



Appeal Decisions

Inquiry held on 6-8, 12-13 and 15 May 2026

Site visits made on 5 and 14 May 2026

by **Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 11th June 2026

Appeal A Ref: APP/Q3115/A/25/3377313

Land West of Kidmore End Road, Oxfordshire RG4 8SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Fairfax (Reading) Ltd and Reading Golf Club (SODC) Ltd against the decision of South Oxfordshire District Council.
 - The application Ref is P25/S1431/O.
The development proposed is up to 70 homes (including affordable housing), new vehicular access, associated parking and landscaping-
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Appeal B Ref: APP/E0345/W/25/3377314

Land West of Kidmore End Road, Oxfordshire RG4 8SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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 Fairfax (Reading) Ltd and Reading Golf Club (SODC) Ltd against Reading Borough Council.
 - The application Ref is P25/S1431/O.
 - The development proposed is up to 70 homes (including affordable housing), new vehicular access, associated parking and landscaping.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed and outline planning permission is refused.

Preliminary Matters

3. The 2 appeals above relate to the same scheme, the applications having been submitted in duplicate. With the agreement of the parties, I have modified the descriptions of development, removing superfluous wording.
4. The site slightly straddles the boundaries of South Oxfordshire District Council (SODC) and Reading Borough Council (RBC). Whilst the site accesses would fall within Reading, the rest of the development would fall within South Oxfordshire.
5. The scheme was submitted in outline with all matters except access reserved for future consideration. Those parts of the scheme which fall within Reading are therefore largely fixed. The submitted parameter plan covering the rest of the site additionally details circulation routes. Given the level of detail provided on the plan it provides a strong indication of the scheme likely to emerge in clearance of the

- reserved matters. I have therefore placed significant weight on the parameter plan in assessing the scheme, acknowledging some scope for variation.
6. Outline planning permission for the application subject of Appeal A was refused, whereas RBC failed to determine the application subject of Appeal B. This appears to have been because it treated the application subject of Appeal A as the lead. RBC did however confirm the technical acceptability of the accesses and a lack of any objection subject to the provision of contributions towards services and infrastructure in Reading. Proceeding on the basis of judged compliance with The Reading Borough Local Plan, RBC did not therefore contest Appeal B and played a limited role at the Inquiry.
 7. I have necessarily dealt with Appeals A and B together. However, given that I have no reason to question RBC's technical endorsement of the site accesses, and given that the development would otherwise occur within South Oxfordshire, my assessment below centres on development plan policy and matters contested in relation to Appeal A. It is generally agreed that neither Appeal A nor Appeal B could be logically allowed in isolation. Any resulting permission would be incapable of implementation.
 8. SODC partly refused permission on grounds that provision of affordable housing, biodiversity net gain (BNG) and contributions towards infrastructure provision had not been secured. Following progress made towards provision of a Section 106 Agreement (S106) it withdrew its objection. SODC also partly refused permission due to the distance that future occupants would need to walk to the nearest bus stop. This objection was also withdrawn, this time based on the findings of an Inspector in another appeal. Insofar of the matter of locational sustainability nonetheless remains relevant, I shall consider this further below.
 9. For the avoidance of doubt, all references within this Decision to 'SODC' are to South Oxfordshire District Council rather than to Reading Golf Club.

Main Issue

10. The main issue is whether the site would be an appropriate location for the proposed development having regard to development plan, the effects of the development on the character and appearance of the area, and other material considerations.

Reasons

Locational Policy

11. The site comprises part of a former golf course, which, having ceased operation in 2020 after around a century of use, has now been largely reabsorbed into the landscape. This is located adjacent to Reading, the built-up area of which generally aligns with the boundaries of SODC, and the southern edge of Kidmore End Parish (the Parish). The South Oxfordshire Local Plan 2035 adopted 2020 (the Local Plan) describes South Oxfordshire as a 'mainly rural district'. Within this context the Parish is a discernibly 'rural area'.
12. No provision is made for the expansion of Reading into South Oxfordshire within the Local Plan or the Kidmore End Neighbourhood Development Plan 2022 (the NP). Nor has there been any request from RBC for SODC to accommodate such growth. As the proposed development would effectively form an urban extension of

Reading, it would therefore be something that neither SODC nor RBC have planned for. It would however be a development of the type that the NP was partly prepared to help safeguard against.

