
Appeal Decision

Hearing held on 16 & 17 June 2017

Site visit made on 17 June 2017

by Siân Worden BA MCD DipLH MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27 September 2017

Appeal Ref: APP/R0335/W/16/3163349

Warfield Park, Warfield, Bracknell RG42 3RG

- 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 Warfield Homes against the decision of Bracknell Forest Borough Council.
 - The application Ref 15/00383/FUL, dated 29 April 2015, was refused by notice dated 26 May 2016.
 - The development proposed is for the change of use of land adjoining Warfield Park for the siting of up to 82 mobile homes (according with the definition of a caravan), suitable alternative green space (SANG), and informal open space, together with access improvements, landscape and diversity measures.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land adjoining Warfield Park for the siting of up to 82 mobile homes (according with the definition of a caravan), suitable alternative green space (SANG), and informal open space, together with access improvements, landscape and diversity measures at Warfield Park, Warfield, Bracknell RG42 3RG in accordance with the terms of the application, Ref 15/00383/FUL, dated 29 April 2015, subject to the conditions set out in the schedule at the end of this document.

Application for costs

2. At the Hearing an application for costs was made by Warfield Homes against Bracknell Forest Borough Council. This application is the subject of a separate Decision.

Procedural matter

3. The layout of the roads and plots would be as set out in the submitted drawings¹ and is determined by this decision. The design and appearance of the individual mobile homes are not.

¹ HAD 7 (544. 1/44C) Masterplan Rendered Detail – Park Home Extension in particular

Main Issues

4. I consider that the main issues in this case are:
- the effect of the proposed development on the character and appearance of the countryside; and
 - whether the proposed development would be in a sustainable location in respect of proximity to everyday services and facilities.

Reasons

Policy position

5. The development plan for the area includes the Bracknell Forest Core Strategy Development Plan Document (CS). This was adopted in 2008, prior to publication of the National Planning Policy Framework (the Framework) in 2012. Some of the policies in the Bracknell Forest Borough Local Plan (LP), which was adopted in 2002, have been saved and are also part of the development plan. For the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the Framework; due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework².

Five year land supply

6. The Council accepted from the outset that it did not have a five year supply of housing land (5YS). At the time of its hearing statement the supply was considered to be 3.57yrs. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites relevant policies for the supply of housing should not be considered up-to-date³.
7. The appellant's main dispute in respect of 5YS concerned three sites considered by the Council as contributing to the deliverable supply. The Council conceded that projected completions at the Amen Corner (South) should be pushed back, resulting in a loss of 75 units from the land supply, and that 50 units at The Depot, which could not be completed before 2021, should also be taken from it. These adjustments reduce the supply to 3.44yrs.
8. Amen Corner (South) and Warfield Park 1 are both allocations in the adopted development plan although I agree that this status lends no certainty of delivery. Warfield Area 1 seems to be the largest component of a significant residential allocation⁴; it will provide about 800 dwellings, a primary school and neighbourhood centre. Such sites are complicated to deliver and have long lead-in times. There is, as yet, no planning permission. Nonetheless, progress is being made in respect of part of the area with a consortium having been established and a planning performance agreement in place.
9. At the hearing the Council provided some examples, orally, of large sites in the Borough where, once planning permission had been granted, development had been underway within two or three years. It was taking time to finalise the S106 agreement for Amen Corner (South) but, as a single landowner owned much of the site, approximately two thirds of it could come forward alone. In

² The Framework, paragraphs 211 & 215

³ The Framework, paragraph 49

⁴ Council's hearing statement, Appendix BF7

addition, the Borough's shortfall might be reduced by the delivery of units above those forecast in the trajectory. At the TRL site, for example, conditions have been amended to enable the completion of more dwellings than originally projected⁵.

10. The appellant's assessment of a 2.99yrs land supply arises when all units anticipated at the three disputed sites are taken out of the 5YS calculation. The factors outlined above do not amount to conclusive evidence and the Council has previously refused applications for incremental or piecemeal development on large sites. Whilst I consider that there is a realistic prospect of some dwellings being delivered on the sites at Amen Corner (South) and Warfield Park 1 within five years I am not confident that they will be in the numbers forecast. My conclusion on the Borough's 5YS is, therefore, that it is likely to be closer to the appellant's calculation of 2.99yrs than to the Council's amended supply of 3.44yrs.
11. The shortfall in the 5YS is most relevant in this case in so far as the weight to be given to the housing benefits of the proposal. At just under half a year, the difference between the Council's and appellant's assessments of housing land supply is marginal and does not result in a significant variation in weight.

