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## Appeal Decision

Inquiry Held on 10-13 and 18 October 2017

Site visit made on 9 October 2017

**by Neil Pope BA (Hons) MRTPI**

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

**Decision date: 24 November 2017**

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**Appeal Ref: APP/X0360/W/17/3170340**

**Wyvols Field, Swallowfield, Berkshire, RG7 1RT.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Robert Mitchell of Richborough Estates Ltd against the decision of Wokingham Borough Council.
  - The application Ref. 162360, dated 18/8/16, was refused by notice dated 18/11/16.
  - The development proposed is residential development including open space, landscaping, drainage features and associated infrastructure.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The Council determined the application on the basis that all matters, other than the means of access, were reserved for subsequent consideration. Vehicular access into the site was proposed onto the public highway known as The Street (drawing ref. T15539 002 Rev C).
3. At the Inquiry, I drew attention to the interpretation of "access" in Part 1(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015<sup>1</sup>. This includes accessibility to and within the site for vehicles, cycles and pedestrians in terms of positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
4. As accessibility within the site is only shown on an indicative masterplan, the appellant requested that all matters, including access be treated as reserved and, in the event of the appeal being allowed, a condition be attached requiring the access into the site being in general accordance with drawing ref. T15539 002 Rev C. I consider that this would not prejudice the interests of any party and I have treated this as an outline proposal with all matters reserved.
5. At the Inquiry the appellant submitted two planning agreements under the provisions of section 106 of the above Act. The Council informed me that these agreements overcame the concerns set out within its reasons for refusal (RfR) numbered 4-7. In addition, the Statement of Common Ground (SoCG) that has been agreed by the appellant and the Council states that RfR 3 (loss of best and most versatile agricultural land [BMV land]) has also been addressed.

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<sup>1</sup> SI 2015 No.595.

6. Shortly before the Inquiry opened the appellant and the Council agreed that the Objectively Assessed Need (OAN) for housing within the Borough is 894 dwellings per annum (dpa). As a result, the evidence of Messrs Donagh (for the appellant) and Gardner (for the Council) on this matter was withdrawn.
7. The Council informed me that other than the weight to be given to the provision of 40% affordable housing as part of the appeal scheme it was not contesting Mr Stacey's evidence. As a consequence, Mr Stacey was not called and the remainder of his evidence was taken as read and uncontested.
8. After closing the Inquiry the main parties submitted further appeal decisions<sup>2</sup> in respect of sites elsewhere. I have taken these decisions into account but they do not alter the conclusion that I have reached.

### **Main Issue**

9. The main issue is whether there is five years' worth of housing land supply (HLS) within the Borough and if not, whether any adverse impacts, having particular regard to the effects upon: the character and appearance of the area and; the setting and significance of the grade II listed building known as Wyvol's Court would significantly and demonstrably outweigh the benefits.

### **Reasons**

#### *Planning Policy and Guidance*

10. The development plan includes the Wokingham Borough Core Strategy (CS) adopted in 2010, the Managing Development Delivery Local Plan (LP) adopted in 2014 and 'saved' policy NRM6 (Thames Basin Heaths Special Protection Area [SPA]) of the South East Plan (SEP) that was adopted in 2009.
11. The most relevant policies to the determination of this appeal are: CS policies CP1 (sustainable development), CP11 (development limits/countryside), CP17 (housing delivery) and; LP policies CC02 (development limits), CC03 (green infrastructure), TB21 (landscape character) and TB24 (heritage assets). The main parties agree that the housing requirement in policy CP17 is out-of-date. Whilst this policy remains part of the development plan it is not determinative to the outcome of this appeal.
12. The adopted Policies Map shows the appeal site outside the development limits for Swallowfield. In policy terms, it is to be treated as countryside. This Map also shows the section of the Basingstoke Road (B3349) which abuts the western boundary of the site as part of a Green Route Enhancement Area.
13. The Wokingham Borough Council Design Guide was adopted as a Supplementary Planning Document (SPD) in July 2012. Its purposes include ensuring all developments improve the character and quality of the area. It also identifies "broad brush" settlement character types and general principle RD3 requires the location and design of new development to respond to and not harm the setting of a village in the landscape.
14. The Swallowfield Village Design Statement was published in 2003 (updated in 2009) and highlights the characteristics of the village that make it distinctive. It is not a Neighbourhood Plan but was prepared by a group of residents in consultation with the local community. This Statement has been adopted by

