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Planning and Affordable Housing Statement

(including Public Rights of Way Impact Assessment)

Land to the East of Longwater Road, Finchampstead

CLIENT: Catesby Strategic Land Ltd and Stonebond Properties (Guildford) Ltd.

June 2024
MWB/HM/31048



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Appendix 4 - Willow Tree House Appeal Decision (PINS ref: APP/X0360/W/21/3275086)

Appendix 5 - Arborfield Garrison Appeal Decision (PINS ref: PINS ref: APP/X0360/W/21/3276169)

Appendix 6 - Review of SHLAA Site Assessment

1 INTRODUCTION

1.1 OVERVIEW

1.1.1 This Planning and Affordable Housing Statement has been prepared by DHA Planning on behalf of Catesby Strategic Land Ltd and Stonebond Properties (Guildford) Ltd ("the Applicant"), in support of a full planning application in respect of land to the east of Longwater Road, Finchampstead, Berkshire (hereafter referred to as 'the site').

1.1.2 The full description of the development is as follows:

"Erection of 40no. dwellings (Use Class C3), together with associated outdoor space and landscaping, drainage infrastructure, hard and soft landscaping, parking, access, and associated works."

1.1.3 This Planning Statement provides a detailed overview of the application site, its context and the relevant planning history, and a summary of the development proposal. It identifies all applicable development plans and relevant planning policies, as well as the National Planning Policy Framework (NPPF) (December 2023) and other guidance. It then sets out the planning considerations which are regarded as material to the determination of the application. This report also includes a Public Rights of Way Impact Assessment in accordance with the Wokingham Local Validation List (September 2023).

1.1.4 The report concludes that the proposal is sustainably located, appropriate in planning terms and accordingly requests that planning permission be granted.

1.2 STATEMENT STRUCTURE

1.2.1 The structure of this Planning Statement is as follows:

- Section 2 sets out the context of the site, the immediate surroundings and the relevant planning history;
- Section 3 has regard to the development proposed;
- Section 4 reviews the planning policy context by which the planning application will be considered, including having regard to the advice contained in the NPPF (December 2023) and the formal policies of the development plan;
- Section 5 sets out the current housing land supply and delivery position for Wokingham Borough;

- Section 6 considers the 'principle' of the development and any other relevant planning considerations; and
- Section 7 draws conclusions to justify why it is considered that the development is acceptable.

1.3 SUPPORTING DOCUMENTS

1.3.1 This Planning and Affordable Housing Statement forms part of a suite of documents that support the planning application, and it is designed to be read in conjunction with the forms and documents listed in Table 1.1.

1.3.2 This list accords with the Wokingham Local Validation List (September 2023).

DOCUMENT	AUTHOR
ADMINISTRATIVE DOCUMENTS	
Application Form, Notices and Land Declaration	DHA Planning
CIL – Additional Information Form	Applicant
Cover Letter	DHA Planning
REPORTS	
Air Quality Assessment	RPS
Arboricultural Impact Assessment	EDP
Archaeology and Heritage Assessment	EDP
Design and Access Statement, including Electric Vehicle Charging Strategy and Volume Calculations	Thrive Architects
Drainage Calculations	RPS
Ecological Appraisal, including Biodiversity Net Gain Assessment and survey details relating to Badgers, Bats and Great Crested Newts and other protected species	EDP
Sustainability and Energy Statement	Iceni
Flood Risk Assessment and Conceptual Drainage Strategy	RPS
Draft Habitat Management and Maintenance Plan	EDP
Landscape and Visual Appraisal	EDP
Lighting Impact Assessment	RPS
Mineral Resource Assessment	GRM
Noise Impact Assessment Report	RPS
Odour Assessment Technical Note and Odour Assessment	RPS
Phase 1 Desk Study (Ground Conditions)	GRM
Plot by Plot Schedule	Thrive Architects
Statement of Community Involvement	Catesby Estates
Transport Statement, including Stage 1 Road Safety Audit	DTA

DOCUMENT	AUTHOR
Travel Plan Statement	DTA
Utilities Report	RPS
DRAWINGS	
LP.01 – Location Plan	
SL.01 – Site Layout	
CSL.01 – Coloured Site Layout	
AHL.01 – Affordable Housing Layout	
BDML.01 – Boundary and Dwelling Material Layout	
PP.01 – Parking Plan	
RCP.01 – Refuse Collection Plan	
SE.01 – Street Elevations	
HT.A1.2-END.pe – House Type A1.2 – End Terrace – Floor Plans and Elevations	
HT.A2.2.2-END.pe – House Type A2.2.2 – End Terrace – Floor Plans and Elevations	
HT.A2.7-END-1.pe – House Type A2.7 – End Terrace – Option 1 – Floor Plans and Elevations	
HT.A2.7-END-2.pe – House Type A2.7 – End Terrace – Option 2 – Floor Plans and Elevations	
HT.A2.7-END-3.pe – House Type A2.7 – End Terrace – Option 3 – Floor Plans and Elevations	
HT.A2.7-END-4.pe – House Type A2.7 – End Terrace – Option 4 – Floor Plans and Elevations	
HT.A3.3-DET-1.e – House Type A3.3 – Detached – Option 1 – Elevations	
HT.A3.3-DET-2.e – House Type A3.3 – Detached – Option 2 – Elevations	
HT.A3.3-DET.p – House Type A3.3 – Detached – Floor Plans	
HT.A3.3-END.pe – House Type A3.3 – End Terrace – Floor Plans and Elevations	
HT.A3.6-DET-1.e – House Type A3.6 – Detached – Option 1 – Elevations	
HT.A3.6-DET-2.e – House Type A3.6 – Detached – Option 2 – Elevations	
HT.A3.6-DET.p – House Type A3.6 – Detached – Floor Plans	
HT.A3.6-END-1.pe – House Type A3.6 – End Terrace – Option 1 – Floor Plans and Elevations	
HT.A3.6-END-2.pe – House Type A3.6 – End Terrace – Option 2 – Floor Plans and Elevations	
HT.P4.13.e – House Type P4.13 – Elevations	
HT.P4.13.p – House Type P4.13 – Floor Plans	
GS.01.pe – Garden Shed 01 – Floor Plans and Elevations	
GS.02.pe – Garden Shed 02 – Floor Plans and Elevations	
CGI.01 – East Street View	
edp4070_d005-F – Landscape Strategy	

TABLE 1.1: LIST OF SUBMITTED DOCUMENTS

1.4 PRE-APPLICATION CONSULTATION SUMMARY

- 1.4.1 Following the distribution of an information leaflet to local residents and businesses, an online public consultation event was opened at the end of May 2024 to inform local residents of the emerging proposals and to provide an opportunity to submit comments. The consultation closed on Sunday 9th June 2024.
- 1.4.2 An online public consultation was selected to ensure the proposals could be available to the widest possible audience over an extended period and to allow respondents to submit comments in their own time.
- 1.4.3 Copies of the consultation leaflet were also provided to Finchampstead Parish Council and the Ward Councillors for Finchampstead for use on their social media channels/website as desired. A notice with details on the consultation was also contained within Wokingham Today on Thursday 30th May 2024.
- 1.4.4 A total of 20 online feedback forms, emails, letters/hard copy forms or telephone calls were received during the consultation. The feedback received is contained within the submitted Statement of Community Involvement.

2 SITE AND SURROUNDINGS

2.1 SITE LOCATION AND DESCRIPTION

- 2.1.1 The application site comprises a 2.29 hectare area of agricultural land located to the east of Longwater Road, on the southern end of Finchampstead, Berkshire. The site is outlined in red in Figure 2.1 below and on the Site Location Plan provided at **Appendix 1**.
- 2.1.2 It is bounded to the north by existing residential development at Wood Moor with residential gardens backing onto a boundary hedgerow and a public footpath along the northern boundary of the site. Beyond the eastern boundary is a small field and part of a domestic garden area. This land parcel to the east is itself well enclosed by mature trees on the southern boundary and woodland further east.
- 2.1.3 To the south is a line of dense foliage and hedgerow planting which visually and physically separate the site from the former Eversley Quarry and allocated Blackwater Valley Country Park (Manor Farm Nature Reserve extension) beyond. To the west is Longwater Road (B3016) from which access is currently available from a single farm gate in the north west corner. This boundary benefits from existing boundary trees and vegetation which provide screening from the road.
- 2.1.4 The site falls wholly within the administrative area of the unitary authority of Wokingham Borough Council (WBC) and within the Finchampstead Parish.

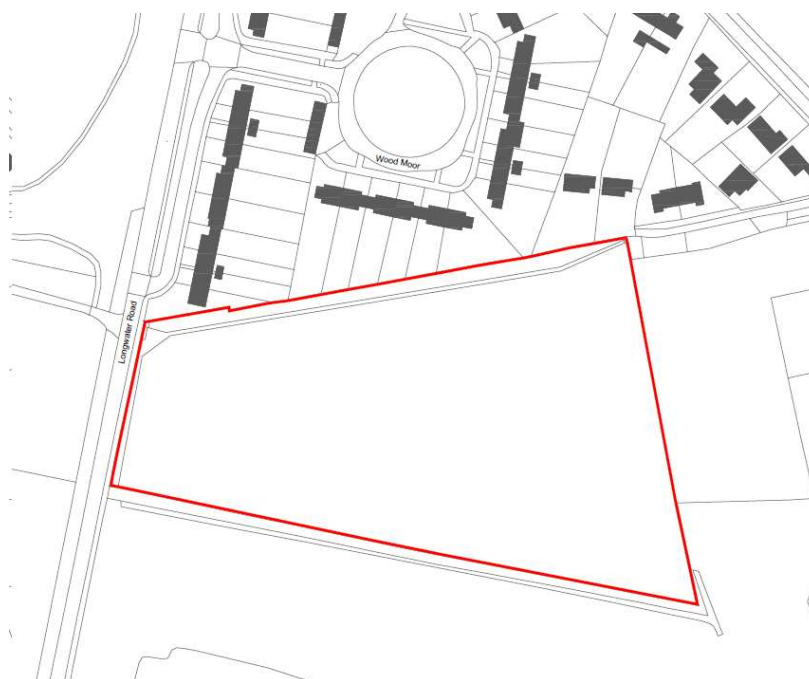


FIGURE 2.1: SITE LOCATION PLAN (SOURCE: THRIVE ARCHITECTS)

2.2 SITE CONTEXT

- 2.2.1 The site lies immediately adjacent to the village of Finchampstead, which is characterised by low density family housing set within landscaped environs.
- 2.2.2 The village exhibits a variety of architectural styles having developed southwards from an initial cluster of buildings around the junction of Longwater Road and The Village (B3348) through the 20th century. The housing around Longwater Lane and Burnmoor Meadow is particularly varied in appearance but has a largely consistent red brick construction with red tile roofs. The residential development immediately north of the site, Wood Moor, has a more uniform mix of mid-century bungalows, terraces and semi-detached properties. These properties have a lighter appearance through the use of buff brick and painted brick or render.



FIGURE 2.2 - SITE CONTEXT WITH THE SITE OUTLINED IN RED (BASE MAP: GOOGLE EARTH)

- 2.2.3 The site is accessed off Longwater Road which benefits from an existing footway leading northward into the village which contains bus stops, Local Green Space, and a number of community facilities, all within a 10 minute walking distance from the site, including a Village Store (Form and Coffee Shop), Place of Worship, Finchampstead Memorial Hall (village hall), a recreation ground, sports clubs, a Scout's Group, a children's playground area, a nursery school, and Finchampstead Primary School. Community allotments can be accessed immediately west of the site via a track from Longwater Road.

- 2.2.4 The pavements lining the roads throughout the village are surfaced. Public footpaths are also available which provide access on foot to the village and countryside for general recreation.
- 2.2.5 The site enjoys good road and bus access to larger service centres which have employment opportunities, leisure, retail, education, and healthcare facilities further south, including Eversley Cross, Yateley, Blackwater, Camberley and Frimley. There are additional amenities nearby including on Nine Mile Ride at California Crossroads where there is a local parade of shops and a petrol filling station. Nearby bus stops are located within a 5 minute walk from the site on Longwater Road and on The Village.

2.3 POLICY DESIGNATIONS AND SITE-SPECIFIC CONSIDERATIONS

Spatial and Landscape Designations

- 2.3.1 The site does not fall within any spatial or landscape designations such as the Metropolitan Green Belt, National Park, or National Landscape (former Areas of Outstanding Natural Beauty (AONB)).

Ecology and Trees

- 2.3.2 A review of MAGIC mapping has revealed no designated habitats on or immediately adjacent to the site. The woodland to the west of Longwater Road is identified as Priority Habitat Inventory (Coastal and Floodplain Grazing Marsh)(blue) but this habitat is not physically connected to the site. An area of Priority Habitat Inventory (Deciduous Woodland) lies to the east, but it is separated from the site by fields.



FIGURE 2.3 - EXTRACT FROM MAGIC SHOWING THE NEARBY PRIORITY HABITATS, WITH THE APPLICATION BOUNDARY ADDED
(SOURCE: ENVIRONMENT AGENCY)

- 2.3.3 The site is covered by an Area Tree Preservation Order (TPO) – reference TPO-1596-2017. The TPO also covers land to the east, outside of the application site boundary.
- 2.3.4 The site also falls within the 5km zone of the Thames Basin Heaths Special Protection Area ('SPA'). The SPA is located approximately 2.8km southwest of the site. Additional mitigation measures are required to make the development acceptable in planning terms, as discussed later in this report. As part of the SPA there are a number of Sites of Special Scientific Interest (SSSIs) nearby, including Longmoor Bog (2.7km north west of the site), Castle Bottom to Yateley and Hawley Commons (2.7km south of the site) and Bramshill SSSI (2.8km south west of the site).
- 2.3.5 The site comprises Grade 4 Agricultural land according to Natural England's Agricultural Land Classification maps. It is therefore not Best or Most Versatile Agricultural land.

Flood Risk

- 2.3.6 The Environment Agency's Flood Map for Planning shows the site within Flood Zone 1, meaning that it is at low risk of flooding from nearby rivers. The land beyond the southern boundary falls within Flood Zone 2 and Flood Zone 3 but this higher risk of flooding does not extend into the application site.
- 2.3.7 There is a risk of surface water flooding along the southern boundary.

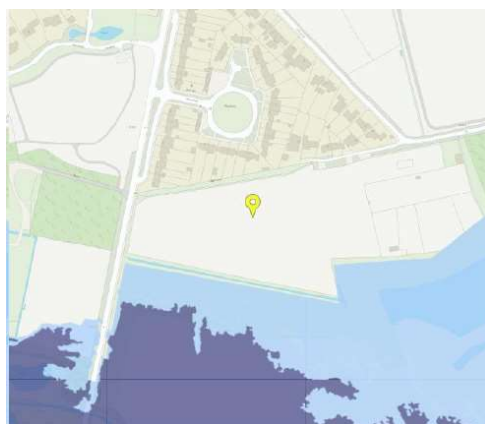


FIGURE 2.4 – FLOOD MAP FOR PLANNING (SOURCE: ENVIRONMENT AGENCY)

Heritage

- 2.3.8 There are no designated heritage assets or Conservation Areas in proximity to the site, with the nearest being Finchampstead Baptist Church (Grade II), The Verge (Grade II), The Thatched Cottage (Grade II), and the Finchampstead War Memorial (Grade II), clustered approximately 410m to the north.

- 2.3.9 The Finchampstead Church Conservation Area boundary lies approximately 1km north west.

2.4 PLANNING HISTORY

- 2.4.1 A review of WBC’s public access system has revealed the following applications of relevance to the site:

REFERENCE	PROPOSAL	DECISION / DATE
171993	Outline application for the residential development of up to 40 dwellings with all matters reserved except for means of access from Longwater Road.	Withdrawn 26/04/2018

TABLE 2.1: RELEVANT PLANNING HISTORY

- 2.4.2 Also of relevance is the planning history associated with the Eversley Quarry for which planning permission was granted under VAR/2013/2551 for nature restoration on land immediately south of the site, involving reedbeds and marsh along the edge of the River Blackwater to support nature conservation. A public footpath is available along the Blackwater River via the footways adjacent to Longwater Road. This will be managed by the Royal Society for the Protection of Birds (RSPB) and will extend from Moor Green Nature Reserve to Fleet Hill Farm in the west.

3 THE PROPOSED DEVELOPMENT

3.1 OVERVIEW

- 3.1.1 The full description of the development is as follows:

"Erection of 40 no. dwellings (Use Class C3), together with associated outdoor space and landscaping, drainage infrastructure, hard and soft landscaping, parking, access, and associated works."

- 3.1.2 This section summarises the development proposed. Full details are contained within the Design and Access Statement prepared by Thrive Architects, which is submitted with this application.

3.2 PROPOSED LAYOUT

- 3.2.1 The layout has evolved through a careful review of the site's opportunities and constraints, which is set out in detail in the submitted Design and Access Statement.
- 3.2.2 The most pertinent of these includes the need to retain the vast majority of the trees along the boundaries of the site, all of which are protected by a TPO, and which help to create a natural visual barrier between the site and the more open countryside beyond. It was also necessary to ensure that the existing public footpath outside the northern boundary of the site has been respected as part of the scheme.
- 3.2.3 The layout of the site has thus evolved to create a substantial green amenity buffer running along the site boundaries with the new dwellings facing outwards so that the rear gardens do not unnecessarily domesticate the shared boundary with the Blackwater Valley Country Park to the south and the fields to the east. It is the landscaped area along the western boundary that will be seen by those travelling along Longwater Road, with the vegetation limiting views of the development, as shown in Figure 3.1 below.
- 3.2.4 A winding and informal access route connects the new dwellings to an upgraded site access taken off Longwater Road.
- 3.2.5 In the south-eastern corner of the site is an attenuation basin which will act as a landscape feature with opportunities for planting.



FIGURE 3.1: PROPOSED LANDSCAPING STRATEGY (SOURCE: EDP)

3.3 HEIGHT, MASSING AND DESIGN

- 3.3.1 All proposed new homes stand at a height of 2 storeys (ground plus one storey) in reflection of the dwellings found in the local area.
- 3.3.2 The overall form of each house-type has sought to reflect the character of the local area, utilising a mix of red and buff brick with features including black weatherboarding and brick detailing. New homes will be delivered as either detached or semi-detached housing.
- 3.3.3 The development seeks to create a well-designed semi-rural neighbourhood that is compatible with the grain and semi-rural character of the surrounding area. It will achieve a suitable transition between the built form and the countryside edge.

3.4 USE, AMOUNT AND MIX

- 3.4.1 The proposal seeks full planning permission for 40no. residential dwellings (Use Class C3), comprising a mix of at least 70% affordable dwellings and 30% market (private) dwellings. The level of affordable housing proposed is significantly above the local plan requirement, as discussed in Section 6 of this report.
- 3.4.2 A breakdown of the proposed tenure is provided in Table 3.1 below.

	1-BED	2-BED	3-BED	4+ BED	TOTAL
Market	0	4	7	1	12
Market %	0%	33%	58%	8%	100%
Market SMHA	5%	30%	45%	20%	100%
Affordable	4	6	5	1	16
Affordable %	25%	38%	31%	6%	100%
Affordable SHMA	30%	35%	30%	5%	100%
Additional Affordable	0	2	10	0	12
All Dwellings	4	12	22	2	40
All Dwellings %	10%	30%	55%	5%	100%
All Dwellings SHMA	15%	30%	35%	20%	100%

TABLE 3.2 - SUMMARY OF ACCOMMODATION

3.5 PARKING ACCESS AND SERVICING

Access

- 3.5.1 An upgraded access from Longwater Road is proposed in the north western boundary of the site, comprising a 5.5m wide entrance with 2m footways on both sides to link with the existing footway provisions along the site frontage. Tactile paving and dropped curbs will be used to facilitate access across the new access road between the village and the new Country Park.
- 3.5.2 The layout has been tracked and provides suitable width and turning room for cars and larger refuse vehicles and fire/emergency tenders.

Parking

- 3.5.3 2no. parking spaces will be provided for each dwelling, totalling 80 bays across the site. An additional 11no. visitor bays / unallocated spaces will also be provided, evenly distributed across the site.
- 3.5.4 Cycle parking will be provided within sheds in the curtilage of each home.
- 3.5.5 All homes have dedicated electric vehicle charging points (7KW) in accordance with the new Building Regulations Part S.

Waste Management and Recycling

- 3.5.6 The proposed refuse strategy aligns with Wokingham Borough Council's Management Facilities in New Developments document, with each house provided with a bin storage area within the curtilage. Each dwelling will be provided with a

180ltr refuse bin, a 240ctr dry recycling waste bin, and a 23ctr caddy for food waste.

- 3.5.7 The proposed layout facilitates kerbside collection. The highways layout has also been designed to allow refuse vehicles to be able to reach within 25m of a bin collection point, if required, whilst ensuring that residents do not need to move their bin more than 30m to a bin collection area.

4 PLANNING POLICY FRAMEWORK

4.1 OVERVIEW

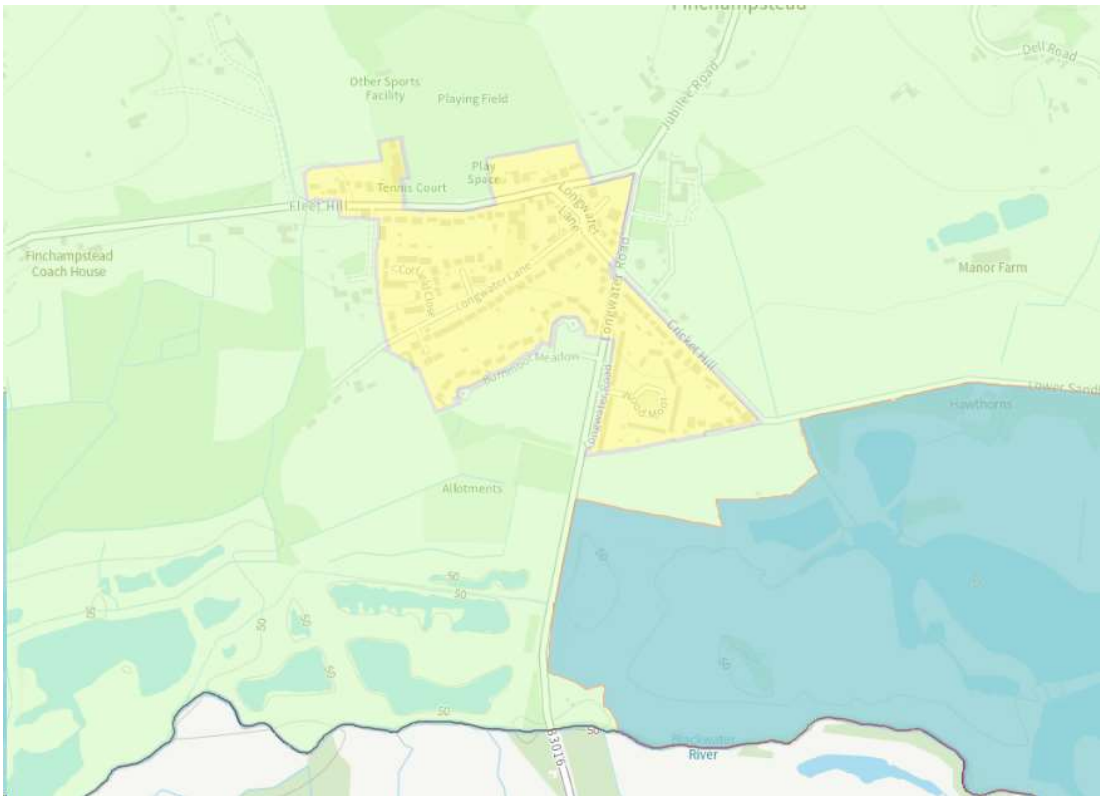
- 4.1.1 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act, applications for planning permission are required to be determined in accordance with the Development Plan in force unless material considerations indicate otherwise.
- 4.1.2 In this case, the adopted Development Plan for Wokingham Borough consists of the following documents of relevance to this site:
- Wokingham Core Strategy (adopted January 2010);
 - Retained Policy NRM 6 of the South East Plan (2009 – partially revoked by an Article 3 Order in 2013);
 - Managing Development Delivery Local Plan (adopted February 2014);
 - Finchampstead Neighbourhood Plan (2023)
- 4.1.3 In addition to the Development Plan, other material considerations include the National Planning Policy Framework (amended December 2023) ('NPPF'), the current Minerals Plan for Berkshire, the Replacement Minerals Local Plan (RMLP) which was adopted in 1995 (amended 1997 and 2001). Also of relevance is the Wokingham Local Housing Needs Assessment (2023) and other supporting documents prepared to inform the emerging local plan.
- 4.1.4 There are also a number of Supplementary Planning Documents ('SPDs') and Guidance ('SPGs') adopted at a local level, of which the following are of relevance to this site:
- Sustainable Design and Construction SPD (2010) and its companion;
 - Affordable Housing SPD (2013) and Position Statement;
 - Borough Design Guide (2012);
 - Play Space Design Guide Technical Note (2019)
 - Climate Change Interim Policy Position Statement SPG (2022);
 - First Homes Interim Policy Statement SPG (2022);
 - Open Space, Sports and Recreation Strategy (2013);
 - Thames Basin Heath Special Protection Area Guidance.

- 4.1.5 As referred to above, WBC is in the process of reviewing the Local Plan, hereafter referred to as the Local Plan Update (LPU), which will replace the adopted Core Strategy and Managing Development Delivery documents.
- 4.1.6 The new Local Plan had centred around the creation of a new Garden Town at Grazeley, which would have delivered a total of 15,000 dwellings split appropriately 10,000 within Wokingham borough and 5,000 within West Berkshire Council. The plans for Grazeley were thwarted when the Government widened the consultation zone around the Aldermaston Atomic Weapons Establishment (AWE) which ultimately meant that no new residential dwellings could be built within the Grazeley area. As a result, WBC have had to drop the proposals for a new garden settlement at Grazeley.
- 4.1.7 Consultation took place between November 2021 and January 2022 on a Revised Growth Strategy. This was to revert to WBC's previous strategy of relying on a series of Strategic Development Locations (SDLs), supported by a handful of smaller sites. The Revised Growth Strategy included a new proposed SDL at Hall Farm, on land owned by the University of Reading, which would deliver 4,500 dwellings including 2,200 within the plan period.
- 4.1.8 There has been no further consultation on any revised version of the LPU since January 2022, however it is understood that the next stage of engagement will take place in Summer 2024.

4.2 THE DEVELOPMENT PLAN

Wokingham Borough Core Strategy (2010)

- 4.2.1 The Wokingham Core Strategy ('CS') was adopted by Wokingham Borough Council on 29th July 2010. This forms the central part of the Local Plan by providing the strategic direction for development and change across the Borough up to 2026.
- 4.2.2 An extract of the accompanying interactive policies map is provided in Figure 3.1 below. This map shows the site as falling within the countryside (green) but immediately adjacent to the built-up area of Finchampstead (yellow). To the south is an allocated Country Park – Blackwater Valley – shown in blue.



4.2.3 The following CS policies are considered to be of particular relevance to this site:

POLICY	POLICY NAME
CP1	Sustainable Development
CP2	Inclusive Communities
CP3	General Principles of Development
CP4	Infrastructure Requirements
CP5	Housing Mix, Density, And Affordability
CP6	Managing Travel Demand
CP7	Biodiversity
CP8	Thames Basin Heaths Special Protection Area
CP9	Scale and Location of Development Proposals
CP11	Proposals outside Development Limits (including countryside)
CP17	Housing Delivery

Wokingham Borough Managing Development Delivery (February 2014)

4.2.4 The Managing Development Delivery Local Plan document (MDDLDP) was adopted on 21 February 2014 which includes more detailed development management

policies in the borough, together with specific site allocations. Some of the policies contained within the DPD supersede policies or parts of policies contained within the revoked South East Plan.

- 4.2.5 The following policies are from the Adopted Core Strategy and are considered relevant to this application.

POLICY	POLICY NAME
CC01	Presumption in Favour of Sustainable Development
CC02	Development Limits
CC03	Green Infrastructure, Trees, and Landscaping
CC04	Sustainable Design and Construction
CC07	Parking
CC09	Development and Flood Risk (from all sources)
CC10	Sustainable Drainage
TB05	Housing Mix
TB07	Internal Space Standards
TB08	Open Space, sport, and recreational facilities standards for residential development
TB21	Landscape Character
TB23	Biodiversity and Development

- 4.2.6 The MDDLDP sets out an intention to formally establish the Blackwater Valley Country Park to the south of the site under Policy SAL06. A new car park will be provided off Longwater Road following cessation of the mineral workings and restorations.

The South East Plan (partial revocation) (2013)

- 4.2.7 The South East Plan was partially revoked in 2013. However, Policy NRM6, which relates to new residential development near the Thames Basin Heaths Special Protection Area, has been retained. This is an area designated under European Directives 79/409/EEC (now codified in 2009/147) and 92/43/EEC.
- 4.2.8 Policy NRM6 specifically refers to new residential development which could significantly impact the ecological integrity of Thames Basin Heaths Special Protection Area and requires development to demonstrate adequate measures are put in place to avoid or mitigate potential adverse effects.
- 4.2.9 It establishes a zone of influence set at 5km linear distance from the SPA boundary in which measures would be taken to ensure the integrity of the SPA is protected. Within this zone of influence, there is a 400m 'exclusion zone' where mitigation measures are unlikely to be capable of protecting the integrity of the SPA. Where development is proposed outside the exclusion zone, but within the zone of

influence, mitigation measures will be delivered prior to occupation and in perpetuity. Measures will be based on a combination of access management, and the provision of Suitable Accessible Natural Greenspace (SANG).

- 4.2.10 The application site falls outside the exclusion zone but within the zone of influence where the latter will apply.

Finchampstead Neighbourhood Plan (2023)

- 4.2.11 The Finchampstead Neighbourhood Plan was made (adopted) in September 2023. The site lies immediately south of the Development Location of Finchampstead. Local Green Space is located immediately to the north west on the west of Longwater Road.

- 4.2.12 Policies of relevance to the site comprise:

POLICY	POLICY NAME
Policy ES1	Environmental Standards for Residential Development
Policy ADH1	Development Outside Development Limits
Policy D1	Building Heights
Policy D2	Preserving the Rural Character of the Parish
Policy IRS2	Protection of Outstanding Views
Policy IRS4	Implement Strategy to Preserve the Identity of Finchampstead Parish Through Informal Green Spaces
Policy IRS5	Ecologically Important Areas and Biodiversity
Policy IRS6	Trees
Policy GA1	Improve Environment and Health From Traffic Pollution
Policy GA2	Reduction in Car Usage with Safe Personal Mobility Options

- 4.2.13 The Neighbourhood Plan does not allocate any sites for residential development, following recommendations made by the Examiner to remove the proposed allocations to allow strategic requirements set by the LPU to become clearer as the LPU progresses.

4.3 OTHER MATERIAL CONSIDERATIONS

National Planning Policy Framework (NPPF) (2023)

- 4.3.1 The NPPF sets out the Government's planning policies for England and how these should be applied. A revised NPPF was published in December 2023 and is a material consideration when determining planning applications.

4.3.2 **Paragraph 7** asserts that the purpose of the planning system is to contribute to the achievement of sustainable development.

4.3.3 **Paragraph 8** states that to help achieve sustainable development, it means that the planning system has three overarching objectives as follows:

- a) An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.3.4 **Paragraph 11** states that plans and decision should apply a presumption in favour of sustainable development. For decision making this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.3.5 **Paragraph 60** states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

- 4.3.6 The December 2023 update to the NPPF address that the overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
- 4.3.7 **Paragraph 69** states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
- 4.3.8 **Paragraph 82** states that in rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs and consider whether allowing some market housing on these sites would help to facilitate this.
- 4.3.9 **Paragraph 83** adds that planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 4.3.10 **Paragraph 93** continues by stating that decisions plan positively for the provision of shared spaces and community facilities within residential developments to improve the sustainability of these communities. It also discusses how the delivery of local strategies will improve the health, social and cultural well-being of the community involved.
- 4.3.11 **Section 12** sets out policies that work towards achieving well-designed places. It states that good design is a key aspect of sustainable development, creates better places in which to live and helps make development acceptable to communities (paragraph 126). Planning decisions should ensure that developments will function well and add to the overall quality of an area, are visually attractive, sympathetic to local character and history. They should establish or maintain a strong sense of place, using spaces, building types and materials to create attractive, welcoming and distinctive places to live. Furthermore, they should create places that are safe, inclusive and accessible and which promote health and well-being.

National Design Guide

- 4.3.12 The National Design Guide sets out ten characteristics of well-designed places based on planning policy expectations and are illustrated by projects that demonstrate good practice. The National Design Guide has been addressed in the submitted Design and Access Statement.

Berkshire (including South Bucks) Strategic Housing Market Assessment – February 2015

- 4.3.13 Wokingham is predicted to grow from 2013-36 by 17.1% in population size and so grow by 656 households per annum and 680 homes per annum.

4.3.14 The recommended housing mix in the West Berkshire HMA is as follows:

	1-BED	2-BED	3-BED	4-BED
Market	5-10%	25-30%	40-45%	20-25%
Affordable	30-35%	30-35%	25-30%	5-10%
All Dwellings	15%	30%	35%	20%

Wokingham Local Housing Needs Assessment (2023)

- 4.3.15 The Local Housing Needs Assessment calculates that an estimated 674 householders in Wokingham Borough are currently living in unsuitable housing and are unable to afford their own housing. Of these households, 296 currently occupy affordable housing that does not meet the households' current needs, mainly due to the number of bedrooms.
- 4.3.16 In terms of projected need, it is concluded that the overall need for affordable housing would comprise a total of 6,689 households over the 19-year period 2021-2040, equivalent to an average of 352 per annum (45% of the 781 LHN). Therefore, there is a very high demand for affordable housing in Wokingham Borough.
- 4.3.17 The Assessment also states that given the net unmet need at the start of the plan period, it will be appropriate to maximise affordable housing delivery in the early years of the Plan, providing that this does not unduly compromise overall levels of housing delivery in the area.

Supplementary Planning Guidance and other Documents

- 4.3.18 SPDs are prepared to further elaborate on particular policies or proposals from the Local Plan to give guidance on how they will be implemented.
- 4.3.19 WBC have published a limited number of SPDs, most of which relate to superseded policies or are masterplans for areas unconnected to the site. The most relevant SPDs are discussed in Section 6.

Site Assessment

- 4.3.20 The latest Housing and Economic Land Availability Assessment, published in November 2021, sets out WBC's assessment of land put forward for potential allocation in the emerging Local Plan.
- 4.3.21 It states that there may be some sites which, when taking into account national policy and designations, it will not be appropriate to carry out these more detailed assessments for, where it is clear that they will not be suitable for development.

- 4.3.22 These includes sites which are significantly constrained by one or more of the following criteria: functional flood plain, Special Area of Conservation, Special Protection Area, Within 400m of the Thames Basin Heaths SPA, RAMSAR, Site of Special Scientific Interest, Suitable Alternative Green Space (SANG), Ancient Woodland, and Notified Safety Zones.
- 4.3.23 It should be noted that since the publication of the previous HELAA (January 2020), the notified safety zones (in this case called the Detailed Emergency Planning Zone) for AWE Burghfield has been reviewed and extended to cover a larger area incorporating the villages of Grazeley, Three Mile Cross and Spencers Wood.
- 4.3.24 The site has previously been promoted through the Council's call for sites and was given site reference is 5FI047 in the latest SHLA report. The report confirms that the site is not constrained by any of the above and was taken forward to the detailed assessment stage. A review of this assessment is provided in section 6 of this report.

5 HOUSING NEED AND SUPPLY OVERVIEW

5.1 CONTEXT

- 5.1.1 Paragraph 75 of the NPPF states that local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met:
- a. their adopted plan is less than five years old; and
 - b. that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
- 5.1.2 In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. Paragraph 226 relates to authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This would be in effect until the new Local Plan is adopted or until December 2025.
- 5.1.3 The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old. Where there has been significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period).
- 5.1.4 The Core Strategy 2010 set out a requirement for 13,230 homes over the plan period from 2006-2026. However, as the plan is more than 5 years out of date, the standard method for assessing Local Housing Need (LHN) now identifies a minimum annual housing need figure for the district. The Government's Standard Methodology (using the latest Revised Methodology) results in a minimum LHN for Wokingham of 781 dwellings, yielding a total number of dwellings over the period 2018-40 of 17,283. Taking into account completions between 2018 and 2021, the residual delivery for the Borough is 13,277 dwellings over the emerging plan period.
- 5.1.5 The Borough's five year land supply position has most recently been considered in the determination of PINS reference APP/X0360/W/23/3331651 ('the Winnersh appeal'). In the Statement of Common Ground between the appellant and the local authority, it was agreed that the council is currently able to demonstrate a five

year supply of 3.2 years (see **Appendix 2**). This position was confirmed through the publication of WBC's Five Year Housing Land Supply Statement in January 2024.

- 5.1.6 The five year land supply position has also recently been contested at a number of other planning appeals which demonstrates a worsening position over the last few years. These include an appeal made in March 2023 (PINS ref: APP/X0360/W/22/3309202 – **Appendix 3**) relating to the proposed development of approximately 200 new homes and associated facilities in Hurst, Reading. During the determination of the appeal WBC accepted that it could only demonstrate a deliverable housing land supply of 3.95 years.
- 5.1.7 In an appeal in relation to a site at Willow Tree House, Shinfield, considered in February 2022 (PINS ref: APP/X0360/W/21/3275086 – **Appendix 4**), the Inspector concluded that WBC's 5YHLS equated to 4.84 years.
- 5.1.8 A second appeal considered by the same Inspector in March 2022, in relation to a proposed residential development at Baird Road, Arborfield Garrison (PINS ref: APP/X0360/W/21/3276169 – **Appendix 5**), the Inspector was willing to reconsider the evidence presented to the previous appeal, and ultimately concluded that the 5YHLS position sat somewhere between 4.35 and 4.74 years.
- 5.1.9 It is clear from the above that the housing land supply position has been consistently below 5 years, and that the issue in Wokingham has been worsening over the last few years.
- 5.1.10 The consequence of not being able to demonstrate a 5YHLS of deliverable housing sites means that the development boundaries from the adopted local plan and related restrictions on development in the countryside must be acknowledged as out-of-date.
- 5.1.11 The presumption in favour of sustainable development would apply when determining planning applications. This means more weight should be given to the benefits of more providing housing provided the site contributes to sustainable development.

5.2 NEIGHBOURHOOD PLAN

- 5.2.1 Paragraphs 14 of the NPPF states that where the presumption in favour of sustainable development is applied in relation to housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- (1) The neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

- (2) The neighbourhood plan contains policies and allocations to meet its identified housing requirement.

5.2.2 As noted previously, the Finchampstead Neighbourhood Plan was made in September 2023 but it does not allocate any sites for residential development. The implications of paragraph 14 therefore do not apply to sites within Finchampstead parish.

5.3 PAST DELIVERY

- 5.3.1 Paragraph 79 states that to maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:
- a. Where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
 - b. Where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.
 - c. Where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, in addition to the requirements for an action plan and 20% buffer.
- 5.3.2 The most recent Housing Delivery Test results were published by the Department for Levelling Up, Housing and Communities in December 2023 and show that Wokingham achieved 205% delivery. Despite this over-delivery over the last few years, the presumption in favour of sustainable remains in effect as a result of the significant shortfall in housing land supply.

6 PLANNING CONSIDERATIONS

6.1 INTRODUCTION

- 6.1.1 WBC's overarching housing strategy is set out in Core Strategy Policy CP17 (Housing Delivery) which states that provision will be made for the development of at least 13,230 dwellings through the plan period, of which 623 dwellings per annum would be required on average in the period between April 2021 and March 2026. However, as set out previously in this report, the Core Strategy is now over five years old which means that the housing targets set out in Policy CP17 are out of date. Based on objectively assessed needs, the Borough is unable to demonstrate the required supply of housing sites, so the principle of sustainable development is currently in effect.
- 6.1.2 In such circumstances the NPPF states that planning permission must be granted unless the application of policies in the NPPF that protect areas or assets of particular importance¹ provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.
- 6.1.3 This Section seeks to demonstrate that the development will not have an impact on protected areas or assets of particular importance, nor will there be any adverse impacts that significantly and demonstrably outweigh the benefits.

6.2 PRINCIPLE OF DEVELOPMENT

- 6.2.1 The most up to date settlement boundaries in Wokingham are established by Policy CC02 of the MDDLDP and, with specific regard to the application site, by the Finchampstead Neighbourhood Plan. The application site falls outside of, but immediately adjacent to, the limited development location of Finchampstead and its defined built-up area boundary.
- 6.2.2 Policy CC02 states that 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.

¹ The areas or assets of particular importance referred to are defined by the NPPF as being habitats sites and/or those designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest); and areas at risk of flooding or coastal change.

- 6.2.3 This reflects Core Strategy Policy CP9 (Scale and Location of Development Proposals) which states that the scale of development proposals in Wokingham must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. It also states that development proposals within development limits will be acceptable in, inter alia, the 'limited development locations' of Finchampstead, among others. The supporting text defines limited development locations as those containing a basic range of services and facilities and are physically and socially cohesive.
- 6.2.4 Policy AHD1 of the Neighbourhood Plan states that development proposals outside the Development Locations will only be supported where they are in accordance with national and Borough planning policies.
- 6.2.5 It is acknowledged that the site falls outside the defined settlement of Finchampstead and based on the requirements of the above policies alone the proposal would be in conflict with the adopted local plan. However, due to the age of the adopted plan, the more recent uplift in housing need in the Borough and the substantial lack of associated housing supply, the housing policies of the adopted plan are now out of date. The presumption in favour of sustainable development must be applied, and this is a position that has consistently been taken by appeal Inspectors.
- 6.2.6 Within this context, it is necessary to consider the sustainability of the development site in respect of the overarching spatial strategy in Wokingham which must reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility in the context of Policy CP9.

Assessment of Policy CP9 - Locational Sustainability

- 6.2.7 The locational sustainability of new development has been the focus for several appeals determined in the Borough in relation to the assessment of the adopted spatial strategy set out in Policy CP9. Locational sustainability refers to the accessibility of the site in terms of its connectivity to local shops, services and jobs.
- 6.2.8 It is acknowledged that Finchampstead is identified as a Limited Development Location (LDL) which has a basic range of services and facilities but is physically and socially cohesive, likely due to the community facilities available in the locality and the overall size of the village. The adopted development plan accepts that limited development within LDLs would be acceptable, indicating that such sites in LDLs would generally not exceed 25 dwellings and thus suggesting that a medium level of development in LDLs may be appropriate (possibly as a reflection of paragraph 83 of the NPPF which states that "*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*")

- 6.2.9 Notably, in Modest Development Locations (MDLs) the sites were expected to generally not exceed 100 dwellings – a significant increase compared to LDLs – despite only a marginal difference by way of shops and services. To demonstrate this, Table 6.1 below provides a comparison between the travel times and distances between the application site and the facilities available in Finchampstead, compared to an edge of settlement location around the nearest Modest Development Location – Finchampstead North (given as a range to reflect various locations around the edge of the settlement boundary). This demonstrates the full extent of accessibility to existing services and facilities within the adopted settlement boundaries of the Local Plan.
- 6.2.10 It is clear from the below that travel to local facilities is comparable in the majority of cases in Finchampstead and Finchampstead North, with the exception of the ability for some children to access the secondary school on foot albeit with a travel distance of more than 30 minutes. A site within or on the edge of an MDL therefore does not necessarily result in a more accessible development compared to the application site.
- 6.2.11 Furthermore, ONS data from a National Travel Survey carried out in 2019 demonstrates that out of all respondents only 27% lived within a 15 minute walk or bus ride from a secondary school in Wokingham, whereas 96% respondents were within 30 minutes. This is comparable to the application site which has a secondary school within 25 minutes using the local school bus.
- 6.2.12 Similarly the average travel time by car to the nearest secondary school in Wokingham was 14 minutes for the respondents, compared to 5 minutes by car from the application site. It is clear therefore that the site is comparable to Borough-wide averages in terms of accessibility to the nearest secondary school.

