm workers. This established the settlement pattern of isolated small groups of buildings. The largely agricultural nature of the Parish continued until the second half of the 20th century. Although some of those estates have disappeared, and the remaining estates and farms employ far fewer people, the links with the past continue in many names of streets and places: Wards Cross, Braybrooke Drive, Barker Court and Almshouses; Dalby Close, Broadcommon, Hogmoor, Ashridge.
- 4.3 The main village of Hurst was developed away from the historic core of the settlement and this lies to the south of the village. This is believed to have occurred because following the Black Death in 1348, the surviving villagers built new dwellings away from the church and graveyard. This unique pattern of development has survived until the present day³
- 4.4 Hurst has two Areas of Special Character with the village and two others close to the norther and southern boundaries (see plan below). These are areas or

² CD 8.12

³ Area of Specia Character Analysis CD8.11

groups of buildings where there is a consistent period or character reflecting the areas past but where a Conservation Area designation may not be justified.

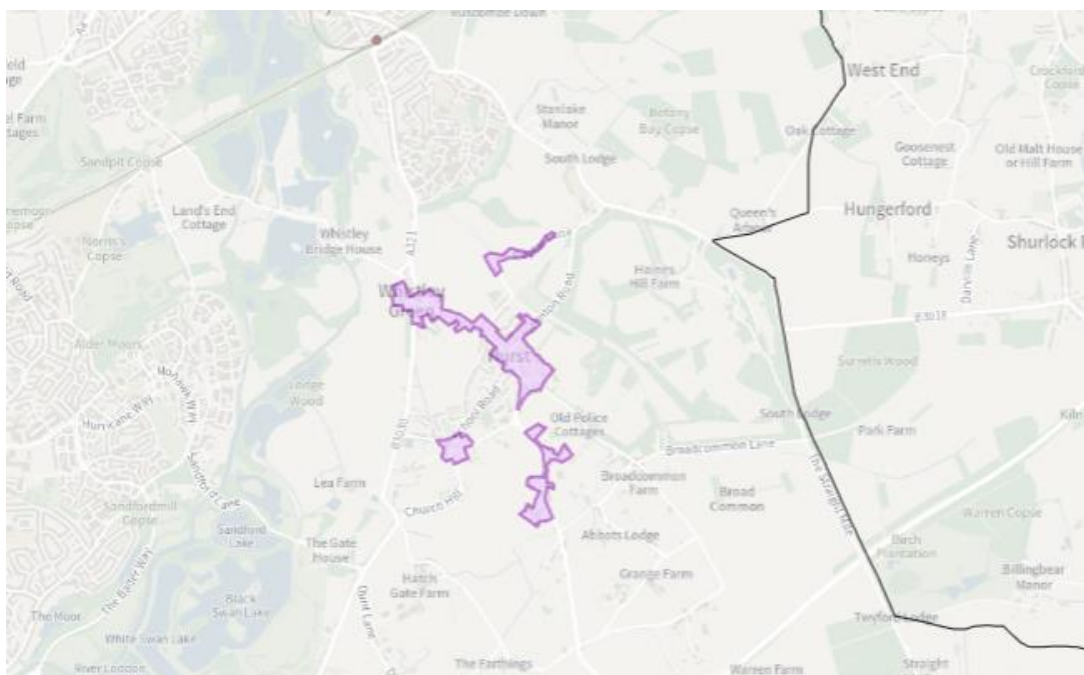


Fig 1. Areas of Special Character.

- 4.5 The analysis of AoSC when it was first designated in 1994 describes Hurst as a *'dispersed village with distinct character areas'*. It goes on to add *'the vast majority of the village could be said to display 'special character', as an attractive village. It has kept a good relationship to the surrounding countryside and suffered only minor infill and modern development.'*⁴
- 4.6 Whilst the site does not physically adjoin the areas of special character, they are features that establish the attractive character and settlement pattern of the village.

⁴ CD 8.13

The village today



Fig 2. Aerial View of Hurst and Whistley Green

4.7 The village itself is in the north of the Parish, and is open in character; the remainder of the Parish is predominantly rural with the largest proportion of land remaining in agricultural use. The Village Design Statement⁵ identifies that 'the essential characteristic of Hurst is of a small, recognisable, but scattered village set within an open agricultural landscape' and this is my experience of the village having worked in the borough for approximately 10 years.

4.8 The Borough Design Guide SPD⁶ describes Hurst as a loose village. Common characteristics described in the SPD that are present in Hurst are:

- Typically developed over time from a scattered settlement pattern, often with a variety of development character throughout the settlements;
- Buildings are loosely arranged and tend to be detached;
- Generally few established building lines;

⁵ CD8.12

⁶ CD8.14

- Some buildings are set back from the highway and some are set close to it; and
- Planting tends to dominate the front gardens and boundary treatments.

4.9 The site and surrounding were described in the previous appeal decision letter⁷ at paragraphs 6-9:

‘The appeal site comprises some 10.68 hectares (ha) of undeveloped greenfield land, mostly consisting of a single, large, fairly level field, currently used for the grazing of horses and ponies. It lies outside but immediately abutting the Development Limits of Hurst, with development in Whistley Green to the north and Hurst to the east and south. It extends from Tape Lane in the east to the tree-lined Hatchgate Ditch which borders the southern length of the site’s western boundary. A ditch also runs along the site’s southern boundary, with dwellings in Martineau Lane, and allotments, beyond. The northern site boundary is marked by sporadic mature trees, with further undeveloped land immediately to the north. A smaller field abutting Lodge Road comprises the north-western part of the appeal site. Two trees at the southern boundary of this smaller field were removed in March 2021, some time before this planning application was submitted.

There are established trees and hedgerows along most of the site boundaries, but there are also some more open lengths of boundary including to the Martineau Lane dwellings and allotments in the south, and along parts of the northern boundary. The site is private land, not accessible to the public, with no Public Rights of Way (PRoW) crossing it. There are 2 existing private access points to the site; one from Lodge Road to the west and the other from the northern stretch of Tape Lane to the east. Some 5.9ha of the site is Grade 3a agricultural land, which is classified as best and most versatile (BMV). The site lies within Flood Zone 1 and is therefore in the ‘very low’ surface water flood risk category,

⁷ CD7.1

although there are some very small areas of 'low' surface water flood risk.

The site is located about 4 miles north of Wokingham, 3 miles north-east of Winnersh and 1.5 miles south of Twyford. The Rail Station at Twyford has mainline services to Reading and beyond to the west, and to London Paddington to the east. The Elizabeth Line/Crossrail also serves Twyford, providing further services between Reading and London. In addition, bus services provide access to Reading, Twyford, Wokingham and High Wycombe. Dinton Pastures, a 350ha Country Park, is located about 1.6 kilometres (km) south-west of the appeal site and can be reached by means of a permissive footpath on the west side of Lodge Road and Footpath 34 to the south.'

- 4.10 In addition to the inspector's observations, the main access would be onto Lodge Road (the B3030). For the extent of the site a mature hedgerow bounds the site with a grass verge, as does the other side of the Lodge Road so giving a natural appearance. There are no pavements or streetlights along this section of road. The road gives a very rural appearance with no development visible on either side of the road where the proposal is to be located. Further south of the site edge is the large detached dwellinghouse known as Badger's Bottom (also known as Poole House) and opposite is another large, detached house (The Old Lodge, replaced in 2017).



Fig3. Lodge Road (south)

- 4.11 Tape Lane borders the site to the east. Tape Lane has a very rural appearance with no pavements, road markings, street lights and the whole extent of the site is bordered with a mature hedge along this lane. The houses which exist on Tape Lane are traditional in their design set back from the road with long front gardens, some with historic red brick walls fronting the road. They are also display a loose grain, reflective of the rural fringe location front onto the open agricultural fields of the application site.



Fig 4. Tape Lane (south)

- 4.12 Travelling from Whistley Green south to Hurst, the Appeal Site, comprising the open fields/countryside, forms a distinctive reverse 'C' gap between the two areas and provides an attractive distinct rural setting to them.
- 4.13 Hurst has limited facilities and these are scattered in the village rather than being centrally located. Roads are typical of a small rural settlement and there are limited narrow pavements and an absence of street lighting. Whilst they are impractical, they do retain the villages character as being small village in the countryside.
- 4.14 The site itself is an undeveloped open field in the countryside with views from Tape Lane and Lodge Road (and to some extent from Martineau Lane). The land has been historically used for agriculture and grazed by horses. There are mature trees and hedgerow around the periphery of the site with some trees set off the boundary, as shown below in my photographs and the extract from the applicant's plan.
- 4.15 In summary, the published guidance referred to above sets out that Hurst is historic rural village that has incrementally grown over the centuries through small scale development. New housing has been small infill development and has retained the pattern of development and character of the village. A key characteristic is the connect to the surrounding agricultural fields and countryside is an important and attractive characteristic to the village.

5.0 PRINCIPLE OF DEVELOPMENT

- 5.1 As set out in the Council's Statement of Case, the principle of this development is this location is unacceptable and inappropriate for the following reasons:

(a) The site lies outside the defined settlement limits, resulting in a direct and substantial conflict with Core Strategy Policies CP11, CP9, CP17,

and MDD Policy CC02, as well as the overarching spatial strategy for the borough.

(b) The proposal undermines the aims and purposes of these policies, which are designed to focus growth in sustainable, service-rich locations, protect the character of the countryside and maintain the separate identity of settlements

(c) The breach of the settlement boundary is not minor. It represents a major and visually intrusive extension into the countryside, wholly out of proportion to the size, form and character of the existing village.

(d) Hurst has already accommodated development in excess of the scale envisaged for a Limited Development Location. The proposal would further inflate this figure, reinforcing its disproportionate and unjustified scale.

(e) The site is not allocated in the current development plan, nor is it proposed for allocation in the emerging Local Plan Update, indicating that the site has been consistently judged unsuitable for planned growth through the plan making process.

(f) Importantly, the site has already been subject to a recent appeal for a significant housing development, which was dismissed due to the inherent unsustainability of the site for excessive housing growth.

5.2 The statutory starting point for determination is the development plan. The site is outside of settlement limits and within the countryside and the location for the proposed development conflicts with the spatial strategy in the development plan.

5.2 Paragraph 17 and 20 of the NPPF state the development plan must include strategic policies to address each local planning authority's priorities and an overall strategy for the pattern, scale and quality of development.

5.3 The spatial objective of the development plan is to steer new development to the most sustainable locations within the defined settlement limits and to minimise impact on the environment, as specified in the explanatory text to policy CP1 and within Policy CP11.

- 5.4 The Core Strategy and MDD Local Plan sets out the vision for the borough and the policies to achieve those objectives. The core spatial strategy has been informed through the Local Plan process with the engagement of the community. The development plan sets out the framework to allow for the delivery of four large Strategic Development Locations (SDLs) that will provide a significant amount of new housing as well as supporting infrastructure. A priority of the development plan is steer new housing to the most sustainable locations within settlement boundaries and limit development within the countryside. This is, among other things, in order to promote sustainability, maintain the quality of the environment, protect the separate identity of settlements and provide certainty regarding how the borough will developed. It is also well-explained in the Borough Design Guide⁸ at pages 6 -7.
- 5.5 Policy CP9 of the Core Strategy states the scale of development proposals in Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. Development proposals (in additional to the Strategic Development Locations in policies CP18-21) within those development limits will be acceptable.
- 5.6 As established in the judgement Canterbury City Council v SSCLG & Anor [2018]⁹, there is an inherent negative corollary in permissively worded policies that set out where development should be located. Therefore, significant housing development located outside of the development limits conflicts with policy CP9.
- 5.7 Core Strategy policy CP11 refers to development outside Development Limits (including countryside) and 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.’* expect for the exceptions listed. The clear starting point is therefore that development outside of these

⁸ CD 8.14

⁹ Appendix 15

limits should not normally be permitted. The proposal does not fall within any of the exceptions set out in CP11 and conflicts with this development plan policy.