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<sup>2</sup> APP/T2405/W/17/3168737, APP/X0360/W/17/3169796 and APP/X0360/C/17/3163545.

the Borough Council as supplementary planning guidance (SPG). The main parties informed me that it has limited weight. I disagree. The SPG is soundly based, has been subject to a process of public consultation and accords with the broad thrust of Government objectives for increasing the involvement of local communities within the planning process. It can be given moderate weight.

15. My attention has been drawn to various landscape character assessments (LCA). The most relevant LCA to the determination of this appeal is the Wokingham District LCA dated 2004, which is referred to in LP policy TB21. The appeal site is within character area (CA) I2 – Riseley Farmed Clay Lowland, whilst immediately to the north of the site is CA A2 The Loddon River Valleys.
16. The key characteristics of CA I2 include: small area of intensive rural lowland farming; simple, open and relatively unvaried agricultural landscape; arable farming dominant set within large irregular fields; mechanically-flailed hawthorn hedgerow field boundaries with frequent gaps; overriding rural quality and a sense of isolation; small village of Swallowfield (outskirts). The overall landscape quality is described as moderate, the landscape strategy is to enhance character and restore lost elements and landscape sensitivity is low.
17. The key characteristics of CA A2 include: broad, flat alluvial floodplain; natural wetland character; medium and large irregular geometric fields; low-density scattered settlement; influence of large scale designed parkland landscape at Swallowfield Park; strong rural character and sense of remoteness. The overall landscape quality is described as high, the landscape strategy is to conserve its rural character and the landscape sensitivity is high.
18. The National Planning Policy Framework (the Framework) is an important material consideration. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. Amongst other things, it aims to boost significantly the supply of housing and recognises the intrinsic character and beauty of the countryside.
19. I have also had regard to various parts of the Government's Planning Practice Guidance (PPG) that have been drawn to my attention.

#### *Housing Land Supply*

20. The main parties agree that: the five year HLS position should be assessed against the OAN figure of 894 dpa; any shortfall since 2013 should be added to the forward requirement and contained within the five year period ('Sedgefield approach'); there is a record of persistent under-delivery within the Borough and, as such, the 20% buffer in the Framework should be applied and; no lapse rate (10% flexibility) should be applied to the Council's trajectory.
21. At the Inquiry, the Council argued that it could demonstrate 5.09 years<sup>3</sup> HLS, whereas the appellants' case was that there was only 4.60 years HLS.

Applying the 20% buffer

22. The Council has historically applied the 20% buffer to both the housing need looking forward and past under supply. This is the approach it adopted when

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<sup>3</sup> Excluding land at Cutbush Lane / North of Arborfield Road (Cutbush) and without applying the buffer to the shortfall. If the buffer is not applied to the shortfall and Cutbush is included in the supply the Council calculates that it would have 5.26 years HLS.

producing its comprehensive annual Five Year Housing Land Supply Statement at 31 March 2017<sup>4</sup>, as well as in previous appeals within the Borough.

