



Appeal Decision

Inquiry Held on 29 to 31 March and 1, 5 and 11 April 2022

Site visits made on 15 February, 28 March, 1, 4 and 6 April 2022

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2022

Appeal Ref: APP/R0335/W/21/3287383

Land west of Wokingham Road, Sandhurst

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Bloor Homes Limited against Bracknell Forest Council.
 - The application Ref 21/00478/OUT, is dated 30 April 2021.
 - The development proposed is erection of up to 150 dwellings, creation of new access off Wokingham Road, Sandhurst, and provision of public open space, landscaping, suitable alternative natural greenspace (SANG) and related infrastructure and new 20 space car park (all matters reserved except for details of vehicular access from Wokingham Road and to the car park from Lower Church Road).
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of up to 150 dwellings, creation of new access off Wokingham Road, Sandhurst, and provision of public open space, landscaping, suitable alternative natural greenspace (SANG) and related infrastructure and new 20 space car park (all matters reserved except for details of vehicular access from Wokingham Road and to the car park from Lower Church Road).

Application for costs

2. An application for a partial award of costs was made by Bracknell Forest Council against Bloor Homes Limited. That application is the subject of a separate Decision.

Preliminary and procedural matters

3. The outline application as originally submitted sought planning permission for the:

"Erection of up to 150 dwellings, creation of new access off Wokingham Road, Sandhurst, and provision of public open space, landscaping, suitable alternative natural greenspace (SANG) and related infrastructure and new 20 space car park (all matters reserved except for details of access)".

Matters concerning appearance, landscaping, layout and scale all being reserved for future consideration.

4. The appeal arose because of the Council's failure to issue a decision within the prescribed period. A matter of contention between the appellant and the Council from the early days of this appeal concerned the adequacy of the details submitted either with the planning application or as part of the appeal to enable access for motorists, pedestrians and cyclists to be fully considered as part of the appeal's determination.
5. After hearing the evidence relating to: character and appearance; heritage; highways and transportation; and biodiversity, including connectivity between the proposed SANG and the established adjoining Horseshoe Lake and the Ambarrow Court SANGs, at the end of Inquiry's fourth sitting day I held a roundtable discussion relating to the planning conditions that might be imposed in the event of the appeal being allowed. As part of that discussion, I indicated that there appeared to be three scenarios for handling the matter of access.
6. Firstly, for the appeal's determination to be made on the basis of approval being sought for access for motorists, pedestrians and cyclists, with reliance on the details shown on the submitted drawings. Secondly, for some aspects for access to be treated as being for approval with others, most particularly those relating to the dedicated pedestrian and cycle access points on Wokingham Road and High Street, being reserved for future consideration. Thirdly, for access to be treated as a wholly reserved matter, with the appellant's submitted masterplan being sufficient to identify where access for motorists, pedestrians and cyclists could be expected, meeting the procedural requirements for the determination of outline applications¹.
7. On the inquiry's fifth day the appellant tabled a revised development description (Inquiry Document [ID] 36) with the effect that all matters should be treated as being reserved for future consideration, other than the vehicular access points on Wokingham Road and to the car park on Lower Church Road (LCR). Allied to that change of description a new drawing, 05194A-SK-023 Revision P03 titled "Highway Improvements (Overview) (ID.35), was submitted showing, in a consolidated form, the locations for all of the proposed on and off site highway works. I have determined the appeal on the basis of the revised description of development.
8. The inquiry sat 'in-person' for five full days between 29 March and 5 April 2022. The sixth sitting day on 11 April was held on-line when the closing submissions of the appellant, the Council and The Save Blackwater Valley Group (SBVG) were given. SBVG having been granted Rule 6 party (R6P) status for the inquiry. I held an accompanied site visit on 6 April 2022 and also undertook various unaccompanied visits in the area.
9. While the inquiry finished sitting on 11 April, I adjourned it, rather than formally closing it. That was to enable the appellant's submission² of an executed unilateral undertaking (UU) [ID.44] containing planning obligations made pursuant to section 106 of the Town and Country Planning Act 1990. In summary, the UU's planning obligations would secure:
 - The provision of 5.52 hectares (ha) of on-site SANG, a contribution for the future maintenance of that SANG, based on the payment of £65,477

¹ Article 5 of The Town and Country Planning (Development Management Procedure) (England) Order 2015

² The UU was executed on 12 April 2022 and submitted on 13 April 2022

per ha of SANG, and the undertaking of works to provide pedestrian access between the on-site SANG and the adjoining Horseshoe Lake SANG and the Ambarrow Court SANG.

- The provision and maintenance/management of on-site public open space (POS), including arrangements for the provision of private accesses and footpaths, a sustainable urban drainage scheme and the attainment of a biodiversity net gain of not less than 10%.
 - The provision of 25% affordable homes within the development.
 - The payment of a community facilities contribution of £150,000 to be directed towards a community hub at the Transport Research Laboratory.
 - The provision of a twenty space on-site car park for public use, accessed via LCR.
 - The implementation of a residents' travel plan.
 - The payment of contributions of:
 - £223,900 for bus services;
 - £75,000 for car and cycle parking provision at Crowthorne railway station;
 - £100,000 for cycle parking provision at Sandhurst railway station;
 - £31,800 for sustainable transport works involving the installation of a new bus shelter on Crowthorne Road and the provision of cycle parking in Sandhurst; and
 - £6,000 towards the making of traffic regulation orders necessitated by the development.
 - The undertaking of off-site highway works in various locations.
10. The Inquiry was formally closed in writing on 14 April 2022. However, the Council has drawn attention to an appeal for 197 dwellings which was dismissed on 22 September 2022 following an inquiry held in early September (the Warfield decision³ [ID.48]). I have had regard to the Warfield decision insofar as it raises matters that are pertinent to the Sandhurst appeal.
11. The Council is in the process of producing a new Local Plan (the emerging [eLP]) to replace the saved policies of the Bracknell Forest Borough Local Plan of 2002 (LP2002), the Bracknell Forest Core Strategy Development Plan Document of 2008 (the CS) and some of the policies stated in the Bracknell Forest Site Allocations Local Plan of 2013 (SALP). The eLP was submitted for examination on 20 December 2021 and the examination is to be conducted in two parts, with the first part having commenced in May 2022. The Council has explained that all but one of the eLP's policies with relevance to the appeal development are subject to unresolved objections and that limited weight should be applied to the eLP's policies in determining this appeal⁴.

³ APP/R0335/W/22/3298503

⁴ Paragraph 5.6 of the Council's Statement of Case (CDD.7) and Mr Roskilly's proof of evidence (Appendix BF1)

12. The eLP through its examination may be subject to change. When regard is paid to paragraph 48 of the National Planning Policy Framework (the Framework) I consider very little weight should be attached to the eLP for the purposes of the determination of this appeal. That approach being consistent with the cases made by the appellant and the Council in their evidence. Where in my reasoning below I do make any references to the policies of the eLP that should not be taken as fettering any consideration of them by the eLP examining Inspectors. In connection with the eLP's examination it became apparent during the May 2022 hearings that the Policies Map contained an error with respect to the extent of the Blackwater Strategic Gap within the immediate vicinity of the appeal site. Further to the appellant drawing attention to that error the Council has, at my request, submitted its post eLP action points note and an amended Policies Map inset map (ID.46). ID.46 address the Strategic Gap's drafting error and I have had regard to this documentation.