13. Policy STRAT1 of the SOLP sets out the district's spatial strategy. This seeks to achieve a sustainable pattern of growth by directing development towards a hierarchy of settlements based on services and facilities. Key concerns include travel and protection of the countryside. In relation to 'Smaller' and 'Other Villages' Policy STRAT1 allows limited amounts of housing and employment to help secure the provision and retention of services. This objective is carried forward by Policy LCI of the NP which is supportive of infill within the 3 such villages the Parish contains. Further criteria covering housing development are set out within Policy H1 of the Local Plan. These include use of previously developed land adjacent to existing built-up areas, and broader exceptions for the development of unallocated sites.
14. These principles are broadly consistent with those seeking to direct development to sustainable locations set out within national policy, including in relation to rural areas. Within this broader context paragraph 83 of the National Planning Policy Framework (the Framework) states that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities.
15. The site in question is not located within or adjacent to any settlement within SODC, rural or otherwise. As such the development would not fit within the established settlement hierarchy, nor would it directly complement any established community within South Oxfordshire. Relative to the rest of the Parish, it would constitute a distinct, relatively large and anomalous suburban enclave entirely at odds with the existing settlement pattern. Whilst Reading is not one of the built-up areas covered by Policy H1, even if it was the site is not previously developed land. Insofar as the site is unallocated the proposed development would furthermore fail to meet any of the exceptions set out within Policy H1.
16. The above policies clearly act to constrain housing development at a time when, despite a strong record of past delivery, there is a shortfall in SODC's supply of deliverable housing sites (5YHLS). This currently stands at 3.81 years. With age and changes in methodology, housing figures set out within the SOLP are themselves now out of date. Given that the change in methodology occurred whilst a new local plan was under preparation the figures within that too have now been overtaken. The matter is unlikely to be fully resolved in the very near future. SODC therefore acknowledges that in the interim there may be a need for flexibility in accommodating additional housing growth. That does not however mean that the above policies should be simply set aside in favour of wholly unplanned development. Here it is necessary to consider the effects of non-compliance.

Character and appearance

17. Several policies within the SOLP seek to protect the character of the countryside, landscape character and character more generally. Aside from Policy STRAT 1, these include Policies DES1, DES2 and ENV1 of the Local Plan. The site, as too the rest of the former golf course, is also located within a Locally Valued Landscape (LVL) designated under policy LPLV of the NP. This in turn falls within the broader Chiltern Wooded Chalk Plateau and Valleys Landscape Character Area (LCA).

18. The parties disagree over whether the LVL is a 'valued landscape' for the purposes of paragraph 187(a) of the Framework. This is surprising given that the designation explicitly incorporates 'valued landscape' within its title. As if further confirmation was required, the introductory and supporting text of Policy LPVL covers the relevant legal authorities, GLVIA Box 5.1, and background assessments, and clearly states that the LVL falls within the meaning of what is now paragraph 187(a) of the Framework. The examination and adoption of the NP was itself undertaken relatively recently. Within that context the southern part of the Parish was looked at in significant detail by the Examiner. Given that this and the above leaves no room for doubt I am content to proceed on the basis that it is unnecessary for the status of the LVL to be subject of any further consideration. In this regard paragraph 187 of the Framework states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
19. The quality of both the LCA and LVL varies, as is typical of the quality of any given landscape. It cannot be expected that any given part of such a landscape will exhibit every one of the attributes or values ascribed to the whole, particularly where those attributes or values are mutually exclusive. Context is also important, where, as in this case, the features which help to define the character of the landscape extend well beyond the scale of a site. It is therefore inappropriate to dissect the LVL into self-contained pieces for purposes of understanding the impacts of development, much less the site itself.
20. The former golf course extends further into the landscape towards the north and northwest of the site, and, prior to its development for housing, it also extended further south into Reading. It is chiefly characterised by grassland containing scattered trees and shot through with large belts of ancient and other woodland. This includes Cucumber Wood which bounds the northern edge of the site. The terrain within the site is varied, and from an open plateau ground levels generally fall towards the north and east to form the sides of dry valleys.
21. The character of the golf course is not intrinsically suburban. This is true whether or not a generalised suggestion to the contrary occurs within the South Oxfordshire and Vale of White Horse Renewable Energy Study. Here it is more relevant to note that even in 2020 an absence of 'detracting urban fringe uses' was recorded within the area in the Kidmore End Locally Valued Landscape Assessment. The defining features of the golf course have since become far less distinct as they have been reabsorbed into the landscape. Whilst its character remains closer to that of parkland than a more functional agrarian landscape, the former golf course appreciably forms a component of the broader countryside. The fact that the site is located near to the edge of Reading and is visually contained in some directions by Cucumber Wood does not alter this. Both the site and the wood ultimately form components of the same landscape.
22. Insofar as the built-up edge of Reading generally aligns with the boundary of SODC, there is a both distinct and abrupt, but nonetheless generally soft edged transition between Reading and the open countryside of the Parish. The open character of the site strongly contrasts with that of adjacent suburban development, as is emphasised within long-ranging views across the undulating terrain from the east. Both these attributes and the landscape context of the site are well understood locally given the ongoing and apparently long history of public access to the golf course, as well as past public use of the golf course itself. In view of the above the site occupies a highly sensitive location.