23. In September 2017, the Council published an Addendum and separate Position Statement on its Five Year Housing Land Supply Statement. It now argues that following improvements to its methodology for calculating HLS it is no longer necessary to apply the buffer to the housing need and under supply.
24. In support of its stance the Council has pointed out that neither the Framework nor the PPG require the buffer to be applied to past under supply. It has also drawn attention to the Secretary of State's decision on a site at Crewe<sup>5</sup> and has argued that the application of the buffer depends on the extent of any shortfall and whether there is a record of persistent under delivery of housing.
25. The Secretary of State's decision at Crewe is one of many decisions that have been drawn to my attention. It does not say that the buffer should not be applied to past under supply because of improvements to methodology. Moreover, other decisions issued by the Secretary of State<sup>6</sup> and Inspectors<sup>7</sup> since January 2015 have applied the 20% buffer to past under supply.
26. It would be surprising if most local planning authorities had not undertaken some improvements to their HLS methodologies over the last two and half years. I agree with the appellant that improvements to methodology for predicting future supply has no logical bearing on whether the requirement figure should be increased by applying a buffer to the accumulated shortfall.
27. There is no cogent evidence to support the Council's assertions that the extent of the shortfall or whether a Council is a 5% or 20% authority is determinative as to where the buffer should be applied. Whilst each case must be determined on its own merits, applying the 20% buffer to the requirement and the shortfall would ensure that the buffer applies to the full need.
28. There would be no double-counting as the buffer has a different purpose from the addition of past shortfall to the five-year OAN figure. It is intended to ensure choice and competition in the market for land. Applying the buffer to the requirement and the shortfall is also an approach advocated by the Planning Advisory Service.
29. There is greater strength in the appellant's argument for applying the buffer to the requirement and shortfall. When applied in this way and without Cutbush there would, on the basis of the Council's trajectory, be only 4.93 years HLS.

The Inclusion of Cutbush

30. In July 2017, the Council's Executive resolved to approve the release of an allocated reserve site within the Strategic Development Location on land south of the M4 at Cutbush Lane. It also invited an application for that site in order "to boost land supply in the short term". The Council predicts that 215 dwellings could be delivered from this site over the five year period. If added to the supply of housing and with the 20% buffer applied to the shortfall, the Council calculates that it would have 5.09 years HLS.

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<sup>4</sup> This Statement was published in June 2017 and reveals 5.27 years HLS based on a OAN of 856 dpa.

<sup>5</sup> APP/R0660/A/13/2209335 dated January 2015.

<sup>6</sup> APP/U3935/W/16/3147902 and APP/K3415/A/14/2225799.

<sup>7</sup> APP/D3640/W/16/3158832.

31. There is nothing to prevent local planning authorities from updating their HLS during the course of the year. However, as the five year HLS calculation is a complex process it is usually undertaken on an annual basis. Merely adding the potential delivery from new sites into the supply side without moving forward the base date and counting completions, demolition etc., would almost certainly skew the findings and result in an unreliable and unsound outcome.
32. The Council has not undertaken the necessary comprehensive review of HLS to justify the inclusion of Cutbush part way through the monitoring year. It is unable to properly demonstrate five years' worth of HLS. As a result, the 'tilted balance' set out within paragraph 14 of the Framework is engaged.
33. As I have noted above, important Government objectives include boosting significantly the supply of housing and meeting the housing needs of an area. Whether the HLS in the Borough is 4.60 years or 4.93 years considerable weight should be attached to this shortfall in the planning balance. It is therefore unnecessary for me to consider the likely delivery rates from those sites which are in dispute by the main parties. However, I share the appellant's doubts about those premises that have prior approval for residential use but which remain in use as offices. These sites are not available now.
34. Nevertheless, it is clear to me that overall the Council is making concerted efforts through its delivery managers to enhance the robustness of its approach to assessing HLS. Whilst there may be scope for improvement, some of the appellant's criticisms are unfair. In particular, some developers and housebuilders could do more to assist the Council by proffering relevant information (such as whether they have option agreements and equalisation agreements) and ensuring that they provide realistic predictions of delivery. Scarce public resources should not have to be used teasing information out of those who stand to benefit from the inclusion of sites within the Council's HLS.