Main Issues

13. Having regard to the putative reasons for refusal included in the Council's Statement of Case (Core Document [CD] CDD.7), I consider the main issues to be:
- The effect of the development on the character and appearance of the area, including the Blackwater Valley area of special landscape importance (the ASLI);
 - The effect of the development on the setting of the grade II* listed St Michael's Church (the Church);
 - Whether the development would provide safe and adequate access for motorised and non-motorised users of the public highway;
 - Whether there would be accessibility to local services and facilities for the occupiers of the development by a range of modes of transport;
 - The effects of the development on the integrity of the Thames Basin Heaths Special Protection Area (the SPA);
 - The effects of the development on biodiversity, including protected species;
 - Whether the development would make adequate provision for affordable housing;
 - Whether the development would make adequate provision for transportation and community infrastructure; and
 - Whether the development would make adequate provision for surface water drainage.

Reasons

Character and appearance

14. The site has an area of 13.87 ha⁵ and comprises two large parcels of undulating grassland, separated from each other by a belt of trees and a

⁵ As quoted on the planning application form (CDA.1)

stream. The land parcels have been subdivided into smaller fields in association with the site's use for the keeping and riding of horses. The site is located on a west facing slope of the Blackwater Valley and is itself bisected by a valley running north east to south west⁶. The highest part of the site, its north eastern corner, has a level of around 76 metres above Ordnance datum (AOD), falling to 56 metres AOD in the south western corner⁷.

15. The perimeter of the site consists of a mixture of hedgerows and trees. That planting gives the site a high degree of visual containment when it is viewed from Wokingham Road and High Street (the A321), LCR and Lower Sandhurst Road (LSR). The site's containment along its boundary with High Street is particularly marked, given the vegetated roadside embankment, which at its greatest is elevated around 3.0 metres above the road's level⁸.
16. The pylon supported overhead electricity lines that cross the site are a significant visual detractor.
17. There is some public appreciation of the site from public right of way FP11 (FP11). FP11 is to the north west of the site and it passes through paddocks and provides a link between LSR and Ambarrow Lane and Wokingham Road. FP11 forms part of the promoted long distance 'Three Castles Path'.
18. Sandhurst's built up area for the most part lies to the east of the A321. Lynch Gate Close and Belfry Mews being an exception, as an enclave of around 25 dwellings to the west of the A321 and south of LCR. The Church, the associated pastoral centre and St Michael's Church of England Primary School (the school) bound LCR and are to the west of the A321. There are also a few sporadically sited dwellings to the north and west of the pastoral centre, including the property known as Ryefield.
19. The site is in the ASLI, designated under saved Policy EN10(i) of the LP2002. Policy EN10 states that "*planning permission will not be granted for development which would harm the open, rural or undeveloped character, the special landscape qualities or the function ...*" of the ASLI. The supporting text to Policy EN10 explains the:

"... Blackwater Valley is an extensive open area important for its landscape and as an important recreational resource ... Much of the area has been worked for gravel. The lakes that have been formed as part of a restoration scheme are separated by narrow strips of land and bounded by perimeter hedgerows. The remaining area comprises farmland and meadow land which are bounded by trees which can restrict views across the lakes. Notwithstanding the artificial nature of the lakes, the area exhibits a rural setting for the surrounding housing. The area itself has considerable potential both as a landscape feature and as a recreational resource ..."
20. In line with policy stated in the Framework the Council is not seeking to redesignate the ASLI in the eLP (CDF.1). It is the Council's intention to rely on more generalised policies in the eLP, most particularly Policy LP37 (Landscape character outside of defined settlements), which in the countryside would require new development to recognise and enhance the intrinsic character and

⁶ As shown for example by the contours on Figure 7 in Ms Bolger's Appendix 1

⁷ Section 4.2 of Ms Bolger's proof of evidence

⁸ Paragraph 7.3.3 Ibid

beauty of the countryside and the quality of the landscape character area within which it would be situated. The application of Policy LP37 would be informed by the Bracknell Forest Borough Landscape Character Assessment of September 2015 (LCA [CDG.4]). Paragraph 1.2 of the LCA explains it:

"... is intended to provide a sound evidence base to inform work on policy development and development management, guiding development and land management that is sympathetic to local character and special qualities of the Borough, including encouraging the protection and enhancement of valued landscapes in accordance with the National Planning Policy Framework⁹".

21. The appeal site forms part of the southern extremity of the landscape character type (area) 'LCAB1 - Crowthorne/Sandhurst Heathland Mosaic'. The site also lies immediately to the north of the adjoining character area 'LCAE1 - Blackwater River Valley'. The valued features and characteristics of LCAB1 are described in the LCA. Of those features and characteristics, the development would be likely to effect trees, pastoral fields divided by hedgerows and hedgerow trees and localised areas of relative wilderness with a sense of tranquillity.
22. For character area LCAB1 the LCA identifies a number of 'forces for change' including continued pressure to enlarge and extend areas of development particularly at the edges of Crowthorne and Sandhurst. The landscape strategy for character area LCAB1 is to protect, amongst other things: the identified value features such as ancient woodlands, historic wooded boundaries, mature trees and other wooded features; pockets of tranquillity and dark skies that provide an escape from settled parts; historic fields providing a rural setting to settlements and the River Blackwater; notable views from visual intrusion, particularly where they reveal a largely undeveloped landscape; and woodland that provides visual screening to the existing urban edges.
23. In terms of managing character area LCAB1, the LCA advises that, amongst other things, new development should *"...ensure it can be accommodated without detriment to the valued attributes and sense of place"* (paragraph 6.18 of the LCA). In relation to planning for LCAB1, the LCA indicates that, amongst other things, the potential impacts of any new development should be considered so as to minimise those impacts and enhance the sense of place through careful design and opportunities should be taken to improve the integration of existing urban edges through planting.
24. There is no disagreement that the development would result in a marked change to the character of this largely undeveloped area on the outskirts of Sandhurst's built up area. At issue is whether that change would be of such significance as to warrant the withholding of planning permission, when regard is paid to the site's topography, changes to the established perimeter planting and the provision of new planting.
25. The illustrative masterplan indicates that the new dwellings would be located in the eastern third of the site, in part occupying west facing sloping land. That would potentially expose those dwellings to views from public vantage

⁹ As originally published in 2012

points to the west, most particularly FP11, as shown in the photomontages for viewpoints 8, 9 and 10 appended to Mr Gardner's evidence.

26. The west facing slopes have been identified by the Council as having a high landscape sensitivity¹⁰, because they face away from Sandhurst's built up area. In that regard I consider it of note that without being influenced by the submission of the appealed planning application or its predecessor (19/00286/OUT¹¹), consultants employed by the Council identified a concern about the west facing slope's ability to accommodate built development¹². That being in the context of the assessment of a 30 hectare land parcel identified as 'SAND3'¹³, of which the appeal site forms a part. The Council's consultants assessing SAND3's landscape sensitivity as being "medium high". That assessment in part informed the Council's decision to exclude SAND3 as an allocation in the eLP.
27. I consider the appeal development, which would include some dwellings being sited on the gently sloping hillside, would represent a significant local incursion of development into the countryside beyond Sandhurst's readily identifiable built up area. There would be a harmful urbanising effect, with the relatively tranquil open fields that characterise the area to the west of Sandhurst, being replaced by a combination of dwellings and POS. I recognise that replacement and new soft landscaping would be undertaken to soften the development's appearance. However, I consider that planting would be unlikely to adequately help with the assimilation this development into its surroundings, to avoid it looking out of place.
28. In that regard the photomontages for viewpoints 8 and 9 at 15 years post development suggest that the dwellings would be largely screened from view. However, as highlighted by the Council, that screening would appear to have the appearance of trees atop bunding¹⁴. If the photomontages correctly depict what is intended, then I consider that visual screening would be contextually alien. If, however, the photomontages for viewpoints 8 and 9 have incorrectly depicted the form of the intended screening, then I consider the development would have a much more overt appearance than the photomontages suggest. Notwithstanding any concerns about how effective the development's visual screening would be from viewpoints 8 and 9, based on the photomontage for viewpoint 10 the new housing would be readily apparent, from where there would be a downward looking view from FP11 towards the development.
29. In seeking to demonstrate that the proposed development would be respectful of its location, the appellant in its landscape evidence¹⁵ has submitted that the assessment of the development had been based on it having a gross residential density of 10.8 dwellings per hectare (dph), with 73% of the site comprising open space free from built development¹⁶. However, in response to a question I put to Mr Gardner he accepted that the net residential density would be higher than that quoted and that a gross density of 10.8dph was that low because it included the proposed SANG and POS. The need for