- 5.8 The supporting text to CP11 states *'restricting development outside of development limits also helps protect the separate identity of settlements and maintain the quality of the borough's environment which is recognised in the Audit Report. Preventing the proliferation of development in areas away from existing development limits is important, as they are not generally well located for the facilities and services.'*
- 5.9 CS Policy CP17 states that sites within Limited Development Locations should generally not exceed 25 dwellings and 100 dwellings across all limited development locations across the plan period. The quantum of development will be addressed in further detail in this PoE, but it is clear that the size of the development proposed is excessive even if the site were within the development limits of Hurst.
- 5.10 The limitation of 25 dwellings is due to the limited nature of services and facilities within such a location. Supporting paragraph 2.88 of the Core Strategy acknowledges that areas outside of defined settlements/development limits (including countryside), such as the appeal site, are generally not accessible by public transport and consequently there is a risk that the high levels of car ownership in the borough, would lead to increased traffic to reach local facilities.
- 5.11 Policy CC02 of the MDD Local Plan states *'development limits for each settlement are defined on the Policies Map.'* [...] *'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.'*
- 5.12 As set out in the Canterbury Judgement above, there is an inherent negative corollary within CC02, which sets out where development should be located.

The site is outside of settlement limits and therefore conflicts with this policy. As per the evidence in section 7 and the evidence within council's Landscape Witness's PoE, the proposal also conflicts with the policy with respect to failing to respect the transition to the open countryside.

- 5.13 In addition to the location of the site conflicting with the spatial strategy, the scale of the proposed development is excessive and wholly inappropriate for this location, situated outside a small village in the countryside. The appeal site is not located within any of the tiered settlements identified in CS policy CP17 as being suitable for development of this magnitude. The development plan prioritises housing delivery through Strategic Development Locations (SDLs), which are specifically allocated areas that integrate housing with necessary infrastructure and facilities. There are currently four such SDLs being built out across the borough.
- 5.14 Beyond these, the plan identifies Major Development Locations, followed by Minor Development Locations. At the lowest tier are Limited Development Locations, where growth is expected to be minimal, no more than 25 dwellings across the entire plan period and 100 across all Limited Development Locations.
- 5.15 The proposed development far exceeds what is considered appropriate within this settlement. Notwithstanding that the site is actually outside of the defined settlement boundaries. At 99 dwellings, the scheme is over 300% larger than the policy-compliant level of growth and results in a magnitude of development inappropriate for this small village.
- 5.16 The councils HLS Position Statement¹⁰ identifies that the parish of Hurst has had 36 dwellings completions up to 2024. 23 additional dwelling have permission along School Road which equates to 60 dwellings permitted or built out over the plan period to date. This shows that Hurst has contributed to housing land supply and that development has been typically small in scale and

¹⁰ Appendix 4 SoC

maintaining the small incremental growth of the village. A development of this scale is wholly unjustified given that Hurst has grown incrementally over the plan period to deliver housing in the area over and above the 25 dwellings set out in the development plan.

- 5.17 The breach of the settlement boundary is not minor. It represents a major and visually intrusive extension into the countryside, wholly out of proportion to the size, form and character of the existing village. The development beyond settlement boundaries in this case is not small, academic or logical incremental growth to the settlement. It results in a major change to the settlement that will fundamental transformation of the village. The parameters and main access result in a sprawling layout across this 10.78 ha site, with development influencing every part of it.

Local Plan Update

- 5.18 The Wokingham Borough Local Plan Update 2023-2040: Proposed Submission Plan was submitted to the Secretary of State for examination on Friday 28 February 2025. Two Planning Inspectors have been appointed to examine the plan. The Local Development Scheme sets out a timetable for adoption by May 2026. This plan will supersede the current Core Strategy and MDD Local Plan, which sets out the spatial strategy for the development plan up to 2026. The LPU sets out a development strategy and site allocations over the period to 2040. The LPU proposes to meet housing needs in full, with a key part of the development strategy focussing growth on sustainable locations which benefit from existing, or the creation of new services and facilities as part of Strategic Development Locations (SDLs), this includes the delivery of 3,930 dwellings at the proposed Loddon Valley Garden Village SDL.
- 5.19 The site was promoted by the landowners/developer as being available for potential development and as such it has been considered by the Council's plan-making process. The last published assessment was the Housing and Economic Land Availability Assessment (HELAA). This considers the broad suitability, availability and achievability of all promoted areas of land across the borough.

This assessment concluded the land (SHU016) and adjoining parcels within the gap between Hurst and Whistle Green would be unsuitable for housing:

'The proposed development is located to the west of Hurst village, designated as countryside and situated outside but adjacent to development limits. The sites comprise several fields that are flat and overgrown. Development of part of the land in between Tape Lane and Lodge Road was found to have an unacceptable impact on the character of the area by the Inspector conducting a planning appeal process (Ref 172894). The Inspector recognised that the site was an important component of the open space separating Hurst and Whistley Green and development would not respect the transition between the built-up area and the countryside.'

The development of the site would compromise to an extent the physical and visual separation between the settlements of Hurst and Whistley Green. The Inspector conducting an planning appeal at Lodge Road (Ref 172894) recognised that the site formed an important component of the rural open space separating the norther and southern arms of the village of Hurst/Whistley Green.

WBC Landscape Character Assessment (2019) - the site falls within the Hurst River Terrace LCA (C2). It notes this is a relatively flat lowland agricultural landscape comprising large arable fields, paddocks for horses and pony grazing. Area has a strong connection to the river valley and includes a network of rural roads connecting farms and settlements of Whistley Green and Hurst. Key characteristics include flat to gently undulating landform, scattered settlement, regular drainage ditches. Landscape has a degree of openness.

WBC Valued Landscape Topic Paper (2020). The site is not situated within any proposed Valued Landscape area.

Overall, the proposed development would be out of character with the established settlement form and landscape character. [est]ablished settlement form and landscape character, with the potential to cause some coalescence between settlements.'

5.20 Since that assessment, a recent appeal decision in 2023 dismissed a significant portion of the promoted land for housing, providing further confirmation of its unsuitability for residential development. The development of 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 and will remain countryside.

5.21 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).

5.22 Since the application subject to this appeal was determined, the Regulation 22 version of the LPU has been submitted to the Inspectorate for examination on 28th February 2025. Therefore, the Council considers that the policies of the LPU, submission have moderate to limited weight in general at this stage. The relevant LPU policies are:

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
SS15 Securing Infrastructure
CE5 Embodied Carbon
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
C8 Utilities
ER4 Employment and skills plans
H1 Housing mix, density and standards
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
DH2 Safeguarding amenity #
DH6 Archaeology
HC4 Open space, sports, recreation and play facilities
HC5 Environmental Protection
HC7 Light Pollution
HC8 Noise Pollution
HC10 Odour, Fumes and Dust

- 5.23 Policy S4 of the Local Plan Update identifies sets out the development within settlements such as Hurst should be up to 9 dwellings highlighting the settlements unsustainability for significant housing development. Furthermore the supporting text highlights that unplanned development outside of the settlement limits will not be permitted even when there is unforeseen housing delivery issues.

6.0 QUANTUM AND PARAMETERS OF DEVELOPMENT

6.1 The location of the main access road is a detail for approval for this outline appeal scheme. A Parameter Plan has been submitted for approval showing the areas for development, open spaces and access roads. It is acknowledged that the application seeks outline permission, with access as the only reserved matter, but the details submitted for approval does lock-in fundamental aspect of the development, including the location of certain infrastructure and the location of the accesses, including the main access onto Lodge Road.

6.2 The PPG refers to how design is considered at outline planning applications:

‘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.

In some instances, it may be appropriate as part of the outline application to prepare and agree a design code to guide subsequent reserved matters applications. 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.’

6.3 The application seeks approval for key elements at this stage, including the main access, secondary accesses, the quantum and parameters plan. These are not indicative but fixed, ‘baked-in’ components of the scheme. As such, they lock in fundamental design flaws. Including the poor location and form of the main access and a pattern and quantum of development entirely at odds with

the established character of the village. These cannot be resolved or improved at the reserved matters stage. This prevents the ability to deliver a well-designed, contextually appropriate development and represents a serious shortcoming of the proposal. The Parameter Plan and Illustrative Masterplan are set out below.



Fig 5. Parameter Plan



Fig 6. Illustrative Masterplan

Main Access

- 6.4 The proposed main access would be physically detached from the main built form of the development, located in an isolated position along Lodge Road, away from the core of Hurst village. This detached access and linking road would introduce an uncharacteristic and visually intrusive urban feature into what is currently a tranquil rural edge characterised by open fields. It would be unlike the typical lanes or residential streets in Hurst, which are enclosed, modest in scale, and integrated into the landscape/village-scape. This proposed road would lack definition, enclosure, or relationship with built form. As such, it would appear stark, exposed and alien in a tranquil rural edge, wholly at odds with the local character of Hurst and Whistley Green.
- 6.5 The isolation of the main access and associated road results in a lack of enclosure would create a poor sense of place for any development when assessed against established guidance. This is however even more harmful in this location as its detached alignment through open land bears no resemblance to any street pattern in Hurst or the surrounding area. As the road continues east and south it would link into the two residential blocks but the majority of the linking roads would be entirely isolated from these block and extend across open land.
- 6.6 As set out in the site description section, Hurst is a dispersed or loose village with housing development generally being in linear forms along main roads with small infill developments commonly being cul-de-sacs. Through routes are well defined by and enclosed with buildings or are country lanes enclosed by hedgerows and trees. The proposed length of the cul-de-sac, open nature of it, without any definition or enclosure is not in keeping with the development or roads that characterise the village and the area.

- 6.7 The Village Design Statement: A Design for Hurst¹¹, states that '*the narrow lanes and secondary routes that criss-cross the Parish are considered by many to be one of the most important local features in Hurst*' (Section 9 – Highways and Transport, p.12). By contrast, the open main access and road would lack the narrow enclosure that typifies the area. The Design and Access Statement also refers to parts of the main access near the eastern block being an Avenue, which is typically a wide tree-lined street in a more urban setting. This highlights a lack of proper consideration of the established character and appearance of Hurst and the area.
- 6.8 To make the main access a more attractive route for users it should be lit by street lighting, which would result in a stark feature at night, weaving through open land onto a rural and undeveloped section of Lodge Road. At night and in winter months, the isolation of a lit estate access road would be a particularly alien, stark and visually intrusive feature sitting isolated in the landscape within the countryside.
- 6.9 The road's scale lighting and exposed nature, particularly during winter months, would be visually harsh and harmful, creating a utilitarian movement corridor rather than a street with a clear role in the settlement hierarchy. It would neither create a legible sense of place nor reflect the local character, contrary to both national and local guidance, including the National Design Guide¹² (NDG), National Model Design Code¹³ (NMDC), and local guidance including *A Design for Hurst*¹⁴, the *Borough Design Guide*¹⁵ and *Living Streets*¹⁶.
- 6.10 This access would conflict with the National Design Guide due to it having no buildings fronting it, lacking a clear sense of enclosure, without natural surveillance from buildings. Specifically, it would fail to create safe, well-overlooked streets (NDG section P2), lack appropriate built form and enclosure

¹¹ CD 8.12

¹² CD 8.15

¹³ CD 8.16

¹⁴ CD 8.12

¹⁵ CD 8.14

¹⁶ CD10.19

(NDG section B2) and would not provide a positive character or identity in relation to existing area (NDG section I3).

