



Appeal Decision

Site visit made on 15 June 2021

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/X0360/W/21/3269790

Land at Croft Road, Spencers Wood, Shinfield, Reading RG2 9EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Millen Homes Ltd against the decision of Wokingham Borough Council.
 - The application 203108, dated 13 November 2020, was refused by notice dated 8 January 2021.
 - The development proposed is the erection of 3 detached dwellings on land at Croft Road, Spencers Wood.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Millen Homes Ltd against Wokingham Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application is made in outline with access, appearance, layout and scale to be considered at this stage. Landscaping is reserved for later approval.
4. The appellant has submitted a revised site layout plan, transport plan and arboricultural impact assessment to that on which the Council made its decision¹. The revised plans show a more central position for the access to Croft Road. The Council considers the revised access should not be taken into account as part of the appeal. According to the appellant the revisions were submitted to the Council prior to it making its decision, although the Council deny having received them. As the revisions seek to address one of the reasons for refusal and the Council has had the opportunity to comment on them, having regard to the 'Wheatcroft principles'² I consider it is reasonable for me to take the revised plans and assessment into account.
5. Subsequent to the Council's decision a unilateral undertaking has been submitted that would secure financial contributions towards mitigation measures in relation to the Thames Basin Heaths Special Protection Area, and financial contributions towards a bus strategy and a travel awareness initiative. I comment on these obligations later in my reasoning.

¹ Site Layout Plan R2, Transport Plan R2 and revised arboricultural impact assessment and method statement by Tracy Clarke Tree Consultancy, December 2021

² Bernard Wheatcroft Ltd v SSE [JPL 1982 p37]

6. I was unable to gain access to the property on my site visit. However, I was able to view the site from the road and I am satisfied that I was able to see everything I needed to determine the appeal.

Main Issues

7. The main issues are the effect of the development on:
- the suitability of the site having regard to the spatial policies of the development plan and the impact on the character and appearance of the countryside;
 - the emergency off-site plan for the Atomic Weapons Establishment site at Burghfield;
 - highway safety;
 - accessibility to facilities and services;
 - the Thames Basin Heaths Special Protection Area;
 - affordable housing.

Reasons

Location and countryside

8. Policy CC02 of the Wokingham Borough Managing Development Delivery Local Plan 2014 (the 'Local Plan') sets the limits of planned development within the wider South of the M4 Strategic Development Location identified in Policy CP19 of the Wokingham Borough Core Strategy 2010 (the 'Core Strategy').
9. The appeal site is adjacent to but outside the defined development limits for the expanded settlement of Spencers Wood as shown on the Policies Map. Policy CP11 of the Core Strategy states that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where various criteria are met. The appeal proposal does not fall within any of those criteria.
10. The site and other land on the eastern side of Croft Lane is shown variously as part of the 'existing settlement' or 'existing development' in the South of the M4 Strategic Development Location supplementary planning document, 2011 ('the supplementary planning document'). However, this does not translate into the definition of the built up parts of the settlement or development locations within the Local Plan and as shown on the Policies Map, which designates the site as part of the countryside. As the Local Plan forms part of the development plan, and post-dates the supplementary planning document, I place greater weight upon it.
11. Having regard to the purposes of Policy DP11, development on the appeal site would not materially reduce the separate identity or sense of separation between settlements because the site is surrounded by other parcels of land and would not encroach into the visually important break between settlements made by the open agricultural fields between Spencers Wood and Shinfield.
12. In terms of its impact on the quality of the environment, the land east of Croft Lane forms part of a loose scatter of dwellings in extensive grounds

interspersed with small pockets of undeveloped land, including the appeal site. The loose scatter of dwellings differs from the more recent, higher density, residential development that has taken place on the western side of the road. This development has been designed so that it maintains a soft edge to the countryside with buildings set back from the road, hedges and trees retained along the road frontage and backed by areas of open space, including what appears to be a swale opposite the site. This design approach has helped to retain the character and appearance of Croft Road as a narrow country lane bounded on either side by trees and hedging.

