



WOKINGHAM BOROUGH COUNCIL

Statement of Case by Local Planning Authority

Address	Land East of Lodge Road, Hurst, RG10 0EG
Appellant	Mactaggart and Mickel Homes England Ltd
LPA Reference	220458
Appeal Reference	APP/X0360/W/22/3309202
Proposal	Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (use class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access)
Decision Date	23 June 2022
Appeal Start Date	26 October 2022
Closing Date	30 November 2022
Report Date	30 November 2022
Statement Author	Fiona Jones, Cameron Jones Planning Ltd, on behalf of Wokingham Borough Council

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1.0 INTRODUCTION

- 1.1 This appeal is made by Mactaggart and Mickel Homes England Ltd (“the Appellant”) against the decision of Wokingham Borough Council (the “Council”) to refuse outline planning permission for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access) on land East of Lodge Road, in the village of Hurst in Berkshire.
- 1.2 The application was refused by notice dated 23rd June 2022 (Appendix A), for the following 10 reasons:

Unsustainable pattern of development

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

Loss of Agricultural land

2. *The application results in the development of an area of Best and Most Versatile agricultural land and no justification has been provided regarding the loss of the grade 3a land, contrary to Core Strategy policy CP1 and section 15 of the NPPF.*

Sterilisation of mineral deposits

3. *The application results in the development of land with sand and gravel deposits and insufficient information has been submitted demonstrating the sterilisation of mineral deposits is acceptable, contrary to Policy 2 Replacement*

Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and section 17 of the NPPF.

Impact on the landscape and the character & appearance of the area

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

Unsustainable location

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

Impact on existing trees and hedgerows

6. Insufficient and contradictory information has been submitted that does not demonstrate and acceptable impact on existing trees and hedgerows which have contribute positively to the character and appearance of the area. The proposed development is contrary to Core Strategy policy CP1, CP3 and CP11, MDD Local Plan policy CC01, CC02, CC03 and TB21, The Borough Design Guide SPD, The British Standard 5837:2012, sections 12 and 15 of the NPPF and section 197 of the Town and Country Planning Act.

Impact on ecology and biodiversity

7. The application has failed to demonstrate the proposed development will have an acceptable impact on ecology and biodiversity by reason of the impact on protected species, wildlife and habitats, contrary to policy CP1, CP3 and CP7 of

the Core Strategy, CC01 and TB23 of the MDD Local Plan and section 15 of the NPPF.

Impact on highway safety

8. The application fails to demonstrate that the proposed vehicle access, highway alterations and overall development would have an acceptable impact on highway safety, contrary to policies CP1, CP2, CP3 and CP6 of the Core Strategy 2010, Policy CC07 of the Managing Development Delivery Local Plan, Borough Design Guide Supplementary Planning Document 2012, and sections 9 & 12 of the NPPF.

Training and apprenticeships

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

Affordable Housing

10. In the absence of a completed Legal Agreement, the scheme fails to make adequate provision for affordable housing, contrary to policy CP5 of the Core Strategy and section 6 of the NPPF.

- 1.3 The Statement of Common Ground confirms that there is unlikely to be any dispute between the parties in relation to the ninth and tenth reasons for refusal as these reasons are likely to be withdrawn prior to the Inquiry. This is subject to agreeing a S106 legal agreement as part of the planning consent, as the Appellant has agreed to provide a policy compliant level of affordable housing and provision of an Employment Skills Plan. The S106 legal agreement, which includes other highways and open space related obligations, is currently being negotiated between the parties. Therefore, no further evidence will be put forward regarding Reasons for Refusal 9 and 10 in the expectation that it will be finalised prior to the commencement of the public inquiry. Further, Reason for Refusal 8 is resolved to the satisfaction of the Council's Highways Officer and no further evidence is necessary.

2.0 SITE DESCRIPTION

- 2.1 The description of the site will be agreed with the appellant within the Statement of Common Ground. Suffice to say that the site comprises a 10.68ha site comprising an open field situated within the countryside. Parts of the site abut the settlement boundary of Hurst and it is between the villages of Hurst and Whistley Green. The site is partially bounded by Lodge Road to the west, Tape Lane to the east, allotments and housing off Martineau Lane to the south and open fields to the north.
- 2.2 The site is generally flat with a number of mature trees scattered across the site, including a number of protected trees along the boundaries which all benefit from Tree Protection Orders. A mature hedge bounds the majority of the site where it fronts the highway.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The site has a lawful use for the keeping of horses, granted in 2004. There are no other applications relating to the appeal site with the following applications having been refused and dismissed since, including for reasons of harm to the rural character and appearance of the locality and erosion of the landscape setting of Hurst.

App No.	Description	Decision & Date
F/1999/70600	Erection of farm shop and equipment store building and siting of mobile home	Refused 10 December 1999
A/00/1036482	Appeal against refusal of F/1999/70600	Dismissed 30 June 2000
F/2001/3149	Erection of farm shop building	Refused 21 March 2002
A/02/1091001	Appeal against refusal of F/2001/3149	Dismissed 23 September 2002
CLE/2004/1099	Use of field for keeping of horses (certificate of existing lawful development)	Approved 2 April 2004

F/2007/2154	Erection of stables and barn to form equine treatment centre with manege, access and horse walkers with storage building for tree nursery	Refused 31 October 2007
A/08/2074612	Appeal against refusal of F/2007/2154	Withdrawn 17 September 2008
F/2008/1017	Stables and barn to form equine treatment centre with manege, access and horse walkers	Refused 24 July 2008
A/08/2081892	Appeal against refusal of F/2008/1017	Dismissed 5 February 2009
F/2008/1748	Siting of a mobile home	Refused 24 September 2008
A/08/2081892	Appeal against refusal of F/2008/1748	Dismissed 5 February 2009
212986	Screening Opinion for Environmental Impact Assessment for up to 300 homes, open space, pedestrian and cycle links, access via Lodge Road and other associated infrastructure	Replied 21 September 2021 (Not EIA development)

3.1 The Council will provide information and commentary on the relevant planning history of the appeal site and any adjoining and nearby land where appropriate, particularly Land at Lodge Road, Hurst (to the west of the site). For instance, the four appeal decisions from June 2000, September 2002 and February 2009 all offer the same conclusions that there is harm to the rural setting of the area.