- 6.11 Section B2 of the NDG states that successful streets are *‘characterised by buildings facing the street to provide interest, overlooking and active frontages at ground level’*. The main access would have no overlooking or active frontages at any level, creating an unsuccessful street scene and without a sense of place.
- 6.12 There would also be a failure to meet section P2 which states *‘well-designed public and shared amenity spaces feel safe for people who occupy the buildings around them, and also for visitors and passers-by. They help to overcome crime and the fear of crime.’* It then states, this includes:
- *‘natural surveillance from inside buildings provided by windows and balconies, so that users of the space feel they might be overlooked by people from inside’*
 - *‘Buildings around the edges of a space’*
 - *‘Active frontages along its edge’*
- 6.13 The main access into and out of the development provides none of the above features. This concern also extends at the point where the access road meets Lodge Road, as it’s an isolated rural section of the road without any buildings within 100 meters.
- 6.14 The National Model Design Code provides further emphasis, and states *‘all new streets should be safe and overlooked and correspond to their role in the street hierarchy and area type.’* As the sole vehicle access and main street into a residential development, the lack of overlooking and enclosure for large sections does not correspond with its status within the street hierarchy of the development. The absence of any buildings fronting the access results in a street with no enclosure, character, or passive surveillance, contrary to NMDC principles and creates a poorly legible street hierarchy.

- 6.15 Part P.1 of the NMDC highlights that the quality of public space is partly defined by its enclosure through well-proportioned buildings. The proposed road, running through open land without built form, fails to meet the minimum expectations for residential street design, resulting in a disconnected and poorly integrated development approach that does not support good place-making. This is particularly important for creating well defined residential neighbourhoods.
- 6.16 Local highway design guidance *Living Streets*¹⁷ re-enforces the requirement to have well overlooked local streets. section 2.22 – Security (p. 20) states that *‘designs should aim for natural surveillance of thoroughfares, neighbours should be able to see each other’s houses and parking should ideally be where owners can see their own vehicles. Movement routes should be well overlooked to reduce the fear of crime and vulnerability.’* The development fails to achieve this.
- 6.17 Section 2.1.4 (p. 10) of *Living Streets* states, *‘any new developments will have to respond to the character of the surrounding area in a positive way to provide high quality environment. It is important to understand the context of the development area and to identify surrounding street character types and the wider landscape character...’* the jarring isolated main access and link road(s) is out of context with the settlement pattern of the area would fail to achieve this.
- 6.18 The Council’s Borough Design Guide emphasises the importance of creating a strong sense of place that responds positively to the character of the local area, the specific site, and its wider context. Section G1 – *Context and Local Character* states that *‘development must respond positively to its site and local context,’* including existing natural and landscape features of value, such as the countryside, as well as the established settlement pattern and network of routes (p.12). The main access would not respond positively to the local context in

¹⁷ CD10.19

terms of the settlement pattern, network of routes or the sensitive rural edge location.

- 6.19 The location of the access and its detachment from the houses and any other buildings would result in utilitarian feature with a sole function to provide a movement corridor, rather than creating an integrated sense of place. Manual for Streets¹⁸ (MfS) specifically advises that streets should be designed with a sense of place, and this is particularly important for new residential development. Even more so for a scheme at a sensitive rural edge that proposes a significant remodelling of the village.
- 6.20 MfS stresses the importance of balancing movement with place, stating that *'it is seldom appropriate to focus solely on one to the exclusion of the other.'* This access and isolated linking road however prioritises movement at the expense of place. It lacks relationship with built form, any enclosure, or a sense of arrival. MfS also affirms that cul-de-sacs should be *'well overlooked with active frontages'*, a clear design principle breached by this proposal.
- 6.21 The poor sense of place is further reinforced by the disjointed relationship between the proposed housing and its main access. The proposed houses would sit adjacent to Hurst whereas the detached access road would be located northwards next to Whistley Green. Furthermore, the main access would have no footpath southernly along Lodge Road that would link into Hurst, it would only go northward to Whistley Green.
- 6.22 Finally, the scheme conflicts with the National Planning Policy Framework (NPPF):
- Paragraph 109(b) requires patterns of movement, streets, and parking to contribute to the creation of high-quality places.
 - Paragraph 115(c) requires street design to reflect national design guidance, including the NDG and NMDC. The proposed development

¹⁸ 10.18

falls well below the standards expected and set out in the National Design Guide.

- Paragraph 135(c) requires development to maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

Quantum and parameters of development

- 6.23 The quantum of the proposed development is wholly disproportionate when assessed against the size and character of Hurst. The village has historically grown through small-scale, incremental expansion in the form of linear development along through roads and small infill cul-de-sacs. As the submitted Design and Access Statement¹⁹ identifies 'the settlement envelope of Hurst has developed slowly over the years, with some of the oldest buildings dating back to the 17th century or earlier.' The proposal would disrupt this pattern with a sudden, large-scale insertion of development. This would be visibly apparent, resulting in an abrupt and unsympathetic contrast with the established small incremental growth that characterises the settlement pattern.
- 6.24 The adopted development plan makes clear that development within Limited Development Locations such as Hurst should be proportionate to the size and role of the settlement, not exceeding 25 dwellings. The emerging Local Plan Update takes this further, identifying a maximum of 9 dwellings as appropriate within minor settlements²⁰, to reflect their limited services, infrastructure, and capacity for sustainable growth. The proposal for 99 dwellings represents a clear and significant departure from both adopted and emerging policy, overwhelming the scale, character, and setting of Hurst.
- 6.25 The plan below shows the Location Plan in comparison with the settlement boundaries of Hurst and Whistley Green and this highlights the overwhelming

¹⁹ CD1.5

²⁰ The Local Plan Update changes the name of 'Limited Development Locations' to 'minor settlements' and does not their place in the hierarchy.

and excessive size and scale of the development when compared to the existing settlement limits. Although it is accepted that not every part of the site would be built upon, the extent of the development parameters (including the access road) would result in a visually and physically sprawling form of development that urbanises the entire site. The remaining open areas would no longer retain their agricultural or undeveloped character; instead, they would become formalised, managed green spaces that merge with the built form rather than preserve the site's rural identity.

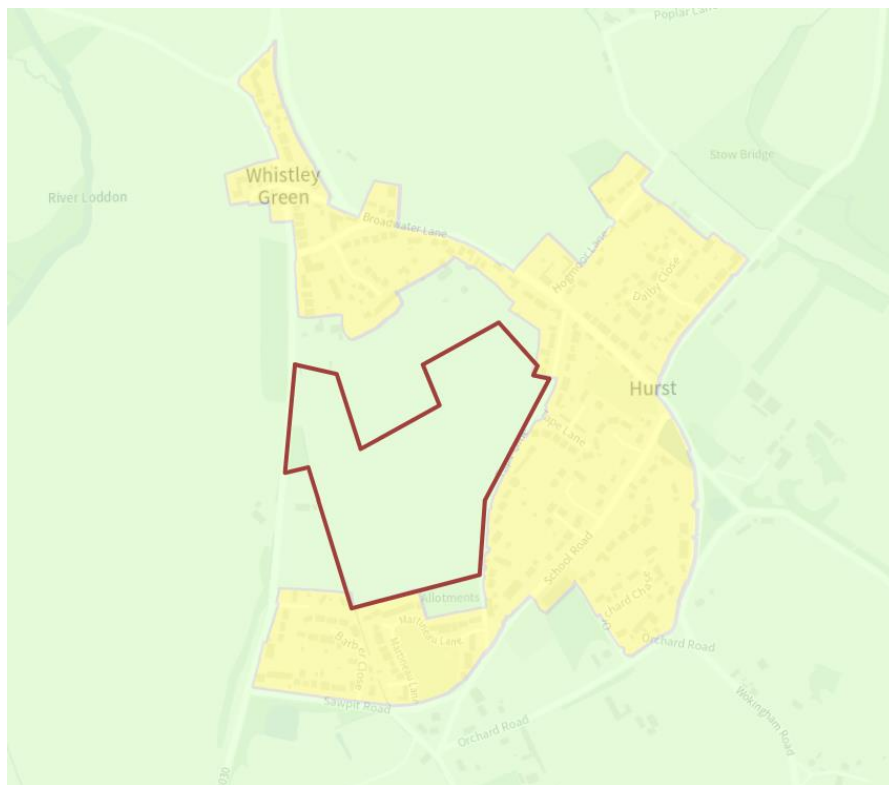


Fig 7. Site area in the context of existing settlement limits of Hurst and Whistley Green.

- 6.26 The NDG highlights that well-designed development must respond positively to the features of the site and its surrounding context (C1). In this case, the proposal would result in a large and visually dominant extension that fails to integrate into the village's incremental dispersed and linear pattern, eroding the rural character and tranquillity of its edge.
- 6.27 The insertion of two large, freestanding perimeter blocks of this density represents a formal, suburban morphology that is inappropriate in this context

and is absent in Hurst and Whistley Green on a large scale. Hurst is a small loose-knit village that has evolved gradually through informal small-scale, incremental growth: typically, in the form of linear development along roads or modest cul-de-sacs that integrate closely with neighbouring properties and the surrounding grain. The proposed large suburban blocks represent a stark departure from this pattern, disrupting the village grain, and introducing an overly urban morphology that is inappropriate and unsympathetic in this rural context.

- 6.28 The parameter plan (see below) shows two detached blocks of development that fail to connect with existing built form. Even at the limited points where the development comes into proximity with established buildings, the parameters show the residential blocks still being separated from existing built form. The southern block is detached by a substantive gap of approximately 16 - 14m from the houses in Marineau Lane, while the northern block maintains a set-back of 5.5 to 13 metres from neighbouring properties on Tape Lane.

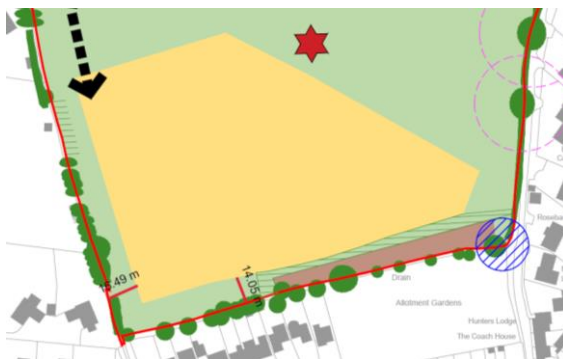


Fig 8. Southern Parameter Separation



Fig 9. Northern Parameter Separation

- 6.29 This disconnect does not resemble the organic pattern of growth found in Hurst, where small scale development has historically evolved through close-knit, organic expansion, which typically adjoin existing housing or roads, creating cohesive street scenes and unified groups of built form. This results in a parameter of development that lacks integration with the village and appears imposed rather than evolved, contrary to the principles of good design and sensitive edge-of-settlement development. The blocks would appear as a large alien suburban development at arm's length from the village rather than a

natural extension to it. This harm is exacerbated by the positioning of the access road, which is significantly removed from the village's built envelope, further reinforcing the development's disconnected and uncharacteristic form.