SERVICE	TRAVEL TIME FROM APPLICATION SITE	TRAVEL TIME FROM EDGE OF SETTLEMENT IN FINCHAMPSTEAD NORTH
Primary School and Pre-School (Public)	6 minute walk via pavements	2 minute walk – 30 minute walk via pavements
Secondary School / Sixth Form College (Public)	Yateley School – 25 minutes via dedicated school bus or 5 minutes via car (to and from bus stops within 5-10 minute walk from the site) Farnborough Sixth Form College – 50 minutes via dedicated school bus or 16 minutes via car (to and from bus stops within 5-10 minute walk from the site)	Bohunt Wokingham (newly constructed) – 27 minute- 1 hour walk or 10 - 28 minute bus ride
Public house	5 minute walk via pavements	3 minute – 10 minute drive

SERVICE	TRAVEL TIME FROM APPLICATION SITE	TRAVEL TIME FROM EDGE OF SETTLEMENT IN FINCHAMPSTEAD NORTH
Community Hall	Less than 10 minute walk via pavements	12 minute walk – 25 minute walk
Sports Club and Fields (cricket, tennis, football)	Less than 10 minute walk via pavements	12 minute walk – 25 minute walk
Local super market	5 minute drive / bus north	2 minute walk – 30 minute walk
Larger super market	5 minute drive south	5 minute – 15 minute drive north
Health Centre / pharmacy	5 minute drive / bus north	2 minute walk – 30 minute walk

- 6.2.13 Not included in the table above is travel to work which is highly dependent on the nature of employment and the individual. However, to assess the accessibility of each location and individual preferences, a comparison has been made between 2021 Census data responses taken from the two Output Areas covering Finchampstead (a LDL) and an Output Area covering central Finchampstead North (a MDL).
- 6.2.14 Census data for the two Output Areas covering Finchampstead indicates that 59.6% of working people work from home in and around Finchampstead, which is higher than the Borough-wide and Finchampstead North average (50.9%). This means that the majority of residents in the village will not be commuting to work on a day-to-day basis. 33.1% of working respondents in Finchampstead travel to work in private vehicles, proportionately less than Finchampstead North (46.7%). Just under 2% of people travel to work by public transport (train), notably higher than the Finchampstead North average (<1%) possibly due to the relative proximity of Finchampstead to Crowthorne Station. 3.3% of working respondents walk to work in Finchampstead, compared to just over 1% in Finchampstead North. This indicates that there are people in Finchampstead who work in or around the village.
- 6.2.15 The data above demonstrates that Finchampstead is comparable to Finchampstead North in terms of travel preferences and outperforms its larger neighbour in terms of less reliance on private vehicles for commuting purposes.
- 6.2.16 For other day-to-day activities, Finchampstead is comparable to Finchampstead North in many respects, and it is noted that the village also contains a sports club and playing pitches not available in Finchampstead North. It can therefore be concluded that the site is as accessible as the nearest MDL which Policy CP9

recognises as being an appropriate location for new development and the overarching development strategy in the Borough.

- 6.2.17 It is also necessary to consider the outcome of one of the more relevant appeals in the Borough, relating to the proposed development in the village of Hurst² (see **Appendix 5**). Similar to Finchampstead, Hurst is a LDL however the development proposed was significantly larger in scale with a total of 200 units. Within this context, the appeal makes repeated references to the appeal proposal being a 'huge' extension to the village and that the significant size of the developments sets it apart from smaller schemes on the basis that they are more likely to have a greater impact than smaller schemes in terms of the use of unsustainable modes of transport. In light of this, the Inspector concluded that Hurst as an LDL was not appropriate for the scale of development proposed nor could it be made sustainable by the improvements and contributions offered by the appellant.
- 6.2.18 The proposed development at Hurst would have resulted in a 32.5% increase in the size of the settlement (in terms of the defined built up area boundary), whereas the proposed development subject to this application would result in an increase in the settlement area of 13.4%, the latter of which should be an appropriate and proportionate addition to the size of Finchampstead.
- 6.2.19 Accordingly it can be concluded that the Hurst appeal is not comparable to the application proposal by virtue of scale despite being related to a LDL.
- 6.2.20 Overall, in the context of an out-of-date Local Plan and inability to demonstrate a four year supply, it is important to acknowledge that there is only limited conflict with policy CP9. A development of 40 dwellings is appropriate to the scale and function of Finchampstead, and we have presented evidence to confirm the locational sustainability of the settlement.

Assessment of Policy CP11 – Development Outside Settlement Limits

- 6.2.21 Core Strategy Policy CP11 provides the expectations for proposals outside development limits, including the countryside. It states that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where it meets a specific set of criteria geared towards development normally permitted in rural areas. As emphasised above the policy states that proposals outside of settlement boundaries will not normally be permitted outside of these exceptions, leaving an opportunity for speculative development where material considerations exist.
- 6.2.22 It is relevant to note that the purpose of the policy is to “protect the separate identity of settlements and to maintain the quality of the environment” and so

² PINS ref: APP/X0360/W/22/3309202

within the context of the tilted balance these provide a basis for assessing the appropriateness of development that is not normally permitted.

- 6.2.23 The application site lies on the southern edge of Finchampstead and is bounded to the south by the Blackwater Valley Country Park which, together with the Blackwater / Long River corridor, provides a natural buffer between the village from the nearest settlements in Hart District, namely Eversley Cross and Yateley. There would be no further opportunity to develop further south of the site as a result, meaning that the extent of the village would be firmly established by the proposed development and it has been designed accordingly to prevent sprawl. The village of Finchampstead would thus retain its separate identity and there would be no perception of the coalescence of settlements.
- 6.2.24 Turning to the quality of environment, the site lies within Character Area B2 (Blackwater River Valley with Open Water) as defined by the Wokingham Borough Landscape Character Assessment, although it is noted that much of this character area is defined by the lower lying landscape around the river and restored quarry land. In respect of built form, the character area is described as having a “a rural linear settlement pattern along leafy lanes on the edge of the floodplain, except for post-war development on the settlement edge of Finchampstead, where buildings tend to be set back, with long drives, and are therefore not very visible.”
- 6.2.25 As set out in detail previously, the proposed development would be consistent with the assessment of built form on the southern end of Finchampstead. On a site specific basis, it can be concluded that the site does not exhibit the more prevalent landscape characteristics of the wider character area and as such the impact on the character area as a whole would be negligible. For the reasons discussed later, the proposal would be read as part of the village, separate to but conscious of the wider rural landscape by way of design.
- 6.2.26 Furthermore, the site lies within an area of Grade 4 agricultural land which is graded according to the degree to which physical or chemical properties impose long-term limitations on agricultural use. Grade 4 land is identified by the Ministry of Agriculture, Fisheries and Food as being poor quality agricultural land with *“severe limitations which significantly restrict the range of crops and/or level of yields. It is mainly suited to grass with occasional arable crops (e.g. cereals and forage crops) the yields of which are variable. In moist climates, yields of grass may be moderate to high but there may be difficulties in utilisation. The grade also includes very droughty arable land.”* The site is therefore not Best and Most Versatile agricultural land referred to in paragraph 180 of the NPPF which the Government seeks to protect and enhance.

Site Assessment

- 6.2.27 As noted in Section 5, the site has been assessed for potential allocation in the emerging Local Plan through WBC’s latest SHLAA report. The site is described as being *“located to the south of Finchampstead village, adjacent to the settlement limits and within the countryside. The site lies to the north of the Blackwater Valley Country Park and comprises an agricultural field, which slopes gently down to the*

south. The site lies within 400m of the neighbouring authority of Hart District. There is currently no access to the site". It should be noted that the last part of this description is not correct – gated access into the site is available from Longwater Road.

- 6.2.28 An assessment of the site has been provided against the methodology for the Stage 2 site assessment process in **Appendix 6**, which is compared to the assessment made by WBC against the same methodology. Alongside the policy assessment outlined above, this comparative assessment demonstrates that the site should score more highly than afforded by WBC.
- 6.2.29 For the reasons set out above, the proposed development is considered to be appropriate and aligns with the purpose of Policy CP11 taking into account the titled balance. The following sections seek to address all other key planning considerations and ends with an assessment against the presumption in favour of sustainable development.

6.3 DESIGN AND LAYOUT

- 6.3.1 National Planning Policy emphasises the importance of design and new development. The overall aim for the scheme was to create a development which respects the character and appearance of the area.
- 6.3.2 Core Strategy Policy CP3 (General Principles for Development) states that planning permission will be granted for proposals that, inter alia:
- a) Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life;*
 - b) Provide a functional, accessible, safe, secure and adaptable scheme;*
 - c) Contribute to a sense of place in the buildings and spaces themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping;*
 - d) Provide for a framework of open space in secure community use achieving at least 4.65 ha/1,000 population provision together with recreational/sporting facilities in addition to private amenity space;*
 - e) Do not lead to a net loss of dwellings and other residential accommodation or land; and*
 - f) Do not lead to a loss of community or recreational facilities/land or infrastructure unless suitable alternative provision is available.*

6.3.3 Neighbourhood Plan Policy D2 (Preserving the Rural Character of the Parish) states that as appropriate to their scale, nature and location development proposals should be located and designed to maintain the separation of settlements and to complement the characteristics of the landscape in the immediate locality through:

- a) Locating structures where they will be viewed against existing built form and wherever possible, development should deliver enhancements to the landscape character.*
- b) Retaining the proportion, scale and the space between the main residential buildings on each residential plot with reference to the built vernacular of the neighbourhood area and conservation of traditional boundary treatments.*
- c) The use of appropriate plant species in a comprehensive landscape scheme with appropriate boundary treatments to integrate with the rural character.*
- d) The use of street trees.*
- e) The protection of existing street trees.*

6.3.4 The proposed development has been designed and laid out to suit its edge of village setting and the grain of existing development seen immediately north, in accordance with these policies and the Borough Design Guide. This has involved a strong focus on creating a heavily landscaped setting through the use of a circular green buffer around the site which softens the view of the new development from Longwater Road and creates a landscaped transition towards the countryside beyond. This approach also protects the majority of existing boundary trees, which are covered by a TPO, and enables the enhancement of these existing buffers through a comprehensive landscaping scheme.

6.3.5 The design of the development makes clear references to the existing built vernacular seen in the village through the use of red and buff brick.

6.3.6 There will be no loss of dwellings or community space as a result of the application.



FIGURE 6.1 – VIEW TOWARDS THE SITE TAKEN FROM LONGWATER ROAD (SOURCE: GOOGLE STREETVIEW)

Density and Amount

- 6.3.7 The Borough Design Guide states that the assessment of an appropriate density must be design-led as well as considering the number of units per hectare, to ensure that development relates well to local character. This includes the height, bulk and massing of buildings; the space around and gaps between them; and the space required for parking.
- 6.3.8 The proposed development of 40 dwellings on a site of 2.29 hectares results in a gross development density of 17.46 dwellings per hectare, which is comparable to the gross density of the area around Wood Moor to the north at 16.4 dwellings per hectare, whilst also delivering a range of housing types to meet local needs.
- 6.3.9 Separation distances and garden areas have been provided in accordance with the Borough Design Guide which results in appropriate levels of daylight and sunlight for all properties and mitigates opportunities for overlooking.

Height

- 6.3.10 Neighbourhood Plan Policy D1 states that building heights should reflect the character and appearance of the parish. The development of 3 storey (and above) housing will generally only be supported within the area of the Strategic Development Location (the part within the parish) and the Gorse Ride regeneration area.
- 6.3.11 The proposed development comprises a mix of 2 storey family homes in reflection of existing houses in the local area. The proposal therefore aligns with Neighbourhood Plan Policy D1.

Internal Space Standards

- 6.3.12 MDDL Policy TB07 states that proposals for new residential units should ensure that the internal layout and size are suitable to serve the amenity requirements of future occupiers.
- 6.3.13 All new homes will be compliant with Nationally Described Space Standards (NDSS) and will be M4(2) compliant. The new homes will be reflective of, and in some case exceed, the requirements of the Borough Design Guide.

Housing Mix

- 6.3.14 Policy CP5 states that planning permission will be granted for residential development providing a mix and balance of densities, dwelling types, tenures and sizes. This is further detailed in Policy TB05 which states that proposals for residential development should provide for an appropriate housing mix which reflects a balance between the underlying character of the area and both the current and projected needs of households.

- 6.3.15 Policy CP2 (Inclusive Communities) states that to ensure that new development contributes to the provision of sustainable and inclusive communities to meet long term needs, planning permission will be granted for proposals that address the requirements an ageing population; children, young people and families; and people with special needs.
- 6.3.16 A comparison between the proposed development and the recommendations in the Strategic Housing Market Assessment (SHMA) is set out in Table 6.2 below. The table demonstrates that the proposal is broadly in line with local mix needs set out within the SHMA, although notably this part of the Local Plan evidence base is now 8 years old.
- 6.3.17 It is also noted that the Affordable Housing SPD seeks to achieve a slightly different mix of units for affordable homes compared to the SHMA, comprising 20% 1 bedroom flats/houses, 15% 2 bedroom flats, 30% 2 bedroom houses, 20% 3 bedroom houses and 15% 4 + bedroom houses. The SPD mix seeks a higher proportion of larger affordable homes than the SHMA, which will be delivered through the provision of additional affordable dwellings over and above the policy requirement on the application site.
- 6.3.18 However the Neighbourhood Plan indicates that most housing stock in the parish is 3+ bedrooms and relatively expensive so a balance has been sought with the overall mix proposed to ensure that development caters for more localised needs.

	1-BED	2-BED	3-BED	4+ BED	TOTAL
Market	0	4	7	1	12
Market %	0%	33%	58%	8%	100%
Market SMHA	5%	30%	45%	20%	100%
Affordable	4	6	5	1	16
Affordable %	25%	38%	31%	6%	100%
Affordable SHMA	30%	35%	30%	5%	100%
Additional Affordable	0	2	10		12
All Dwellings	4	12	22	2	40
All Dwellings %	10%	30%	55%	5%	100%
All Dwellings SHMA	15%	30%	35%	20%	100%

FIGURE 6.2 – COMPARISON OF DEVELOPMENT AGAINST TARGET HOUSING MIX

Amenity and Open Space

- 6.3.19 The proposed development comprises 0.72 hectares / 1.93 acres of public open space which can be used by future and existing nearby residents for general enjoyment and dog walking. In accordance with Policy TB08 and the Open Space, Sports and Recreation Strategy (2013), this provision will be made up of amenity green space and natural/semi natural green space which is suitable for the expected number of residents on site. An area of play is also provided.

- 6.3.20 In time, it will also provide a pleasant route away from the road into the allocated Blackwater Country Park which will provide an extended area of amenity space for local residents, in addition to the Local Green Space on the western side of Longwater Road.
- 6.3.21 There is insufficient room available on site to provide sports facilities or a swimming pool, as would be expected for this scale of development. However, existing facilities are available nearby at the Finchampstead Recreation Ground which accommodates tennis courts, Multi Use Games Areas and grass pitches for cricket and football, along with a clubhouse. These facilities can be accessed within 10 minutes via the footways in the village. There are also additional facilities available in Eversley, which are also accessible on foot via surfaced footways along Longwater Road. These facilities include the Yateley Hockey Club, Eversley & California Youth Football Club, the Eversley Cricket Club and Indoor Cricket Centre. As such there is more than sufficient provision available in the local area.
- 6.3.22 The Open Space, Sports and Recreation Strategy (2013) confirms that civic space, parks/gardens, cemetery space and allotments are not required in light of the scale of the proposed development. A community allotment lies immediately west of Longwater Road which can be utilised by future residents. The nearest cemeteries owned by Wokingham Borough Council and available to all Wokingham residents are St Sebastian's Cemetery and Shinfield Cemetery. The nearest parish church and graveyard is St James' Church.

6.4 LANDSCAPE

- 6.4.1 Policy TB21 states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment, including landscape quality; landscape strategy; landscape sensitivity and key issues. They should retain or enhance the condition, character and features that contribute to the landscape.
- 6.4.2 Policy CC03 requires development proposals to demonstrate how they have considered the following, inter alia:
- a) Promote accessibility, linkages and permeability between and within existing green corridors including public rights of way such as footpaths, cycleways and bridleways*
 - b) Promote the integration of the scheme with any adjoining public open space or countryside*
 - c) Protect and retain existing trees, hedges and other landscape features e) Incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme.*
 - d) Development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.*

- 6.4.3 Policy TB23 adds that development should provide opportunities, including through design, layout and landscaping to incorporate new biodiversity features or enhance existing; provide appropriate buffer zones between development proposals and designated sites as well as habitats and species of principle importance for nature conservation; and be ecologically permeable through the protection of existing and the provision of new continuous wildlife corridors, which shall be integrated and linked to the wider green infrastructure network.
- 6.4.4 Neighbourhood Plan Policy IRS2 states that the design, layout, scale and massing of development proposals should take account of the outstanding views identified in the Neighbourhood Plan, which includes a view that covers a large majority of Finchampstead. Development proposals which would have an unacceptable impact on the outstanding views will not be supported.
- 6.4.5 As noted previously in this report, the site lies within Character Area B2 (Blackwater River Valley with Open Water) as defined by the Wokingham Borough Landscape Character Assessment, although it is noted that much of this character area is defined by the lower lying landscape around the river and restored quarry land. In respect of built form, the character area is described as having a *"a rural linear settlement pattern along leafy lanes on the edge of the floodplain, except for post-war development on the settlement edge of Finchampstead, where buildings tend to be set back, with long drives, and are therefore not very visible."*
- 6.4.6 In line with these observations, the proposed development is set back from the road and all boundaries which retains a sense of spaciousness within the site as it transitions into the allocated Country Park to the south and the fields to the east. This is reflective of the overarching character of the village defined by the Borough Design Guide as a *'loose (rural) village'* and described as having a dominance of landscape. It also has the added benefit of natural screening from both the existing boundary planting and the proposed landscaping scheme that will seek to enhance this boundary. Aside from the site entrance, it is this landscaped area that would be seen when travelling along Longwater Road, with the development area largely screened behind it, as shown in Figure 6.3 below.
- 6.4.7 The position of the new development is in-keeping with the overall form of the village and would not be seen an incongruous addition to the village. It will also adjoin the village to the new Blackwater Valley Country Park, providing alternative means of access on foot to local residents and better accessibility for existing residents to a substantial amount of open space.
- 6.4.8 Further discussion on the landscape impact of the proposed development is provided in the submitted Landscape and Visual Appraisal prepared by EDP.
- 6.4.9 In accordance with Policy CC03 and the Borough Design Guide, the proposed development also provides a circular area of green space which connects to the existing public footpath along the northern boundary and the pavement which runs alongside Longwater Road. These routes connect to the wider village and will eventually provide direct access to the Blackwater Country Park to the south. The arrangement of dwellings around the green space will provide natural surveillance,

making this space an attractive amenity area for both residents within the site and those in the local area for activities such as dog walking and play, particularly during the darker winter evenings.

- 6.4.10 The new green space will be maintained by an Estate Management Company to be established.



FIGURE 6.3 – PROPOSED LANDSCAPING STRATEGY (SOURCE: EDP)

6.5 AFFORDABLE HOUSING STATEMENT

- 6.5.1 Policy CP5 states that all residential proposals of at least 5 dwellings (net) or covering a net site area of at least 0.16 ha, outside of development locations, will provide 40% of the net additional units proposed as affordable dwellings, where viable.
- 6.5.2 Policy TB05 states that any scheme that requires the provision of affordable housing should provide an appropriate mix of accommodation on a site by site basis, which reflects the Council's Housing Strategy and the Affordable Housing SPD.
- 6.5.3 The proposed development consists of at least 70% affordable housing which significantly exceeds the requirements of Policy CP5 and will result in a tangible contribution to local affordable housing need. This is a significant benefit to the

proposed development and should be given substantial weight in the planning balance given the significant need for affordable housing set out below.

- 6.5.4 The Local Housing Needs Assessment 2023 confirms an overall need for 352 affordable houses per annum and is noted to be very high. This figure includes 253 homes per annum for those who can afford rent but cannot afford to buy and 99 homes for those who are unable to afford to rent or own marking housing.
- 6.5.5 Government data on affordable housing delivery³ indicates that Wokingham delivered 121 affordable units of all types in 2022/23, comprised of 75 social rent, 8 affordable rent and 38 shared ownership. No intermediate rent, affordable home ownership or First Homes were delivered. This level of delivery accounts for 34.4% of the overall need in Wokingham identified in the House Need Assessment and represents a significant drop in delivery since 2020/21 and 2021/22 which saw completions at 302 dwellings and 338 dwellings, respectively.
- 6.5.6 In the determination of the Winnersh appeal⁴, WBC provided evidence that indicated that the significant boost in housing supply over the last few years has not in itself stabilised or reduced house prices, rather they have continued to rise sharply. As such it is clear that there is a need for units to meet the needs of those struggling to afford private rents but also those who wish to join the housing ladder, to avoid the need to move outside of the borough and to prevent the market housing stock becoming dominated by high value homes.

6.6 TRANSPORT AND SERVICING

Access and Parking

- 6.6.1 Policy CP6 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;*
 - c) *Improve the existing infrastructure network, including road, rail and public transport, enhance facilities for pedestrians and cyclists, including provision for those with reduced mobility, and other users;*
 - d) *Provide appropriate vehicular parking, having regard to car ownership;*
 - e) *Mitigate any adverse effects upon the local and strategic transport network that arise from the development proposed;*

³ Gov UK. 2023. Live Tables on Affordable Housing Supply

⁴ PINS reference APP/X0360/W/23/3331651

f) Enhance road safety; and

g) Do not cause highway problems or lead to traffic related environmental problems

6.6.2 Policy CC07 states that planning permission will only be granted where the proposal demonstrates how the proposed parking provision meets the standards set out in adopted policy and that the new scheme retains an appropriate level of off-street parking.

6.6.3 Neighbourhood Plan Policy GA1 (Improve Environment and Health From Traffic Pollution) states that development will need to consider car and non-car transportation routes, provide adequate off-road parking and offer protected movement for cycling.

6.6.4 A Transport Assessment prepared by DTA has been submitted with the application which makes the following conclusions in the context of Policy CP6 and GA1:

- The proposed parking provision is fully in line with the Wokingham Parking Demand Calculation Sheet, comprising 80 parking spaces and 11 visitor spaces.
- The upgraded entrance into the site provides suitable visibility splays along Longwater Road, allowing for safe access onto the public highway by car and bicycle. The access also includes direct connections to the existing footways to support travel on foot to the facilities in the village and to the new Country Park further south.
- As stated in Manual for Streets, it is generally considered that for distances under 2km, walking offers the greatest potential to replace short car trips. For distances under 5km, cycling also has the potential to substitute for short car trips. Within a 5km radius of the site, the train station, supermarkets, shops, banks, restaurants and schools can be accessed as well as a number of other surrounding facilities. There are also a number of facilities located in the village which can be accessed on foot.
- There are no significant accident issues in the vicinity of the site.
- The impact of the proposals on the local road network have been reviewed and the overall traffic impact of the development will be negligible.

6.6.5 The applicant is in discussions with local bus operators regarding the feasibility and costs of improving the local bus services.

6.6.6 Policy CC07 also states that development proposals are required to show that spaces identified to serve each dwelling are within an acceptable distance from that dwelling (normally 25m for allocated parking). On larger schemes a plan showing plot numbers and parking layout allocation / unallocated and visitor spaces will be required.

- 6.6.7 In accordance with the Borough Design Guide, parking has been designed so that it does not dominate the street scene and are allocated to the dwelling immediate adjacent for ease of use and clarity of ownership.
- 6.6.8 Visitor parking bays have been designed into the street scene and planting can be used to soften their appearance.

Cycle Parking

- 6.6.9 Cycle parking for 1-2 bikes will be provided within a dedicated timber shed within the curtilage of each property which can be accessed via a side gate.

Accessibility

- 6.6.10 Neighbourhood Plan Policy GA2 (Reduction in Car Usage with Safe Personal Mobility Options) seeks to encourage alternative modes of movement and to enhance local rights of way.
- 6.6.11 The proposed development has been designed to tie in with the existing pavement running down the length of Longwater Road and with the existing public footpath to the north of the site, both of which support alternative means of transport throughout the village and to the Blackwater Country Park to the south.
- 6.6.12 As noted previously in this report, the application site is comparable in terms of accessibility to the existing dwellings within the village, which is defined as a location for limited development in the local plan.
- 6.6.13 A Travel Plan, prepared by DTA, is submitted as part of this application which sets out measures to promote more environmentally sustainable travel patterns to new residents.

Public Rights of Way Impact Assessment

- 6.6.14 As shown on the submitted Site Plan, the proposed development will have no impact on the route of the public footpath which runs within the northern boundary.
- 6.6.15 This route will be enhanced with new tree planting to soften views of the development from the footpath, with the existing bramble scrub and grassland margins retained along the northern boundary to support local wildlife.
- 6.6.16 As shown on the submitted Landscape Strategy Plan prepared by EDP, various connections are provided between the footpath and the pavements lining the internal roads to encourage travel on foot wherever possible. The footpath will also tie in directly with the public open space proposed around the perimeter of the site, which will extend the length of this walking route and will eventually

provide a direct connection to the allocated Blackwater Country Park to the south, thereby enhancing connectivity in the local area away from the main road.

6.7 FLOODING AND DRAINAGE

- 6.7.1 Policy CC09 states that all sources of flood risk must be taken into account at all stages and to the appropriate degree at all levels in the planning application process to avoid inappropriate development in areas at risk of flooding. Proposals must be consistent with the NPPF and the Strategic Flood Risk Assessment (SFRA) to determine the suitability of the proposal.
- 6.7.2 Policy CC10 states that all development proposals must ensure surface water arising from the proposed development including taking into account climate change is managed in a sustainable manner. This must be demonstrated through a Flood Risk Assessment or Surface Water Drainage Strategy which have been submitted as part of this application and are summarised below.
- 6.7.3 All development must:
- a) Reproduce greenfield runoff characteristics and return run-off rates and volumes back to the original greenfield levels, for greenfield sites and for brownfield sites both run-off rates and volumes be reduced to as near greenfield as practicably possible.*
 - b) Incorporate Sustainable Drainage Systems (SuDS), where practicable, which must be of an appropriate design to meet the long term needs of the development and which achieve wider social and environmental benefits*
 - c) Provide clear details of proposed SuDS including the adoption arrangements and how they will be maintained to the satisfaction of the Council [as the Lead Local Flood Authority (LLFA)]*
 - d) Not cause adverse impacts to the public sewerage network serving the development where discharging surface water to a public sewer.*
- 6.7.4 A Flood Risk Assessment and Drainage Strategy has been prepared by RPS and is submitted as part of this application. The report confirms the site's position in Flood Zone 1 which results in a low risk of flooding from nearby rivers. There is some risk of surfacing water flooding extending into the site from the watercourse outside the southern boundary, however this risk does not cover the area of the proposed dwellings.

Surface Water Drainage

- 6.7.5 As a result of limited infiltration capacity identified on site, it is proposed to manage surface water via local attenuation with an outfall. It is proposed that surface water will be collected and conveyed, by a gravity sewer system and

attenuated prior to discharge in an attenuation basin located in the southeast corner of the site.

- 6.7.6 A surface water outfall is proposed to an ordinary watercourse located approximately 180m to the south of the site. A 300mm diameter surface water sewer will be installed in Longwater Road, with a headwall outfall into the watercourse as it passes under the road.
- 6.7.7 The attenuation basin will allow peak flow rates to be reduced and enable flows to be limited to significantly below the existing run-off rate during storm events. The drainage features are also useful in providing water treatment predominantly through the settlement of silts and suspended sediments. The basin will take the form of a depression within the application site and can be landscaped to provide aesthetic and amenity value. Planting can be used to improve biodiversity and attract wildlife.

Foul Drainage

- 6.7.8 It is proposed that foul water will be conveyed by a gravity sewer system to a foul water pumping station located in the south of the site. Foul flows will then be pumped to the existing 150mm diameter public foul water sewer located in Longwater Road.

6.8 ECOLOGY AND TREES

Ecology

- 6.8.1 Policy CP7 (Biodiversity) states that sites designated as of importance for nature conservation at an international or national level will be conserved and enhanced and inappropriate development will be resisted. Development that may harm Local Wildlife Sites; habitats or species of principle importance; trees or features of the landscape that are of major importance for wild flora and fauna; or that compromise the implementation of the national, regional, county and local biodiversity action plans will be only permitted if it has been clearly demonstrated that the need for the proposal outweighs the need to safeguard the nature conservation importance, that no alternative site that would result in less or no harm is available which will meet the need, and: mitigation or appropriate compensation can be provided.
- 6.8.2 Policy CC03 adds that development will need to demonstrate how they have provided new, or protect and enhance, the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development. This is reflected in Neighbourhood Plan Policy IRS5.
- 6.8.3 An Ecological Appraisal has been prepared by EDP which provides details of the surveys carried out in respect of breeding birds, bats, otter, water vole, badger, hedgehog, Great Crested Newt and reptiles.

- 6.8.4 EDP has provided input to the design team throughout the design process to ensure that the development layout reflects the measures required to avoid, mitigate or compensate for ecological impacts as well as other measures designed to provide long-term ecological enhancements. This embedded mitigation comprises the following:
- Open spaces for recreation to minimise impacts on off-site designations around the development site and the retention of an existing Public Right of Way along the northern boundary;
 - Retention/buffering of valuable habitats including the badger sett in the southeast part of the site, with a 30m buffer around it, and a minimum of a 5m buffer between the woodland and ditch located offsite to the south;
 - Retention and buffering of boundary habitats and valuable mature trees where possible in order to maintain habitat connectivity;
 - Inclusion of natural/informal greenspace within the development where the creation or enhancement of ecologically valuable/biodiverse habitat is proposed; and
 - Inclusion of a sustainable drainage feature to maintain run-off rates and to maintain or improve the quality of surface water discharging into nearby watercourses.
- 6.8.5 The report makes recommendations on the measures to be used to avoid or reduce potential impacts on these species during the construction stage which will be detailed as part of a Construction Environmental Management Plan to be agreed prior to the commencement of works.
- 6.8.6 EDP concludes that, in light of the embedded mitigation and enhancement measures proposed, the proposed development can deliver benefits for wildlife and biodiversity.

Biodiversity Net Gain

- 6.8.7 Neighbourhood Plan Policy IRS5 states that developments must deliver a net gain of at least 10% over base value using a robust metric. Where a loss of biodiversity on site is demonstrably unavoidable, development will only be acceptable if off site compensation measures are secured to ensure the creation of like-for-like or better distinctiveness habitats so a minimum 10% gain of biodiversity overall is achieved. This is reflective of the Environment Act 2021 and accompanying secondary legislation.
- 6.8.8 A Biodiversity Net Gain Assessment has been prepared by EDP and is submitted with this application as part of the Ecological Appraisal. The assessment concludes that there will be a 55.93% gain for hedgerow habitat as a result of the proposed development. To mitigate the loss of area habitat, which is unavoidable when developing a green field site, the proposed development has sought to reestablish

the habitats in the open space where possible. The residual loss and required 10% net gain for biodiversity will be provided offsite and will be secured through a Section 106 legal agreement.

Trees

- 6.8.9 Neighbourhood Plan Policy IRS6 states that proposals should seek to retain mature or important trees, groups of trees or woodland on site. Proposals should clearly identify the trees, the constraints and root protection areas, any trees to be removed, and state how the health of the trees on the site and those influencing from neighbouring sites including the highway will be protected during demolition and construction, including that of installing utilities, drainage, and landscaping.
- 6.8.10 Where removal of a tree or group of trees of recognised importance is proposed, a replacement of similar amenity value should be provided on the site. Wherever appropriate, the planting of additional trees should be included in new developments, particularly local species that are in keeping with the character of the area and appropriate to the site/ground conditions. Planting that contributes to the biodiversity of the area and supports green corridors is particularly encouraged.
- 6.8.11 An Arboricultural Impact Assessment has been prepared by EDP and is submitted with this application. The report identifies the presence of the aforementioned area TPO which covers the site and some adjacent land.
- 6.8.12 The proposed development will result in the loss of 4 trees (T22, T23, T24 and T25) covered by the site-wide TPO, in association with the access upgrade, which will be replanted as part of the proposed landscaping scheme. The new planting has potential for longevity within the landscape and will enhance the species diversity.
- 6.8.13 All other trees within the site will be retained and protected, with only a minor encroachment into the root protection area of T2, which can be mitigated with hand-digging.
- 6.8.14 The proposal is therefore deemed to align with Neighbourhood Plan Policy IRS6.
- 6.8.15 The trees proposed for removal were not identified as having bat roosting potential, although all mature boundary trees were identified as having potential for foraging/community bats therefore inspection and activity surveys have been carried out. Details are provided in the submitted Ecological Appraisal.

Thames Basin Heaths

- 6.8.16 Policy CP8 states that alone or in combination is likely to have a significant effects on the Thames Basin Heaths Special Protection Area will be required to demonstrate that adequate measures to avoid and mitigate any potential adverse

effects are delivered. This is reflected in Neighbourhood Plan Policy IRS5 and follows saved Policy NRM6 of the South East Plan.

- 6.8.17 The application site falls outside the exclusion zone but within the zone of influence which covers land within a 5km linear distance from the SPA boundary. Where development is proposed within the zone of influence, mitigation measures will need to be delivered prior to occupation and in perpetuity. Measures will be based on a combination of access management and the provision of Suitable Accessible Natural Greenspace (SANG).
- 6.8.18 Discussions are expected to be held with WBC in respect of SANG provision and SAMM (Strategic Access Management and Monitoring) to mitigate potential recreational impact on the SPA which would be secured by a Section 106 legal agreement to ensure that the provision is provided ahead of occupation and remains in perpetuity.

6.9 HERITAGE AND ARCHAEOLOGY

- 6.9.1 An Archaeological and Heritage Assessment has been prepared by EDP and is submitted as part of this application. The report concludes that there are no above ground heritage constraints to the development of the site.
- 6.9.2 The Berkshire Heritage Environment Record (HER) now records the on-site geophysical survey and evaluation trenching undertaken to support the previous application, which has identified archaeological deposits relating to enclosures and possible pits. Two of these features were dated by pottery assemblages to the Iron Age or Roman period, although the remaining features were undated and no in situ evidence for Iron Working was identified, suggesting the site was peripheral to the main activity as identified elsewhere in the locality.
- 6.9.3 Given the subsequent agricultural activity on the site from the medieval period onwards, it is likely that the features present will have been truncated, as was indicated by the evaluation trenching.

6.10 ENERGY AND SUSTAINABLE CONSTRUCTION

- 6.10.1 Neighbourhood Plan Policy ES1 sets out environmental standards for new development in the parish. Neighbourhood Plan Policy IRS5 states that development should contain measures that will help to mitigate the impacts of, and adapt to, climate change with reference and adherence to the Wokingham Borough Council Climate Change Action Plan.
- 6.10.2 A Sustainability and Energy Statement has been prepared by iceni and is submitted this application. The report confirms that the proposed development will achieve an approximate minimum 64.3% reduction over the Part L: 2021 Building Regulations baseline for all proposed dwellings, therefore exceeding the minimum requirement.

- 6.10.3 Electric vehicle charging provision will be provided in accordance with Part S Building Regulations, resulting in a charging outlets for all properties.
- 6.10.4 CC04 Sustainable Design and Construction states that planning permission will only be granted for proposals that seek to deliver high quality sustainably designed and constructed developments by: a) Seeking to achieve the requirements of the full Code for Sustainable Homes Level 4; b) Meet internal potable water consumption targets of 105 litres or less per person per day (as part of the requirement to meet full Code for Sustainable Homes Level 4).
- 6.10.5 However these requirements have been updated and clarified by the Climate Change Interim Policy Position Statement (2022) sets out an expectation that as a minimum, that development proposals contribute to climate change mitigation and adaptation by applying adopted policies to their best effect. Where development proposals demonstrably go above and beyond adopted policy requirements, this will be weighed positively in the balance when assessing a development proposal.
- 6.10.6 The requirements of the Position Statement are addressed below and discussed in full in the submitted Sustainability and Energy Statement.

POLICY REQUIREMENT	RESPONSE
Applicants must meet the interim Future Homes Standard (as required by Building Regulations) of a minimum 31% reduction in emissions and are encouraged to work towards the full Future Homes Standard of 75-80% less carbon emissions. Any uplift to minimum Building Regulations requirements is a material planning consideration which will be taken into account.	The proposed development will achieve an approximate minimum 64.3% reduction in CO ₂ emissions over the Part L:2021 baseline for the proposed dwellings. It should be noted that compliance with Part L:2021 of the Building Regulations is equivalent to a 31% reduction over the Part L:2013 baseline.
The expectation will be that developments meet the optional building regulations standard of 110 litres per person per day as a minimum. Delivery beyond these standards is a material planning consideration which will be taken into account.	The submitted Sustainability and Energy Statement demonstrates that the development can meet the optional requirement of 110 litres per person per day.
For clarification, the policy requirement for 10% energy reduction through renewable / low carbon technologies is expected to be achieved in addition to the uplifted emissions improvements required through Building Regulations (as updated in June 2022).	At least 10% of energy reduction will be achieved through renewable / low carbon technologies.
Applicants will be expected to go further and identify opportunities to provide biodiversity net gains, with 10% expected as minimum with an ambition to achieve 20%. WBC will consider the measurable net gains when assessing applications.	The proposed development will achieve a 10% biodiversity net gain in accordance with national legislation.

6.11 MINERALS

- 6.11.1 The site is partially located within a Minerals Safeguarding Area within which data suggests there may be mineral resources available, mainly sand and gravel. The Safeguarding area extends northwards from the former Eversley Quarry which is now being restored into a new Country Park.
- 6.11.2 It is considered that mineral extraction within the site would not be appropriate for the following reasons:
- With the restoration of Eversley Quarry the extraction area would not be large enough to be viable.
 - The site is located in close proximity to existing residential development and is likely to cause unacceptable impacts on residential amenity.
 - Given the anticipated poor quality of material, together with the presence of shallow groundwater, it is considered unlikely that extraction would be an attractive proposition for a minerals operator. In addition, given the permitted land bank of sand and gravel resources available elsewhere in the county, it is considered that better quality materials are more readily available and which would not require investment in new plant and upgrading of local infrastructure.

6.12 SUSTAINABILITY AND THE TILTED BALANCE

Sustainable Development

- 6.12.1 At the heart of the NPPF is the presumption in favour of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 6.12.2 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - these being economic, social and environmental objectives.
- 6.12.3 The development is assessed against these objectives below:

An Economic Objective

- The delivery of 40no. new homes will introduce new residents to the local area who will pay for goods and services, thereby contributing to the local economy and increasing demand that will help to secure the supply of additional

facilities. Nevertheless the level of development is appropriate and proportionate in scale to the existing settlement.

- The construction phase of development will provide construction jobs on site, with associated benefits to local supply chains and other associated construction related services.
- The new dwellings will result in increased council tax income for the local authority and monies secured through Community Infrastructure Levy for the market homes.
- The proposed development will result in a monetary contribution to fund improvements to the local bus network.

A Social Objective

- The proposals include a significant number of new affordable homes in a high value market area where there are well recorded issues with affordability. In the Winnersh appeal, the Inspector noted that the *"supply of this type of housing is not keeping up with the growing need, which is increasing on account of high house and rental prices and stagnant wages. The affordability ratio has increased from around 8 times medium salaries in 2006 to something now approaching 13 times. This means that some people cannot afford to purchase a home and others to rent. [The appellant] fairly describes the situation as an affordable housing crisis. The [Core Strategy] identified an 'exceptional need' 52 as long ago as 2010."* It was concluded that the Council is *'unlikely to come close'* to meeting affordable housing needs.

The Inspector concluded that *"even if the Council is taken to be performing well when assessed against a realistic measure, there would still be a large residual need for affordable housing in the borough. In fact, supply would still be short of need by some way, with some of the real-world consequences that will flow from this. As such, and when considered in the round, the sizeable contribution to the provision of affordable housing would still be a notable benefit which attracts more weight than suggested by the Council but less than advocated by the appellant. I afford the matter significant weight, although it would not be a determinative benefit on its own."*

- The new residents within the development will form part of the Finchampstead village community, enhancing and expanding community networks.
- The proposal includes a large area of amenity space which will help to support community cohesion, establish a sense of place and aid with natural surveillance.
- The proposed development includes a large area of public open space and a looped walking route for local residents, which will increase recreational provision to the residents of Finchampstead with associated health benefits.

Eventually this route will provide direct access to the allocated Blackwater Country Park to the south away from the main road.

An Environmental Objective

- As noted previously, the Applicants' ecologist, EDP, has provided input to the design team throughout the design process to ensure that the development layout reflects the measures required to avoid, mitigate or compensate for ecological impacts as well as other measures designed to provide long-term ecological enhancements. EDP concludes that, in light of the embedded mitigation and enhancement measures proposed, the proposed development can deliver net benefits for wildlife and biodiversity.
- The proposals will also provide a large area of amenity space which, along with offsite provision, will be utilised to deliver an 10% net gain for area habitats and 55.93% gain for hedgerow habitat as a result of the proposed development. In the Winnersh appeal, it was noted that the provision of open space would also be one form of green infrastructure that would replace another (the appeal site as countryside). These factors result in open space provision being a benefit of moderate weight. When considered cumulatively, the overall benefits of the scheme collectively carry significant positive weight in its favour.
- The proposed development will achieve an approximate minimum 64.3% reduction in CO₂ emissions over the Part L:2021 baseline for the proposed dwellings, thereby aligning with national government aspirations to improve the energy efficiency and sustainability of new dwellings in the UK.
- The application site comprises Grade 4 agricultural land meaning that it is not suitable for meaningful agricultural use.

Oversupply

- 6.12.4 A key consideration in the determination of the Winnersh appeal was WBC's over-delivery of new housing over the last few years and how this would factor into the tilted balance. As noted in the Hurst appeal⁵, this level of delivery is not unexpected where the bulk of housing delivery relies on a small number of very large site (the Strategic Development Locations). It should also be added that Policy CP17 specifically states that the adopted plan would deliver at least 13,230 new homes, meaning that additional housing could be delivered.
- 6.12.5 As the identified oversupply over the last few years has not resulted in the stabilisation or reduction in house prices in the Borough, it was agreed by the appellant and WBC that the affordability adjustment in the standard method should not be the sole means of accounting for past over delivery. Instead, it should be considered as a separate material consideration which can be factored

⁵ PINS ref: APP/X0360/W/22/3309202

into the weight that should be given to housing delivery as a benefit. The Inspector considered the weight afforded to the benefit of housing delivery was therefore tempered and reduced to a 'moderate benefit'.

- 6.12.6 There were also questions as to the extent to which the Winnersh scheme would help to bridge the gap between the lack of housing land supply and the adoption of the new local plan anticipated towards the end of 2025. This was due to the scale of the development proposed (234 dwellings) which would not be completed before the new local plan was adopted.
- 6.12.7 Within this context, it is important to recognise that the proposed development at Finchampstead is notably different in nature to the Winnersh scheme, comprising 40 new homes which, based on the evidence presented by the Council in the Winnersh appeal, could be built out within one year. The site could therefore be completed before the new Local Plan is adopted and is deliverable in the context of the housing land supply figures. The proposed development also comprises at least 70% affordable housing which is a significant proportion of the new housing proposed and therefore provides substantial weight in favour of the development.

Tilted Balance

- 6.12.8 Taking the above assessment into consideration, the below matters are considered to be the most pertinent in determining whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.

ADVERSE IMPACTS	COMMENTARY
Conflict with spatial strategy within the adopted development plan which seeks to focus new development within built up areas and <u>normally</u> prevent development within the countryside.	It has been established in this report that WBC is currently unable to demonstrate a 4 year supply of housing land against current objectively assessed need, meaning that the adopted housing target and settlement boundaries / development locations are out of date until the new Local Plan is adopted. It is clear therefore that WBC is unable to meet local housing need within the scope of the adopted policies and allocated sites. This conflict is therefore justified in principle.
Limitations in relation to nearby services and facilities	It is acknowledged that Finchampstead is a limited development location which is defined by the adopted plan as having a basic range of services and facilities and are physically and socially cohesive. Nevertheless, it has been demonstrated in this report that there is negligible difference between a development within the existing of Finchampstead North and on the application site, both of which would rely on additional facilities and services in nearby towns beyond those provided in the village. Furthermore, it has been demonstrated that the site is comparable to

ADVERSE IMPACTS	COMMENTARY
	the MDL of Finchampstead in terms of accessibility to local goods and services. Limited development is supported in the adopted local plan, therefore the weight attached to accessibility should be low.
Landscape impact and loss of agricultural land.	This report has demonstrated that the site reads as part of the village and is defined by the Blackwater Country Park boundary to the south which prevents any perception of settlement coalescence or spread. The proposal has been designed appropriately for the loose village context and is heavily landscaped to reduce visual impact. The site comprises Grade 4 agricultural land meaning that it is not suitable for meaningful agricultural use.