Character and appearance

12. The appeal site is close to the edge of the developed part of Bracknell. The general character of the area is of open and wooded land interspersed by development, mainly residential in this location. The proposed development would be an extension to the existing mobile home park, which contains just over 500 dwellings, and is located to its east. The appeal site as a whole is an area of over 21ha but the proposed homes would be built on no more than approximately a quarter of the total area. This development area is currently a field used for horses; at the time of my visit it was subdivided by temporary and timber fencing into paddocks. It is mostly enclosed by mature hedgerows and trees, including a group along Long Hill Drive which are protected by a tree preservation order (TPO). There is also a triangle of mature vegetation to its north-west which is outside of the development area. Apart from a rather sparse area of semi-mature trees the field is fairly level and featureless. Most of it has been identified⁶ as species-poor semi-improved grassland.
13. The remainder of the appeal site lying to the north-east of the development field's well-defined, hedgerow boundary is more varied and characterful. The central part is open grassland traversed by a brook linking two significant areas of mixed woodland to the north and south, both of which are protected by TPOs. The appellant's photos⁷ appear to have been taken during the winter. At the time of the hearing site visit in May, the contrast between the well-grazed and somewhat sterile paddocks of the development area, and the lush meadow and woodland beyond the dividing hedgerow was distinct.
14. The erection of 82 mobile homes, with parking spaces at each, and access roads would undoubtedly be a fundamental change to the character of that part of the appeal site. Its openness and undeveloped nature would be lost and it would become a residential estate, albeit that the dwellings would not be

⁵ Council's hearing statement, Appendix BF5

⁶ Phase 1 Habitat Survey, Figure 2

⁷ Warfield Park Landscape – Issue 2

traditional houses. Whilst the proposed development would encroach into the countryside, being similar in form and appearance to the existing development at Warfield Park, it would not be unduly incongruous or uncharacteristic. The biodiversity improvements over the remainder, and considerably larger part, of the appeal site would enhance its character. On balance, by reason of the moderate size of the area affected and its unexceptional nature in comparison with the remainder of the appeal site, the change in the overall character of the site would not be significantly detrimental.

15. The appearance of the development area would also change, especially during construction works when it would look disrupted and raw. In the light of the development site's currently bland and unremarkable look, and the attractive nature of the existing mobile home park which the proposed development is likely to resemble, that change would not, to my mind be significantly unfavourable. I am aware, however, that some people would always prefer to see a green field rather than residential development.
16. The mature hedgerows and trees bounding the development site would be retained and supplemented, obscuring views of the proposed development from beyond its boundaries. Although it can be glimpsed from a few places in the surrounding neighbourhood, for example Locks Ride, the development area is not clearly visible. The two vehicular entrances on Long Hill Drive would require the removal of half a dozen trees. Views into the site at these points would, nevertheless, be restricted to a few of the new properties and parts of the access road. Although the existing trees and shrubs are a mix of deciduous and evergreen, the appellant's photos⁸ indicate that they would retain much of their screening properties even after the leaves had fallen. After several years, as the additional landscaping proposed reached a functional level of maturity, the site would be less visible and its appearance, both from outside and within, would be enhanced.
17. It was stated at the hearing that the proposed density would be only slightly greater than that at the existing park: 19 dph compared with 18 dph. It would be possible, therefore, for the landscaping around the individual mobile homes to become almost as dense and screening as that on the existing park, although it would take a good number of years for it to reach that degree of maturity.
18. On this issue my conclusion is that, whilst there would be a loss in the extent of the open countryside, this would be set against the unremarkable character and moderate size of the development site; the biodiversity and landscape improvements to the undeveloped area; and the eventual similarity with adjacent Warfield Park. Although the landscape of the development site would be permanently changed, all things considered the proposed development would protect the character and quality of the local landscape and wider countryside. It would thus not be contrary to CS Policy CS1 or LP Policy EN8.
19. Overall the proposed development would build on the local character, respecting local patterns of development, and would enhance the landscape, consistent with CS Policy CS7. The proposal would be in sympathy with the appearance and character of the local environment and appropriate in its details including scale, design, layout and siting. Beneficial landscape features

⁸ Ibid

would be retained and enhanced. It would therefore comply with LP Policy EN20.

20. One of the core planning principles of the Framework includes that the intrinsic character and beauty of the countryside should be recognised⁹. In my view, that recognition has been implemented in this case by the thorough assessment carried out by the appellant and in the Council's considered response to it.