- 6.30 The proposal's failure to connect directly with the existing settlement results in a well-recognised urban design flaw: the exposure of private rear gardens to public areas. This is to provide security, privacy and create overlooked public spaces. This would particularly affect existing properties along Tape Lane, Martineau Lane, and Nursery Close, where public areas of the development would back onto established home's private rear gardens. MfS states, *'the basic tenet is 'public fronts and private backs'. Ideally, and certainly in terms of crime prevention, back gardens should adjoin other back gardens or a secure communal space'*. This is followed through into the NDG and NMDC which emphasise the importance of clearly separating public and private spaces and promoting active frontage onto the public realm.
- 6.31 The parameters of the proposed development fail to respect the established building line of Tape Lane. In this part of the village, built form is generally arranged in a linear pattern along the road, with relatively consistent frontages on the western side of the road set back behind front gardens typically 6-9m deep. The introduction of a perimeter suburban block set back from the road frontage would integrate poorly into the existing street scene, with dwellings being set back approximately 19m from Tape Lane and requiring uncharacteristic shallow front gardens due to the quantum of development proposed within the blocks.
- 6.32 The proposed placement of the perimeter blocks creates a new disjointed and irregular settlement pattern, projecting awkwardly into the open landscape between Hurst and Whistley Green (see plan below). Rather than following the natural grain of the village, the development would result in a jagged, illogical settlement boundary, leaving fragmented and undefined pockets of open land and countryside. This includes the areas of countryside around Poole House / Badgers Bottom, the allotments on Tape Lane, the remaining thin area of land between the northern block and the houses along Broadwater Lane, and the

small awkwardly shaped area of remain countryside to the north of the site. This effect is also exacerbated by the main access road, which dissects through and splits open land to reach a rural stretch of Lodge Road. Moreover, this sprawling layout can hardly be said to be an effective use of land.

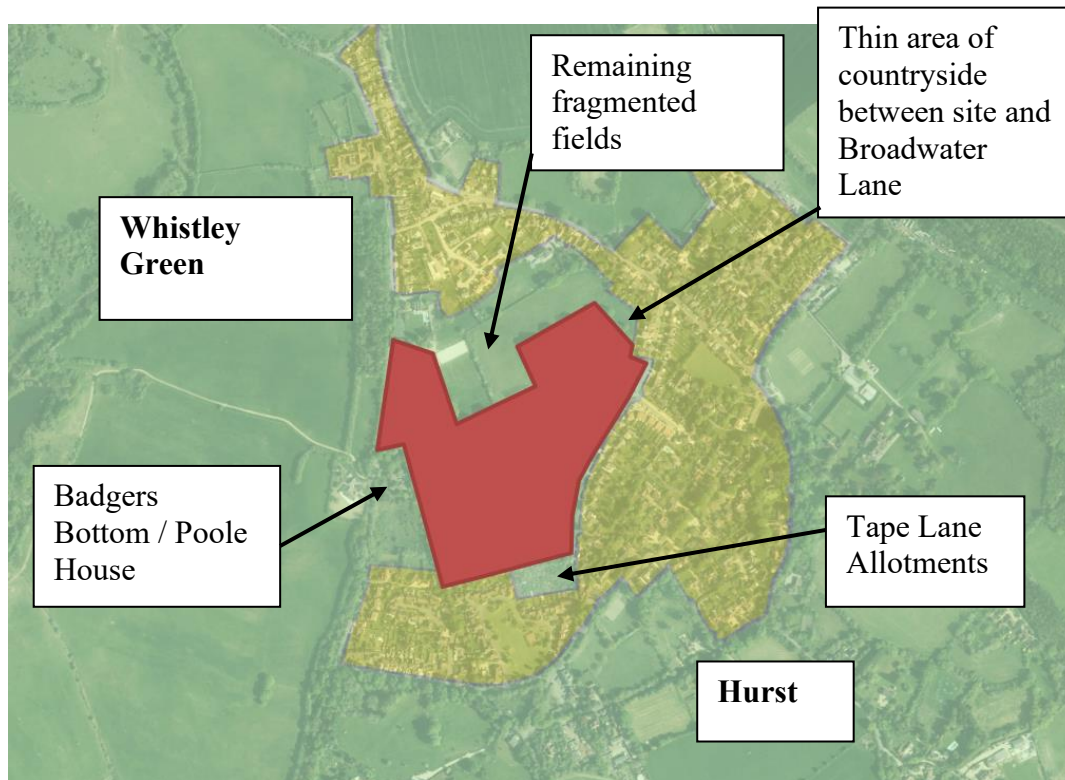


Fig 10. The application site in relation to the settlement limits and the countryside.

- 6.33 The scale, quantum and density of the proposal would significantly alter the character of Hurst, shifting it from a dispersed rural settlement to one with the form and intensity of a formalised suburban housing estate. As the National Design Guide notes, *‘well-designed places are based on a sound understanding of the features of the site and the surrounding context’* and *‘integrate into their surroundings so they relate well to them’* (NDG, Context). This proposal does neither, failing to respect the established edge, density, or form of the village, and resulting in a development that appears imposed, rather than an organic extension of the settlement.
- 6.34 The areas surrounding the application site have an average density of approximately 17 dwellings per hectare (dph). Higher density clusters are generally small and interspersed with lower density areas with a looser grain of

development. The proposed parameters would result in a density of approximately 24.5dph and replicated over a large area, with perimeter blocks 4 – 6 dwellings deep, on a sensitive rural edge, would introduce large suburban blocks of development out of keeping with the prevailing characteristics of this small village. It would not integrate sensitively and would result in a sudden and abrupt change to the character and appearance of the area. The dwellings that front into this section of Tape Lane by contrast have a density of approximately 6-7dph.

- 6.35 Paragraph 83 of the NPPF advises that rural housing should enhance or maintain the vitality of rural communities. However, rather than supporting Hurst's gradual evolution, the scale of this proposal would overwhelm its identity, appearing as a bolt-on housing estate rather than a natural or sustainable expansion. Moreover, NPPF para 139 states that planning permission should be refused for development that is not well designed, especially where it conflicts with the principles of the NDG and NMDC. This proposal does not reflect the built form, scale, or character of Hurst.

Summary

- 6.36 In summary, the proposed access and linking road is an isolated, visually intrusive, and poorly integrated feature that lacks enclosure, natural surveillance, and a coherent street hierarchy, failing to establish any sense of place. Its positioning away from houses conflicts with both national and local policy and offers no positive or sympathetic contribution to the rural character of Hurst or the countryside it encroaches upon. This is not a necessary consequence of housing development, rather it is a harmful consequence of this appeal proposal.
- 6.37 The overall scale and form of the 99-dwelling scheme is wholly disproportionate to the village's size and historic pattern of incremental, small-scale growth. Hurst is a dispersed village that has developed organically through linear streets and modest cul-de-sacs. In contrast, this proposal introduces two large, detached perimeter blocks that are disconnected from the existing built form,

resulting in a harsh and irregular edge to the village and an uncharacteristic intrusion into open countryside. The parameters further compound the harm by exposing private rear gardens to public areas, an established design flaw in national guidance.

- 6.38 The development clearly conflicts with the development plan, which promotes proportionate growth within limited development locations (up to 25 dwellings), and policy CC02, which seeks sensitive edge-of-settlement design to respect the transition between built up areas and open countryside.
- 6.39 It also contravenes the principles of the National Design Guide (C1) and NPPF paragraph 139, all of which require development to respond to local context and integrate well into the existing character. Instead, the proposal imposes a large suburban, bolt-on form that would permanently dilute the identity of the village.
- 6.40 Given the parameters that will be established by this outline application, the harm would not lessen over time. Rather, it would result in a lasting and unsympathetic transformation of Hurst's character. The established parameters, quantum of development and location of the access and associated linking road would be locked-in features of the development that cannot be rectified by reserved matters: they fail to meet either national or local design guidance and should therefore be refused in accordance with NPPF para 139:

'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.'

7.0 IMPACT ON THE CHARACTER AND APPEARANCE OF THE LANDSCAPE AND AREA

- 7.1 The impact on the Landscape is set out separately in Mr Stuart Ryder's Proof of Evidence, who is an independent expert. This section will therefore draw

upon the policy implications of the negative impact on the landscape and will not seek to repeat the landscape evidence unnecessarily.

Policy Context

- 7.2 NPPF187 is clear that *'policies and decisions should contribute to and enhance the natural and local environment by... b) recognising the intrinsic character and beauty of the countryside'*. It refers to both 'decisions', and 'policies' and therefore whilst it can be applied directly in the determination of the appeal, it also feeds through into the relevant development plan policies and the bypassing of this site for allocation in the Local Plan Update.
- 7.3 CS policy CP1: Sustainable development, states *'planning permission will be granted for development proposals that: 1) Maintain or enhance the high quality of the environment'*. The supporting text states *'as is recognised in both the Community Strategy and the Spatial Objectives, the community values the high quality of the environment within the borough.'* CS policy CP3: General Principles for development, states that planning permission will be granted for proposals that *'are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area'* and *'have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses'*.
- 7.4 CS policy CP11: Proposals outside Development Limits (including countryside), states that apart from the exceptions listed, *'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'*. The supporting text to CP11 states *'restricting development outside of development limits also helps protect the separate identity of settlements and maintain the quality of the borough's environment which is recognised in the Audit Report.'*
- 7.5 Moving onto the MDD Local Plan, an underlying objective stated at the beginning of the of the plan is, *'protect the historic and underlying character of*

the Borough by maintaining/improving the built/natural environment while mitigating the effect of new development on the environment’.

- 7.6 Policy CC03: Green Infrastructure, Trees and Landscaping of the MDD Local Plan states *‘development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable’*. The supporting text explains that Green Infrastructure includes countryside.
- 7.7 Whilst the site is outside of development limits, policy CC02: Development Limits, requires development to *‘respect the transition between the built up area and the open countryside by taking account of the character of the adjacent countryside and landscape’*.
- 7.8 MDD LP policy TB21: Landscape Character states *‘proposals shall retain or enhance the condition, character and features that contribute to the landscape’*. The policy also states the requirement to address the requirements of the council’s Landscape Character Assessment.
- 7.9 The site falls within Character Area C2: Hurst River Terrace. Strategy for this landscape is to:

“To maintain the landscape character of the Hurst River Terrace the following strategy is required: to conserve and enhance the quiet, rural and agricultural landscape with its scattered rural farmsteads and small red brick villages connected by narrow rural lanes.

The key aspects to be conserved and actively managed are the open views overlooking the adjoining floodplain of the Loddon. There are opportunities to enhance the landscape through restoration and management of the hedgerows. Opportunities also exist to restore lost wetland and grassland habitats and reinstate woodland planting, which may mitigate the influence of the M4/A329 (M).

In terms of development, the aim is to conserve the low-density pattern of settlement centred around Hurst and Whistley Green.”

7.10 These policies recognise the importance of the natural environment, and specifically the countryside, in what is an area of extremely high development. As set out in the Council's Statement of Case over the 10 year period between census points 2011-2021, the population of Wokingham Borough increased by 15%. This was the third largest of any local authority in southeast England (outside London), with only Milton Keynes (15.3%) and Dartford (20%) growing by higher percentages. Similarly, ONS data shows over the 10 year period 2011-2021 the housing stock in Wokingham Borough increased by 14.5%. These increases were planned.

7.11 Taking these requirements together, local policy requires:

- a. the avoidance of harm (maintain/retain; avoid detrimental impact, loss, fragmentation, isolation) to the countryside;
- b. specifically, for proposals to address the LCA;
- c. respect for the particular importance of the interaction between settlement and the countryside.

Impact on the Landscape

7.12 The Appellant's LVIA submitted with the application sets out there would be a range of adverse impacts. It is self-evident, that the proposal would result in harmful impact to the landscape and the character and appearance of the area. This properly leads to a conclusion that there is a degree of breach of the policies set out above.

7.13 The character and appearance of this part of Hurst is one of a rural village with views across undeveloped agricultural countryside to the established tree line which borders the site on Lodge Road, especially when stood on Tape Lane and Lodge Road.

- 7.14 Views of the site are also seen through gaps in the existing houses providing the countryside edge to this part of the settlement of Hurst and to some extent Whistley Green. These views into the countryside from Hurst are important characteristics of the settlement. The Village Design Guide, states the objectives (on page 19 – CD8.12) as being the:

‘Retention of open landscapes within built areas, development along only one side of the road and gaps between houses can help to maintain the open aspect of the Parish. The shape and pattern of settlements with the Parish are unique, and development on open landscape between settlements would erode this and change the character of the area’.

