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## Appeal Decision

Inquiry opened on 3 December 2019

Site visit made on 2 and 13 December 2019

**by Philip Major BA(Hons) DipTP MRTPI**

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

**Decision date: 31<sup>st</sup> January 2020**

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**Appeal Ref: APP/X0360/W/18/3194044**

**Land at Lodge Road, Hurst, Wokingham RG10 0SG**

- 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 JPP Land Ltd against the decision of Wokingham Borough Council.
  - The application Ref: 172894, dated 29 September 2017, was refused by notice dated 6 December 2017.
  - The development proposed is the erection of 5 dwellings and garages with creation of a new vehicular access and pedestrian access to Lodge Road and footway provision.
  - This decision supersedes that issued on 10 December 2018. That decision on the appeal was quashed by order of the High Court.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The inquiry sat for 4 days between 3 and 6 December. Closing submissions were subsequently submitted in writing with my agreement, and the inquiry was formally closed in writing on 6 January 2020. I am required to determine this appeal afresh. The previous 'decision' has no legal basis. There may be elements of a previous Inspector's consideration of a case which are relevant as material considerations even though a decision was quashed, but ultimately I must make my own judgement on the merits of this case. It is notable that the previous 'decision' was quashed by agreement on one ground only, with no judgement being made in relation to the other 4 grounds of claim. Furthermore, the evidence put to me was significantly different to that given in 2018, and the site context has changed with the ongoing redevelopment of the property known as the Old Lodge. I am therefore in a position where I can take little from the previous Inspector's consideration of the proposal.
3. I undertook a pre inquiry unaccompanied site visit on 2 December 2019. With the agreement of the parties I also undertook a more extensive unaccompanied site visit on 13 December 2019. This second visit included my entering the site itself and walking between the site and various locations in and around the settlement.
4. At the previous inquiry a Unilateral Undertaking (UU) pursuant to S106 of the 1990 Act was submitted, which deals with the payment of a sum towards the provision of affordable housing. That UU remains extant. An additional UU has now also been submitted, dated 4 December 2019, which is designed to make

provision for the implementation of a sustainable transport strategy. I make reference to these UUs later in the decision.

5. A statement of common ground (SoCG) sets out matters of agreement, and those remaining in dispute. In general it is fair to say that 3 of the initial reasons for refusal of the proposal remain in play and set 3 parameters for disagreement. These reasons for refusal are numbers 1, 2 and 7, which deal with the impact of the proposal on the character and openness of the area, the locational acceptability of the site, and the impact of the proposal on particular characteristics of the site. In addition there is disagreement on whether the so-called tilted balance should apply in this case, either that contained within Policy CC01 of the Managing Development Delivery Local Plan document (MDDLDP) or within paragraph 11 of the National Planning Policy Framework (NPPF).
6. Although there is no disagreement that the Council can presently demonstrate a 5 year supply of deliverable housing land, and that it has met the housing delivery test, evidence was heard on housing matters. However it is accepted that the tilted balance cannot apply in this case through the lack of a 5 year housing land supply. Any tilted balance would have to rely on the most important policies for determining the appeal being out of date, or the invocation of the alternative test set out in the development plan. I turn to policy matters next.

### **Policy Background**

7. I deal here with the most important policies for determining the appeal, and other policies of relevance which require further examination. It is agreed by the main parties that for the purposes of paragraph 11d) of the NPPF Policies CP9 and CP11 of the Wokingham Borough Core Strategy (CS) of 2010, along with Policy CC02 of the MDDLDP are most important policies. There is disagreement in relation to CS Policy CP17. These policies have been much debated and a number of appeal decisions have been brought to my attention. I deal with the policies in turn.
8. Policy CP17 relates to housing delivery. It sets a minimum requirement for housing to be provided in the period to 2026. Both parties agree that the requirement (of at least 13230 homes) is now out of date, and this is common ground in a number of previous appeal decisions. The requirement was based on the South East Plan, which no longer exists, and has been overtaken by more up to date assessments of need. Quite rightly the policy includes provision for a rolling 5 year supply of sites, as required by the NPPF. The policy also includes measures which are designed to offer flexibility in bringing land forward, and in identifying future land supply. This appeal seeks to provide housing to assist in meeting the requirement. To that extent the policy is clearly relevant<sup>1</sup>. It is axiomatic that housing requirements change over time, and any policy seeking to set out a forward supply trajectory has to cope with both the change in the requirement and the variability of delivery. It is not an exact science. For that reason no doubt, as well as to enable supply beyond the identified requirement at any one time, the policy does not seek to set a cap on housing numbers, which gives it flexibility. Similarly, the phasing requirements are set out as averages, which further allows for flexibility. The policy sets out the manner in which it would like and indeed expect