- 6.12.9 For the reasons summarised above it is clear that the adverse impacts of permitting the proposed development will not significantly and demonstrably outweigh the benefits.
- 6.12.10 The proposal is there considered to be appropriate in planning terms and will result in a short term uplift affordable housing delivery in an area with significant issues with affordability.

7 DRAFT HEADS OF TERMS

- 7.1.1 Policy CP4 (Infrastructure Requirements) of the Core Strategy states that planning permission will not be granted unless appropriate arrangements for the improvement or provision of infrastructure, services, community and other facilities required for the development, taking account of the cumulative impact of schemes, are agreed. Arrangements for provision or improvement to the required standard will be secured by planning obligations or condition if appropriate.
- 7.1.2 Any improvements to infrastructure, services and community facilities will be assessed to ensure that they are: relevant to planning; necessary to make the proposed development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects.
- 7.1.3 There is currently no adopted SPD or guidance on planning obligations, other than the Infrastructure Delivery and Contributions SPD which is relevant to SDLs only.
- 7.1.4 It is expected that the following may be applied to any future planning permission for residential on this site:
- Not less than 70% affordable housing to provided on site.
 - Highways improvements as defined in the Transport Statement.
 - Employment Skills Plan to be submitted prior to the commencement of development.
 - Financial contribution towards improving the local bus service.
 - The provision of on-site and off-site Biodiversity Net Gain.
 - Financial contribution towards the provision of Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM).
 - Establishment of a Management Company to be responsible for the maintenance of the proposed public open space.

8 CONCLUSIONS

8.1.1 This Planning and Affordable Housing Statement has been prepared on behalf of Catesby Strategic Land Ltd and Stonebond Properties (Guildford) Limited in support of a full planning application in respect of land to the east of Longwater Road, Finchampstead, Berkshire.

8.1.2 The full description of the development is as follows:

"Erection of 40no. dwellings (Use Class C3), together with associated outdoor space and landscaping, drainage infrastructure, hard and soft landscaping, parking, access, and associated works."

8.1.3 It has been acknowledged by several appeal decisions that the presumption in favour of sustainable development is currently in effect within Wokingham Borough due to the age of adopted local plan and lack of 4 year housing land supply against current objectively assessed needs for new housing.

8.1.4 In such circumstances the National Planning Policy Framework states that planning permission must be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

8.1.5 This Statement provides a full assessment of the proposal within this context and following conclusions can be made:

- The site lies immediately adjacent to the defined settlement of Finchampstead, which is identified in the adopted local plan as a limited development location suitable for a certain level of new development. Finchampstead is comparable in accessibility terms to the nearby modest development location of Finchampstead North and contains a number of facilities that can be utilised on foot and supported by future residents.
- The proposed development would result in a context-appropriate extension to the built-up area. It would not disproportionately increase the size of Finchampstead and, in light of the local landscape context, it would not be perceived as an inappropriate encroachment of development into the countryside or coalescence of settlements. The proposal is compatible with the immediate landscape character and will be congruous with existing built form and the wider natural environment.
- The proposed development contains a supply of 40 new family homes which can be delivered quickly and efficiently to meet short term housing requirements, including at least 70% affordable housing in a location where there is a demonstrable need. This overprovision of affordable housing should be attributed significant positive weight in the planning balance.

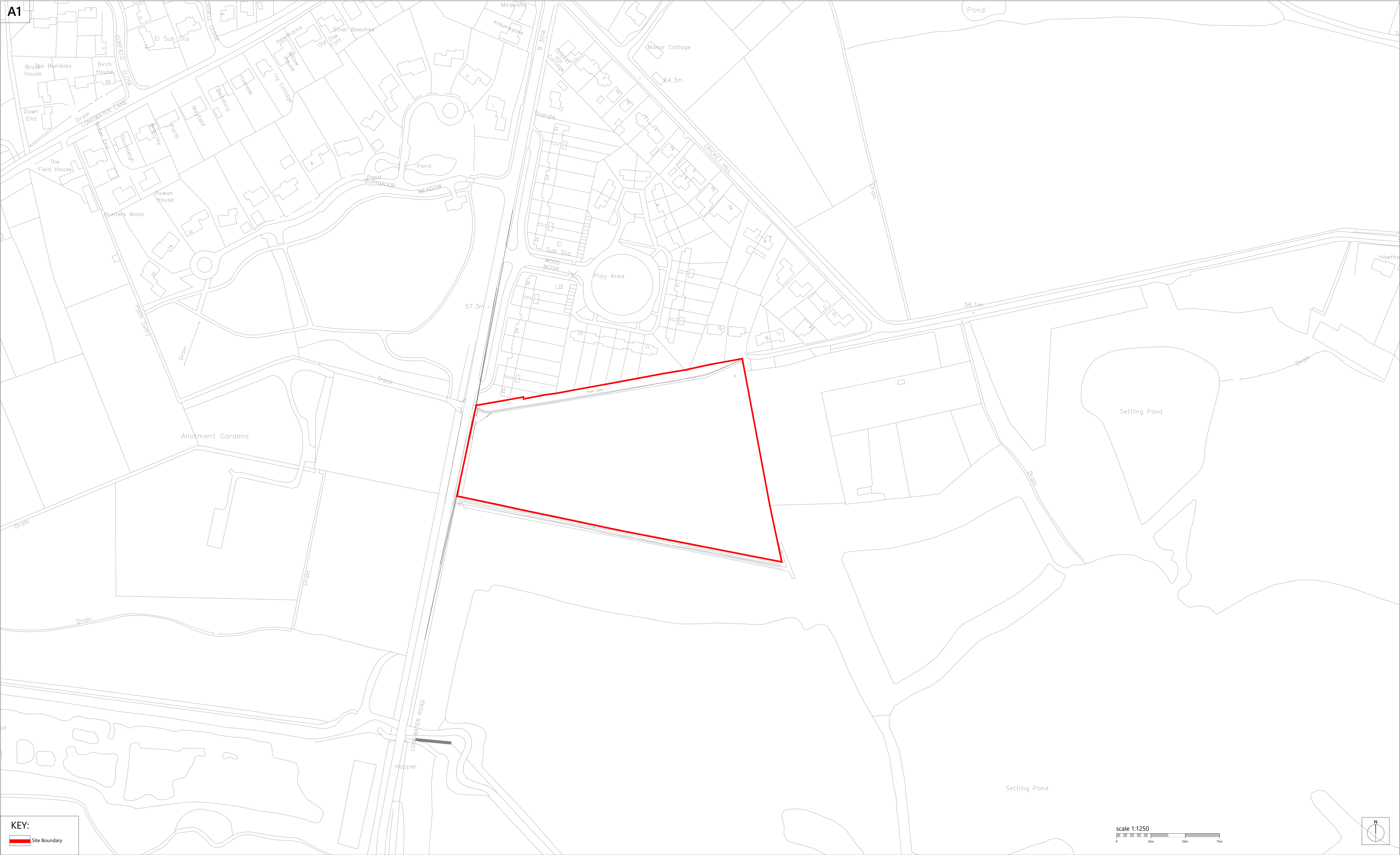
- The proposal contains an extensive amount of boundary landscape which creates a green buffer around the new dwellings and reflects the landscaped characteristics of the wider village. It is also possible to demonstrate a 10% net gain for area habitat through on-site and off-site measures and a 55.93% gain for hedgerow habitat on-site as a result of the proposed development.
- The proposed dwellings have been designed to reflect local vernacular and materials in accordance with the Borough Design Guide.
- The proposal is accessed via an upgraded entrance from Longwater Road which connects directly into the wider pavement network throughout the village. These pavements provide easy access to the nearby community allotments, the new Blackwater Country Park to the south, community hall, sports grounds, primary school/nursery and local pub. The site is also immediately adjacent to an existing public footpath which provides recreational access to the wider countryside.
- The site contains a compliant level of parking (including visitor) and cycle parking to prevent on-street demand and encourage non-car modes of transport where possible.

8.1.6 For these reasons, the proposed development is deemed to be acceptable in the current planning context and will result in the sustainable development of a well-placed site in close proximity to well established community networks and services.

APPENDIX

1





Romsey	T:01794 367703	Rev	Description	Date	Au	Ch
Portishead	T:01275 407000	A	Issued for Planning	14.06.24	MK	
London	T:01794 367703					

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Project	Land at Longwater Road, Finchampstead				
Drawing	Location Plan				
Client	Catesby Estates PLC & Stonebond Properties (Guildford) Limited				
Job no.	CATE230603			Date	26.03.24
Dwg no.	LP01			Rev.	A
Author	MK	Checked	NC	Scale	1:1250 at A1
Status	PLANNING			Office	Romsey
Client ref.					



APPENDIX

2





Appeal Decision

Inquiry held on 30 January – 2 February and 6 February 2024

Site visits made on 29 January and 2 February 2024

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 March 2024

Appeal Ref: APP/X0360/W/23/3331651

Land off Watmore Lane/Maidensfield, Winnersh, Berkshire Easting 478940 and Northing 170753

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Taylor Wimpey Strategic Land (Taylor Wimpey UK Ltd) against the decision of Wokingham Borough Council.
 - The application Ref 230208, dated 18 January 2023, was refused by notice dated 11 August 2023.
 - The development proposed is described as 'Residential development for up to 234 units, with all matters reserved except access from Maidensfield'.
-

Decision

1. The appeal is allowed, and outline planning permission is granted for a residential development of up to 234 homes with all matters reserved except for an access from Maidensfield, at Land off Watmore Lane/Maidensfield, Winnersh, Berkshire Easting 478940 and Northing 170753, in accordance with the terms of the application, Ref: 230208, dated 18 January 2023, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The planning application was submitted in outline with all matters of detail reserved for future consideration save for an access into the site from Maidensfield. I have assessed the proposal on this basis and treated the drawings, other than the Maidensfield access drawing, as simply being an illustration of how the proposal could ultimately be configured.
3. A revised version of the National Planning Policy Framework (the 'Framework') has recently been published. The parties were able to address the amendments in their submissions and again at the event. A screening direction issued on the 10 November 2023 confirmed the proposal is not Environmental Impact Assessment development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Main Issues

4. A planning obligation pursuant to s106 of the Town and Country Planning Act 1990, in the form of a legal agreement between the Council and appellant, was submitted after the inquiry closed. It is common ground¹ between the

¹ Core Document (CD) 16.1 – Planning Statement of Common Ground

appellant and Council that the s106 Agreement would secure adequate provision for an employment skills plan, affordable housing and several items of infrastructure, the details and necessity of which I discuss later. As there is common ground on these points, I have not considered them as main issues. Accordingly, the main issues in this appeal are:

- Whether the appeal site is an appropriate location for the proposed development with reference to 1) the spatial strategy for housing in the development plan; 2) permeability and integration with pedestrian and cycle routes; and 3); the accessibility of services and facilities.
- The effect of the proposed development on the landscape character and visual amenity of the countryside; and
- The effect of the proposed development on the character and appearance of the area, with particular reference to 1) the settlement pattern and townscape; 2) the legibility of any local street hierarchy and 3) the usability and sense of place of Maidensfield.

Reasons

The appropriateness of the location with reference to the spatial strategy

5. To manage the growth identified in Policy CP17 of the Core Strategy² (CS) in a sustainable way, the Council, through the CS, seeks to guide development to locations where there would be balanced communities, commensurate levels of infrastructure and appropriate access to services and facilities.
6. To this end, a settlement hierarchy was developed following a sustainability appraisal. This hierarchy forms the basis of Policy CP9 of the CS, which identifies three development categories – major, modest and limited. Major Development Locations (MDLs) have the greatest range of facilities and services with the highest choice in transport modes to access them. Major development is therefore supported within MDLs with the level of growth anticipated in modest and limited development locations being reflective and proportionate to where they are in the hierarchy.
7. Winnersh is identified in Policy CP9 as an MDL. The appeal scheme would be a major development next to this MDL, which by definition has a high level of services and facilities relative to other settlements in the borough. Thus, in some respect, the scale of development proposed would not be out of kilter with the settlement hierarchy in Policy CP9. However, Policy CP9 states that development proposals *within* development limits will be acceptable. It provides no support for development adjacent to an MDL. It does not directly state that development outside the settlement limits would not be supported, but this is not uncommon in a positively worded policy.
8. Accordingly, the corollary is clear, in that development outside the limits of Winnersh would be at odds with Policy CP9. This is entirely logical as the settlement limits focus development within the more accessible built-up areas and those allocated for development as Strategic Development Locations (SDLs). Indeed, a porous settlement limit would undermine the Council's spatial strategy. Thus, the appeal scheme would be at odds with Policy CP9 of

² Wokingham Borough Core Strategy (Adopted 29 January 2010)

the CS because it would amount to a large body of homes outside the settlement limits of Winnersh.

9. Policy CP11 of the CS has a different objective to Policy CP9 in that it seeks to protect the separate identities of settlements and maintain the quality of the environment. The latter includes the landscape and countryside. The policy states that a proposal outside development limits will not normally be permitted unless it would be one of the types of development listed, such as a barn conversion or replacement dwelling. Essential community facilities are also permitted outside settlement limits by Policy CP11, which helps explain why the SEN school adjoining the appeal site was granted. The appeal scheme would be outside the settlement boundary of Winnersh and would not be any of the types of development listed in Policy CP11. Consequently, the proposal should 'not normally be permitted' when applying this policy.
10. The reference to schemes not 'normally' being permitted seems to be a deliberate insertion aimed at providing some flexibility. This may, perhaps, be in circumstances where a scheme does not quite align with all the criteria in the policy but would nevertheless maintain the quality of the environment. However, this flexibility should not extend to the appeal scheme because it would be a significant breach of the settlement limit of Winnersh and would not, for reasons I go into, maintain the quality of the environment.
11. Policy CC02 of the Local Plan³ (LP) postdates the CS and updates the settlement limits to include SDLs and address inconsistencies. It states, in less flexible terms than Policy CP11, that development on the edge of a settlement will only be granted where it is within the revised development limits. The appeal scheme would not adhere to this requirement, which is straight forward and unnuanced. Thus, the proposal would be at odds with Policy CC02 because it would be outside the settlement limit of Winnersh.
12. In conclusion, the proposal would be at odds with Policies CP9 and CP11 of the CS and Policy CC02 of the LP. In this respect, the appeal site would not be a suitable location for the appeal scheme when applying the spatial strategy in the development plan, which is a carefully drafted and considered statement of policy informed and shaped by public participation. Instead, the proposal would undermine the objectives of the strategy. This would be harmful given the public interest in having a genuinely plan led system that provides consistency and direction.

Integration with pedestrian and cycle routes and permeability

13. The proposed access into the site would include 2m wide pavements which would be an extension of those in Maidensfield. The pavements in the area are lit, overlooked and form a contiguous network. As a result, future pedestrians could enter or exit the appeal site and travel around existing streets safely. In addition, the Council's concerns regarding the usability of Maidensfield, Watmore Lane and Danywern Drive for cycling were resolved during the process of the Inquiry⁴. Accordingly, the appeal scheme would integrate satisfactory with existing pedestrian and cycle routes.

³ Wokingham Borough Adopted Managing Development Delivery Local Plan Document (adopted 21 February 2014)

⁴ CD9.6 - Cycle Infrastructure Design Local Transport Note 1/20. If traffic flows are above 5,000 vehicles a day, then few people would be prepared to cycle on-street. The flows in Maidensfield, Watmore Lane and Danywern Drive would remain well below this level.

14. In respect of permeability, the appellant submits there is no technical highways reason to prevent up to 234 homes being served from Maidensfield. I have no reason to dispute this as Mr Adams ultimately agreed this point when giving evidence. Moreover, the appeal scheme would adhere to the Council's guidance⁵ on this matter. Accordingly, a second access is not justified on account of highway safety or capacity. Furthermore, Maidensfield would be the main desire line to most facilities as demonstrated by Mr Thomas' analysis⁶.
15. However, a second access to the south would reduce the walking distance to the nearest convenience shop, a sports and social club, a dental practice and, crucially, a frequent bus service on Reading Road. Wheatfield Primary School would also be closer making the round trip for an escorting adult shorter and more likely to occur. Given the mixed picture regarding the site's accessibility to services and facilities, it is necessary for journey lengths to be reduced as far as possible, especially for those residents furthest into the site.
16. A second access would also lessen the extent to which the appeal scheme would be experienced as an insular enclave of housing on the edge of Winnersh. This is because visitors and residents would be able to pass through the development, giving it the feel of an integrated parcel of townscape. Future residents would also have a choice of routes out of the estate, with the interest and variety that would entail. In this respect, a circular walk would be possible taking in Watmore Lane. A second access would also facilitate a clear desire line south towards Reading Road and on to Wokingham. The National Design Guide explains that ease of movement, including direct links and connections, are important components of a well-designed place.
17. Accordingly, a second access to the south of the site is necessary to achieve good urban design and enhanced accessibility. Indeed, guidance in Manual for Streets (MfS)⁷ explains that a development with poor links to the surrounding area can create an enclave. Internal permeability within the scheme would be a necessary extension of such good practice, but it would not mitigate for the limitations of a single entrance, even when accounting for the general lack of permeability in Winnersh due to main roads and the railway line.
18. During the Council's assessment of the application discussions took place with the appellant regarding the provision of a second access to the south. Such an access was considered technically possible. And there is nothing to suggest it would result in harm to highway safety, congestion or living conditions. Officer's originally intended to recommend the proposal for approval on the proviso of a second access being delivered⁸.
19. Accordingly, a condition was drafted which, if imposed, would prevent the second half of the scheme coming forward until a second access was implemented. Both the Council and appellant agreed that a 'Grampian'⁹ type condition along these lines could be imposed if it was considered necessary and reasonable¹⁰. As set out above, there are factors relating to urban design and accessibility that direct towards the necessity of a second access.

⁵ CD12.1 – Living Streets, which states that up to 500 homes can be served off at carriageway that is 5.5m wide, which is the width of Maidensfield

⁶ Table 6.5 of his Proof of Evidence

⁷ CD9.3, Paragraph 4.2.5

⁸ CD5.2 – Officer's draft report

⁹ A condition prohibiting development in full or in part from proceeding until a specified action has occurred.

¹⁰ Indeed, legal advice was given to that effect in a letter dated 30 June 2023

20. The Planning Practice Guide (PPG)¹¹ explains that a Grampian condition should not be used where there are 'no prospects at all' of the action in question being performed within the time-limit imposed by the permission. In this instance, the appeal site and land to the south (Winnersh Farm) are currently allocated for development in the emerging local plan as a single scheme. As a result, there is a clear inference that the sites should be connected. Indeed, several tested development options included an access into the appeal site¹². In addition, the Council recently submitted a planning application for residential development which included an access through to the appeal site. This application was withdrawn, but substantive evidence is not before me to demonstrate this was due to concerns raised by the Local Planning Authority. An extract of the report to the Council's Executive Meeting¹³ provides no further detail on why the Winnersh Farm application was withdrawn.
21. Indeed, Cllr Bray's evidence was helpful in providing context to the decision to withdraw the application. It was on account of a Strategic Asset Review whereby the Council is evaluating its land holdings to ascertain how its sites should be used. Cllr Bray, who is the Deputy Leader of the Council, explained during the Inquiry that the Winnersh Farm site is likely to be developed in the future and might be used for a care home or key workers housing. She also outlined the Council's financial pressures which may also be a factor in deciding whether to realise the value of Winnersh Farm as an asset. When asked to put a timescale on this, Cllr Bray confirmed that the strategic review could be concluded within 18 months to 3 years. If it is the former, and there is nothing of substance to demonstrate that would be unachievable, then an access could be delivered in the necessary timeframe¹⁴. This could be as part of a development proposal promoted by the Council or as a separate discrete project. As a result, the evidence before me suggests there is a prospect of a second access to the south. Put another way, there is nothing of substance to suggest there is 'no prospect at all'.
22. In summary, there is a clear need to improve the permeability of the appeal scheme through a second entrance. This would enhance access to services and facilities and achieve the necessary urban design quality. There is a prospect that such an access can be provided within three years. With a second access the proposal would be as permeable as it can be when accounting for surrounding physical constraints. As a result, the proposal would be functional, accessible, safe and adaptable and therefore a conflict with Policies CP1 and CP3 of the CS in respect of this main issue would not occur.

The accessibility of services and facilities

23. The appeal site is located on the edge of a suburban area on the periphery of Winnersh. It is severed from many facilities by the railway line and busy roads. This means there are few routes between the appeal site and local facilities and that these often require the use of crossing facilities. The analysis in the Transport Assessment supplied by the appellant confirms that the only facilities within an 800m walking distance of the centre of the appeal site are the SEN School, the workshops in Grovelands Avenue and Wheatfield Primary School.

¹¹ Paragraph: 009 Reference ID:21a-009-20140306

¹² Inquiry Document 4 (ID4) p14

¹³ CD9.14

¹⁴ Of three years

The first two destinations are unlikely to be well used by residents of the appeal scheme given their modest scale or targeted function.

24. This is important because MfS states that walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes/800m walking distance of residential areas. This is a realistic distance when considering convenience, inclement weather, when accounting for young children, those with mobility issues and the distance and time taken to undertake a whole journey, including the return leg. Accordingly, the appeal scheme would not be part of a walkable neighbourhood, and this would notably curtail opportunities to inclusively promote walking. The impact of this needs to be considered in the context of the large number of homes being proposed.
25. That said, MfS also indicates that 800m is not an upper limit and states, with reference to PPG13¹⁵, that walking offers the greatest potential to replace short car trips under 2,000m. However, PPG13 is no longer extant and therefore this statement should be given limited weight. In any event, there is little substantive evidence before me suggesting most people would walk 2,000m. In fact, when giving his evidence Mr Thomas referred to the National Travel Survey (NTS) which indicates that 80% of walking journeys are under 1,600m/one mile. His analysis of accessibility by walking revolved around this figure as an aspirational upper limit. When applying this threshold, several additional facilities would fall into a reasonable walking distance. This includes, Winnersh Local Centre, The Forest School, local shops including a supermarket, a dental practice, pharmacy, rail station and bus stops.
26. However, there is a potential pitfall in deriving an upper walking distance from the NTS because it is unclear how the 80% figure is broken down. In other words, how many of the 80% of walking journeys were close to one mile. It could be that most walking trips captured within the 80% were not. At the least, there is likely to be a sliding scale. To establish this, it would have been useful to see a further breakdown of walking trips by distance¹⁶. This evidence is not, however, before me.
27. I share the view of Mr Thomas that many future residents might be prepared to walk up to a mile if they are fit enough to do so. They may even walk further, including into Wokingham on occasion. However, that is not the relevant policy test. The Framework explains that significant development, such as that proposed, should offer a genuine choice of transport modes. The National Model Design Code (NMDC) indicates that a genuine choice is one that is easy, comfortable and attractive. The guidance in the NMDC needs to be read alongside the National Design Guide (NDG), which defines 'walkable' as no more than 800m. I take this to be an indication of what would be easy, comfortable and attractive. A mile's walk would be twice that, and is not, therefore, a good measure of a genuine transport mode.
28. Although not referred to in national planning policy, the appellant has also referred to guidance prepared by the Chartered Institution for Highways and Transportation (CIHT)¹⁷. This includes helpful advice as to a desirable (400m), acceptable (800m) and preferred maximum (1,200m) walking distances. However, this does little to assist the appellant's case as there are no retail or

¹⁵ Planning Policy Guidance Note 13

¹⁶ For example, 0-400m, 400-800m, 800-1200m and 1200-1600m

¹⁷ Providing Journeys on Foot

- leisure facilities within these walking distances¹⁸. This is significant because Table 6.1 of the TA indicates that around 26% of trips will be for leisure and 19% for shopping, which are the two largest categories. That said, a second access would bring a shop within the 1,200m preferred maximum.
29. The CIHT guidance indicates that residents may be prepared to walk up to 2,000m if commuting to work. This is logical as people may be willing to walk further if they intend to spend longer at the destination. The TA explains that commuting could account for 18% of trips. There are some employment opportunities within 2,000m radius of the appeal site, but major employment hubs such as Winnersh Retail Park and Winnersh Triangle are beyond this preferred maximum walking distance.
 30. Regarding access to education, which could account for around 13% of trips, the primary school would be within a comfortable walk. Data from the NTS indicates that the proportion of secondary school children walking 1,600m to 3,200m is around 37%. Therefore, some children will be prepared to walk to Emmbrook School, but it would not be easy or comfortable to do so twice a day. Most would likely rely on a bus, but they would have to walk around 1,000m before reaching the nearest bus stop with a service to the school.
 31. In respect of cycling, up to 8,000m (5 miles/30 minutes) is a reasonable radius against which to test the range of facilities within cycling distance of the appeal site¹⁹. Accordingly, the whole of Winnersh and Wokingham is brought within the range of this mode of transport, including rail stations and town centres. Many of the roads around the appeal site appeared to be reasonably flat suburban streets conducive to cycling. Indeed, Danywern Drive and Watmore Lane are promoted²⁰ through My Journey as quiet cycling routes suitable for this mode of transport all year round. Watmore Lane provides a link to Reading Road, which includes a dedicated cycle route, albeit with sections within the carriageway, to both Wokingham and the Winnersh Triangle. Further cycle routes spur off Reading Road and this contributes towards a network. A second access would provide a quick direct route to Reading Road.
 32. Consequently, there would be genuine opportunities for residents to travel by bicycle, although this would be notably tempered by an inherent limitation that many residents would not have the fitness, confidence or proficiency to cycle. Furthermore, cyclists may be understandably nervous of cycling along Reading Road due to the volume of traffic. This is demonstrated by relevant guidance²¹. Moreover, I have not been provided with substantive evidence to suggest cycling is a frequently used mode of transport in the local area and some residents may simply not have a bicycle. A voucher may assist, but it would need to be more than the £150 suggested in the draft Travel Plan if a family were to be supported to purchase bikes. As Mr Ormondroyd put it in closing, cycling would be a small part of the 'sustainable transport pie'.
 33. There are bus stops in Reading Road and Robin Hood Lane that, in combination, provide a quick and reasonably comprehensive service linking Winnersh with local facilities and larger centres such as Wokingham. The service is better at Reading Road than Robin Hood Lane and a second access

¹⁸ As categorised in Table 6.5 of Mr Thomas' proof

¹⁹ See Paragraph 6.3.11 of the TA, which is undisputed by the Council.

²⁰ ID2

²¹ Local transport Note 1/20, which suggest that cycling becomes more comfortable when traffic flows are below 2,500 per day and speeds are no more than 20mph. Neither applies to Reading Road.

- would reduce the walking distance to here from 1,300m to about 1,000m. Although more positive, the distance to bus stops even with a second access into the site would still be longer than the aspirational target walking distance of up to 400m for a high frequency service²². Having to walk longer would likely suppress the use of buses as a genuine transport mode.
34. Accessibility to public transport also needs to factor in the rail station. This is around a 1,000m walk from the centre of the site and provides a comprehensive service. The Council and appellant agree that this is an acceptable walking distance because the return trip would be undertaken sometime later and after a rest. This may explain why Census data indicates that around 19% of residents in Maidensfield travel to work by public transport.
35. In summary, the Framework establishes a movement hierarchy by stating that developments should give priority to pedestrian and cycle movement and then, so far as possible, facilitate access to public transport. This makes perfect sense as personal active travel is the most affordable, resilient and low impact mode of transport. The appeal scheme would not be within a walkable neighbourhood despite the works that would take place to improve pedestrian connectivity²³, and this is a significant limitation to this mode being a genuine transport option. Alternatively, there would be genuine opportunities to cycle, but there would be inherent limitations with the uptake of this mode. As such, most residents of the appeal scheme would not be predisposed to regularly engage in active travel with the benefits this accrues, including to their health. This is an important point against the scheme.
36. That said, the impact would be moderately offset by the availability of some facilities within longer walking distances, which could be accessed occasionally on foot. These longer walks would, on the whole, be along level, lit pavements. Although traffic flows and noise may suppress the attractiveness of some of the routes, such as Reading Road. A second access would also assist in reducing walking journeys to some services, including a convenience store, high frequency bus stop and primary school. The picture regarding public transport is mixed, with bus stops being poorly related to the appeal site but the rail station being accessible. Provision would also be made for ultra-low emission vehicles, but it would likely take a long time before they are universally used due to the cost. The Travel Plan (the My Journey scheme) would also provide some limited assistance in promoting sustainable travel.
37. In conclusion, given the size of the scheme, its location outside a walkable neighbourhood could result in significant harm. However, the impact would be moderately offset by the factors outlined above. It is also important to note that the appeal scheme would be located at Winnersh, which is an MDL, and therefore car journeys to many services would be shorter than elsewhere in the Borough. This sequential point is of some relevance when identifying sites for housing. Overall, siting up to 234 homes at the appeal site would result in a moderate level of social and environmental harm linked to additional car use, including reliance on fossil fuels and undermining the health benefits from active travel. As a result, there would be a conflict with Policies CP1 and CP6 of the CS, which seek to manage the demand and need to travel, by locating development where there will be sustainable travel choices.

²² See CD12.2 and CD12.3

²³ Listed at Paragraph 5.4.1 of the Framework Travel Plan

The landscape character and visual amenity of the countryside

38. The landscape for the purpose of my assessment includes the appeal site and its local context. This includes built features such as the settlement edge of Winnersh, the M4 and the A329(M), including their embankments and roadside fencing. It also incorporates natural or undeveloped features such as a section of the Emm Brook, a pocket of ancient woodland adjoining the appeal site, Winnersh Marsh/Blackberry Gardens and areas of open land between Winnersh and Wokingham, including Old Forest Meadows and allotments.
39. This landscape is identified in the Wokingham Borough Landscape Character Assessment (LCA) as being within Area J1: Wokingham-Winnersh Settled and Farmed Clay. The LCA identifies several key characteristics for Area J1. In particular, the extensive post war growth of Wokingham and Winnersh is identified as a dominate feature, with only small areas of arable fields and recognisable countryside left. The extensive urbanising influence in Area J1 is compounded by abrupt and poorly designed rural-urban interfaces, the presence of major transport corridors²⁴ and recent large-scale development as part of the North Wokingham SDL. The overall landscape condition is therefore understandably identified as often being in 'poor' condition due to fragmentation and lack of distinctiveness.
40. That said, Area J1 does include some valuable landscape attributes. The LCA identifies the Emm Brook, its floodplain and the buffer provided by the undeveloped agricultural fields between Wokingham and Winnersh as such. The appeal site is one of these fields. It also adjoins the Emm Brook, providing an undeveloped setting to this landscape feature. This enhances the water course's sense of ruralness. The Emm Brook, the pocket of ancient woodland alongside and the presence of mature specimen trees within the appeal site, including several Oaks, enhance the condition, sensitivity, and biodiversity value of the landscape above that typically found in Area J1.
41. In this respect, the localised landscape to the southeast of Winnersh between the settlement and the M4 is unrepresentative of the generally more urban character found elsewhere in Area J1. Moreover, the agricultural use of the appeal site is now a relatively rare feature in the landscape character area, and this elevates its landscape value. Indeed, countryside such as the appeal site is defined in the development plan as green infrastructure.
42. In addition, it is still possible to discern aspects of the historic field scape as the boundaries of the appeal site are those established over one hundred years ago when several smaller fields were amalgamated. This, taken with a section of Watmore Lane, which retains a sense of the rural thoroughfare it once was, hint at the landscape's deeply rural origins, as evidenced on ordnance survey maps from the late nineteenth century. This enhances the intactness and condition of the landscape and provides some limit cultural value.
43. Nevertheless, the boundary hedge around the appeal site is fragmented, and the field is mainly poor semi-improved grassland of limited biodiversity interest. Moreover, the localised landscape to the southeast of Winnersh is fragmented by motorways such that it is separated from the countryside northeast of the A329(M). It is therefore viewed as a remnant of countryside broadly enclosed by existing urbanising influences including modern housing

²⁴ Motorways, the rail line and the north Wokingham relief road

estates with properties built close to the field edge, a mobile home park and a strident school building. In addition, the motorways are extremely apparent due to the noise and very conspicuous passage of traffic. As a result, the localised landscape is fragmented and lacks tranquillity.

44. The urban influence also effects the scenic value of the landscape. There is currently a pleasant view from Maidensfield over the gently undulating appeal site down towards the ancient woodland around the Emm Brook. However, the unescapable presence of the motorway, SEN school and adjoining housing means the scenic value is not elevated beyond the ordinary. The same can be said of the other main view of the appeal site from the M4 slip road. Other than the allotments, Old Forest meadow and Winnersh Marsh, there is little public access to the localised landscape for recreation. Moreover, the spatial contribution to the sense of separation between Winnersh and Wokingham is moderate given the physical barrier provided by the M4 corridor.
45. Thus, when having regard to the foregoing characteristics and attributes, the landscape (the site and its context) has a value that is higher than the norm for Area J1. Nevertheless, the Council and appellant agree that the appeal site is not a 'valued landscape' or located within one. This is a sound conclusion when the positive and negative landscape attributes are considered in the round. That said, I lean more toward the Council's categorisation of the landscape as being of ordinary moderate value rather than the appellant suggestion that it is of low value. This is because it contains valuable landscape attributes, such as the Emm Brook and a historic field. It is also untypical, in a positive way, of the urban character that otherwise dominates Area J1.
46. The appeal scheme would be an urbanising incursion into the countryside that would breach a well-established and logical settlement boundary. The agricultural character of the appeal site would also dramatically change, as an open field would become a housing estate. Moreover, the appeal scheme would be a comparatively large body of homes with an inevitable suburban character. This would be due to the extent of developable area that the housing would need to be accommodated within due to constraints such as noise contours, important trees and areas at risk of flooding.
47. Given the comparative rarity of agricultural land in Area J1, the loss would be more keenly felt, especially as the countryside buffer largely provided by the appeal site between the motorway and the edge of Winnersh would, in all practical sense, be largely extinguished. The remaining countryside between Winnersh, as enlarged by the appeal scheme, and the motorways would be a fragmented remnant. Accordingly, the appeal scheme would not adhere to the landscape strategy in the LCA for Area J1, which is to maintain the landscape character by conserving the openness of the fields next to transport corridors.
48. In respect of the latter, the indicative layout demonstrates that a large open space could be provided between the Emm Brook and the new houses. This would provide an open semi natural setting to this landscape feature. However, the open space would include suburban features such as play equipment and a sustainable drainage system. This could be designed to have a soft rural appearance, but the open space would nevertheless be experienced as part of the wider development. Accordingly, the river corridor of the Emm Brook would be moderately suburbanised.

49. There is scope for some mitigation in the form of additional woodland planting, habitat creation and the retention and improvement of the boundary hedges. These are all landscape guidelines for Area J1 that can be explored through the reserved matters, of which landscaping is one. Moreover, the scheme in some respects would be a rounding off of the settlement given the presence of development on three sides. This would provide some containment. However, the overall impact on landscape character would still be net negative even when accounting for these points.
50. Both the Council and appellant agree that there would be harm to the landscape arising from the proposal. There is however divergence over the extent. The Landscape and Visual Impact Assessment (LVIA) suggests a slight adverse impact at year 1 falling to neutral at year 15. The Council on the other hand suggests substantial/moderate adverse effects falling to moderate over the same timescale. This analysis is informed by the quality and sensitivity of the landscape. The appellant scored this as 'low', so the findings of a neutral long-term effect is unsurprising. However, for the reasons given, I consider the LVIA underscores the quality and value of the landscape in which the appeal site is located and forms a dominant and important part. I favour the Council's position that the landscape (the site and its context) is of moderate overall value. It therefore follows that the magnitude of change to landscape character at year 15 would be moderate adverse, in that there would be a noticeable adverse change that cannot be fully mitigated.
51. When considering the visual impact, the Council and appellant agree that the views identified in the LVIA are broadly representative. The LVIA also demonstrates the proposal would have a contained visual envelope due to the enclosure provided by existing development and the embankments and planting around the motorway. It is of particular note that the proposal would not be readily apparent from the sensitive locations of Old Forest Meadows or Winnersh Marsh. Instead, the appeal scheme would mainly be visible from locations around the site boundary such as the SEN school, Wheatfield Primary School and Grovelands. The views from these locations, including some residential properties, are likely to experience substantial changes in the short term. Landscaping could be used to soften the impact over time such that by year 15 the residual effect would be moderate adverse.
52. The view from the gate at the end of Maidensfield (Viewpoint 3 in the LVIA) down towards the Emm Brook is a pleasant vista the appeal scheme would adversely effect. However, the indicative layout shows that an area of open space could be retained close to the access into the site. This would provide a softening effect. It could also be enlarged by removing the cluster of six homes currently shown on the illustrative masterplan (along the northern boundary of the appeal site) dividing the two areas of open space. With such an amendment, a sense of the existing view down towards the Emm Brook and adjoining woodland could be retained. This is one way the existing view from Maidensfield can be recognised in the scheme, but there may be others.
53. The street into the development could also be tree lined and generous front gardens provided to ensure a visual sense of transition between the built-up area and countryside beyond. The interface with the countryside could also be carefully designed with houses to face east over the open space as shown on the indicative layout. This is an aim of Policy CC02 of the LP, albeit for development sites within the settlement limits. It was also confirmed at the

hearing that there is no need for three storey buildings, which would otherwise appear visually dominant. Consequently, there is scope to carefully address the view from Maidensfield so that a sense of the settlement edge would be retained. As such, the visual impact from VP3 could be moderate adverse rather than substantial.

54. For practical reasons the LVIA has not identified a view from the M4 slip road. From this direction the proposal would appear as a stark incursion into the countryside. This is because the edge of Winnersh is generally screened at present by existing hedges. However, there is scope for significant structural landscaping to soften the impact of the development. Feature trees could also be planted within the scheme to break up the roof scape. A muted palette of materials, including dark roofs, could also soften the visual impact. Significantly, the view from the motorway is one where the receptors would be traveling in vehicles at speed and are therefore of lower sensitivity. Moreover, in the wider context there is development along the motorway corridor including fencing and visible housing estates. In this respect, the proposal would not appear significantly out of place. The SEN school also dominates the foreground and is a stark addition given its colour and form. Thus, the visual impact from this direction could also be moderate adverse.
55. In conclusion, the proposal would fail to adhere to the landscape strategy in the LCA and would not maintain or enhance the environment. It would also result in the fragmentation of green infrastructure and a detrimental impact on important landscape features which, in this instance, include the setting of the Emm Brook and the gap between Winnersh and Wokingham. That said, the urban context, contained visual impact and scope for some mitigation through design, including a large open space and further planting, means the overall effect would not be of a high order. The impact would be moderate adverse. Accordingly, the proposal would be at odds with Policies CP1 and CP3 of the CS and Policies CC03 and TB21 of the LP.

Settlement pattern, townscape, legibility, and usability of Maidensfield

56. As already explained, the appeal site encompasses a field enclosed by hedging broadly located between motorways and the abrupt edge of Winnersh. The site is subject to significant urbanising influences, the most evident being the SEN school and motorway. However, it retains a rural overall character. Watmore Lane also has aspects of a rural character, including mature trees that would have been present when it was a quiet country lane. That said, this street is now suburban in appearance when moving north past Maidensfield and its character is heavily influenced by the housing estates that branch off it.
57. Adjacent to the appeal site is development on three sides that includes the residential estates at Grovelands Park, Maidensfield and Winnersh Gate. The pattern of development in these three locations is 'informal suburban' as defined in the Borough Design Guide²⁵. They broadly comprise of cul-de-sacs with further small clusters of housing branching off. The houses²⁶ are generally two storeys tall and arranged in differing plot sizes and shapes. This results in variable building lines and several instances of fencing adjacent to the street. The overall effect is street scenes with little composition.

²⁵ CD6.6

²⁶ The homes nearest to the appeal site in Grovelands Park include a mix of single storey park homes and others arranged over two storeys.

58. Considering the above, the appeal site and its immediate environs incorporates both rural and suburban features. Indeed, the urban character found around the Robin Hood Lane/Reading Road crossroads gives way to a more 'formal suburban' character (using the terminology in the Borough Design Guide) in Danywern Drive. There is then a sense of the settlement tapering off into the countryside when reaching Watmore Lane and after this the informal edge of settlement character of Maidensfield, which then opens into countryside. The hierarchy of streets and spaces is intuitive, legible and easy to understand when travelling to and from the centre of Winnersh. Indeed, it is fair to say that Maidensfield is not currently designed to be a through road or signal the presence of a large housing development to its east.
59. The appeal scheme would be the single largest grouping of homes in the area. It would also be developed at a density greater than Maidensfield – 34 dwellings per hectare (dph) compared with 24dph²⁷. The density may eventually increase even further to address some of the understandable concerns raised by Ms Crafer, including the proximity of some of the homes to protected trees and boundary hedges²⁸.
60. The indicative layout shows a scheme that would be 'formal suburban' in character due to the use of consistent building lines and garden depths. Street trees would be used to provide greenery, but they would appear regimented and formal. Moreover, the indicative layout would lack any meaningful sense of a tapering off into the countryside because front garden depths, levels of planting and the massing and height of buildings would remain broadly the same throughout. Significantly, the layout shows two and half and three storey buildings, which Mr Williams' own townscape analysis indicates are almost entirely absent from the wider area. As a result, the scheme as outlined in the indicative layout would be larger, denser, taller and more compact than its surroundings. Such an approach could jar with Maidensfield, disrupt the legibility of the local street hierarchy and harm the settlement pattern of the area.
61. However, the indicative layout is just that. The scheme need not come forward in the way currently suggested. Indeed, Mr Williams confirmed that the provision of two and half and three storey buildings as shown in the indicative layout was a choice rather than being required to fit the scheme in. As a result, the proposal could (and should in my view) ultimately come forward with no building exceeding two storeys in height. In this respect, the scheme would respond better to the existing townscape by not being taller than it, which would otherwise appear odd on the settlement edge.
62. The provision of an informal central open space, as well as 'parkland' near the site entrance around mature Oak trees, could replicate the open space at Eastbury Park. Tree lined streets and hedged front gardens would also link these areas of open space and hint at the character of Watmore Lane, especially if space is provided to allow some specimen trees to reach a similar stature. To meet the Framework's requirement that all streets are tree lined, it is likely that more trees will need to be provided than is currently shown on the

²⁷ ID13

²⁸ I share the concern of Ms Crafer that the illustrative layout shows houses too close to important trees on the western boundary of the appeal site. Indeed, the proximity would create a nuisance through branch shedding and leaf litter and interrupt day and sunlight to gardens and properties. Siting five homes in the northeastern corner in the way shown on the illustrative layout would be especially problematic.

illustrative site layout plan. This would provide further greening of the scheme. An informal 'village green' could provide a subtle and attractive centre to the development. This would aid legibility rather than provide an incongruous local centre on the edge of the village.