3.2 Other relevant appeals will also be relied upon or referred to including Willow Tree House, Brookers Hill, Shinfield (APP/X0360/W/21/3275086), Land at Baird Road, Arborfield Garrison (APP/X0360/W/21/3276169) and Land at junction of Sawpit Road and School Road, Hurst (APP/X0360/W/21/3280255).

4.0 RELEVANT LOCAL AND NATIONAL PLANNING POLICY

4.1 The statutory Development Plan in force for this appeal comprises the Wokingham Borough Council Core Strategy DPD (2010) and the Managing Development Delivery Local Plan (2014). Supporting adopted Supplementary Planning

Documents (including the Borough Design Guide SPD and Affordable Housing SPD) and the National Planning Policy Framework are also of relevance. A Design for Hurst (and Parish Design Statement) is also of relevance. The relevant policies are agreed in the Statement of Common Ground.

EMERGING DEVELOPMENT PLAN

- 4.2 The Draft Local Plan sets out the proposed spatial strategy for development within the borough to 2036, including proposed site allocations and draft development management policies. The Local Plan Update is at a relatively early stage of preparation. A consultation on a Revised Growth Strategy for the Local Plan took place between 22 November 2021 and 24 January 2022. Adoption is expected to be achieved by end of 2023. Thus, at the time of writing, the Draft Local Plan has limited weight in the decision-making process.
- 4.3 The national and local policies relevant to the determination of this appeal are agreed within the Statement of Common Ground.

HOUSING SUPPLY POSITION

- 4.4 The Council acknowledges that it cannot demonstrate a five-year land supply. The most up-to-date supply position will be included in the relevant Council proof of evidence and incorporated in the Statement of Common Ground as appropriate. Notwithstanding, the Council has consistently significantly over-delivered on its housing commitments since 2018 and the supply of housing has been significantly boosted in the borough of Wokingham.
- 4.5 The strong performance on housing delivery is a material factor that should be considered alongside the marginal shortfall in deliverable housing land supply. If over delivery was taken into account over the Core Strategy local plan period or since the introduction of the standard method for calculating Local Housing Need, there would be no shortfall, with delivery being significantly in excess of any shortfall in deliverable housing land supply.

- 4.6 Given this context, the weight to be attached to the presumption in favour of sustainable development and additional market housing proposed contrary to adopted development plan policy, should be tempered. This reflects the approach set out in both the Willow Tree House and Land at Baird Road appeals, where the Inspector only applied moderate weight to the provision of additional housing in the tilted balance.

Implications of HLS Position

- 4.7 As the Council is unable to demonstrate a five year supply of housing land, policies for the supply of housing (in particular CP17) are deemed to be 'out of date', and the 'tilted balance' in paragraph 11 of the NPPF applies, such that planning permission should not be refused unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits. The case for the local planning authority is that the adverse impacts outweigh the benefits associated with the development.

5.0 THE CASE FOR THE LOCAL PLANNING AUTHORITY

- 5.1 Paragraph 12 of the NPPF states 'the statutory status of the development plan as the starting point for decision-making'.
- 5.2 Section 70[2] of the TCPA 1990 & 38[6] of the PCPA 2004 establish that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Location of site in countryside outside a defined settlement

- 5.3 The erection of up to 200 dwellings and access roads outside of settlement boundaries and in the countryside conflicts with the policies and spatial strategy of the adopted development plan, a priority of which is to steer new housing to the most sustainable locations within settlement boundaries and limit development within the countryside. This is, among other things, to promote sustainability, maintain the quality of the environment, maintain the separate identity of settlements and provide certainty regarding how the borough will developed.

These aims are consistent with the Framework and are established as sound planning principles.

- 5.4 The appeal site is located outside of a defined settlement boundary and proposes new residential development in a village with very limited facilities, services and infrastructure, including but not limited to shops and schools. It is therefore contrary to the following development plan policies:
- 5.5 **Core Strategy Policy CP11: Proposals Outside Development Limits** states that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals on land which is outside the defined development limits will not normally be permitted except where it does not lead to excessive encroachment or expansion of development away from the original buildings (criterion 2). It will be demonstrated that the proposal does not fall within any of the exceptions listed in the policy and in particular would amount to excessive encroachment into the countryside and within the space which separates the two villages of Hurst and Whistley Green.
- 5.6 The whole extent of the appeal site lies outside of any settlement boundary. Whilst parts of the south and east of the proposal site boarder onto a Limited Development location (as defined by the Policies Map), the **Core Strategy at Policy CP9 – Scale and location of development proposals** – expects the scale of development proposals in the borough to reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. Policy CP9 provides three categories depending on how sustainably located they are with limited development accepted in Hurst but only within ‘limited development locations’. This site lies outside of this defined land. Further, **Core Strategy Policy CP17 – Housing Delivery** sets out that sites to be identified in Limited Development Locations should generally not exceed 25 dwellings having account of the limited nature of services and facilities within that location, including the limited capacity of the local primary school. Paragraph 2.88 of the Core Strategy acknowledges that areas outside of defined settlements/development limits (including countryside) – such as the appeal site - are generally not accessible by public transport and consequently there is a risk that the higher car

ownership of the borough, would lead to increased traffic to reach facilities. Further, the Council recognises (in paragraph 2.89) the importance of agriculture uses to the character of the borough and maintaining the separate and distinct identify of settlements.

5.7 Managing Development Delivery Local Plan Policy CC02: Development Limits sets out the following:

1. Development limits for each settlement are defined on the Policies Map.
2. Planning permission for proposals at the edge of settlements will only be granted where they can demonstrate that the development, including boundary treatments, is within development limits and respects the transition between the built-up area and the open countryside by taking account of the character of the adjacent countryside and landscape.

5.8 As set out above, the proposal is outside of the defined new settlement area and therefore the appeal proposals conflict with this policy. Policy CC02(2) is clear that all development, including boundary treatment, is to be within settlement limits. Policy CC02(3) refers to sites where a comprehensive masterplan has been agreed and this is not the case for this site. The proposed housing and associated development would be located on land outside of the settlement and would thus encroach into the countryside. It would not respect the countryside as it would introduce an urbanised, manicured landscape with built form set behind existing hedgerow and formally landscaped areas contrary to the open natural grassed area.