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<sup>1</sup> In this regard I disagree with the previous Inspector

- development to proceed, but the variables associated with housing provision make strict adherence to policy aspirations a difficult, if not impossible, task.
9. In such circumstances I find it difficult to accept the suggestion that the whole policy should be regarded as being out of date because the housing requirement has changed, the delivery has not been in strict conformity with aspirations, or that there has been a change to the NPPF in the interim period. Arguments that such matters can be decisive in a judgement on whether a policy of this nature is or is not out of date seem to me to risk placing an undue burden on planning authorities which by their nature are unlikely to have the resources to provide nimble responses to background changes of that kind. The NPPF does not suggest that a policy can be said to be out of date as soon as housing requirements change but requires periodic reviews, and the Council has carried out its own assessments. In any event what is clear on the ground is that Policy CP17 has provided no hindrance to the provision of a 5 year supply of housing land or the significant surplus of houses delivered in the recent past. In essence CP17 is working despite the housing requirement within it being expressed at a lower level than is currently agreed. On balance I regard Policy CP17 as being not out of date overall despite the fact that the housing figures mentioned are.
  10. I turn, then, to whether Policy CP17 is a 'most important' policy for the determination of the proposal. In that it sets out the intentions for housing provision it seems indisputable to me that it is important in the widest sense of planning for the Borough. However it is not a development management policy for individual applications. Individual site allocations, proposals and applications respond to the aspirations of the policy, but the policy itself cannot play a significant role in assessing whether the detail of any application is acceptable. For that reason it is my judgement that Policy CP17 is not one of the most important policies for determining this proposal. For the purposes of the tilted balance flowing from NPPF paragraph 11, whether or not the policy is out of date (as above) therefore becomes a moot point. That does not, however mean that it has no role in the planning balance, to which I turn later.
  11. Other appeals brought to my attention in evidence clearly respond to the evidence heard in respect of those particular proposals. I cannot take any of those decisions and judgements to be binding on my consideration of this proposal. None therefore provides a conclusive finding in relation to Policy CP17. In any event, in the context of this appeal, the status of Policy CP17 is not a definitive matter, and in this I agree with the Inspector who considered the Wyvols Field appeal<sup>2</sup>.
  12. Policy CP9 seeks to set out the scale and location of development proposals. Hurst falls within a category described as a limited development location. In such locations (and elsewhere) the scale of development proposals is expected to reflect the existing or proposed levels of facilities and services at or in the location, together with their accessibility. The objectives of the policy clearly follow the intentions of the NPPF in seeking to guide development to locations where travel is reduced and a choice of travel mode is likely to be available. In my judgement this policy is therefore consistent with the NPPF and should be regarded as being up to date.

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<sup>2</sup> APP/X0360/W/17/3170340