#### *Benefits*

35. The proposed development would increase the mix and choice of housing within the Borough and help address the shortfall in supply<sup>8</sup>. The provision of 40% affordable housing would assist in meeting the needs of those who are unable to afford their own homes. In this regard, there is an acute level of affordable housing need within the Borough. The proposals would accord with development plan policies<sup>9</sup> relating to the mix of housing.
36. Occupiers of the proposed dwellings would support local services and facilities and during the build-out, the development would also support the construction industry, including employment provision. After completion, the development would increase Council Tax revenue and attract a New Homes Bonus. As set out within the appellant's Ecological Mitigation Strategy, the proposal could also provide some enhancement for wildlife.
37. The benefits of the appeal scheme can be given considerable weight.

#### *Character and Appearance*

38. This 4.69 ha site comprises an irregularly shaped arable field with boundary hedgerows and trees. There is a small area of broadleaved woodland in the

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<sup>8</sup> From the appellant's timeline, final completion for up to 65 dwellings would be expected by the end of 2021.

<sup>9</sup> CS policy CP5 and LP policy TB05.



south western corner with Wyvol's Court beyond. Roads adjoin the northern, southern and western boundaries (Swallowfield Street, The Street and the B3349) whilst, in part, the eastern boundary is defined by a row of tall conifers. This row of trees separates the site from a new estate (The Willows) along the western edge of the village. The River Loddon runs about 250m to the west.

39. Both main parties agree that the appeal site does not form part of a valued landscape to which paragraph 109 of the Framework applies. However, this does not mean that it is suitable for development. All landscapes have some value and as set out within the above noted SPG, the site comprises the *"stretch of open land between the two principal roads, Swallowfield Street and The Street, which enter the village from the main road"* which *"provides a rural border between the village heart and the main road to the west"*.
40. This is not a *"throw away comment"* as argued by the appellant. The SPG identifies the appeal site as a feature of the local environment that is appreciated and considered important by many residents and the Parish Council. This has been reflected in some of the numerous representations made by interested parties at application and appeal stages. Whilst it is not unusual for local communities to object to schemes for residential development, the SPG pre-dates the appeal scheme.
41. As I noted during my site visit, the appeal site forms part of the attractive countryside that surrounds the small village of Swallowfield. Whilst there are no public rights of way across the site and there are limited views into this field, the unspoilt open qualities of the site and its agricultural character are important to the setting of the village.
42. There are urban influences but the site displays some of the key characteristics of CA I2 and is an integral part of the rural hinterland to Swallowfield. It assists in maintaining the pleasing rural character of the village. Whilst the field boundaries have changed over time, a similar finding was made by the Inspector who determined an appeal<sup>10</sup> in 1992. Given the above, the appellant's Landscape and Visual Impact Assessment appropriately describes the landscape sensitivity as medium rather than low.
43. The proposals would retain much of the boundary vegetation, including the shelterbelt planting along the B3349, and would not frustrate the objectives of the Green Route Enhancement Area and LP policy CC03. A section of hedgerow growing along The Street would be translocated behind the visibility splays for the new vehicular access into the site and landscape planting would be undertaken within the site. The proposed layout and the design of the new dwellings could be undertaken to a high standard and incoming residents would have convenient access to the limited services available within the village. A pedestrian link<sup>11</sup> to The Willows would create a more permeable development.
44. The proposed dwellings, new vehicular access, internal roads and other hard surfaced areas would result in the loss of the unspoilt open qualities of the site and would extinguish its agricultural character. This would entail a high magnitude of adverse change to the character and appearance of the site.

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<sup>10</sup> T/APP/H0330/A/91/176543/P2. Current planning policies are materially different to the situation in 1992. This previous decision has limited weight and I am not bound by it.

<sup>11</sup> This link would benefit occupiers of the appeal scheme and neighbouring residents. The agreement between the appellant and the developers of The Willows does not guarantee the provision of this link but it is not essential to enable the appeal scheme to proceed.

