



Appeal Decision

Site visit made on 10 October 2025

by R Gravett BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26TH November 2025

Appeal Ref: APP/X0360/W/25/3363174

178 Bearwood Road, Barkham, Wokingham RG41 4SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Joseph Kay against the decision of Wokingham Borough Council.
- The application Ref is 242719.
- The application sought planning permission for “full application for the proposed erection of 1 no. four bedroom detached dwelling with associated landscaping following demolition of the existing dwelling and garage” without complying with conditions attached to planning permission Ref 240665, dated 28 June 2024.
- The conditions in dispute are Nos 2 and 8 which state that:
 - 2. Approved details
This permission is in respect of the submitted application plans and drawings numbered (640-PL-07 C) (640-PL-11 B) (640-PL-12 A) (640-PL- 10 A) (640-PL-09 A) received by the local planning authority on 13/06/2024, 27/06/2024 & 28/06/2024. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
 - 8. Landscaping
Prior to the commencement of the development there shall be submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping, which shall specify species, planting sizes, spacing and numbers of trees/shrubs to be planted, any existing trees or shrubs to be retained, and means of treatment of hard surfaced areas. The landscaping scheme shall also include the extent of the residential garden and any patio areas of the dwelling hereby permitted. The development shall be carried out in accordance with the approved details, with planting occurring in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the local planning authority.
- The reasons given for the conditions are:
 - 2. For the avoidance of doubt and to ensure that the development is carried out in accordance with the application form and associated details hereby approved.
 - 8. To ensure adequate planting in the interests of visual amenity. Relevant policy: Core Strategy policy CP3 and Managing Development Delivery Local Plan policies CC03 and TB21 (and TB06 for garden development).

Decision

1. The appeal is allowed and planning permission is granted for full application for the proposed erection of 1 no. four bedroom detached dwelling with associated landscaping following demolition of the existing dwelling and garage at 178 Bearwood Road, Barkham, Wokingham RG41 4SH in accordance with the application Ref 242719 without compliance with condition numbers 2 and 8 previously imposed on planning permission Ref 240665 dated 28 June 2024 and subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Mr Joseph Kay against Wokingham Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The appellant has submitted two amended plans with the appeal, and it is requested that I determine the appeal on this basis. The 'Location Plan' has been amended so that it is the same plan allowed by a non-material amendment made to planning permission Ref 240665.¹ The 'PR site block plan' has also been amended so that the boundary of the appeal site, and land identified as owned by the appellant, are consistent with the Location Plan.
4. These amended plans would not involve a substantial difference or fundamental change to the proposed development, rather they would ensure consistency with the original permission. Moreover, as the plans do not alter the siting or design of the proposed dwelling, I am satisfied that accepting the plans would not deprive those who should have been consulted on the changed development of the opportunity of such consultation and there would be no prejudice. I have therefore based my decision on these amended plans.

Background and Main Issue

5. The appeal site currently comprises a semi-detached pair of dwellings and a detached garage. Planning permission was granted in June 2024² for the demolition of the garage and one dwelling and the construction of a four-bedroom detached dwelling with associated landscaping ('the original permission'). The appellant wishes to vary condition no.2 of the original permission to enable substitution of the approved plans, to allow the re-siting of the dwelling. A variation to condition no.8 is also sought to require the development to be carried out in accordance with the landscaping plan that has been submitted.
6. Section 73(2) of the Town and Country Planning Act (1990) (as amended) (the Act) requires that the local planning authority (LPA) 'shall consider only the question of the conditions subject to which planning permission should be granted.' The Planning Practice Guidance (PPG) further states that in deciding an application under s73, the LPA must only consider the disputed conditions that are the subject of the application – it is not a complete re-consideration of the application³. I have considered the appeal on this basis.
7. Therefore, the main issue is the effect that varying conditions nos.2 and 8 would have on the countryside, rural character and landscape setting of the appeal site and surrounding area.