- 7.15 The development of this site would demonstrably erode the open landscape between Hurst and Whistley Green and completely change the character of the area. Further, the loss of at least 80m of hedgerow²¹ along Lodge Road would negatively alter the rural appearance by introducing an urbanising effect including the road realignment, loss of hedgerow and pavement. Even if the hedgerow was replanted further back into the site, it would still harm the rural character and appearance due to the other highway ‘improvements’ and loss of natural features to this part of Lodge Road. It is further noted that the hedgerow appears closer to the road than as depicted in the submitted highway drawings and therefore likely that further hedgerow/embankment removal would be undertaken. The photographs below show the isolated and undeveloped section of Lodge Road where the main access would join.



Fig 11. Photograph showing the location of Access Road onto Lodge Road (south)



Fig 12. Google Street View showing the location of Access Road onto Lodge Road (north)

- 7.16 The previous appeal was dismissed on the site for 200 dwellings and access road and whilst the quantum of the development has been reduced to 99, the application covers the same site area, and the proposed access and associated linking road is in same location. The reduction in the quantum of development can hardly be said to result in a better landscape impact, when the main access road cuts through the same landscape it seeks to preserve. Furthermore, as set out in the preceding section, there are features set into the parameters submitted for approval that make the impact of this development notably worse in certain aspects.

- 7.17 The open land forming the reverse C-shaped gap between Hurst and Whistley Green is a distinctive and irreplaceable landscape feature. It is not a typical edge-of-settlement field where development might incrementally extend a village boundary to another field that has an expanse of countryside beyond; rather, it represents the last substantial area of agricultural land that meaningfully separates and frames these historically distinct settlements. The proposed development and its access road would extend across most of the length of this open gap, leaving only fragmented remnants of open space and countryside, permanently eroding the rural openness between Hurst and Whistley Green.
- 7.18 As identified in *A Design for Hurst*²² and the Area of Special Character²³ assessment, this open land is a defining characteristic of the village's setting and identity. Its loss would be irreversible. Importantly, the value of this landscape has been consistently upheld through four decades of appeal decisions, that recognised its landscape value and critical role in maintaining the distinctiveness and separation of the two settlements. This proposal directly contradicts those established findings and would cause lasting harm to the landscape character of Hurst and the area.
- 7.19 As was the case for the Inspector in the 1988 decision refusing a 177-home scheme²⁴. *'The proposal would not relate well in scale and location to the exiting development, pattern of settlement or surrounding land uses and that the countryside should be conserved in this location'*. This conclusion is as relevant today as it was then.
- 7.20 The Inspector for the previous appeal decision²⁵, less than 2 and half years old, for 200 dwellings considered that the development of the site would cause lasting harm:

²² 8.12

²³ 8.13

²⁴ Appendix 5

²⁵ CD 7.1

‘This road joins the 2 ends of the ‘reversed C’, from the existing houses fronting Lodge Road close to Sawpit Road in the south, to those at Whistley Green in the north. But the general absence of development in between – with the exception of the 2 isolated houses at The Old Lodge and Badger’s Bottom – means that this linking section has a strong rural feel and appearance, with no footways or street-lighting and with grassed verges, hedgerows and trees lining the road, with some trees overhanging the road in places. Widening the road to provide a ghost right-turn lane into the site, introducing a new junction and new northbound footway on the eastern side, and having to remove and replace existing hedging to provide necessary visibility splays would all serve to introduce a much more urban feel to this stretch of road.’

[...]

‘I consider it self-evident that the appeal proposal would have an adverse impact on the rural character and appearance of the appeal site and would inevitably have an adverse impact on the visual experience of users of Tape Lane and Lodge Road by bringing a more developed feel to the whole area. Because of the scale of the proposed development and the fact that its impact would be experienced from many different locations, albeit within fairly close proximity to the site itself’

- 7.21 In 2009 an appeal for ‘stables and barn to form equine treatment centre with menage, access and horse walkers and the siting of a mobile home’ was refused and dismissed at appeal²⁶. The conjoined appeal decision on 5th February 2009 stated *‘It is part of a larger area of undeveloped land which provides an attractive open setting to Hurst and maintains the rural character of the wider area. Whilst not designated as a gap between settlements, this area of undeveloped, open land retains a particularly attractive pastoral appearance and provides visual separation between loose knit areas of housing*

²⁶ Appendix 9

which surround it to the north, east and south' (paragraph 6). It follows that this appeal scheme would result in greater landscape harm.

- 7.22 The proposed development would result in clear and lasting harm to the landscape, eroding the distinct rural and open land between Hurst and Whistley Green. The open reverse C between these settlements plays a vital role in maintaining the character of the area. The consistent planning history establishes the site's contribution to the rural setting and identity of Hurst. Allowing development here would not only cause irreversible landscape harm but also set a damaging precedent that undermines longstanding planning judgments. Such harm directly conflicts with the principles of national and local policy that recognising the intrinsic character and beauty of the countryside and protect green infrastructure and the quality of the environment. In this context, the proposal represents a harmful encroachment into the countryside contrary to the local and national policies set out at the beginning of this section.

8.0 BEST AND MOST VERSATILE AGRICULTURAL LAND

- 8.1 It is common ground that the agricultural land is classed as grade 3 and 3a. Approximately 5.9 ha of the site is grade 3a, which is Best and Most Versatile (BMV) agricultural land as set out in the NPPF. This is the same split that was assessed by the previous inspector.
- 8.2. The previous appeal Inspector considered this issue at paragraphs 66 – 72. While historically farmed, the land has since been used primarily for grazing. Whilst the Inspector identified there was a viability issue with using the land on its own, there is no reason it could not be used as part of the many larger farming enterprise around Hurst or the area. Ultimately the inspector concluded that whilst there was no strong indication of an agricultural use starting up again on this land, times do change and it is clear that if this development proposal goes ahead the land would be lost for any future agricultural use.
- 8.3 Whilst the Appellant suggested that some of the land would not be developed in the sense of having roads or houses upon it, this does not change the fact

that the land would undergo a material change of use and would be sterilised for future commercial agricultural use. The proposal will result in the loss of BMV land, in conflict with the policies set out and would result in material harm that weighs negatively in the planning balance.

- 8.4 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) which 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. The development conflicts with both policies. In the previous decision letter, the Inspector gave this harmful impact modest weight, which I consider to be moderate weight in the planning balance.

9.0 UNSUSTAINABLE LOCATION

- 9.1 A separate Proof of Evidence from Ms Grace Blizzard addresses the unsustainable location of the application site for significant growth. This section will seek not to duplicated that evidence unnecessary.

Policy and guidance

- 9.2 The Core Strategy sets out of the context of the spatial strategy and policies and identifies *‘the borough has one of the highest car ownership rates of any English local authority. To reduce the likelihood that these vehicles will be used and to encourage modal shift, it is important to ensure all proposals achieve sustainable development’*.
- 9.3 A key spatial issues and objectives of the Core Strategy are *‘deliver housing in locations that meet the needs of the community’* and *‘promote a transport system that enables access to services by a variety of modes’*.

- 9.4 Key policy extracts regarding the need to locate development in sustainable locations are set out below.
- 9.5 CS policy CP1: Sustainable Development, states development should *‘demonstrate how they support opportunities for reducing the need to travel, particularly by private car’*. The supporting explanatory text states *‘development within the borough should enhance the overall sustainability of the area through minimising impact on the environment, including access to facilities’*
- 9.6 CS policy CP6: Managing Travel Demand, states that ‘planning permission will be granted for schemes that:

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

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

The supporting text states:

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

- 9.7 CS Policy CP9: Scale and location of development proposals, states *‘the scale of development proposals in Wokingham borough must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility.’*

- 9.8 The proposal does not fall within any of the exceptions for allowing development within the countryside under CS Policy CP11: Proposals outside Development Limits (including countryside). The supporting text states that *‘preventing the proliferation of development in areas away from existing development limits is important, as they are not generally well located for the facilities and services. Proposals for development, which would be an increase over what currently exists (outside development limits) are likely to lead to increased use of the private car as they are poorly served by other transport modes’.*
- 9.9 Policy CP2: Inclusive communities, refers to the need for development to contribute to inclusive communities that meet the needs of all ages and abilities. This is important when considering recommended distances and modes of travel because long walking distances, poor unlit and narrow routes, and cycling options are not accessible to all ages and abilities.
- 9.10 CS Policy CP17: Housing Delivery, sets out that development in limited development locations should not exceed 25 dwellings and 100 dwellings across all limited development locations over the plan period.
- 9.11 NPPF paragraph 110 states:
- ‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’*
- 9.12 With this in mind, the development plan identifies Hurst as a Limited Development Location where development should not exceed 25 dwellings across the plan period. The emerging Local Plan Update states that the development within such settlements should not exceed 9 dwellings.

- 9.13 NPPF para 115 states that development should ensure 'safe and suitable access to the site can be achieved for all users.
- 9.14 The National Design Guide defines walkable neighbourhoods '*local facilities are within walking distance, generally considered to be no more than a 10 minute walk (800m radius)*'.
- 9.15 Section 19(1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans '*policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change*'. Locating development in sustainable locations is key to this.
- 9.16 Importantly paragraph 11d was amended in December 2024 to explicitly reference that the titled balance should have '*particular regard to key policies for directing development to sustainable locations*'

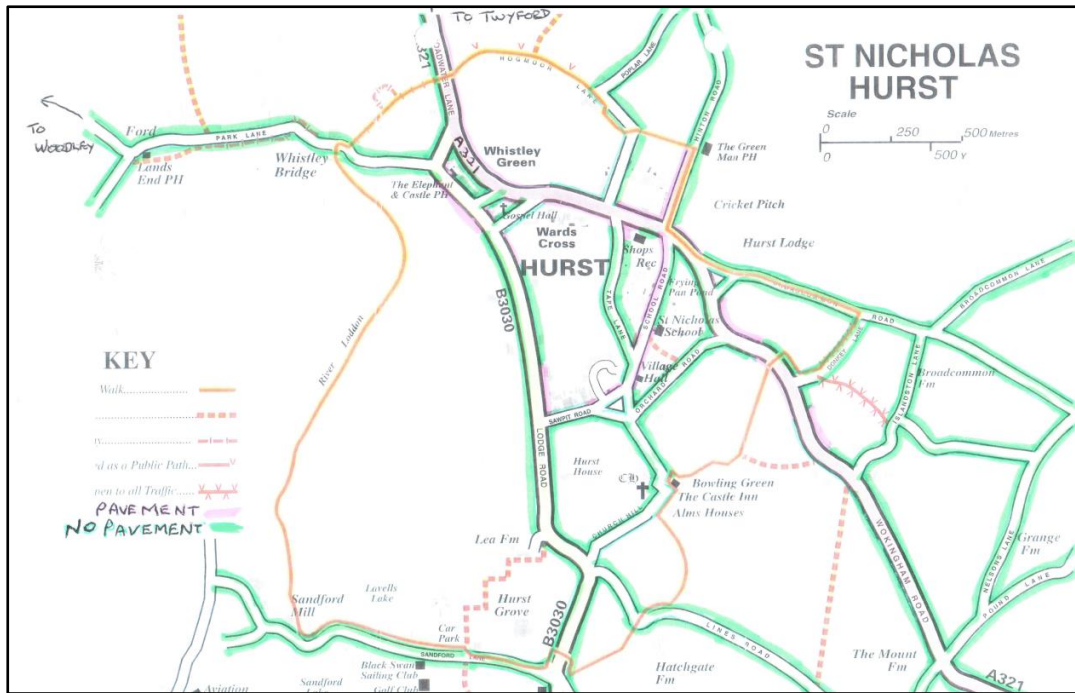
Assessment

- 9.17 Hurst is a small, dispersed rural village with a very limited range of everyday services and facilities. The appeal site is located in an area where residents would be reliant on private vehicles to meet even basic day-to-day needs, contrary to sustainable development objectives and managing sustainable patterns of growth.
- 9.18 Nothing of substance has changed since the previous appeal decision on 9th March 2023 that would now suddenly result in Hurst being considered a sustainable location for significant housing development. As the previous Inspector clearly included:

'I conclude that the appeal site is not a location which can currently be considered sustainable for a development of the size and scale proposed through this appeal, nor do I believe it would be made

sustainable by the improvements and contributions offered by the appellant through the appeal proposal itself, and the obligations within the UU. Accordingly I further conclude that the proposed development would be at odds with CS Policies CP1, CP2, CP3, CP6 and CP11, MDDL Policies CC01 and CC02, and Section 9 of the Framework.'