¹⁰ The written and oral evidence of Ms Bolger

¹¹ Included as Appendix BF1 in the Council's Statement of Case (CDD.7)

¹² "Landscape Sensitivity Appraisal of Potential Housing and Employment Sites in Bracknell Forest" prepared by Land Use Consultants Limited (LUC) in February 2018 (CDG.6)

¹³ Included in the Council's Strategic Housing and Economic Land Availability Assessment 2017

¹⁴ Ms Bolger when giving the Council's summary during the character and appearance roundtable discussion

¹⁵ Mr Gardner's proof of evidence

¹⁶ Paragraph 3.22 of Mr Gardner's PoE

around 73% of the site to be free of built development would ensure that a scheme of up to 150 dwellings would be policy compliant in terms of its provision of SANG and POS, rather than being the product of design inspired altruism. During the character and appearance/landscape roundtable discussion the appellant's and Council's witnesses agreed that the development's net density would be in the region of 43dph, a figure comparable with Sandhurst's established built up area. Given that I am not persuaded that the development's density would provide an appropriate response to its context, in what would in effect become a new point of transition between housing and the open countryside beyond.

30. The Council intends to designate a Strategic Gap (gap) to avoid there being coalescence between Sandhurst and Crowthorne and Yateley under Policy LP19 of the eLP. The precise extent of the gap and the soundness of Policy LP19 is being considered as part of the eLP's examination and as things currently stand the appeal site would in part be within the gap (ID.46). While the site going forward may be included in the gap, I consider that the proposed development of itself would not result in coalescence given its size and proximity to Sandhurst and the physical separation there would be between it and Crowthorne and Yateley. That, however, does not diminish my concern about the development being visually disrespectful of its surrounding.
31. The proposed dwellings would occupy the easternmost part of the site. The vehicular access to those dwellings would be via a new roundabout at the junction between Wokingham Road and Maybrick Close. The roundabout's formation would require the removal of some of the vegetation within the site's north eastern corner. South of the roundabout two access points, solely for use by pedestrians and cyclists would be created. The northernmost of those accesses would be between the new roundabout and Wokingham Road's junction with Church Road and the appellant's intention is for this to feed into a new traffic signal controlled crossing of Wokingham Road (access 1). The second access would be on High Street, south of Church Road, and it is the appellant's intention for this to be an 'uncontrolled' (signal free) crossing (access 2).
32. Prior to and after the appeal's submission there has been significant disagreement between the appellant and the Council about the detailed design for accesses 1 and 2. As I have outlined above¹⁷ at the inquiry the appellant requested, amongst other things, that the detailed design for accesses 1 and 2 become reserved for future consideration. That being against the backdrop of the appellant and the Council agreeing that if the visual impact for accesses 1 and 2 was disregarded then it was likely accesses for pedestrians and cyclists could be provided to meet highway design requirements.
33. The precise position and form of the accesses 1 and 2, including the extent of the earthworks and other engineering works to form them are not now for determination. That said I consider it probable that access 2's formation, in particular, would require significant earthworks and/or other engineering works to be undertaken to accommodate an appropriate uncontrolled access, given the height and steepness of the existing roadside embankment. Those works would also entail some tree and hedgerow removal and while many of

¹⁷ Preliminary and Procedural matters section

the affected trees individually possess limited value, collectively they give the embankment a verdant character. While the Council's assessment of the tree and hedgerow removal may be overly pessimistic, the appellant's position could well be unduly optimistic.

34. Based on my observations of the area and the inquiry evidence¹⁸, I consider that the formation of access 2, whatever its final form might be, would be likely to cause the appearance of the embankment adjoining High Street to become more engineered, with there being an appreciable reduction in site containment at that point. The level's difference between the site and Wokingham Road where access 1 would be formed is much less pronounced compared with access 2. Given that I would expect the earthworks and other engineering works needed to form access 1 to be more modest. There would nevertheless need to be some vegetation removal, which would result in some loss of site containment.
35. I consider the formation of the roundabout and accesses 1 and 2 would lead to the site's boundary with High Street and Wokingham Road becoming appreciably less contained. I consider that would be the case notwithstanding the scope for undertaking replacement and/or new tree and hedgerow planting within the vicinity of the roundabout and accesses 1 and 2.
36. In support of the appeal development reference has been made to the appellant's Sandhurst Gardens development (Waterside Lane and other streets) which lies off High Street¹⁹. However, while Sandhurst Gardens is an edge of settlement scheme, I do not consider it to be directly comparable with the appeal development, with the former occupying an essentially level site enclosed by mature trees along its southern boundary.

Overall conclusions on effects on character and appearance

37. For the reasons given above I do not share the appellant's view that the development would cause adverse effects of a limited scale²⁰. There would be a significant incursion into the open countryside to the west of the A321, with the new housing on the west facing slope, in particular, being unlikely to integrate successfully with its surroundings. I also consider it likely that there would be a significant loss of site containment along the boundary with High Street and Wokingham Road. I am therefore not persuaded that the development would be seen as a logical and well mitigated adjunct to Sandhurst.
38. I therefore conclude that the development would give rise to very substantial harm to the character and appearance of the area. I consider the development would therefore be contrary to Policies EN10(i), EN20(i) of the LP2002 and Policies CS1(viii), CS7(i) and CS9 of the CS. That is because the development would be harmful to the character and appearance of the area, including the undeveloped character of the ASLI. I also consider that the development would be contrary to saved Policies EN1, EN8 and H5 of the LP2002 insofar as it would: be in the countryside and would not be amongst the exempted types of development listed in Policy EN8; adversely affect the

¹⁸ Put to me in writing and orally

¹⁹ During the cross examination of Mr Burden

²⁰ Mr Gardner when giving the appellant's summary during the character and appearance inquiry roundtable discussion

character and appearance of the area; and involve some loss of trees and hedgerows contributing to the area's character and appearance.

39. I further consider that there would be conflict with paragraphs 126, 130 and 174b) of the Framework because the development would not contribute to creating a high quality place, with it neither adding to the overall quality of the area nor being sympathetic to local character, nor would it recognise the intrinsic character and beauty of the countryside.
40. The appellant and the Council in their written and oral evidence disagree as to whether the appeal site should be considered as being a "*valued landscape*" for the purposes of paragraph 174a) of the Framework. I have reached the view that the development would be harmful to the character and appearance of the area per-se and thus be in conflict with paragraph 174b) of the Framework. Given that I am of the view nothing turns in the determination of this appeal on whether the site should or should not be considered as being a valued landscape for the purposes of paragraph 174a) and I consider it unnecessary for me to make further comment in that regard.