Sustainable location

21. The proposed development would be immediately adjacent to the existing mobile home park where there are a community hall, a hairdresser, a chiropodist/beautician, and a launderette. These are valuable facilities, especially the hall which provides a suitable venue for meetings and social events, and for a wide range of recreational activities and pastimes including borrowing books. Nevertheless, the majority of the future residents' everyday needs would have to be met outside the site.
22. Park homes generally attract older residents. At the existing Warfield Park 80% of occupiers are over 60, 89% are over 50 and only 7% of households include a person of 18 or under. I heard that the staff at the Park are attuned to working with older, more dependent people. There is a 24 hr, on-call presence with residents reminded frequently of the emergency number; seven members of staff are first-aiders; contingencies are in place in the event of power failure; and one member of staff works closely with carers and caseworkers. It is not intended, or claimed, that the park homes proposed would be suitable for very frail or ill people who would be best cared for in a residential home.
23. There would be no restriction on the age of residents, however, and it is possible that, as now, there would be younger households on site. Proximity and access to education and employment must therefore be taken into account in assessing whether the proposed development would be in a sustainable location.
24. Recognised guidance in *Providing for Journeys on Foot*¹⁰ (PJF) is that 800m is a preferred maximum walking distance to town centres and retail; this is supported by *Manual for Streets'* (MfS)¹¹ advice that walkable neighbourhoods typically have a range of facilities within 10 minutes' walking distance, the equivalent of about 800m. MfS goes on to advise, however, that this is not an upper limit and quotes Planning Policy Statement 13¹² which stated that walking offers the greatest potential to replace short car trips, particularly those under 2 km. PJF also suggests that preferred maximum walking distances are 2000m for commuting/school and 1200m elsewhere.
25. The Council's evidence¹³ is that there is a primary school, community hall, church and bus route (with half hourly services) within 1200m and a range of other services, including a convenience store, post office or bank, and doctor's surgery within 2000m. The Council estimates that the Tesco superstore is

⁹ The Framework, paragraph 17

¹⁰ Institution of Highways and Transportation (2000), Table 3.2

¹¹ Department for Transport paragraph 4.4.1

¹² Now superseded by The Framework

¹³ Appellant's appeal statement 5.11

- 1.6km walking distance from the proposed development site. This is confirmed by the sustainability map provided by the appellant¹⁴ although the statement itself refers to 1200m¹⁵.
26. Other discrepancies between the Council and appellant are where the latter has used 'as the crow flies' measurements, following the Council's broad-brush methodology used in its Strategic Housing Land Availability Assessment (SHLAA). When considering a specific site it is, in my opinion, necessary to consider actual walking distances and times.
27. The bus stop providing the most frequent services, including into the evening, is some 1200m walk away on Westmorland Drive. Other bus stops on Chavey Down Road and Locks Ride are slightly closer to the appeal site but the interval between buses is one to two hours with none in the later evening or on Sundays. The service from the stop closest to the appeal site is the 299; it runs to and from Bracknell town centre but only on Wednesdays and Fridays and only twice on those days¹⁶. This service is very limited and would plainly be of no use for school or work journeys. It would, however, provide convenient access to the shops and other services available in Bracknell town centre for those future residents who could plan their outings and whose time was not constrained by employment or education commitments.
28. The roads through the existing mobile home park are narrow, have no footways and are not lit. Traffic is not heavy, however, and vehicles tend to move slowly. The surface of the roads did not seem to me to be any worse than elsewhere and I have no compelling evidence that either walkers, cyclists or mobility scooters are hindered by the speed bumps. Residents are less likely to be travelling beyond Warfield Park during the hours of darkness; I do not consider that the absence of street lighting would be a significant deterrent to walking or lead to a considerable increase in car-borne journeys. All in all, the existing park provides a favourable environment for pedestrians.
29. There are no dedicated cycle facilities to the east of the appeal site. It is possible, however, to travel from Warfield Park to both Tesco and the town centre along traffic-free cycle routes¹⁷.
30. Trip analysis of the existing Park indicates that there is an average of 2.5 to 3 trips by motor vehicle per day, per home. This figure includes delivery vehicles and those of visiting carers and is considerably lower than the average 6 trips per day generated by a traditional dwelling. As the proposed homes would be similar in size and type, in an adjacent location and likely to attract similar occupiers, it is probable that the number of car journeys each day would also be comparable.
31. CS Policy CS1, which deals with sustainable development principles, permits development which would be located so as to reduce the need to travel; Policy CS23 echoes this requirement. The proposed development would not be within the preferred maximum walking distances of the majority of services and facilities. These are not, however, absolute distances. In the face of the evidence from the existing Park of significantly lower than average car trips it is

¹⁴ Appellant's Sustainable Location and Highway Statement, Annex NJS 4

¹⁵ Ibid, paragraph 3.35

¹⁶ Ibid, Annex NJS12

¹⁷ Ibid, Annex NJS10

not clear, therefore, that the proposed development would be contrary to Policy CS1 or Policy CS23.

32. Policy on the matter in the Framework¹⁸ is that decisions should ensure developments which would generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. The availability of safe routes for pedestrians and cyclists; the location of some facilities within reasonable proximity to the appeal site; and the provision of a bus service which, whilst very limited, could meet the needs of many of the future residents; lead me to conclude that the proposed development would be in a moderately sustainable location. That there would be some choice of transport mode and a reduced need to travel is supported by the evidence of a low trip rate for the existing Park.