13. Policy CP11 deals with development outside identified settlement limits. The objective is clearly stated to be the protection of the separate identity of settlements and maintenance of the quality of the environment. Development which does not fall within a specified range of criteria will not normally be allowed. Although the use of the word normally implies some discretion applies where material considerations might lead to a different conclusion, it does not suggest that there would be a balancing exercise carried out of the type envisaged by the NPPF. Although not going as far as indicating that the countryside should be protected for its own sake the policy is to some degree out of kilter with the more balanced approach of the NPPF. Hence its consistency with the NPPF is reduced and any conflict with the policy is also reduced. However the lack of consistency is limited and any conflict with the policy will still attract significant weight.
14. Policy CC02 follows on from Policy CP9 and sets development limits for settlements. It can only be regarded as a logical extension from the expectation of both the strategy for the scale and location of development, and the numbers of dwellings set out in Policy CP17. The housing requirement has changed over time and that can have implications for development limits, but there is nothing in this case which leads me to believe that the limits are currently inappropriate for Hurst, or across the Borough in general. In that sense I have nothing before me to show that the limits are necessarily out of date. That is simply a proposition based on the fact that housing requirements have risen and that of necessity more space will be needed around villages or other settlements to address the requirement. To accept that proposition would mean that the development limits had been set based on site capacity studies of great accuracy, with no scope for a change in capacity by increasing or decreasing density (for example). Nothing to that effect has been suggested.
15. I also do not accept as a proposition the premise that policies should be regarded as being out of date by inference based on housing numbers set in a different policy, as appears to be the case here. Analysis and judgement are required. Although there have been developments permitted outside development limits, I am informed that there were good reasons for this, and that it does not indicate that development limits generally should be disregarded. Until it can be shown more persuasively that settlement limits are out of step with housing requirements, I am not satisfied that it has been shown that there is inconsistency with the NPPF to the extent that Policy CC02 should be regarded as being not up to date. In this regard I differ from previous Inspectors to some extent, but only in the weight to be given to conflict with the policy. As noted in the High Court judgement in *Wokingham and SoS for Housing, Communities and Local Government v Taylor Wimpey UK Limited and others*<sup>3</sup>, the judgement of the Inspector was upheld in relation to the basket of most important policies even though there was some conflict between the policies and the NPPF.
16. On the basis of the foregoing paragraphs I have found some minor inconsistency with the NPPF in the most important policies. But taken as a whole I do not accept that the basket of most important policies is out of date. For this reason paragraph 11d) of the NPPF (the tilted balance) is not engaged. Even had I agreed with other Inspectors that the development limits of Policy

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<sup>3</sup> [2019] EWHC 3158 (Admin)

CC02 should be regarded as being out of date this would not make the whole policy out of date, or the basket of most important policies as a whole out of date. In this respect my judgement accords with other Inspectors and is supported by the High Court judgement set out above.

17. Policy CC01 of the MDDLDP is also relevant and sets out its own tilted balance in part 2 of the policy. Essentially its wording largely follows the now superseded 2012 version of the NPPF in setting a test of whether relevant policies are out of date, and if so invoking a presumption in favour of development unless any adverse impacts of development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The policy itself, in referring to relevant (as opposed to most important) policies shows inconsistency with the NPPF. It is, to that extent, out of date. Even were I to agree that the policy should be afforded full weight some of the relevant policies to be taken into account which are in play in this case, as set out above, should not be regarded as being out of date.
18. Other relevant policies for the purpose of assessment against Policy CC01 advanced by the Appellant as being out of date are CP1, CP3, CP5, CP6 and CC04. CP1 is an overarching policy seeking sustainable development. It may not exactly follow some of the phraseology of the NPPF but its aims are clearly aligned with national objectives. The policy has enough consistency with the NPPF to be assessed as being up to date. Similar comments apply to the general principles for development laid out in Policy CP3, the objectives for managing travel demand in Policy CP6, and the aims of Policy CC04 for sustainable design and construction. The policies may have detailed wording which does not reflect the latest version of the NPPF but in my judgement the objectives closely match national policy. They should be regarded as being up to date. Policy CP5 has a degree of inconsistency with the NPPF in its affordable housing threshold, albeit not wholly in relation to this proposal. That point is therefore of little relevance in the determination of this appeal.
19. Taking all of the relevant policies into account it is my judgement that they should not be deemed to be out of date such that the tilted balance of Policy CC01 should apply.
20. I note here that the Council is working on a replacement local plan which will take housing and other matters forward in the future. That process is in its early stages and can as yet be given no weight. Similarly, although I have noted the intention to bring forward a neighbourhood plan for Hurst, this too is at a very early stage and can likewise be given no weight at present.