63. Accordingly, there is scope to incorporate significant levels of greenery to soften the overall form of the proposal and thus ensure a discordant 'density clash' with Maidensfield and Winnersh Gate does not occur. This would allow the scheme to respect the current settlement edge character and street hierarchy. I am also mindful that land needs to be used efficiently and that a contemporary scheme should exhibit current good practice in urban design. For these reasons, it would not be appropriate to replicate Maidensfield.
64. That said, there would still be scope to design the link with Maidensfield respectfully by referencing the existing view towards the Emm Brook. Such an approach would allow Maidensfield to retain a semblance of being on the settlement edge. In a similar vein there would be scope to soften the transition from Maidensfield into the scheme by loosening the density at the site entrance, perhaps with a small pocket of landscaping, so that it would not appear as stark as shown in Viewpoint 2²⁹. Indeed, the scheme could be designed with a green gateway and similar building heights to Maidensfield. This may require the density to be increased elsewhere, probably to the south of the scheme, but this part of the site is influenced by the large SEN school.
65. When considered in the round, I am satisfied a scheme could come forward which could successfully integrate with the townscape and settlement pattern of Winnersh by being suburban with a leafy settlement edge character. In doing so it would respect the hierarchy of streets and provide sufficient legibility. Indeed, the high level HELAA³⁰ assessment concluded that development of the appeal site would be a logical extension of Winnersh. Arriving at a successful design would be a challenge and may require some imaginative thinking rather than a standardised approach. The Framework advocates the use of design tools to assist with this, including design review. Taking the foregoing points together, an appropriate well-designed scheme would not be inherently unachievable.
66. Turning to the Council's other concerns regarding the usability and sense of place of Maidensfield. The Council in this respect has concerns about the increased level of activity, which in turn would require some works within the highway. These works would involve painting 'give way' lines to the spurs off Maidensfield, such as Eastbury Park, and the provision of tactile paving and dropped kerb crossing points. But they would not appear out of place in a suburban context and would not be harmful as a result.
67. When giving his evidence, Mr Adams conceded that access through Maidensfield would not be suboptimal when considering traffic volumes³¹ and speeds³². He also agreed that a 5.5m road width would be acceptable and this would allow motorists, including HGVs and refuse vehicles, to safely pass one

²⁹ Viewpoint 2 shows a house squeezed in next to 2 Eastbury Park

³⁰ Housing and Economic Land Availability Assessment 2021

³¹ Daily traffic levels in Maidensfield would be around 1,700, which is well below the threshold (2,500) where cyclists would not wish to cycle in the road as indicated in CD9.6. This is indicative of a lightly trafficked street. A 5.5m wide road such as Maidensfield is also capable of accommodating up to 500 homes when applying Table A1 in the Council's Living Streets: Highway Design Guide

³² Maidensfield current has speeds of around 20mph and the appeal scheme would be designed to achieve this

another despite on street parking. He was unconcerned by emergency access and ultimately agreed that Maidensfield would be conducive to cycling. The common ground between the highway experts is a matter of significant weight that indicates access from Maidensfield would be safe and suitable in highway terms. The Council's residual concerns with the usability of Maidensfield ultimately boil down to the use of the open space in Eastbury Park and the volume of traffic changing the character of Maidensfield.

68. Eastbury Park is a small informal space that does not include play equipment. Its size and the number of mature trees means that it is unlikely to be regularly used as a kick about area or such like. As a result, the space is likely to be predominantly ornamental. In these terms the proposal would have little effect on the usability of the space. That said, even if it is used as a play area, Eastbury Park could be safely access from pavements, which also provide a buffer with moving traffic. The risk of children running into the street would not be high. In addition, traffic movements would not be so regular as to prevent safe road crossings. Moreover, any risk must also be considered in the context that the appeal scheme would provide a larger area of open space that children would be more likely to visit and play at.
69. Maidensfield is currently a quiet cul-de-sac and in this respect has the characteristics of a tertiary street as defined in Living Streets³³. The illustrative layout shows the spine road in the development would have characteristics of a secondary street on account of its width. As a result, the relationship could be characterised as Maidensfield being a tertiary street linking two secondary streets (Watmore Lane and the appeal site). However, Maidensfield has a 5.5m wide carriageway with 2m pavements either side and therefore has features of a secondary street. Moreover, the appeal scheme could be designed to ensure a design speed of 20mph thereby exhibiting a characteristic of a tertiary street. This could be reinforced with generous planting. Accordingly, the appeal scheme could incorporate a mixed secondary/tertiary street character that would integrate with Maidensfield.
70. The level of traffic in Maidensfield would increase from 335 movements a day to a combined total of 1,709 (existing and proposed flows). Most of this would be through traffic, which by definition would significantly change the current character of Maidensfield as a cul-de-sac. In the peak hour the flow would go from approximately one movement every two minutes to about one every 22 seconds if all development traffic used Maidensfield. This would be a noticeable increase in vehicle movements.
71. Local Transport Note 1/20 states that streets with less than 2,500 vehicle movements per day are conducive to comfortable on street cycling³⁴. The traffic flows after the completion of the appeal scheme would be well below this. This indicates that traffic flows in Maidensfield would not be relatively high. Moreover, when applying IEMA³⁵ guidance for traffic volumes and speeds, the fear and intimidation score upon pedestrians would be 'small' in Maidensfield, which is also indicative of a lightly trafficked street. In essence, Maidensfield would remain a suburban street.

³³ Table A1

³⁴ CD9.6 Paragraph 7.1.1

³⁵ CD9.5 - Table 3.1 and 3.2, Environmental Assessment of Traffic and Movement - Institute of Environmental Management and Assessment Guidance

72. However, if all development traffic passed through Maidensfield then it would not retain the existing character of a quiet cul-de-sac. In this respect, the provision of a second access to the south of the site would likely reduce the number of movements passing through Maidensfield, as it would be the more direct route into Wokingham. An analysis agreed between the appellant and Council indicated that the increase in vehicle movements along Maidensfield for 111 occupied houses would equate to approximately 1 extra vehicle per minute at peak times. This level of use would be more conducive to a quiet residential street. Maidensfield would not remain a cul-de-sac, but this level of traffic would not significantly alter its character and sense of place. This adds further weight to my conclusion that a second access is necessary to make the development acceptable. Overall, I am satisfied that the usability and sense of place of Maidensfield would not be harmed.
73. In conclusion, the proposal need not harm the settlement pattern and townscape of Winnersh, the legibility of the local street hierarchy or the usability and sense of place of Maidensfield. Accordingly, in this respect the character and appearance of the area would be preserved and therefore a conflict with Policies CP1 and CP3, as supported by the Borough Design Guide Supplementary Planning Document, which seek to preserve local character, would not occur in respect of this main issue.

Other Matters

Planning Obligation

74. *Affordable Housing* – In this instance, Policy CP5 of the CS requires 40% affordable housing. There is nothing before me to suggest provision at this level would be unviable. The appellant's own evidence also identifies the acute need for this type of housing. Accordingly, the appellant does not dispute the necessity of securing affordable housing to make the scheme acceptable. Provision is therefore made through the planning obligation.
75. *Employment Skills Plan* – Policy TB12 of the Local Plan requires all major development in the borough to be accompanied by an employment skills plan or a financial contribution in lieu of this. The contribution is calculated with reference to a logical methodology informed by estimated construction costs and benchmarks supplied by the Construction Industry Training Board. The appellant agrees with the Council that the scheme needs to make provision through the planning obligation to make the proposal acceptable.
76. *Allotments* – Policy TB08 requires the provision of allotments at 0.52ha per 1000 people. It states that such provision should be on site. This is entirely rational as the allotments should be positioned as close to the new residents as possible as they would increase the demand. Moreover, facilities such as this can help foster a sense of community. The supporting text to policy TB08 states that a financial contribution can be made to allotment provision if the appellant can demonstrate that on site provision cannot be accommodated. The appellant has not made this case and it would be hard to do so given the over provision of open space. Accordingly, the planning obligation addresses this by allowing the developer to elect to provide allotments on site or make a financial contribution. That decision would be informed by whether the Council requires on site provision as part of the reserved matters.

77. *Offsite Sport and Recreation* – To support health and wellbeing, Policy TB08 of the CS also requires the provision of sport and recreation facilities. Like with allotments, these should be provided on site in the first instance. However, providing sport and recreation at a combined facility would result in overall betterment in the quality of what is provided. In this respect, the Council are seeking a contribution towards developing a sports hub at Greys Fruit Farm. This would be some distance from the appeal site, but on balance it would satisfy the requirements of Policy TB08. Again, the appellant raises no objection and therefore provision is made through the obligation.
78. *Sustainable transport contribution* – This includes financial contributions toward improving bus stops and the My Journey travel plan initiative. Both are required to promote sustainable transport pursuant to Policies CP4 and CP6 of the CS and Paragraph 117 of the Framework. This will help to offset some of the adverse issues I have identified earlier. The appellant is seeking to provide the contributions as the need is not disputed. This provision would be secured through the planning obligation.
79. *Estate Roads* – To ensure appropriate accessibility to individual properties in accordance with Policies CP1 and CP3 of the CS, the Council has sought a deed that would require the estate roads to be offered for adoption to the Local Highway Authority or maintained via a management company. The appellant has not objected to this and therefore it would be secured through the planning obligation.
80. Given the above analysis, the obligations identified above are necessary to make the development acceptable when applying the requirements of the development plan and are directly, fairly and reasonably related in scale and kind to the proposal and its impacts. As a result, I can take them into account.

Conditions

81. I have had regard to the advice in the Planning Practice Guide (PPG) and the suggested conditions³⁶. In addition to commencement conditions, it is necessary to define the reserved matters and require their approval. These include aspects of access. A drawings condition relating to the position and design of the access from Maidensfield is necessary in the interests of certainty and highway safety. This is supplemented by a further condition requiring the approval of some residual details relating to the access.
82. To support sustainable transport, it is necessary to secure pedestrian crossing improvements. It is necessary to secure the approval of a Construction Method Statement in the interests of highway safety and living conditions. To prevent a risk of flooding it is necessary to secure a drainage strategy. To protect as yet unknown archaeology, it is necessary to secure a written scheme of investigation. Given the presence of important trees and hedging, it is necessary to secure an Arboricultural Method Statement.
83. Landscaping is a reserved matter, but it is nevertheless necessary to secure replacement of any failed planting within five years of the completion of the development. Further conditions could be imposed at the reserved matters to deal with the management of boundary hedgerows if this is considered necessary once the final layout is clear.

³⁶ ID15

84. In the interests of wildlife, it is necessary to secure a 10% net gain in biodiversity, reptile mitigation and the preparation of a Landscape Environmental Management Plan. Given the noise from the motorway it is necessary to secure mitigation to safeguard living conditions. To secure adequate foul water drainage, it is necessary to prevent occupation until the necessary infrastructure is in place or a phasing plan approved. To protect living conditions, it is necessary to secure the appropriate remediation of any unexpected contamination. In the interests of mitigating some of the impacts on climate change, it is necessary to secure development in accordance with the principles set out in the energy report and sustainability statement. I have already explained why a second access is necessary and why this can be secured by condition. To secure a benefit of the scheme it is necessary to set the minimum level of open space above that ordinarily required by development plan policies.

The residual concerns of interested parties

85. Several interested parties have raised concerns that the appeal scheme would harm highway safety and would result in congestion. However, the appellant, through their highway consultants, have submitted a Statement of Common Ground (SOCG)³⁷ with the Local Highway Authority (LHA) relating to highway safety and transport matters. Substantive technical evidence is not before me that would justify departing from these expert views in this instance, which were based on a detailed analysis set out in a Transport Assessment. The proposal has also been subject to a successful Road Safety Audit.

86. In particular, the highway evidence before me, including the SOCG, demonstrates that visibility splays would adhere to the standards in Manual for Streets. Following careful analysis, it has been established that there are no traffic capacity constraints, and the area has a good highway safety record. These points strongly indicate that the scheme's traffic can be absorbed.

87. The impacts from construction traffic will be addressed through a management plan. Modelling of the traffic impacts on several off-site junctions confirm that there would only be a negligible increase in queuing. This would be considerably below the 'severe' test set by the Framework. Overall, the proposal would not result in a harmful impact on highway safety and capacity.

88. Paragraph 161 of the Framework explains that to avoid flood risk to people and property, a sequential, risk-based approach to the location of *development* should be taken to flood risk from all sources, and that this should be done by applying the sequential test. The PPG states that only if a *site* is in an area at a low risk of flooding from all sources should the sequential test not be undertaken³⁸. Neither 'development' nor 'site' exclusively mean the area that would contain buildings. A housing scheme such as this requires open space and drainage infrastructure to be acceptable, and these elements within the 'site' form part of the 'development'.

89. When considering the flood risk of the site, the Environment Agency's flood map identifies large areas of the appeal site as being at medium to high risk of flooding from the Emm Brook. The area covered would be most of the open space to the east, which would include drainage features. The Flood Risk

³⁷ CD16.2

³⁸ Planning Practice Guide - Paragraph: 027 Reference ID: 7-027-20220825

Assessment has considered this further and has demonstrated that the Environment Agency's flood map overestimates the extent of the flood zone. I have no reason to doubt this technical assessment and the Environment Agency have not raised any concerns. As a result, only the area of the site immediately adjoining the Emm Brook would be in the flood zone. This area is likely to be used for planting and habitat enhancements. Importantly, it would not be used for attenuation basins or play space.

90. It cannot be said that the *site or development* would be in an area of low risk of flooding from all sources. A case could therefore be made for applying the sequential test. The Council has not applied a sequential test because the area at risk of flooding is 'water compatible' as defined in Annex 3 of the Framework. Nevertheless, these classifications are intended to inform the application of the exceptions test³⁹, which is only relevant if the sequential test is passed. Similarly, applying a sequential approach to development within the site does not negate the need for the site to be subject to a sequential test⁴⁰.
91. However, I share the view of the Council and appellant that it is a matter of planning judgment whether a sequential test should be applied having regard to the circumstances. In this instance the area of the site at risk of flooding is small and would not contain any significant part of the development that could be adversely affected by flood water, including flood storage areas or play spaces. Therefore, a sequential test would serve little purpose. Indeed, the area at risk of flooding could be omitted from the site with little consequence. As a result, I am satisfied that a sequential test would be unnecessary.
92. In coming to this view, I am mindful that the surface water drainage system would discharge surface water into the Emm Brook, even during fluvial flooding events. However, the flows would be managed to existing rates and therefore the risk of flooding would not be increased. The outfall would also be raised above the level of the 1 in 100 flood year event so the risk of backwater effects would be negligible. The drainage system has also been designed to be resilient to severe flood events. The Lead Local Flood Authority have not raised any objections to the outline drainage strategy, and I have no reason to reach a different view in this instance.
93. At my request the appellant has provided a further technical note on noise impacts given the proximity of the motorway⁴¹. The note discussed the evidence already submitted in the context of several written questions I asked after the Case Management Conference. The technical note explains that if a scheme along the lines of the illustrative layout is ultimately proposed, then around 50 homes would need additional acoustic measures to provide appropriate internal and external living conditions.
94. The mitigation would include fencing to screen road noise in gardens and the use of thermal double glazing and ventilation system to secure internal noise and cooling. Importantly, the double-glazed windows would also provide some noise mitigation when open to the extent that sleep would not be disturbed. As a result, future residents could choose to open a window or rely on an alternative ventilation system. The analysis has been provided by an expert

³⁹ Planning Practice Guide - Paragraph: 079 Reference ID: 7-079-20220825

⁴⁰ See Paragraph 173 of the Framework – an internal sequential approach only applies once the overall sequential test has been passed.

⁴¹ The appellant provided an updated technical note from an acoustician on this matter appended to CD15.1

acoustic engineer and has been reviewed by the Council's Environmental Health Team. I have no reason to doubt the conclusion that living conditions would be acceptable in terms of noise and ventilation.

95. Substantive evidence is not before me to demonstrate that the appeal scheme would have a significant adverse impact on air quality or that local education and health infrastructure could not accommodate the additional demand arising from the appeal scheme. Thames Water has confirmed that its infrastructure once upgraded would have capacity for the proposal. The evidence before me, including an Ecological Impact Assessment, which is undisputed by the Council, demonstrates that the proposal would not have a significant impact on wildlife and would achieve a net gain in biodiversity. The proposal could be designed at the reserved matters stage to preserve the living conditions of neighbours. The impacts on the living conditions of the residents of adjoining properties would require particular care to ensure privacy and outlook is not harmed.

Other Considerations

96. The appellant and Council agree that the proposal would be at odds with the development plan taken as a whole. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. The benefits of the scheme are important material considerations to examine, as is the Framework.

The benefits of the proposal

97. There is agreement⁴² that the Council is currently able to demonstrate only 3.2 years of housing land supply against a four-year requirement, which equates to around a 635-home shortfall. The delivery of housing is therefore a benefit of the scheme as it would provide a very sizeable contribution to addressing the shortfall. Indeed, it could account for about a third of it.
98. However, on every relevant⁴³ measure⁴⁴ the Council has over delivered by some way since 2006/7. For instance, on the highest measure⁴⁵ 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%.
99. Evidence supplied by the Council indicates that significantly boosting the supply of housing in recent years has not in itself stabilised or reduced house prices. In truth, they have continued to rise sharply. Indeed, if house prices were dictated solely by supply, then Wokingham should, in theory, have seen a reduction in house prices given the extensive scale of delivery in recent years. This in turn should have stabilised or lowered the housing requirement significantly, but that has not been the case.
100. Because of this, the Council and appellant ultimately agreed at the Inquiry that the affordability adjustment in the standard method should not be the sole means of accounting for past over delivery in my assessment. Recent statements by the Government reinforce this position⁴⁶. Instead, it was agreed

⁴² ID9

⁴³ Mr Austin Fell ultimately agreed that the delivery of affordable housing is not a proxy for measuring the Council's overall performance in respect of housing delivery.

⁴⁴ The CS requirement, Objectively Assessed Need, SHMA Sensitivity Testing and Local Housing Need

⁴⁵ Objectivity Assessed Need from the Strategic Housing Market Assessment (2016),

⁴⁶ See Mr Church's Proof, Paragraphs 3.22 – 3.24

by the Council and appellant that over-delivery is capable of being a separate material consideration which can be factored into the weight that should be given to housing delivery as a benefit. Indeed, other Inspectors have taken this approach, including the Inspector in the Lodge Road appeal⁴⁷.

101. Mr Church has provided an analysis⁴⁸ that illustrates one way in which over-supply can be factored into an assessment of the overall housing land supply. The Council does not seek to advance this analysis as its housing land supply position though⁴⁹. It is simply an attempt to demonstrate that if over supply is factored in, then the situation would be more positive. I am also mindful that the current shortfall of around 635 dwellings is overshadowed by the historic over delivery. Considering these points together, the weight I afford to the benefit of housing delivery arising from the appeal scheme is tempered.
102. Moreover, the Council are in the process of preparing a new Local Plan. The current timetable for adoption is towards the end of 2025. Consequently, even when allowing for some moderate slippages in the programme, the adoption of the new local plan is unlikely to be far off. The proposal would therefore only assist in bridging a short-term supply gap between a period of considerable over delivery and the adoption of a new Local Plan, which will need to re-establish an adequate strategy for delivering the housing requirement.
103. Furthermore, there is some doubt over the extent to which the appeal scheme would actually bridge this gap. Evidence provided by the Council⁵⁰ indicates that schemes of between 100-249 homes take on average 46 months from outline planning permission being granted to the first house sale occurring. Then after that, the average build out is around 50 dwellings a year. Therefore, it is possible the proposal would provide only a handful of homes towards the four-year supply and that most of the homes would come forward once the new local plan is in place. I am also mindful that the scheme cannot be considered 'deliverable', and thus count towards the four-year supply, until there is 'clear evidence' that housing completions would occur within the relevant period. Such clear evidence was not presented at the Inquiry and may not occur for a couple of years with the approval of all reserved matters.
104. That said, the appellant is a volume house builder rather than a land promoter and could therefore move quickly towards applying for reserved matters. Mr Shepherds' analysis was that first completions could occur in 2026 with perhaps 100 homes delivered a year after that. However, I have not been provided with substantive evidence that this is the appellant's usual rate of delivery. It seems optimistic given the Council's analysis above. Moreover, I have already explained that there will be some challenges in devising an acceptable design and the need for a second access may slow progress. That said, reducing the period permitted to submit reserved matters and then commence development may speed up delivery⁵¹.
105. The housing requirement is expressed as a minimum and therefore providing housing in addition to this would still be a benefit given the wider need for housing. However, the points outlined above significantly temper the benefit.

⁴⁷ CD8.1, see also Section 5 of Mr Church's proof

⁴⁸ CD10.4 Table 5

⁴⁹ Its current position is set out in CD17.3

⁵⁰ CD17.3

⁵¹ This is advocated by Paragraph 81 of the Framework

Overall, the contribution towards housing land supply is a matter of moderate weight in favour of the proposal.

106. The appeal scheme would deliver 40% affordable housing (up to 94 homes). This is a discrete benefit of the scheme as the housing would be addressing a specific need. The appeal scheme would provide a large contribution to the supply of affordable housing, the benefits of which are set out in Mr Stacey's evidence. Supply of this type of housing is not keeping up with the growing need, which is increasing on account of high house and rental prices and stagnant wages. The affordability ratio has increased from around 8 times medium salaries in 2006 to something now approaching 13 times. This means that some people cannot afford to purchase a home and others to rent. Mr Stacey fairly describes the situation as an affordable housing crisis. The CS identified an 'exceptional need'⁵² as long ago as 2010.
107. To combat this, the Local Housing Needs Assessment 2019 (LHNA) identified a need for 403 affordable homes in the borough every year up to 2036. The appellant suggests that in the short term this would need to increase to 487 homes a year if the past shortfall was to be made up in the next five years. However, in the next five years the Council expects to deliver only 570 homes in total. A further 1,156 homes are in the pipeline beyond this. These are gross figures though, which do not account for losses through Right to Buy, which has been of note to date⁵³. Accordingly, the indications are that the Council will not come close to meeting the need identified in the LHNA.
108. The emerging Local Plan will likely seek to deliver more affordable housing. However, previous trends have shown that delivery has only averaged 23% of total housing completions since 2006/7. Going forward, affordable housing would likely need to exceed 50% of all housing completions to achieve 403-487 affordable homes each year⁵⁴, but it is unclear if this would be viable. Moreover, not all housing schemes will provide affordable housing because they fall below the local threshold triggering the requirement (of five homes). The implication of this is that in recent years the Council has only achieved delivery of affordable housing at around 487 homes a year when total net completions were over 1,500 a year. Such a level of annual growth up to 2036 is unlikely to be a sustainable or achievable means of meeting affordable housing needs because it is twice the Objectively Assessed Need for total housing completions.
109. The above analysis demonstrates that to a large extent, the ability to meet affordable housing need is outside the control of the Council. In recognition of this there is no legal or policy requirement that requires the Council to fully meet the affordable housing needs in its area. Mr Stacey's analysis focusses on the need for affordable housing but does not identify a reasonable and realistic delivery target that factors in the inherent difficulties and constraints in addressing the need. He also conceded that the Council were doing what it reasonably could to address affordable housing need, which has included the preparation of a housing strategy and adopting a low threshold for triggering the requirement for affordable housing. This may explain why the Council has delivered relatively well when compared with other authorities in Berkshire.

⁵² Paragraph 4.34 of the CS

⁵³ Around 115 homes between 2006 and 2022, which is about 7 a year

⁵⁴ Assuming an Objectively Assessed Need (OAN) of around 801 homes a year as set out in Mr Church's Proof

110. To this end the Council submit that its performance on affordable housing delivery should be considered against what is realistic. In this respect, it looks to address those most in need. The analysis provided in the LHNA indicates that around 100 homes are required per annum up to 2036 to address the most acute need – those unable to rent or buy. Mr Stacey's analysis is that, based on past trends, the Council will deliver around 161 affordable homes a year over the next five years. The Council has averaged 177 since 2006/07. This level of delivery would meet the acute affordable housing need with some head room. On this measure, the Council's performance would be strong and therefore it submits that the weight given to affordable housing delivery should be tempered.
111. There is some traction to the Council's argument as it can only do so much. Moreover, the Council's inability to meet an apparently unassailable affordable housing need could consistently be used to justify departing from the spatial strategy, and thus undermine the public benefit of a plan led system. However, I am conscious that even if the Council is taken to be performing well when assessed against a realistic measure, there would still be a large residual need for affordable housing in the borough. In fact, supply would still be short of need by some way, with some of the real-world consequences that will flow from this⁵⁵. As such, and when considered in the round, the sizeable contribution to the provision of affordable housing would still be a notable benefit which attracts more weight than suggested by the Council but less than advocated by the appellant. I afford the matter significant weight, although it would not be a determinative benefit on its own.
112. The Council and appellant agree that moderate weight should be given to the economic benefits of the scheme, including construction and post occupation spending. I have no reason to disagree. In a similar way to affordable housing, achieving a net gain to biodiversity is a policy requirement that secures a benefit. However, I have not been provided with substantive evidence to suggest that a 10% net gain in this instance would, in absolute terms, result in anything more than a benefit of limited weight even when accounting for the pressing need to improve biodiversity.
113. The provision of public open space would also be a benefit as it would be a large area that could serve more than just the future residents of the appeal scheme. Indeed, the open space would exceed policy requirements, although that is partly a product of site constraints ranging from noise, drainage, flooding and tree protection. Moreover, the eastern area of open space would be dominated by drainage infrastructure thereby reducing its usability as somewhere to play. It would also be close to a noisy motorway and tucked towards the back of the site. The provision of open space would also be one form of green infrastructure that would replace another (the appeal site as countryside). These factors result in open space provision being a benefit of moderate weight. When considered cumulatively, the overall benefits of the scheme collectively carry significant positive weight in its favour.

Whether the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits

114. Policy CC01 of the LP sets out an approach for considering applications under a presumption in favour of sustainable development. However, the wording in

⁵⁵ Mr Stacey's Proof, Section 3

this policy is inconsistent with the Framework in some significant respects. Consequently, it would instead be prudent to apply the presumption in favour of sustainable development as set out in Paragraph 11 of the most recent version of the Framework. This states that when a Council cannot demonstrate an adequate housing land supply, as is the case here, then permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole⁵⁶.

115. The adverse impacts of the proposal would be a conflict with the spatial strategy in the development plan, a moderately adverse impact on the landscape of the countryside and a moderate level of harm flowing from the limitations around access to services and facilities.
116. The conflict with the spatial strategy needs to be considered in the context that a strict application of the settlement limits would frustrate attempts to remedy the housing land supply shortfall and thus significantly boost the supply of housing going forward. The absence of a five-year housing land supply is an indication that the spatial strategy is running out of steam and requires updating. To this end, it is likely the emerging local plan will look to allocate more housing sites in the countryside. Indeed, the appeal site is currently allocated for housing in the draft plan. This document carries only limited weight at present, but it indicates that housing beyond settlement boundaries will probably be necessary. If housing in the countryside is to come forward, then the appeal site is a reasonable candidate given that the harm from breaching the settlement boundary would not be of a high order for the reasons I have already outlined.
117. That said, the settlement boundary around Winnersh is logically drawn and there is nothing in the Framework that states they should not be used. Furthermore, 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.
118. Paragraph 180 of the Framework states that planning decisions should contribute to, and enhance, the natural and local environment by recognising the intrinsic character and beauty of the countryside. Ms Crafer explained that in her view, this means recognising the influence of the countryside on the local context and what it provides to the character of the area, which is a helpful way to put it. In this respect, I fail to see how the appeal scheme would do this, as the proposal would undermine the rural influence and sense of place provided by the appeal site to this part of Winnersh. Therefore, the proposal would not recognise the intrinsic character and beauty of the countryside. The harm to the local landscape character would also result in a conflict with Paragraph 135c) of the Framework and its aim for developments be sympathetic to local landscapes.

⁵⁶ In this instance the application of policies in the Framework that protect areas or asset do not provide a clear reason for refusal

119. Nevertheless, for the reasons already set out, the harm to the landscape would be of only a moderate magnitude because many of the landscape features of note could be retained and enhanced, such as the boundary hedgerows and to some extent the open setting of the Emm Brook. I am also mindful that if housing is to be developed in the countryside, which seems to be the direction of travel, then some local urbanisation will be inevitable. In this instance, the harm arising from the urbanisation of the appeal site would be contained by surrounding development. As a result, the moderate harm, and the conflict with national and development plan policies flowing from this, also attracts moderate weight against the proposal.
120. Added to this there would be harm arising from access to services and facilities on foot not being a genuine transport choice. However, this would be partially offset by the ability to cycle, walk longer distances on occasion and use local rail and bus services. The moderate harm, and the conflict with national and development plan policies flowing from this, also attracts moderate weight. Taken together, the adverse impacts of the proposal collectively carry significant weight against the appeal scheme.
121. Paragraph 11d) of the Framework starts with the premise that a proposal should be granted in circumstances where a five-year housing land supply cannot be demonstrated. In this instance, that presumption can only be displaced if the adverse impacts of the scheme would significantly and demonstrably outweigh its benefits. This 'tilted balance' has therefore been designed to authorise harm because of the importance the Government places on housing delivery. The appeal scheme would collectively have benefits of significant weight that would deliver positively against several policies in the Framework⁵⁷. Against this there would be harm that collectively carries significant weight in the context of other policies in the Framework⁵⁸, as well as the development plan.
122. In conclusion, the adverse impacts of the appeal scheme would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Accordingly, on this occasion other considerations indicate the decision should be taken otherwise than in accordance with the development plan. This is a material consideration of determinative weight in this instance.

Conclusion

123. The appeal scheme would conflict with the development plan taken as a whole. However, in this instance material considerations, namely the Framework, indicate that the appeal should be determined otherwise than in accordance with the development plan. Accordingly, when having regard to all issues raised, I conclude that the appeal should be allowed.

Graham Chamberlain
INSPECTOR

⁵⁷ Including Paragraphs 60, 63, 77, 85, 102 and 158

⁵⁸ Including Paragraphs 20, 109, 157 and 180

APPEARANCES

FOR THE APPELLANT:

Peter Goatley KC and Jessica Allen, Counsel for the appellant
instructed by Stantec

Called:

Ben Thomas BSc (Hons) MSc MCIHT CMILT	Associate Partner, i-Transport
Andrew Williams Dip LA Dip (Urban Design)	Director, Define
Clive Self Dip LA, CMLI, MA (Urban Design)	Managing Director, CSA
Cameron Austin-Fell BA (Hons) MA TP MRTPI	Planning Director RPS
James Stacey BA (Hons) Dip TP MRTPI	Managing Director, Tetlow King
Robin Shepherd BSc (Hons) Dip TP MRTPI	Director, Stantec

FOR THE LOCAL PLANNING AUTHORITY:

Cain Ormondroyd, Counsel for the Local Planning Authority
Instructed by Head of Legal, Wokingham Borough Council

Called:

Gordon Adams BA Dip Econ MA FCIHT MILT Engineer	Principal Development Control
Bridget Crafer BA (Hons) Dip LA PG Urban Design	Landscape Architect
Ian Church BA(Hons) MA MRTPI	Local Plan Manager
Laura Ashton MRTPI	Director LAUK Planning Ltd
Lyndsay Jennings	Solicitor
Raymond Barry	Green Infrastructure Officer

INTERESTED PERSONS

Cllr Prue Bray

INQUIRY DOCUMENTS

The following is a list of documents submitted at the Inquiry

CD17.1	LPA's opening submissions
CD17.2	Appellant's opening submissions
CD17.3	Updated Housing Land Supply Position Statement 26 Jan 2024
ID1	Statement from Cllr Prue Bray
ID2	Wokingham Borough Cycle Routes
ID3	Illustrative Masterplan, Winnersh Farm
ID4	Winnersh Farm Design and Access Statement
ID5	Winnersh Farm, Landscape and Open Space Plan
ID6	Committee Report pertaining to the application for the adjacent SEN School
ID7	Note relating to Traffic Flows in Danywern Drive and Watmore Lane agreed by the Council and appellant
ID8	Density note agreed by the Council and appellant
ID9	Housing land supply note agreed by the Council and appellant
ID10	Addendum to the suggested site visit route
ID11	Final draft of the Planning Obligation
ID12	LPA's closing submissions
ID13	Appellant's closing submissions
ID14	Copy of executed planning obligation
ID15	Final list of suggested planning conditions

SCHEDULE OF PLANNING CONDITIONS

1. A) All applications for approval of the reserved matters shall be made to the local planning authority not later than 2 years from the date of this permission.

B) The development hereby permitted shall be begun not later than 1 years from the date of approval of the last of the reserved matters to be approved.
2. Details of the appearance, landscaping, layout, scale, access (other than from Maidensfield) (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority prior to the commencement of development and the development shall be carried out as approved.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (titled Land off Watmore Lane Winnersh, Jan 2023, scale 1:1250 by JAS plan services) and Access Plan (drawing number: ITB6076-GA-005 Revision H).
4. Prior to the commencement of development, full details of the construction of the access off Maidensfield and the pedestrian crossing shown in principle on drawing number: ITB6076-GA-005 Revision H including levels, widths, construction materials, depths of construction, surface water drainage, boundary treatment, landscaping and lighting shall be submitted to and approved in writing by the local planning authority. Each dwelling shall not be occupied until the vehicle access/road to serve that dwelling has been constructed in accordance with the approved details to road base level and the final wearing course will be provided within 12 months of occupation. The access shall thereafter be maintained in accordance with the approved details and plans.
5. No more than 50 dwellings shall be occupied until the pedestrian crossing improvements approved pursuant to Condition 4 have been completed to the satisfaction of the local planning authority.
6. No development shall take place, until a Construction Method Statement, including a CEMP (Construction Environmental Management Plan), has been submitted to, and approved in writing by, the local planning authority. The approved Statement (including CEMP) shall be adhered to throughout the construction period. The Statement (including CEMP) shall provide for but not be limited to the following:
 - a) construction of suitable works access;
 - b) the parking of vehicles of site operatives and visitors;
 - c) loading and unloading of plant and materials;
 - d) storage of plant and materials used in constructing the development;
 - e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) wheel washing facilities;
 - g) measures to control the emission of dust and dirt during construction;

- h) a scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - i) hours of construction;
 - j) hours of delivery;
 - k) mitigation and avoidance measures for ecology and biodiversity; and
 - l) the use of any mineral material extracted during construction.
- 7. Prior to the commencement of development details for disposing of surface water by means of a sustainable drainage system (SuDS) shall be submitted to and approved in writing by the local planning authority. No dwelling hereby permitted shall be occupied until the aforementioned approved details (in so far as they apply to that dwelling) have been implemented and shall be retained and managed in accordance with the SuDS Maintenance Plan (Condition 9) thereafter.
- 8. Prior to the commencement of development, a SuDS Maintenance Plan for the long-term maintenance of the SuDS system shall be submitted to and approved in writing by the local planning authority. The SuDS Maintenance Plan shall include details of routine maintenance activities, remedial actions and monitoring of the separate elements of the system. The development thereafter shall be carried out in accordance with the SuDS Maintenance Plan.
- 9. No development shall take place until a programme of archaeological work in accordance with a written scheme of investigation has been submitted and approved by the planning authority. The development shall only take place in accordance with the approved detailed scheme.
- 10. No development shall take place until an Arboricultural Method Statement has been submitted to and approved in writing by the local planning authority. The Arboricultural Method Statement shall include details of existing trees and hedges to be retained in the submitted Arboricultural Impact Assessment, in line with BS5837:2012, and shall include details of:
 - a) any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the sub-phase;
 - b) any proposed alterations to ground levels within the Root Protection Area or Crown Spread (whichever is the greater) of any retained tree, including trees on land adjacent to the site;
 - c) the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
 - d) the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the local planning authority.

- e) Prior to occupation of the first dwelling, a Veteran Tree Management Plan shall be agreed in writing with the local planning authority. This Plan shall include:
- Specialist Survey Method assessment of the trees;
 - Individual tree management programme geared towards maximising longevity;
 - Provision and maintenance of knee-rail style fencing beyond crown driplines, enclosing access-deterrent planting; and
 - Regular review by a competent person of veteran trees' condition, with follow-up management works being implemented as recommended. The first three elements of the Plan shall be implemented also prior to first occupancy.

Once approved, the development shall only be carried out in accordance with the approved Arboricultural Method Statement and Veteran Tree Management Plan.

11. No trees, shrubs or hedges within the site which are shown as being retained shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species and shall be planted at the same location in the next planting season/within one year of the original tree/shrub/hedge's demise unless the local planning authority gives written consent to any variation.
12. Prior to the commencement of the development a Landscape Environmental Management Plan (LEMP), including long term design objectives, management responsibilities, timescales, and maintenance schedules for all landscape areas, other than privately owned domestic gardens, which delivers and demonstrates a habitat and hedgerow biodiversity net gain shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved LEMP.
13. Prior to the commencement of development, details of how the development will achieve a biodiversity net gain of 10% for habitats shall be submitted to and approved in writing by the Local Planning Authority. The details thereby agreed shall be fully implemented in accordance with an approved timetable.
14. Prior to commencement of development and concurrently with the layout of a reserved matters application, the applicant shall submit to the local planning authority for written approval, details of how the following internal noise levels will be achieved in living rooms, dining rooms and bedrooms with measures to include adequate cooling and ventilation: Living Rooms and bedrooms (daytime) – 35dB LAeq,16 hours (0700-2300), Dining Rooms 40dB LAeq,16 hour (0700 – 2300), Bedrooms: 30dB L Aeq, 8 hour (2300 – 0700).

15. No development shall be occupied until written confirmation has been submitted to and approved in writing by the Local Planning Authority that all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been submitted to and approved in writing by the local planning authority. Where a development and infrastructure phasing plan is approved, no occupation shall take place other than in accordance with the approved development and infrastructure phasing plan.
16. Prior to the commencement of development, a reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved Reptile Mitigation Strategy thereafter.
17. Should unexpected contamination be found after development has commenced, development must be halted on the part of the site affected by the unexpected contamination. A proportionate and appropriate remediation strategy shall be submitted to and approved in writing by the local planning authority. The development shall then be remediated and thereafter carried out in accordance with the approved remediation strategy.
18. The development shall be carried out in general accordance with the principles set out in the Outline Energy Report (produced by RPS Group and dated 16 January 2023) and the Sustainability Statement (produced by RPS Group and dated January 2023).
19. Notwithstanding condition 3, of the total open space to be provided (both through offsite contributions and on site measures) a further 1.3ha open space shall be provided on site so as to provide a minimum of 3.9ha of open space on site (including drainage, swales, infrastructure and play spaces).
20. No more than 111 dwellings shall be commenced until details of a second vehicle and pedestrian access, including a timetable for delivery of the access, is submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the approved details.

End of Schedule

APPENDIX

3





Appeal Decision

Inquiry opened on 31 January 2023

Site visit made on 9 February 2023

by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2023

APPEAL REF: APP/X0360/W/22/3309202

Land East of Lodge Road, Hurst, Reading

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mactaggart and Mickel Homes England Ltd ('the appellant') against the decision of Wokingham Borough Council ('WBC' or 'the Council').
 - The application Ref 220458, dated 16 February 2022, was refused by notice dated 23 June 2022. The development proposed is approximately 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.
 - The Inquiry sat for 8 days on 31 January to 10 February 2023.
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Decision

1. The appeal is dismissed.

Preliminary and procedural matters

2. The application was submitted in outline, with only access to be determined at this stage. As originally submitted the development description referred to the primary vehicular access being "*via the existing Lodge Road gated access*". However, this did not accord with the location of the proposed access shown on the detailed drawing in the appellant's Transport Assessment¹ (TA). To address this point the appellant sought to amend the description as set out in the header above, and also submitted amended plans to show this revised access location, along with consequent changes to various parameter plans submitted for approval.
3. Other amendments were also made to the submitted plans, but in my assessment these did not materially alter the scale or nature of the proposed development. In any case, the appellant undertook a consultation exercise on the revised plans and, accordingly, I am satisfied that no-one with an interest in this proposal would be unduly prejudiced by me determining the appeal on the basis of the revised plans².
4. A range of supporting documents, detailed in the Statement of Common Ground³ (SoCG) between the Council and the appellant accompanied the application, and can be found as un-numbered documents at CD 2. Planning obligations were submitted to the Inquiry by the appellant in the form of a Unilateral Undertaking⁴ (UU) made under section 106 (S106) of the Town and Country Planning Act 1990, as amended. I deal with these obligations in more detail under the seventh main issue.

¹ One of the un-numbered Core Documents (CD) at CD 2

² CD 2.1, supplemented by CD 79

³ CD 1.5

⁴ Document (Doc) 29

5. I carried out unaccompanied visits to the site and the surrounding area on 30 January 2023 and on 9 February 2023. On this latter date I also undertook an accompanied site visit in the company of representatives of the appellant, the Council and a Rule 6(6) Party, the St Nicholas Hurst Parish Council (SNHPC).

Site description, surrounding area and details of the appeal proposal

6. 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 submitted⁵.
7. 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, although there are some very small areas of 'low' surface water flood risk.
8. 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.
9. Under the appeal proposal the site would be developed by the construction of about 200 new homes of mixed types and tenures, predominantly houses but with a small number of apartments. 40% of the new homes (some 80 units), are proposed as affordable housing. The SoCG states that all homes will be no higher than 2 storeys, in keeping with the surrounding area. The scheme would also include parks and gardens, natural/semi-natural green space, amenity space, a tennis court, play areas and community orchards, with the landscaped areas incorporating a sustainable drainage scheme (SuDS).
10. The proposal would not require the removal of any trees but some existing hedgerow along Lodge Road would need to be relocated, to provide the sole vehicular access for the proposed development. The existing field access would be

⁵ Section 7 and Appendix 18 of CD 8.3.2

closed and replaced by new hedgerow. An emergency vehicle access, which would also serve as an access for pedestrians and cyclists, would be provided onto Tape Lane in the north-eastern corner of the appeal scheme. Footway improvements would be provided at the southern end of Tape Lane, at the School Road junction.

11. The scheme would include a network of formal and informal on-site footpaths and cycle routes. On-site vehicle and cycle parking would be provided in accordance with WBC standards, along with electric vehicle charging provision for each dwelling. Nine further parking spaces would be provided to serve the existing allotments adjacent to the site's south-eastern corner.

Main issues

12. The Council refused planning permission for 10 reasons, but in the run-up to the Inquiry, and as a result of discussions and the signing of subject-specific SoCG relating to highways matters, sustainability and ecology⁶, a number of these reasons for refusal were either withdrawn, or not defended by the Council at the Inquiry. The SNHPC did, however, maintain an objection on highway safety grounds, notwithstanding the Council's satisfaction on this matter.
13. With these points in mind, and having regard to the evidence submitted by all parties, I consider the main issues in this case to be:
- The extent to which the proposed development would be consistent with the development plan for the area, and the weight to be given to relevant policies;
 - The effect of the proposed development on the character and appearance of the appeal site and the surrounding area, in landscape and visual terms;
 - The effect on trees and hedgerows;
 - The effect on BMV agricultural land;
 - Whether the appeal site represents a sustainable location;
 - The effect of the proposed development in terms of highway safety; and
 - Whether the submitted planning obligations would satisfactorily address the impact of the proposed development.
14. Following my assessment of the main issues I look briefly at other matters raised, before moving on to assess the benefits and disbenefits of the proposal. I then carry out a final planning balance and reach my overall conclusion.

Reasons

Main issue 1 – Consistency with the development plan, and policy weight

15. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan in this case includes the Wokingham Borough Local Development Framework Core Strategy⁷ (CS), adopted in January 2010, and the Wokingham Borough Development Plan Managing Development Delivery Local Plan⁸ (MDDL), adopted in February 2014.
16. The National Planning Policy Framework ('the Framework') is an important material consideration which not only provides national policy guidance, but also sets out the decision-taking process that should be adopted when considering planning

⁶ Appendices 1, 2 & 3 to CD 1.5

⁷ CD 5.1

⁸ CD 5.2

proposals. It explains in its paragraph 11(c), that development proposals that accord with an up-to-date development plan should be approved without delay. But in situations where the development plan policies which are most important for determining the application are out-of-date – which includes circumstances where the Council cannot demonstrate a 5-year supply of deliverable housing sites, with the appropriate buffer – paragraph 11(d) of the Framework makes it plain that planning permission should be granted unless:

- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

17. At the time the Council determined this application it considered that it could demonstrate a 5-year supply of deliverable housing land, in accordance with the requirements of the Framework. However, this was disputed by the appellant and although this matter had not been fully agreed between the parties at the time the SoCG was finalised, by the opening of the Inquiry the Council accepted that it could only demonstrate a deliverable housing land supply (HLS) of 3.95 years.
18. The Planning Practice Guidance (PPG) is also an important material consideration in the determination of this appeal, as are a number of the Council's adopted Supplementary Planning Documents (SPDs), as detailed in the SoCG.
19. There is no dispute between the main parties that this proposal is not in accordance with the development plan, taken as a whole. This is because by seeking to develop this countryside location, outside the Hurst settlement boundary, for a large-scale housing scheme, the proposal would be at odds with the spatial vision for the Borough, set out at Section 3 of the CS, and would clearly conflict with a number of adopted policies such as CS Policies CP9 and CP11, as well as MDDL Policy CC02.
20. In summary, the spatial vision explains that in order to deliver the necessary development within the Borough the Council has identified a number of high quality Strategic Development Locations (SDLs) where the majority of the 13,230 new houses to be delivered in the CS Plan period will be located. This approach seeks to locate schemes where they can provide easy access to existing facilities or where improvements are readily deliverable. In addition, the spatial vision seeks to concentrate development in those towns and villages that either have a significant range of infrastructure including facilities and services now - or will have them as a result of the development proposed through the CS. Development is stated to be less likely in locations where these facilities and services will not be available.
21. With these points in mind a number of areas are identified as being the most appropriate locations for growth, and the vision also details '*other locations with facilities and services together with access to the major locations*', and identifies these as appropriate for modest levels of development. Hurst, along with 8 other settlements, falls into the '*other settlements*' category of the spatial vision. Such settlements are deemed appropriate to accommodate limited development, to support the vitality of existing local services.
22. I consider that this spatial vision accords with the requirements of paragraph 11(a) of 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. These matters are carried forward in CS Policy CP9, which states that 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. It identifies Hurst as one of nine 'Limited Development locations', where development proposals within development limits will be acceptable. The policy's supporting text explains that such locations are those which contain a basic range of services and facilities and are physically and socially cohesive; and that within such settlements limited development would be acceptable, including affordable housing to meet identified local needs.