23. Though public access for purposes other than playing golf may have been, and may continue to be informal, that does not mean that in this case it is irrelevant or something to be set aside. Indeed, I saw nothing to suggest that any serious attempt is currently being made to prevent it. Free and easy access is instead facilitated by pedestrian gates, including from some adjoining gardens. Nor, in the absence of the proposed development, has the appellant indicated that any steps are going to be taken to prevent access in the future. Unsurprisingly, I observed numerous members of the public making recreational use of the former golf course during my site visits. Representations by local residents further attest to such use. I therefore have no reason to believe that what I observed was unusual. It stands to reason that scope for perception of change and effects would not be limited to a few select static viewpoints within the broader setting of the site.
24. Insofar as I have established that the site features components of plateau and valley fringed with ancient woodland, and that it otherwise directly adjoins and contributes to the appreciation of these features within a broadly undulating landscape, it demonstrates and helps to express key attributes and values of both the LCA and LVL. Within this context the long history of both formal and informal recreational use of the site is also of note, as is the existence of long-distance views given that these are typically limited across the LCA. The southern end of the LVL may not play a direct role in the setting of the Chilterns National Landscape, and more visually sensitive spaces might well be found elsewhere within the LVL. The site itself occupies a relatively small part of the LVL. My findings above nonetheless underline both the important and positive contribution that the site makes to the LVL, as well as to the rural character of the Parish more generally.
25. The development would see the plateau within the site occupied by a relatively dense housing estate. Given that adjoining parts of the same plateau have already been developed, very little of this feature would remain open. This would in turn extend the built-up area very close to the margins of Cucumber Wood, suburbanising its immediate setting. The transformation of its role from that of a landscape to settlement edge feature would diminish its existing character and quality. Retained open space on the east side of the site would form an appreciably subordinate component of the development, remodelled for drainage and made host for various suburban paraphernalia. This would blur the currently distinct transition between the settlement edge and open countryside, and the intrusion of development into the latter would erode the rural character of both the LVL and Parish more generally. The adverse nature of change would be appreciable from both outside and within the site. This would not be alleviated by the scheme of planting indicatively shown on the submitted plans, or likely to be alleviated by any alternative scheme.
26. Insofar as the scheme has been promoted as a discrete 'rounding-off' of the settlement edge, the proposed clustering of development in the west half of the site would instead increase the extent to which existing development markedly protrudes into the landscape. Indeed, though development on the west side of the site extends no further north than that towards the east, it projects much further north than the established settlement edge further west. This is appreciable in long ranging views westward into the LVL from adjacent parts of Reading, and would be similarly experienced from within the proposed development in open views towards the northeast. Rounding-off would not in any case be achieved given that whilst