Reasons

8. The appeal site comprises an existing semi-detached pair of dwellings and a detached garage which are set within an extensive plot. It forms part of a loose cluster of dwellings with 'The Lake House' and 'The Lodge' on the eastern side of Bearwood Road. The existing plot of the semi-detached pair has a largely managed domestic appearance consisting of areas of lawn, trees, planting and

¹ LPA Ref. 251355

² LPA Ref. 240665

³ Planning Practice Guidance ID 21a-031-20180615

rhododendron, as well as a large pond and dry lagoon. There are two woodland area Tree Preservation Orders (TPOs)⁴ covering the northern part of the site, which include mixed hardwoods consisting mainly of Birch, Chestnut and Oak.

9. The appeal site is outside the development limits of a settlement, within the countryside. Bearwood Road is a busy road between Barkham and Sindlesham, but the surrounding area is predominantly characterised by extensive gardens, mature trees and woodland. There is sporadic built development, including residential properties, on the east side of Bearwood Road, with the western side of the road comprising the grounds of Reddam House School and a golf course. The development either side of Bearwood Road is heavily screened, and the road has a leafy, wooded and semi-rural character and appearance.
10. Paragraph 187 of the Framework states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, in a manner commensurate with their statutory status or identified quality in the development plan. The appeal site does not form part of a landscape specifically recognised for its quality in the Core Strategy Development Plan Document (2010) (CS) or the Managing Development Delivery Local Plan (2014) (MDD). However, it is not necessary for a valued landscape to be designated in a development plan for it to be treated as such for development management purposes.
11. The Council has produced a 'Valued Landscapes Assessment' (2024) (VLA) which provides an evidence base to support planning policies in the Wokingham Borough Local Plan Update 2023-2040 (LPU). The appeal site is within the 'Barkham and Bearwood Valued Landscape,' as proposed in the LPU. It is not for me to comment on whether this area ought to be designated as that will be a matter for the LPU examination. However, it is necessary for me to form a view on whether the appeal site and surrounding area has attributes that indicate they should be regarded as a valued landscape for the purposes of this appeal.
12. The Framework does not provide a definition of a 'valued landscape.' However, the Landscape Institute Technical Guidance Note⁵ (TGN) outlines a range of factors that can help in the identification of valued landscapes. Whether an area is a 'valued landscape' is a matter of planning judgement, and I have made my own assessment of the site and surrounding landscape based on these factors. Having regard to relevant case law,⁶ I have also considered whether there are physical attributes which take the landscape outside the 'ordinary countryside.'
13. The site is within 'Area L1: Bearwood Wooded Sand and Gravel Hills' of the 'Wokingham Borough Landscape Character Assessment (2019)' (LCA). MDD Policy TB21 requires proposals to demonstrate how they have addressed the requirements of the Council's 'current' LCA, dated 2004. Whilst not underpinned by current policy, the 2019 LCA nevertheless assists in identifying the intrinsic characteristics and important features of the landscape.
14. The LCA identifies several key characteristics for Area L1. In particular, the landscape is described as being a 'secluded landscape,' heavily wooded with swathes of lowland mixed deciduous woodland, interspersed with small scale

⁴ 87/1978 and 20/1973

⁵ Technical Guidance Note 02/21 Assessing Landscape Value Outside National Designations

⁶ Stroud DC v SSCLG & Gladman Developments Ltd [2015] EWHC 448 (Admin) & Forest of Dean DC v SSCLG & Gladman Developments Ltd [2016] EWHC 2429 (Admin)

pastoral fields. The assessment notes that the area is largely unsettled but includes roadside ribbon development which extends from Wokingham. The key characteristics are also said to include historic parkland associated with the Bearwood Estate (partly now the grounds of Reddam House School), and informal and formal recreation, including the golf club to the west of Bearwood Road.