## **Main Issues**

21. The main issues in the appeal are:

- (a) The effect of the proposal on the character and appearance of the area;
- (b) Whether the location of the site is appropriate in relation to sustainability objectives to limit the need to travel and offer a choice of transport modes.

## **Reasons**

### ***Character and Appearance***

22. The appeal site has no formal designation and lies within the Open Clay Lowlands landscape character type of the Berkshire Landscape Character

- Assessment of 2003, and the Hurst River Terrace in the finer grain of the Wokingham District Landscape Character Assessment of 2004. In general these studies have a degree of commonality in identifying the characteristics of the locality. These characteristics include a flat to gently undulating landform, scattered settlement, a working agricultural landscape with variable field sizes, hedgerows and wooded areas, and regular drainage ditches. Horizons tend to be of a wooded nature, and the Hurst River Terraces are identified as having a degree of openness, with lanes connecting settlements.
23. The appeal site does not exhibit the openness which may be found elsewhere but has relatively strong vegetated boundary features which offer a degree of enclosure when seen from Lodge Road. It has the character of a small overgrown paddock, albeit with a container and other minor structures present on the land. In my judgement the site is an important component of the open space which separates the northern and southern arms of the identified settlement of Hurst/Whistley Green. It is, however, not exceptional in itself, and cannot be regarded as a valued landscape for the purposes of NPPF paragraph 170. When travelling between the northern arm (Whistley Green) and the southern arm on the approach to Sawpit Road, the clear character is that of a rural and largely undeveloped tract of land to the east of Lodge Road. The presence of Badgers Bottom to the north of the appeal site is no more than a minor intrusion into the rural scene, located as it is behind significant vegetation. I find it stretching a point too far to describe the land to the north of the appeal site as being developed in the sense of it being related to the settlement pattern. It is simply a well concealed country house in extensive grounds.
24. The Old Lodge on the western side of Lodge Road has an entirely different relationship with the countryside around it. However, as it is located outside the open space between Whistley Green and Sawpit Road it does not register as having any significant impact on the character of that open space. Nursery Close to the south, and the houses beyond that, are the first real sign of the 'built up' area proper, and it is here that they delineate the settlement boundary as set out in the development plan. It is only at its southern boundary where the appeal site comes close to existing development within the settlement. I therefore reject any notion that the appeal site is developed on 3 of its sides.
25. It is not disputed that development of the site would change its character. Housing, the access road, gardens and realignment of hedgerows would be a fundamental change. As I have observed the site is an important component of the rural open space between northern and southern arms of the village. It serves a purpose in retaining the rural character along Lodge Road, and in my judgement it therefore has a moderate degree of susceptibility to change. The magnitude of the change if development were to take place would be at a similarly moderate level, leading to an overall moderate and adverse impact on the character of the landscape in this location. It is axiomatic that any impact would reduce with distance, but given that the appeal site is important to the gap between the developed areas the impact in the immediate locality would be more keenly felt.
26. In visual terms the site also performs a function in clearly forming part of the gap between developed areas. It is visible from the permissive path to the west, particularly when leaves have fallen from the trees. Although the

boundary trees and hedgerows along the roadside of the site itself limit visibility of the paddock area the boundary is an attractive (if unkempt) feature in its own right. Users of the permissive path can be regarded as sensitive to visual change since many of them will be using the path for recreational purposes. The change which would ensue from the development would be locally significant and would be perceived as the extension of built development into the open countryside. The new access would be a particularly urbanising feature with direct views into a cul-de-sac of large houses.