- 9.19 While walking sits at the top of the movement hierarchy, there are very few destinations within reasonable or safe walking distance of the site. Hurst's dispersed settlement pattern and lack of central nucleated facilities reduces the potential for linked or convenient trips on foot. The rural character of the village results in a walking network that is fragmented, narrow, typically unlit, and in many places lacks passive surveillance. These are all factors that severely limit accessibility, particularly for vulnerable residents such as children, elderly or disabled users.
- 9.20 Hurst Parish Council previously provided a survey of the limited and footpath network in Hurst. Many streets have no footpaths or street lighting at all, severely limiting the practicality and safety of walking for all users. The off-site works proposed have a negligible effect on the usability or attractiveness of the village's movement network.



9.21 The Inspector in the previous appeal echoed these concerns:

'Put simply, the existing network of footways within this settlement is not good. As I saw at my site visit, and as is clearly demonstrated in the evidence of Cllr Smith, many lengths of road within the village either have no footways at all, or only on one side of the road, with these footways being of varying standard and width, with most being well less than 2.0m wide.'

This is not untypical of rural settlements, but whilst it is clearly an accepted fact of life for existing residents, I am not persuaded that it is the sort of network which should simply be expected to absorb and accommodate the additional usage likely to arise from a further 200 dwellings. I acknowledge that the appeal proposal would bring with it a good quality of pedestrian and cycle paths within the development itself, and would also provide a length of new footway on Lodge Road, a small amount of new footway at the Tape Lane/School Road junction and some additional areas of tactile paving on these roads. But these improvements seem very modest in the context of the village as a whole.

and would do little to improve the walking network to the local facilities to which I have already referred.'

- 9.22 As set out in section 6, the poor walking environment would also extend into the application site with the main access having no passive surveillance from buildings for a 300m section. The new Lodge Road footpath link northwards would also be located on a rural section of the road without passive surveillance or street lighting for an additional 100m. This would be particularly discouraging for those members of the public that feel vulnerable, especially at nighttime.
- 9.23 The previous appeal proposal included extensions to pedestrian footpaths to the south (along Tape Land and School Road) and at the site entrance along Lodge Road. The previous application also included a footpath southward from the main access and this is absent from the current scheme. A bus service contribution was also proposed along with a Travel Plan/My Journey contribution. None of these were sufficient to render the location sustainable for significant residential development and underscore that the village cannot be retrofitted into a sustainable location for significant housing development due to its rural character and countryside location.
- 9.24 The current proposal includes limited off-site footpath widening on Broadwater Lane. However, this provides no meaningful benefit: the local shop once serving this road has permanently closed, and journeys beyond this point continue along narrow, unlit, and disconnected footways. Moreover, the proposed works would introduce additional street furniture and visual clutter into a designated Area of Special Character, impacting rural identity of the village without delivering meaningful gains in connectivity or sustainability.
- 9.25 The proposed footpath widening and cycle infrastructure improvements toward Twyford Station form part of the applicant's case for sustainable transport options. However, the previous inspector was clear that the distances to Twyford did not make this a desirable or realistic option for walking and therefore this having no meaningful impact on pedestrians' accessibility.

‘Turning to consider how easy and convenient it would be for future residents of the proposed development to travel to more distant facilities and services I note, firstly, that the Colleton Primary School in Twyford, Twyford Rail Station, secondary schools, supermarkets and GP surgeries could not reasonably be reached on foot. This is because they lie outside the preferred maximum distance of 1.2km applicable in this case, and also outside the preferred maximum distance of 2.0km considered appropriate for commuting and school trips. Furthermore, whilst several of the facilities referred to, such as Twyford Station and the various secondary schools do lie within acceptable cycling distances, no specific evidence was placed before me to show that cycling to such facilities could reasonably be seen as attractive and viable options.’

- 9.26 The proposed potential off-site cycle improvements northwards to Twyford Railway Station would be fragmented mix of advisory on-road cycle lanes and shared-use footpaths, with multiple conflict points mix of advisory on-road cycle lanes and shared-use footpaths, with multiple conflict points and unsafe transitions. For example, the TA addendum showed that cyclists traveling northwards along the A321 would have to stop and dismount on the carriageway shortly after the Elephant and Castle Pub and then cross the road to pick up the shared foot and cycle path. Cyclists would then have to cross the road again to another section of advisory cycle path within Twyford before Wellington Close and then ride onto the pavement again before Twyford Train Station. The Proof of Evidence by Ms Blizzard further emphasises the dangers of crossing this heavily trafficked route.
- 9.27 The Appellant’s Road Safety Audits²⁷ highlight that cars would have to enter into the advisory cycle lanes to avoid crossing the central reservation. This would create a continuous conflict between motor vehicles and cyclists and occur regularly due to the A321’s high traffic volumes.

²⁷ CD 10.3 Appendix C

- 9.28 Cycle journeys have a low modal share of approximately 2% indicating that cycling is not a widely adopted or realistic mode of transport for most. Given the concerns in Ms Blizards PoE and outlined above, the works would not result in infrastructure that would encourage car users to uptake cycling. The proposed works only facilitate journeys northwards to Twyford Station. Other key destinations such as Wokingham, Winnersh, and Woodley must be reached via unlit, narrow A and B roads that lack any dedicated cycling infrastructure, making such routes undesirable for regular use.
- 9.29 The site lies over 2km from Twyford Rail Station, well beyond the accepted walking thresholds for most users. As such, the proposed cycle and footpath improvements fail the CIL Regulation 122 tests: they are not directly related to the development, nor are they fairly and reasonably related in scale and kind. Given their very limited likely usage and their inability to address the fundamental reliance on private vehicles, they are also not necessary to make the development acceptable in planning terms.
- 9.30 While the Local Cycling and Walking Infrastructure Plan (LCWIP) includes aspirations to improve cycling provision along the A321 corridor, these are broad strategic aims, not detailed site-specific mitigation measures. The plan is intended to support and enhance active travel for existing residents and is not designed or capable of changing unsustainable limited locations into suitable areas for significant out of scale growth. The need for extensive off-site transport works to facilitate access to services located well beyond the settlement (>2km) further illustrates the unsustainable nature of Hurst as a location for significant housing growth.
- 9.31 The appellant proposes a Bus Improvement Plan comprising four options, identifying a private minibus service as the preferred solution. However, this option is neither financially viable nor operationally sustainable, and does not offer a credible long-term alternative to car dependency. The concerns with this are set out in the council's officer report, although an Amended Bus Improvement Strategy was submitted to the council on 10th July 2025. This is

addressed by Ms Blizzard's evidence and still represents an unsustainable and unviable solutions.

- 9.32 The local primary school St Nicholas CofE school is at full capacity. The admissions policy states that only 20 children per year group can be admitted to reception. The school has net capacity for 140 pupils from year R to year 6. The demand for admissions already exceed places given in the Reception Year 2024-25, the school received 81 applications and admitted 22 children.
- 9.33 Although the school is relatively close in linear distance, the walking route south along Tape Lane requires pedestrians to walk in the carriageway towards a blind corner due to the absence of a continuous footway. This would be far from ideal for parents with primary school age children. Especially for Breakfast Clubs and after school activities during winter months where the journey would likely occur in the dark.
- 9.34 Moreover, St Nicholas is a Church of England school, and as such may not appeal to all families, particularly those of different faiths or no religious affiliation.
- 9.35 Based on the Department for Education pupil yields, the development would result in 7 early years pupils, 34 primary school children and 20 secondary school children. Post 16 education has been calculated using Pupil Yield Survey carried out on behalf of Wokingham and other Berkshire Unitary Authorities in 2010 (Appendix 8) and results in a need for 16 pupils to attend further education.

House type Number of Bedrooms	Number of houses*	Early Years (including year R)	Primary School Age	Secondary School Age	Post 16 Education
1 Bedroom	7	0	0	0	0
2 Bedroom	17	1.2	5	2.4	0
3 Bedroom	44	3.4	16.3	9.24	7.48
4 Bedroom	31	2.1	12.4	8.6	8.37
Total		6.7 (rounded up to 7)	33.7 (rounded up to 34)	20.2 (rounded down to 20)	15.85 (rounded up to 16)

Fig 14. Education places yield. *Dwelling mix based on the intended mix in the Planning Statement.

- 9.36 Overall the development is expected to yield 77 education places. The majority of these families would have to make long round journeys to access schools or colleges, most likely by private car. As set out by the Council's highway witness, there are no secondary schools or colleges within a safe or convenient walking distance of the site. The Council's sustainability witness also concluded that bus improvements to local schools are neither viable nor sustainable, reinforcing the inaccessibility of the site for essential services.
- 9.37 The Office for National Statistics provides a table for 'Households by household size, regions of England and GB constituent countries'. Attached at Appendix 17 is the table with the figures for South-East England which shows that the average number of residents per household in this region is 2.45. For this development, this equates to 242 people (99 households x 2.45).
- 9.38 Even if local roads were upgraded, the lack of nearby facilities means that a development of this scale could not be sustainably supported by the surrounding area. Residents would be heavily reliant on travel outside the village to access education, employment, healthcare, retail, and leisure services, undermining the core planning principle of locating development where it can support sustainable patterns of growth.
- 9.39 There is clear and consistent appeal precedent that even modest development proposals in Hurst are unsustainable. A previous appeal for just five dwellings on Lodge Road was dismissed on these very grounds. The Inspector concluded:

‘Residents of the site would not be likely to take advantage of walking, cycling or public transport to any significant degree. In my judgement this is not an accessible location as required by Policy CP9.’

[...]

‘The likely reliance on private vehicles would not be in tune with the NPPF objectives and would be in conflict with most important policy CP9 and Core Strategy Policies CP1 and CP6 which, taken together, seek to ensure that development provides for sustainable forms of transport to allow choice (amongst other things). In this instance I do not accept that there would be a realistic and viable choice for the majority of people.’

- 9.40 An even more recent appeal decision in October 2024 for 23 dwellings located more centrally to the village of Hurst noted the unsustainability of the village and this site was next to the Local Primary School and Village Hall. The Inspector stated:

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

- 9.41 Although that appeal was allowed, it is important to note that it was determined prior to the December 2024 amendments to the NPPF, which strengthened the emphasis on directing development to sustainable locations as a central consideration in applying the paragraph 11(d) tilted balance.
- 9.42 There are worsening factors since the previous appeal that include the revised parameters that would lock-in long sections of access road without any passive surveillance, which is a worsening design outcome compared to the previous

scheme. The access road along with the rural section of Lodge Road would result in a 400m section of the journey with no passive surveillance from surrounding buildings. In addition, Lodge Road has no street lighting. This raises additional concerns about poor place-making and security.