5.9 Policy CP11 seeks to maintain the quality of the environment and one of the Aspirations and Spatial Issues for the Borough is to protect the character of the borough by maintaining the natural environment while mitigating the effect of new development on the environment. The proposal would adversely affect the character and appearance of the land and would damage its landscape quality. As such the appeal proposals are in conflict with the policy.

Loss of Agricultural land

- 5.10 The agricultural land is classed as grade 3 and 3a. Approximately 5.9 ha of the site is grade 3a, which is best and most versatile (BMV) agricultural land as set out in the NPPF.
- 5.11 **Core Strategy Policy CP1 – Sustainable Development** states that development will be permitted that avoids areas of best and most versatile agricultural land. This policy is considered to be consistent with the NPPF, Para 174 which states that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.
- 5.12 The appellant has submitted information with the Appeal Scheme to argue that the loss of BMV land is justified on the basis that the land is farmed as a whole. On its own, the loss of agricultural land should be weighed against the provision of additional housing and this may not form the basis of dismissing the appeal on its own. However, due to the inadequate justification for the loss of BMV land, this is a harmful impact associated with the appeal proposal which, in the Council's view, weighs significantly in the balancing exercise.

Sterilisation of mineral deposits

- 5.13 The application site is located on sand and gravel deposits. The Replacement Minerals Local Plan for Berkshire (2001) sets out that the settlement areas of Hurst and Whistley Green have the strongest presumption against Sand and Gravel extraction. **Policy 2 of the Replacement Minerals Local Plan** states that the local planning authorities will oppose development proposals which would cause the sterilisation of mineral deposits on the proposed development site, or which would prejudice the future working of minerals on adjacent sites, except where it is demonstrated that:
- (i) the mineral deposit is of no commercial interest, and is unlikely to be so in the future; or

(ii) having regard to all relevant planning considerations, there is an overriding case in favour of allowing the proposed development to proceed without the prior extraction of the mineral; or

(iii) extraction of the mineral would be subject to such strong environmental or other objection that it would be highly unlikely that it would ever be permitted in any circumstances.

5.14 **Policy 13** of the MWLP states:

‘There will be a strong presumption against allowing the extraction of sharp sand and Gravel ... (ii) which would adversely affect the function of land important to the character or amenities of individual settlements, including land important to the separation of settlements.’

5.15 The proposal results in the development of land with sand and gravel deposits and insufficient information has been submitted demonstrating the sterilisation of mineral deposits is acceptable, contrary to Policy 2 Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and section 17 of the NPPF.

Impact on the landscape and the character & appearance of the area

5.16 **Policy CP1: Sustainable Development of the Core Strategy** states that planning permission will be granted for development proposals that ‘maintain or enhance the high quality of the environment’. **Policy CP3 ‘General Principles of Development’ of the Core Strategy** states planning permission will be granted if development is ‘of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design’ and contributes ‘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’. The supporting text to policy CP3 also sets out that development should be of a high standard of design that can integrate with the character of the area as this is important to achieving sustainable development.

- 5.17 **Policy CP11: Proposals Outside Development Limits** states 'In order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted'. **Paragraph 174 of the NPPF** states: 'Planning policies and decisions should contribute to and enhance the natural and local environment by: [...] (b) recognising the intrinsic character and beauty of the countryside.'
- 5.18 **Policy TB21 'Landscape Character'** sets out that proposals shall retain or enhance the condition, character and features that contribute to the landscape. **Policy CC02 Development Limits** and section 8 of the **Borough Design Guide SPD** states that the aim of new development located on the edge of settlements should be to recede and soften in relation to adjoining countryside.
- 5.19 The site is located within '**Wokingham Borough Landscape Character Assessment' (WBLCA) Area C2 – 'Hurst River Terrace'**, a landscape of moderate condition and sensitivity. The western site boundary is adjacent to WBLCA Area B1 'Loddon River Valley with Open Water'. The Landscape Strategy for the locality is to maintain the landscape character of the area. The rural settlement pattern and openness of the rural landscape are identified as being intact. Key Characteristics are described as:
- Simple agricultural landscape of mainly arable farmland, with pasture enclosed in relatively large straight-sided fields, including smaller areas of horse and pony paddocks.
 - Villages located around historic cores including Whistley Green and Hurst, which has a Conservation Area. Newer linear development within these settlements is aligned along the network of roads and rural lanes.
 - A rural and tranquil area
- 5.20 The landscape guidelines are to conserve and enhance the intrinsic character and beauty of the landscape and consider the impacts of development in highly visible areas. The character areas value remaining open pasture, hedgerows and hedgerow trees. The existing site is an undeveloped green and open field within the countryside. It is an important area of open peaceful rural land that forms the

visual backdrop to the residential part of the village of Tape Lane, Wokingham Road and Broadwater Lane, much of which is in the 'Area of Special Character'. The site forms the last remaining significant open area between Hurst and Whistley Green.

- 5.21 Broadly, the LPA's case is that the proposal for a 200-unit housing development would significantly erode the limited remaining gap between these historic villages. This is consistent with the findings of the Inspectors in previous appeals for the site and in the appeal for Land at Lodge Road (land adjoining to the west).
- 5.22 The planning history and OS Maps from 1873 to the present day indicates that there has never been any development on the site other than small agricultural housing, which is no doubt a reflection of its agricultural quality. To lose land of this quality to housing development is contrary to paragraph 174 of the NPPF which requires recognition of the intrinsic character and beauty of the countryside.....including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland.
- 5.23 The Council considers that the appeal proposals will have a significant adverse effect on the existing rural character of the appeal site and immediate surroundings. In particular, the Council considers that the appellants, in purporting to identify the impacts of the proposals, have failed to adequately acknowledge the value of the landscape and the scale of adverse impact on the landscape character of this rural site.
- 5.24 Further, the associated works to Lodge Road (which would be necessary to accommodate the proposals in highway terms, in the event the development were to proceed), would also detract from their present attractive rural character, and thereby result in adverse impact. This includes the turning bay within the road itself and footway connections.
- 5.25 In light of the requirements of the Local Plan and Core Strategy policies, the proposed development gives rise to conflict with policy in landscape and visual terms for the following reasons:

- the appeal site is located on land outside a defined settlement and development would have a significant adverse effect on the site's inherent character, including its quiet and rural character that is recognised as a valued feature of the area in the Landscape Character Assessment;
- the development would have an adverse effect on the character, appearance and the rural nature of Lodge Road and Tape Lane; the approach roads will change and lose their rural character which is recognised as a valued feature in the Landscape Character Assessment;
- the development would have an adverse effect on the settlement pattern, in particular the size and shape of the village of Hurst; the area within the site boundary is just under one third the size of Hurst; and
- the visual changes resulting from the development will be adverse in the long term as well as the short term.