45. These adverse effects upon the site itself weigh against granting permission. Nevertheless, I am mindful that some greenfield land needs to be released in order to meet the housing needs of the Borough. It is therefore inevitable that as land comes forward for development there will be some adverse effects upon the quality of the countryside. By itself, this would be insufficient to withhold permission.
46. However, the proposed development would comprise a sizeable enlargement of the village. The new dwellings, roads and footways would significantly intrude into the countryside setting of Swallowfield and would entail the loss of a cherished rural border and locally distinctive feature. This extension to the settlement edge and encroachment into the countryside would considerably detract from the open character of the village's immediate surroundings and compromise the quality of the local environment. The intrinsic character and beauty of this part of the countryside would be unacceptably harmed.
47. The scale of the development, ensuing activity within and around the site, associated domestic paraphernalia, street lighting, breach in the established boundary hedgerow and engineering works to form the new access onto The Street would be readily apparent and overtly suburban in character. This would markedly diminish the existing rural character of Swallowfield and seriously harm its setting, especially when approaching the village from the south west. The proposal would conflict with principle RD3 of the SPD.
48. The proposals and the development at The Willows would also amount to rather sudden and dramatic settlement growth. Although my decision does not turn on this, the cumulative impact would erode the integrity of this small village.
49. The proposed development would harm important physical and perceptual attributes of the site and have a significant adverse effect upon the character and appearance of the area. It would be at odds with the landscape strategy for CA I2, LP policy TB21 and LP policy CC02(2). In failing to maintain the quality of the local environment the proposal would conflict with CS policies CP1(1) and CP11. This has very considerable weight in the planning balance.

*Grade II listed Wyyol's Court*

50. The appeal site forms part of the surroundings in which this designated heritage asset is experienced. The proposals would affect the setting of this early 19<sup>th</sup> century listed building. I agree with both main parties that the provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are therefore engaged.
51. The significance of this heritage asset is derived primarily from its architectural qualities (including its rendered walls, slate hipped roof, irregular plan, chimneys, parapet, sash windows, porch and verandah) as well as its historic interest (including building fabric and associations with neighbouring farmland).
52. Over the years, this listed building has been extended and is now in use as offices. This former house faces the B3349 and the small woodland in the south western corner of the appeal site. Changes to its setting include the removal and erection of various farm buildings.
53. As noted within the appellant's heritage statement, the appeal site appears to have been part of the landholding associated with Wyyol's Court. Whilst views of this listed building are largely screened from the appeal site, the agricultural

- use of the site and its unspoilt rural character afford an appreciation and understanding of the landscape setting of this nationally important building, as well as its historic associations with the countryside. The site makes a positive contribution to the significance (historic interest) of this heritage asset.
54. The proposed development would be set back from Wyvol's Court and the intervening boundary vegetation/woodland would be retained. Nevertheless, the change from agricultural land use to residential and the loss of the unspoilt open qualities of the site would erode an appreciation/understanding of the rural landscape setting of this listed building. The proposal would detract from the heritage (historic) interest of Wyvol's Court.
55. I agree with the appellant that, in the context of the Framework, this would amount to less than substantial harm to the significance of this heritage asset. However, this loss of historic interest would be more than "*de minimis*" but would be towards the lower end of less than substantial harm. The proposal would not preserve the setting of this listed building.
56. The Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. Less than substantial harm to the significance of Wyvol's Court does not amount to a less than substantial planning objection. Nevertheless, in this instance, the harm would be outweighed by the public benefits that would be derived from the appeal scheme. The proposal would accord with LP policy TB24 and the 'tilted balance' in paragraph 14 of the Framework continues to be engaged.
57. The appeal site also forms part of the settings of the grade II listed 16<sup>th</sup> century house known as Girdlers, which lies to the north, and the Swallowfield Conservation Area. However, there is nothing of substance to demonstrate that the site contributes to the significance of these assets. The proposal would preserve the settings of this listed building and the conservation area.