- 9.43 The local shop has shut down and there are no other shops in the village. Whilst the unit is on the market, the Class E use would allow many different non-retail uses without planning permission. The village bakery on Broadwater Lane rarely opens, and the primary school remains oversubscribed.
- 9.44 Overall, the quantum of the proposed development is fundamentally misaligned with the limited infrastructure and services available in Hurst. It would result in an unsustainable pattern of development, increase car dependency, and a development that cannot meet the needs of future residents. Approximately 242 people would be left reliant on private cars for basic day-to-day services. This concern is particularly acute for the estimate 122 affordable housing occupants, where constant travel costs for basic day-to-day amenities would be less affordable.
- 9.45 The Development Plan identifies that Wokingham has one of the highest car ownership rates in the country and the aim is to create a modal shift away from the reliance on private vehicles (Policy CP6). The development would not achieve that aim considerably due to the quantum proposed.
- 9.46 Since the last appeal, the policy context has shifted. Paragraph 11(d)(ii) of the NPPF now makes clear that when applying the tilted balance, particular regard should be given to policies directing development to sustainable locations. This reinforces the weight to be given to the conflict policies CP1, CP2, CP6, CP9 and CP11 in refusing large-scale development in inherently unsustainable rural locations like Hurst.

10. FLOODING AND DRAINAGE

- 10.1 The Environment Agency objected to the application, and this is included in the EA's consultation response and Statement of Case. Since that objection, the EA's Flood Map for planning has also been updated. The Appellant has submitted further flood modelling information and an amended FRA to the EA and the council are awaiting their assessment.
- 10.2 It must also be noted that part of the EAs objection related to ecological impacts on riparian corridors. The council understands this part of their objection is also being reviewed against the amended information submitted.
- 10.3 The council received an amended Flood Risk Assessment and Drainage Strategy with associated appendices that included a Flood Risk Modelling report on 08.07.2025. Whilst the Environment Agency are reviewing the fluvial flooding implications of this, the council also must review any pluvial flooding impacts arising from the new information submitted as their role as the LLFA.
- 10.4 The council will need consider the revised flooding information to ascertain how this impacts the location of the fluvial and pluvial flooding on the site and the requirement for the sequential and exception test.
- 10.5 The post CMC note has advised that a Statement of Common Ground or Proofs of Evidence can be submitted by 29.07.2025 on this main issue.

11. LOSS AND DEGRADATION OF IRREPLACEABLE HABITAT – VETERAN TREES

- 11.1 It is established that two oak trees (T85 and T86) were felled prior to the submission of the current application and after 30 January 2020. The amended Ecological Impact Assessment (ECIA) confirms these trees were removed in advance of the application and acknowledges that this resulted in a degradation

of onsite habitat. The Planning Practice Guidance (PPG)²⁸ is clear that habitat is considered *'impacted by the development if it is lost or degraded'*. The removal of these trees, therefore, constitutes a direct loss of habitat attributable to the development.

- 11.2 The PPG²⁹ sets out that Biodiversity Net Gain is not just a post permission matter. It requires applicants to consider BNG at the earliest stages of site selection and design. The PPG states *'prior to the submission of a relevant planning application, applicants are encouraged to consider biodiversity net gain early in the development process and factor it into site selection and design.'* No formal pre-application advice request was submitted prior to this application, or the one subject to the previous appeal.
- 11.3 The Arboricultural Impact Assessment (AIA) submitted with the previous application for 200 houses stated they were instructed in February 2021 by Mactaggart & Mickel. The next month T85 and T86 were felled, and this prompted the council to serve Tree Preservation Order: 1781/2021 on 12th March 2021 to protect the remaining trees on the site. The tree removal would have been necessary to facilitate the access road for both the previous and current schemes. This further highlights that the on-site degradation is an impact of the development.
- 11.4 The PPG³⁰ makes clear, that where degradation has occurred and there is insufficient evidence about the biodiversity value of the onsite habitat immediately before the degradation, *'the pre-development biodiversity value of the onsite habitat must be taken to be the highest biodiversity value of the habitat which is reasonably supported by any available evidence relating to it.'*
- 11.5 The appellant's ECIA accepts that, due to the timing of their removal and the absence of survey evidence, the two oaks should be assumed to be veteran trees for the purposes of BNG and best ecological practice. It states:

²⁸ Paragraph: 004 Reference ID: 74-004-20240214

²⁹ Paragraph: 002 Reference ID: 74-002-20240214

³⁰ Paragraph: 036 Reference ID: 74-036-20240214

‘Owing to legislation relating to degradation (see Appendix 2) trees T85 and T86 have been included retrospectively in the baseline of the metric. As detailed in Appendix 3, T86 was of ‘medium’ size, and T85 has been assumed to be ‘very large’ in the absence of other evidence. These have been assumed to be veteran trees for the purpose of BNG and best practice. However, veteran classification is not known given the trees were removed prior to Tyler Grange’s involvement in the project, and no assessment for veteran classification has been possible as part of the ecology and arboricultural surveys.... As such, the metric returns loss of irreplaceable habitat. The development proposals cannot avoid this impact, as it has already occurred.’

11.6 During discussions with the appellant’s representatives to see if the relevant biodiversity reasons for refusal could be overcome, it was again confirmed via email on 9th July 2025 that *‘while unlikely, the trees had potential to meet the definition of a veteran tree under the BNG Regulations definition’*. This position accords with the PPG advice set out above to take the highest biodiversity value of the habitat based on the available evidence.

11.7 The Appellant’s Statement of Case recognises the ecological significance of the trees by committing to an ‘Irreplaceable Habitat Compensation Strategy’ in recognition of their possible veteran status. This confirms that the trees are considered irreplaceable in biodiversity terms and their loss cannot be addressed through standard Biodiversity Net Gain (BNG) calculations. The SoC states:

‘the two trees were removed prior to the appellant and Tyler Grange Group Ltd’s involvement. It has been assumed that the two trees have been of veteran status in the absence of any survey data for the trees. An Irreplaceable Habitat Compensation Strategy will be provided as further information. This will provide specific measures to compensate for the loss of the trees and the associated habitat’

- 11.8 The PPG³¹ section on Biodiversity Net Gain sets out that national policy must still apply and be followed when considering irreplaceable habitats identified for the purpose of Biodiversity Gain:

‘How are Irreplaceable Habitats treated for the purpose of Biodiversity Gain?’

Irreplaceable habitats are valuable habitats which are technically very difficult or take a very significant time to restore, recreate or replace once destroyed. Paragraph 186(c) of the National Planning Policy Framework provides strong policy protections for irreplaceable habitats when determining planning applications: development resulting in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists. The Framework’s Glossary provides a definition of irreplaceable habitats for this policy.

- 11.9 The PPG states that BNG does not change the protections for irreplaceable habitat in planning policy. NPPF para 193 (c), 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’.*
- 11.10 A key point from the NPPF and PPG is that both a suitable compensation strategy and wholly exceptionally reasons have to exist for permission to be granted. A compensation strategy has now been submitted which has been accepted by the council’s Ecologist, although it should be noted that the irreplaceable habitat can never be truly compensated within the time scales of the development, hence the requirement for wholly exception reasons to also exist.

³¹ Paragraph: 043 Reference ID: 74-043-20240214

- 11.11 Even though a satisfactory compensation strategy has been submitted, there are no wholly exceptional reasons in this case to accept the degradation of irreplaceable habitats. It is clear that the existence of a suitable Compensation Strategy is a separate policy requirement and is not a relevant factor when deciding if 'wholly exceptional reasons' exist.
- 11.12 Footnote 70 of the NPPF provides one example of wholly exceptional reasons: *'infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.* The proposal does not fall into this category. Footnote 70 provides a precedent of the scale, breadth and significance of development that could outweigh the loss or deterioration of irreplaceable habitat. The proposal is not nationally significant infrastructure nor, critical public services or infrastructure that could not be delivered elsewhere. As such, the threshold for 'wholly exceptional reasons' is not met.
- 11.13 NPPF Paragraph 11(d)(i) confirms that even where the tilted balance is engaged, planning permission should be refused where policies protecting assets of particular importance, such as irreplaceable habitats and veteran trees, provide a clear reason for refusal. Footnote 7 confirms that irreplaceable habitats, including ancient or veteran trees, are *'assets of particular importance.'* The degradation of T85 and T86 therefore disengages the tilted balance and triggers a strong presumption against permission.
- 11.14 In summary, the removal of trees T85 and T86 constitutes an irreplaceable loss of habitat. The PPG confirms that onsite habitat is impacted by the development if it is lost or degraded such that there is a decrease in the biodiversity value of that habitat, and this has occurred. Their possible veteran status is accepted by the appellant. No exceptional justification has been advanced. This situation is the kind of ecological harm that the PPG and NPPF seeks to prevent and failing to apply the policy and guidance correctly would create a clear precedent that incentivises pre-emptive degradation of irreplaceable habitats, undermining the

national objective to improve the natural environment and reverse biodiversity loss.

11.15 Accordingly, the development is contrary to NPPF paragraphs 193(c), and 11(d), as well as the requirements of the PPG. The loss of irreplaceable habitat weighs heavily against the proposal and provides a clear reason for refusal.

12.0 SECTION S106

12.1 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.

13.0 HOUSING LAND SUPPLY

13.1 The housing land supply position is 1.7 years at 31st March 2024. This position factors in the government's overnight change to the calculation of Local Housing Need (LHN) in December 2024, which increased LHN from 748 dwellings per annum (dpa) to 1,336 dpa. This change to LHN was clearly outside the control of the council and has acted to reduce the housing land supply.

13.2 While accepting that housing land supply is a forward-looking exercise, it is also relevant that the council has delivered a surplus of housing completions against all national policy requirements since the Core Strategy period began in 2006. As set out in the Housing Land Supply Delivery Statement³², there has been significant delivery of dwellings in the borough and this is demonstrated by all the published Housing Delivery Test results, set out below.

³² LPA SoC Appendix 4

Year	Performance
2018	157%
2019	175%
2020	200%
2021	189%
2022	205%
2023	169%

Fig 15. Housing Delivery Test

- 13.3 The Five Year Housing Land Supply Statement further shows that housing delivery against the housing requirement in Core Strategy policy CP17 over the plan period, has been exceeded by 2,281 dwellings. In addition, housing delivery against the standard method for calculating Local Housing Need shows that in the five years 2018/19 – 2023/24, 7,191 dwellings have been completed against a cumulative need of 4,801 dwellings, an exceedance of 2,275 dwellings. Over this 5-year period, this constitutes a 50% boost to housing delivery.
- 13.4 This high level of housing delivery has been reflected in the first data released from the 2021 census. Over the 10-year period 2011-2021, the population of Wokingham increased by 15%. This was the third largest increase of any local authority in the South east England outside of London. The average population increase in England was 6.3%³³
- 13.5 This high level of housing delivery is further reflected in ONS data that sets out changes in dwelling stock for each local authority. This shows over the 10-year period 2011-2021 the housing stock in Wokingham Borough increased by 14.5%.
- 13.6 The Five Year Housing Land Supply Statement shows that housing delivery has exceeded all assessment of needs. As a result, this high level of delivery has acted to reduce the bank of planning permissions, and therefore the

³³ Page 25 of Housing Land Supply Position Statement. LPA SoC Appendix 4.

deliverable housing land supply. The spatial strategy in the development has therefore not restricted growth but helped to facilitate a significant supply of homes. The aims of the spatial strategy include locating development in the most sustainable locations, protecting the countryside and the environment, maintaining the separate identity of settlements and ensuring development is proportionate to existing settlement – all of which are consistent objectives with the NPPF

- 13.7 In the previous appeal³⁴ at the site, the inspector concluded that although key policies were out of date (because of the shortfall in housing land supply – at that time 3.95 years) the development plan's spatial vision accords with the Framework as it promotes a sustainable pattern of development which seeks to meet the development needs of the area, align growth and infrastructure, and make effective use of land in urban areas (para 22). The inspector further stated:

'In view of these points, and even though the Council is currently unable to demonstrate a deliverable 5-year HLS, falling short by some 863 dwellings, I do not consider it reasonable to ignore the bigger picture, which is that there is a very strong likelihood that the Council will achieve a significant oversupply of dwelling completions over the whole CS period. To my mind this does not signify a Council that is failing in terms of housing provision, but rather one which is performing well and managing to boost the supply of housing over that which it planned for.'