15. The LCA notes that the condition of the landscape in Area L1 is good. The area has undoubted scenic qualities, with its large blocks of dense and interconnected deciduous woodland which separate settlements. The appeal site is not heavily or densely wooded, and the trees are interspersed with areas of rhododendron, planting and managed lawn. However, it nevertheless has a wooded quality, and it provides a transitional area between the cluster of dwellings and the denser woodland beyond to the north and east. Along the Bearwood Road frontage of the appeal site, is a deep landscape margin, comprising rhododendron, which the LCA identifies as a particularly distinctive landscape feature of the area. This is also identified in the made Arborfield and Barkham Neighbourhood Plan (2020) (NP) as a locally valued asset. The 'Rhododendron Drive' along Bearwood Road, particularly when in bloom, forms a strong and distinctive feature of the landscape.
16. The LCA notes that Area L1 is well used for formal and informal recreation and has a good network of public rights of way. In terms of historic associations, the northern part of the area, on the opposite side of Bearwood Road to the appeal site, includes the historic parkland of the former Bearwood College, a Grade II* Registered Park and Garden.⁷ Much of the historic parkland is designated as a Local Wildlife Site with areas of BAP priority habitat lowland mixed deciduous woodland. Perceptually, the landscape is largely unsettled, and the woodland defines the north-western side of Wokingham, with Bearwood Road having a notable 'secluded character' because of the dense landscape margins described.
17. I consider the attributes I have identified above are such that, for the purposes of this appeal, the appeal site and surrounding area should be regarded as a valued landscape in terms of paragraph 187 of the Framework. Not all of the attributes are found within the appeal site. Nevertheless, the site is an integral part of the surrounding landscape and the area of protected deciduous trees and rhododendron along the frontage contribute positively to it.
18. It is proposed to re-site the dwelling around 5m further north than the original permission, beyond the footprint of the existing garage which would be demolished. Although at a distance, rather than undermining the unsettled character of the wider landscape, the dwelling would still appear part of the existing residential cluster alongside the remaining dwelling, 'The Lakehouse' and 'The Lodge.' It would extend built form into a part of the garden which is currently predominantly covered by hardstanding, lawn, rhododendron and ornamental bushes, and it would not unduly encroach into open countryside. Consistent with the guidance in the 'Borough Design Guide Supplementary Planning Document' (2012), the dwelling would relate well to its immediate residential context.
19. There would be large, glazed doors on the north elevation of the proposed dwelling which would open out from the kitchen, living and dining area onto a reasonable sized patio. Despite there being no existing residential paraphernalia in this area, I observed it to be a maintained part of the garden of the existing

⁷ List Entry Number: 1000414

dwelling, and the patio would extend no further than the northern edge of the pond. Consequently, whilst the siting of the proposed dwelling would be closer to the southern boundary of the area of protected trees, it would still be offset a reasonable distance from it and would not encroach into a wooded area.

20. The proposed dwelling would be the same size and height as the original permission but would be closer to the access from Bearwood Road. Whilst I appreciate the absence of visibility does not mean the absence of harm, views of the dwelling would be largely screened by the mature landscaping and rhododendrons along the site frontage. Existing views along the distinctive 'Rhododendron Drive', which contributes to Bearwood Road's secluded character, would not substantively change. I acknowledge that the retention of this landscaping cannot be ensured in perpetuity, but I can see no reason why it would be removed given it provides privacy and reduces noise from the busy road.
21. There would be new areas of lawn, ornamental planting, hardstanding and paving, but these would be relatively contained around the dwelling and would not be greater in extent than the original permission. The 'PR Landscaping Plan' shows that most existing trees would be retained, and additional native trees would be planted alongside the lagoon, particularly at its northern end. In addition, it is proposed to plant an orchard in an area of existing maintained lawn in the north-east corner of the site, and a native hedgerow is proposed along the western boundary.
22. Further, large areas of native herbaceous and ground cover planting are proposed, notably between the landscaping margin along Bearwood Road and the lagoon, where areas of rhododendron have been partially cleared, or would be cleared. This would reduce the extent of lawn and soften the existing domestic appearance of the site. Moreover, the appellant has assessed that the proposal would result in a biodiversity net gain of over 50% for non-linear habitats. This would be consistent with the landscape strategy for Area L1, identified in the LCA as being to conserve and enhance the existing wooded character of the landscape and its biodiversity, and to manage mixed woodland and exotic species.
23. I therefore conclude that varying conditions 2 and 8 to allow the re-siting of the proposed dwelling would not cause harm to the countryside, rural character and landscape setting of the appeal site and surrounding area. Consequently, the proposal would accord with CS policies CP1 and CP3 and MDD policies CC03 and TB21. Together these require development to maintain or enhance the high quality of the environment and protect and retain or enhance the condition, character and features that contribute to the landscape. It would further accord with CS Policy CP11 which requires that proposals outside of development limits do not lead to excessive encroachment of development away from the original buildings.