- suburbanised, the retention of open space on the east side of the site would form a substantial break in the continuity of the developed edge of the settlement.
27. Of further relevance here is Policy LCSS of the NP which seeks to retain the character of settlements within the Parish, including by maintaining the physical and visual separation of those settlements from one another and from Reading. Amongst other things, the background text explains that the built edges of each settlement are clearly defined and obvious to spot, meaning that the open spaces between settlements are as important to local character as the built-up spaces within the settlements.
28. Policy LCSS evidently serves in part to resist the expansion of Reading into South Oxfordshire, and in so doing to retain the established settlement pattern. The gap between Reading and Chalkhouse Green, which lies towards the north of the site, is identified as one of those that Policy LCSS seeks to maintain. The width of that gap varies depending from what point on the settlement edge it is measured. Unsurprisingly, given that existing development on the west side of the site protrudes northward, it lies closer to Chalkhouse Green than would the northern edge of the proposed development. However, when measured from the edge of the built-up area towards the south of the site the width of the gap between Chalkhouse Green and Reading would be significantly reduced as a result of the development. This part of the gap can be quickly traversed via routes running northwards along both the east and west sides of the site, or by walking across the golf course itself. Both its physical and visual reduction in size would be appreciable regardless of the lack of direct intervisibility between Chalkhouse Green and the site. The reduction in the size of the gap between Chalkhouse Green and Reading would be one further expression of the harm that a development otherwise wholly at odd with the established settlement pattern within the Parish would cause to local character and the LVL.
29. Within the context of seeking to protect the landscape, countryside and rural areas of South Oxfordshire from harmful development, Policy ENV1 of the Local Plan lists a number of features. These features are not presented as a closed list or scorecard. The fact that features which do not exist within the site would be unaffected by the development indicates their irrelevance rather than a diminished level of policy conflict. Though the LVL is not referenced within Policy ENV1, this reflects the fact that the NP postdates the Local Plan. The harm caused by the development to the landscape, countryside and rural area of South Oxfordshire would however be amplified by its adverse effect on the LVL. Having further regard to paragraph 135 of the Framework, the development would not be sympathetic to local character.
30. The appellant claims that landscape harm would be partly offset by enhancements. However, many of the claimed onsite enhancements are more appropriately understood as ecological avoidance and mitigation measures required to address risks of habitat degradation, and harm to protected species. Alongside a broader pledge to provide additional offsite public open space and BNG, the appellant has also offered the provision of enhancements on an adjacent part of the golf course. Whilst the above policies provide no scope for harm to be addressed in this way, some of the claimed enhancements would again be more specifically required as ecological mitigation and compensation. Even if they could be properly secured, any broader enhancements made to the landscape offsite would not make the level and nature of overall harm caused to the LVL any more acceptable.

31. For the reasons outlined above I conclude that the development would harm the character and appearance of the area giving rise to conflict with Policies DES1, DES2 and ENV1 of the Local Plan and Policies LPLV and LCSS of the NP.

Material Considerations

32. The development subject of Appeal A would conflict with the development plan taken as a whole. However, as established above, SODC currently lacks a 5YHLS and so the policies most important for determining the application are deemed out of date. Those with which I have established a conflict nonetheless remain broadly consistent with national policy. To the extent that those conflicts arise with the SOLP they attract significant weight. To the extent that they arise with the NP they fall to be considered in light of paragraph 14 of the Framework.

(a) Paragraph 14 of the Framework

33. The parties agree that paragraph 14 of the Framework applies. This is despite the appellant seeking to cast doubt over how the need for policies and allocations to meet an identified housing requirement can be met where, as in the current case, that requirement is zero. Paragraph 14(b) of the Framework and related parts of the Planning Practice Guidance (PPG) do not appear to anticipate such a scenario. However, it is not necessarily unusual within rural areas supporting small settlements and limited services. Here it appears unlikely to have been a rational intention of national policy to penalise communities whose neighbourhood plans failed to cater for non-existent needs. Rather, in the current case it is commendable that the NP went further than necessary in making an allocation for affordable housing despite the absence of any identified housing requirement. I therefore see no reason to depart from the agreed position.
34. Use of the word 'likely' within paragraph 14 leaves some scope for scenarios in which conflict with a neighbourhood plan would not significantly and demonstrably outweigh the benefits. Based on the very small sample of appeal decisions relating to other sites drawn to my attention this appears to have given rise to some variation in the way in which Inspectors have approached the application of paragraph 14 in the past. The reasons for this are open to speculation and the sample far too small to identify any trend. Variation can otherwise be expected given the differing circumstances of any given case, including the nature of arguments and evidence considered, and the composition of the balance itself. Generally speaking, insofar as the counterpoise to *likely* is *unlikely*, cases in which permission was granted despite conflict with a neighbourhood plan are likely to be in a minority. These previous decisions do not therefore bind my approach in the current case in relation to which I shall have primary regard to national policy.
35. Within this context the PPG refers to paragraph 14 as conferring *protection*. This protection can be logically understood as providing a safeguard against non-compliant schemes gaining permission via the 'tilted balance'. By stating that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, paragraph 14 thus provides its protection by emphatically tipping the balance in favour of refusal.
36. That protection is not contingent on there being a particular level of 5YHLS or past performance in delivery. Whilst limitations of this type did once exist and are recalled within sections of the PPG which have yet to be revised, they were removed some time ago. As paragraph 14 is only engaged where paragraph 11(d)

has already been triggered, the protection it confers applies notwithstanding the level of 5YHLS and past performance in delivery.