Benefits of the scheme

33. A permissive footpath runs along and outside the north-east boundary but there is currently no public access to any part of the appeal site. The suitable alternative green space (SANG) and informal open space proposed for the area would open it up for recreational purposes and enhance its habitats and overall biodiversity. The areas of SANG, approximately 11ha, and open space, over 3.5ha, would be considerably larger than required to mitigate the effect of the proposed dwellings, in line with CS Policy CS14 and the supplementary planning document¹⁹, and to provide for the open space needs of its future residents as required by LP Policy R4. It would thus be a significant environmental benefit of the proposal.
34. The provision of housing in a Borough with, from whichever side it is looked at, a sizeable deficit in its land supply would be a benefit. In addition, the proposed dwellings would be likely to appeal particularly to older occupiers. As well as providing homes for an expanding cohort of elderly people, there would be further advantage in the freeing-up of larger, traditional houses for families. As discussed below, the proposed development would also provide additional affordable housing. In my view the social benefit of the new housing proposed, including affordable housing, would carry considerable weight.
35. There would also be the economic benefits which arise from most forms of development such as construction jobs and an increased customer base for local businesses. In this case I consider these to be minor.

Other matters

Affordable housing

36. Dwellings of the type proposed here provide comfortable, spacious and well-appointed accommodation. My brief visit indicated that, once inside, they are indistinguishable from a traditionally-built dwelling. At the time of the planning application, April 2015, the asking price for one to three bedroom park homes at Warfield Park was from £129,950 up to £290,000. During the same period two to four bedroom bungalows and houses in the area were between £300,000 and £650,000²⁰.

¹⁸ The Framework, paragraph 35

¹⁹ *Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document*, Bracknell Forest Council, March 2012

²⁰ Appellant's Planning Statement, Appendix HL10

37. The Framework defines affordable housing as social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market²¹. Although the park homes proposed would cost significantly less than traditional dwellings of a similar size they would be available at market prices only. Neither would they be provided to households identified as eligible for affordable housing. They do not, therefore, meet the planning definition of affordable housing.
38. In 2010 the Minister for Housing stated that the Government valued the role that park homes play in offering an affordable alternative to mainstream housing for many people²². That is not to say, however, that 'affordable' in the Minister's statement equates to the planning definition of affordable housing. In 2007 a letter from the Department for Communities and Local Government²³ had clarified the matter of park homes and the definition of affordable housing²⁴. It specified that low cost market homes, such as park homes, were not within the definition.
39. The Government's White Paper *Fixing our broken housing market* proposes a changed definition of affordable housing to include discounted market sales housing²⁵. Although much of the White Paper indicates the Government's intentions it is a consultation document whose putative measures have not yet been translated into policy; as such it carries no weight. In any event, the park homes proposed would be sold at the market rate for such properties – they would not be discounted.
40. The CS explains that the area has high house prices compared to incomes; levels of housing need within the Borough continue to exceed the supply of affordable housing²⁶. In that light, Policy CS16 permits development which contributes to meeting the identified housing needs of the community, including through the provision of affordable housing. Additionally, Policy CS17 sets out the Council's requirements for the provision of affordable housing. Both policies refer to provision on suitable sites. Saved LP Policy H8 seems only to cover on-site provision.
41. The Council's *Planning Obligations* supplementary planning document (SPD), adopted 2015, notes that affordable housing is a valid requirement if a planning application is of sufficient scale and the site can be developed viably including a contribution to affordable housing²⁷. The 82 dwellings proposed put the appeal site well beyond the minimum site size threshold of 15 additional homes²⁸ and the appellant does not argue that making a contribution would render the site unviable. Despite the unwillingness of registered social landlords to make affordable housing provision on the appeal site, the site is suitable in the terms of the policies therefore.
42. Policies CS16 and CS17 conform with the Framework which expects planning policies to provide for affordable housing on site in most circumstances. In my view, however, the Borough's identified need for affordable housing and its

²¹ The Framework, Annex 2, Glossary.

²² Written Ministerial Statement on Park Homes Reforms, Hearing document 18

²³ Appellant's Planning Statement, Appendix HL8

²⁴ At that time the definition was within Planning Policy Statement (PPS) 3 but it was materially similar to the current Framework definition.

²⁵ Hearing document 2, Box 4 page 100

²⁶ CS paragraph 188

²⁷ SPD paragraph 5.8.1

²⁸ SPD paragraph 5.8.3

high house prices amount to adequate justification for a financial contribution in lieu of on-site provision. Such a payment would help to improve the existing housing stock and contribute towards to the objective of creating mixed and balanced communities, consistent with the Framework²⁹.