5.26 The Council considers the beauty of the countryside at this location is important to be maintained, under the ambit of paragraph 174 of the NPPF because it has demonstrable attributes including the rural and tranquil character which are relatively rare in this rapidly changing Borough. In addition, the Landscape Character sets one of the guidelines as being "Conserve the peaceful and open rural character of the open landscape between adjacent village centres, to protect the individual identity of settlements, and retain their sense of physical and visual separation. In particular protect the sensitive areas of open land remaining between Hurst and Whistley Green".

5.27 The Inspector for the 2019 appeal for Land at Lodge Road observed that the landscape is not 'valued' but talks of the 'enhanced significance of the landscape', which lifts this landscape 'beyond mere countryside'. The 'three formerly separate settlements of Whistley Green, Ward's Cross and Hurst' have coalesced into a 'reversed C' and noted that: "Lodge Road connects the two horns of the reversed C and so the extent to which it retains a countryside character has a disproportionately high significance in ensuring that the enclave within the C retains its character as part of continuous countryside rather than becoming perceived as an undeveloped field enclosed within an urban area."

5.28 Box 5.1 (of the Landscape Institutes GLVIA 3.0) is often cited in the legal challenges over Valued Landscapes and running through this on page 7 of the Valued Landscape Topic Paper, Landscape Quality, and particularly the 'extent to which typical character is represented in individual areas, the intactness of the landscape...' is of relevance to this appeal. After the Box 5.1 graphic:

4.6 Further to this range of factors, planning appeal decisions and court rulings/judgements can provide additional information on how to interpret national policy and guidance, ...

5.29 Additionally, there are archaeological features that may be another 'demonstrable physical attribute' which would take this landscape 'beyond mere countryside'.

5.30 It will be demonstrated that the proposed layout is out of keeping with the established character of the villages it would neighbour. Further, it has been designed as an 'estate' with its back turned on the exiting village with a number of internal roads and poorly designed layout with a tighter grain of development than the context of the area. The proposal would result in a limited contextual relationship to the built form of neighbouring small villages of Hurst and Whistley Green.

5.31 The proposed development will have a detrimental impact on the character and appearance of the area by reason of developing an open green field in the countryside that has a positive impact to the area and the setting of the Village of Hurst and Whistley Green. The proposed development is contrary to Core Strategy policy CP1, CP3 and CP11, MDD Local Plan policy CC01, CC02, CC03 and TB21, The Borough Design Guide SPD and sections 12 and 15 of the NPPF.

Unsustainable location

5.32 Criterion 11 of **Core Strategy Policy CP1: Sustainable development** Planning permission will be granted for development proposals that: Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in

line with CP6. **Policy CP6: Managing Travel Demand** Planning permission will be granted for schemes that: a) 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.

- 5.33 Whilst the housing may be in walking distance to the local primary school and village shop/post office, this is only suitable for limited purchases or a small percentage of the population who have primary aged children. Even then, the local primary school does not have capacity and is not equipped to take account of the additional school aged children that would eventuate from an additional 200 houses. Relying upon public transport to attend school, including for secondary schools in the area, is difficult as timetables need to correspond with school starting and finishing times. Ultimately, students will be delivered and collected from school via private vehicle.
- 5.34 The public transport is not good with a limited bus route. Whilst there are some pavements on roads within Hurst, many of the local roads and indeed the roads in the immediate vicinity do not have pavements and there is no continuous network of pavements within Hurst that would encourage walking. There is also extremely limited street lighting as the village setting is otherwise harmed by street lighting. There are no dedicated bicycle routes, and the local roads are busy and because of the speed limits, would not be attractive to cycling. The nearest supermarket is 3 km away (Tesco in Twyford). The village does not include a library, doctor, dentist, secondary school or a core employment area.
- 5.35 The route to the north (where the local village shop is located) via Tape Lane is still some considerable distance from the southern extent of the site and even further from the north-western part of the site.
- 5.36 Overall the scale of development coupled with the current infrastructure, bus service and distance to key facilities means the choice of travelling sustainably is limited. The proposal fails, by virtue of its scale, location and current submitted information, adequately to address pedestrian/cyclist access to/from the site which

would leave future residents with limited choice about how they travel, and the car would remain the mode of choice. The proposal is therefore contrary to Core Strategy Policies CP1 (11) and CP6 which seek to reduce the need to travel and the NPPF which promotes development in sustainable locations, reducing the need to travel and giving people a real choice about how they travel.

Protected Trees

5.37 The NPPF at paragraph 130 states that decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

5.38 The NPPF at paragraph 131 states that “trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵⁰, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible”.

5.39 Paragraph 174 of the NPPF sets out that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character

and beauty of the countryside. In this respect the proposal would harm this location through the loss of important trees.

5.40 Further, the National Design Guide (2019) sets out at paragraph 90 that “Nature contributes to the quality of a place, and to people’s quality of life, and it is a critical component of well-designed places. Natural features are integrated into well designed development. They include natural and designed landscapes, high quality public open spaces, street trees, and other trees, grass, planting and water”. Paragraph 91 sets out that “well-designed places: integrate existing and incorporate new natural features into a multifunctional network that supports quality of place, biodiversity and water management, and addresses climate change mitigation and resilience”. The proposal fails to comply with these guidelines as the proposal results in the loss of protected trees which have an adverse impact on the visual amenity of the local area.

5.41 **Core Strategy Policy CP1 – Sustainable development** states that planning permission will be granted for development proposals that maintain or enhance the high quality of the environment.

5.42 **Core Strategy 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;

c) Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.

d) Maintain or enhance the ability of the site to support fauna and flora including protected species;

f) 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.

5.43 **Managing Development Delivery Local Plan (MDD) Policy CC03: Green Infrastructure, Trees and Landscaping** states that “development proposals should demonstrate how they have considered and achieved the following criteria within scheme proposals to inter alia:

a) Provide new or protect and enhance the Borough’s Green Infrastructure networks, including the need to mitigate potential impacts of new development

d) Protect and retain existing trees, hedges and other landscape features

3. Development proposals which would result in the loss, fragmentation or isolation of areas of green infrastructure will not be acceptable.