37. The protection conferred by paragraph 14 is also not contingent on all policies being up to date. Outdatedness is again a consideration triggering the initial engagement of paragraph 11(d). In this regard the broad requirement within paragraph 14 is simply that the NP itself is less than 5 years old.
38. Absent other considerations, the level of 5YHLS, past performance in delivery and the outdatedness of policies are not therefore matters which can logically be held to cancel out or diminish the weight of the protection conferred by paragraph 14. It follows that this includes situations where, as in the current case, a recent neighbourhood plan does not contain policies addressing changes arising from the shift to the standard method which occurred after its adoption.
39. A key consideration in this regard is the absence of any evidence which indicates that it is likely that SODC will seek to address its shortfall by directing development of the type and scale proposed towards the Parish.
40. Insofar as paragraph 14 is engaged on the basis of neighbourhood plan conflict, it is possible to imagine cases where an identified conflict with a neighbourhood plan gives rise to no material or real-world harm. That has been partly claimed in the current case. My findings above have however established the opposite. That and the above being so, the adverse impacts of the scheme arising from its conflict with the NP attract substantial weight.

(b) Locational sustainability

41. The SOLP acknowledges that occupants of South Oxfordshire make some use of services in Reading. However, not to the extent that this has any significant bearing on the pattern of growth planned for. Despite the fact that the Parish and Reading directly abut, road and public transport linkages north of the built-up area are poor. Services and facilities within the Parish are very limited.
42. Given that the development would otherwise directly adjoin and be accessed from within Reading, future occupants would inevitably make use of its services and facilities. This is notwithstanding some uncertainty over the operation of catchments which arise from the fact that whilst attached to Reading, the development would remain within a different administrative area.
43. Both RBC and SODC identified concerns over the higher than recommended walking distance from the development to bus stops when assessing the scheme. As noted above, SODC refused permission partly on that basis. The submissions reference sources which cite 400m and 800m as ideal distances. Manual for Streets favours the latter figure, albeit not as a minimum, and in relation to which services should be 'comfortably' reached on foot.
44. Walking to the nearest bus stops towards the southeast of the site would involve use of a potentially unlit path across an open space lacking natural surveillance, and traversing a series of steep to exceptionally steep gradients. The appellant acknowledges this would not provide access for all, and it would undoubtedly be off putting to many, even before taking the longer than ideal walking distance into account. It would also greatly amplify the challenge of carrying additional weight. So much so that use of the bus for shopping trips or onward travel would most

likely be impractical. Whilst accessing bus stops towards the southwest would involve less demanding topography, this would require walking further, partly along lanes lacking pavements.

45. At least in principle the quality of the bus service itself might well make it attractive. However, that would not make it any more accessible or of any greater utility. Though RBC notes the potential for a new loop service to be introduced in relation to recent development towards the south, there is no certainty of this, and my attention has been drawn to the withdrawal of local school bus services. Access to bus transport would therefore exist for future occupants of the development, but the overall level of accessibility and utility would be poor.
46. Despite the peripheral location, energetic future occupants might instead cycle into Reading, or into adjacent parts of the suburban area. However, despite National Cycle Route 5 running past the west side of the site, there appears to be little dedicated cycle infrastructure. Some local services also fall within walking distance, though again, accessing those towards the east would require tackling the same or similar gradients to those outlined in relation to bus stops.
47. Paragraph 110 of the Framework states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, in this case, given that the development seeks to directly extend the urban area of Reading, its poor performance is far more a product of weak functional integration.
48. A 'genuine' choice of transport modes would exist, at least for some, in some limited circumstances, for some limited purposes. Future occupants of the development would not therefore be *wholly* reliant on motor vehicles for travel. Nonetheless, my findings above indicate that even considered in relation to Reading the site would not be optimally, or even well located. Insofar as it has been advanced as a consideration in favour of the scheme, the locational sustainability of the development therefore attracts no more than limited weight.