Effect on the setting of the Church

41. There are no designated heritage sites within the confines of the site. However, the appeal site and parts of LCR form part of the setting to the Church. Statutorily special regard must be paid to the desirability of preserving the setting of the Church, given its status as a grade II* listed building. It is also necessary to consider the development's impact on the significance of the Church, as a designated heritage asset, and have regard to the policy for conserving the historic environment stated in section 16 of the Framework, most particularly paragraphs 199 to 202.
42. At its closest the Church is around 150 metres from the appeal site. The listing details for the Church advise that it was built in 1853, with additions being made to it later in the second half of the nineteenth century. The Church was designed by George Edmund Street, a well-known Victorian architect. Street was the architect for numerous churches, as well as the Royal Courts of Justice²¹. The Church is of a gothic revival design with a prominent broached spire and its significance is primarily derived from its external architecture, its internal artistic interest and its historic interest, being a focus for the local religious community that was designed by Street. The Church sits within an extensive churchyard that is clearly functionally linked to the Church and there are pedestrian accesses via LCR and High Street.
43. The listing details for the Church exhibit brevity, with the focus being on the Church's architectural attributes. I consider that is important in establishing what it is about this listed building that makes it a valued heritage asset and how its significance might be affected by new development.
44. Historically the appeal site formed part of the Church's glebe lands. However, there is no documentary evidence of the Church having been designed so as to be purposefully viewed from the glebe lands. In that regard it is evident that at least by 1871 there was a row of trees to the north of the Church²²,

²¹ Paragraph 4.11 in the appellant's Heritage Impact Assessment (CDA.19)

²² Plan AC3 appended to Mr Crutchley's proof of evidence

which are likely to have provided some visual screening of it from the early days of this incarnation of the Church.

45. Today there is no tangible physical evidence of the site's glebe land association with the Church, with the fields being dominated by the fixed and moveable fencing installed in support of the land's equestrian use. Given the current nature of the land's use, I consider it likely that only those with an appreciation of the Church's past and/or a general knowledge of ecclesiastical history would recognise that the site had previously been glebe land and thus had a functional link with the Church. There is no evidence of the glebe land having been designed as a setting to enhance the Church's presence. If the glebe land had been of great historic significance to the Church's functioning, then I would have expected this land to have been retained by the diocese rather than being sold. I am therefore of the view that the site's glebe land connection is now rather tenuous and that the development's occupation of the former glebe lands would not diminish the Church's value as a heritage asset.
46. The Church's spire can be seen from FP11, however, at a distance of around 700 metres²³. Given the Church's distance from FP11, the undulating local topography and the presence of mature trees in various locations I found the Church to be quite distant from FP11. The views of the Church that are possible from FP11 are more obvious when walking from north to south, ie down slope, rather than in the opposite direction. However, based on what I saw from FP11 the Church could easily go unnoticed, which the photographs appended to the landscape evidence of both the Council and the appellant also show, especially when the adjoining trees are in leaf. In that regard Mr Mullis in giving his evidence for the Council²⁴ confirmed that a camera zoom had been used when he took his photographs 10 and 11.
47. The development would not lead to the outright loss of views of the Church from FP11. However, given what the appellant's photomontages 8, 9 and 10 show, from FP11 part of the development would be seen together with the distant views of the Church's spire²⁵. From those viewpoints the Church's setting would take on a more built up appearance and to that extent the Church's setting would not be preserved. That said, I consider the views of the spire are so distant that the presence of the proposed housing would have a minor adverse effect on the surroundings within which the Church is appreciated.
48. The development would deliver extensive areas of publicly accessible land, ie the POS and SANG to the west of the dwellings. From that newly publicly accessible land new and closer views of the Church would become available. I consider those views of the Church would enable the significance of this heritage asset to be experienced from new public vantage points and that would go some way to offsetting the detriment to the Church's setting that would be appreciable from FP11.
49. The historic maps for Sandhurst show that LCR originally only provided access to the Church, with the Church being rather detached from other parts of Sandhurst. The Church's physical detachment from the rest of Sandhurst has

²³ Distance quoted by Mr Crutchley during the inquiry's heritage roundtable discussion

²⁴ During the heritage roundtable discussion

²⁵ Appendix WG2 in Volume 2 of the appendices to Mr Gardner's evidence

reduced over time, as the former has expanded towards the latter. LCR has extended westwards to connect with Mill Lane and LSR at some time after 1871²⁶. Over the years LCR's function has changed to include providing access to St Michael's Church of England Primary School (the school), the Church's pastoral centre and the dwellings fronting or accessed off LCR. I consider LCR's existence derives from the Church's presence and part of this road's evolution has included the establishment of the casual parking lay-bys used by visitors to the Church and parents dropping off or collecting pupils attending the school. Those lay-bys have a rather untidy appearance and of themselves possess no historic interest.

50. As part of the proposed development a car park would be provided a few hundred metres to the west of the Church. To connect that car park with the Church and school there is an intention to provide a footway extension on the northern side of LCR, tying into footway between the school and LCR's junction with High Street. It is likely that footway extension would have streetlighting and its formation would necessitate the removal of some of the informal lay-by parking and roadside vegetation.
51. The footway extension would to a degree have an urbanising effect. However, I consider that change would not significantly alter LCR's character or the public's roadside appreciation of the Church. In that regard I consider there would be a very limited effect on the Church's setting because visitors to the Church are not greatly influenced by what they can see from LCR, with the road for those visitors simply being the means for arriving at or departing from the Church. I am of the view that LCR of itself does not create a notable sense of arrival for the Church that should be preserved, with there being no evidence of LCR having been designed to enhance the Church's presence. I consider the architectural and functional significance of the Church is most readily appreciated from within the churchyard, which would be unaffected by LCR being altered.
52. The eLP includes two prospective housing allocations with a combined indicative capacity of 38 dwellings, SAND9 and SAND10, concerning plots of land on the southern side of LCR directly opposite the Church (CDF.1). I consider it likely that the implementation of those prospective housing allocations would entail the provision of a footway, the installation of street lighting and changes to the informal lay-bys, with the effect of those alterations to the Church's setting being comparable with what has been proposed by the appellant. In terms of effects on the setting of the Church there therefore appears to be an inconsistency between the Council's approach to SAND9 and SAND10 and the appeal development. I am therefore unpersuaded that the changes to LCR associated with the appeal development would significantly alter the visual appreciation of the Church and deter visits being made to this heritage asset.
53. There would be some urbanising of the Church's setting because new housing would be seen alongside the Church's spire in the views from FP11. However, setting is only one element of a listed building's significance and I consider the setting changes would not fundamentally diminish from this heritage asset's significance. That is because the Church would physically be unaffected by the development and one of its key significance attributes, its

²⁶ Plan EDP3 in the appellant's Heritage Impact Assessment (CDA.19)

external architecture, would continue to be visible from the churchyard. The Council and the appellant agree that the harm to the Church's significance would be at the lower end of the range of less than substantial harm and I consider that is a reasonable assessment. Although great weight is to be given to the conservation of heritage assets, less than substantial harm is to be weighed against any public benefits of the development²⁷.

54. I therefore conclude that the development would result in some harm to the setting of the Church, affecting this asset's significance. There would therefore be some conflict with Policies CS1 and CS7 of the CS insofar as the development, through its siting relative to the Church, would not protect a historic feature of acknowledged importance. However, there would be some public benefits arising from the development, given the provision of up to 150 dwellings, of which 25% would be affordable homes, and the newly created public vantage points for the Church. I consider those public benefits would be sufficient to outweigh the less than substantial harm to the Church's significance.