#### *Other Matters*

58. The appeal site is within 5km of the Thames Basin Heaths Special Protection Area (SPA)<sup>12</sup>. This area is an important habitat for nightjar, woodlark and Dartford warbler. It is widely recognised that residential development within 5km of the SPA has the potential to adversely affect these species of birds.
59. With regard to the Impact Avoidance Strategy for the Thames Basin Heaths SPA and the Thames Basin Heaths SPA Delivery Framework<sup>13</sup>, the appellant, in agreement with the Council and the University of Reading, has made provision for an SPA Access Management and Monitoring Contribution in respect of the Loddon or Ridge Suitable Alternative Natural Green Spaces. Natural England and the Council's Green Infrastructure Service Manager are content that this would mitigate any adverse impacts upon the SPA arising from the proposals.
60. It has been held<sup>14</sup> that mitigation measures can be considered as part of the necessary Habitats Regulations Assessment. The section 106 agreement that is aimed at delivering the above noted mitigation would be necessary for the

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<sup>12</sup> The nearest part of the SPA is the Bramshill Site of Special Scientific Interest.

<sup>13</sup> Produced by the Thames Basin Heaths Joint Strategic Partnership Board in 2009.

<sup>14</sup> Hart District Council v The Secretary of State for Communities and Local Government, Luckmore Limited and Barratt Homes Limited [2008]



development to proceed. It would also be directly related to the development and fairly and reasonably related in scale and kind. There would be no conflict with Regulation 123(3) of the Community Infrastructure Levy Regulations 2010 (as amended). I have therefore taken this agreement into account<sup>15</sup>.

61. At the Inquiry, the Council informed me that in determining the application it had not undertaken Appropriate Assessment (AA) under the Birds or Habitats Directives and it was not asking or expecting me to undertake AA. I find that the proposals, with the proposed mitigation, would be unlikely to have a significant effect on the internationally important interest features of the SPA. AA is not required and the provisions of paragraph 119 of the Framework are not engaged. The proposals accord with the provisions of SEP policy NRM6.
62. The proposal would result in the loss of 3.5 ha of BMV agricultural land. I note from the appellant's Supplementary Information Relating to Agricultural Land (May 2017) that this field is "*awkward to farm*" and has not been commercially farmed for over 20 years. I understand that the site represents about 0.07% of BMV land within the Borough and note the argument that the proposal would not represent a significant loss of agricultural land.
63. However, the permanent loss of 3.5 ha of BMV land would be unfortunate and at odds with the provisions of CS policy CP1(7). Whilst my decision does not turn on this matter, I agree with the appellant's planning witness that this carries some limited weight against granting planning permission.
64. I note the concerns of some interested parties regarding the traffic that would be generated by the proposed development and the increase in demand upon local infrastructure, including the Swallowfield Medical Practice. Whilst the appeal site is not ideally located in terms of main services and facilities it is in an accessible location. I note that having considered the appellant's detailed Transport Assessment, Travel Plan and Stage 1 Road Safety Audit the Council's highway officers did not raise any objections.
65. Whilst those living in and around the village are likely to be very familiar with local traffic conditions, there is no technical or other cogent evidence to justify withholding permission on highway grounds. There is also nothing of substance to demonstrate that local services would be unable to cope with the demands of new residents.
66. I note the fears of some residents regarding flooding. However, neither the Council's Drainage Officer nor the Environment Agency objected to the proposals. There is no technical or other cogent evidence to refute the findings within the appellant's Flood Risk Assessment (including Addendum) and drainage appraisal that the proposal would not increase the risk of flooding.
67. In determining the appeal I have had regard to the other appeal decisions that have been drawn to my attention. However, no two sites are the same and the planning policies and landscape characteristics that were 'in play' in these other appeals are different to what is before me. These other decisions do not set a precedent that I must follow.

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<sup>15</sup> Consideration would be given to the other agreement (Document 5) if I was minded to allow the appeal.