5.44 **MDD Policy TB21: Landscape Character** states that proposals shall retain or enhance the condition, character and features that contribute to the landscape.

5.45 The field that makes up the site, and the adjacent paddocks outside of the site boundary are characterised by mature single and groups of trees and hedgerows. The existing trees on the site are mostly confined to the field boundaries and smaller field divisions, roads and lanes adjacent and within the overall site boundaries. The open character of the site and the mature trees and hedgerows provide a setting for the Hurst Areas of Special Character, the importance of which cannot be underestimated. Significant change or removal of these landscape elements will constitute a diminishing of the setting and the importance of the designation.

5.46 The majority of the trees within the site are protected, see TPO 1781/2021 an Area TPO consisting of Ash, Oak, Maple, Hawthorn, Poplar, Sycamore, Hazel. Another Area TPO 1730/2020 consisting of Oak, Ash, Hawthorn. There are 2 individual Oak trees within the site adjacent to Tape Lane protected by TPO 525/1990. The site redline boundary includes an area of land on the west side of Lodge Road and trees along this section of Lodge Road are protected by a woodland TPO 1869/2022, these trees are not included in the tree information submitted with the application in early 2022.

5.47 Even the updated Arboricultural Report is not certain that the impacts on trees can be avoided. It states (on page 3): ‘It is likely that arboricultural impacts can be

addressed with arboricultural methodology or minor amendments to the proposal. In addition (on page 9) the Arboricultural Report clearly identifies impacts that still have not been resolved. It states:

Several issues may need to be addressed in an arboricultural impact assessment between the trees and the proposed development, these are as follows:

- *The effect and extent of the proposed development within the root protection areas (RPAs) of retained trees;*
- *The potential conflicts of the proposed development with canopies of retained trees; and*
- *The likelihood of any future remedial works to retained trees beyond which would have been scheduled as a part of usual management.*

5.48 The British Standard 5837 (2012) Trees in relation to design and construction adopts a default position in paragraph 5.3.1 which States:

5.3.1 The default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained.

5.49 Paragraph 3.10 defines what the BS means when it says 'structures'. It says:

3.10 structure manufactured object, such as a building, carriageway, path, wall, service run, and built or excavated earthwork.

5.50 From a preliminary reading of the new arboricultural report and the plans (now showing the layout superimposed) it appears that the built form does not respect the RPA of trees on and adjacent to the site, including works for SUDS ponds (All English Oaks; T14 - category A1, T17 - category A1, T32 - category B2, T33 - category A1) and paved areas (English Oaks Ash T02 – category C1; and English Oaks T09 – dead but rare and valuable wildlife habitat, T19 - category A2, T20 – category A2).

- 5.51 Although the British Standard allows departures from the default position, it requires an overriding justification for this. There is no overriding justification in this case particularly given the Climate Emergency declared by the Council in July 2019.
- 5.52 Even at this Outline stage, the proposals fail to meet the default position in the British Standard. It is unclear to the Council how, at a later, more complex and demanding stage of the design, the weaknesses of the outline plan in relation to trees may be rectified.
- 5.53 Whilst the arboricultural survey identifies Veteran Trees (All English Oaks: T36 diameter 1170, T58 diameter 1000, and T61 diameter 1300, and T66 diameter 1730), the layout fails to provide the minimum buffer zones required under Natural England and Forestry Commission Standing Advice: Ancient woodland, ancient trees and veteran trees: advice for making planning decisions, which requires buffer zones of 15 times the trunk diameter at 1.5m height or the canopy plus 5m whichever is greater. An examination of the plans indicates that, whilst some change has been made to accommodate the buffer zones, it appears that the required buffer zones have not all been designed into the proposals at this stage. In addition, the proposals will, if approved, introduce new targets (people) into the veteran trees' environment and this in turn will mean more intense management to remove features, such as dead wood, that make veteran trees so valuable for wildlife (the NPPF describes veteran trees as 'irreplaceable habitat').
- 5.54 In addition, there is currently no allowance in the spatial layout for new street tree planting / green infrastructure which is required under the NPPF for the mitigation of the impacts of climate change (paragraph 131 shade trees and mitigation for urban heat islands) and amenity (paragraph 131).
- 5.55 It is true that plans are indicative in terms of layout but the lack of allowance for the spatial requirements of trees puts into question the potential for the site to provide the space needed for trees, veteran trees, and the relationship between SUDS, path layouts and trees.

Ecology and biodiversity

- 5.56 National Planning Policy Framework (NPPF) paragraph 174 sets out that it is appropriate to seek biodiversity net gain in the course of development. NPPF paragraph 180 makes it clear that if significant harm to biodiversity cannot be avoided, mitigated, or compensated then the application should be refused. **Policy CP7 'Biodiversity'** establishes that proposals should not have a detrimental impact on ecological features and **Managing Development Delivery Local Plan policy TB23** also seeks to incorporate biodiversity features and enhance existing. It is therefore reasonable for the local planning authority to request the submission of a biodiversity impact assessment calculator to consider the baseline habitat value of the site and how the indicative plans will achieve a net gain on this baseline.
- 5.57 As part of an appeal for this site, further information has been submitted in an attempt to resolve reason for refusal 7. This response is based on a review of the Updated Ecological Assessment (Ecology Solutions, ref: 10428.Updated EcologicalAssesment.vf, November 2022), the Onsite Biodiversity Net Gain Assessment (Ecology Solutions, ref: 10428.OnsiteBNG.vf, undated), a spreadsheet copy of an accompanying Defra metric 3.1, and an Offsite Habitat Creation and Management Plan (Ecology Solutions, ref: 10428.OHCMP.vf, November 2022).

Biodiversity Net Gain

- 5.58 A biodiversity impact assessment calculator (using Defra metric 3.1) has been submitted. Reviewing this in conjunction with the Updated Ecological Assessment, there is agreement that the habitat types and condition scores applied in the baseline worksheets for habitat units and hedgerow units are a reasonable reflection of the current condition. The only aspect that that is contested regarding the baseline assessment is the strategic significance. It is considered that this to be medium (location desirable but not identified in a local strategy) rather than high strategic significance because the site is beyond the nearby biodiversity

opportunity area boundaries but is identified for its restoration/enhancement potential in Natural England's national habitat network mapping.