Safe and adequate access for motorised and non-motorised users

55. In advance of the inquiry there was significant disagreement between the appellant, the Council and the R6P as to whether the development would provide safe and adequate access for motorised and non-motorised users of the public highway. With all aspects of the proposed access arrangements being for determination when the application was originally submitted, the disagreement between the parties in essence revolved around what level of forward visibility would be available and what the gradients would be at some of the access points. Inextricably linked to that disagreement was what highway design standards should be applied, namely the guidance contained in the Manual for Streets (MFS)²⁸ and/or the Design Manual for Roads and Bridges (DMRB)²⁹. The appellant considering that the guidance in the MFS should be applied, while the Council favours the use of the DMRB.
56. However, as I have outlined above³⁰ while the inquiry was sitting the appellant revised its approach to what was for determination and what was to be reserved for future consideration. In that regard the arrangements for the dedicated pedestrian and cyclist accesses became reserved for future consideration. That was because the Council³¹ accepted that if visual effects were put aside, then from a purely highway design perspective acceptable accesses for pedestrians and cyclists could be provided. The appellant and the Council in their respective inquiry closing submissions³² confirmed very little remained in dispute between them in relation to this main issue.
57. Having regard to the written and oral evidence relating to this issue and setting aside visual effect considerations, I am of the view that it would be possible to provide accesses for motorised and non-motorised users of the public highway that would be acceptable in highway design terms. I include in that the provision of an access/crossing point in the vicinity of the junction

²⁷ Paragraph 202 of the Framework

²⁸ Manual for Streets 1 published by the Department for Transport in 2007 and Manual for Streets 2 published by the Chartered Institute of Highways and Transportation in 2010

²⁹ Issued by National Highways (previously known as Highways England) with various publication dates

³⁰ See Preliminary and procedural matters section

³¹ The evidence given by Mr Wells, including responses to Inspector's questions

³² ID.40 and ID.42

between LCR and LSR as a means of moving between the Horseshoe Lake SANG (HLSANG) and the proposed SANG. Notwithstanding the absence of speed survey data, I say that because while LSR is subject to a 60 mph speed limit, I found when driving along it that its sinuous nature means speeds closer to 30 mph than the speed limit are possible. There is an existing crossing of LSR between FP11 and HLSANG a few hundred metres to the north of the junction between LCR and LSR. While the forward visibility for pedestrians and drivers at that crossing is limited, there is no evidence of it being an unsafe crossing for pedestrians.

58. So, while it would be unlikely that visibility splays could be provided that would achieve the DMRB's standard for a road with a 60 mph speed limit, it is likely that designing to that standard would be excessive, as in practice vehicle speeds on the approach to the SANG crossing would be well below 60 mph. I say that because LSR, LCR and Mill Lane are rural roads, which are not comparable with motorways or trunk roads carrying high volumes of fast flowing traffic, the latter road types being those that the DMRB is primarily intended to offer design standards for.
59. At the inquiry the appellant tabled a drawing titled "Lower Sandhurst Road Footway Link"³³ showing a revised indicative location for the proposed SANG's access point a few metres to the north of the junction between LCR and LSR. The appellant advised that the northern visibility splay of 68 metres shown on that drawing would realise a stopping sight distance (SSD) suitable for vehicles travelling up to 38 mph³⁴. I consider a SSD of that order would be likely to be compatible with the actual vehicle speeds for this part of LSR, based on my experience of driving along LSR.
60. I consider the outstanding matters relating to the design of the access points would be capable of being resolved through the imposition of planning conditions and the entry into an agreement under Section 278 of the Highways Act 1980.
61. I therefore conclude that the development would provide safe and adequate access for motorised and non-motorised users of the public highway. I therefore consider the development would accord with Policy M6 of the LP2002 and Policy CS23 of the CS because safe means of travel, including safe routes for pedestrians and cyclists, would be available. I therefore consider the availability of safe and adequate access for motorised and non-motorised users of the public highway would be a neutral effect of the development.

Accessibility to local services and facilities

62. The development would be on Sandhurst's western extremity, being around 1.6km/one mile from its commercial centre³⁵. While it would be possible for the development's occupiers to walk or cycle to local services and facilities such as neighbourhood type shops, schools and other community facilities, I consider it likely there would nevertheless be a relatively high dependency upon private motor vehicle usage. In that regard I found the walk to Sandhurst School to be a long one³⁶ and not particularly inviting, particularly

³³ Drawing 05194-PA-014 Revision P02 (ID.16)

³⁴ Mr Millington when being crossed examined by the Council

³⁵ Table 3.1 in Mr Millington's proof of evidence

³⁶ Agreed to be around 3km/two miles in Appendix A of the Highways and Transportation Matters SoCG (CDD.4)

the 500 metre stretch between Perryhill Drive and Scotland Hill³⁷ that includes the crossing of the railway line. With respect to access to public transport the walking time to Sandhurst railway station would be of the order of 14 minutes³⁸, while there is some bus service provision in the area.

63. The planning obligations in the UU concerning: the operation of a travel plan; the contribution of £75,000 for improvements to Crowthorne Station; the bus service enhancement contribution of £223,900; the contribution of £31,800 for a new bus shelter in Crowthorne Road and bicycle parking in Sandhurst; and the contribution of £100,000 towards providing bicycle parking at Sandhurst station, collectively are intended to reduce private motor vehicle use. However, I agree with the Council that the facilities those planning obligations would deliver would of themselves be unlikely to do much to reduce the dependency on private motor vehicle usage amongst the development's occupiers.
64. The appellant acknowledges that some local services and facilities in the area would be beyond the ideal walking distances for accessing them³⁹. However, the development's occupiers would have the same general level of accessibility to local services and facilities as the occupiers of prospective eLP allocations SAND9 and SAND10, as indicated in the Council's "Transport Accessibility Assessment of Potential Sites" of June 2020 (CDG.9).
65. The appeal site (SAND6), SAND9 and SAND10 have each been assigned an accessibility score of minus six in the Council's accessibility assessment⁴⁰. While the number of dwellings within the appeal development would be around four times more than the combined total for SAND9 and SAND10, I am not persuaded that the accessibility to local services and facilities for occupiers of the appeal development would be materially different to the position for the occupiers of SAND9 and SAND10. I consider it notable that SAND6's accessibility score did not loom large in the Council's decision to exclude it as a prospective allocation, as recorded in the site specific assessment⁴¹.
66. While the appeal site would not be ideally located in accessibility terms, I conclude access to local services and facilities would not be so unfavourable as to render this an inappropriate location for a residential development. That said there would be some conflict with Policies CS1, CS2 and CS23 of the CS because there would be a need for occupiers of the development to travel and the development would be an extension to a settlement that is not particularly well served by public transport. Obligations have been included in the UU that would deliver some improvements to public transport provision in the area and in that regard the development could potentially facilitate some use of public transport, which would accord with the provisions of Policy M8 of the LP2002.