13. The proposed development would introduce a more built up character to the eastern side of Croft Road. Although the buildings would have reasonable spacing between them, the amount of building, driveways, hard surfaces and domesticated gardens would result in a more suburban character to this side of the road, eroding the semi-rural character of this part of the countryside.
14. The revised position of the access point would however obviate the need to remove any of the mature trees along the road frontage. Although the access point would be slightly wider than and in a different position to the existing field access it would be similar to other accesses along Croft Road. Landscaping is a matter reserved for later approval, but sufficient space would exist to accommodate planting to replace any hedging or understorey that might be lost for sight lines such that the verdant nature of the road frontage could be maintained.
15. I conclude that the site lies outside the defined development limits. It does not fall within any of the exceptions listed in Policy CP11 of the Core Strategy or criterion 3 of Policy CC02 of the Local Plan and the proposed development would therefore conflict with the spatial strategy of the Council as set out in Policies CP1, CP9, CP11 and CP19 of the Core Strategy, Policies CC01 and CC02 of the Local Plan and Policy 1 of the Shenfield Parish Neighbourhood Plan 2017 which seek to concentrate new residential development in existing settlements or allocated development sites.
16. The proposal would introduce new buildings and development into the countryside with a consequent erosion of its rural character and appearance. That erosion would be limited because it would not harm the separate identity of settlements. It would also only have a localised impact on the character and appearance of the countryside because of the relatively contained nature of the site and its surroundings, and the retention of trees and foliage along Croft Road. Nevertheless, that limited erosion to the quality of the environment would conflict with Policies CP3 and CP11 of the Core Strategy, Policy TB21 of the Local Plan and Policy 2 of the Shinfield Parish Neighbourhood Plan 2017, which set out general design principles for new development and require it to avoid having a detrimental impact on the landscape.

Emergency plan

17. The site lies within the Detailed Emergency Planning Zone for the Atomic Weapons Establishment at Burghfield. The zone has recently been expanded to include land containing the appeal site. The assessment that led to the extension of the zone has been upheld in a recent High Court judgement³. The extent of the zone used for emergency planning purposes has been determined

³ Crest Nicholson et al v West Berks DC [2021] EWHC 289 (Admin)

by the emergency planning authority (in this case West Berkshire District Council) on the basis of the assessment by the Atomic Weapons Establishment and taking into account local geographic, demographic and practical issues of how to respond in the event of an emergency. The appellant has criticised the extent of the zone beyond the minimum area recommended by the Atomic Weapons Establishment but that is not a matter that can be addressed in the context of this appeal and I see no good reason to depart from the area designated by the emergency planning authority.

18. The Council states that the Emergency Planning Officer and Office for Nuclear Regulation object to additional residential dwellings in the Detailed Emergency Planning Zone as a matter of principle because it would increase the number of people living within the zone and place greater strain on the emergency services in the event of an incident. The appellant has responded⁴ by highlighting the very small risk to future occupants on the appeal site given the modest size of the development, its distance from Burghfield, and the limited additional demands that would be placed on the emergency services. It has also shown how occupants sheltering in the dwellings could be further protected using an air filtration system.
19. The development taken by itself would place minimal additional demands on the emergency services in the event of an incident. However, the cumulative effect of unplanned development such as the appeal scheme within the Detailed Emergency Planning Zone could have a significant effect on their ability to respond. The potential demand on the emergency services is already greater with the recent expansion of the Detailed Emergency Planning Zone encompassing a larger existing and planned population, and additional residential development on top of this would further strain their resources.
20. I have some sympathy with the appellant that the effect of the emergency plan is very restrictive given what is accepted by all parties as a low risk of an incident at Burghfield and the even lower risk that it might affect the appeal site. Nevertheless, the regulations⁵ require the emergency planning authority to plan for the possibility of radiation emergencies with extremely low likelihoods of occurring but with significant or catastrophic consequences. The emergency plan is the result of this more precautionary approach to such risks.
21. I conclude that the development, when taken in combination with other residential development in the Detailed Emergency Planning Zone, could place undue strain on the ability of the emergency services to respond to a radiation leak from Burghfield. The risk is very small but not insignificant. The development would therefore conflict with criterion 1 of Policy TB04 of the Local Plan, which requires that development will only be permitted where an increase in the number of people living on the site can be safely accommodated, having regard to the emergency services and the emergency plan.