Other appeal decisions and reports

43. In support of its case the Council has drawn my attention to other decisions and reports. The White Gates³⁰ site fronts Long Hill Drive opposite the appeal site. I agree with that inspector's assessment of the wider area being transitional, and, to the east of Warfield Park particularly, predominantly rural and undeveloped. Similarly, the development proposed in this case would result in a significant reduction in the rural and undeveloped qualities of the development area of the appeal site, with a considerable proportion covered by dwellings, access roads and other hard surfacing. In contrast, however, it would be a continuation of the existing development at Warfield Park and thus not detached from anything similar nor incongruous with its surroundings.
44. With regard to access, the disincentives to walking and cycling on Long Hill Drive would be addressed by road improvements implemented through conditions. In addition, unlike the White Gates site, Long Hill Drive would not be the only route to and from the appeal site in this case. The White Gates' inspector's conclusions on proximity to services are influenced by his having discounted any routes through Warfield Park. Neither could he rely on the on-site facilities offered by the Warfield Park community hall and other services which would make some contribution to the proposal in this case.
45. The Locks Ride site³¹ was of comparable size to the development area here; with a similar number of dwellings proposed (88); and the predominant character of the area described as open, as in this case. The inspector also, however, referred to a characteristic linear pattern of development along the roads³². To the contrary, much of the existing development adjacent to this appeal site is behind the public highway and is interwoven with meandering lanes; the proposed scheme would replicate that form and layout. It also seems as though the Locks Ride site would have been more widely visible, seen by occupiers of the houses opposite, those travelling along Locks Ride, and in some views from a recreation ground to the north³³. Overall, the inspector thought that the proposal before him would drastically alter the character and appearance of that appeal site³⁴. As explained above, I have not found that to be the case with this scheme.
46. Being to the north west of Warfield Park, beyond the B3017 and further from Bracknell town centre, the Locks Ride site is not in a comparable location to this appeal site. There are not, therefore, any helpful comparisons to be made in terms of a sustainable location.
47. The inspector examining the Bracknell Forest Site Allocations Local Plan (SALP) considered that the development of the appeal site (and adjoining field and woodland) would adversely affect the area's character and appearance but did

²⁹ The Framework, paragraph 50, 3rd bullet point.

³⁰ APP/R0335/W/16/3160998

³¹ APP/R0335/W/15/3137269

³² Appeal decision paragraph 7

³³ Appeal decision paragraph 8

³⁴ Appeal decision paragraph 10

not quantify to what extent. I have noted that he was considering the development of ten houses rather than the 82 mobile homes here. Neither of the parties in this case, nor I, are in dispute that some level of detriment would be caused; the differences lie in the weight attributed to it. In my view, a Local Plan examination inspector's conclusion that the allocation of land is not needed to make the Plan sound is not explicitly comparable to a decision on a planning application.

Matters raised by objectors

48. Surveys have indicated that the proposed development would be likely to generate 14 (morning) and 19 (evening) additional vehicle movements during peak periods at the Long Hill Road/Priory Road/Locks Ride junction. As the junction is currently close to capacity it is included on the Council's list of schemes for improvement. Traffic arising from the proposed scheme could cause further delays at the junction but there is no evidence that it would jeopardise highway safety. On balance the highways authority considered that the effect of the proposal's additional traffic would not have a severe effect on the local road network. It did not object to the scheme and I have no reason to disagree with that position.
49. Concerns in respect of foul drainage would be addressed by the provision of an on-site septic tank. In any event, water and sewerage companies are obliged to provide facilities for new development. In order to avert flooding problems on the site a sustainable drainage system would be provided in accordance with an approved drainage strategy.
50. The provision of the SANG will enhance biodiversity and provide habitat and sanctuary for all existing species on the site. The area of the site proposed for development, which is now grazed by horses, no longer contains grassland species which would make it worthy of designation. It has limited agricultural value.
51. Chavey Down Farm, which adjoins the site, is not a listed building. In any case, in my opinion neither it nor its immediate surroundings would be harmed by the proposed development. The effect of construction work on neighbouring occupiers would be controlled through conditions governing activities and restricting the hours of such work.

Conditions and S106 agreement

52. I am imposing conditions as discussed at the hearing. As well as the approved plans it is necessary to include the submitted ecological and arboricultural surveys, which are referred to in other conditions, for the sake of clarity.
53. The restriction on the number of mobile homes; their extension; the landscaping specifications, including for the protection of retained trees and shrubs; and the detail of levels, will protect the character and appearance of the development and the amenity of future occupiers. The latter will also be ensured by the requirement for a scheme for foul water disposal and restriction on the hours of construction work.
54. There are several conditions relating to habitats, biodiversity and the SANG, which will protect these interests on and around the site, including during construction. A group of conditions requires details of access points; internal road layout; parking; and improvements on Long Hill Drive and at the junction.