23. The appeal proposal, however, seeks to develop land outside the development limits of Hurst and, as such, is in conflict with CS Policy CP11 which explains that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits (including countryside), will not normally be permitted. Whilst this policy does allow for some exceptions to this approach, these do not apply in this case.
24. Whilst not directly referred to in any of the reasons for refusal, CS Policy CP17, dealing with Housing Delivery, is also of relevance. It provides a breakdown of how the CS intends to provide for the development of at least 13,230 dwellings in the Borough in the period 2006-2026, indicating that a total of 100 dwellings are expected to be delivered in the Limited Development locations, where they should generally not exceed 25 dwellings from any single site. The appeal proposal clearly would not accord with this policy.
25. Moreover, by seeking to site a significantly-sized new housing scheme outside the development limits of Hurst the appeal proposal would be at odds with the MDDL, which aims to carry forward the approach and objectives set out in the CS by, amongst other things, maintaining the distinct and separate identity of the Borough's settlements through confirming development limits. In this regard MDDL Policy CC02 states that development limits for each settlement are defined on the Policies Map, and then goes on to only discuss development within development limits for locations other than the SDLs.
26. Notwithstanding this development plan conflict, the appellant maintains that there are a number of key considerations which indicate that planning permission should be granted. The first of these is the fact that the Council cannot demonstrate a deliverable 5-year HLS, a matter which, as already noted, the Council does not dispute. The Framework indicates that in such circumstances the policies which are most important for determining the application have to be considered out-of-date, meaning the so-called 'tilted balance' of paragraph 11(d)(ii) comes into play.
27. The most important policies in this case are agreed to be those referred to in the reasons for refusal, but being considered out-of-date does not mean that these policies can carry no weight in the determination of this appeal. The Framework itself clarifies this point in its paragraph 219, where it explains that due weight should be given to development plan policies according to their degree of consistency with the Framework. The closer such policies are to the policies in the Framework, the greater the weight that may be given to them.
28. There is no dispute between the parties that the housing requirement set out in the CS is out-of-date, and that the policies and settlement boundaries detailed in the CS and the MDDL to achieve delivery of this quantum of housing, discussed above, must similarly be regarded as being out-of-date. But it does not automatically follow that the development plan is failing to accord with the requirement in

paragraph 60 of the Framework to significantly boost the supply of homes; nor does it mean that the spatial vision set out in the CS should not still carry weight.

29. On the first of these points, I have been mindful of the Council's evidence which shows that over the 16-year period from 2006/07 to 2021/22 it has achieved a total of 12,465 housing completions compared to a CS Policy CP17 cumulative requirement⁹ of 10,738 new dwellings – an excess or 'over-supply' of some 1,727 dwellings¹⁰. This is a factual position, and I see no reason to dispute the Council's interpretation that it demonstrates a clear boosting of housing delivery to date, in line with Framework requirements.
30. I acknowledge that within this 16-year period there were more years when the actual completions fell behind the policy requirement than exceeded it. But as the appellant accepted in its closing submissions¹¹, such a delivery profile is not unexpected where the bulk of housing delivery relies on a small number of very large sites – the SDLs in this case – which can be slow to start delivering houses, and where housing delivery may be unreliable and 'lumpy'.
31. On this point I have noted the Council's assertion that further housing delivery from the SDLs is very likely to add to the housing supply over the next 5-year period¹², but whilst this may prove to be the case I can place no weight on this matter as things currently stand, as such sites clearly do not fall within the Framework's definition of deliverable. However, I do not consider it unreasonable to have regard to the Council's assertion that if projected completions over the remainder of the CS plan period to 2026 were to be taken into account, then total completions would be 15,448 compared to the CS requirement of 13,230 dwellings, resulting in an excess of some 2,218 dwellings and representing a 16.2% oversupply¹³. In this case the dwellings concerned clearly are considered deliverable and there is no good reason to doubt that they will be completed and add to the housing supply within the overall CS period.
32. 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.
33. Reinforcing this view, I note that since the standard method of calculating Local Housing Need (LHN) was introduced in 2018, evidence from the Council shows that housing completions have consistently and significantly exceeded the LHN figure for each of the 4 years in question, providing some 5,391 new dwellings compared to a LHN requirement of 2,166 dwellings¹⁴.
34. 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. Whilst the Council's inability to demonstrate a deliverable 5-year

⁹ Based on the average annual requirement figures set out in CS Policy CP17

¹⁰ Table 1 in CD 8.2.2

¹¹ Paragraph 10 of Doc 34

¹² Paragraphs 3.26 & 3.27 in CD 8.2.2

¹³ Paragraph 3.6 in CD 8.2.2

¹⁴ Paragraphs 3.15 – 3.17 in CD 8.2.2

HLS is clearly a matter of concern, no persuasive evidence has been placed before me to indicate that the most sensible or appropriate way to address this issue is to grant planning permission for a significantly-sized development which would run counter to this spatial vision, as would be the case with this appeal proposal.

35. Having regard to all the points set out above, I consider that CS Policies CP9 and CP11, and MDDL Policy CC02 should still carry significant weight in this appeal.
36. Turning to other policies from the reasons for refusal, CS Policy CP1, entitled 'Sustainable Development', sets out a number of criteria which development proposals should comply with in order to be granted planning permission. This policy covers a wide range of topics, and I consider that it is in broad accordance with the Framework. However, whereas Policy CP1 specifically requires new development to avoid BMV land, the Framework only requires that development proposals recognise the economic and other benefits of such land. This means, in my opinion, that the policy cannot be given full weight. But because of the otherwise good consistency with the Framework requirements, I consider it appropriate to accord this policy reduced but still significant weight in this appeal.
37. Sustainable development is also the subject of MDDL Policy CC01. It makes reference to 'relevant' policies, whereas the current version of the Framework uses the phrase "*policies which are most important for determining the application*", but otherwise the policy seems to reflect Framework requirements. As such I consider that it, too, should carry significant weight in this appeal. The sustainability requirements detailed in CS Policy CP1 are built upon in CS Policy CP2, which seeks to ensure that new development contributes to the provision of sustainable and inclusive communities (including the provision of community facilities) to meet long term needs. No evidence has been submitted to suggest that anything other than full weight should be given to this policy.
38. General principles for acceptable development proposals are set out in CS Policy CP3, and whilst these seem to be in broad accordance with the requirements of the Framework, I note that amongst other things the policy requires development proposals to have no detrimental impact upon important landscape features. This does not fully align with Framework paragraph 174(b), which simply requires the intrinsic character and beauty of the countryside to be recognised. Again, this indicates to me that this policy cannot be given full weight, but that its otherwise good consistency with the Framework means that it should carry reduced, but still significant weight in this appeal.
39. CS Policy CP6, entitled 'Managing Travel Demand', states that planning permission will be granted for schemes that, amongst other things, provide for sustainable forms of transport to allow choice; 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. As such, this policy is broadly in accordance with the requirements of the Framework, although it does not recognise that the opportunities available to maximise sustainable transport solutions will vary between urban and rural areas, as detailed in paragraph 105 of the Framework. Nonetheless, the policy's general consistency with the Framework means that in my assessment it should carry significant weight in this appeal.
40. MDDL Policy CC03 deals with green infrastructure, trees and landscaping and, amongst other things, requires development proposals to demonstrate how they have considered and achieved a number of listed criteria within scheme proposals. These include the need to protect and retain existing trees, hedges and other

landscape features, as well as incorporating high quality, ideally, native planting and landscaping as an integral part of the scheme. I consider this policy accords with the Framework and should therefore carry full weight.

41. The Council is updating its Local Plan but there have been problems and delays with this, and there was general agreement between the parties that this emerging plan should carry no weight in this appeal. I share that view.
42. Drawing all the above points together, I conclude that the proposed development would be in conflict with the development plan. In particular it would be at odds with CS Policies CP9 and CP11, and MDDL Policy CC02. Other policy conflicts are explored under later main issues. Notwithstanding the Council's inability to demonstrate a 5-year deliverable HLS, for reasons already stated I further conclude that significant weight should still be given to CS Policies CP1, CP3, CP6, CP9 and CP11, and to MDDL Policies CC01 and CC02; and that full weight should be given to CS Policy CP2 and MDDL Policy CC03.

Main issue 2 – the effect on character and appearance

43. The appeal site lies within the C2 Hurst River Terrace Landscape Character Area (LCA) as defined by the Wokingham Borough Landscape Character Assessment¹⁵ (WBLCA). In summary, the C2 LCA is described as a relatively flat lowland agricultural landscape lying to the east of the floodplain of the River Loddon with arable fields which tend to be large, with areas of horse and pony grazing. The area has a strong connection to the river valley, with water-filled ditches and ponds throughout. A network of rural roads connects farms and the small settlements of Whistley Green and Hurst. The LCA is considered to be a landscape of moderate condition and sensitivity, with moderate capacity for change.
44. The WBLCA lists a number of key characteristics of the C2 LCA, many of which clearly relate to the appeal site and its immediate environs. These include a simple agricultural landscape of mainly arable farmland, with pasture enclosed in relatively large straight-sided fields, including smaller areas of horse and pony paddocks; an open character with relatively few boundaries marked by vegetation, with hedgerow or roadside trees being relatively scarce and scattered; a network of water features, including deep drainage ditches around fields; and a rural and tranquil area, with only the southern edge affected by movement and noise of the M4 and its junction with the A329(M).
45. A further key characteristic is noted to be villages located around historic cores including Whistley Green and Hurst. Newer linear development within these settlements is noted to be aligned along the network of roads and rural lanes and whilst there is no strong local vernacular there are fine early buildings, with building character being unified by the presence of red brick.
46. In order to maintain the landscape character of the C2 LCA, the stated landscape strategy is *"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 strategy goes on to say that *"there are opportunities to enhance the landscape through restoration and management of the hedgerows"*, and that *"in terms of development, the aim is to conserve the low-density pattern of settlement centred around Hurst and Whistley Green"*.

¹⁵ CD 5.5. See also CD 5.5.1 & CD 5.5.2

47. The A321 Wokingham Road/Broadwater Lane forms the main road through the developed area and I saw at my site visit that houses and other buildings line more or less its complete length, although the development is somewhat sparser to the immediate north-west of Hogmore Lane, with some open fields to the north-east of Broadwater Lane. Because of this it is my view that although the 2 former separate villages of Hurst and Whistley Green do now read as one, the Council's description of 'lightly touching', expressed by Mr Hannington, seems to be more appropriate than any suggestion of full coalescence. Be that as it may, the fact remains that development in the area is characterised as being in the shape of a 'reversed C', wrapping round the appeal site and other adjacent, undeveloped land, from Sawpit Road in the south to Whistley Green in the north.
48. The appeal site is not covered by any qualitative landscape designations at a national or local level, but Mr Hannington drew attention to the fact that other Inspectors determining earlier schemes in this general area had referred to the open land within the 'reversed C' as having an enhanced significance as a countryside gap between Lodge Road and Tape Lane¹⁶. He maintained that this landscape has sufficient features and characteristics of quality to set it above the ordinary, such as attractive and available views over the land, the presence of woodland, trees and hedgerows, terrace landform, field-scape, walks adjacent to the land along country lanes, an absence of built development and a relative tranquillity. Because of this he argued that it should be regarded as a valued landscape for the purpose of paragraph 174(a) of the Framework.
49. However, I do not share that view. I am not persuaded that any of the features referred to by Mr Hannington could be considered as raising this land above 'ordinary' countryside. It is clear that this open area is valued locally, but it seems to me that its value arises more from its current condition as undeveloped land and from the setting it provides for this western side of the settlement, than from any specific features or physical attributes it may possess. None of the features referenced are unusual or special, and in my assessment they do not elevate the land into the category of a valued landscape as referred to in paragraph 174(a) of the Framework.
50. The appellant's Landscape and Visual Impact Assessment¹⁷ (LVIA) concludes that the baseline character of the appeal site is strongly influenced by the surrounding well-vegetated and suburban fringe local context. It acknowledges that the change which would arise from the proposed development would be permanent and irreversible, explaining that at construction stage the significance of the landscape effect would be modest adverse, with the same being the case at operational stage. It states that there would be a reduction in the magnitude of landscape impact over a 15-year assessment period as a result of mitigation measures, including the provision of green infrastructure. Accordingly, the LVIA considers that when compared to the current landscape baseline of fields in equestrian/pastoral use, the appeal proposal would result in beneficial landscape features being created.
51. The construction activities would result in a large magnitude of change in visual terms, resulting in a major/moderate adverse significance of effect. This would also be the case at operational stage, with 7 of the 8 assessed viewpoints experiencing adverse visual effects, with the remaining viewpoint subject to neutral effects. After

¹⁶ CDs 9.8, 9.8.2 & 70

¹⁷ Carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3), produced by the Landscape Institute and the Institute of Environmental Management & Assessment. It can be found as one of the un-numbered documents at CD 2

15 years, as a worst case, moderate adverse visual effects would be likely from 4 of the 8 assessed viewpoints. However, the LVIA comments that this change would not be adverse but rather would be 'different', because the mitigation measures would have established and created additional linear woodland and parkland that would create enclosure to views from the wider landscape, although it is likely that some limited views from proposed access points would remain.

52. The LVIA's overall conclusion is that the proposal would result in no substantial adverse impacts, but rather would offer beneficial landscape features to the landscape baseline at a residual stage. Although there would be change, this would be seen in the context of a similar settlement fringe pattern with substantial creation of green infrastructure elements and publicly accessible space. The change would be experienced only in close proximity to the site boundary and only very limited change would be perceptible from beyond the roads that bound the site. Therefore the LVIA concludes that the scheme would be acceptable on landscape and visual grounds. The findings and conclusions of the LVIA were supported and echoed by the appellant's landscape witness, Mr Friend, who also submitted a number of Accurate Visual Representations¹⁸ (AVRs), to which I refer later.
53. However, whilst not undertaking a similar GLVIA3 assessment, Mr Hannington for the Council took a significantly different view, arguing that the proposal would harm the landscape character and appearance of the area and undermine a number of valuable landscape character attributes of the C2 Hurst River Terrace LCA. He maintained that the proposals would not reflect the rural settlement pattern of small villages with historic cores and farmsteads but rather, by introducing some 200 new houses, would be a huge bolt-on extension increasing the size of this settlement by some 45%, thereby undermining and urbanising the peaceful and open character of the landscape. The proposed development would also undermine the overall landscape strategy for the C2 LCA which is to "*conserve the low-density pattern of settlement centred around Hurst and Whistley Green*".
54. He also maintained that the proposed screening planting would be alien in such an open landscape and that the clutter of buildings, access roads, lighting, parked cars and all the other paraphernalia of suburban life would be incongruous in a landscape where one of the key features is the open and clear views across the landscape. In addition, he considered that the proposed vehicular access with its visibility splays, road markings, widened carriageway, new footways and associated signage would be an intrusive feature which would have an urbanising effect on Lodge Road, which is particularly rural between Hurst and Whistley Green at the open end of the 'reversed C'¹⁹.
55. In assessing this proposal I have had regard to the findings of the LVIA and the evidence of the respective landscape witnesses, but I have also relied on my own observations of the appeal site and the surrounding area made at my accompanied and unaccompanied site visits. With all of these points in mind, I consider it reasonable to ascribe a moderate or medium baseline value to the appeal site.
56. The Illustrative Masterplan²⁰ indicates that the existing boundary vegetation is to be retained, strengthened and managed, with development set back behind new planting and an internal footpath which would run along the eastern, southern and south-western boundaries. It also shows that areas of public open space (POS)

¹⁸ CDs 8.4.1 & 8.4.2

¹⁹ Paragraphs 29 - 47 in Mr Hannington's Summary PoE at CD 8.2.3

²⁰ See CD 2.1

would be provided centrally and elsewhere within the site, to include a tennis court, play areas and orchards, along with the drainage attenuation areas. Public footpaths and cycle paths would link onto Tape Lane, and would also provide a link across the site to Lodge Road.

57. I saw at my site visit that glimpsed views of the appeal site are available from public vantage points along Tape Lane, through gaps in the roadside vegetation, through the gated access close to the site's north-eastern corner, and from areas of public space at Martineau Lane. Further glimpsed views are also available to those travelling along Lodge Road, such as walkers on the permissive paths, the carriageway and grassed verge, as well as drivers and other vehicle occupants. These visual receptors will currently experience the open, undeveloped nature of this landscape within the 'reversed C', predominantly comprising the appeal site, which makes a significant contribution to the rural setting of Hurst.
58. Residential development already exists close to the appeal site, so the proposal would not introduce an alien form of development into this settlement edge area. It would, however, transform the appeal site from an undeveloped field of medium/moderate landscape value, outside the settlement boundary, to a relatively densely-developed residential area. The wire-frame representations shown on the AVRs indicate that the new dwellings would be very noticeable in glimpsed views from the surrounding roads and the Martineau Lane open space, despite the proposed landscaping. This would appreciably change the experience of users of these nearby roads and open spaces and would inevitably lessen the rural feel of the overall area. Like the Council, I consider that this would be particularly noticeable in the vicinity of the proposed vehicular access on Lodge Road.
59. 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. This would be compounded by the presence of new dwellings which, although set back into the site behind existing and new vegetation and behind the new access road, would still be visible as shown in the submitted AVRs.
60. As such, 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, I share the view of my colleague Inspector who determined an earlier appeal at Lodge Road²¹, that the harm caused in landscape character and visual terms should be categorised as being at the upper end of the moderate scale.
61. Drawing the above points together I therefore conclude that the appeal proposal would have a moderate adverse impact, at the upper end of the scale, on the rural

²¹ CD 9.8 – Appeal Ref APP/X0360/W/18/3194044

character and appearance of the appeal site and surrounding area, and would fail to conserve the low-density pattern of settlement centred around Hurst and Whistley Green as set out in the C2 LCA landscape strategy. I weigh these harms against the benefits of the appeal proposal in the planning balance section of this decision.

62. As a result of these harms I further conclude that the appeal proposal would conflict with CS Policies CP1 and CP3 to which I have already referred. Whilst these policies do not fully accord with the Framework, for reasons already given I consider that they should both carry reduced, but still significant weight in this appeal. Moreover, as I do not consider that the appeal proposal would retain or enhance the condition, character and features that contribute to the landscape, I also find it to be at odds with MDDL Policy TB21, which I consider should carry full weight in the determination of this appeal.

Main issue 3 – the effect on trees and hedgerows

63. This matter was included as a main issue for the Inquiry because the Council indicated, in its reasons for refusal, that insufficient and contradictory information had been submitted that did not demonstrate that the proposed development would have an acceptable impact on existing trees and hedgerows which contribute positively to the character and appearance of the area²². In this regard it is of note that the appeal site is covered by a recently imposed Tree Preservation Order²³ ('TPO'), with a further TPO having been imposed on land on Lodge Road²⁴.
64. Whilst acknowledging that the application was for outline planning permission, with most of the detail to be agreed at reserved matters stage, the Council was nevertheless concerned to see that the submitted plans, albeit illustrative, showed that there would be unjustified incursions into the root protection areas ('RPAs') of protected trees, including veteran trees. However, during the course of the appeal the appellant demonstrated, through the evidence of Mr Hartley²⁵, that the proposal could be designed in a way which would acknowledge the likely shape and extent of the RPAs, and which would ensure no unjustified intrusions into them.
65. As such, the Council is content that this matter could adequately be addressed by means of an appropriate planning condition. I share that view, and conclude that the appeal proposal would not have an unacceptable impact upon protected trees and hedgerows. Accordingly, it would not be at odds with the development plan policies or other documents referred to in the reasons for refusal.

Main issue 4 – The effect on BMV agricultural land

66. Both the appellant and the Council engaged agricultural consultants to investigate and report on issues relating to BMV agricultural land²⁶. As a result there is agreement between these main parties that the appeal site contains some 5.6ha (about 52%) of Subgrade 3a land (BMV), located mainly in the western part of the site, with most of the remainder being Subgrade 3b land (43%), with a small amount (5%) along the western boundary shown to be non-agricultural land.
67. The appellant states that the site is farmed as a single block and has always been managed as Subgrade 3b land. Some farming activity was undertaken on the land

²² Paragraph 1.6 of CD 1.5

²³ Ref: 1781/2021

²⁴ Ref: 1869/2022

²⁵ CD 8.7. See also CDs 80 & 81

²⁶ Reading Agricultural Consultants (RAC) and Simmons & Sons on behalf of the appellant; and White & Sons for the Council. See Appendix 23 in the appellant's Statement of Case – CD 1.3; Appendix 7 in CD 8.1; Appendix G in CD 8.2.1; and CD 8.10

in the 1970s and early 1980s, including cereal production, growing grass for silage and hay, and grazing by cattle and horses but the appellant's evidence is that none of these activities could successfully be carried out, largely because of difficulties with trespass and vandalism. As a result, farming activities ceased and the land has been grazed by some 30 horses, ponies and donkeys for about the past 40 years, with the occasional cattle also grazed.

68. The farmer has confirmed that the site suffers from surface ponding following heavy rainfall, and states that this water retention is a clear limitation to the possible agricultural use of the land. Arable cropping is also limited due to the enclosure size and the short working lengths. As such, the appellant maintains that the agricultural use of, and benefit from, the land is very limited.
69. The consultants for the appellant also looked at the possibility and viability of using the land for sheep production, summer finishing of cattle, and hay production but concluded that the land cannot be considered viable as a stand-alone holding, or as a holding for farming purposes even as a starter unit, as other off-site supporting land would be required to supplement it and provide hard standing, winter housing, storage buildings and supplemental dry grazing.
70. However, after reviewing the appellant's reports, the Council maintained that whilst it had no doubt been convenient to graze horses on the land now and in the past, the land could be cultivated. It considered that it would be possible to grow a range of arable or horticultural crops as is the case on other farmland surrounding Hurst, and that such uses would not be restricted by flooding from the River Loddon. The Council further maintained that in light of food supply chain disruptions caused by the Covid pandemic and the ongoing war in Ukraine, BMV land has a particularly significant economic value, as well as a health and social value in producing local, healthy and high quality food products. Because of this the Council argued that BMV land is of even greater importance now, and that land of less good quality should be brought forward for housing needs where they exist.
71. I have considered these differing views and have also had regard to CS Policy CP1 which requires development proposals to avoid areas of BMV agricultural land; and the aforementioned Framework paragraph 174(b) which, amongst other things, requires development proposal to recognise 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 BMV agricultural land. As can be seen, CS Policy CP1 is not in full accordance with the Framework, and I have to therefore give this aspect of this policy reduced weight, as already noted.
72. I consider that the appellant has undertaken a far more rigorous and detailed assessment of the potential agricultural or horticultural uses of the land than has the Council, and I therefore give the appellant's position and conclusions more weight. It seems clear that viability is a key issue, and whilst the potential of BMV land is recognised, there is no strong evidence to indicate any likelihood of an agricultural use starting up again on this land. Times do change, however, and it is clear that if this development proposal goes ahead, the land would be lost for any future agricultural use. Because of this I conclude that the loss of some 5.6ha of BMV agricultural land would be a disbenefit of this proposed development, and would be at odds with both CS Policy CP1 and paragraph 174(b) of the Framework. But for all the reasons set out above, I consider that this should only carry modest weight against the proposal.

Main issue 5 – Whether the appeal site represents a sustainable location

73. The appellant argues that the settlement hierarchy set out in the CS is out of date, not simply because the Council is in the process of updating its Local Plan to meet current needs, but also because the hierarchy was established before the introduction of the Framework and before relevant infrastructure changes such as the opening of the Elizabeth Line at Twyford station. However, whilst these matters are factually correct, I am not persuaded that it automatically follows that the CS settlement hierarchy should be seen as out-of-date, as noted earlier.
74. The Council is clearly going to have to give serious thought to where it wishes to see future development taking place in the Borough as it progresses its new Local Plan to adoption. But I consider that the locational principles guiding the existing CS spatial vision broadly accord with the guidelines and requirements of the Framework, detailed below, and notwithstanding the current shortfall in the 5-year HLS appear to have served the Council well over the CS period to date.
75. Framework paragraphs 104 and 105, in the section entitled 'Promoting sustainable transport' are of particular relevance in this regard. Paragraph 104 states that transport issues should be considered from the earliest stages of plan-making and development proposals. This is so that, amongst other things, opportunities from existing or proposed transport infrastructure and changing transport technology and usage are realised – for example in relation to the scale, location or density of development that can be accommodated; and opportunities to promote walking, cycling and public transport use can be identified and pursued.
76. Paragraph 105 makes it clear that the planning system should actively manage patterns of growth in support of these objectives, explaining that 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 paragraph also recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, stating that this should be taken into account in both plan-making and decision-making. Taken together, these Framework paragraphs indicate that regard should clearly be had to matters of scale when sustainability is being considered.
77. However, the appellant's case, put simply in its closing submissions²⁷, is that the scale of the proposed development is irrelevant to the key question in Framework paragraph 105. On its interpretation of the evidence, the appellant argues that the appeal site lies in a sustainable location and offers a genuine choice of transport, with no capacity issues with regards to walk, cycle or bus, such that all residents of the proposed development would have the same genuine opportunities to walk, cycle and use the bus to access local village facilities and those further afield.
78. I do not share that view. Whilst the opportunities to use alternative modes of travel may be the same whether a few houses are involved – as was the case in the recent Sawbridge Road appeal for 4 dwellings²⁸ – or a couple of hundred houses, as here – the implications of people not being able to take advantage of those opportunities, for whatever reasons, could well differ significantly. Small housing developments are only likely to have a modest impact if new residents need to use the private car, for reasons such as convenience or expediency, whereas larger, more significant developments, possibly housing several hundred people, are likely

²⁷ Paragraph 60 in Doc 34

²⁸ CD 9.7 – Appeal Ref APP/X0360/W/21/3280255 – dated 4 August 2022

to have a much greater impact if these large numbers of people use unsustainable modes of travel. In summary, therefore, I am satisfied that the question of scale of development is an important determinant when the sustainability of a location is under consideration.

79. In CS terms the status of Hurst as a Limited Development Location carries with it the implicit assumption that it contains what the CS refers to as a *"basic range of services and facilities"*. Both the Council and the SNHPC maintained that this is a fair descriptor of what is available within Hurst, whereas the appellant considers that the village has a good range of facilities, echoing the view of the Inspector who determined the Sawbridge Road appeal by the written representations method.
80. That said, any such assessment has to be subjective, at least to some degree, and be based on the facts and evidence available at that time. I do not know the detail of the evidence placed before my colleague Inspector who determined this Sawbridge Road appeal, but I see from his decision that he listed Hurst as having a Post Office and village store, primary school, pre-school, public house, church and village hall, with secondary schools and medical surgeries located further afield.
81. These points led that Inspector to conclude that Hurst offers a *"good range of local facilities to address many everyday needs which are available by walking and cycling"*, but that it would be *"inevitable that there will be demands for travel outside of the village, to higher order settlements in the local area, or to alternative service centres that can offer facilities that Hurst does not"*. He commented that these essential services and facilities, including railway stations, local and supermarket shopping, a General Practitioners (GP) surgery, and employment were provided in Twyford, Reading, Winnersh and Wokingham, which were accessible from the bus stops in the proximity of the site under consideration in that appeal.
82. However, dealing first with the facilities available within the village, I accept that those listed by my colleague Inspector are all within a reasonable walking or cycling distance from the currently proposed development. However, it is not just distance which has to be considered, but also the standard of the network available to pedestrians. 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 Smith²⁹, 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.
83. 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.
84. Furthermore, with regards to the facilities themselves, I consider that not all of them could be said, realistically, to cater for everyday needs. Whilst the Post Office, village store and the Elephant and Castle Public House may well fall into that

²⁹ Appendices 6 - 10 in CD 8.3.1

category, it seems to me that many of the other facilities referred to would only cater for a limited number of the village residents, and only on a limited number of occasions. On this point I note that the Bakery is only open infrequently – as was confirmed at my site visit; and that of the 2 additional public houses referred to, the Castle Inn lies somewhat outside the main village and is only accessible from the village by means of roads with no footways and no street lighting; whilst the Green Man, at the north-eastern extremity of the village, is currently closed.

85. Although reference was made to the village also having a Gospel Hall, cricket, football and bowling clubs, with tennis courts available at the Dolphin School some 1.8km away, these would only be of use to a limited number of people and, again, could not be said to satisfy everyday needs. In light of these points I consider that the range of facilities and services within Hurst has to be categorised as basic rather than good, especially when seen in the context of the size of the village, put at some 439 dwellings in the Council's evidence³⁰.
86. 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.
87. Rather, the submitted evidence highlighted a number of potential problems including Cllr Smith's unchallenged comments that "*Twyford Station is notorious for bike theft with very few lockers available. Winnersh Station is not fully manned and only has 23 Sheffield hoops in a very public area*"³¹. Moreover, the route to Waingels College is mostly along Whistley Mill Lane, a country road with a 60mph speed limit and a ford, whilst the route to Piggott School passes through Twyford and would require crossing a busy roundabout junction with the A4. I was not made aware of any specific provision for cyclists on the nearby roads, and although I note that the updated TA³² referred to a proposed package of pedestrian and cycle improvements to enhance the existing networks in and around Hurst, the only relevant item in the S106 UU³³ seems to relate predominantly to footpath and bridleway improvements, rather than any specific improvements for cyclists.
88. Notwithstanding these problems I acknowledge that cycling could well be a viable travel option for some future residents, if the appeal proposal was to proceed, and I accept that the Illustrative Development Framework Plan³⁴ shows provision for cyclists within the proposed development, with cycle links to both Tape Lane and Lodge Road. However, that appears to be more or less the full extent of any specific cycle provision. I therefore find it difficult to see how the appeal proposal could be said to have identified and pursued opportunities to promote cycling as is required (amongst other things), by paragraph 104(c) of the Framework.

³⁰ Table at paragraph 6.20 in CD 8.2.1

³¹ Paragraph 6.5 in CD 8.3.1

³² CD 10

³³ Docs 28 & 29

³⁴ See CD 2.1

89. The remaining modes of transport to be considered are bus and rail. The only bus route serving the village is that provided by the 128/129 services, which run between Reading and Wokingham, and also serve Twyford and Winnersh. Cllr Smith provided timetable details³⁵ of these services, which the Council described in closing submissions as 'poor'³⁶. The appellant acknowledged that the buses on these services are 'not plentiful'³⁷, but maintained that they are usable. That said, the extent to which they will be used is likely to depend on their frequency, and in this regard Cllr Smith summarised the services³⁸ as not providing a 30 minute frequency during peak times nor an hourly service during off-peak hours, with no bus leaving the village between 07.32 and 09.23 to Twyford or Reading, and just a limited service to Winnersh. He further stated that these routes do not have an evening service and only provide a 2 hourly skeleton service on Saturdays, with the 129 service not running on a Saturday, and no services at all on a Sunday.
90. Mr Whittingham, for the appellant, did show how it would be possible to catch the bus to and from Twyford Station to suit traditional working hours, but the fact remains that there is still only one weekday morning bus service to Twyford Station likely to be suitable for most commuters. Furthermore, there have been reliability issues with the 128/129 services in recent years, as was made clear in the letter from Thames Valley Buses, submitted to the Inquiry in response to a specific query from a local resident³⁹. My reading of this bus company response is that reliability is an ongoing issue with this service. I acknowledge that live tracking of buses can be undertaken using the internet or an app on a mobile phone – but not all travellers have access to such facilities, which could well be of limited benefit anyway, if the bus element was part of an overall time-critical journey.
91. Mr Whittingham also maintained that the 128/129 bus services pass relatively close to the secondary schools both north and south of Hurst, and set out in some detail how children's journeys to these schools would feasibly work. However, the Piggott School and Waingels College are more than a 20 minute walk from the nearest bus stop, and to reach the nearest bus stop for the return journey back from Emmbrook School and the Holt School would require walks of 20 minutes and 30 minutes respectively. I share the Council's view that the bus timetable does not align well with most of the schools' finishing times, meaning that there is the potential for children to have to endure a long and inconvenient wait at the bus stop.
92. A final point raised by Cllr Smith and others is that there is only one bus service a day to the GP Surgery in Twyford, at 15.46, with no return journey. Using public transport in such circumstances would clearly be problematic, and like the Council I consider that the limited timetable and the consequent long intervals between services has the potential to cause significant inconvenience and long waits for travellers. A bus service contribution is included within the UU, but as the Council's Mr Adam confirmed, this contribution would not make the service financially self-sustaining, but would simply serve to reduce the funding gap.
93. Having regard to all the above points, I share the view of both the Council and the SNHPC that the 128/129 bus service is unlikely to be seen as an attractive alternative to the private car, and therefore would not offer residents a genuine choice of transport modes.

³⁵ Appendix 13 to CD 8.3.1

³⁶ Paragraph 37 in Doc 33

³⁷ Paragraph 56 in Doc 34

³⁸ Paragraph 4.5 in CD 8.3.1

³⁹ CDs 71 & 72

94. In terms of rail services, reference has already been made to Twyford Rail Station which provides mainline Great Western Railway (GWR) services to Reading to the west and London Paddington to the east. Twyford is also served by the Elizabeth Line/Crossrail, also serving Reading and Paddington, along with stations in between and further east within London. From evidence provided to the Inquiry, including from Hurst residents who regularly commute into London, it was generally accepted that commuters from Twyford are more likely to opt for the pre-existing GWR services through Maidenhead and Slough for journeys east, which are significantly quicker than the Elizabeth Line's stopping service. The main benefit of the Elizabeth Line was seen to be the improved connections for journeys into central London beyond Paddington Station.
95. With these points in mind I share the Council's view that the arrival of the Elizabeth Line does not appear to have overly benefitted Twyford commuters, and that it has not made any dramatic difference to the sustainability of Hurst because of the difficulties of reaching the station by means of transport other than the private car, as detailed above.
96. Drawing the above points together, 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.

Main issue 6 – The effect of the proposed development on highway safety

97. As already noted, the Council has reached agreement with the appellant on matters of highway safety, subject to the imposition of appropriate planning conditions and legal obligations. The Council's concerns had primarily related to the proposed site access on Lodge Road, but the appellant is proposing that the 30mph speed limit on this road be extended further south, past the proposed site entrance to just south of The Old Lodge access, with a consequent reduction in the sight line requirements at the site access⁴⁰. A Road Safety Audit has been undertaken in respect of this access and has been approved by the local highway authority. The Council has raised no other highway safety or highway capacity concerns, and accordingly felt able to enter into a Highways SoCG with the appellant⁴¹.
98. The SNHPC did, however, maintain its opposition to the appeal proposal on highway safety grounds, although it did not raise any specific objections to the design or operation of the proposed new vehicular access on Lodge Road, or to the proposed emergency access on Tape Lane, or indeed to any of the proposed pedestrian and cycle access points on Tape Lane. Rather, the SNHPC's objection took the form of a generalised concern that the proposed development would worsen what are already considered to be unsafe conditions within the village, arising from such things as the poor quality footway network and the fact that vehicles have been recorded speeding through the village⁴². Indeed, Cllr Smith confirmed to the Inquiry that speeding is the number one issue he deals with as a Parish Councillor.
99. However, existing speeding through the village is a matter which needs to be addressed by enforcement measures and is not a valid reason to oppose the appeal

⁴⁰ CD 79

⁴¹ Appendix 1 in CD 1.5

⁴² Appendices 18 & 19 in CD 8.3.1

proposal. The same goes for the complaints made by residents that Tape Lane is used as a through route, whereas it should be used for access only. Moreover, although Cllr Smith and residents who spoke at the Inquiry expressed the view that the roads and footways within Hurst are not safe, this is not supported by hard evidence such as reliable Personal Injury Accident (PIA) information. Indeed, data for the latest available 5-year period show just 3 PIAs within the study area of the village, all at different locations on Lodge Road, with two classified as 'slight' and the other being 'serious'. The information provided shows that these accidents were due to driver error or weather conditions leading to a slippery road surface, and do not indicate any inherent problems with the highway network.

100. Although Cllr Smith did provide a Road Traffic Accident Map⁴³ covering the period 2001 to 2021, no details of these accidents were given and it is therefore difficult to draw any meaningful conclusions from this information. The one accident for which Cllr Smith did provide further details relates to a motorcyclist crashing into a parked car on the A321 near the junction with Tape Lane in December 2022, and receiving serious injuries. But whilst this was clearly an unfortunate incident, no evidence has been submitted to suggest that the cause of this accident was anything other than driver error.
101. I have noted the SNHPC's criticisms of the treatment of highway safety by the appellant in its updated TA, but in light of the PIA data already referred to and the absence of any objection from the local highway authority, it is difficult to see what more the appellant could have done. General concerns about the safety of pedestrians on the village's roads are difficult to address when there is no accident data to highlight or identify specific problem areas. The speed limit and footway improvements which the appellant is proposing along Lodge Road, the new length of footway at the Tape Lane/School Road junction and the introduction of tactile paving at a number of crossing points may have limited impact within the village itself, but such measures could only improve highway safety, not worsen it.
102. In summary, for reasons set out above, I conclude that the proposed development would not have an adverse impact on highway safety. Accordingly I find no conflict with the relevant parts of CS Policies CP1, CP3 and CP6, nor with the relevant parts of sections 9 and 12 of the Framework.

Main issue 7 – Planning obligations

103. The Council's ninth and tenth reasons for refusal contended that in the absence of a completed legal agreement the proposal would be in conflict with a number of listed development plan policies and sections of the Framework, as it would fail to secure opportunities for training, apprenticeships and other vocational initiatives to develop local employability skills; and would also fail to make adequate provision for affordable housing. The appellant had intended to enter into a S106 agreement with the Council to address these matters.
104. The agreement was also intended to deal with the matter of off-site Biodiversity Net Gain (BNG), as part of the appellant's response to the Council's seventh reason for refusal. This maintained that the appellant had failed to demonstrate that the proposed development would have an acceptable impact on ecology and biodiversity, by reason of the impact on protected species, wildlife, and habitats. However, further discussions between an Ecology Officer for the Council and Mr

⁴³ Appendix 16 in CD 8.3.1

Goodwin for the appellant led to these parties signing an Ecology SoCG⁴⁴, prior to the opening of the Inquiry.

105. In this SoCG the Council accepted that necessary and appropriate mitigation and enhancement measures to address its concerns regarding habitats, BNG and protected species could be secured by planning conditions or a legal agreement. Accordingly, the Council withdrew its seventh reason for refusal and agreed that this was not a matter which needed to be discussed at the Inquiry. Moreover, having reviewed the appellant's ecology Proof of Evidence (PoE) the SNHPC indicated that it did not maintain an objection to the appeal proposal on ecology grounds. This meant that Mr Goodwin did not appear at the Inquiry, although his PoE and Appendices remained before the Inquiry as written evidence⁴⁵.
106. But notwithstanding the above points, the Council and the appellant could not reach agreement on issues relating to securing the use of off-site mitigation during the discussions on an intended S106 agreement. Because of this the appellant decided, instead, to secure all necessary planning obligations by means of a S106 UU⁴⁶. I return to this off-site BNG matter shortly.
107. In summary, the UU makes provision for the following specific contributions and obligations:
- A 'Bus Service Contribution' of £106,000 towards the 128/129 bus service;
 - A 'Bus Stop Contribution' of £25,000 towards upgrading bus stops serving the appeal site;
 - An 'Employment Skills Contribution' of £52,500;
 - A 'My Journey Contribution' of £540 per dwelling towards implementation of WBC's My Journey initiative in respect of the proposed development; plus £100 per dwelling towards the provision of bus vouchers for residents of the proposed development; plus £100 per dwelling towards the provision of Car Club vouchers for residents of the proposed development;
 - A 'PRoW Contribution' of £85,032.50 towards any required works towards improvements of ROWIP37 east to west from Lodge Road to the River Loddon, and ROWIP118 south alongside Lodge Road from Sawpit Road to connect to Footpath 34;
 - A 'Traffic Regulation Order (TRO) Contribution' of £6,000;
 - The provision of 40% of the proposed dwellings to be delivered as affordable housing units;
 - The provision of Open Space, a Play Area and Tennis Courts⁴⁷;
 - A variety of Commuted Sums to cover annual maintenance of the relevant parts of the Open Space, the Play Area and the Tennis Courts, for 20 years maintenance;
 - The provision of Off-Site Habitat in accordance with an Off-Site Habitat Creation and Management Plan;
 - The provision of a Sustainable Drainage Scheme (SuDS) in accordance with a Drainage Management and Maintenance Plan;

⁴⁴ Appendix 3 in CD 1.5

⁴⁵ CD 8.8

⁴⁶ Doc 29

⁴⁷ The definition of 'Tennis Courts' in the UU is "*a minimum of 3 tennis courts*", although only a single court is referred to in the Design and Access Statement and the Planning Statement, and only a single court appears to be shown on the Illustrative Masterplan

- The establishment of a Management Company, if necessary and applicable, to hold the legal interest in and have the management and maintenance responsibilities for the Estate Roads, the Open Space, the Play Area, the Tennis Courts and the SuDS.

108. All of the above contributions would be index linked, as appropriate, and leaving aside the issues relating to the provision of off-site habitat for BNG mitigation purposes I am satisfied that the other obligations meet the requirements of paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010⁴⁸.
109. However, with regards to the off-site provision of land to secure BNG, the Council expressed its concerns that because the freehold owner of the off-site land is not a party to the UU, the proposed off-site habitat mitigation would not be secure. In these circumstances the Council maintains that there is a risk that the appellant's lease of the off-site land could be brought to an end within the 30-year monitoring period set out in the UU. The surrender of the lease, or the appellant going into administration or liquidation – all of which the Council contends are foreseeable and plausible scenarios – would result in there being no one to enforce this obligation against. The covenant would not be enforceable against the freeholder, whose title is superior to the leaseholder⁴⁹.
110. I share the Council's view that certainty regarding the provision and security of this off-site mitigation land is important, as according to the appellant's BNG calculations⁵⁰, without off-site mitigation the proposal would result in a net loss of area biodiversity of 45.5%. This means that off-site compensation is necessary in order to make this proposal acceptable in ecological and biodiversity terms.
111. The appellant, however, argues that the requirement to implement and maintain the off-site BNG land is enforceable against the owner/developer of the appeal site, who will have contractual arrangements which enable them to ensure that the third party landowner of the off-site BNG land will carry out what is required. The appellant further points out that the Council's concerns that companies can become insolvent and disappear is a risk inherent in the whole S106 statutory scheme, but that this is not an objection taken by the Council to the rest of the UU.
112. But whether or not the appellant is correct in its approach on this matter, the fact that the freeholder of the off-site mitigation land is not a party to the UU does seem to me to introduce an uncertainty into the provisions of the UU which could reasonably have been avoided. As such I consider there to be a lack of clarity as to whether the UU would adequately secure the off-site mitigation, and a consequent lack of clarity as to whether the appeal proposal would have an acceptable impact on ecology and biodiversity.
113. Taking a precautionary approach on this matter, I am not satisfied that this aspect of the UU would, indeed, ensure the provision of the off-site BNG mitigation land for the full 30-year monitoring period. In these circumstances I have to conclude that in this regard the appeal proposal would be at odds with the relevant provisions of CS Policies CP1, CP3 and CP7, and MDDL Policies CC01 and TB23. Because of this I further conclude that, overall, the submitted UU would not satisfactorily address the impact of the proposed development.

