



**WOKINGHAM  
BOROUGH COUNCIL**

## **TOWN AND COUNTRY PLANNING ACTS**

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

Leaper Land

Landermere Hall  
Landermere Road  
Thorpe-Le-Soken  
Clacton-On-Sea  
CO16 0NJ

### **NOTIFICATION OF REFUSAL OF PLANNING PERMISSION**

**Application Number:** 223805  
**Applicant Name:** Leaper Land  
**Site Address:** Land at Broadcommon Road, Hurst, RG10 0RG  
**Proposal:** Outline planning permission for a phased development including the proposed erection of up to 33 no. Custom and Self-Build homes (plots) to include 17 no. affordable homes, plus public open spaces with equipped play, landscaping, and other associated infrastructure. (All matters reserved except for access.)  
**Date of Decision:** 26 April 2023

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 site lies outside of settlement boundaries and represents inappropriate and unsustainable form of development in the countryside with a loss of the separate identity of Hurst and scattered development to the south and harm to the quality of the environment. With the Council able to deliver sufficient self and custom-build housing to meet projected need, the proposal is contrary to the National Planning Policy Framework 2021, Policies CP1, CP9 and CP11 of the Core Strategy 2010 and Policy CC02 of the Management Development Delivery Local Plan 2012.
2. The location of the development on the edge of the settlement of Hurst results in encroachment of development into the countryside, harming the rural character and setting of the area. More particularly, there is a merging of development between the southern settlement edge of Hurst and the scattered and historic development to the south east and south west which leads to an erosion in the impression of several small hamlets. There is a merging of development between the Areas of Special

Character of Hurst and Wokingham Road which coalesces these identities. The suburban or overly urban appearance, layout and pattern of development is of contrast to and at odds with the linear and detached pattern of dwelling houses on nearby roads.

This is contrary to Paragraphs 130 and 134 of the National Planning Policy 2021, Policies CP1 and CP3 of the Core Strategy 2010, Policies CC03 and TB21 of the Managing Development delivery Local Plan 2012, R1, R11, RD1, RD2, RD3 and RD8 of the Borough Design Guide Supplementary Planning Document 2014 and the Hurst Village Design Statement.

3. The proposed development would have a major adverse visual impact on the landscape character of the area and the increase in the amount of activity and magnitude of change to the landscape is unacceptable, contrary to Paragraph 174 of the National Planning Policy Framework 2021, Policies CP3 and CP11 of the Core Strategy 2010, Policies CC01, CC02, CC03 and TB21 of the Managing Development Delivery Local Plan 2014 and Section 4 of the Borough Design Guide Supplementary Planning Document 2012.

4. The site is not within convenient walking distance of day-to-day facilities and services, public transport and schools and would not encourage a mode shift towards more sustainable modes. This will result in high dependence on private vehicle use, increased carbon emissions and an unsustainable development, contrary to Paragraphs 79 and Section 9 of the National Planning Policy Framework 2021 and Policies CP1, CP6, CP9 and CP11 of the Core Strategy 2010.

5. Due to a lack of adequate information, the Council cannot be satisfied

that the proposal makes satisfactory provision for safe and accessible

vehicular and pedestrian access into and within the site, including road widths that enable unimpeded movement of refuse and emergency vehicles. This is contrary to Paragraphs 110-112 of the National Planning Policy Framework 2021 and Policies CP1, CP3 and CP6 of the Core Strategy 2010.

6. The proposed site does not have access to a safe and accessible pedestrian connection to the village of Hurst, with increased traffic arising from the development posing safety risks for future users, including school children. This is contrary to Paragraphs 92 and 112 of the National Planning Policy Framework 2021 and Policies CP1 and CP3 of the Core Strategy 2010.

7. Due to a lack of adequate information, the Council cannot be satisfied that the proposal does not involve the loss of best and most versatile agricultural land. This has implications for food production and the retention of the agricultural industry, contrary to paragraph 174 of the National Planning Policy Framework 2021 and Policy CP1 of the Core Strategy 2010.

8. In the absence of a satisfactory legal agreement, the proposal does not make adequate provision for affordable housing and the absence of First Homes does not suit the identified needs of the locality and the

borough.

This is contrary to Section 5 of the National Planning Policy Framework 2021, Policies CP1 and CP5 of the Core Strategy 2010, Policy

TB05 of the Managing Development Delivery Local Plan 2014, the Affordable Housing Supplementary Planning Document and the Wokingham First Homes Interim Policy Statement, 2021.

9. In the absence of a satisfactory legal agreement, the proposal does not make adequate provision for employment skills generation associated with the construction and delivery of housing, contrary to Policy TB12 of the Managing Development Delivery Local Plan 2014.

10. In the absence of a satisfactory legal agreement, the proposal does not make adequate provision for public open space, parks and gardens and community facilities nor arrangements for the improvement or provision of infrastructure, services, community and other facilities, contrary to Paragraph 93 of the National Planning Policy Framework 2021, Policies CP3 and CP4 of the Core Strategy 2010 and Policy TB08 of the Managing Development Delivery Local Plan 2014.