27. Furthermore, the proposed dwellings would be seen from Tape Lane, albeit across the intervening open field. Nonetheless the houses would project above and between existing vegetation, again emphasising the extension of built development into the countryside. I accept that a landscaping scheme could address this to a degree over time, but 5 houses on the site are unlikely to be wholly hidden. Taken overall I consider that the visual impact of the proposal would result in moderate harm.
28. The net result of the proposal would be that there would be a harmful impact to both the character and appearance of the area for the reasons set out above. The development would not respect the transition between the built up area and the countryside. The fact that an area of open land would be retained to the north of Badgers Bottom is not sufficient to ameliorate this harm. The harm would be at the upper end of the moderate scale. As such the proposal would be in conflict with most important policies CC02 and CP11, and this attracts significant weight. I also find conflict with Policies CP1 and CP3 of the Core Strategy in so far as the proposal would fail to maintain or enhance the high quality of the environment, would be detrimental to the landscape and would not be of appropriate character.

### **Location**

29. Hurst and Whistley Green as a single entity has a range of facilities which are available to the residents. These include a village store and post office, bakery and takeaway, primary school, playing fields, village hall, nursery, public houses, places of worship and allotments. There is also a bus service which runs through the settlement and connects with Wokingham and Reading via Twyford and Winnersh. All those settlements have main line railway stations. There are a number of employment opportunities around the settlement, though I have no evidence of the realistic opportunities for employment at these locations, or the number of employees at each one. Against this background I have a significant amount of evidence relating to the potential for walking, cycling and the use of public transport for access to services and facilities. I have taken note of the guidelines issued by the CIHT<sup>4</sup> and others relating to walking distances but note that these are guidelines only and are not expected to apply in all locations, because other matters also influence choice.
30. To start with walking, it would be fair to say that the appeal site is about as far from the village store as it is possible to be whilst being just outside the settlement boundary. The walking distance is about 1300m, though this would not necessarily put off fit and active people who were not expecting to carry much weight in shopping. But distance is not the only indicator of whether a walk will be undertaken. In this case the walk would be along largely unlit

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<sup>4</sup> Chartered Institute of Highways and Transportation

roads, and along one stretch of unlit Sawpit Road the lack of a footpath would be a disincentive to walkers. I do not agree with the assessment of the Appellant that this is a road used, in effect, as a shared surface. It is not heavily trafficked, but is nonetheless an access route to the village hall, nursery, primary school, Barber Close and Martineau Lane among others. It is also the bus route. I walked the road on several occasions and did not consider it to be akin to a shared surface. It has not been designed as such, and traffic does not seem to behave as it would on a designed shared surface, by reducing speed and being aware that pedestrians may be present. Traffic behaves as one would expect on a 30mph village street with parked vehicles present – by taking avoiding action where necessary, but not seemingly being aware of any increased propensity for pedestrian activity.

31. In any event it is not a pleasant pedestrian route. The presence of parked cars forces pedestrians towards the centre of the relatively narrow carriageway. It is for the most part impossible to use the verge on the northern side as it has been churned up by parked vehicles. In darkness this would be a further hazard. Further towards the village centre there is formal footpath, but this is variable in width and I am not satisfied that it would be wholly suitable for anyone with impaired mobility or with small children. In addition it is necessary to cross the road in order to continue on the footpath close to the school, and then cross back because of the discontinuous nature of the path. The second crossing point outside the school is also a pinch point for traffic because of the presence of parked vehicles outside the school, and this can make crossing more difficult. Furthermore the pedestrian, if heading for the village store, then has to cross the A321 on 2 occasions. In short I do not consider that the pedestrian route to the village is in any way an attractive route for pedestrians. I am sceptical that it would be used much, if at all.
32. The walk to the village store could of course take a detour along Tape Lane, but this involves further walking along a stretch of road with no footway. Tape Lane serves a number of residential properties and is unlikely to be a reasonable option because of the likelihood of conflict with vehicular traffic. There is a further option for pedestrians to reach the village store, which would involve crossing Lodge Road and using the permissive path to the north before re-crossing Lodge Road and walking through Whistley Green to meet the footpath at the northern end of the settlement. But the crossing of Lodge Road twice and the unsurfaced and unlit nature of the permissive path would make this an unattractive alternative route for day to day needs. Taking these matters in the round it is my judgement that even with the new stretch of footpath alongside Lodge Road which is proposed the walk to the village store area would be most unlikely to be a regularly viable option for the majority of occupants of the development.
33. I do of course accept that some facilities in the village are considerably closer than the village store, such as the school and village hall. These fall within what would normally be regarded as reasonable walking distances. Even so the unattractiveness of walking along Sawpit Road applies to these destinations too, and must call in to question whether pedestrian access would occur in practice. In my judgement it would not occur on most occasions. Finally, I have considered the potential for any person to walk to Twyford Station. This would take about half an hour, but again suffers from the fact that the permissive path would have to be used in part, and that there would be a

stretch of the walk where no footpath exists. Distance and footpath configuration suggest that this would be an unlikely option.