- 5.59 Looking at the post-development habitat map, it is not agreed that it will be possible to create so much new hedgerow habitat in good condition so close to the development proposed. Comparing to the indicative masterplan, a significant length of this hedgerow will either not be viable or will need to be subject to such intensive management to work alongside the built form that it will either not be sustainable in the long-term, only meet a lower condition score, or be more akin to an ornamental hedge.
- 5.60 However, the habitat units calculation have been run with changes made to account for these differences of opinion on the post-development scenario and it is still possible for the development to provide a hedgerow unit net gain and an overall net gain in hedgerow length sufficient to satisfy local plan policy CP7, in relation to loss and compensation of habitat of principal importance.
- 5.61 Reviewing the post-development scenario for habitat units, based on the indicative masterplan at this stage, it is not agreed that it is appropriate for the area indicated to become orchard planting to be characterised as mixed scrub habitat when there is a traditional orchard category that would be more suited to the objective given. Moderate condition is a more reasonable expected outcome for this habitat and the good condition proposed for the other mixed scrub area is overly optimistic but would accept that it could make fairly good condition.
- 5.62 Taking into account the differences in opinion on the post-development scenario and strategic significance, there is not a great divergence as to the outcome – onsite, the proposal will result in a net loss of habitat units. In order for the proposal to result in a net gain for biodiversity, an off-site habitat enhancement would need to be secured.
- 5.63 The appellant has included in the calculator a proposed off-site habitat enhancement for which the Offsite Habitat Creation and Management Plan has provided an outline of how it could be delivered. There is agreement that the

assessed off-site baseline is a fair reflection of the current status of the land and the proposed off-site post-development scenario is achievable. There are ambiguous elements in the Offsite Habitat Creation and Management Plan that need to be bottomed out in order to get the full detail of management of the off-site habitats to be confident of the delivery of an enhancement. However, it is accepted that these need not be resolved in full detail prior to determination but agreement of the detail could be a matter covered within a planning obligation.

- 5.64 The off-site habitat enhancement and ongoing management for a minimum period of thirty years will need to be secured through a planning obligation (there not being the option of using a conservation covenant at this stage). In the absence of a planning obligation to secure the off-site habitat net gain then the proposed development would result in a net loss for biodiversity. If the off-site habitat net gain is secured, the proposed development would result in a net gain for biodiversity.
- 5.65 As well as securing the off-site enhancement via a planning obligation, it will be important to ensure that the reserved matters for this proposed development are also tested against the Defra metric to ensure that there has not been a significant shift in on-site biodiversity units generated compared to the outline assessment which results in a net loss. It is therefore proposed that any condition securing soft and hard landscaping detail at the reserved matters stage also requires that detail to be run through a Defra metric biodiversity net gain assessment and demonstrate a minimum net gain of 10%.
- 5.66 The expectation is that all of the hedgerow unit biodiversity net gain and some of the habitat unit net gain will be delivered on-site in what will become public green space. It will therefore be necessary for a Landscape Environmental Management Plan (LEMP) to be conditioned to cover maintenance and delivery of the required habitats and conditions for a minimum period of thirty years. It will also be relevant for a planning obligation to be agreed that sets out who is responsible for the delivery of the LEMP and how maintenance is to be funded for this time period.

Hedgerows

- 5.67 Having reviewed the post-development scenario for the biodiversity net gain assessment, the proposed development would provide sufficient compensation hedgerow creation and enhancement to satisfy local plan policy CP7.
- 5.68 The buffers applied to the existing hedgerows and lines of trees could be sufficient but there are a few potential points of conflict shown in the indicative masterplan that it would be appropriate to resolve at the reserved matters stage – such as the pedestrian/cycle route meandering needlessly close to the hedgerow centres or under veteran tree canopy. It is accepted that this is not a matter of detail being considered in this outline application, though.

Drainage Strategy

- 5.69 The Updated Ecological Assessment sets out in paragraphs 5.3.21 to 5.3.28 how the proposed SuDS basins will be designed to have standing water and the management of these basins and the swales feeding them will be sensitive to the wildlife that they support. The condition securing drainage detail is explicit in specifying that it must be inline with the requirements set out in the paragraphs identified above.

Bats

- 5.70 The Updated Ecological Assessment has provided more survey information in respect to bat use of the site. Two species stand out as using the site to a significant extent according to the static detector recordings – Common Pipistrelle and Nyctalus sp. (most likely Noctule Bat in Berkshire).
- 5.71 The interpretation of the survey results is very limited and there are no hypotheses for the intermittent, possibly localised, significant use of the site by these species. In subsequent discussion with the appellant's ecologist, it has been considered that a couple of possibilities that explain the activity levels observed.

- 5.72 Paragraph 5.4.10 of the Updated Ecological Assessment proposes to agree a sensitive lighting strategy for construction and operational phases. The lighting strategy during construction could be resolved in a Construction and Environmental Management Plan (CEMP) condition. The lighting strategy for the operation phase of the development proposal could be resolved by condition through the application of the British Standard 42020:2013 D.3.5 condition. Provided that this condition secures a lighting strategy that continues to provide dark corridor flight routes around and through the development, the view is that the development, when considering it in-combination with the off-site habitat enhancement proposals, is unlikely to be detrimental to the favourable conservation status of bats as a European Protected Species.
- 5.73 Paragraph 5.4.11 of the Updated Ecological Assessment proposes that enhancements are provided for bats in the form of bat boxes to be hung in trees and integrated into the new housing. The detail and implementation of these enhancements is secured by condition.

Great Crested Newts

- 5.74 The Updated Ecological Assessment has cast doubt on the validity of the nearest record of a Great Crested Newt pond to the application site. This is peculiar considering that it is on the public record via a previous planning application. Further information on another small pond nearby that has been recorded to support Great Crested Newts could have been obtained from Berkshire Reptile and Amphibian Group but it does not appear as if this line of research has been taken.
- 5.75 It has not been shown that Great Crested Newts are entirely absent from the vicinity of the site and there is no potential for the species to be present on site. However, paragraph 5.4.32 of the Updated Ecological Assessment proposes to take a precautionary approach during construction with mitigation detail provided and agreed via a CEMP condition. This could be sufficient to mitigate the risk during construction. When considered in conjunction with the drainage strategy proposals to create wet basins around the development, there is agreement that

the favourable conservation status of Great Crested Newts would be maintained. A CEMP condition is applied.