Highway safety

22. The revised access arrangements would enable access to the site with adequate sight lines to Croft Road without the need to remove any of the

⁴ Radiological Impact Assessment, Mike Thorne and Associates Ltd, January 2021 and further addendum note, June 2021

⁵ Radiation (Emergency Preparedness and Public Information) Regulations 2019

mature trees along the road frontage. It has also been widened to 4.1m to enable the safe entry and exit of vehicles, including larger vans.

23. If necessary, there is sufficient space to widen the internal shared driveway within the site to enable the passage of two cars at the same time, and to include a visitor parking bay. The submitted plans indicate that cycle storage and electric vehicle charging points would be included in the development. All these features could be secured by conditions. The access and internal driveway would provide both vehicular and pedestrian access to the site as a shared surface.
24. An appeal for 2 dwellings on the site was dismissed in 2002, partly because of concerns about additional traffic causing a highway safety hazard to users of Croft Road because of its narrow width and lack of footways or useable verges⁶, and concerns at the substandard geometry of the junction of Croft Road with the B3349 Hyde End Road. Since this decision was made, Croft Road has been truncated to prevent through vehicular traffic and it now serves as an access road to the properties along it, as well as route for pedestrians, cyclists and horse riders. The modest amount of traffic that would be generated by the proposed development, and the much reduced vehicle movements along Croft Road and using the junction with Hyde End Road amount to materially different circumstances to those considered in the previous appeal. The Council has not sought to argue that additional traffic movements along Croft Road or using the junction with Hyde End Road would result in a highway safety hazard and having regard to the current situation, I reach a similar view.
25. I conclude that the revised access arrangements would ensure safe entry and egress to and from the site for its occupants and would not endanger highway safety for other users of Croft Road. The other matters referred to above relating to internal parking and access arrangements and provision of cycle and electric vehicle charging points could be secured by conditions. Consequently, the development would accord with Policies CP1, CP3 and CP6 of the Core Strategy and Policy TB06 of the Local Plan in so far as they relate to highway safety and the free flow of traffic.

Accessibility to services and facilities

26. According to the Council the nearest shops are 1.5km and 1.8km from the site, the nearest secondary school 1.15km and the nearest primary school 1.8km. The appellant has assessed the distance to the nearest secondary school to be 1.1km and to the nearest primary school as 1.4km. While these distances are beyond the 10 minutes/800m walking distance often used to assess convenient access to services and facilities⁷, and largely beyond the preferred maximum distance of 1.2km⁸, it is pertinent that immediately opposite the site on the western side of Croft Road the Council has permitted a strategic housing allocation, and other smaller residential developments that take access from Croft Road have also recently been permitted and built.
27. There is very little difference in locational terms between these permitted schemes and the appeal site. The allocation and subsequent permission for these developments implies that the Council considered them to be sustainably

⁶ APP/X0360/A/02/1085427

⁷ Department for Transport Manual for Streets and Wokingham Borough Design Guide supplementary planning document

⁸ Chartered Institution of Highways and Transportation: guidelines for providing for journeys on foot, 2000

located with adequate access to services and facilities. Croft Road is a shared surface without footways but for the reasons given above I do not consider that to be a deterrent to its use by pedestrians or cyclists. There is a bus stop within 250m giving access to services and facilities in neighbouring villages and the nearest town of Reading. The appellant is also willing to contribute towards a bus strategy and a travel awareness initiative that the Council has put in place to encourage the use of public transport as an alternative to the private motor car. These contributions would be secured through the unilateral undertaking and I place weight on them in helping to encourage a modal shift towards more sustainable forms of transport.