Conditions

24. The PPG makes clear that decision notices for the grant of planning permission under s73 of the Act should restate the conditions imposed on earlier permissions that continue to have effect. I have no information before me about the status of the other conditions imposed on the original permission. Accordingly, I shall impose all those that I consider remain relevant. If some conditions have in fact been discharged, that is a matter which can be addressed by the parties.

25. I have undertaken some editing to ensure compliance with the tests for conditions set out at paragraph 57 of the Framework. This includes the removal of the phrase 'unless otherwise agreed in writing by the local planning authority' from those conditions where it would allow substantive changes to the development without going through the proper process to vary the condition.
26. In addition to the standard time condition, I have imposed a condition requiring that development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. To ensure that the external appearance of the dwelling is satisfactory, it is necessary to impose a condition which requires the material used in the construction of external surfaces to accord with those details provided in the Design and Access Statement.
27. A condition to require the parking spaces and turning areas to be provided and retained is necessary to ensure there is sufficient off-street parking and to ensure that vehicles are able to enter and exit the site in a forward gear. A condition relating to the secure and covered storage of cycles has also been imposed to encourage alternative modes of transport.
28. To prevent an increased flood risk from surface water, it is necessary to attach a condition requiring the submission of proposed drainage details. Further, to protect the future occupiers of the dwelling, it is necessary to impose a condition requiring a scheme be submitted to assess and mitigate contamination, should this be encountered during the development.
29. To protect the landscape value of the site, it is necessary to require the development to be carried out in accordance with the approved landscaping plan, and that planting is provided in the first planting season following occupation of the dwelling and replaced if the trees or plants die or are damaged or diseased. For the protection of trees, it is necessary to attach conditions which require their retention (if shown) and the submission and approval of an Arboricultural Method Statement and Scheme of Works.
30. The appeal site has been assessed as being a suitable habitat with a high likelihood of great crested newts being present. As these are a protected species, it is necessary to impose a condition requiring a precautionary working method statement to be submitted and approved. In the interests of the visual amenity of the appeal site, it is necessary to impose a condition which requires the removal of waste material and debris following demolition of the existing buildings.
31. The original permission included a condition which required the submission of details of boundary treatments, to include a native hedge and post and rail fencing, which would separate the garden land from the surrounding woodland. The reason for imposing this was cited as 'to prevent loss or deterioration of irreplaceable habitats (such as deciduous woodland), TPO trees and valued landscape and in the interest of visual character of Bearwood Road in the context of the setting of the registered historic park.'
32. The 'PR Landscape Plan' proposes a native hedgerow along the western boundary of the appeal site, which would return the southern boundary up to the edge of the pond. The existing landscape margin along the Bearwood Road frontage of the site is also shown as being retained. The Council's concern is in respect of the northern boundary and specifically that the use of 'TPO woodland' to

the north of the site for residential purposes would result in detrimental harm to the surrounding trees.

33. As I have described, the area within the appeal site to the north of the proposed dwelling has a managed, domestic appearance used by the occupiers of the existing semi-detached dwelling. Despite the additional tree planting, the 'PR Landscape Plan' clearly envisages some domestic use of this area, notably a timber deck is proposed on the north-east side of the lagoon. I have no evidence which satisfies me that the continued use of this area in association with a dwelling would cause harm to the existing or proposed trees.
34. However, despite the large size of the plot, this domestic use and its associated paraphernalia could extend over time into the denser woodland to the north of the appeal site, which is also within the ownership of the appellant. This area is covered by the woodland area TPOs which would afford protection from felling, pruning or damage to these trees. Nevertheless, a domestic use could result in the deterioration of this deciduous woodland or harmfully alter its landscape character. Therefore, I am satisfied that it is necessary to impose a condition requiring details of the boundary treatment to be submitted to and approved by the Council but only insofar as it relates to the northern boundary. I have also omitted reference to a requirement for native hedge planting *and* post and rail fencing, as I have little evidence that this is the only way to achieve adequate physical separation between the appeal site and woodland beyond.
35. The appellant considers that the condition should be agreed post-occupation via a standard landscaping compliance mechanism, but unlike the other boundaries, details of the northern boundary do not form part of the landscaping plan before me. Nor do I consider a requirement for boundary treatment to be in place before occupation of the dwelling to be unreasonable or place a disproportionate burden on the appellant. The offer of management of woodland would not afford a similar level of protection to the condition I have imposed.