(c) *Housing provision*

49. Set within the more general context of boosting the supply of homes, the development would provide up to 70 dwellings. If accepting the appellant's claim of deliverability, these dwellings would help to dent the current shortfall in SODC's 5YHLS. Whilst this is a consideration which attracts significant weight, the scale of the contribution and related economic benefits would be modest, reflecting the scheme's 'small-medium' size bracket.
50. Within this context the provision of up to 28 affordable homes would represent no more than a policy compliant proportion of an otherwise non-compliant development. Here South Oxfordshire is not unusual in exhibiting an unmet need for affordable housing. However, only 16 households on SODC's register indicate a preference for Kidmore End. Given that the development would not form a complementary part of any existing settlement within the Parish, it appears unlikely that those preferences would be directly satisfied. Excess provision would not respond to any locally identified need below district level, nor, despite effectively being an extension of Reading, would the development satisfy any need generated there.
51. Paragraph 82 of the Framework states that in rural areas planning decisions should be responsive to local circumstances and support housing developments that

reflect local needs. In this case the proposed provision of affordable housing would not effectively respond to the existing pattern of need, settlement, or local community. As such it would again demonstrate the scheme's failure to positively respond to and complement its social and spatial context. The same ultimately applies to the scheme's overall provision of housing. I therefore attach no more than limited weight to the scheme's provision of affordable housing, and no more than limited weight to the social benefits of the scheme's overall provision of housing.

(d) *Open space and BNG*

52. Whilst the proposed housing would be relatively dense, the development would provide significantly more than a policy compliant level of onsite public open space. Mandatory BNG requirements could also be met onsite and perhaps modestly exceeded. In principle, this would offer benefits over and above those required as standard. But how this would constitute an efficient use of the land, or optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development is unclear. With that in mind, I attach limited weight to these benefits.
53. As previously noted, the appellant has also offered a much larger parcel of land adjoining the site as additional public open space that would support additional BNG and related management. This land was only properly defined during the course of the Inquiry, at which time the exclusion of Cucumber Wood from the accessible area was also confirmed.
54. As again noted above, part of the land in question would be required to accommodate works to mitigate and compensate for ecological harm caused by the development. The provision of additional public open space and BNG would not meet any policy or statutory requirement. It would not balance any under provision of anything required onsite, directly address any of the harms I have identified or in some way 'counteract' any policy conflict. As its relationship with and relevance to the development would be at best tenuous, I am not convinced that its provision could be properly secured. Here the caselaw advanced in support of the appellant's approach relates to a different scenario not involving the offsite provision of 'benefits'.
55. Even if I accepted the appellant's approach, when set against the status quo the social and environmental benefits of providing additional offsite public open space and additional BNG would be limited. This is because public access would be formalised in relation to only a small part of the land to which the public already has informal access, and because in the absence of intervention, biodiversity, and any related scenic value would most likely increase naturally as the golf course continued its reabsorption into the landscape.
56. Though there may currently be nothing in place to manage the ecological impacts of informal public access to sensitive parts of the golf course, there is equally nothing preventing such measures from being taken. It remains the case that as actively encouraging access would increase the likelihood of adverse ecological impacts occurring, this would itself generate the need for management.
57. The benefit of providing additional offsite public open space and BNG would not therefore serve to make the development acceptable in planning terms considered either alone or in combination with other benefits.

(e) Infrastructure and service provision

58. The development would provide contributions towards infrastructure and service provision secured by S106, including the full range of contributions sought by RBC in relation to Appeal B. As the purpose of these contributions would be to mitigate the effects of the development, they do not attract weight in its favour. Similar is true of CIL. Insofar as Council tax serves to fund public services used by local residents, it again addresses need generated by development and is not a benefit.
59. The specific need for new pedestrian and cycle links onto Highdown Hill Road and pedestrian access to Kidmore End Road would again be generated by the development. There would be nothing remarkable about the fact that they might also be used by non-residents once constructed.

(f) Balance

60. Having had regard to the Framework's key policies throughout my assessment above, and having found that the benefits of the development would fall far short of the harm that it would cause, I conclude that the adverse impacts of allowing Appeal A would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Other Matters

61. In relation to Appeal B, interested parties have raised a number of objections not addressed within my reasons above. However, having established the unacceptability of the scheme in relation to Appeal A, Appeal B cannot logically be allowed. As outlined above, this is because it forms an integral part of the same scheme, and because it is incapable of being delivered in isolation. There is therefore no need for these matters to be subject of any further consideration.