34. Before turning to other modes of transport I address the suggestion that occupants of the development would walk to work if they were employed at premises in or around the settlement. I do not believe that they would be likely to do so. This is because of the nature of the pedestrian walks available. The permissive path to the south of the appeal site is unlit, gravel surfaced but, as shown on my site visits, is prone to becoming muddy and slippery with falling leaves. This would not be the case at all times of the year but nonetheless for much of the time the route would be unattractive for pedestrians. Other business locations would have similar and other pedestrian access drawbacks resulting from the use of the permissive path, Sawpit Road or village streets with no footpaths. I therefore do not consider that there is any strong likelihood of any person employed locally choosing to walk to work from the appeal site.
35. Turning to the potential for cycle use, this seems to me to be a somewhat more viable option. I observed a number of cyclists using local roads on my site visits. However, it is acknowledged that the use of the busier roads, including Lodge Road (especially where it meets the national speed limit) would be likely to be used only by the more confident cyclist. I do not rule out the use of cycles for access to and from the appeal site, but this must be tempered by the fact that Lodge Road has the potential to be an intimidating route, as implicitly acknowledged by the Appellant's suggestion that cyclists could walk as far as Sawpit Road. In my judgement cycling is not likely to be a significant alternative mode of transport used by occupants of the appeal site.
36. Public transport is available, by bus, in the settlement. The service, with destinations as set out above (and others along the route) runs 6 days a week, at roughly hourly times on weekdays but more infrequently on Saturdays. Access to the bus would be on Sawpit Road, quite close to the appeal site. As a hail and ride service there would be no need to walk as far as the 'formal' stop at the junction of Barber Close, though waiting on Sawpit Road would not be without difficulty because of the drawbacks the road exhibits (as set out above). The provision of a bus shelter as proposed may encourage use but would require the walk along the part of Sawpit Road with no footpath.
37. The Inspector for the Valley Nurseries appeal<sup>5</sup> accepted that the bus service would provide a reasonable alternative to the use of a private motor vehicle on most days of the week. That is against the background of there being different, and in my judgement preferable, access arrangements to bus stops from Valley Nurseries.
38. In any event what is a reasonable alternative is not necessarily the same as a practical alternative for many eventualities. For example, a bus service to Twyford railway station might well encourage commuters to use that facility. But I question whether an hourly service would offer sufficient certainty and flexibility to be attractive. A late running bus and missed connection, with no replacement service for an hour, would not be likely to encourage reliance on the service for many people. Indeed, the putative decision of the previous Inspector in this appeal noted the inflexibility of the proposition and, although I have made my own assessment, I cannot disagree with that finding. Taken

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<sup>5</sup> APP/X0360/W/17/3171083

with the relatively early times at which the service ceases in the afternoon/evening the limited timetable suggests to me that it would not be an attractive option for anyone who required a bus connection for commuting. Rather it seems to me that the service is adequate for daytime trips to local destinations for leisure or other non-critical visits.