Reptiles

- 5.76 Details of a reptile survey of the site have been provided within the Updated Ecological Assessment. The view is that this is likely a valid survey and there is now have confidence that reptile species are currently unlikely to be present on site and therefore do not need to be considered further.

Birds

- 5.77 The Updated Ecological Assessment has given further consideration to the potential for the site to support bird species of principal importance, in particular Skylark. Whilst a full breeding bird survey has not been undertaken, there has been sufficient observation time on site to be confident that Skylark would have been detected, if present. Therefore, there is no longer concern that the proposed development might result in a loss of suitable habitat of this species of principal importance.
- 5.78 Paragraph 5.4.37 of the Updated Ecological Assessment proposes that enhancements are provided for birds in the form of bird boxes to be hung in trees and integrated into the new housing. I recommend that the detail and implementation of these enhancements is secured by condition.

Badgers

- 5.79 It is not agreed that the Updated Ecological Assessment has included the most recent badger records generated by Binfield Badger Group during its most recent consideration of the impact of the development proposal on this protected species. There are a few nearby records that are closer than those mentioned in the Ecology Solutions report.

- 5.80 To dismiss the site as no longer being used by badgers is premature. The particularly dry summer of 2022 will likely have resulted in badgers having to switch their foraging behaviour away from grassland sites that had baked hard and so there would be little evidence of foraging in this timeframe. However, it is likely that seasonal (and weather contingent) foraging continues on this site.
- 5.81 However, it is accepted that the development proposal is unlikely to provide any risk to a current badger sett. The site is probably limited to a foraging and commuting interest for badgers. Considering the potential for ecological permeability for this species to be retained in a post-development scenario, provided mitigation measures as per paragraph 5.4.23 are in place during construction, the impact on this protected species will not be adverse. A CEMP condition is applied.

Highways

- 5.82 There is agreement on Reason for Refusal 8.

Infrastructure contributions

- 5.83 The relevant **Core Strategy** policies related to securing the necessary infrastructure, on and off-site services and amenities, and provide adequate financial contributions are as follows:
- 5.84 **Policy CP4 'Infrastructure Requirements'** which sets out that 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.
- 5.85 **Policy TB12 of MDD Local Plan** requires planning applications for all major development (both commercial and residential) in Wokingham Borough to submit an Employment Skills Plan (ESP) with a supporting method statement. ESPs are

worked out using the Construction Industry Training Board (CITB) benchmarks which are based on the value of construction.

- 5.86 The value of the construction has been calculated as £19,048,897.25. This is calculated by multiplying the interior floor space of 18,584.29m² by £1025, which is the cost of construction per square metre as set out by Building Cost Information Service of RICS.
- 5.87 It is anticipated that a legal agreement will be submitted to the Inquiry to address this reason for refusal.

Affordable housing

- 5.88 To meet the requirements of Policy CP5 of the Core Strategy, a minimum of 40% of the total number of units (net) should be provided as affordable housing. This equates to 80 units. Onsite affordable homes should be provided with a policy compliant tenure mix of: 25% First Homes, 70% social rent and 5% shared ownership. The council's shared ownership model is for a 35% minimum equity share on initial purchase and rent capped on the unsold equity at 1.5% per annum.
- 5.89 It is understood that a completed Legal Agreement would be provided before the Public Inquiry to ensure this aspect of the proposal complies with policy CP5 of the Core Strategy and section 6 of the NPPF.

Other impacts

- 5.90 The Council has considered the impact of the proposed development in relation to the following matters as acceptable:
- Housing mix
 - Public Open Space
 - Heritage
 - Residential amenity
 - Flooding & Drainage

- Ground Conditions
- Utilities
- Noise
- Air Quality

The Planning balance

- 5.91 The Council is prepared to accept that it has a marginal shortfall in its five-year housing land supply position. It will seek to agree common ground with the Appellant as to that. In the circumstances that Council accepts that some of the most important policies of the development plan are out of date (whilst a significant number remain consistent with the NPPF), and that paragraph NPPF11(d)(ii) applies, such that in terms of national policy permission should be granted unless the “adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.
- 5.92 Nonetheless, the statutory requirement remains that the decision must be made in accordance with the development plan unless material consideration indicate otherwise. The development plan policies can, in this case, still be given substantial weight despite being technically ‘out of date’. The Council has an excellent track record of housing delivery and the shortfall against the five-year requirement is only small. The policies contravened are consistent with national policy in terms of their content.
- 5.93 Paragraph 134 of the NPPF states that planning permission should be refused where the development is not well designed, especially where it fails to reflect local design policies and government guidance on design as in this case due to the loss of land within the established gap between Hurst and Whistley Green and the loss of valued countryside to facilitate the development.
- 5.94 In this case, the proposals do conflict with an up-to-date development plan including the Wokingham Borough Council’s Core Strategy and the Managing Development Delivery Local Plan, in addition to supporting Supplementary

Planning Documents. This is by virtue of the harm to the character of the area from the development following the felling of trees and the loss of protected trees in this location, defined as Green Route. Furthermore, by the virtue of the failure of the site to provide the full contributions required towards infrastructure.

- 5.95 The additional housing, including affordable housing, is recognised as a benefit. However, the weight attaching to this benefit is tempered by the site's shortcomings in terms of the location of proposal on land which is outside of the established settlement within the countryside with an over-development which would harm the visual amenity of the countryside. The site is not sustainably located and would not encourage a modal shift towards sustainable modes of transport due to the shortcomings of the site location and poor infrastructure. Technical objections in terms of loss and potential harm to trees and hedgerow, highways and ecology are also negative aspects which weight against the proposal. In the circumstances, the harms significantly and demonstrably outweigh the benefits and there is no justification for departure from the development plan.

Section 106 Agreement and Community Infrastructure Levy

- 5.96 If the proposed development were to come forward it would need to contribute towards the delivery of infrastructure needed to mitigate impacts upon communities, transport and the environment. The two main ways that such contributions are secured are through the Community Infrastructure Levy (CIL) and S106 Agreements.
- 5.97 The details of any Section 106 Agreement and Community Infrastructure Levy payments will be set out in full within the Statement of Common Ground.