³⁷ Paragraph 3.2.9 of Mr Millington's proof of evidence

³⁸ Ibid Table 3.1

³⁹ Ibid section 3

⁴⁰ Appendix 1 in CDG.9

⁴¹ Appendix G in the Council's Housing Background Paper Submission Version of December 2021 (Appendix 8 of Mr Burden's evidence)

Effects on the SPA

67. Occupiers of the development, through making recreational visits to the SPA, would be likely to have a significant effect on the integrity of that area, most particularly through causing disturbance to the SPA's qualifying features⁴². To deter new recreational visits to the SPA a network of SANG have been and are continuing to be established as alternative locations for those visits.
68. By the close of the inquiry the Council's primary concern with respect to the development's effects on the integrity of the SPA related to whether users of the proposed SANG would be able to safely move between it and the HLSANG. That is because the proposed SANG, of itself, would not be large enough to accommodate circular walks of at least 2.3km. Being able to undertake 2.3km circular walks within a SANG being a guidance requirement, outlined in the Council's Thames Basin Heaths Special Protection Area Supplementary Planning Document of April 2018 (the SPASPD – CDE.12).
69. Although the proposed SANG could not accommodate a 2.3km circular route, Natural England, the Council and the appellant are agreed⁴³ that it could be used in combination with the nearby HLSANG and/or the Ambarrow Court SANG (ACSANG) to provide an appropriate circular walking route. Natural England is content with the extent of the proposed SANG, but defers to the Council and/or myself to decide whether the road crossings to get to and from the HLSANG or the ACSANG would be safe⁴⁴. The UU includes obligations securing the provision of the proposed SANG.
70. In considering whether the development would provide safe and adequate access for all users of the public highway above, I have concluded that a safe crossing of LSR would be possible. Given that conclusion, I am of the view that a safe link between the proposed SANG and the HSLANG could be provided, ensuring there would be a suitable 2.3km walking route available to the development's occupiers. The Council's highways and transportation witness⁴⁵ raised no concerns about crossing Wokingham Road to get between the proposed SANG and the ACSANG.
71. Accordingly, I conclude that with adequate on-site SANG provision and connectivity with the nearby existing SANGs the development would not adversely affect the integrity of the SPA. In that regard there would be compliance with extant Policy NRM6 of The South East Plan of 2009, Policy EN3 of the LP2002, Policy CS14 of the CS and the SPASPD. That is because the development would be capable of avoiding a significant impact on the SPA and on-site SANG would be provided in perpetuity. I am therefore of the view that there would be a neutral effect on the SPA's integrity.

Effects on biodiversity

72. Other than the development's effects upon the SPA, the Council's other principal biodiversity concerns relate to the development's effects for bats and whether the development would achieve a biodiversity net gain (BNG).

⁴² Dartford warblers, Nightjars and Woodlarks

⁴³ As expressed in their jointly signed SoCG (CDD.3)

⁴⁴ Ibid paragraphs 1.10 and 1.13

⁴⁵ Mr Wells when giving his evidence in chief, cross-examination and responses to Inspector's questions

73. With respect to bats the disagreement concerns to what extent there would be an effect on roosting and foraging in LCR. The appellant's bat survey relates to the appeal site, with there being no survey data for LCR, including roosting and foraging amongst its hedgerows, and how that could be affected by the provision of an illuminated off-site footway. The Council's approach is a precautionary one, based on the advice in Circular 06/2005 (paragraph 99)⁴⁶. However, the Council's concern is not informed by any of its own data indicating bats are present in significant numbers in LCR.
74. During the biodiversity roundtable discussion in response to one of my questions the appellant's and the Council's witnesses advised that should it become necessary to seek a licence from Natural England to undertake works affecting bats⁴⁷, it is unlikely that such a licence would be withheld. Notwithstanding the absence of definitive survey data, it appears bats are not so numerous in LCR as to preclude the provision of new or enhanced habitat for their presence. On the available information, I consider this development could proceed without there being conflict with the Circular 06/2005.
75. With respect to BNG, the UU includes an obligation to secure a minimum BNG of 10%, in response to the currently unenacted requirement in the Environment Act 2021. Given the extent of the proposed on-site SANG and the area of POS, I consider it highly likely that it would be possible to achieve a BNG of at least 10% as mitigation for any removal of trees and hedging arising from the development.
76. On this issue I conclude that the development would not unacceptably affect biodiversity. In reaching that conclusion I have had regard to the duty to conserve biodiversity under section 40 of the Natural Environment and Rural Communities Act 2006 and the provisions of the Habitats Regulations. In this regard I consider the development would accord with Policies CS1 and CS7 of the CS and paragraph 174d) of the Framework because it would protect and enhance biodiversity. Attaining BNG would be a benefit of the development.

Provision for affordable housing

77. The executed UU includes an obligation for 25% of the dwellings within the development to be affordable homes. The Council is content that affordable homes provision would be appropriate and accord with Policy H8 of the LP2002 and Policies CS16 and CS17 of the CS.
78. Having regard to the planning obligation that has been entered into, I conclude that adequate provision for affordable housing would be made and that in this regard there would be compliance with the development plan. The provision of affordable housing would be an important benefit of the development.

⁴⁶ Biodiversity and geological conservation – statutory obligations and their impact within the planning system published by the Office of the Deputy Prime Minister in August 2005

⁴⁷ Pursuant to Article 55 of The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)

Provision for transportation and community infrastructure

79. I have previously referred to the public transport infrastructure contributions included in the UU and I need not comment further on them.
80. The UU includes an obligation to make a contribution of £150,000 (£1,000 per dwelling) to fund the operation of a community hub at the nearby Transport Research Laboratory. That funding would provide support for the operation of a community facility for which the development would generate some demand. I am content that there would be a need for the payment of the community facility contribution and that its payment would accord with the provisions of Policy CS6 of the CS.
81. The UU would secure the availability of a twenty space drop off/pick up car park for the school. While the provision of that car park would not be essential to make the development acceptable, I consider its availability, together with LCR's footway extension, would go some way to addressing the chaotic way in which school pupils arrive in the morning period. That being something I observed while undertaking my unaccompanied morning site visit, with some parents while manoeuvring their vehicles paying very little regard to the safety of pedestrians of all ages making use of LCR.
82. I consider that the making of the community facilities contribution and the provision of the car park weigh modestly for the development.

Provision for surface water drainage

83. The Council explained in its opening submissions that it was content that an obligation would be included in the appellant's UU securing adequate provision for surface water drainage⁴⁸. Given that surface water drainage became an uncontentious issue. The executed UU includes a surface water drainage obligation and I am content with it the development would accord with Policy CS1 of the CS, because water as a natural resource would be protected. The provision of adequate drainage would be a neutral effect of the development.

Housing land supply and the Development Plan

Housing land supply

84. Under section 38(6) of the Planning and Compulsory Purchase 2004 Act, the decision should be made in accordance with the development plan unless material considerations indicate otherwise. National policy and guidance can be material considerations that indicate a decision could be made otherwise than in accordance with the development plan.
85. The appellant and the Council agree that there is not a five year housing land supply (5yrHLS)⁴⁹, with the local housing need, when calculated using the "Standard Method"⁵⁰, exceeding the supply of deliverable housing sites. The 5yrHLS being equivalent to 4.2 years as of April 2021. The Council's most recent 5yrHLS calculation puts the supply at 4.44 years as of 1 April 2022⁵¹.

⁴⁸ Paragraph 26 of ID.5

⁴⁹ The Overarching SoCG (CDD.1)

⁵⁰ The methodology that national planning policy and guidance implores local planning authorities to use where adopted strategic policies in the development plan are more than five years old (paragraph 74 and footnote 39 of the Framework)

⁵¹ Paragraph 5 of ID.48

The R6P considers that the 5yrHLS position should be looked upon more benevolently, because of improved completion rates in the second half of the five year period. Some of the recent improvement in the delivery of new homes resulting from office to residential conversions, a source that is unlikely to be limitless. Given the Council's unequivocal acceptance that it cannot currently demonstrate the availability of a 5yrHLS⁵², I am of the view that the determination of this appeal should be approached on that basis. The 5yrHLS shortfall as of April 2022 was around 11% and I consider that to be significant.