⁴⁸ See Doc 28

⁴⁹ Section 106(3) of the Town and Country Planning Act 1990

⁵⁰ Table 2 in CD 8.8

Other Matters

Flood risk and drainage

114. The Council did not refuse planning permission for any reasons relating to flooding or drainage, but these were matters raised by many interested persons in written representations and also by many of those who spoke at the Inquiry. In summary, the concerns included that flooding and sewage discharge are frequent problems in the village; that the appeal site has a high water table and frequently has standing water on parts of it; that the appellant's proposed drainage strategy is simplistic and wholly reliant on discharging water away from the development site (including into ditches owned by neighbouring landowners), thereby compounding flooding elsewhere; and that on-site drainage problems could not simply be addressed by raising floor levels of the proposed dwellings.
115. However, whilst I understand and appreciate these concerns, I note that the Flood Risk Assessment (FRA) and Drainage Strategy⁵¹ was prepared in accordance with guidance in the Framework and the PPG, and that the proposed drainage strategy takes account of existing ground conditions and other relevant matters. The overall strategy seeks to attenuate surface water on-site and release it off-site at a restricted rate that would be in accordance with the greenfield run-off rate. To this end there would be an interconnected network of SuDS features, including detention basins, to accommodate some of the surface water run-off from the site, as well as a network of swales which would also provide surface water attenuation and conveyance. In addition, many hard-surfaced areas would use permeable pavements, providing a further opportunity for surface water attenuation and pollution mitigation. These details have been approved by the Lead Local Flood Authority (LLFA). Water butts are also recommended for each property, further providing for small amounts of surface water storage.
116. The drainage strategy notes that existing watercourses on the southern and western boundaries of the appeal site currently serve as receptors for surface water falling on the undeveloped site. As such, they have been identified as the natural and most appropriate discharge points for surface water from the developed site. The appellant indicated that there is the expectation that existing riparian owners deal with drainage matters responsibly and this does not seem to be an unreasonable assumption, as landowners have a responsibility to maintain their ditches. Undisputed calculations show that the attenuation features on site would provide for the storage of about 3,823m³ of surface water, well in excess of the calculated storage requirement of between 2,627m³ and 3,518m³. In terms of foul water drainage Thames Water has confirmed that there would be capacity in its foul water network to accommodate the proposed development on the appeal site⁵².
117. The Environment Agency (EA) has, however, maintained an objection to this proposal⁵³, despite being provided with additional information by Pell Frischmann on behalf of the appellant, which adopted a precautionary approach. The EA's position is that a hydraulic model of the nearby Main River should be carried out to determine a suitable flood level to appraise risk and identify suitable mitigation. However, the appellant maintains that the submitted FRA is proportionate to the scale of development and has been prepared having regard to the criteria for site-specific flood risk assessments as outlined in paragraph 167 of the Framework.

⁵¹ One of the un-numbered documents in CD 2

⁵² Section 8 and Appendix L in the Flood Risk and Drainage Strategy – within CD 2

⁵³ CDs 22, 25 & 27

118. As such, and in light of further guidance in the PPG⁵⁴, the appellant considers that the construction of a detailed hydraulic model would not be proportionate to the anticipated scale and nature of risk from the watercourse, considering the published information. It further argues that any areas of localised flood risk or residual risk could be secured through appropriate conditions, such as measures outlined in the illustrative layout, comprising suitable standoff from the watercourse, and raising of finished floor levels above current ground levels⁵⁵.
119. Having regard to the points set out above, and noting that both Thames Water and the LLFA are content with the proposals, and that the EA's concerns could be addressed by the conditions discussed at the Inquiry, I consider that matters of flood risk and surface water management should not weigh against this proposal.

Minerals

120. The Council's third reason for refusal commented that the application was for the development of land with sand and gravel deposits, and that insufficient information had been submitted to demonstrate that the sterilisation of mineral deposits would be acceptable. As such, the Council alleged that the proposal was in conflict with Policy 2 of the Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and section 17 of the Framework.
121. However, following the submission of further information by the appellant, prior to the opening of the Inquiry, the Council agreed that it was unlikely that the site would be promoted for mineral extraction in the future, and this reason for refusal was removed and not defended by the Council. These points were confirmed in the SoCG⁵⁶, and elaborated upon in the PoE submitted by Ms Jones for the appellant⁵⁷. In light of these points, this topic was not discussed at the Inquiry, and it is therefore not a matter which has any bearing on this appeal.

Government planning consultation

122. There was some discussion at the Inquiry about the Department for Levelling Up, Housing and Communities' ongoing consultation into the proposed updating of the Framework. However, as the outcome of this consultation is not yet known, it can have no bearing on the determination of this appeal.

Benefits and disbenefits

Benefits

123. I have assessed the benefits likely to arise if the appeal proposal was to proceed, in the context of the 3 overarching objectives for achieving sustainable development set out in paragraph 8 of the Framework. In terms of the economic objective it would provide some economic benefits as a result of the construction and subsequent occupation of some 200 new dwellings. The undisputed figures put forward by the appellant⁵⁸ indicate that the benefits would amount to about £46 million from construction investment, with 164 construction jobs per year, plus a further 160 net additional jobs across Wokingham and a Gross Value Added uplift for Wokingham's Economy of £38 million.

⁵⁴ Paragraph: 021 Reference ID: 7-021-20220825

⁵⁵ CD 8.9

⁵⁶ Table at paragraph 6.2 in CD 1.5

⁵⁷ Paragraphs 2.11 - 2.15 of CD 8.1

⁵⁸ Paragraphs 5.114 - 5.119 and Appendix 6 of CD 8.1

124. If the new dwellings were to be built and occupied there would be an additional local resident expenditure of about £3.6 million per year, with 55 jobs supported by local spend and 44 net additional jobs across Wokingham. The appellant also points out that that the proposed development would also give rise to £6.2 million in CIL payments, £500,000 in Council Tax per year; an employment skills contribution or training provision of £52,500; S106 contributions for transport and access improvements of about £300,000; and £500,000 in New Homes Bonus payments.
125. However, the benefits during the construction phase would only be for a temporary period, and both these and the longer-term benefits which would arise from new residents' increased spend in the local economy, the Council Tax receipts and the New Homes Bonus payments would also be available with any similarly-sized, development plan-compliant scheme. Furthermore, although the appellant is correct in pointing out that there would be CIL payments and other contributions secured through the UU, these are required to make the development acceptable, and cannot therefore be seen as benefits of the scheme. That said, I do accept that some of the contributions would benefit the wider village community, not just the new residents. Because of this, and for the reasons just given, I consider that the economic benefits should attract moderate weight.
126. The provision of 200 new dwellings, to include 80 affordable houses, would assist in furthering the social objective of sustainable development, but again I am mindful of the fact that such benefits would also arise from any similarly-sized development plan-compliant development. Nevertheless, in view of the Government's objective of significantly boosting the supply of housing I consider it only right to attribute substantial weight to the provision of the market housing, and as there is an under-provision of affordable housing across the Borough substantial weight should also be given to the provision of the proposed 80 affordable units.
127. However, I am not persuaded that the other matters claimed to be benefits under this social objective heading should carry anything like the amount of weight suggested by the appellant. The provision of new amenity space is a requirement of the development itself and so can hardly be seen as a material benefit. Moreover, although the tennis court and trim trail would be benefits, it seems to me that these were simply the facilities which the small number of respondents⁵⁹ indicated they would most like to see, if the proposed development went ahead.
128. Furthermore, whilst the appeal proposal could result in greater accessibility to Dinton Country Park, no evidence was placed before me to indicate that existing access is problematic and needs improving. A similar situation arises with the proposal to provide additional car parking for the existing Tape Lane allotments. Whilst this could well be a benefit, I was not made aware of any pressing need for additional parking for the allotments. Finally, although the appellant claimed that the appeal proposal would help to sustain the local Primary School from within the catchment, there is no evidence to suggest that the school would have to close if the proposed development does not proceed. Taken together, I consider that these additional matters should carry only very limited weight.
129. With regards to the environmental objective, I share the Council's view that any benefits under this heading have to be considered limited. In terms of BNG, the appellant's own evidence shows that although on-site linear hedgerow-based

⁵⁹ It appears that only some 21 - 23 persons responded in total, with just 10 putting an outdoor gym as their first preference, with 9 first preference votes for a tennis court

habitat units would be increased by some 93%⁶⁰, without off-site mitigation the proposal would result in a net loss of area-based habitat units of almost 46%⁶¹. This is not surprising, as much of the currently undeveloped fields would have to accommodate some 200 houses, associated parking areas and new roads.

130. This means that off-site compensation is required to make this proposal acceptable in ecological and biodiversity terms, and I have already indicated my concerns that the failure of the off-site mitigation site landowner to be a party to the UU introduces some uncertainty into the deliverability and security of this BNG. So, whilst it is the case that with this off-site mitigation land the scheme would produce BNG beyond that required to compensate for any habitat lost on site, and also beyond any level required in existing policy or future statutory requirement, this benefit needs to be tempered because of the uncertainty just detailed. Because of this I consider that it can only be given limited weight.
131. I accept that allowing access to the appeal site by means of paths through the site would be a benefit of the scheme, with these paths available not just to new residents of the proposed development but also to other Hurst residents, and I give this modest weight. But I do not consider that the proposed SuDS could be considered a benefit as clearly it is a necessary consequence and requirement of the proposed development. Moreover, although the appellant contends that a benefit of the proposal would be that it would reduce the need to release Green Belt land for development in the short to medium term, no evidence was put forward to support the claim that there is pressure on Wokingham's Green Belt for development to meet housing needs. This matter cannot, therefore, carry any weight in the proposal's favour.
132. The appellant's intention for all of the new dwellings to have electric vehicle charging points is to be welcomed, but in the short to medium term, when petrol and diesel engine vehicles are still likely to predominate, I am not persuaded that this would offer any material environmental benefit.

Disbenefits

133. As already noted, the spatial vision set out in the CS makes it plain that the planned distribution of new housing development over the plan period is based on a hierarchy of settlements, dependant on the facilities and services they contain or have ready access to, by sustainable means of travel. Hurst is a Limited Development location, at the bottom of the settlement hierarchy. The intention to implement this spatial vision is set out in a number of adopted development plan policies, including CS Policies CP6, CP9 and CP11, and MDDL Policy CC02. For reasons set out earlier in this decision, I consider that the appeal proposal would be in clear conflict with this spatial vision and the aforementioned policies, which I have already concluded should carry significant weight in this appeal, notwithstanding the absence of a deliverable 5-Year HLS. This weighs very heavily against the appeal proposal.
134. The harm just described would also work against both the economic objective of sustainable development and the social objective, as the proposal would not represent land for development of the right type in the right place, and it would not result in a strong, vibrant and healthy community as it would not have accessible services to meet the communities' current and future needs.

⁶⁰ From 12.66 to 24.99

⁶¹ From 60.55 to 32.98

135. There would be a moderate adverse impact, at the upper end of the scale, on the rural character and appearance of the appeal site and surrounding area. The proposal would also fail to conserve the low-density pattern of settlement centred around Hurst and Whistley Green as set out in the C2 LCA landscape strategy. These disbenefits should carry moderate weight. As a result, the appeal proposal could not be said to protect and enhance the natural environment and this aspect of the environmental objective of sustainable development is therefore not achieved.
136. A further disbenefit of the proposal is that it would result in the loss of some 5.6ha of BMV agricultural land. This harm carries modest weight against the proposal.

Summary, planning balance and overall conclusion

137. In summarising the matters set out above, the starting point is the fact that the proposed development would be in conflict with key policies in the development plan. These policies have to be considered out-of-date, because the Council cannot demonstrate a deliverable 5-Year HLS and, as a result, the 'tilted balance' detailed in paragraph 11(d)(ii) of the Framework comes into play. However, notwithstanding this point, I have found that the policies which are most important for determining this proposal accord strongly with the requirements of the Framework, especially with regard to the need to promote and secure a sustainable pattern of development, and I have therefore concluded that these policies should still carry significant weight in this appeal.
138. I have further found that the appeal proposal would not fully accord with the 3 objectives of sustainable development as set out in paragraph 8 of the Framework, and would not represent development in a location which can currently be considered sustainable, or could be made sustainable by the improvements and contributions offered by the appellant. The appeal proposal would therefore not represent sustainable development and does not benefit from the presumption in favour of such development.
139. I consider that substantial harm arises from the fact that the appeal proposal is plainly in conflict with the Council's spatial vision set out in the adopted development plan policies to which I have already referred. This harm is added to, at the upper end of the moderate scale, by the adverse impact which the proposed development would have on landscape character and in visual terms. Modest harm also arises from the loss of BMV agricultural land. In addition, and taking a precautionary approach on this matter, some further harm arises as a result of the lack of clarity as to whether the appeal proposal would have an acceptable impact on ecology and biodiversity. Whilst the appeal proposal would give rise to some benefits, as detailed above, my clear conclusion is that the adverse impacts of the proposal would significantly and demonstrably outweigh these benefits, such that the proposal should not succeed.
140. I have had regard to all other matters raised, but find nothing sufficient to outweigh the considerations which have led me to conclude that this appeal should be dismissed.

David Wildsmith

INSPECTOR

APPEARANCES

FOR THE COUNCIL

Mr Matt Lewin of Counsel

instructed by Wokingham Borough Council (WBC)

He called:

Mr Chris Hannington
BSc MPhil CMLI MRTPI
Mr Ian Church
BA(Hons) MA MRTPI
Mrs Fiona Jones
BSc(Hons) BTP MRTPI
Mr Gordon Adam
BA DipEcon MA FCIHT MILT

Team Manager, Trees and Landscape (Development Management) Team, WBC
Team Manager, Growth and Delivery Team, WBC
Cameron Jones Planning Ltd
Principal Development Control Engineer, Highways Department, WBC

FOR THE APPELLANT

Mr Rupert Warren KC

instructed by Boyer Planning Limited

He called:

Mr John-Paul Friend
HND (LGD) BA(Hons) PGDipLA CMLI
Mr Daniel Allum-Rooney
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BSc(Hons) MSc CEng MICE
Miss Alyson Jones
BSc(Hons) MPhil MRTPI
Mr Jon Hartley
BSc(Hons) MArborA

Director, LVIA Ltd
Technical Director, Pell Frischmann
Director, Motion
Director, Boyer Planning Limited
Principal Arboricultural Consultant, Arbtech Consulting Ltd

FOR THE ST NICHOLAS HURST PARISH COUNCIL (SNHPC) (RULE 6 PARTY)

Mr Alex Shattock of Counsel

instructed by the SNHPC

He called:

Cllr Wayne Smith

Chairman, SNHPC and WBC Borough Councillor

INTERESTED PERSONS OPPOSING THE PROPOSAL

Mr Andrew Alsop	Local resident
Mrs Clare Woodward	Local resident
Mr John Osborne <i>BSc(Hons) MSc</i>	Local resident and spokesperson for The Hurst Village Society Committee
Mrs Frances Davis	Local resident
Mrs Jessica Lake	Local resident
Mr Graham Welch	Local resident
Mr John Edwards	Local resident
Mr Alastair Lyon	Parish Councillor for SNHPC and local resident, speaking on his own behalf, and also on behalf of Mr & Mrs Dolinski
Mr Paul Martin	Local resident

Mr Jonathan Norris	Local resident
Mr John Vimpany	Local resident
Mr Geoff Manning	Local resident
Mr Huw Griffiths	Local resident
Ms Aisling Humphries	Local resident
Mr Victor Boardman	Local resident
Dr Gemma Moore	Local resident and Associate Professor at University College London
Mrs Sarah Barnard	Local resident
Mrs Katherine Howe	Local resident
Dr Heidi Hamer	Local resident
Ms Ged Humphries	Local resident

CORE DOCUMENTS REFERRED TO IN THIS DECISION

CD 1.3	Appellant's Statement of Case, with Appendices
CD 1.5	SoCG with appendices
CD 2 - un-numbered documents relating to the original planning application submission	Design & Access Statement – Feb 2022
	Community Infrastructure Levy (CIL) - Form 1
	Planning Statement with Appendices
	Outline Application Form
	Arboricultural Assessment & Method Statement – 3 Dec 2021
	Ecological Impact Assessment – Dec 2021
	Historic Environment Desk-Based Assessment – Nov 2021
	Landscape and Visual Impact Assessment – Feb 2022
	Framework Travel Plan – 9 Feb 2022
	Transport Assessment – 9 Feb 2022
	Flood Risk Assessment and Drainage Strategy – 10 Feb 2022
	Desktop Subsurface Utility Report
	Statement of Community Involvement – Feb 2022
	Energy Strategy Statement – Dec 2021
CD 2.1	Plans for Approval and Key Illustrative Plans
CD 5.1	WBC Core Strategy – Jan 2010
CD 5.2	WBC Managing Development Delivery Local Plan – Feb 2014
CD 5.5	WBC Landscape Character Assessment (LCA) (extracts)
CD 5.5.1	WBC extract from LCA – C2 – Hurst River Terrace
CD 5.5.2	WBC extract from LCA – B1 – Loddon River Valley with Open Water
CD 8.1	Appellant's Planning PoE, Summary and Appendices – Miss Jones
CD 8.2.1	WBC Planning PoE and Appendices – Mrs Jones
CD 8.2.2	WBC Planning Policy PoE and Appendices – Mr Church
CD 8.2.3	WBC Landscape and Trees PoE, Summary and Appendices – Mr Hannington
CD 8.3.1	Rule 6 Party's Sustainability and Transport PoE, Summary and Appendices – Cllr Smith
CD 8.3.2	Rule 6 Party's Landscape Character and Locality PoE, Summary and Appendices – Cllr Smith
CD 8.4.1	Appellant's Landscape and Visual PoE– Appendices Cover Note
CD 8.4.2	Appellant's Landscape and Visual PoE – Appendices – Accurate Visual Representations

CD 8.7	Appellant's Arboricultural PoE – Mr Hartley
CD 8.8	Appellant's Ecology PoE, Summary PoE and Appendices – Mr Goodwin (<i>treated as written submissions – Mr Goodwin was not called to present evidence</i>)
CD 8.9	Appellant's Flood Risk PoE – Mr Allum-Rooney
CD 8.10	Appellant's Agricultural BMV Rebuttal – Reading Agricultural Consultants
CD 9.7	Appeal decision APP/X0360/W/21/3280255 – 2022 - Land at Junction of Sawpit Road and School Road, Hurst, Berkshire
CD 9.8	Appeal decision APP/X0360/W/18/3194044 – 2020 - Land at Lodge Road, Hurst - Redetermination
CD 9.8.2	Appeal decision APP/X0360/W/18/3194044 – 2018 - Land at Lodge Road, Hurst
CD 10	Transport Assessment, 18 Nov 2022
CD 22	Response Note: Matters Raised by Environment Agency – Dec 2022
CD 25	Environment Agency Consultation Response – Sep 2022
CD 27	Email exchange between WBC and Ecology Solutions, BNG and Bats – Dec 2022
CD 70	Appeal decision APP/H0330/A/89/114279 and 114065/P7 – 1990 – Land between Pool House and Sandford, off Lodge Road, Hurst
CD 71	Mr Dolinski's request to Thames Valley Buses for information
CD 72	Thames Valley Buses Letter 24 Jan 2023
CD 79	Proposed Ghosted Right Turn Lane Drawing 2101015-01 Rev 5
CD 80	Arbtech Arboricultural Impact Assessment Arbtech AIA 02 Rev 7 A (sheets 1-4) (Oct 2022)
CD 81	Arbtech Tree Protection Plan Arbtech TPP 02 Rev 7 A (sheets 1-4) (Oct 2022)

DOCUMENTS SUBMITTED AT THE INQUIRY

Document	1	Opening submissions on behalf of the Appellant
Document	2	Opening submissions on behalf of the Council
Document	3	Opening submissions on behalf of SNHPC
Document	4	Statement submitted by Mr Andrew Alsop
Document	5	Statement submitted by Mrs Clare Woodward
Document	6	Statement submitted by Mr John Osborne
Document	7	Statement submitted by Mrs Frances Davis
Document	8	Statement submitted by Mrs Jessica Lake
Document	9	Statement submitted by Mr Graham Welch
Document	10	Statement submitted by Mr John Edwards
Document	11	Statement submitted by Mr Alastair Lyon
Document	12	Statement submitted by Mr Andrew & Mrs Jean Dolinski
Document	13	Statement submitted by Mr Paul Martin
Document	14	Statement submitted by Mr Jonathan Norris
Document	15	Statement submitted by Mr John Vimpany
Document	16	Statement submitted by Mr Geoff Manning
Document	17	Statement submitted by Mr Huw Griffiths
Document	18	Statement submitted by Ms Aisling Humphries
Document	19	Statement submitted by Mr Victor & Mrs Jennifer Boardman
Document	20	Statement submitted by Dr Gemma Moore, with attachment
Document	21	Statement submitted by Mrs Sarah Barnard
Document	22	Statement submitted by Mrs Katherine Howe
Document	23	Statement submitted by Dr Heidi Hamer

Document	24	Statement submitted by Ms Ged Humphries
Document	25	Letter submitted by Ms Liz Chaderton, dated 24 January 2023
Document	26	Written submission from Mr Duncan Kendall
Document	27	Schedule of Draft Conditions as discussed at the Inquiry
Document	28	Community Infrastructure Levy (CIL) Regulation 122 Compliance Schedule, submitted by the Council
Document	29	Certified copy of the signed and completed S106 Unilateral Undertaking
Document	30	Closing Statement made by Mr Huw Griffiths
Document	31	Closing Statement made by Dr Gemma Moore
Document	32	Closing Submissions on behalf of SNHPC
Document	33	Closing Submissions on behalf of the Council
Document	34	Closing Submissions on behalf of the Appellant

APPENDIX

4





Appeal Decision

Hearing Held on 16 and 17 November 2021

Site Visits made on 15 (unaccompanied) and 17 (accompanied) November 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/X0360/W/21/3275086

Willow Tree House, Brookers Hill, Shinfield RG2 9BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Trevor & Lisa Collins, P Byfield & Kahn Properties Limited & E Rube against the decision of Wokingham Borough Council.
 - The application Ref 203560, dated 18 December 2020, was refused by notice dated 16 April 2021.
 - The development proposed is full application for a mixed use development comprising the proposed erection of 23 dwellings and community hall with vehicular access off Brookers Hill and pedestrian and cycle access from Hollow Lane together with open space and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the Hearing I was provided with a copy of a deed of agreement to provide planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) (the S106 Agreement). This deals with securing contributions to infrastructure, affordable housing, employment skills, biodiversity net gain and highways works.
3. At the Hearing, the appellants agreed to include provisions to secure the installation of the noise attenuation barrier and measures for the ongoing maintenance of both it and the proposed open space being provided on the site. To enable the S106 Agreement to be redrafted to address these matters and due to the large number of signatories to the S106 Agreement, I allowed extra time for the conclusion of these matters after the Hearing. I will discuss this S106 Agreement in more detail later in this decision.
4. Since planning permission was refused, a number of amendments were made to the scheme. These were submitted as part of the appeal. The amendments included changes to the layout and footpaths, removal of a woodland path, increased green space facilitated by a reduction in a 'public art' area, amended landscaping proposals based on alternative site re-grading, provision of additional cycle storage and refuse collection points. Whilst these amendments are numerous, they do not fundamentally alter the scheme. Furthermore, these amended drawings were available to interested parties as part of the notification of the appeal. I am therefore satisfied that interested parties have had the opportunity to consider and respond to these.

5. During the appeal process, in seeking to address the highways reason for refusal, a number of technical changes to the site layout were required which resulted in further amendments to the scheme. Given the technical nature of these changes, I am satisfied that these do not materially change the scheme. I have therefore proceeded to deal with the appeal on the basis of the amended plans submitted with the appeal and those plans subsequently amended and provided as Revision 5¹.
6. The planning application was refused for 8 reasons. The Council's third reason for refusal referred to the absence of sufficient information in relation to the proposals impact on ecology and biodiversity. During the appeal the appellants undertook further survey works and provided contributions to securing a biodiversity net gain through the proposed development. At the Hearing, the Council verbally confirmed that, subject to the imposition of appropriate conditions and securing biodiversity net gain through a legal agreement, this addressed its objection.
7. The Council refused the scheme on the grounds that insufficient information had been provided to demonstrate that the scheme would not have an unacceptable impact on highway safety with regards to the provision of adequate parking, providing a safe internal layout for pedestrians or promoting sustainable transport options. Prior to the Hearing, the appellants agreed with the Council measures for mitigation and addressing highway concerns. These would be secured through a combination of conditions and a planning obligation to secure highway works through a Section 278 Agreement under the Highways Act 1980. The Council confirmed that this addressed its reason for refusal as set out in reason 4 of the decision notice.
8. In terms of highway safety, the Council additionally set out under its fifth reason for refusal that it had not been demonstrated that the proposed noise barrier would not have a detrimental effect on the safe operation of the M4 motorway. This was on the basis of the response from National Highways (formerly Highways England) objecting to the scheme on the grounds that it had insufficient details to determine its effect on the M4 motorway.
9. During the Hearing, a condition to secure the approval of details of the noise barrier was discussed. Subject to the imposition of conditions securing approval of details of the proposed noise attenuation barrier and drainage systems and a construction management plan, National Highways confirmed in writing that it no longer objected to the scheme. The Council has however, not confirmed that it no longer objects to the scheme on this basis. I discuss this matter later in my decision.
10. The fifth reason for refusal also set out that it had not been demonstrated that the proposed noise attenuation barrier could adequately protect against road traffic noise from the M4 motorway without significant impact to residential amenity of future occupiers. In particular, the Council was concerned that this could not be addressed without windows having to be kept fixed shut. The appellants confirmed at the hearing that all windows would be openable at all times. The Council confirmed that on this basis, its reason for refusal in this regard had been addressed.

¹ Plans Ref: ITB15419-GA-001G, 009E, 011E, 014A and 016C

11. The Council's sixth, seventh and eighth reasons for refusal referred to the absence of a signed S106 Agreement to make the development acceptable in planning terms. However, the unsigned agreement provided to me at the Hearing addressed those matters set out under these reasons for refusal. The Council confirmed that, subject to securing the required signatories to the agreement, this addressed their concerns on these issues and removed its objection to the appeal in respect of these reasons for refusal. Since this completed legal agreement has been provided, I have proceeded on the basis that the Council is no longer pursuing its objections to the scheme on these matters.
12. Since the Hearing was closed, the Council published its annual Five Year Housing Land Supply Statement at 31 March 2021 on 7 January 2022. This superseded the Five Year Housing Land Supply Statement at 31 March 2020, published 14 January 2021 which formed the basis of the discussion at the Hearing. I sought the comments of both the parties on the revised Housing Land Supply Statement (HLSS). I have determined the appeal on the basis of the most recent HLSS.
13. On 14 January 2022 the Government published the Housing Delivery Test (HDT) Results for 2021. I wrote out to the parties for their views on this. I have taken their comments into account in my decision.
14. The Government launched its First Homes scheme in England, as set out in its Written Ministerial Statement of 24 May 2021. This came into effect on 28 June 2021 with a transition period which ended on 28 December 2021. I sought the views of both parties on the implications, if any, of this national policy in relation to the appeal.

Main Issues

15. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on protected trees; and
 - whether there are any material considerations which mean that the decision should be made otherwise than in accordance with the development plan.

Reasons

Character and appearance

16. The appeal site is located adjacent to the settlement of Shinfield and within the designated 'South of the M4 Strategic Development Location' (SDL). The SDL is 1 of 4 such areas within the Borough designated for growth. Within this context, the appeal site is included in the built-up area of Shinfield, although it lies outside the defined development limits.
17. The appeal site is approximately 2.4 hectares. It is an irregular shape and falls into 2 distinct sections. The southern section of the site which has a frontage to Brookers Hill comprises Willow Tree House and its gardens including an area of unmanaged orchard and woodland and trees. These provide enclosure of the site, largely screening existing development from

view. This gives the site a sylvan character which makes a positive contribution to the area. Development along this stretch of Brookers Hill is largely confined to the north side of the road, characterised by large, detached properties set within spacious grounds, similar to the appeal property. Beyond, on the opposite side of Brookers Hill, there are open fields. This contributes to the semi-rural character of the area.

18. Within the site, the ground rises up from Brookers Hill towards a wooded ridge. The northern section of the site lies beyond this. This part of the site slopes steeply down towards the M4 motorway which runs along its northern boundary. The large gardens to Brookers Hill properties form a boundary to its southern edge with an area of undeveloped land forming part of its south-eastern boundary with a small housing development off Brookers Hill beyond. Towards its eastern end there is a commercial building, a number of commercial shipping containers and an access onto Hollow Lane which runs between the Shinfield Arms and residential properties fronting this road.
19. The northern section of the site is an area of undeveloped grassland flanked by woodland and has a more open and rural character than the southern section. This is however limited in extent due to the hard edge formed by the M4 motorway. From here, it is viewed in the context of close-boarded acoustic timber fencing to the adjacent site and with the commercial buildings and containers visible through the trees and boundary vegetation separating the site from the M4 motorway corridor.
20. The scheme seeks the formation of a new access road, which would traverse the site from Brookers Hill. Six detached dwellings would be provided within the southern section of the site. Towards the top of the slope, a row of pairs of semi-detached houses would be constructed with an area of open space including a play area to the west. Two small blocks of flats would be located on the opposite side of the access road and adjacent to a new single-storey community building with car parking to its west. This would be adjacent to the boundary with the M4 motorway.
21. Along the northern edge of the site, and set in slightly from the boundary, a 240 metre long and 8 metre high 'Eco-Barrier' would be constructed to provide separation and acoustic screening from the M4 motorway. The eco-barrier would be an ivy covered steel structure forming a green wall between the trees and vegetation along the motorway corridor and the proposed buildings on the site.

Effect on the landscape character

22. The appeal site lies within the Spencers Wood Settled and Farmed Clay area an area of overall moderate quality as described in the Wokingham Borough Landscape Character Assessment (WBLCA). The WBLCA recognises that the area has a rural character but is strongly influenced by its proximity to Reading. The area itself is formed as a clay ridge that separates it from other landscape areas. It is characterised by a range of distinctive features which include pastoral land use within a wooded setting as well as displaying remnants of historic parklands and the sense of elevation and views provided across the adjacent lowland landscapes.
23. The appeal site displays some of the characteristics of this landscape area in the form of small-scale woodland and the northern section of the site

contributes to the undeveloped slopes of the clay ridgeline. This part of the site is visible for a short section travelling along the M4 corridor, from both a footbridge to the west and the Shinfield Road bus and cycle bridge to the east over the motorway.

24. The lower parts of the site are screened from view by boundary trees and vegetation along the M4 corridor outside the appeal site. A large cantilevered sign over the motorway significantly restricts views of the site from some sections of the footbridge, although it remains visible from its far side on the opposite side of the motorway. The views from the Shinfield Road bridge are significantly more open, where the contribution of undeveloped slopes and woodland to the rural character on the edge of the settlement can be seen.
25. The eco-barrier would be a substantial structure both in terms of its height and length. Once fully vegetated it would have a solid appearance. It would be partially screened in views from the motorway and bridges by the existing trees and vegetation on the sites northern boundary many of which would be a similar height or taller. Whilst this would go some way towards reducing its visual impact, the solid and impenetrable appearance of the eco-barrier, would make this a prominent feature running along a significant stretch of the motorway.
26. The ivy clad and verdant appearance of the eco-barrier would have a less harsh appearance than the timber fencing which characterises much of this stretch of the motorway including the adjacent site. However, it would be more than double the height of this fencing and would significantly reduce views into the site from the motorway. The enclosure of the site in this manner would significantly detract from the existing open character of the site. It would also have an enclosing effect on this stretch of the motorway.
27. The eco-barrier would only be visible from a limited number of viewpoints. It would be experienced over a relatively short period of time due to the speed of traffic travelling along the motorway. However, it would draw the eye due to its excessive length and height. Nonetheless, I agree that the harm would be relatively localised with a degree of seasonality, with the proposal less prominent during summer months when trees between the eco-barrier and the motorway are in leaf. As such, the proposed development would give rise to significant rather than substantial harm to landscape character.
28. The eco-barrier would provide some screening of the proposed development to the northern slopes. However, the proposed houses at the top of the slope, the green roof of the community building and parts of the proposed access road would be visible beyond this. This would erode the rural character of the site, diminishing its contribution to the undeveloped slopes north of the ridgeline and the landscape character.
29. The scheme proposes the retention of a modest area of open land at the top of the slope and to the west of the proposed housing with a wooded backdrop. This area would be visible beyond the eco-barrier similar to how the slopes are currently visible above the tree tops along the motorway verge, although with the eco-barrier providing a much less permeable view. Whilst this would retain some of the open character of the site, the undeveloped area would be much reduced and viewed in the context of the proposed houses and the new road. This would not therefore mitigate the loss of the rural character of the site.

30. In order to develop the appeal site, it is evident that extensive ground works would be required to provide the appropriate levels for the development so that the roads and buildings could be constructed. This would require a substantial amount of cut and fill development to create a series of terraces within the slope. This would fundamentally change the character of the slope. Whilst a portion of the most visible part of the site which can be seen above the existing boundary trees would be retained as open and sloping land, the changes to the slope would appear engineered and urbanising, which would be harmful to its natural and undeveloped character.
31. Views of the surrounding lowlands beyond the motorway are only possible from the higher parts of the site. These would be mostly retained and possible beyond the eco-barrier, although this would appear as an intervening feature in those views. However, as the motorway is also an intrusive feature within those views, the eco-barrier would have a negligible impact on the quality of those views.
32. Within the southern section of the site, the removal of trees and the formation of an additional access to Plots 1 and 2 would open up the site to views from Brookers Hill and the surrounding area. The proposed development of 6 houses would be prominent due to the reduced tree cover. The arrangement of houses would have a more suburban form which would be out of character with the low density, unobtrusive and dispersed pattern of development along this section of Brookers Hill. This would cause significant harm to the semi-rural and sylvan character and appearance of the area.

Settlement Separation

33. Policy CP19 of the Wokingham Borough Core Strategy Development Plan Document 2010 (the CS) sets out the requirement that development South of the M4 should include measures to retain separation of settlements from each other. This includes settlements both to the south of the M4 within the SDL as well as those to the north of the M4. The South of M4: Development Brief Supplementary Planning Document (the SPD) expands on this, explaining that this is to retain the character of the existing settlements and wider surrounding landscape. To achieve this, the CS defines settlement separation by means of a series of broad zigzag lines on a map running east to west and north to south.
34. Of relevance to the appeal, one of the zigzag lines runs along the M4 corridor broadly following its alignment, extending beyond the settlement of Three Mile Cross to the west and Shinfield to the east. This indicates the area of separation being protected between settlements south of the M4 and those to the north within the greater Reading area. The appeal site lies mostly within the area covered by this zigzag line.
35. The M4 motorway is a major lit highway corridor. Whilst this provides a clear physical and visual barrier between greater Reading and Shinfield, on its own it would not be sufficient to maintain a suitable gap between the settlements. However, in combination with the substantial area of undeveloped woodland directly to the north of the M4 opposite the appeal site, it separates the built-up area of Greater Reading and Shinfield.
36. The appeal site, in forming part of the undeveloped northern slopes of the clay ridgeline, also contributes to the separation of these settlements. The

enclosure of the site by both the M4 motorway to the north and development to the south and east, including the existing commercial building and containers on site and the rooftops of development beyond, does however limit its contribution.

37. Development of the site would cause some reduction in the gap between the settlement areas north and south of the M4. However, with an undeveloped area of slope retained and some screening by both the boundary vegetation and the eco-barrier, a visible green gap, albeit reduced, would continue to exist. Together with the area of woodland to the north of the M4, the extent of harm in terms of settlement separation that would arise from this would be moderate.
38. In coming to this view, I have taken into account the Council's conclusions in its recent grant of planning permission at Hogwood Park² on the grounds that the site was landlocked by SDL development and Park Lane and would not result in urban sprawl beyond the site into the wider countryside.
39. I have also had regard to the conclusions in respect of the approved development at Ashridge Farm, Wokingham³. In this case, it was accepted that the proposal would not result in the proliferation of development away from development limits into open countryside nor would it compromise the separate identity of settlements with the A329(M) forming the barrier for development in north Wokingham. This scenario is similar to that of the appeal scheme.
40. Whilst I appreciate that in both these 2 cases there were other benefits of the schemes, nevertheless the principle of roads and other development forming an enclosure of the site has been accepted. It seems to me that with these elements in place, some separation would be retained, the identity of Shinfield would be adequately protected and it would not merge into Greater Reading.
41. The Council has drawn my attention to a dismissed appeal⁴ at Shinfield Glebe site some 350m south of the appeal site where the Inspector considered the extent of development would be harmful to the sensitive edge of the settlement location, leading to greater coalescence of Shinfield and greater Reading. However, that site was much larger than the appeal site with very little enclosure on any of its boundaries.
42. Unlike the appeal scheme where there is woodland opposite, the urban area within Greater Reading to the north of the M4 corridor extends right up to the motorway. Consequently, the only separation between the settlements was provided by the motorway and a relatively narrow area of open land to the south of the Shinfield Glebe site. This represented a much more intrusive and significant encroachment into the countryside and closing of a settlement gap than the appeal scheme.
43. Overall, whilst I do not find that the scheme would undermine settlement separation, I nevertheless conclude that it would cause significant harm to the character and appearance of the area in regards to its effect on landscape character. It would therefore conflict with Policies CP3 and CP11 of the CS, Policies CC02 and TB21 of the Managing Development Delivery Local Plan

² Council Ref 163547

³ Council Ref 201515

⁴ APP/X0360/A/10/2133804

2014 (the MDD LP) and Policy 2 of the Shinfield Neighbourhood Plan 2017 (the SNP). These policies together seek development appropriate to the character of the area, that protects the separate identity of settlements and maintains the quality of the environment, retaining or enhancing the character and features that contribute to the landscape. It would also not accord with the Borough Design Guide SPD 2012 (the BDG) which seeks the same.

The effect on trees

44. There are numerous trees within the southern section of the site and along the ridge. These give the site a sylvan character, particularly to its southern section and provide a wooded backdrop to the northern part of the site. Collectively the trees and woodland make a positive contribution to the landscape of the area. These are subject to a Tree Preservation Order (TPO)⁵ which comprises a combination of individual, groups and an area of trees.
45. The appellants have provided an Arboricultural Assessment and Method Statement (AAMS). The AAMS, which categorised trees based on guidance in British Standards⁶, identifies that most of the trees and groups of trees on site are considered to be either Category C grade and of low quality. There are a few individual trees and one group of trees within the site plus some off-site trees that are considered to be of moderate quality and classified as Category B. A small number of trees are Category U trees which are not suitable for retention.
46. The proposal would require the removal of 2 category B trees, a mature Norway spruce (T25) and a mature false acacia (T41), as well as several category C trees and groups of trees. The most significant area of tree removal would be to the southern section of the site. Here a large number of trees and groups of trees would be removed in order to both form the proposed access road running along the boundary with the adjacent property to the west, Foxglade; and to provide open garden space to the proposed dwellings in this part of the site.
47. There are a few trees within the grounds of Foxglade along its boundary with the appeal site. However, they are sparsely positioned and would not, on their own, provide a commensurate density of tree cover to that which currently exists. As I have set out in my reasoning above, this would significantly open up the site, and would erode the sylvan and semi-rural character of this area.
48. A limited number of trees would be removed from the belt of trees running across the ridgeline of the site. This includes a category B tree. The removal of these trees would effectively thin the line of tree cover, potentially forming a break within the canopy. This would detract from the wooded character of the ridgeline. This would be visible from the surrounding area and harmful to the landscape character of the site.
49. Within the area of woodland separating the 2 sections of the site, I observed that there are significant variations in ground level with evidence of some trees growing within embanked areas. The AAMS acknowledges that a number of these will require protection in the form of no-dig surfacing. Whilst this may provide some mitigation from harm where the ground is level, the AAMS is

⁵ Tree Preservation Order No. 1682/2019

⁶ BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

less clear on how protection would be provided for those trees growing at different levels close to where the proposed access road would run.

50. I have not been provided with details of existing levels in this area nor how the access road would be constructed. It seems to me that, with trees growing at different levels in combination with the ground works to form the required level area and width for the access road, there is likely to be some disturbance to the ground in this part of the site. This would be either through excavation or the piling of additional soil within the root protection area (RPA) of the trees to be retained. This could result in harm to the long-term health of the trees either through root damage from exposure or starving the trees of oxygen. Insufficient details have been provided in this regard. Had I been minded to allow the appeal, the imposition of a suitably worded condition to require further details and control over works associated with levelling the ground could provide some mitigation of this.
51. The off-site category B trees along the south-eastern site boundary to the northern section of the site are also protected as an individual and group of trees under the TPO. One of these, a poplar tree (T45), would be located at the end of the rear gardens to the proposed houses on Plots 11-13 and a protected group of poplars (G47) at the rear of Plots 14-18. Due to the differences in ground levels and the presence of these trees, it is proposed to construct a retaining wall at the rear of these gardens to accommodate the change in levels.
52. At the Hearing, the Council raised concerns about how this wall would be constructed so as to minimise any harm to these trees. The submitted tree protection plan indicates that the retaining wall would extend around the RPAs of these trees. This should minimise harm to these trees and a suitably worded condition could ensure their protection during construction.
53. The gardens to these properties are relatively small and with the overhanging tree canopies, the amount of useable space is reduced. This may give rise to pressure from future occupants to reduce or remove these trees to provide more space. I accept that any such works would require permission due to the protection afforded these trees, however, it may be difficult to resist such requests given the circumstances.
54. I am told that the TPO was only put on the site in May 2019 when the Council became aware of the proposed development of the site. A significant part of the TPO, covering the entire southern section of the appeal site and the area of woodland along the ridge to the north of this, is an 'area category' TPO. The Planning Practice Guidance (PPG)⁷ sets out that this type of TPO can be used to protect individual trees dispersed over an area. It is intended for short-term rather than long-term protection as a temporary measure until the trees on the site can be fully assessed and classified.
55. I have not been made aware that any further assessment of the trees has been undertaken. Whilst I recognise that this is a requirement, it does not alter the protection which these trees currently benefit from. I have found that the trees collectively make a positive contribution to the area and that their loss or works that may adversely affect their long term health would be harmful to the character and appearance of the area.

⁷ Paragraph: 029 Reference ID: 36-029-20140306

56. I appreciate that the proposal includes significant tree planting, indicated to be a net gain of some 87 new native trees. In the long term this would certainly provide some mitigation for the loss of trees on the site. However, in the short to medium-term the loss of trees would harm the character of the site, reducing its contribution to the wider area. Furthermore, these trees would not replace those lost along the western site boundary as this area would be occupied by the access road. The reduction in tree cover here would be permanent and harmful for the reasons I have set out.
57. I conclude that the proposed development would have a significant adverse effect on protected trees. In this respect, it would conflict with Policies CC03 and TB21 of the MDD LP and Policy 2 of the SNP which together seek the protection and retention of existing trees and features that contribute to the landscape. For the same reasons, it would also not accord with the BDG. I have found no conflict with Policy 6 of the SNP referred to in the decision notice as this relates to trees in the context of ancient woodland which is not relevant to the appeal scheme.

Other Considerations

Planning Policy Context

58. The development plan includes the CS, the MDD LP and the SNP. The Council is in the process of preparing a new Local Plan, but this is at an early stage and has not been submitted for examination. It therefore carries limited weight at this time.
59. Paragraph 11 d) of the National Planning Policy Framework (the Framework) sets out that for decision taking where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
60. The Framework does not provide any definition of what constitutes 'most important' however, the wording is clear it refers to the policies most important in the determination of the application rather than the appeal that need to be considered. This means that it is those policies relating to the consideration of the whole scheme rather than those matters in dispute at the appeal that should be included. Other policies may be relevant but would not necessarily be the most important.
61. In accordance with the approach established through case law⁸, a consideration of which policies are the most important must be made and an assessment about whether these are out-of-date. It is for the decision-maker to consider whether the 'basket' of most important policies as a whole is out-of-date, a matter which I return to in my conclusions below.