Conclusion

62. For the reasons set out above the development subject of Appeal A would give rise to conflict with the development plan. In the absence of any other considerations which alter or outweigh this finding, the resulting harm would be unacceptable. Again, for the reasons set out above, this finding indicates that regardless of its judged compliance with the development plan, the development subject of Appeal B would also be unacceptable. I therefore conclude that both Appeal A and Appeal B should be dismissed.

Benjamin Webb

INSPECTOR

APPEARANCES

For the Appellant

Ashley Bowes Counsel for the appellant, Landmark

He called:

Philip Allin (Planning) Boyer Planning

Andrew Smith (Landscape/C&A) Fabrik

For SODC

Emmaline Lambert Counsel for SODC, Cornerstone

She called:

Anne Priscott (Landscape/C&A) Anne Priscott Associates Ltd

Tracy Smith (Planning) SODC

For RBC

Rob Burns RBC

For KEPC (Rule 6)

John Fitzsimons Counsel for KEPC, Cornerstone

He called:

Bettina Kirkham (Landscape/C&A) KEPC

Anna Vorster (Planning) KEPC

For CADRA (Rule 6)

Helen Lambert CADRA

She called:

Nick Haskins (Planning) CADRA

Interested Parties

Michael Bishop Local resident

Suzie Bradforth Local resident

Andy Cruse Local resident

Jan Durrant	WADRA
Sarah Eden Jones	Local resident
Jennifer Leach	Outrider Anthems
Charlotte Wooton	Local resident

INQUIRY DOCUMENTS

The list below includes documents missing from the submitted list. Numbering differs.

ID1.	Appellant opening.
ID2.	SODC opening.
ID3.	RBC opening.
ID4.	KEPC opening.
ID5.	CADRA opening.
ID6.	Global Biodiversity Loss, Ecosystem Collapse and National Security: a National Security Assessment.
ID7.	Standing Tall July 2022 – Jennifer Leach.
ID8.	The Land in Relationship – Jennifer Leach.
ID9.	S106 summary (06/05/26).
ID10.	S106 proposed engrossment (06/05/26).
ID11.	S106 with tracked changes (06/05/26).
ID12.	Ecology Co-op letter dated 07/05/26 re Highdown Hill link.
ID13.	DSIT press release April 2025: AI Growth Zones.
ID14.	SODC HDT 2019 spreadsheet.
ID15.	SODC HDT 2020 spreadsheet.
ID16.	SODC HDT 2021 spreadsheet.
ID17.	SODC HDT 2022 spreadsheet.
ID18.	SODC HDT 2023 spreadsheet.
ID19.	SODC HDT 2019-23 table.
ID20.	SODC revised CIL compliance statement (11/05/26).
ID21.	SODC S106 monitoring fees.
ID22.	Statement supporting SODC S106 monitoring fees.

ID23.	SODC Open Spaces Strategy January 2017.
ID24.	Ecology Co-op letter dated 08/05/26 re ancient woodland access.
ID25.	Appeal Decision: APP/L3815/W/24/3344538, 3344661, and 3344663.
ID26.	Plan D3456-FAB-00-XX-DR-L-0001 A defining off-site open space.
ID27.	Guidance Note 08/23: Bats and Artificial Lighting at Night.
ID28.	Letter from Andrew Smith to Philip Allin dated 11/05/26 re dark corridor for bats.
ID29.	SODC revised conditions list (11/05/26).
ID30.	RBC revised conditions list (11/05/26).
ID31.	RGC Barbastelle Bat Foraging Observations from Andy Cruse.
ID32.	S106 proposed engrossment (12/05/26).
ID33.	S106 with tracked changes (12/05/26).
ID34.	Plan SDP-XX-XX-DR-D-354 P6 – annotated with land registry parcels.
ID35.	SODC Advice Note on Carbon Reduction March 2026.
ID36.	Appeal decision APP/Q3115/W/23/3322954.
ID37.	SODC closing.
ID38.	KEPC closing.
ID39.	CADRA closing.
ID40.	Appellant closing.
ID41.	Forest of Dean DC v Secretary of State for Communities and Local Government.
ID42.	Cheshire East BC v Communities Secretary (QBD).
ID43.	R. (on the application of Working Title Films Ltd) v Westminster City Council.
ID44.	S106 proposed engrossment (15/05/26).
ID45.	S106 with tracked changes (15/05/26).
ID46.	SODC revised conditions list (20/05/26)
ID47.	RBC revised conditions list (20/05/26)