These are all necessary in the interests of highway safety. Those conditions relating to cycle storage and pedestrian links are necessary to enable a choice of travel modes other than the car.

55. A final, signed and dated planning obligation was provided at the hearing. It sets out several important contributions to be made by the appellant which are necessary to make the development acceptable in planning terms. These include providing the SANG; making it fully available for public use prior to the occupation of any of the proposed dwellings; and funding and providing for its proper management thereafter. A sustainable drainage system and public open space, in addition to the SANG, would also be provided and a financial contribution would be made towards the cost of affordable housing.
56. As well as being necessary, the contributions and provisions meet the other tests for planning obligations set out in the Framework³⁵. I can therefore give the submitted planning obligation significant weight.

Planning balance and conclusion

57. There is not a five year supply of land in the district; according to paragraph 49 of the Framework, relevant policies for the supply of housing are thus out-of-date and carry reduced weight. The Supreme Court judgement³⁶ makes it clear that the primary purpose of paragraph 49 is to trigger the operation of the tilted balance in the Framework's paragraph 14. The important issue is not the categorisation of development plan policies as "policies for the supply of housing" but whether the application of these policies is achieving a 5YS. In the case of Bracknell Forest, which has a significant shortfall, it clearly is not.
58. The tilted balance enacts the presumption in favour of sustainable development advising that, where relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would outweigh the benefits when assessed against the policies in the Framework as a whole .
59. Being outside a defined settlement the proposed development would not comply with CS Policies CS2 or CS9 or with LP Policy H5, all of which protect land outside of settlements, particularly from development which would be detrimental to its character. In restricting development, including residential, these policies have an adverse effect on the 5YS and thus can be given little weight.
60. With regard to the main matters, I have found that the proposed development would not result in significant harm to the character and appearance of the surrounding countryside. Whilst not well-connected, neither would it be in a completely unsustainable location with no choice of transport mode or giving rise to greatly increased car travel. In these respects it would be consistent with the development plan. Although this predates the Framework, the policies relevant to these matters are consistent with the Framework and can be given substantial weight³⁷.
61. I have not identified any significant adverse impacts of the proposal, only minor harm arising from non-compliance with the, now less-weighty, policies

³⁵ The Framework, paragraph 204

³⁶ Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG, Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council

³⁷ The Framework, paragraph 215

restricting development outside of settlements. The social and environmental benefits of the scheme, in terms particularly of new market and affordable housing, and biodiversity/open space advantages, would be considerable; they would clearly outweigh that minor harm.

62. For the reasons given above I conclude that the appeal should be allowed.

Síân Worden

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out only in accordance with the following approved plans and documents:-
 - 554-1 31R Site Location November 2015
 - HDA6 554.1_31R Landscape Masterplan November 2015
 - HDA7 554.1_44C Detailed Landscape Masterplan November 2015
 - LWS Grassland Management Masterplan number 554.2
 - Ecological Report (ref 554.2) with Annexes A & B, Appendices A-I and Figures 1-7;
 - Warfield Park Ecology Badger Survey HDA ref: 554.2 October 2015
 - Warfield Park Ecology Phase I and Phase II Bat Survey HDA ref: 554.2 November 2015
 - Warfield Park Botanical Survey Report HDA ref: 554.2 November 2015
 - Tree Survey and Arboricultural Impact Assessment (Ref 554.3: Issue 01 April 2016) and Survey Plans
 - Drainage Strategy Report v3.0 (Stilwell Partnership) April 2016
- 3) No more than 82 residential units including mobile homes (according with the definition of a caravan) or any other separate residential unit shall be located on the site at any one time.
- 4) No mobile home hereby permitted shall be added to or extended to the extent that it falls outside of the definition of (the relevant) Caravans Act, or any other Statutory Instrument that deletes and supersedes that definition.
- 5) The development hereby permitted shall not be begun until details showing the finished levels of the mobile home bases, internal roads and footpaths hereby approved in relation to a fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 6) The development hereby permitted shall not be begun until comprehensive details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:-
 - i) Comprehensive planting plans of an appropriate scale and level of detail that provides adequate clarity including details of ground preparation and all other operations associated with plant and grass establishment, full schedules of plants, noting species, and detailed plant sizes/root stock specifications, planting layout, proposed numbers/densities locations.
 - ii) Details of semi-mature tree planting.
 - iii) Comprehensive 5 year post planting maintenance schedule.

- iv) Underground service and external lighting layout (drainage, power, communications cables, pipelines etc. indicating lines, manholes etc.), both existing reused and proposed new routes.
- v) Means of enclosure (walls and fences etc) including fencing that is permeable to badgers at the end of both the existing and proposed badger corridors.
- vi) Paving including pedestrian open spaces, road design (including width) and paths, bases for mobile homes, patios, proposed materials and construction methods, cycle routes, on-plot parking, play areas etc.