⁸ Wavendon Properties Ltd vs SSCLG and Milton Keynes Council [2019] EWHC 1524 (Admin)

The most important policies

62. The parties do not agree which are the most important policies for determining the appeal. At the hearing it was agreed by both parties that Policies CP9 and CP11 of the CS, Policies CC02 and TB21 of the MDD LP and Policy 1 of the SNP would be most important policies for determining the appeal. In addition, the Council considers that Policy CP3 of the CS and Policy 2 of the SNP should be included.
63. Policy CP3 sets out general principles for development. As the design of the proposed development in the context of the site constraints and its relationship to the surrounding area is an important factor, I consider that Policy CP3 is one of the most important policies. For the same reasons, I consider that Policy 2 of the SNP which sets out general design principles should be included as one of the most important policies.
64. The list of most important policies put forward by the parties are focussed on the location of development, landscape character and design. In terms of locational factors, I consider Policy CP19 of the CS is also most important as it sets out the expectations of development within the South of the M4 SDL. In respect of trees and landscaping, Policy CC03 of the MDD LP is also most important.
65. In addition to those referred to above, I consider that a number of the policies included within the reasons for refusal would also be most important policies. This includes Policies CP1 of the CS and CC01 of the MDD LP which secure sustainable development and Policy CP2 of the CS which relates to inclusive communities and the provision of community facilities.
66. The scheme includes residential development and proposals for a mix of housing types and affordable housing, therefore Policies CP5 of the CS and TB05 of the MDD LP are most important.
67. A community facility and 23 residential properties are proposed. Policies CP6 of the CS, CC07 of the MDD LP and Policies 4 and 5 of the SNP which manage travel demand and secure car parking are most important policies for assessing the effects of the scheme on the highway network and travel patterns.
68. The appeal scheme proposes the development of an area of land that is semi-improved grassland and woodland. The scheme would extend built development into this area which would remove some of this habitat. Consequently, I consider Policies CP7 of the CS and TB23 of the MDD LP and Policy 7 of the SNP which seek the protection of biodiversity and mitigation against its loss are also most important policies.
69. Due to the proximity of the appeal site and the proposed dwellings to the M4 motorway, the effect of noise on the proposed development is a significant factor. For this reason, I consider Policy CC06 of the MDD LP which relates to noise impacts and mitigation is also a most important policy.
70. Policy TB12 of the MDD LP and Policy CP4 of the CS which seek to secure employment skills and infrastructure in association with the development are relevant but not the most important.

71. Having regard to the above, I consider that the most important policies in the determination of the application are: Policies CP1, CP2, CP3, CP5, CP6, CP7, CP9, CP11 and CP19 of the CS; Policies CC01, CC02, CC03, CC06, CC07, TB05, TB21 and TB23 of the MDD LP; and Policies 1, 2, 4, 5 and 7 of the SNP.

Whether the most important policies are out-of-date

72. Paragraph 219 sets out that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework. Such an approach has been established through case law⁹ where it has been held that there are a number of reasons why a policy may be considered out-of-date but the age of a policy is not decisive in this matter.
73. The parties agree that policies CP1, CP2, CP7 and CP19 of the CS, policies CC01, CC03, CC06, CC07, TB05, TB21 and TB23 of the MDD LP and Policies 1, 2, 4, 5 and 7 of the SNP are consistent with the Framework and should be attributed full weight. There is some dispute between the parties as to whether the remaining most important policies are consistent with the Framework, namely Policies CP3, CP5, CP6, CP9 and CP11 of the CS and Policy CC02 of the MDD LP.
74. Policy CP3 is a generic policy which sets out general principles for development. I have not been alerted to any significant inconsistencies with the Framework and whilst I accept that some wording may demonstrate minor inconsistencies, as found by the Inspector in the Land East of Finchampstead Road appeal¹⁰, overall I do not find this policy to be out-of-date.
75. Policy CP5 includes a provision that residential proposals of at least 5 dwellings will provide 50% affordable housing, where viable. This policy does not accord with paragraph 64 of the Framework and therefore is out-of-date.
76. Policy CP6 is a criteria-based policy which indicates that permission will be granted if road safety is enhanced, adverse effects on the network mitigated and highway problems are not causes. It is a permissive policy which does not state that permission will be refused if these provisions are not met. Although there is a difference in wording between this policy and paragraph 110 of the Framework, the approach of the policy is not inconsistent with the Framework.
77. Policies CP9, CP11 and CC02 are restrictive policies, which amongst other things, set out a settlement hierarchy, require development to occur within development limits, apart from allowing for some limited development including affordable housing on rural exception sites. The housing requirement set out under Policy CP17 of the CS reflects the revoked South East Plan. This has been superseded by the Local Housing Need (LHN) figure of 768 dwellings per annum plus a 5% buffer (806) compared to the CS requirement under Policy CP17 of an average of 623 dwellings per annum from April 2021.

⁹ Bloor Homes Ltd v SSCLG [2014] EWHC 745 (Admin) and Gladman Developments v SS & Central Bedfordshire Council [2019] EWHC 127 (Admin)

¹⁰ Appeal Ref: APP/X0360/W/19/3235572

78. The Council has set out that the defined development limits are not specifically drawn up to deliver a simple quantum of development. It has also confirmed that the housing numbers upon which these limits were based, in this case those set out under Policy CP17, are not a ceiling. Whilst this is accepted, it is nevertheless evident that the Council is reliant on several sites outside development limits in order to deliver a sufficient supply of housing. Together these sites would deliver 420 dwellings and just over 10% of the Council's 5 year housing requirement.
79. Of the dwellings permitted outside development limits and included in the Council's 5 year housing land supply (5YHLS), some 306 dwellings would be within the SDLs where significant investment in infrastructure has taken place or is programmed to be delivered as part of future housing. In these cases, the Council has stated that in granting permission a 'normal balance' was taken weighing up material considerations against any policy conflict. The remaining approvals were granted on appeal when the Council could not demonstrate a 5YHLS. This indicates that the policies can and are applied flexibly.
80. Recent HDT results show the Council is performing well in delivering its housing requirements and has significantly exceeded its annual requirement since 2018, with delivery at 189% in 2021. This indicates that the Council's strategy for housing and other growth, as set out within Policies CP9, CP11 and CC02 and the policies relating to SDLs, can be applied flexibly to deal with changing circumstances including changes to housing requirements.
81. Nevertheless, it is clear that the policies are unable to deliver the housing requirement without having to be applied flexibly and reasonably often, in order to meet housing requirements. Given the extent of development outside settlement limits and my findings that the Council cannot currently demonstrate a 5YHLS, which I discuss in more detail later in my decision, I conclude that Policies CP9, CP11 and CC02 are all out-of-date and inconsistent with the Framework. This accords with a recent judgment, *Eastleigh BC v SSHCLG*¹¹, where it was held that development plan policies were not consistent with the Framework where compliance with a 5YHLS had been achieved, in part, by greenfield planning permissions outside settlement boundaries.
82. These matters have also been considered in various appeals within the Borough where Inspectors have reached differing conclusions. Most recently, Inspectors for appeals at Land east of Finchampstead Road, Wokingham and Land north of Nine Mile Ride, Finchampstead¹² concluded that since the Council was relying on sites outside settlement limits for its 5YHLS, then Policies CP9, CP11 and CC02 are all out of date.
83. I am aware that the Inspectors in both the Land to the rear of 6 Johnsons Drive, Finchampstead appeal¹³ and Land at Lodge Lane, Hurst appeal¹⁴, which pre-dated the Finchampstead Road and Nine Mile Ride appeals, concluded that these policies were not out of date.

¹¹ *Eastleigh Borough Council v SSHCLG* [2019] EWHC 1862 (Admin)

¹² APP/X0360/W/19/3238048

¹³ APP/X0360/W/18/3205487

¹⁴ APP/X0360/W/18/3194044

84. In the Johnsons Drive appeal, the Inspector found that the Council could demonstrate a 5YHLS even when deducting those sites outside the settlement boundary. Within the Hurst Lane appeal, there was no dispute that the Council could not demonstrate a 5YHLS, although it was not specified whether any of this would have been made on land outside settlement boundaries. The circumstances are therefore different to those before me where the Council acknowledges reliance on sites outside settlement boundaries and I have found a 5YHLS does not exist.
85. In coming to this view, I am also mindful of case law¹⁵ which confirmed that the weight to be given to restrictive policies could be reduced where settlement boundaries were drawn up on the basis of out-of-date housing requirements. In this case, the settlement boundaries were drawn up in the context of a much lower housing requirement although I acknowledge that housing requirement was not set as a ceiling.
86. The Council has referred me to an appeal decision¹⁶ at Land off Moseley Road, Hallow, Worcestershire where the Inspector concluded that since the Council could demonstrate in excess of a 5YHLS, its policy restricting development outside settlement boundaries was up-to-date. However, there is nothing to suggest that the 5YHLS was in dispute or whether it relied on the delivery of housing development outside defined settlement boundaries. For this reason, a comparison with the circumstances of the appeal before me is not possible. I therefore give this appeal decision limited weight.
87. It has been established through the *Eastleigh BC v SSHCLG* judgment that the Framework adopts a more nuanced approach requiring that planning decisions should contribute to and enhance the natural and local environment by meeting a series of objectives which includes the recognition of the intrinsic character and beauty of the countryside. Similarly, the Secretary of State¹⁷ in determining an appeal for the redevelopment of Wheatley Campus of Oxford Brookes University confirmed that 'recognition' and 'protection' are not the same being distinguishable terms, finding that the restrictive policies seeking blanket protection of the natural environment were not consistent with the Framework.
88. The type of restrictive approach that protects land outside of defined settlements as set out within Policies CP11 and CC02 does not, in my view, accord with the more nuanced approach advocated by the Framework. This also makes these policies out of date.
89. I acknowledge the benefits and the certainty that a plan-led approach to development provides, as recognised in the *Gladman Development Ltd v Daventry DC*¹⁸ judgment. I also recognise that the Council has taken steps to address issues arising within the Borough that have affected planned housing delivery, notably in relation to the extension of the Detailed Emergency Planning Zone around AWE Burghfield. I also appreciate that it can be unfair for landowners to seek to short-cut the plan-led process when the Council considers development needs are being met.

¹⁵ Suffolk Coastal District Council v Hopkins Development Ltd [2017] UKSC 37

¹⁶ APP/J1860/W/17/3192152

¹⁷ APP/Q3115/W/19/3230827

¹⁸ Gladman Developments Limited v Daventry District Council and SSCLG [2016] EWCA Civ 2246

90. However, I have found that, at present, the Council cannot demonstrate a 5YHLS and that a reasonable proportion of its HLS is on sites outside development limits. It is therefore not unreasonable that landowners seek to promote their sites through the planning application process.
91. Consequently, I have found that 4 of the 22 most important policies are out-of-date. I will return to the matter of whether the 'basket' of policies itself is out-of-date and therefore whether the appeal scheme complies with the development plan as a whole in my final conclusions.

Housing Land Supply

92. The Council's latest HLSS for the period 1 April 2021 to 31 March 2026 is based on an assessment of LHN using the standard methodology and includes a 5% buffer as required by the Framework. The LHN identifies an annual need of 768 dwellings which including the 5% buffer equates to 4,032 dwellings over the 5 year period.
93. As of 1 April 2021, the HLSS sets out the Council has a 5.10 years supply of deliverable housing sites. This equates to an annual rate of 806 dwellings and a total deliverable supply of 4,115 dwellings. This represents a surplus of 83 dwellings.
94. The appellants dispute this on the basis that the Council has included sites that came forward beyond the base date and, through the inclusion of a windfall allowance for larger sites, has double counted its supply. It is the appellants' view that the Council has a deliverable supply of 3,742 dwellings and therefore a shortfall of 290 dwellings from its total housing requirement. This equates to a 4.64 years housing land supply.
95. The Framework sets out within its glossary that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It goes on to give examples under a) and b) of the categories of sites which are capable of meeting that definition. Under a) this includes all sites with detailed planning permission; and under b) those sites which have outline planning permission for major development and whether there is clear evidence that housing completions will begin on site within 5 years.
96. It is clear from a recent High Court Consent Order¹⁹ that the examples given in categories a) and b) are not exhaustive of all the categories of sites which are capable of meeting the definition and that whether a site does or does not meet the Framework definition is a matter of planning judgement on the evidence available.
97. I have been referred to an appeal at Land on East Side of Green Road, Woolpit, Suffolk²⁰ where the Inspector concluded that in order to meet the definition of deliverable, a site would need to have a resolution to grant permission within the assessment period, that is by the cut-off date for the assessment period. The Inspector took the view that to include sites granted planning permission after the cut-off date but before the publication of the assessment, in that case the Annual Monitoring Report, would be erroneous.

¹⁹ East Northamptonshire Council v SSHCLG, Case Number: CO/917/2020

²⁰ APP/W3520/W/18/3194926

This was due to it overinflating the supply without a corresponding adjustment of need.

98. Whilst the findings of this Inspector are noted, I do not find it is that clear cut. The PPG sets out that to demonstrate a 5YHLS, the local planning authority should use the latest available evidence. To my mind, whilst this may include formal land availability assessments or the Annual Monitoring Report, it does not suggest that a base-line or cut-off date means no further evidence can be taken into account if is available.
99. In coming to this view, I have had regard to an appeal²¹ at Woburn Sands, Buckinghamshire where the Secretary of State also concurred with the view of the Inspector that it is acceptable, in relation to an assessment of housing land supply, that evidence can post-date the base date provided that it is used to support sites identified as deliverable as of the base date. It was also held in that appeal that a proforma can, in principle, provide clear evidence of a site's deliverability. This approach is reasonable and I have no reason to disagree.
100. At the Hearing, the Council emphasised that it is a delivering authority. Certainly, in terms of its recent record of housing delivery, as demonstrated in the HDT results, the Council has been strongly performing at 189% for 2021, 200% for 2020 and 175% for 2019. However, evidence of housing completions indicates that until 2019/20 housing delivery had fallen short of meeting the cumulative housing requirements set out within the CS.
101. Nevertheless, based on current projections, the Council anticipates that over the remaining CS plan period to 2026, an additional 1,965 dwellings will be delivered over the minimum requirement. This equates to a significant boost in housing of 14.9% above plan levels. Whilst I do not have firm evidence to confirm this, housing delivery in recent years does suggest that the CS housing figures may be exceeded.
102. The Council has a specialist delivery team and a dedicated officer for each of the SDLs. Through this, the Council gathers information regarding sites and forthcoming applications which inform its housing delivery analysis. On this basis, the Council considers its information to be both up to date and robust. In support of its position, the Council has asserted that evidence on housing delivery given at the Hearing on sites that are no longer contested demonstrates the reliability of this engagement and the intelligence gleaned from it. Whilst I accept this, I do not find that on its own, this is sufficient to provide the firm evidence of deliverability which, to my mind, must additionally be backed up by other information.
103. It has been argued that reliance on sites outside defined settlement boundaries or development limits to demonstrate a 5YHLS may, in some circumstances, indicate that certain policies relating to housing land supply carry less weight. I have discussed this earlier on in my decision. However, this does not mean that sites outside development limits with planning permission cannot be included within the calculation of 5YHLS in accordance with the relevant tests of deliverability. This approach has been confirmed in the judgment in *Gladman Developments Limited v Daventry DC*. I have

²¹ APP/Y0435/W/17/3169314

therefore taken such sites into account in my assessment of the Council's 5YHLS.

104. In the context of the above and taking into account that the test of deliverability is about a realistic prospect not certainty and that the onus to demonstrate delivery lies with the Council, I now turn to look at the disputed sites within the HLSS.

Ashridge Farm, Warren House Road, Wokingham

105. This site is within the North Wokingham SDL. A scheme for 153 dwellings was granted full planning permission on 25 June 2021. Build out rates have been indicated by the developer operating on the site who has confirmed they will be delivered within years 2, 3 and 4 of the 5 year period. The latest available evidence confirms these have permission and that the new homes are being marketed for sale on David Wilson Homes' website. Whilst this certainly indicates deliverability, this was not the case at base date when the site had no permission at all.
106. In my view, this site did not meet the definition of deliverable having neither full nor outline permission at base date. Whilst I accept that evidence can be taken into account post base-date, this should only be the case where the site was considered deliverable at that point which was the not case here. For this reason, I conclude that the 153 dwellings should be excluded from the trajectory.

Land at 1 Barkham Road, Wokingham

107. This site is a brownfield site with a proposal for 14 dwellings. At base date, there was a resolution to grant planning permission subject to the completion of a legal agreement. I have nothing before me to show this has now been resolved. This degree of uncertainty could in my view put back the potential start date of a development by some time or may act as an impediment to development. For this reason, whilst I acknowledge that this would be a small site and should be deliverable within 5 years, I do not consider it appropriate to include this development within the calculation of overall supply. These 14 dwellings should be removed from the calculation.

Land at Hogwood Farm, Sheerlands Road, Arborfield

108. This is part of a larger scheme for 1,500 dwellings which has outline planning permission. Phases 1 and 2, delivering 178 and 235 dwellings respectively, have been subject to reserved matters and approved. A further reserved matters application in respect of 135 dwellings has been validated by the Council on 22 November 2021. The Council considers 73 dwellings arising from this would be deliverable in years 4 and 5.
109. The scheme is being brought forward by one developer who is a national housebuilder. Phase 1 is due to complete in year 3 and the Council has assumed that the 73 dwellings would be completed in the subsequent years. They have based this assessment on the Council working closely with the developer which has helped them understand the forthcoming projects. However, I note that in the proforma responses to the Council, the developer has not provided any information in respect of the timing of this phase of the development.

110. Notwithstanding the findings of the Inspector in the Nine Mile Ride appeal, I have been provided with no firm evidence that indicates that the use of modular housebuilding has speeded up delivery. Nevertheless, I recognise that the development would benefit from the completion of the Nine Mile Ride Extension – South which would provide the highways infrastructure to enable this development to come forward. The reserved matters for this road scheme have been granted permission and the road it expected to be fully built out within 2022.
111. In view of the expected completion of the road and phase 1 of development, on balance, I consider it is likely that this third phase of development will commence during the 5 year period. Taking into account delivery rates for both phases 1 and 2, the assumptions made by the Council in this regard do not appear unreasonable. For this reason, I consider that these 73 dwellings should be included within the trajectory.

Land to West of Shinfield

112. The disputed housing forms part of a larger scheme comprising 3 parcels of land for which outline planning permission was granted for 1,275 dwellings on 8 November 2012. This parcel of land relates to 137 dwellings remaining to be delivered following reserved matters. Of these the Council considers 25 dwellings will be delivered within the 5 year period. The Council has indicated that there have been 3 developers operating on the site and given the size of the permission, its location within an SDL and indications of expected delivery they consider its inclusion is justified.
113. An EIA Screening was submitted which the Council has referred to providing evidence of progress. The appellant disputes this as the EIA Screening did not indicate a time frame. Nevertheless, at the time the HLSS was published a reserved matters application had been approved for the 25 dwellings and it was therefore the latest available evidence relating to a site which did have outline permission at base-date.
114. The Council has adopted a cautious approach and proposed these would be delivered within year 4 which is reasonable. I find that these 25 dwellings should be included as part of the overall supply.

Land east of Gorse Ride South, south of Whittle Cross and north and south of Billing Avenue, Finchampstead

115. This site has planning permission for 249 dwellings, granted on 19 February 2021. It includes demolition of existing housing resulting in a net gain of 71 dwellings. The Council has projected that 44 of these will be delivered within the 5 year period. The scheme will be brought forward in 3 phases.
116. The majority of this site is within the Council's ownership but a number of properties and land holdings are in third party ownership. Negotiations are being undertaken to acquire the properties and a Compulsory Purchase Order (CPO) application was made to acquire any others. The CPO has been rejected and in order to acquire these properties for the development, the Council would be likely to need to again apply for a CPO. Furthermore, condition number 35 of the planning permission requires a legal agreement to be signed by the owners before development commences.

117. I have no evidence that this legal agreement has been signed and, in view of some of the landowners' resistance to the development, there is no certainty that this will be completed. This degree of uncertainty could in my view put back the potential start date of a development by some time or may prevent the development from coming forward in the manner proposed.
118. I appreciate that the site has been included on the brownfield register and budget allocated to its redevelopment, the Council's commitment to the development is not disputed. However, given the position in relation to land acquisition and securing a legal agreement, I do not consider there is robust evidence that these dwellings will be delivered. The 44 dwellings should therefore be excluded.

Windfalls

119. Paragraph 71 of the Framework sets out that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. The parties dispute the windfall allowance from large sites.
120. A large windfall site is an unidentified site that delivers 10 or more dwellings. The Council has provided evidence that the average build out time for a large windfall is just over 2 years and that between 1998/99 and 2020/21 there was an average of 51 net completions from large sites. More recently, the Council has suggested that over the last 5 years, the average windfall delivery from large sites has been 116 dwellings per annum. On this basis, the Council has included a windfall allowance of 32 dwellings per annum for large windfall sites to be delivered in years 4 and 5.
121. The appellants have argued that the large windfall allowance which includes both large prior approvals and non-allocations means that there is a pool of 933 dwellings with permission (excluding sites the appellants have disputed). This would equate to a build rate of 186.6 dwellings per annum and a rate that has only been achieved in 2 years, 2018/19 and 2019/20. They also consider that the inclusion of a large site delivering 120 dwellings at land west of Beech Hill Road, Spencers Wood, which was allowed on a greenfield site outside a settlement boundary when the Council could not demonstrate a 5YHLS, does not represent the type of windfalls that would normally come forward. This therefore skews the figures.
122. The appellants contend that this scenario is unrealistic based on past delivery rates and that any additional windfall allowance should be excluded as it would represent double-counting as concluded by the Nine Mile Ride Inspector.
123. I recognise that the build rates would represent a significant uplift in delivery. However, there is evidence of high levels of housing delivery within the Borough as borne out in the recent HDT results. The evidence indicates that windfall sites can and do get developed relatively quickly. It therefore seems to me that should one or two such sites come forwards within year 1 or 2, it is quite feasible that they would be completed by the end of the 5 year period. On that basis, I do not consider the Council has been unrealistic in its assumptions around windfalls coming forward in years 4 and 5. I also concur that an annual rate of 32 dwellings is modest and not unreasonable. In coming to that view, I am mindful that were I to allow this appeal, the appeal

site would be one such windfall which the appellants have, in their evidence, indicated would be built out within 5 years.

124. I appreciate that I have reached a different conclusion on this matter to the Nine Mile Ride Inspector. However, it seems that she did not have evidence before her on delivery rates which have been provided in this case.

Overall findings on HLS

125. Based on my assessment above, I find that 211 dwellings should be taken out of the trajectory. By my calculation, this would mean the Council can demonstrate that 3,904 dwellings would be deliverable. This amounts to a shortfall of 128 dwellings against the 5 year requirement and a 4.84 year supply of deliverable sites.

Benefits

Affordable housing

126. Policy CP5 of the CS requires a minimum of 35% affordable housing on schemes of 5 dwellings or more within the SDL. The appeal scheme would provide 17 affordable housing units, representing 74% affordable housing. All of these would be delivered on site.
127. The Berkshire and South Bucks Strategic Housing Market Assessment 2016 (SHMA) provides an assessment of affordable housing needs. This identified an annual net need for the period 2013-36 for 441 affordable dwellings. This represents over 51% of the total housing need for the Council for this period. A subsequent appraisal of affordable housing need was undertaken in 2020 as part of the LHN Assessment. The identified an annual average figure of 407 affordable homes, which represented 51% of the minimum LHN figure.
128. In the period April 2013 to March 2020, 1,831 affordable homes were delivered, equivalent to an annual average rate of just under 262 affordable dwellings per year since 2013. There is evidence that delivery has increased in recent years, with a small surplus against the annual requirement having been delivered in just 2 of the 7 years, 41 affordable dwellings in 2017/18 and 5 in 2019/20. Consequently, the cumulative shortfall against need amounts to 1,256 affordable dwellings.
129. There is clear evidence that Wokingham has an affordability problem and that delivery of affordable housing has fallen well below need. The provision of 74% of the dwellings as affordable and more than double the affordable housing requirement is a positive aspect of the scheme. However, this has to be viewed in terms of its wider contribution to the supply of affordable housing. The scheme would deliver just over 4% of the total annual need for affordable housing and would make a modest contribution to supply. However, in the context of significant under-delivery over a number of years, this modest contribution would amount to a significant benefit of the scheme.
130. I appreciate that the Council considers that 1,769 affordable housing units can be delivered through the local plan process. I also appreciate that there are some large schemes coming forward within the SDLs. This includes one at Spencers Wood where I was told a contribution of £18 million to affordable housing was agreed and another for a development of some 1,800 dwellings of which 500 would be affordable in the South Wokingham SDL at land South

of the railway. However, I heard that this site is not due to deliver until after March 2025. The existence of these schemes do not therefore alter my view on the benefits to be attributed to the provision of affordable housing.

131. I have been referred to a decision²² by the Secretary of State at Moor Lane, Woodthorpe, York where the Inspector recognised the value in terms of national policy of a contribution of 5% excess over policy. In that case the Inspector considered that the excess contribution to the supply of affordable housing should be given disproportionate value because of the overall deficiency of supply. The Secretary of State agreed with the Inspector. However, I am also mindful that that scheme would have delivered 516 residential units and was of a scale much greater than the scheme before me.
132. The Nine Mile Ride Inspector also recognised the affordability issues within the Borough. That scheme would have provided some 59 affordable dwellings, again significantly more than the appeal scheme. The Inspector recognised this as an important benefit to which she attributed substantial weight.
133. Both these appeals to which I have been referred would have delivered significantly higher numbers of affordable housing units than the appeal scheme. For this reason, I do not accord greater weight to the provision of affordable housing than the significant weight I have stated.
134. For the avoidance of doubt, the Government's First Homes affordable housing scheme does not apply in respect of this appeal. It does not apply to applications where there has been significant pre-application engagement and which are determined before 28 March 2022. Substantive pre-application discussions and engagement between the main parties relating to the proposed quantity and tenure mix of affordable housing has already taken place and this forms the basis of the completed S106 agreement. The main parties share my view that First Homes affordable housing is not required.

Accessible location

135. The appeal site is located on the edge of the settlement which has a modest range of services and facilities, including a few convenience shops, a public house, school and healthcare facilities. It is also close to both the footbridge across the M4 and Shinfield Road bridge providing access to additional facilities north of the M4. The submitted Transport Assessment indicates that most of these facilities would be over 15 minutes' walk from the site and around 5 minutes' cycle ride. However, the footbridge incorporates some steps and may not be accessible to those with reduced mobility. The scheme would also provide improved linkages between Brookers Hill and Hollow Lane. In terms of walking and cycling, access to the site would therefore be modest.
136. There is a bus stop close to the eastern access of the site on Shinfield Road which provides frequent services to Reading as well as Wokingham and Arborfield Garrison. On this basis, future occupants would have reasonable access to services and facilities by means other than the private car. This leads me to conclude that the accessibility of the site carries moderate weight.

²² APP/C2741/W/19/3233973

Provision of a community hall

137. The scheme would provide a community hall which would be for the Tamu Pye Lhu Sangh UK Community group (the TPLS) and the wider Gurkha community. The TPLS is a charitable organisation which I am told has been looking for a site since 2015 to be used as a community hub. The charity requires a freehold tenure to provide them with security, a minimum size with sufficient parking and access to outdoor space for meetings and social events as well as being close to major public transport hub and the strategic highway network. I was also told that the members of the group are particularly keen on basketball and that the proposed facility would provide flexible space to accommodate this.
138. I have been provided with very limited information about the TPLS. Whilst I accept that the TPLS may be seeking their own premises, no evidence such as correspondence from the TPLS or indeed anything to connect this group with the appeal proposal was submitted to support this. There is no substantive evidence of any search for sites having been undertaken nor anything from the TPLS setting out their specific requirements.
139. The Council has questioned the need for an additional community hall as there is a recently built community hall within Shinfield as well as other schemes coming forward that would provide access to community space locally. I appreciate that the TPLS may require their own freehold premises and that the community hall may be able to provide a hub and facility to support and conserve the culture of this group, but there is nothing substantive before me to confirm this.
140. In the absence of firm evidence that this community building would be for them and with the recent and forthcoming provision of other community facilities locally, I am not persuaded that there is a need for this building. I therefore give this limited weight.

Living conditions of adjoining occupiers

141. The provision of the eco-barrier would reduce noise from the M4 motorway to existing dwellings on Brookers Hill. The appellants' submitted noise report²³ has assessed that for the garden facades of these houses facing towards the motorway, occupants would experience a noise reduction of between 4 to 6 dBA and at the end of their gardens where existing noise levels would be higher, a greater reduction of around 8 to 12 dBA.
142. This would improve the living conditions for these occupiers with subsequent health and well-being benefits. I accept that the M4 motorway has been in existence for some considerable period and that existing occupants would be both used to it and would have most likely purchased their properties in full knowledge of the motorway and the noise arising from it. Nonetheless, it seems that any reduction in noise disturbance from this source would be a benefit to occupiers. I therefore give this moderate weight.

²³ SBS Environmental Noise Barrier Design Study – Willow Tree House, Shinfield Noise Impact Assessment and Barrier Design, 3 December 2020

Biodiversity

143. The appeal site is considered to be in poor to moderate condition in terms of biodiversity. The appeal scheme provides an opportunity to enhance the existing habitats on the site. There was some debate at the Hearing as to whether the site should be managed for biodiversity or simply left to evolve with the possibility of turning into lowland mixed woodland in time. Nevertheless, both parties agreed that through the proposed management of the habitats, there would be enhancement to biodiversity and that this carried moderate weight. I have no reason to disagree with this.

Economic and social benefits

144. During construction and subsequent occupation of the development, there would be a number of economic benefits in relation to employment, supply of goods, use of services and spending money within the local economy. Those associated with construction would be time limited, however, longer term benefits would result from future occupants. Additional financial benefits would be accrued from the New Homes Bonus and CIL contributions. These benefits together carry moderate weight.
145. The proposal would add to the supply of housing, providing a mix of housing to meet housing needs including affordable housing as I have already discussed. In addition, the scheme would provide public open space which would provide health and well-being benefits to the local community. These social benefits of the scheme would carry moderate weight.

Other Matters

146. As noted above a Planning Obligation has been completed that would make contributions towards infrastructure, affordable housing employment skills, biodiversity net gain, securing highways works, provision of and maintenance of both public open space and the noise attenuation barrier.
147. In each case I am satisfied that the Obligation meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and complies with the tests set out in paragraph 56 of the Framework. Since they are to ensure that effects of the development are mitigated, I consider them to be neutral in the final balance.
148. The Council has maintained its objection to the eco-barrier on the basis that it does not consider a structure of this size and in close proximity to the motorway should be dealt with by a condition. My attention has been drawn to an appeal²⁴ at Land west of Grasslands, Cooper Close, Smallfield where a similar acoustic barrier was proposed adjacent to the M23 motorway and where the Inspector found it acceptable to deal with the matter by the submission of details secured through a condition. National Highways have confirmed that they would accept the details being submitted as a condition. I have no substantive grounds to disagree with either the Smallfield Inspector or National Highways. In these circumstances, had I allowed the appeal, I would have imposed a condition to secure this.

²⁴ APP/M3645/W/15/3135733

Planning Balance

149. I am required to make a judgement as to whether the most important policies, the 'basket', taken as a whole are to be regarded as out of date for the purposes of this decision. Of these, I consider Policies CP9 and CP11 of the CS, Policies CC02 and TB21 of the MDD LP and Policy 1 of the SNP, which relate to location of development and character and appearance, have the greatest bearing on my decision. I therefore give these policies more weight when considering the overall 'basket'.
150. Within these, I have found some inconsistency with the Framework and I have found that the development limits, as set out under Policy CC02 of the MDD LP, and applied through Policies CP9 and CP11 of the CS should be regarded as out of date. This is due to the Council's reliance on sites outside of these limits to deliver its housing requirement and because I have found that the Council cannot currently demonstrate a 5YHLS.
151. When taken as a whole, this means that, in this appeal, the basket of most important policies is out of date. For this reason, I consider that the presumption in favour of sustainable development (the tilted balance) as advocated within the paragraph 11d) of the Framework would apply.
152. In addition, the Council cannot demonstrate a 5 year supply of deliverable housing sites. This also triggers the tilted balance under paragraph 11 of the Framework.
153. The shortfall in the Council's 5YHLS is very modest. Furthermore, in the context of the Council's strong performance on housing delivery as demonstrated through the HDT results, whilst the development limit boundaries are considered out of date for the purposes of this appeal, I do not find that the Council's strategy for housing growth is failing to deliver in its entirety. In the context of housing delivery, the Council is therefore meeting the Government's objectives to significantly boost the supply of housing. For this reason, whilst the presumption in favour of sustainable development applies, this only weighs moderately in favour of the development.
154. The appeal site lies outside the settlement limits of Shinfield although within the South of the M4 SDL where the Council has highlighted that significant investment in infrastructure has taken place or is programmed to be delivered as part of future housing. I therefore find the locational conflict would carry moderate weight.
155. The proposed development would cause significant harm to the character and appearance of the area, the landscape and trees on the site. These adverse impacts are matters of very substantial weight and importance in the planning balance.
156. The scheme would make a small contribution to housing within the Borough. In the context of the absence of a 5YHLS, this carries moderate weight. The provision of affordable housing is a significant benefit of the scheme which I accord significant weight. Additional benefits of the scheme include the provision of housing in an accessible location, providing a mix of housing, public open space, contributions to biodiversity gains, improvements to living conditions of nearby occupants and a range of economic benefits both during construction and subsequent occupation of the proposed development. These

all carry moderate weight. The provision of a community hall carries limited weight.

157. As I have identified above, the proposal would give rise to significant harm in respect of the character and appearance of the area and harm to protected trees to which I attribute substantial weight. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

Conclusion

158. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Douglas Bond	Planning Consultant and Agent
John Seymour	Landscape Architect
Giles Parker	Acoustic Consultant
Steve Jenkins	iTransport, LLP
Edward Mather	Colony Architects
Chris Alder	Arboriculture
Karen Jones	Solicitor, Plan B Solicitors
Daniel Clark	Land Agent
Eleanor Frew	Ecologist

FOR THE LOCAL PLANNING AUTHORITY:

Chris Howard	Delivery Manager
Vincent Healy	Solicitor, Wokingham Borough Council
Ian Church	Team Manager, Growth and Delivery Team
Duncan Fisher	Ecologist
Victoria Higgins	Housing Policy Officer
Bridget Crafer	Landscape Officer
Gordon Adam	Borough's Highway Officer

HEARING DOCUMENTS

- HD1 Drawings 556-02-16 Proposed Ground Floor Key Plan P5, 556-02-16 Proposed site plan P5, 556-02-20 Proposed parking plan P5, 556-02-12 proposed Block Plan Pt 1 P5, 556-02-12 proposed Block Plan Pt 2 P5, 556-02-12 proposed Block Plan Pt 3 P5,
- HD2 Appeal Decision – Land west of Grasslands, Cooper Close, Smallfield Surrey, APP/M3645/W/15/3135733
- HD3 Horley image from adjacent road
- HD4 Email dated 17/11/21 including correspondence dated 8/12/2015 including written representations on behalf of Highways England in respect of the Horley eco-barrier
- HD5 Information relating to discharge of Condition 15 ref APP/M3645/W/15/313573

POST-HEARING DOCUMENTS

- PHD1 Copy of Deed of Agreement to Provide Planning Obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 11 Local Government Act 1972 (undated and unsigned – to supersede all versions submitted during the Hearing)
- PHD2 Revised list of conditions incorporating changes in relation to trees, highways and ecology
- PHD3 Email from appellants dated 23 November 2021 setting out changes to condition and confirming acceptance of pre-commencement conditions
- PHD4 Email correspondence dated 23 November 2021 confirming that, subject to the imposition of agreed conditions, National Highways no longer objects to the appeal proposal for the installation of the eco-barrier.
- PHD5 Copy of plan 556-04-10 Proposed Site Sections a-a b-b P5
- PHD6 Email dated 23 November 2021 from the appellants confirming that drawing only includes added dimensions and no change to the scheme design.
- PHD7 Updated Tree Protection Plan, Ref 20212-3
- PHD8 Updated Arboricultural assessment & method statement
- PHD9 Copy of executed S106 Agreement dated 16.12.21
- PHD10 Wokingham Borough Council 5 Year Housing Land Supply Statement at 31 March 2021 and Appendix 4 – SDL Progress maps
- PHD11 WBC Post Hearing Statement on Housing Land Supply
- PHD12 Further Planning Hearing Statement (Housing Land Supply) January 2022 and appendices (DB31, DB32 and DB33)
- PHD13 Joint response from both main parties regarding First Homes
- PHD14 Email dated 4 February 2022 from the appellant commenting on WBC Post Hearing Statement
- PHD15 WBC response to appellant's statement – WBC Post Hearing Statement Feb 2022 and appendices
- PHD16 Rebuttal to LPA Statement Feb 2022 and appendices (DB3, DB5, DB9 and DB34)

APPENDIX

5





Appeal Decision

Hearing held on 22 February 2022

Site visit made on 21 and 22 February 2022

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2022

Appeal Ref: APP/X0360/W/21/3276169

Land at Baird Road, Arborfield Garrison RG2 9YU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Baird Road Ltd against the decision of Wokingham Borough Council.
 - The application Ref 202303, dated 1 September 2020, was refused by notice dated 3 December 2020.
 - The development proposed is the erection of single building providing 10 apartments.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original application was made in outline with only access to be determined at this stage. I have had regard to the existing and proposed site plans and the indicative layout of the proposed development as shown in these drawings, but have regarded all elements of these drawings as indicative apart from the details of the access.
3. During the course of the appeal, the appellant submitted a completed signed planning obligation by way of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) dated 9 December 2021 (the S106 agreement). This deals with the provision of affordable housing, contributions to mitigation against adverse effects on protected habitats sites and employment skills. I will discuss this in more detail later in this decision.
4. Since the appeal was lodged, the Council has confirmed that its third, fourth and fifth reasons for refusal have been addressed. These were concerned with the absence of a legal agreement in relation to those matters covered by the subsequently executed legal agreement. I have proceeded on this basis.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including trees and green infrastructure; and

- whether there are any material considerations which mean that the decision should be made otherwise than in accordance with the development plan.

Reasons

Character and appearance

6. The appeal site lies outside the defined development limits of Arborfield Garrison and therefore within the countryside. Due to its location, the proposal would be contrary to the countryside protection and strategy for development within the Borough as set out under Policy CP11 of the Wokingham Borough Core Strategy 2010 (the CS). This policy seeks to protect the separate identity of settlements and maintain the quality of the environment and only allows proposals outside development limits in a number of exceptional circumstances. Of relevance to this appeal, is whether or not the proposal would lead to excessive encroachment or expansion of development away from original buildings and whether it would maintain the quality of the environment.
7. The site forms part of a wider landscape strip of open and well treed land which lies between Baird Road to the south and Eversley Road (the A327) to the north. This landscape strip extends for some distance around the north-western edge of the settlement. It is undeveloped apart from a modest single-storey pump house building adjacent to Baird Road. On the opposite side of Baird Road, development is characterised by a mix of 2 and 3-storey residential development and a recently constructed single-storey convenience store. These buildings form a well-defined and visible edge to the settlement.
8. Beyond the A327 the land is primarily agricultural with some dispersed commercial development along the road. The landscape strip which includes the appeal site is not agricultural, however it has a distinctly rural character due to the absence of development and the presence of woodland areas and open grassland. Whilst it is not a valued landscape in terms of paragraph 74 of the National Planning Policy Framework (the Framework), it nevertheless contributes both visually and functionally to the quality of the area by providing a verdant landscaped buffer between the settlement and the main distributor roads beyond the settlement.
9. Despite some small pockets of development beyond the settlement edge, notably the line of development on the east side of Rickman Close, the perception on the ground, when travelling along either Baird Road or the A327, is of the settlement being contained to the south-eastern side of Baird Road. The landscape strip and grass verges found along the A327 are viewed as a green buffer separating the settlement from the busy roads encircling it and form a distinctive feature of the area.
10. The indicative layout shows the proposed building positioned towards the wider eastern end of the site adjacent to a traffic roundabout where 4 roads converge. There is no built development on the land between any of the arms of the roundabout which are characterised by grass verges, shrubs and trees. In this context the introduction of a substantial building so close to the roundabout would appear at odds with its surroundings. Whilst built development can be seen both along Baird Road and Rickman Close, this is only glimpsed beyond trees and is not prominent on the roundabout. The

appeal proposal, by contrast, would dominate the landscape around the roundabout due to its size and proximity to the site boundaries.

11. I appreciate that the scheme is only indicative, however, due to the shape of the site there would be limited options for siting the building further from the roundabout and less prominently within the site and none were suggested to me at the Hearing. On this basis, it seems reasonable to assume that whatever layout might be finalised through any subsequent reserved matters approvals, it would likely occupy a similar position.
12. The indicative design of the building shows its height would be limited to 2 storeys with first floor accommodation proposed to be within the roof. This is intended to minimise the bulk of the building. In the context of the adjacent development along Baird Road, the appeal scheme would not appear excessively large or at odds with the established scale of development locally. However, it would appear as an anomaly beyond the established line of development on the opposite side of Baird Road and encroaching into the green landscaping that forms a defined transition zone and buffer to the busy roads surrounding the settlement. This would be apparent on the approach to the settlement, particularly when approaching along Eversley Road in either direction.
13. The appeal site is viewed in the context of the existing settlement, the surrounding roads including the recently constructed Arborfield Cross Relief Road (Observer Way) which lies some 100m to the south-west of the site and the surrounding open countryside. Observer Way is a significant road, as is Eversley Road which extends around the north and western edges of the settlement. These roads do have an urbanising effect on the landscape with traffic islands, signage and streetlighting. Moreover, these are busy routes with increased volumes of traffic. To my mind, this makes it all the more important to provide appropriate landscaping and separation of these roads from the settlement through protection of landscape buffers. The appeal proposal would undermine this, particularly if further developments were to follow on these landscape areas.
14. The appellant recognised that the site is clearly influenced both audibly and physically by the presence of the surrounding road network with the emerging Arborfield Cross Relief Road increasing this influence. In this context, and given my findings in respect of landscaping mitigation which I come on to next, it seems to me that the development of this site would extend the influence of these road networks closer to the settlement, where it has evidently been planned to avoid such scenarios through the retention of these landscape buffers. Indeed, it is acknowledged that the new bypass route will take significant traffic flow from Arborfield Garrison which serves to further reinforce my view of the importance of this buffer.
15. The appellant has described the scheme as being sited within a heavily landscaped setting. The appellant's Arboricultural Impact Assessment (June 2020) (AIA) confirmed that the development would not result in the loss of any key trees and this was reaffirmed in the Landscape and Visual Hearing Statement.
16. The evidence indicates that the appeal site did contain a number of larger trees within the central part of the site. Photographs of these trees included within the appellant's Design and Access Statement (the DAS) show these

trees to be modest in height, similar to the ash tree at the northern corner outside of the site with much of the site boundaries being open. These were described by the Council's landscape officer as being reflective of the character of the landscape buffer beyond the site boundary. The DAS also went on to explain that the majority of existing trees and vegetation would be retained and enhanced by new landscape planting.

17. At the time of my site visit, there were no trees within the northern section of the appeal site beyond the pump house although there were a few dispersed trees on the site boundaries with boundary vegetation which appeared to include significant amounts of bramble. I also observed many tree stumps of varying sizes, a number of smaller stumps were indicative of trees having been recently felled.
18. I have no firm evidence of when trees were felled on the site. The Council's landscape officer indicates early 2020 but the DAS post-dates that. In any event, as a consequence of trees being cleared from the site, in November 2020, prior to the determination of the planning application for the proposed development, the Council issued a notice of intention to create a TPO¹ on the site. This was subsequently confirmed on 20 May 2021. This was made as a 'woodland TPO' and covers trees of all species on the land in the vicinity of the pump house, Baird Road.
19. The Planning Practice Guidance² (PPG) advises that anyone who contravenes an Order by damaging or carrying out work on a tree protected by an Order without getting permission from the local planning authority is guilty of an offence and may be fined. The AIA indicates many tree stumps within the site which indicates that several trees were felled prior to the trees being protected by a Tree Preservation Order (TPO).
20. At the Hearing, the appellant acknowledged that the site had been subject to further tree removals since the TPO was in place and that the extent of the clearance had arisen due to a miscommunication between the appellant and their contractor. I have no conclusive evidence of what was cleared from the site at that time. Nevertheless, it is not for me to judge the extent of any contravention of the Order.
21. Given the above, it would not be appropriate for me to assess the effect of the scheme on the basis of the cleared site. For this reason, I am basing my assessment on the information provided within the AIA, taking into account the trees identified within the area G2. I have had regard to how these may appear in their maturity.
22. The AIA indicated that vegetation on the site, identified as G2 within the tree schedule, extended into the site along both its north-eastern side and south-western side. It describes this as intermittent parcels of colonising scrub, considered to be of low arboricultural quality. It comprises a number of young to semi-mature species, including goat willow, English oak, gorse, hawthorn, ash, elm and field maple of heights varying for 2m to 5m.
23. The appellant has submitted a series of viewpoint photographs which were taken in June 2020 and therefore represent summer views of the site. Whilst these indicate a degree of tree cover and screening, it is not clear how many

¹ TPO 1764/2020

² Paragraph: 135 Reference ID: 36-135-20140306

trees were on the site at that time and how that compares to the current situation. Certainly, the Viewpoint Location Plan³ indicates that tree cover on the site would have been extensive. With much of this vegetation now removed, there would be very limited screening of the site and the proposed building would be widely visible.