11. Due to a lack of information relating to the significance of the hedgerow to Broadcommon Road and a lack of certainty relating to the extent of hedgerow loss to facilitate the vehicular and pedestrian accesses and required splays, the Council cannot be satisfied that the

proposal does not result in the loss of an irreplaceable habitat of principle importance. Further, there is also a lack of detail pertaining to the significance of the ridge and furrow field and the proposal has the potential for the loss of an irreplaceable landscape feature of national importance. This is inconsistent with Section 13.92 of the Wokingham Landscape Character Assessment 2004 and contrary to Paragraphs 174 and 180 of the National Planning Policy Framework 2021, Policies CP1, CP3 and CP11 of the Core Strategy 2010 and Policies CC03 and TB21 of the Managing Development Delivery Local Plan 2014.

12. Due to a lack of adequate and reliable information, the Council cannot be satisfied that the proposal will not have a harmful impact upon Great Crested Newts and bats (both protected species) and reptiles (species of principle importance). Further, there is a lack of detail, inconsistency across the documentation and a lack of justification to support the habitat survey and the conclusion that the proposal will result in a biodiversity net gain.

The harm to protected and principal species and the likelihood that the proposal will lead to a significant (proportionally) net loss of biodiversity is contrary to Section 15 of the National Planning Policy Framework 2021, Policies CP1, CP3 and CP7 of the Core Strategy 2010 and Policy TB23 of the Managing Development Delivery Local Plan 2014.

## **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](mailto:planning.appeals@wokingham.gov.uk)) and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto: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 HURPTEZZ00DRA10001 - Location Plan; HURPTEZZ00DRA10013A - Indicative Phasing Programme; HURPTEZZ00DRA10003A - Topographical

Survey; HURPTEZZ00DRA10005B - Land Use Parameter Plan; HURPTEZZ00DRA10006B - Access and Movement Parameter Plan; HURPTEZZ00DRA10007B - Landscape and Open Space Parameter Plan; HURPTEZZ00DRA10009B - Building Heights Parameter Plan; HURPTEZZ00DRA10010 - Illustrative Masterplan; HURPTEZZ00DRA10011B - Car Parking Strategy Parameter Plan; HURPTEZZ00DRA10012B - Coloured Illustrative Masterplan; received by the Local Planning Authority on 22 December 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, no pre-application advice was sought before the application was submitted. As the proposal was clearly contrary to the provisions of the Development Plan, it was considered that further discussions would be unnecessary and costly for all parties.

Signed

*MHead*

Marcia Head  
Head of Development Management - Place & Growth  
Date: 26 April 2023

**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 with information and guidance about the process. You can submit [full application appeals](#) and [householder application appeals](#) with the new appeals service. [Other application types](#) should be submitted on the current appeal service. 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 [Inspectorate's website](#). 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.

**In the event of a grant of planning permission, please note the following:**

**Discharge of Conditions:** This consent may contain conditions that require further approval by submission of an application for approval of details reserved by condition and the appropriate fee. Application forms can be obtained for this purpose by visiting the [Planning Portal](#).

**Street Naming and Numbering for new dwellings:** If this notice relates to approval of new dwellings, please ensure that you contact the Council at least 16 weeks before the commencement on site to arrange for an address and post code to be allocated. Details can be obtained from [streetnamingandnumbering@wokingham.gov.uk](mailto:streetnamingandnumbering@wokingham.gov.uk). Failure to contact the street naming and numbering department at least 16 weeks before commencement on site will result in the addressing and post code for the development being delayed.

**Access to privately owned land:** The applicant is reminded that this permission does not give right of entry to land not in the ownership of the applicant. Permission must be sought from any other landowner(s) if access is required.

**Gas Mains and Services:** Building over a gas main or service that is located within your site could cause damage to pipework or potential gas leaks within buildings. You should check for information relating to services within your site at [Home - LinessearchbeforeUdig \(lsbud.co.uk\)](#) and contact the Plant Protection Team at SGN on 0800 912 1722 or [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk).

**Building Regulations:** The development subject to this permission may also require Building Regulation approval to ensure it is built to national safety, design, and environmental standards. The Council's Local Authority Building Control (LABC) service offers a full range of plan approval, inspection, and associated services through an ISO9001 nationally accredited team of qualified building surveyors. These surveyors work closely with the Council's planning department to ensure the appropriate construction of your build. To find out more visit the Council's [Building Control website](#) or call 0300 790 0580 to speak to a member of the team.

**Fire Regulations:** In accordance with the Berkshire Act 1986, when Building Regulation applications are submitted for building(s) or extensions, the Local Authority will reject the plans unless, after consultation with the fire authority, they are satisfied that the plans show the following:

- i) That there will be adequate means of access for the fire brigade to the building(s) or the extended building(s); and,
- ii) That the building(s) or extension(s) will not render inadequate any existing means of access for the fire brigade to a neighbouring building.