All planting comprised in the soft landscaping works shall be carried out and completed in full accordance with the approved scheme, in the nearest planting season (1st October to 31st March inclusive) to the completion of the development or prior to the occupation of any part of the approved development, whichever is sooner, or as may otherwise be agreed in writing by the Local Planning Authority. All hard landscaping works shall be carried and completed prior to the occupation of any part of the approved development. As a minimum, the quality of all hard and soft landscape works shall be carried out in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision.

All trees and other plants included within the approved details shall be healthy, well-formed specimens of a minimum quality that is compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revision. Any trees or other plants which within a period of 5 years from the completion of the development, die, are removed, uprooted, are significantly damaged, become diseased or deformed, shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

- 7) The development hereby permitted shall not be begun until the implementation of a programme of archaeological work (which may comprise more than one phase of work) has been secured in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Local Planning Authority.
- 8) No site clearance shall take place during the main bird-nesting period of 1st March to 31st August inclusive, unless a scheme to minimise the impact on nesting birds during the construction of the development has been submitted to and approved by the Local Planning Authority. Any site clearance during this period shall be undertaken in compliance with the approved scheme.
- 9) The development hereby permitted shall not be begun until details of a scheme (Working Method Statement) to control the environmental effects of the demolition and construction work has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 - i) control of noise
 - ii) control of dust, smell and other effluvia
 - iii) site security arrangements including hoardings
 - iv) proposed method of piling for foundations (if required)

- v) routes to be used by construction traffic
- vi) hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site

The development shall be carried out in accordance with the approved scheme or as may otherwise be agreed in writing by the Local Planning Authority.

- 10) Construction work shall take place at the site only between 08:00hrs and 18:00hrs Monday - Friday, between 08:00hrs and 13:00hrs on Saturdays, and not at all on Sundays or public holidays.
- 11) The development hereby permitted shall not be started until a Grassland Management Strategy, covering informal open space within the application site situated outside the Suitable Alternative Natural Greenspace (SANG), has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following: -
 - i) description and evaluation of the features to be managed
 - ii) description of target habitats and species
 - iii) ecological potential and constraints on the site
 - iv) aims and objectives of management
 - v) appropriate management options including location and method statements
 - vi) prescriptions for management actions
 - vii) preparation of a work schedule indicating the timing of works
 - viii) personnel responsible for implementation of the plan
 - ix) monitoring and remedial measures triggered by monitoring

The approved Grassland Management Strategy shall be performed, observed and complied with.

- 12) The development (including any site clearance) shall not be begun until a wildlife protection plan for construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - i) an appropriate scale plan showing where construction activities are restricted and protective measures
 - ii) details of protective measures to avoid impacts during construction
 - iii) a timetable to show phasing of construction activities
 - iv) persons responsible for compliance with legal consents, planning conditions, installation of protective measures, inspection and maintenance.

The approved scheme shall be performed, observed and complied with.

- 13) The development shall not be begun until a scheme for the provision of biodiversity enhancements (not mitigation), including a plan or drawing showing the location of these enhancements, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be performed, observed and complied with.

- 14) The areas shown for bat roost purposes on the approved plans shall thereafter be retained as such and shall not be used for any other purpose.
- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that order, no external lighting shall be installed on the site or affixed to any mobile homes or buildings on the site except in accordance with details set out in a lighting design strategy for biodiversity that has first been submitted to and approved in writing by the Local Planning Authority. The strategy shall:-
 - a) identify those area/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed. REASON: In the interests of nature conservation
- 16) No development (other than the construction of the accesses) shall take place until the vehicular accesses to the site from Long Hill Drive (also known as Main Drive) have been constructed in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.
- 17) Notwithstanding the approved plans, no development shall take place until the details of the internal road layout of the part of the site on which mobile homes are proposed to be sited, including localised widenings to cater for visitor parking, widths and surfacing details, have been submitted to and approved in writing by the Local Planning Authority. No mobile home shall be occupied until the road serving it has been provided in accordance with the approved drawings.
- 18) No mobile home shall be occupied until the pedestrian links to the Warfield Park Mobile Home site and the proposed open space have been provided in accordance with the approved drawings. These links shall thereafter be retained.
- 19) No mobile home shall be occupied until space for vehicle parking has been provided in accordance with the approved drawing. This space shall thereafter be kept available for parking at all times.
- 20) No mobile home shall be occupied until secure and covered cycle parking serving it has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be retained.