86. In the absence of a 5yrHLS under paragraph 11 of the Framework the most important development plan policies for determining this planning application are to be treated as being out-of-date and under paragraph 11d)ii what is commonly referred to as the "tilted balance" should be applied to the presumption in favour of sustainable development. Paragraph 11d)ii of the Framework advises that planning permission should be granted unless "*... any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*".
87. However, paragraph 11d)i, together with accompanying footnote 7, disapply the titled balance if policies in the Framework that protect areas or assets of particular importance, such as those relating to habitat sites and designated heritage assets, would provide a clear reason for refusing planning permission. In my reasoning above, I have concluded that any conflict with the Framework's policies relating to the SPA and the Church would not in this instance provide a clear reason for refusing planning permission. Accordingly, I am of the view that there is no reason to disapply the tilted balance.

The most important Development Plan policies and their consistency with the Framework

88. The appellant and the Council agree that the following policies should be considered most important:
 - LP2002: Policies EN8 and H5
 - CS: CS1 (Sustainable development principles), CS2 (Location principles), CS9 (Development on land outside settlements), CS23 (Transport) and CS24 (Transport and new development)
89. There is disagreement as to whether the following policies should be considered as being most important:
 - LP2002: EN1 (Protecting tree and hedgerows), EN10 (Areas of landscape importance), M1 (Traffic management and highway schemes), M6 (Cycling and walking) and M8 (Public transport)
 - CS: CS6 (Limiting the impact of development/infrastructure provision) and CS7 (Design)
 - SALP: Policy CP1
90. Having regard to the parties' submissions about the importance of the various development plan policies and my conclusions with respect of each of the

⁵² Mr Roskilly's proof of evidence and Ms Murphy's closing submissions (ID.40)

main issues, I consider the group of most important development plan policies are policies EN1, EN8, EN10(i), EN20(i) and H5 of the LP2002 and Policies of CS1(viii), CS2, CS7(i) and CS9 of the CS.

91. There are numerous other LP2002 and CS policies that are relevant to the consideration of the appealed application. However, many of those policies concern what have become uncontroversial matters, with compliance with those policies having been addressed through the inclusion of planning obligations in the UU and/or would be capable of resolution through the imposition of conditions on a permission. I am of the view that paragraph 11d) does not require all relevant policies to be treated as being most important for the determination of a planning application. Accordingly, I consider policies such as: EN3, M1, M6 and M8 of the LP2002; CS6, CS14, CS23 and CS24 of the CS; and NRM6 of the South East Plan, while being relevant, are not amongst the most important development plan policies in this instance.
92. Policy EN1 of the LP2008 states that development resulting in the "... *destruction of trees and hedgerows which are important to the retention ... of ... (ii) the character and appearance of the landscape ...*" will not be permitted. Although Policy EN1 is negatively worded its application requires a balancing exercise to be undertaken and I consider it to be consistent with paragraph 174 of the Framework and that any conflict with it should attract substantial weight.
93. Policies EN8 and H5 of the LP2008 restrict new development, including that for housing, beyond settlement boundaries, with Policy EN8 seeking to protect the countryside for its own sake. For new dwellings to be permissible under Policy H5 they should relate to "*an acceptable use*" listed in Policy EN8. Policy EN8's protection of the countryside for its own sake is inconsistent with the approach taken in the Framework. As there is some inconsistency between the Framework and Policies EN8 and H5, I consider that any conflict with these policies should be treated as carrying reduced weight.
94. Previously I have explained that Policy EN10(i) of the LP2002 is inconsistent with the Framework because national policy no longer supports the designation of ASLIs. Policy EN10(i) is designation specific and I therefore consider that significantly reduces any conflict with this LP2002 policy.
95. Policy EN20 of the LP2002 addresses the general design for new development and under its first criterion regard is to be paid proposals being in sympathy with the appearance and character of the local area. I consider Policy EN20(i) is consistent with the Framework's approach to the consideration of design and that any conflict with it should attract substantial weight.
96. Policy CS1 of the CS addresses sustainable development and its eighth criterion indicates that development will be permitted when it protects and enhances the character and quality of local landscapes and the wider countryside. I consider Policy CS1(viii) is broadly consistent with the Framework and because it is not specific to the delivery of housing substantial weight should be attached to any conflict with this part of Policy CS1.
97. Policy CS2 in identifying the locational principles for allocating land for development identifies a hierarchy which seeks to focus development within Bracknell town centre, other defined settlements and as extensions to defined

settlements. Policy CS2 in effect is resistant to new development concerning unallocated sites beyond settlement boundaries. Given the current 5yrHLS position it is evident that the existing defined settlement boundaries cannot accommodate the amount of new housing needed in the Council's area. I consider that greatly reduces the weight that should be attached to any conflict with Policy CS2.

98. Policy CS7 addresses the overall design of new development and states that proposals will be permitted when, amongst other things, it is respectful of local patterns of development (first criterion). I am of the view that Policy CS7(i) is consistent with the Framework, most particularly section 12, and with it being a policy that is not specific to the delivery of housing any conflict with it should attract substantial weight.
99. Policy CS9 expressly addresses development on land outside settlements and states "*The Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land ...*". The blanket protection of the countryside for its own sake reflects national policy that predated the Framework's original publication in 2012 and this approach is no longer consistent with national policy. That said avoiding development that would adversely affect the character and appearance of an area is consistent with the Framework. As Policy CS9 is not wholly consistent with the Framework, I am of the view that any conflict with this CS policy should attract moderate weight.
100. For the reasons given above I consider that amongst the development plan policies that are most important to the determination of this application, with some exceptions, there is general consistency with the Framework.

Planning balance and overall conclusions

101. I have concluded above that the development would result in very substantial harm to the character and appearance of the area. That effect is a matter of very substantial weight and importance in the planning balance and gives rise to conflict with Policies EN1, EN10(i) and EN20(i) of the LP2002 and Policies CS1(viii), CS7(i) and CS9 of the CS.
102. I have concluded there would be less than substantial harm at the lower end of the scale to the setting of the Church. I consider that harm when weighed with the public benefits arising from the provision of the POS and SANG, which would establish new public vantage points for the Church, and market and affordable housing would not amount to a reason for withholding planning permission.
103. I have further found that there would be no unacceptable effects regarding: the safety of motorised and non-motorised users of the public highway; accessibility to local services and facilities; the integrity of the SPA; biodiversity in general; and surface water drainage. The development would also make adequate provision for affordable housing, transportation and community infrastructure. Those are all matters collectively weighing significantly for the development and which garner national and local policy support.