39. It is right to say that bus services in rural areas cannot be expected to be the equivalent of those in urban locations, and the reliance on the 'good' definition of the Council may be unrealistic in some cases, including village locations. Each proposal needs to be assessed individually. In this case I do not consider that the service through Hurst in either direction would encourage the potential occupants of the appeal site to use it other than for occasional non essential purposes even with the provision of subsidised travel for an initial period. It is simply not convenient enough to be able to replace the reliance on private vehicles.
40. Taking all of these matters together it is my judgement that the location of the appeal site would not follow sustainable principles. Residents of the site would not be likely to take advantage of walking, cycling or public transport to any significant degree. In my judgement this is not an accessible location as required by Policy CP9. In this respect it is distinguishable from the Valley Nurseries site which has an entirely different relationship with surrounding streets, facilities and access to public transport. The likely reliance on private vehicles would not be in tune with the NPPF objectives and would be in conflict with most important policy CP9 and Core Strategy Policies CP1 and CP6 which, taken together, seek to ensure that development provides for sustainable forms of transport to allow choice (amongst other things). In this instance I do not accept that there would be a realistic and viable choice for the majority of people.

### **Other Matters**

41. Some time was taken up at the inquiry debating past and future housing requirement and supply. I am clear that the Council has made significant strides in addressing past backlogs and bringing forward land for development. The fact that it has a satisfactory supply position now, and has satisfied the housing delivery test, is testament to that. Indeed I accept that at present the Council is following the advice to significantly boost supply. Future requirements are bound to change, as they have in previous years, and the future Local Plan will be expected to take steps to address the requirement. I accept that the Local Plan will be some 2 years or more in preparation, but I am not satisfied that it has been shown on the balance of probabilities that it is likely that housing supply in the near future will decline as predicted by the Appellant. Housing predictions are a difficult area and precision is impossible. At present the Council seems to be in a position of supplying what is necessary whilst being in the nascent stage of preparing future plans. When those plans become clearer future decisions will be able to take account of likely future supply. I must deal with the situation as presently acknowledged, with the Council having a 5 year supply of deliverable sites and a recent strong performance in delivery.
42. Affordable housing continues to be provided in the Borough though there is still a need for more. The need has been described in the planning officer's report as critical, and by the Council's expert witness on affordable housing as significant. In either case the provision of affordable housing is something to

which I attach significant weight notwithstanding the Council's claimed pipeline of supply.

43. In regard to affordable housing the S106 Undertaking of 2018 made provision for a contribution to assist in its provision. The more recent 2019 Undertaking makes provision for the implementation of a transport strategy. This includes such matters and grants towards the purchase of electric vehicles and bicycles, as well as charging points. There would also be an element of subsidised public transport, a welcome pack for each home, and the provision of a bus stop shelter. Most of these matters deal with short term encouragement to change behaviour but, because of the nature of the site location, are unlikely to provide long term results. As I have concluded that the appeal should be dismissed it is not necessary for me to consider these matters in further detail.
44. A number of other matters were brought up at application and appeal stage by third parties, including the St Nicholas Hurst Parish Council. These matters, where material, have been addressed by the Appellant or can be dealt with by condition or obligation. In particular the Council maintains no objection to the proposal on the basis of matters including highway safety, flood risk, drainage, ecological matters, design and school place availability. The main issues in dispute therefore remain as above, and my findings on those must be balanced against the benefits of the proposal, to which I turn next.

### **Conclusions and Planning Balance**

45. I deal first with the benefits advanced by the Appellant. These are dealt with in the light of the 3 strands of sustainable development set out in the NPPF.
46. I accept that the development would provide some economic benefit. New house building provides both direct economic benefits in jobs, but also indirect benefits by contributing to the financial turnover of suppliers. There would also be a boost to the local economy from the initial occupancy and post occupancy spending. These are material considerations which attract moderate weight.
47. In relation to the social strand of sustainable development the provision of market homes is important and is a material consideration of some weight. However as there would be just 5 dwellings in a situation where the Council can show a 5 year supply of deliverable sites, and where the housing delivery test has been met, this benefit should not attract more than moderate weight. I recognise that the provision of affordable housing (in this case a contribution towards its provision) is a benefit, and in an area with an acknowledged significant, if not acute, need for such homes, this is of significant weight. Evidence from the Parish Council suggest that the provision of 5 new homes would do little extra to sustain what is an already vibrant community with a number of existing services. There is no tangible benefit shown in this respect.
48. Taking into account environmental considerations it is acknowledged by the Appellant that there would be some landscape harm, but in an area which has no landscape designation and which is not a valued landscape. This can be seen as a comparative benefit only in the sense that landscape with a greater importance is not involved. It is not a benefit of itself even allowing for mitigation planting.
49. Set against these benefits are the matters above in which I have identified harm. This involves harm to the character and appearance of the landscape at the top of the moderate scale, and conflict with the development plan. In

addition there is conflict with the sustainable principles of both the NPPF and the development plan, and resultant harm from the likely increase in the use of private vehicles with no adequate option to access alternative modes of transport. This matter carries significant weight.