- 21) The development hereby permitted shall not be begun until a scheme has been submitted to and approved in writing by the Local Planning Authority for off-site highway works along Long Hill Drive and at the junction of Long Hill Road. The scheme shall include the following details:-
- i) Widening the first part of Main Drive (to allow for new footway) and providing a flatter approach to Long Hill Road
 - ii) Resurfacing Main Drive and an agreed specification for the construction of the drive
 - iii) Formalising the existing passing places
 - iv) Providing a 1.4m wide pedestrian footway on northern side of the road
 - v) Improving pedestrian crossing facilities across Main Road (near to Long Hill Drive) by providing tactile paving and dropped kerbs
 - vi) Improving drainage on Main Drive by providing new gullies
 - vii) Clearing out and re-grading existing ditches to further improve drainage

The dwellings provided by the carrying out of the development shall not be occupied until the off-site highway works have been completed in accordance with the scheme.

- 22) All existing trees, hedgerows and groups of shrubs shown to be retained on the approved drawings shall be protected by 2.3m high (minimum) protective barriers, supported by a metal scaffold framework, constructed in accordance with Section 9 (Figure 2) of British Standard 5837:2012, or any subsequent revision. The development shall be carried out in accordance with the approved drawings.
- 23) The protective fencing and other protection measures specified by the previous condition shall be erected in the locations agreed in writing by the Local Planning Authority prior to the commencement of any development works, including any initial clearance, and shall be maintained fully intact and (in the case of the fencing) upright, in its approved locations at all times, until the completion of all building operations on the site. No activity of any description must occur at any time within these protected areas including but not restricted to the following:-
- i) No mixing of cement or any other materials.
 - ii) Storage or disposal of any soil, building materials, rubble, machinery, fuel, chemicals, liquids waste residues or materials/debris of any other description.
 - iii) Siting of any temporary structures of any description including site office/sales buildings, temporary car parking facilities, porta-loos, storage compounds or hard standing areas of any other description.
 - iv) Soil/turf stripping, raising/lowering of existing levels, excavation or alterations to the existing surfaces/ ground conditions of any other description.
 - v) Installation/siting of any underground services, temporary or otherwise including; drainage, water, gas, electricity, telephone, television, external lighting or any associated ducting.
 - vi) Parking/use of tracked or wheeled machinery or vehicles of any description.

- 24) The development hereby permitted shall not be begun until full details of a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. All works that form part of the approved scheme shall be carried out before the first occupation on site of any of the mobile homes, whose siting is hereby approved, and retained as such thereafter.

APPEARANCES

For the Appellant:

James Strachan QC	
Thomas Rumble BSc (Hons) MSc MRTPI	Woolfe Bond Planning
Martin Taylor BA BTP MRTPI	GVA
Brian Duckett BSc DipLD MLI	Hankinson Duckett Associates
Adrian Meurer BSc (Hons) MCIEEM	Hankinson Duckett Associates
Christopher Vaughan	The Stilwell Partnership
Wendy Collas	Warfield Park Homes

For the Local Planning Authority:

Isabella Tafur of Counsel	
Martin Broome	Principle Planning Officer, Bracknell Forest Council
Andrew Cooper	Highways Officer, Bracknell Forest Council
Paul Beetham	Housing Officer, Bracknell Forest Council
Janet Weekes	Housing Officer, Bracknell Forest Council

Interested Persons:

Cllr Dorothy Hayes	
Cllr Sarah Peacey	
Jackie Lovell	Chair, Chavey Down Association
Ken La Garde	
David Raeside	
Norman Duncan	

Documents submitted during the Hearing

- 1 Appeal statement note relating to housing matters, Thomas Rumble
- 2 *Fixing our broken housing market* DCLG Feb 2017
- 3 Appeal decision APP/R0335/W/15/3139035 Tilehurst Lane, Binfield
- 4 Appeal decision APP/R0335/W/16/3160998 White Gates, Ascot
- 5 Extract from the Inspector's Report on the examination into the Bracknell Forest Site Allocations Local Plan
- 6 A3, OS map showing various boundaries and sites
- 7 1991 map of land at Warfield Park
- 8 Appellant's hearing note on landscape and visual effects.
- 9 Appellant's hearing note on Lock's Ride and White Gates appeal decisions
- 10 Site survey aerial photo
- 11 Notice of planning permission, app. no. 621845, 3 November 1997
- 12 Note for hearing, Christopher Vaughan
- 13 Ecology statement in response to third party representations, Adrian Meurer
- 14 Hearing note, Martin Taylor
- 15 Hearing note, Warfield Park ecology
- 16 Statement from Ken La Garde
- 17 Core Strategy Policies CS16 and CS17
- 18 Written Ministerial Statement on Park Homes Reforms 14 July 2010

- 19 Suggested conditions
- 20 Planning obligation
- 21 Closing submissions on behalf of Bracknell Forest Council
- 22 Costs decision App/N5660/Y/16/3151092
- 23 Summary closing submissions for the Appellant