[...]

'Turning to consider the CS's spatial vision, I see nothing in the evidence placed before me to indicate that the Council's chosen method of distributing new housing throughout the Borough has prevented it from achieving satisfactory housing delivery to date.'

³⁴ CD 7.1

13.8 The Inspector therefore gave significant weight to Policies CP9, CP11 and MDD Policy CC02.

13.9 It must be noted that the housing land supply position has decreased from 3.95 years to 1.7 years since this decision. However, this appeal decision still acknowledges that the spatial strategy has a high degree of consistency with the Framework and functioned effectively to deliver an oversupply of dwellings throughout the plan period.

13.9 For an appeal at Land off Watmore Lane/Maidensfield, Winnersh³⁵, the Inspector reflected on the delivery record and the consistency of the plan with the framework:

‘However, on every relevant measure the Council has over delivered by some way since 2006/7. For instance, on the highest measure the Council has delivered 10,393 homes against a need for 8,560. The performance against the Housing Delivery test has been exceptional, with the measurement since 2018 being as high as 205% and not lower than 157%.’ (paragraph 98).

[...]

‘the spatial strategy has delivered well up until recently. As a result, the approach in the spatial strategy is broadly consistent with the Framework as it seeks to balance conflicting priorities including housing delivery, promotion of sustainable transport and recognition of the character and beauty of the countryside. Overall, and in the context of this appeal, I attached moderate weight to the conflict with the spatial strategy in the development plan.’ (paragraph 98).

13.10 This site was on the edge of major settlement location and the inspector here gave the conflict with the spatial strategy with the development plan moderate

³⁵ CD7.8

weight. However, in the case of the current appeal, the breach of settlement limits and conflict with the spatial strategy is more acute given the scale of the development in relation to the village.

- 13.11 More recently in an appeal at Trowes Lane in Swallowfield³⁶ the Inspector also noted that recent housing delivery ‘*has been strong and has exceeded the minimum housing requirement by a considerable margin.*’ However, he went on to note that:

‘it is equally clear from the shortfall in future housing land supply that such delivery will not be achieved over the next 4 years if the spatial strategy is applied rigidly. Since the requirement on local planning authorities to deliver housing is essentially forward facing, I give only limited weight to past oversupply.’

- 13.12 However in this appeal the Council is not seeking to attach weight to the past oversupply in and of itself. Instead my view is that significant weight should be attached to the proposal’s conflict with the spatial strategy pursued by the development plan which, as I have said, is consistent with the sustainable development objectives of the NPPF and has functioned well to deliver an oversupply of housing across the current plan period. Moreover, as noted in the Trowes Lane decision letter, the Council’s housing delivery has not been ‘reliant to any significant extent on non-policy compliant schemes’ and so it is not the case that the spatial strategy has had to be consistently overridden in order to meet housing requirements nor that it must be completely set aside in order to continue to meet the Council’s housing target.

- 13.13 The forward look of a 1.7 year HLS position also needs to be considered against the timeline of the Local Plan Update.

- 13.14 The Wokingham Borough Local Plan Update 2023-2040: Proposed Submission Plan was submitted to the Secretary of State for examination on Friday 28

³⁶ 7.6

February 2025, under the transitional arrangements of NPPF (2024) paragraph 234. Two Planning Inspectors have been appointed to examine the plan. The Local Development Scheme (updated in September 2024) sets out a timetable for adoption by May 2026. I recognise that there has been some slippage in the timetable and therefore some adjustment will be required. However, it is still reasonable to assume a 12-month time frame between the beginning of examination hearings and adoption, meaning that adoption by the end of 2026 can be expected.

13.15 The Local Plan Update (LPU) will supersede the current Core Strategy and MDD Local Plan, which sets out the spatial strategy for the borough up to 2026. The LPU sets out a development strategy and site allocations over the period to 2040. The LPU proposes to meet housing needs in full, with a key part of the development strategy focussing growth on sustainable locations which benefit from existing, or the creation of new services and facilities as part of Strategic Development Locations (SDLs), this includes the delivery of 3,930 dwellings at the proposed Loddon Valley Garden Village SDL.

13.16 Evidence in the Five Year Housing Land Supply Statement from similar sized developments in the borough indicates a lead in time for first completion of 47 months from when outline planning permission is granted³⁷. Thereafter the evidence base indicates delivery at a rate of 25 per annum for this size of development. On this basis, the site will take several years before new homes are completed. Similarly, as the application is Outline, the site is will not meet the NPPF's definition of 'deliverable' unless there is clear evidence that housing completions will begin on site within 5 years. As a result, the site would not form part of the council's future Five Year Housing Land Supply Statements for some time, after the LPU has been adopted.

13.17 While the benefits of additional housing are acknowledged and carry substantial weight, the context of the Council's strong and sustained track record of housing delivery is relevant as it demonstrates the plan and its policies have

³⁷ Appendix 4 page 17 – 18.

performed well. Wokingham Borough has consistently exceeded its housing targets in previous years, contributing substantially to the region's overall supply. The emerging Local Plan Update provides a clear and plan-led pathway to meet future housing needs in sustainable, infrastructure-supported locations and is expected to be adopted in 2026.

14.0 PLANINNG BALANCE AND CONCLUSION

- 14.1 The site lies outside the defined settlement limits, in clear conflict with the spatial strategy of the development plan, including Core Strategy policies CP9, CP11, CP17, MDD policy CC02. These policies aim to direct growth to sustainable locations, safeguard the countryside, and prevent coalescence and these objectives are consistent with the NPPF.
- 14.2 The spatial strategy sets out that the development within limited development locations should generally not exceed 25 dwellings meaning this development will result in a substantial unplanned increase above the policy requirement. This is not a minor incursion but a major, significant and visually intrusive extension, wholly out of scale with a small village in the countryside and its hierarchy as a Limited Development Location, which has already exceeded planned growth. Overall, the conflict with the spatial strategy in this case is given significant weight.
- 14.3 The site is not allocated in the emerging Local Plan Update and would conflict with the emerging policies, including policy SS4 which limits development in such settlements to up to 9 dwellings. At 99 dwelling the development represents a 900% increase over what is deemed appropriate in emerging local plan update, representing an extreme departure from the emerging spatial strategy. The supporting text also highlights that unplanned development adjacent to minor settlements would be unsustainable even in the event of unforeseen housing delivery issues and this would be particularly true for significant development in sensitive rural edge locations adjacent to small villages. While emerging plan spatial policies attract limited weight at this stage,

they provide a clear indication of the future direction of sustainable development in the borough and reinforce the inappropriateness of the current proposal.

- 14.4 Although the Council currently cannot demonstrate a five-year housing land supply, NPPF paragraph 11(d)(i) is clear that planning permission must still be refused where policies protecting assets of particular importance provide a clear reason for refusal. Footnote 7 of the NPPF confirms that irreplaceable habitats, including veteran trees, fall within this protected category. The acknowledged degradation of two potentially veteran oak trees (T85 and T86), accepted by the appellant as irreplaceable habitat, disengages the tilted balance and triggers a strong presumption against approval under paragraph 11(d)(i) and NPPF paragraph 193(c). The absence of any 'wholly exceptional reasons', as required by national policy, confirms that the application should be refused on this basis alone.
- 14.5 There would be economic benefits arising in the short term from construction of the dwellings, and in the longer term from the spending power of future residents and their availability as part of the local workforce. However, these are the residual effects of any housing development and are not unique to this scheme. Wokingham Borough is an economically buoyant area as reflected in core strategy para 2.17. This has limited weight in favour of the development.
- 14.6 The development would contribute to the social role of sustainable development by delivering 99 new dwellings with 50% affordable housing. Notwithstanding the strong delivery record of the council and the forthcoming adoption of the Emerging Local Plan update in 2026, this benefit carries substantial weight in favour of the development.
- 14.7 The development would have a number of detrimental impacts on the environment. The proposed development would result in clear and lasting harm to the landscape character and visual appearance of the area. This is set out in detail in Mr Stuart Ryder's PoE.

- 14.8 The parameters, quantum of development and location of the main that will be established by this outline application would result in significant harm that would not lessen over time. Rather, it would result in a lasting and unsympathetic transformation of Hurst's character. The established parameters, quantum of development and location of the access would be locked-in features of the development that cannot be rectified by reserved matters. They fail to meet either national or local design guidance and should therefore be refused in accordance with NPPF para 139. Whilst acknowledging the link between these design concerns and the negative landscape impact, overall, and without double counting, the poor design substantially weighs against the proposal.
- 14.9 The proposal would also result in the permanent loss of Best and Most Versatile (BMV) agricultural land, in conflict with CS Policy CP1 and paragraph 187(b) of the NPPF. While this carries modest weight, it adds to the cumulative harm.
- 14.10 The BNG baseline has been agreed, and the Mandatory 10% Net Gain can be achieved, which is a benefit to the scheme. However, this is outweighed by the degradation of irreplaceable veteran trees that provides a strong presumption against permission.
- 14.11 The location of the appeal site is inherently unsustainable for a major housing development. As confirmed by the Inspector in the previous appeal for this site, the site lacks the walkable access to services and transport required for sustainable growth. A reduction in dwelling numbers and the proposed piecemeal mitigation does not address the fundamental spatial unsustainability. This concern is particularly acute for affordable housing occupants, where constant travel cost for basic amenities would be less affordable and more of a burden. The proposal fails to meet the Framework's core objective of directing development to sustainable locations. This carries substantial weight.
- 14.12 While the development would provide open space and play areas, these are requirements of any large housing scheme and not bespoke enhancements responding to an identified local need. The village already benefits from public

open spaces, a village green, play areas, and countryside footpaths. This carries limited weight in favour of the proposal.

14.13 A significant housing development has recently been refused on the site and this along with the previously dismissed appeal decisions on the land dating back 40 years. The previous appeal decision recently determined the unsuitability of the site for significant housing development and this is a material consideration for this appeal.

14.14 I consider that the titled balance is disengaged as a result of the degradation to irreplaceable habitat. However, even if that were not the case, the adverse impacts of the development would significantly and demonstrably outweigh the benefits. The change to para 11 in 2024 NPPF highlights that decisions must now have 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.

14.15 As I have set out in evidence, the development is not within a sustainable location. The appeal parameters would lock-in poor design features that could not be rectified by reserved matters and cannot be considered to facilitate a well-designed place. Half the new dwellings would however be affordable homes. Considering these factors in combination emphasised by paragraph 11, the harm does not outweigh the benefits. Furthermore, there are other harmful impacts such as the loss of BMV and degradation of irreplaceable habitats that would outweigh the other limited benefits of the proposal. The latter providing a clear and standalone reason for refusal by itself.

14.16 For the reasons set out, the appeal should be dismissed. While there are benefits there are significant and overriding harmful impacts and conflicts with national and local policy.

14.17 The above conclusion sets aside the outstanding drainage, flooding and ecology issues being reviewed by the Environment Agency. The council are also considering the additional Flooding and Drainage information. If these

issues are overcome, it does not alter the material considerations that demonstrably and significantly weigh against this appeal proposal and provide strong reasons for refusing the development.