24. Much of the appellant's argument in terms of landscape impact is reliant upon the retention of key trees on the site. However, there are very few trees now remaining on site. New landscape planting is proposed, the details of which would be determined under a reserved matters application. Whilst this could provide some screening of the proposed building from some viewpoints, the success of this would depend on the nature of the planting and the space available for this.
25. From the indicative drawings, there is, however, very limited space between the edge of the proposed building and the northern boundary of the site. Whilst I acknowledge that neither the layout nor landscaping has been confirmed at this stage, as I have already found, the scope to reposition the building is limited. Consequently, I do not consider that a sufficient amount of landscaping could be provided between the proposed building and the site boundaries to deliver the landscape mitigation for the scheme upon which the appellant has relied.
26. I appreciate that the landscaping would be established over a 10 year period. However, given I do not consider there would be adequate space for the required landscaping I am not persuaded that it can be satisfactorily provided in the first place. Elsewhere within the site, I accept that landscaping could be more successful and may be able to contribute to the verdant character of the landscaped buffer. However, this would not address the fundamental harm that would arise from the urbanisation of this area of land in the first place.
27. Part of the appeal site lies within a Green Route Enhancement Area (GREA). The Council describes a Green Route as a road into a settlement which is lined with trees and other vegetation which make a significant contribution to the character and environment of the area and contributes to the Borough's network of wildlife corridors. A GREA is defined in the Managing Development Delivery Local Plan 2014 (the MDD LP) as a stretch of road that has the potential to be green routes, particularly sections running between existing green routes. The GREA extends along Eversley Road and encompasses the north-western boundary of the site, extending to within the northern corner of the site.
28. This is the part of the site where the indicative drawings show the proposed building and where I have found the space for landscaping would be inadequate. In view of my findings, it therefore follows that the scheme would undermine the site's potential to contribute to the GREA. This would be harmful to the character and appearance of the area.
29. My attention has been drawn to various appeal decisions where development has been permitted on land outside development limits. In addition to finding the location acceptable in policy terms, the Inspectors have gone on to consider other matters. In the appeal at Lambs Lane and Beech Hill Road,

³ Appendix BW4, Landscape and Visual Hearing Statement

Spencers Wood⁴, the Inspector concluded that the proposal would be heavily screened from the surrounding road network. This is not the case in the appeal before me as the proposed building would necessarily need to be close to the boundary leaving insufficient space for effective landscaping to screen it. I do not find the circumstances comparable to the scheme before me.

30. In the appeal at Sonning Golf Club, Duffield Road, Woodley⁵, the Inspector concluded that the encroachment would be fairly limited. I have however not been provided with details of the relationship between that approved scheme and the countryside and existing built development although I note the Inspector concluded that it would extend an area of existing built development, thereby not appearing unduly incongruous in relation to the overall pattern and built development in the area. In the scheme before me, the proposal would appear detached from the settlement and entirely at odds with the undeveloped landscape strip on which it would be located. The conclusions of the Sonning Golf Club Inspector do not lead me to a different conclusion in this regard.
31. I conclude that the proposed development would result in significant harm to the character and appearance of the area, including trees and green infrastructure. It would therefore be contrary to Policies CP1, CP3 and CP11 of the CS, Policies CC01, CC02, CC03 and TB21 of the MDD LP and Policies IRS1 and IRS2 of the Arborfield and Barkham Neighbourhood Plan 2020 (the ABNP). These policies together seek sustainable development of an appropriate scale and character for the area that: maintains or enhances the high quality of the environment and the character and features that contribute to landscape character; respects the rural setting of settlements; preserves the character and appearance of the countryside; does not lead to excessive encroachment or expansion away from the original buildings; is within development limits and respects the transition between the built up area and open countryside by taking account of the character of the adjacent countryside and landscape; protects and retains existing trees and protects the Borough's Green Infrastructure networks.
32. It would also not accord with the Borough Design Guide Supplementary Planning Document 2012 which amongst other things supports new development on the edge of settlements that maintains or enhances the setting of the village in the landscape and relates to the local pattern of development.

Other Considerations

Planning Policy Context

33. The development plan includes the CS, the MDD LP and the ABNP. The Council is in the process of preparing a new Local Plan, but this is at an early stage and has not been submitted for examination. It therefore carries limited weight at this time.
34. Paragraph 11 d) of the Framework sets out that for decision taking where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: i. the application of policies in the Framework that

⁴ APP/X0360/W/18/3199728

⁵ APP/X0360/W/17/3167142

protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

35. At the Hearing, there was agreement that Policies CP1, CP3, CP9 and CP11 of the CS and Policies CC02, CC03 and TB21 of the MDD LP were the most important policies as well as Policies IRS1, IRS2 and IRS3 of the ABNP.
36. The Council considers all these policies are up to date and should carry significant weight. The appellant considers that Policies CP9, CP11 and CC02 are not up to date and should be accorded limited weight. This is on the basis that whilst these policies seek to deliver development in sustainable locations and to respect the character of the area which is not inconsistent with the Framework, they are restrictive policies based on out-of-date settlement boundaries. It is the appellant's view that since the Council is increasingly reliant on sites that are outside of the settlement boundaries, which is contrary to existing policy, to deliver its housing supply, these boundaries must be out-of-date.
37. These matters and the various appeal decisions in support of both parties' views were also put to me in the recent Willow Tree House appeal⁶. It will be seen from my decision on that appeal that I concluded that the defined development limits were out-of-date. There is nothing before me in this appeal to change my view in this regard. Therefore, those policies, namely Policies CP9, CP11 and CC02, insofar as they relate to the settlement boundaries are out-of-date. It follows therefore that Policy IRS1 of the ABNP which requires compliance with Policy CP11 must therefore also be out-of-date.
38. In addition to the 10 policies listed above, I consider that since the scheme proposes to deliver affordable housing, Policy CP5 of the CS would be a most important policy. This policy includes a provision that residential proposals of at least 5 dwellings will provide 50% affordable housing, where viable. This policy does not accord with paragraph 64 of the Framework and therefore is out-of-date.
39. The site also falls within 5km of protected habitats sites which could be adversely affected by additional residential development. Policy CP8 of the CS and Saved Policy NRM6 of the South East Plan are also most important policies. In seeking to avoid harm to protected sites they are consistent with the Framework and therefore not out-of-date.
40. Overall, I have found of the 13 most important policies for determining the application, 5 are out-of-date. I will return to the matter of whether the 'basket' of policies itself is out-of-date and therefore whether the appeal scheme complies with the development plan as a whole in my final conclusions.

Housing Land Supply

41. The Council considers it can demonstrate a 5.1 year supply of deliverable housing sites based on its Housing Land Supply Statement at 31 March 2021 (HLSS). This equates to 4,115 houses and a surplus of 83 dwellings over the

⁶ APP/X0360/W/21/3275086

- 5 year requirement of 4,032 dwellings. The appellant disagrees with this on the basis that 10 sites included within the Council's trajectory should be excluded as they are not deliverable. The appellant considers that the Council's deliverable housing supply would be 3,348 dwellings, equivalent to 4.15 year supply.
42. Housing land supply was a matter before me in the recent Willow Tree House appeal. This was also based on the same 2021 HLSS. It will be seen from that decision that, on the evidence before me then, I concluded the Council could identify a 4.84 year supply of deliverable sites, based on 3,904 dwellings being deliverable.
43. The parties have disputed some of my conclusions in that previous appeal, the Council in respect of some of the sites I excluded from the trajectory and the appellant in respect of some of the sites I included as well as the inclusion of a windfall allowance for large sites. I consider each of the disputed sites in more detail below.
44. The Framework sets out within its glossary that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It goes on to give examples under a) and b) of the categories of sites which are capable of meeting that definition. Under a) this includes all sites with detailed planning permission; and under b) those sites which have outline planning permission for major development and whether there is clear evidence that housing completions will begin on site within 5 years.
45. It is recognised that this is not a closed list and whether a site does or does not meet the Framework definition of deliverable is a matter of planning judgement on the evidence available.
46. The Council pointed out that, despite its efforts to obtain information about progress and predicted completion rates, developers and housebuilders do not always provide a response, as has happened in a number of cases below. This was a point discussed by the Inspector in assessing the housing land supply (HLS) in the Wyvols Field, Swallowfield appeal⁷. The Inspector recognised that the Council was making concerted efforts to enhance the robustness of its approach to assessing HLS and that some developers and housebuilders could do more to assist in this regard. He also recognised that scarce public resources should not have to be used to tease information out of those who stand to benefit from the inclusion of the sites within the Council's HLS.
47. I agree with the Inspector's findings in this regard. From what I have read and heard, I am satisfied that the Council has made efforts to gather evidence to underpin its HLSS even if that information has not always been forthcoming. On this basis, the absence of a recent response to the Council's request for information does not automatically make the Council's evidence on supply unreliable.
48. The appellant has raised a concern about the release of the HLSS some 9 months later than the base-date for the 5 year period. Whilst I note this point, the Council has provided a reasonable explanation that this has

⁷ APP/X0360/W/17/3170340

occurred due to resourcing issues. I have nothing before me to suggest that this has arisen for any other reason. I appreciate that, in the interim, additional evidence will have emerged, however, that will always be the case as circumstances on the ground continuously evolve.

49. The appellant has drawn my attention to the Council's deteriorating HLS position, with the Council's identified surplus reducing from 5.2 year supply in 2020 to 5.1 years in 2021 as well as under-delivery within the Strategic Development Locations (SDLs) against CS expectations. Whilst this is noted, in recent years delivery has been strong, as evidenced in the most recent Housing Delivery Test results. Nevertheless, I accept that delivery has not been consistently so during the CS plan period although, as I set out in my Willow Tree House decision, the evidence suggests that CS housing figures may be exceeded.
50. I have previously concluded that the Council cannot demonstrate a 5 year supply of deliverable sites. It therefore follows that I agree that the Council will need to rely on unidentified sites where they will not cause unacceptable harms to meet its housing needs. The extent of any shortfall is a matter to which I now turn in assessing the individual sites and sources of supply in dispute.

Large sites with outline permission

Land to the west of Trowes Lane, Wokingham

51. This site has outline permission for 20 dwellings granted on appeal in 2018, with a reserved matters application submitted in October 2020 prior to base date. This was subsequently approved in June 2021, 3 months after base-date.
52. There is one developer on site, Cove Construction Ltd, who did not provide any response to the Council on forecasted completion rates. The appellant has stated that the site is only listed as 'coming soon' on the company's website.
53. The appellant has argued that the reserved matters approval included 2 pre-commencement conditions, one in relation to drainage, the other in relation to the provision of electric vehicle charging which added to its view that there was not clear progress. However, at the Hearing I was told that the condition in relation to drainage had been discharged in January 2022 and that the one in relation to electric vehicle charging was all that was outstanding.
54. With reserved matters approved and evident progress in discharging pre-commencement conditions, I do not consider that the Council's approach in including this site, which had a reserved matters application under consideration at base date, within its 5 year housing land supply (5YHLS) to be misplaced. It follows therefore that I consider these 20 dwellings should be retained within the trajectory.

Land at Stanbury House, Basingstoke Road, Spencers Wood

55. Outline planning permission was granted on appeal for 57 new dwellings (56 net) on 18 September 2018. A reserved matters application was validated by the Council on 25 August 2021, some 4 months later than indicated on the developer's completed proforma, and is still pending a decision. Furthermore, the developer has completed a proforma advising that they would expect to

complete discharging pre-commencement conditions in October 2021. However, I have no evidence of progress in relation to this more than 3 months after this date. This indicates that delay has occurred in bringing this site forward.

56. I have been told that Cooper Estates are strategic land promoters rather than developers. Whilst I appreciate this may mean the site were to be sold this may lead to some further delay in bringing the site forward, I have no firm evidence of this and this therefore adds limited weight to the appellant's argument that the site will be delayed.
57. With the reserved matters application outstanding and no evidence of progress in the discharging of pre-commencement conditions, I do not consider the evidence to be sufficiently robust in terms of delivery at this time. Even if the timescales and allocation of this site for delivery is within year 5 of the trajectory, this does not alter my view.
58. The Council has argued that the extension of the Detailed Emergency Planning Zone for the Atomic Weapons Establishment Burghfield will have a knock-on effect on developments coming forward in this area in future. This will make delivery of existing sites with permission, such as this one, more attractive. Whilst I agree with this, I have nothing before me to indicate that there has been adequate progress in bringing this site forward to confirm its delivery. Given limited details about progress on site, I consider that these 56 dwellings should be excluded from the trajectory.
59. I appreciate that this site was not contested in the recent Willow Tree House appeal and that the appellants in that case confirmed that they would not challenge the deliverability of this site. However, on the evidence before me I have concluded that these dwellings should be excluded.

Hogwood Farm, Sheerlands Road, Arborfield

60. This is part of a larger scheme which had outline permission for 1,500 dwellings at base date. The scheme is being progressed in 3 phases. A reserved matters application in relation to parcels 2, 3 and 7 was approved on 21 July 2021. This relates to phase 2. The developer subsequently sought to split parcels 2 and 3 from parcel 7 which required a further reserved matters application. At base date, this later reserved matters application had not been submitted. It was subsequently validated in November 2021 but remains outstanding. Together, parcels 2 and 3 would deliver 135 dwellings. Of these, the Council considers 73 dwellings will be delivered within the 5 year period.
61. In my Willow Tree House decision, I determined that this site should be kept in the trajectory. At the Hearing, I was invited by the appellant to reconsider my position on this.
62. On the evidence before me, I am aware that the later reserved matters is only required in order to enable the split of parcel 7. In other respects, the content and form of the reserved matters application remains unaltered from that previously approved. As this is simply a mechanism for splitting out the parcels of land, I am satisfied that there is a reasonable likelihood that the reserved matters should progress relatively unimpeded.
63. Phase 1 is already underway and the developer had previously advised that they would have 2 phases delivering units at any given time. It is not clear

when this view was expressed but I am aware that the developer has not provided a more recent response on its delivery plans in response to the Council's request for delivery rates in March 2021. I have nothing to suggest that the developer does not intend to bring forward 2 phases concurrently and the absence of a response to the Council's request does not mean this would not happen.

64. The developer had previously indicated commencement of construction of this phase as being October 2021 which has not occurred since the reserved matters application remains outstanding. However, completions are not due until years 4 and 5 of the trajectory which even taking into account that construction may have been delayed, given the approvals already in place this does not seem unreasonable.
65. This does not therefore alter my position on this site and I conclude that these 73 dwellings should be retained in the trajectory.

Large sites with full permission

Land at Arborfield Garrison SDL

66. This site has outline planning permission for 2,000 dwellings granted on 1 April 2015. The delivery of these have been separated into a number of parcels. To date, of that outline permission, 858 dwellings have been completed. A further 489 dwellings are forecast by the Council to come forward within the relevant 5 year period, taking the total completions to in that period to 1,347.
67. Of these 489 dwellings, 126 units were subject to outline only permission at base-date. These fall within Parcel V1S for which a reserved matters application had been validated in March 2021 and approved in August 2021. The developer, Bloor Homes, provided details of projected completions on this parcel of land, based on their general delivery rates. This indicated that these 126 units would be delivered within the first 3 years. The Council has taken a more conservative view of delivery based on historic delivery rates but nevertheless considers them deliverable within the 5 year period. In view of the approved reserved matters and this evidence, I do not consider these 126 dwellings should be excluded from the trajectory.
68. It has been suggested that to take these 126 dwellings out from the trajectory would be consistent with my approach to Ashridge Farm within the Willow Tree House decision. However, Ashridge Farm had neither full nor outline permission at base date, unlike the proposed development of Plot V1S which did at least benefit from outline planning permission at that stage.
69. I note that this development is subject to a condition (Number 7) which requires a Development Brief to be prepared and submitted to the Council and for this to include a requirement for a programme for at least 25% of the commercial floorspace within a new district centre to be completed by the occupation of the 1000th residential unit, unless otherwise agreed by the Council. The appellant asserts this is a phasing restriction on further development. On the basis that 858 dwellings have been completed as indicated in the HLSS, only a further 142 dwellings could be completed before condition 7 of the outline permission is breached.

70. The new district centre is intended to contain an anchor foodstore as well as other shops, facilities and services. The HLSS sets out that reserved matters applications for the district centre are due to be submitted in 2022. Whilst the Council's interest in seeing this aspect of the development being completed is recognised, there is limited firm evidence of when this will happen.
71. The Council nevertheless considers it has been flexible in its approach and that, irrespective of the planning condition, delivery has continued on site, with the latest evidence indicated that 1,033 dwellings are occupied as of the end of January 2022. Whether this condition has been breached is not a matter for me.
72. The Inspector in her decision at Land North of Nine Mile Ride, Finchampstead⁸ concluded that the delivery of dwellings above the 1,000 dwelling threshold should be excluded. However, evidence since that decision, albeit submitted late on in year 1 of the 5 year period, does demonstrate that some development above that threshold has already occurred. To my mind, this is firm evidence that the condition has not been a limiting factor.
73. To suggest that development on site should and would now cease because that threshold has been breached seems counterintuitive given the overarching objective for delivery of housing. Nevertheless, there is no evidence that any attempt has been made to vary the condition and it could, at some point, become a limiting factor if it became apparent that the required district centre was at risk of not being delivered. For this reason, I do not consider that there can be certainty that delivery will continue to progress unhindered by this condition. Equally, I do not consider that all development on site will simply halt because this condition has been breached.
74. In such circumstances I am unable to reach a firm conclusion as to what figure should be included within the trajectory. The difference between the total projected completions by the end of the 5 year period and what has been confirmed as delivered (and occupied) on site by January 2022 is 314 dwellings. For the reasons I have set out, I am of the view that the Council's 5YHLS should include a portion of these. I return to how this may affect the Council's final housing land supply position in my overall findings on this matter below.

1 Barkham Lane, Wokingham

75. This site is a brownfield site, located within an accessible location close to Wokingham railway station. It proposes 14 dwellings. At base date, there was a resolution to grant planning permission subject to the completion of a legal agreement. In my Willow Tree House decision, I concluded that in the absence of this, there is a degree of uncertainty that could put back the potential start date of a development by some time or may act as an impediment to development.
76. At the Hearing, the Council explained that the S106 agreement had been delayed due to land ownership issues relating to a slither of land and that there had been significant progress in resolving this. I acknowledge this, however, the matter remains outstanding with a timescale for completion indicated to be around 6 to 8 weeks which would take it up to the base date

⁸ APP/X0360/W/19/3238048

for the Council's next HLSS. Therefore, whilst I agree that with the S106 agreement in place on or around 31 March 2022, it would be appropriate to take it into account in the next assessment of 5YHLS, I am not persuaded to depart from the conclusions in my Willow Tree House decision. The 14 dwellings should be removed from the trajectory.

Auto Trader House, Danehill, Earley

77. This site was granted full planning permission on appeal for 76 dwellings, granted prior to the base date. The appellant has challenged the deliverability of this site on the basis that a subsequent application has been put in, accompanied by a planning statement which states that the extant planning permission remains unimplementable as it is an unviable development. This application, which seeks the redevelopment of the site for commercial purposes, is undetermined at this stage.
78. Under the Framework's definition of deliverable sites, it states amongst other things that all sites with detailed planning permission should be considered deliverable unless they are no longer viable. I note from the planning statement that the loss of residential use on this site was flagged up in pre-application advice as a potential issue with the subsequent application. Whilst I note the applicants have raised viability concerns, I am not aware that any viability assessment has been provided to confirm this and justify a change from the approved residential use of the site. In the absence of this, I do not consider this conclusive evidence and the extant full planning permission remains in place. I therefore do not agree that these 76 dwellings should be removed from the assessment.

Former Bearwood Golf Course, Mole Rd, Sindlesham

79. This has full planning permission for redevelopment of the site to provide new training facilities for Reading FC and includes the refurbishment and rebuilding of the existing house and farm and industrial buildings to provide 26 residential units, representing a net increase of 18 dwellings.
80. The developer has not provided any evidence of delivery rates in March 2021. However, the Council considers that with other elements of the permission progressing well, that the residential element of the scheme is under construction.
81. The appellant has highlighted that the HLSS does not record any details of conditions being discharged relating to the demolition of existing dwellings and ancillary buildings nor any details of transfer of interest in the residential dwellings, which is anticipated under condition 4 of the decision notice.
82. The approved dwellings are to be delivered through a combination of refurbishment and rebuilding. I have limited details before me in regards to how much of this will involve demolition. Nevertheless, I have been presented with evidence in support of the Council's position that the residential element of the scheme is now progressing on site.
83. The Council has suggested that Reading FC intends to hold onto some of the residential units for players on their books. However, I have no firm evidence of this. Irrespective of this, condition 4 does not require the disposal of the residential development but does allow for it to happen.

84. There is no evidence of marketing of the site. However, at the Hearing the Council provided evidence of a retrospective application having been made for the retention of a temporary entrance gate for a period of 3 years. The accompanying planning statement to the application explains the gate is required to prevent unauthorised access and fly tipping on the site and, specifically, that it will be removed once the residential development is substantially completed and prior to occupation of the first completed dwelling. It sets out that a period of 3 years is proposed to be sufficient for this purpose. I consider this evidence to be quite specific in regards to progress and the delivery of housing on this site within the next 3 years.
85. I therefore consider that the 18 dwellings should be retained within the Council's housing trajectory.

Ashridge Farm, Warren House Road, Wokingham

86. This site was one of the disputed sites in the Willow Tree House decision. This site is within the North Wokingham SDL. It has full planning permission for 153 dwellings granted on 25 June 2021. I concluded that the site did not meet the Framework definition of deliverable having neither full nor outline permission at base date.
87. At the Hearing, the Council set out that it disagreed with my findings as there was a housebuilder on site, a significantly advanced S106 agreement at base date and that the Northern Distributor Road allowed easier access to the site.
88. I agree that having a housebuilder and improved access to the site all lend weight to the Council's view that the site was deliverable. However, with an outstanding legal agreement, there was a degree of uncertainty that could delay the grant of permission and therefore any start on site. For this reason and given the absence of any permission, I am not persuaded to alter my findings in respect of this site. I therefore consider these 153 dwellings should still be excluded from the trajectory.

Land east of Gorse Ride South, south of Whittle Cross and north and south of Billing Avenue, Finchampstead

89. The Council disputes my findings in the Willow Tree House decision that 44 dwellings should be excluded from the trajectory in relation to this site. The site had full planning permission at base date and the scheme is being progressed by the Council who I was told was committed to delivering the development. Notwithstanding this, there are a number of outstanding issues in relation to land acquisition and securing a legal agreement which have not been evidenced as having been resolved although I appreciate that works have commenced on site. With uncertainty on these issues, I remain of the view that the evidence that the dwellings will be delivered within the timescales is not sufficiently robust. The 44 dwellings should therefore be excluded.

Large sites with prior approval not started / under construction

Indigo House, Fishponds Road, Wokingham

90. This site has approval for 30 dwellings, granted on 11 March 2021. The site has a history of unimplemented and refused applications for planning

permission and prior approval notifications, variously seeking a change of use to 30 or 54 dwellings plus most recently, for the addition of 11 apartments.

91. The evidence suggest that a developer may purchase the site, but on the basis of the 54 dwelling scheme which has not been approved. There is nothing before me to suggest that this developer would be interested in implementing the approved scheme for 30 dwellings. As suggested by the Council, the approved scheme appears relatively straightforward involving the conversion of an office block and I have no firm evidence to support the appellant's view that this site will not be developed.
92. I have noted that there is a further full planning application for 11 apartments. However, whilst I agree it may be easier to implement both the extension and conversion at the same time, there is nothing to prevent the approved conversion scheme progressing whether this extension gains permission or not.
93. I therefore consider that these 30 dwellings should be included within the trajectory.

47 Peach Street, Wokingham

94. The site has prior approval for conversion of offices to 29 flats. This is subject to a standard condition that the development be completed within 3 years from the date of the prior approval, which would be by 11 December 2022.
95. Information provided to Council as part of its housing land supply evidence indicates that existing tenants are in place until 2023 and that development will commence in 2024. However, the prior approval would have lapsed by 2024 and it is not clear how the scheme could be implemented. A fresh prior approval would be required or a variation of the condition, neither of which have been evidenced. On this basis, I consider the delivery of these dwellings to be uncertain and therefore 29 dwellings should be removed from the trajectory.

Interserve House, Ruscombe Park

96. Prior approval was granted for the conversion of this office building into 41 flats, a subsequent application reduced this to 40 flats and was granted on 9 March 2021. A full planning application was subsequently submitted to construct 30 apartments, through the addition of a fourth storey and the construction of a separate building. This has since been withdrawn.
97. The appellant has argued that the need for this additional development indicates that the prior approval scheme on its own is not sufficiently viable. This is based on the developer's expressed intention to deliver both the prior approval and the full permission in tandem, had this been approved. It is also based on the assumption that the developer has stated the 30 dwellings scheme would not be viable enough to deliver any affordable housing.
98. However, the scheme has permission for 40 dwellings and that permission remains valid. Whilst the additional development proposals are noted, there is no clear evidence that this conversion could not be delivered as a standalone development. I therefore have no substantive evidence on which to exclude this from the trajectory. The 40 dwellings should therefore remain.

Windfalls

99. In my Willow Tree House decision, I concluded that a contribution of 32 dwellings per year for years 4 and 5 of the 5 year housing land supply period was not unreasonable. This was on the basis of past completions showing that, on average, 51 dwellings are completed on large, previously unidentified sites each year and that such developments tend to be built out relatively quickly, on average taking just over 2 years.
100. The appellant considers that there is no compelling evidence that these sites will keep coming forward and that the Council will begin approving such sites in the future. Whilst this is recognised, the evidence of completions included within the HLSS shows that over the past 5 years completions have been between 48 and 195 dwellings.
101. I appreciate that the build out rates also only demonstrate delivery on those sites which do get built. Nevertheless, there is evidence that such sites deliver quickly and that, based on completion numbers, they have made a reasonable contribution to annual housing delivery in recent years.
102. For these reasons, I am not persuaded to depart from my conclusions in the Willow Tree House decision.

Overall findings on HLS

103. Based on my assessment above, and taking into account my findings on 5YHLS as set out in my Willow Tree House decision, I find that 296 dwellings should be taken out of the trajectory. However, this figure does not include any potential reduction for the Arborfield Garrison site. This would mean that the Council's overall number of deliverable dwellings during the 5 year period would be 3,819. This amounts to a shortfall of 213 against the 5 year requirement of 4,032 dwellings and a 4.74 year supply of deliverable sites.
104. However, the shortfall could be more significant given my findings in respect of the land at Arborfield Garrison as set out above. If applied strictly, this could reduce the deliverable supply of housing by a further 314 dwellings, which would reduce the overall supply of housing for the 5 year period to 3,505 dwellings, equivalent to a 4.35 year supply. However, I do not consider a strict application of this would be appropriate for reasons I have set out. Nevertheless, it seems that based on the evidence put to me in this appeal, the Council's 5YHLS lies somewhere between 4.35 and 4.74 years.

Benefits

105. The proposed development would deliver a policy compliant 40% affordable housing units. These would be 2 x 1 bedroom and 2 x 2 bedroom which would be a mix of units indicated as being appropriate by the Council's housing officer. In the context of a considerable affordable housing shortfall against needs, as established in various appeal decisions including most recently within the Willow Tree House decision, the provision of affordable housing is a benefit. However, the scheme would deliver just 4 units and would make a very limited contribution to the overall supply. This benefit therefore carries moderate weight.
106. It has been suggested that the provision of smaller units would enable households to downsize thereby freeing up much needed family homes within

the area. However, I have little evidence in respect of this, and I give this benefit limited weight.

107. The proposal would deliver economic benefits through the provision of jobs during the construction phase as well as through future occupants utilising local services and facilities. Due to the modest scale of the development, this benefit carries moderate weight.
108. The appeal site is in a reasonably accessible location and future occupants would not be reliant on the private car to access day-to-day services. This is a benefit of the scheme that also carries moderate weight.
109. The scheme proposes the provision of public open space to the south of the building which would include enhanced landscape planting through wild meadow, native scrub and tree planting. The existing bridleway would be retained and the improved public access provided to this part of the site. Whilst there would be some environmental benefits arising from this, with limited trees retained on site, harm to the landscape and little evidence to support biodiversity gains, I give these environmental benefits limited weight.

Other Matters

Habitats Sites

110. The appeal site lies within 5km of the Thames Basin Heaths Special Protection Area (the SPA). This is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.
111. The Council, in consultation with Natural England, considers that any net increase in residential development between 400m and 5km straight-line distance from the SPA is likely to have a significant effect on the integrity of the SPA, either alone or in combination with other plans or projects. This is due to a potential increase in recreational activity on the SPA.
112. The Council has completed an Appropriate Assessment (AA). This concluded that without any appropriate avoidance and mitigation measures in the form of Suitable Alternative Natural Greenspace and Strategic Access Management and Monitoring Measures, the proposed development would be likely to have a significant effect upon the integrity of the SPA. The Council advised that if the appellant were to make a financial contribution towards the costs of SPA avoidance and mitigation measures, the adverse effect on the integrity of the SPA could be avoided.
113. The appellant has agreed to this and the submitted S106 agreement could secure those contributions. Notwithstanding this and the Council's findings, as the competent authority, I would need to undertake an AA to confirm that it would not adversely affect the integrity of the SPA. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter further.
114. Even if I were to find that mitigation could be provided in this regard which would avoid harm to the SPA, this would be a neutral factor in the balance.

Planning Obligation

115. The S106 agreement would secure affordable housing, contributions to employment training as well as mitigation against any harmful effects on protected habitats sites.
116. In each case I am satisfied that the Obligation meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and complies with the tests set out in paragraph 57 of the Framework. Since they are to ensure that effects of the development are mitigated, I consider them to be neutral in the final balance.

Planning Balance

117. Paragraph 11 of the Framework establishes the presumption in favour of sustainable development. Where there is no 5YHLS or where the most important policies for determining the application are out-of-date, the 'tilted balance' should be engaged.
118. I have concluded that the Council cannot demonstrate a 5YHLS. For reasons set out above, I am unable to reach a firm conclusion on the overall supply but I have established the shortfall, which would be somewhere between 4.35 and 4.74 years, would be moderate to modest.
119. I am required to determine whether the most important policies, the 'basket' of policies, taken as a whole, are to be regarded as out-of-date for the purposes of this decision. Of these, I consider Policies CP9 and CP11 of the CS, Policies CC02 and TB21 of the MDD LP and Policies IRS1, IRS2 and IRS3 of the ABNP, which relates to the location of development and character and appearance, have the greatest bearing on my decision. I therefore give these policies more weight when considering the overall 'basket'.
120. On the basis that more of those most important policies which I have identified as carrying more weight in my decision are out-of-date, I am led to the conclusion that the basket itself is out-of-date, although I consider this to be marginal. Nevertheless, given the absence of a 5YHLS and the out-of-date basket of policies, the 'tilted balance' would be engaged. In such circumstances, in accordance with paragraph 11 of the Framework, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
121. The provision of 10 dwellings in an accessible location, served by public transport would make a modest contribution to the Council's housing land supply. Whilst taking into account the shortfall in housing land supply, due to the limited scale of the development, I consider this carries moderate weight in favour of the scheme. In addition, the proposed development would also contribute to affordable housing, providing a policy compliant 40% of on-site affordable housing. Again, due to the limited scale of the development, this carries moderate weight.
122. The proposed development would also deliver a number of social and economic benefits. It would also deliver environmental benefits, although the landscape harms arising from the proposal would undermine some of these. In combination and within the context of a development providing just 10 dwellings, I give these benefits moderate weight.

123. The appeal site lies within the countryside and outside the development limits for Arborfield Garrison. While the development would not accord with planning policies in terms of its location being outside defined development limits, given the absence of a 5YHLS and that the policies for the delivery of housing are considered out-of-date, I can only give this conflict with policy limited weight.
124. However, the proposal would cause significant harm to the character and appearance of the area, including trees and green infrastructure. The harmful impact is a matter of very substantial weight and importance in the planning balance.
125. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

Conclusion

126. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Jon Goddall	Director, DLP Planning Ltd
Graeme Fell	Associate Director, DLP Planning Ltd
Ben Wright	Senior Director, Aspect
Stuart Oldroyd	Chartered Surveyor

FOR THE LOCAL PLANNING AUTHORITY:

Adriana Gonzales	Senior Planning Officer
Andrew Chugg	Team Manager, Development Management & Compliance
Ian Church	Team Manager, Growth and Delivery
Catherine Brimble	Senior Landscape Officer
Gordon Adam	Highways Officer

INTERESTED PARTIES:

Paul Stevens	Arborfield and Newland Parish Council
Michael Knowles	Local resident
Girish Gala	Local resident

HEARING DOCUMENTS

HD1	Appeal Decision APP/X0360/W/21/3275086
HD2	Appeal Decision APP/X0360/W/17/3170340
HD3	Plan showing extent of Green Route Enhancement Area
HD4	Planning Details for application Bearwood Park, Mole Road, Sindlesham, Council Ref 220165
HD5	Extract from Planning Statement for application Bearwood Park, Mole Road, Sindlesham, Council Ref 220165
HD6	Letter dated 10 February 2022 from Crest Nicholson advising of occupancy level within Arborfield Garrison SDL

POST-HEARING DOCUMENT

PHD1	Map showing location of Rooks Nest Wood SANG
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APPENDIX

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Factors	Council Assessment	Comment
Land Use/Green Belt		
Relationship of the site to a recognised settlement in the hierarchy	Limited	As demonstrated in this report and in the accompanying documents the site is well located to the recognised settlement of Finchampstead. It benefits from an existing entrance to Longwater Road which provides pedestrian access to the rest of the village and the new Country Park to the south.
Relationship to the settlement in the hierarchy	Adjacent/Close	No comment.
Whether the site is predominantly brownfield (previously developed) land, greenfield or substantially mixed in a detached location	Greenfield at Stage 2b, 2c Predominantly greenfield – 2020 assessment Not within a previously developed land in detached location	No comment.
Whether the site is located within the Metropolitan Green Belt	No.	No comment.
Whether development would result in the substantial loss of best and most versatile agricultural land	Grade 4. Would not result in a substantial loss.	No comment.
Vehicular highways and access		
Whether suitable access could be achieved	The site has existing gated access at its northern edge with dropped kerb from Longwater Road. This would however need to be improved and widened which will likely involve removal of trees / vegetation which would impact upon the character of the area. The access currently has limited visibility towards the south, where Longwater Road is national speed limit. The visibility splays would need to be improved.	The submitted Transport Statement and Arboricultural Impact Assessment demonstrates that access can be achieved without unacceptable impacts on the boundary trees fronting onto Longwater Road. The required visibility splays can also be achieved.
Whether development would have an impact on highway capacity	A Transport Assessment would be required to assess the impact on local highways, especially junctions in and around Finchampstead Village.	A Transport Statement has been submitted as part of this application and is summarised in Section 6 of the Planning and Affordable Housing Statement.
Whether the site would have a good level of access to public transport services	<u>Active Travel</u> There is no cycleway in the vicinity of the site. A pedestrian footway exists along the eastern	Please refer to Section 6 of the Planning and Affordable Housing Statement which provide an

	side of Longwater Lane, but this is narrow with no streetlighting. Longwater Lane has pedestrian footways allowing journeys to the school and pub. <u>Public Transport</u> There are two bus stops within 400 metres of the site. However these are not served by good services.	assessment of locational sustainability.
Whether development would provide acceptable and achievable levels of accessibility and connectivity to services and facilities, employment opportunities etc.	No - the site has existing access but this would need improvements which would require tree / vegetation removal. Active travel, public transport and nearby services and facilities are limited, and private vehicles would likely be relied upon for the majority of journeys Distance to facilities listed. "There is a fairly limited range of services and facilities in the vicinity of the site. Finchampstead CoE primary school, Burnmoor Amenity Space, Finchampstead Park recreation ground, and a public house are within a 5/10 minute walk of the site. However, a local village shop has recently become unoccupied. Generally, private vehicles would be needed to access secondary education and most other services and facilities to meet people's day to day needs."	As above.
Flooding		
Which flood zone the site is located in – where assessed, the information is taken from the Level 1 Strategic Flood Risk Assessment. The identification of flood zones for newly promoted sites has used the Council's existing flood risk mapping data at a desktop level.	Flood Zone 1.	No comment.
Whether the site is at risk of fluvial flooding – where assessed, the information is taken from the Level 1 Strategic Flood Risk Assessment. For newly promoted sites, risk of fluvial flooding has been assessed using existing	Low probability of flooding. Whole site within Flood Zone 1.	No comment.

flood risk mapping data at a desktop level.		
Whether the site is at risk of surface water flooding – where assessed, the information is taken from the Level 1 Strategic Flood Risk Assessment. For newly promoted sites, the risk of surface water flooding has been assessed using existing flood risk mapping data at a desktop level.	Yes. Low to medium risk. Area of surface water in the southern part of the site, possibly due to an ordinary watercourse which runs adjacent to the site along the southern boundary.	Please refer to the Flood Risk Assessment and Drainage Strategy which confirms that the site is suitable for development in this respect
Whether the site is at risk of reservoir flooding – the information is taken from the Environment Agency's 'Flood Risk from Reservoirs – flood risk mapping information' (2019)	No.	No comment.
Air quality, pollution, and contamination		
Whether the site is within or in proximity to an Air Quality Management Area (AQMA)	None.	No comment.
Whether the site has potential to contain areas of known contaminated land	None.	No comment.
Landscape character and historic environment		
Whether development would be appropriate in the context of the existing development form, pattern and character of the landscape, or would provide a strategic scale opportunity for a new sustainable community	The proposed development is situated adjacent to the settlement of Finchampstead. The site comprises a grassed field. The site adjoins the housing in Wood Moor to the north and is framed by a row of trees to the southern boundary, otherwise is not well visually contained. The proposed development would not lead to the physical or perceived coalescence of settlements. The key characteristics of the Blackwater River Valley landscape character area include the flat pastoral floodplain of the River Blackwater, including small areas of woodland; and larger, arable fields and woodlands away from the river. There is a sparse settlement pattern. WBC Valued Landscape Topic Paper (2020). The site is situated within the proposed River Blackwater Valued Landscape. The landscape gains much of its identity through the River Blackwater and floodplain, and	Please refer to Section 6 of the Planning and Affordable Housing Statement and the Landscape and Visual Appraisal which provide an assessment of the suitability of the site in terms of landscape character.

	the associated character and ecological value. Overall, development is out of character with the established settlement form and landscape character.	
Whether development would fall within a nominated, proposed or designated Site of Urban Landscape Value (SULV)	No.	No comment.
Whether development has a relationship with any designated heritage assets situated on the site or immediate surrounding area	No known assets.	No comment.
Whether development has a relationship with any non-designated heritage assets situated on the site or immediate surrounding area	Non-designated Heritage Assets: 5F1047 is fully contained within potential archaeological site, Site 51.	Please refer to the submitted Archaeology and Heritage Assessment, which concludes that there are no above ground heritage constraints to the development of the site.
Whether development would lead to any potential harm or loss of significance to heritage assets (designated and non-designated) and be appropriate in this context	Carefully planned development could be achieved here, which avoids harm or ensures less than substantial harm. Recommendations for further work: Desk-based Archaeological Impact Assessment is required to better understand archaeological potential and survival on site	As above.
Recreation provision		
Whether site is classified as public open space	No.	No comment.
Whether site is designated or promoted as a local green space	No - Shares a boundary with promoted LGS at Moor Green Lakes Nature Reserve (LGS069)	No comment.
Supporting economic growth		
Whether development falls within a Core Employment Area	No.	No comment.
Whether development would result in the loss of (or part of) a Core Employment Area	Not an economic use proposal	No comment.
Whether development would protect the hierarchy of centres; support viability and vitality of town, district, local and village centres	The site is beyond a reasonable walking distance from a defined centre.	The site is located within easy walking distance of the existing community facilities in the village.
Nature conservation and green infrastructure		
Whether development would have an adverse impact on nature conservation which may be capable of avoidance or mitigation	Low risk of adverse impacts: - More than 10km from any SAC or RAMSAR sites - Less than 3km from Bramshill SSSI (in Hart District) - Less than 5km from	Please refer to the submitted ecological report. The report demonstrates that the proposal will not have an adverse impact on nature conservation. SANG

	Blackwater Valley SSSI (in Hart District) - Less than 5km from Heath Lake SSSI - Within 5km from TBHSPA - Nominated LGS at Moor Green Lake Nature Reserve (West) abuts the southern boundary of the site - No areas of priority habitat present on site - large areas to the south and west of the site - Site is covered by an area TPO - No ancient woodland - Bat roost habitat suitability just within the northern point of the site and in the surrounding residential area - No water vole, reptil or Great Crested Newt consultation zones in proximity to the site - Site is not within a groundwater or. Capable of avoidance or mitigation measures: Yes. Financial contributions to off site SANG, and SAMM required. Arboricultural surveys required to assess area TPO across the site. Ecological surveys required to assess priority habitats, including bat roost habitat suitability. Net gains in biodiversity should be delivered.	mitigation is addressed in the submitted Planning and Affordable Housing Statement and can be secured by way of legal agreement.
Whether the site falls within a recognised Biodiversity Opportunity Area (BOA) and/or contributes towards wider habitat connectivity or species conservation	Site lies within the Blackwater Valley BOA. Opportunities to connect to wider habitat networks, notably as part of the surrounding grassland, coastal and floodplain grazing marsh and lakes, which include priority habitats.	The layout of the site has been designed to provide direct connectivity between the proposed landscaping with the Blackwater Country Park BOA.
Whether development would result in the loss of green infrastructure	No.	No comment.
Whether there are any likely adverse impacts on ancient woodland or protected trees on site or immediately adjacent, which may be capable of avoidance	Ancient Woodland - No TPOs - Yes, site is covered by an area TPO 1596/2017. No - improved / widened access along Longwater Road would likely require removal of trees / vegetation which would impact on the character of the area. Area TPO covers the site and would impact on the quantum and location of development "An Area Tree Preservation Orders (TPO) covers the site and the trees to the eastern and	The submitted Arboricultural Impact Assessment demonstrates that the proposed tree removals are acceptable and do not adversely impact on the amenity value provided by the TPO as a whole.

	southern boundaries. This would impact the quantum and location of development.”	
Minerals and Waste		
Whether development falls within an allocated or safeguarded minerals and waste site in the Minerals and Waste Local Plan	Partially located within a Minerals Safeguarding Area where data suggests minerals resources, mainly sand and gravel are present. Prior extraction should be considered prior to any development.	Please refer to section 6 of the Planning and Affordable Housing Statement which sets out why the site is not appropriate for mineral extraction.
Whether development falls within a proposed minerals and waste allocation or safeguarded area in the Minerals and Waste Local Plan		Not applicable.
Emergency Planning		
Relationship of the site to the minimum Urgent Protective Action Zone at AWE Burghfield (3,160m)	Not within zone	No comment.
Relationship of the site to the Detailed Emergency Planning Zone (DEPZ) at AWE Burghfield	Not within zone	No comment.
Additional Considerations		
Relevant planning history	No relevant planning history	No comment.
Whether development would result in the loss of gypsy and traveller or other types of specialist accommodation	No.	No comment.