Planning Conditions

- 5.98 In the event of the Inspector is minded to allow the appeal, appropriate conditions have been suggested within the Statement of Common Ground.

6.0 DOCUMENTS TO BE REFERRED TO

- 6.1 In addition to the Documents and Plans refused planning permission, the Council may refer to other documents including relevant appeal decisions where necessary.



**WOKINGHAM
BOROUGH COUNCIL**

TOWN AND COUNTRY PLANNING ACTS

**TOWN AND COUNTRY
PLANNING (ENGLAND) 1990**

Mrs Alice Davidson
Boyer Planning Ltd
Boyer Planning Limited
Crowthorne House
Nine Mile Ride,
Wokingham
RG40 3GZ

NOTIFICATION OF REFUSAL OF PLANNING PERMISSION

Application Number:	220458
Applicant Name:	The Owner and/or Occupier
Site Address:	Land East Of Lodge Road, Hurst, RG10 0EG
Proposal:	Outline application for the proposed development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Use Class E) and other associated infrastructure and primary vehicular access via the existing Lodge Road gated access with required improvements (all matters reserved except for access).

Wokingham Borough Council in pursuance of its powers under the above Acts and Regulations hereby **refuses permission** for carrying out the above development as stated in the application and the accompanying plans submitted to the Council for the reason(s) specified hereunder.

Reasons

1. The proposal results in an unsustainable pattern of development by reason of the creation of a new unplanned large housing estate on a greenfield site in the countryside outside of settlement limits. It would be significantly out of scale with neighbouring small village of Hurst and the level of existing infrastructure within the village. The development is contrary to the spatial objectives of the development plan and policies CP1, CP2, CP3, CP6, CP9 and CP11 of the Core Strategy, CC01, CC02, CC03 and TB21 of the MDD Local Plan, the Borough Design Guide SPD and section 2, 4, 8, 12 and 15 of the NPPF.
2. The application results in the development of an area of Best and Most Versatile agricultural land and no justification has been provided regarding the loss of the grade 3a land, contrary to Core Strategy policy CP1 and section 15 of the NPPF.
3. The application results in the development of land with sand and gravel deposits and insufficient information has been submitted demonstrating the sterilisation of

mineral deposits is acceptable, contrary to Policy 2 Replacement Minerals Local Plan for Berkshire (incorporating the alterations adopted in December 1997 and May 2001) and section 17 of the NPPF.

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

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

6. Insufficient and contradictory information has been submitted that does not demonstrate and acceptable impact on existing trees and hedgerows which have contribute positively to the character and appearance of the area. The proposed development is contrary to Core Strategy policy CP1, CP3 and CP11, MDD Local Plan policy CC01, CC02, CC03 and TB21, The Borough Design Guide SPD, The British Standard 5837:2012, sections 12 and 15 of the NPPF and section 197 of the Town and Country Planning Act.

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

8. The application fails to demonstrate that the proposed vehicle access, highway alterations and overall development would have an acceptable impact on highway safety, contrary to policies CP1, CP2, CP3 and CP6 of the Core Strategy 2010, Policy CC07 of the Managing Development Delivery Local Plan, Borough Design Guide Supplementary Planning Document 2012, and sections 9 & 12 of the NPPF.

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

10. In the absence of a completed Legal Agreement, the scheme fails to make adequate provision for affordable housing, contrary to policy CP5 of the Core Strategy and section 6 of the NPPF.

Informatives

1. If you intend to submit an appeal to be considered as a Public Inquiry you must notify the Local Planning Authority (planning.appeals@wokingham.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before you submit the appeal.

2. This decision is in respect of the drawings and plans numbered

PP01 REV 1, PP02, PP03 REV 1 and 171 received by the Local Planning Authority on 16.02.2022

3. The Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice

available on the Council's website. On this particular application, advice was given regarding the proposal being unacceptable.

Signed

MHead

Marcia Head

Head of Development Management - Place & Growth

Date: 23 June 2022

PLEASE READ THE NOTES ISSUED WITH THIS DECISION NOTICE BELOW



WOKINGHAM BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACTS TOWN AND COUNTRY PLANNING (ENGLAND) 1990

Other statutory legislation: This decision notice relates to the above stated acts and regulations only and does not constitute approval under any other legislation.

The Town & Country Planning (Development Management Procedure) Order: This decision has been made in accordance with the requirements of the National Planning Policy Framework (NPPF) and in the requirement to work with the applicant in a positive and proactive manner.

Officer Report: An officer report explaining the decision will be available to view online.

Purchase notices: If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council which will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part VI of the Town and Country Planning Act 1990.

Appeals to the Secretary of State: If your application has been **refused** by the Borough Council or **granted subject to conditions** that you are not happy with, you have the right to appeal to the Planning Inspectorate (under Section 78 of the Town and Country Planning Act 1990). This must be within the timeframes set out below. Please note an extension of time for lodging an appeal is unlikely to be granted except in special circumstances.

12 weeks from the decision date above in the case of a refusal of a 'householder' application:
Being the refusal of an application for planning permission to alter or extend a house, or for works within the curtilage of a house; or,
Being the refusal to approve details submitted as required by a condition imposed on a permission granted for a householder application

12 weeks from the decision date above in the case of a refusal of a 'minor commercial' application:
Being the refusal of an application for development of an existing building or part of a building currently in use for purposes in Use Classes A1, A2, A3, A4 and A5

where the proposal does not include a change of use, a change to the number of units, development that is not wholly at ground floor level and/or does not increase the gross internal area of the building.

6 months from the decision date above in the case of all other appeals made under s78(1) or s20 of the above Acts relating to a decision on a planning application or listed building/conservation area consent application.

6 months from the decision date above in the case of any appeal made under s78 (2) of the Act in respect of a failure to give a decision within the statutory period.

The Planning Inspectorate is an Executive Agency reporting to the Secretary of State for Communities and Local Government. The Inspectorate has an online appeals service as set out on the [.gov.uk](https://www.gov.uk) website which contains information and guides on the appeal process. Alternatively you can obtain a form from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, 0303 444 5000 or through the [Planning Inspectorate website](https://www.planninginspectorate.gov.uk). Please note all documents will be published online by the Planning Inspectorate and therefore you should not include personal information you do not wish to be displayed in this way. This includes personal information of third parties.