Conclusion

36. For the above reasons, the proposal accords with the development plan and there are no material considerations to indicate a decision should be taken other than in accordance with it. Therefore, I conclude that the appeal is allowed.

R Gravett

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from 28 June 2024.
- 2) The development hereby permitted shall be carried out in accordance with drawings: (640-PL-09 B), (640-PL-08 B), (640-PL-10 B), (640-PL-11 C), (640-PL-12 B), (640-PL-13 B), (640-PL-07 D), and (640-PL-00 B).
- 3) The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be in accordance with the Design and Access Statement (Figure 08 – Material diagram) produced by Artel31 LTD, received by the Local Planning Authority on 15 March 2024.
- 4) No part of any building(s) hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.
- 5) No building shall be occupied until secure and covered parking for cycles has been provided in accordance with approved drawing reference: 640-PL-09 B. The cycle parking/ storage shall be permanently so- retained for the parking of bicycles and used for no other purpose.
- 6) No development shall take place until full details of the drainage system for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 1. Calculations indicating the existing runoff rate from the site.
 2. BRE 365 test results demonstrating whether infiltration is achievable or not.
 3. Use of SuDS following the SuDS hierarchy, preferably infiltration.
 4. Full calculations demonstrating the performance of soakaways or capacity of attenuation features to cater for 1 in 100-year flood event with a 40% allowance for climate change and runoff controlled at existing rates, or preferably better.
 5. If connection to an existing surface water sewer is proposed, details of why other methods of the SuDS hierarchy cannot be implemented and confirmation from the utilities supplier that their system has got capacity, and the connection is acceptable.
 6. Groundwater monitoring for a 12month period using a monthly dip test confirming seasonal high groundwater levels in the area. If BRE 365 testing confirms poor infiltration rates, pursuance of the groundwater testing is not required.
 7. A drainage strategy plan indicating the location and sizing of SuDS features, with the base of any infiltrating SuDS features located at least 1m above the seasonal high water table level.
 8. Details demonstrating how any SuDS for this development would be managed throughout the lifespan of the development and who will be responsible for

maintenance. The approved scheme shall be implemented prior to the first occupation of the development and shall be maintained in the approved form for as long as the development remains on the site.

- 7) Should any unforeseen contamination be encountered during the development, a scheme assessing the risk and the measures to be taken to avoid risk to human health and to the built and natural environment when the site is developed, shall be submitted to and approved in writing to the Local Planning Authority. Prior to occupation of the development, verification of the implementation of the approved mitigation measures shall be submitted to and approved in writing to the Local Planning Authority.

Prior to occupation, if no unforeseen contamination is encountered during the development, a statement to that effect shall be submitted to the Local Planning Authority.

- 8) The development hereby approved shall be carried out in accordance with the submitted landscaping plan, reference: 640-PL-16 A. The development shall be carried out in accordance with the approved details, with planting occurring in the first planting and seeding seasons following the occupation of the building(s). Any trees or plants which, within a period of 5 years from the date of the planting (or within a period of 5 years of the occupation of the buildings in the case of retained trees and shrubs) die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species or otherwise as approved in writing by the Local Planning Authority.
- 9) No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.
- 10) No development or other operation shall commence on site until an Arboricultural Method Statement and Scheme of Works which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the details as so-approved (hereinafter referred to as the Approved Scheme).

No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.

No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of

liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.

The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the Local Planning Authority has first been sought and obtained.

- 11) Prior to the commencement of any development a precautionary working method statement shall have been submitted to and approved in writing by the Local Planning Authority. This is to include details of reasonable avoidance measures for great crested newts. The development shall proceed in accordance with the approved measures, unless otherwise agreed in writing by the Local Planning Authority.
- 12) Within three months of the first occupation of the replacement dwelling, all resulting waste material and debris from the demolition of the existing buildings shall be permanently removed from the site.
- 13) The dwelling hereby permitted shall not be occupied until full details of the treatment of the northern boundary of the site, to include measures for the physical separation of garden land with surrounding woodland, are submitted to and approved in writing by the Local planning Authority. The approved boundary treatment shall be implemented prior to the occupation of the dwelling and be maintained at all times thereafter.

End of Schedule