28. The Council has drawn attention to two other appeal decisions which reached conclusions on accessibility of development to services and facilities⁹. These relate to different sites with different relationships to a range of local services and facilities, not only in terms of the distances involved but also the attractiveness of walking routes to and from them. From the information contained in the decision notices, it appears that neither was immediately adjacent to an allocated housing site. Because of these differences, and the need to gauge accessibility in the light of a range of factors, not just distances, I give these decisions limited weight.
29. The appellant has drawn attention to a recent decision by the Council in which permission was refused for a residential development on Croft Road to the north of the appeal site, but not on the grounds of poor accessibility to services and facilities. I have no explanation from the Council as to why this site should differ from the appeal site. I note the development was smaller and in a slightly different position, but not significantly so from the perspective of accessibility to services and facilities.
30. Taking all these matters into consideration, while I recognise that the distances to the majority of local services and facilities are further away than normally considered convenient for walking, they are not excessively so. The proximity of the appeal to large allocations of new housing, which by implication must have been considered sustainably located, and the willingness of the appellant to contribute towards a bus strategy and travel awareness initiative, persuade me that the site is sufficiently accessible to local services and facilities by modes of transport other than the motor car so as not to conflict with Policies CP1, CP2, CP3, CP6 and CP11 of the Core Strategy, Policies CC01 and CC02 of the Local Plan, and Policy 4 of the Shinfield Neighbourhood Plan 2017, all of which promote sustainable forms of travel.

Thames Basin Heaths Special Protection Area

31. The site lies within the zone of influence of the Thames Basin Heaths Special Protection Area, which is of national and international importance for its rare bird species. The proposed development could, when taken in combination with other development in the area, have a significant adverse impact on the Special Protection Area through additional recreational pressure causing disturbance to the rare bird species.
32. The Council, in partnership with other organisations, has developed an avoidance strategy aimed at mitigating the potential harm to the Special Protection Area from new residential development. The appellant has agreed to

⁹ APP/X0360/W/18/3205487 and APP/X0360/W/19/3235572

make financial contributions towards the mitigation strategy as part of the submitted unilateral undertaking.

33. While it would appear that the avoidance strategy, and the contributions which would support its implementation, would overcome the potential harm to the Special Protection Area, it has not been necessary for me to carry out an appropriate assessment as required by the Conservation of Habitats and Species Regulations 2017, as I have found the scheme to be unacceptable for other reasons.

Affordable housing

34. Policy CP5 of the Core Strategy requires all residential proposals of at least 5 dwellings or a net site area of at least 0.16 ha outside development locations to provide a minimum of 40% affordable housing. However, this policy pre-dates the latest version of the National Planning Policy Framework, which states at paragraph 63 that the provision of affordable housing should not be sought for residential developments that are not major developments (10 or more dwellings), other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
35. While there is no doubt a general need for affordable housing in the area, I have not been provided with any evidence of that need, or whether the strategic development taking place in Spencers Wood meets the local requirements for affordable housing.
36. As Policy CP5 conflicts with the more recent policy in the Framework, it carries limited weight. In the absence of any evidence to the contrary, I conclude that the requirements of Policy CP5 are outweighed by the later policy in paragraph 63 of the Framework and there is therefore no need for the proposed development to provide an element of affordable housing.

Conclusion

37. I have found that the proposed development would conflict with the spatial strategy of the Council, to which I give considerable weight, and would erode the semi-rural character of the countryside, to which I give more limited weight because of its localised impact. I have also found that the proposal would place additional strain on the emergency services for responding to an incident at the Atomic Weapons Establishment at Burghfield, but only give this limited weight in my decision because of the low risk and the modest size of the development.
38. I have also found that, subject to the revised access arrangements, there would be no harm to highway safety, that the site is sufficiently accessible to local services and facilities by modes of transport other than the motor car, and the scheme does not need to include an element of affordable housing. These are neutral considerations in the appeal.
39. Balanced against the conflicts, I acknowledge the benefit of adding an additional 3 units of accommodation to the housing stock in the area, and the temporary economic benefit during their construction. However, there is no dispute that the Council can demonstrate an adequate housing land supply and is delivering housing at a rate in excess of that required by national policy. In these circumstances the addition of further housing is only of limited benefit.

40. Bringing all these considerations together, I conclude that the development would cause harm to matters of acknowledged importance, and that harm is not outweighed by the benefits the development would bring. It would therefore conflict with the development plan when taken as a whole. There are no material considerations that lead me to a different view.

41. I conclude that the appeal should be dismissed.

Guy Davies

INSPECTOR