50. Although it is apparent that the proposal is not in conflict with some development plan policies, such as housing supply policy CP17 and policy CC04, taken overall the proposal is in conflict with the most important policies for determining this appeal, and with the development plan as a whole. The proposal cannot be regarded as sustainable development and there is consequent conflict with policy CP1. There are no material considerations of sufficient weight which indicate that a decision should be made other than in accordance with the development plan.
51. Even had I concluded that the tilted balance of the NPPF or Policy CC01 should apply my overall judgement is that the harm I have identified significantly and demonstrably outweighs the benefits in this case. By either route to a decision, therefore, the appeal must be unsuccessful. The proposed development simply fails to address the fundamental shortcomings associated with the appeal site. Put simply, this would be the wrong development in the wrong place. For the reasons given above I conclude that the appeal should be dismissed.

*Philip Major*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

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|--|---|
| Ms H Sargent<br>She called   | Of Counsel  |
| Ms B Crafer BHons<br>(Landscape<br>Architecture) DipLA<br>DipUD CMLI | Chartered Landscape Architect, Wokingham<br>Borough Council. Spoke at the landscape round<br>table session. |
| Mr R Johnson HND   | Senior Assistant Engineer, Wokingham Borough<br>Council.  |
| Mr N Bailey  | Interim Assistant Director, Housing and Place<br>Commissioning, Wokingham Borough Council.                  |
| Mr I Bellinger BSc(Hons)<br>DipTP MRTPI                              | Manager for Growth and Delivery, Wokingham<br>Borough Council.  |
| Mr S Taylor BTP  | Planning Specialist, Wokingham Borough Council.   |

### FOR THE APPELLANT:

|   |  |
|---|--|
| Mr M Bedford<br>He called                             | Queen's Counsel  |
| Ms S Gruner BHons<br>(Landscape<br>Architecture) CMLI | Associate Landscape Architect and Urban<br>Designer, CSA Environmental. Spoke at the<br>landscape round table session. |
| Mr T J Wall BA(Hons)<br>MSc MCIHT CMILT               | Associate Partner, i-Transport LLP.  |
| Mr D Bond BA(Hons)<br>MRTPI                           | Partner, Woolf Bond Planning LLP.  |

### INTERESTED PERSONS:

|                |   |
|----------------|---|
| Mrs L Robinson | Hurst Neighbourhood Plan Working Group. |
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## DOCUMENTS SUBMITTED AT THE INQUIRY AND SUBMISSIONS SUBMITTED AFTER THE INQUIRY

- 1 Notification letter of the inquiry
- 2 Opening statement on behalf of the Appellant
- 3 Opening statement on behalf of the Council
- 4 Comparative table of distances from the appeal site and Valley Nurseries within Hurst
- 5 Table of affordable housing need
- 6 Comparative table of open market house prices
- 7 Extract of the Core Strategy key diagram
- 8 Extract from the Managing Development Delivery Document Local Plan, page 67
- 9 Extract from the Managing Development Delivery Document Local Plan, pages 173 and 174

- 10 Unilateral Undertaking dated 4 December 2019
- 11 Table of expected housing land supply from 2006 to 2016
- 12 Sefton MBC v SoS for the Environment, Transport and the Regions, January 2002
- 13 Written submission from Mrs Robinson
- 14 Closing Submissions on behalf of the Council
- 15 Closing submissions on behalf of the Appellant
- 16 Late information on affordable housing from the Council and the Appellant's response