104. I have identified the most important development policies for determining this application as being Policies EN1, EN8, EN10(i), EN20(i) and H5 of the LP2002 and Policies CS1(viii), CS2, CS7(i) and CS9 of the CS. While the development would be in conflict with Policies EN8, H5, EN10(i), CS2 and CS9 there is inconsistency between those policies and the Framework I consider the conflict with those policies carries significantly reduced weight. There would, however, be clear conflict with Policies EN1, EN20(i), CS1(viii) and CS7(i). Those are development plan policies which are consistent with the Framework and I consider full weight should be attached to the conflict with them. While there would be compliance with numerous other relevant development plan policies because of the very substantial harm to the character and appearance of the area I have identified and the great weight attributable to the conflict with Policies EN1, EN20(i), CS1(viii) and CS7(i), I am of the view the development would be in conflict with the development plan when taken as a whole.
105. The development would provide a number of social, environmental and economic benefits. The provision of up to 150 dwellings, of which 25% would be affordable homes, would assist in redressing the 5yrHLS shortfall. Important social and economic benefits would arise through the construction and occupation of those dwellings. I therefore attach substantial weight to the social and economic benefits arising from the development.
106. There would be some environmental and social benefits arising from the on-site provision of the SANG and the POS and the BNG associated with the development. There would be some social benefits arising from the financial contributions made to transport infrastructure. However, collectively those benefits would largely mitigate effects of the development and I therefore consider they attract moderate or neutral weight in the overall balance.
107. I am of the view that the very substantial harm I have identified could not be overcome through the imposition of reasonable planning conditions and the actions of the UU's obligations.
108. Overall, I consider that there are various matters weighing substantially for the development in the planning balance. However, I have identified that there would be very substantial harm to the character and appearance of the area. I am therefore of the view that the matters weighing for the development are insufficient to outweigh its significant negative harmful effect.
109. Accordingly, while the tilted balance under paragraph 11 of the Framework is engaged, I am of the view that the development's adverse impacts would significantly and demonstrably outweigh its benefits when assessed against the policies of the Framework taken as a whole. I am further of the view that the matters weighing for the development do not indicate that a decision should be made otherwise than in accordance with the development plan.
110. Given the harm to the character and appearance of the area that I have identified, I consider this would be an unsustainable form of development. I therefore conclude that the appeal should be dismissed.

Grahame Gould
INSPECTOR

APPEARANCES

FOR THE APPELLANT

Paul Tucker Kings's Counsel	Instructed by Timothy John Burden, Director, Turley
Will Gardner BSc (Hons) MSc CMLI	Director with The Environmental Dimension Partnership Limited (EDP)
Andrew Crutchley BA (Hons) PG Dip (Oxon) MCIfA	Director with EDP
Nigel Millington BA (Hons) MSc MRTPI MCIHT	Joint Managing Director with PJA
Tom Wigglesworth BSc (Hons) MSc MCIEEM	Director with EDP
Timothy John Burden BSc (Hons) MSc MRTPI	Director with Turley

FOR BRACKNELL FOREST BOROUGH COUNCIL

Melissa Murphy Kings's Counsel	Instructed by the Borough Solicitor
Michelle Bolger CMLI Dip LA BA PGCE BA	Michelle Bolger Expert Landscape Consultancy
Jonathan Mullis MA BA (Hons) IHBC MCIfA	Historic buildings consultant employed by Jacobs UK Limited
Andrew Wells MRES PGDip MCIHT CTPP	Highways Officer with Bracknell Forest Borough Council
John Wenman BSc (Hons) MSc CIEEM	Partner at John Wenman Ecological Consultancy LLP
Simon Roskilly BSc (Hons) MSc RTPi	Principal Planning Officer, Major Development Team with Bracknell Forest Borough Council

THE SAVE BLACKWATER VALLEY GROUP – The Rule 6 Party (R6P)

Ian Booker CEng MIStructE MICE	Local Resident
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Dale Birch	Councillor with Bracknell Forest Council, but appeared in the capacity of a local resident
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INTERESTED PERSONS

Councillor Gordon Veitch	Finchampstead Parish Council
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Catherine Wilkins	Church Warden at St Michael and All Angels Church, Sandhurst
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James Ingram	Local resident
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Richard Howard	Local resident
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INQUIRY DOCUMENTS (IDs) SUBMITTED ON DAY PRECEDING THE INQUIRY'S OPENING, AT THE INQUIRY OR AFTER THE INQUIRY CONCLUDED SITTING

- | | |
|------|--|
| ID.1 | Bracknell Forest Borough Council Written Representations on
Unilateral Undertaking 28/03/2022 |
| ID.2 | CIL Compliance Statement 28/03/2022 |
| ID.3 | Email from Tim Burden 29/03/2022 08:06 regarding Core
Documents |
| ID.4 | Appellant's Opening Statement |
| ID.5 | Council's Opening Statement |
| ID.6 | The Opening Statement of The Save Blackwater Valley Group
(the Rule 6 party) |
| ID.7 | Blackwater Valley Countryside Strategy 2011-2015 including
Appendix 7 |
| ID.8 | Highway Authority Consultation response February 2022 |

ID.9	Emerging Local Plan “Inspectors’ Matters, Issues and Questions”
ID.10	Wavendon Properties [2019] EWHC 1524 (Admin). Paragraphs 55-58
ID.11	Peel Investments [2020] EWCA Civ 1175. Paragraphs 38-40, 64-68, 70-72
ID.12	Not Used
ID.13	Rule 6 party Character and Appearance/Landscape roundtable discussion speaking note [In 2 parts ID.13a Mr Birch and ID.13b Mr Booker
ID.14	Appellant’s Character and Appearance/Landscape roundtable discussion speaking note
ID.15	Drawing 05194A-PA-014 P01 L Sandhurst Road
ID.16	Drawing 05194A-PA-014 P02 L Sandhurst Road Footway
ID.17	Drawing 05194A-PA-015 P01 L Church Road Footway Link
ID.18	Council’s Highways Response to the Appellant’s SANG Access Plan tabled at Inquiry 30 March 2022
ID.19	Appellant’s response to the Council’s comments on the draft Unilateral Undertaking
ID.20	Council’s response to Inspector’s pre-inquiry Questions
ID.21	Correspondence from Mr Howard, Ryefield
ID.22	Errata relating to the area of the proposed SANG
ID.23	The appellant’s note relating to SANG Accessible Routes
ID.24	Appellant’s comments on the Cole Jarman Noise Assessment Report submitted with it planning application
ID.25	Biodiversity Response made by John Wenman on behalf of the Council
ID.26	Council’s ecology roundtable discussion speaking note
ID.27	Draft Unilateral Undertaking as at 01/04/2022
ID.28	Council’s comments on 01/04/2022 relating to the Unilateral Undertaking
ID.29	Mrs Wilkins (Church Warden of St Michael and All Angels Church in Sandhurst) Speaking Notes
ID.30	Appellant’s response to ID.21
ID.31	Bracknell Forest Core Strategy Inspector’s Examination Report
ID.32	Bracknell Forest Site Allocations DPD Inspector’s Examination Report

- ID.33 Draft suggested conditions as issued with the Council's comments on 04/04/2022
- ID.34 Appellant's Visibility Splay Drawings
- ID.35 Drawing 05194A-SK-023 Revision P03 - Highways Improvements (Overview)
- ID.36 The appellant's draft revised description of development
- ID.37 Drawing edp6673_d010h - Illustrative Landscape Strategy and SANG Layout
- ID.38 Email from Natural England to the appellant relating to the area for the proposed SANG
- ID.39 Mr Ingram's speaking note
- ID.40 Council's closing submissions
- ID.41 Rule 6 Party's closing submissions
- ID.42 Appellant's closing submissions
- ID.43 List of suggested planning conditions agreed between the appellant and the Council as at 7 April 2022
- ID.44 Copy of Unilateral Undertaking entered into by the Appellant pursuant to Section 106 of the Town and Country Planning Act 1990
- ID.45 Email exchanges between the appellant and the Council concerning the extent of the Sandhurst – Yateley Strategic Gap in the emerging Local Plan commencing on 17 May 2022
- ID.46 Council's email of 5 September 2022 with attached emerging Local Plan hearings Action Points note and amended Policies Map Inset Map relating to the extent of the Sandhurst – Yateley Strategic Gap in the emerging Local Plan
- ID.47 Appellant's email, with enclosure, of 6 September 2022 commenting on the Council's proposed amendments to the Sandhurst – Yateley Strategic Gap in the emerging Local Plan
- ID.48 Appeal Decision APP/R0335/W/22/3298503 (the Warfield appeal) and emails from the Council and appellant of 26 and 27 September 2022