*Planning Balance / Overall Conclusion*

68. When all of the above is weighed together, including the shortfall in the supply of housing, I find that the adverse impacts of the proposed development and in particular, the harm to the character and appearance of the area, significantly and demonstrably outweigh the benefits. Whilst the appeal scheme accords with some aspects of the development plan when the plan is considered as a whole, I find that the proposal would conflict with it.
69. The appeal scheme would satisfy the social and economic dimensions to sustainable development. However, the proposed landscape planting and ecological benefits would be insufficient to set aside the harm that I have found to the character and appearance of the area and to the significance of Wyvol's Court. The proposal fails to satisfy the environmental dimension to sustainable development and is contrary to the policies of the Framework taken as a whole.
70. Having regard to all other matters raised, I conclude that the appeal should not succeed.

*Neil Pope*

Inspector

Richborough Estates

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Miss S K Sheikh QC Instructed by Ms L Jennings, Solicitor to the Council

She called

Mr S Ryder BA (Hons), CMLI Director, Ryder Landscape Consultants Ltd

Mr J Spurling BSc (Hons), PG DipTP, PG DipLaw, CMI, MRTPI Growth and Delivery Manager

Ms E Circuit BA, MSc, DipUD, MRTPI Delivery Manager, South Wokingham SDL

Mr C Howard BSc (Hons), MSc, PG Dip Delivery Manager, M4 SDL

Mr N Chancellor BA, MSc, MRTPI Delivery Manager, Arborfield SDL

Mr A Chugg BA (Hons), DipTP, MRTPI Development Management Team Leader

Mr A Glencross HND Green Infrastructure Service Manager  
Conservation MGT, MSc  
*(Spoke during the discussion on the S106 agreements)*

### FOR THE APPELLANT:

Mr S Choongh of Counsel Instructed by the appellant

He called

Mrs C Brockhurst FLI, BSc (Hons), DipLA Partner, Tyler Grange LLP

Mr M Carr BA (Hons), DipLA, DipUD, RIBA Director, Pegasus Group

Ms J Mulliner BA (Hons), BTP, MRTPI Director and Head of National Planning, Terence O'Rourke Ltd

Mr A Macdonald BSc (Hons), DipTP, MRTPI Director, Boyer

Mr R Mitchell Appellant  
*(Spoke during the discussions on the planning conditions)*

INTERESTED PERSONS:

Cllr S Munro

Member of Wokingham Borough Council  
(Swallowfield Ward)

Cllr J Anderson

Vice Chairman, Swallowfield Parish Council

DOCUMENTS SUBMITTED AT THE INQUIRY

Document 1	Opening Submissions on behalf of the appellant
Document 2	Opening Submissions on behalf of the Council
Document 3	Bundle of appeal decisions
Document 4	Errata and documents referred to in Ms Stoten's evidence
Document 5	Section 106 Agreement, including affordable housing
Document 6	Section 106 Agreement – SPA mitigation
Document 7	Letter dated 6 October 2017 from Miller Homes
Document 8	E-mail dated 25 September 2017 from Legal & General
Document 9	E-mail dated 4 October 2017 from Bellway Homes Limited
Document 10	Lease agreements for some prior approval sites
Document 11	Appeal decision T/APP/H0330/A/91/176543/P2
Document 12	Refusal notice 32125 dated January 1989
Document 13	Revised Appendix 2 of Mr Macdonald's proof of evidence
Document 14	Agreement between the appellant and Bellway Homes
Document 15	Addendum to SoCG – Housing Land Supply
Document 16	List of suggested planning conditions
Document 17	Suggested access conditions
Document 18	S106 Compliance Statement
Document 19	Thames Basin Heaths SPA Delivery Framework
Document 20	Judgement in Forest of Dean District Council v Secretary of State for Communities and Local Government and Gladman Developments Ltd [2016] EWHC 421 (Admin)
Document 21	Judgement in East Staffordshire Borough Council and Secretary of State for Communities and Local Government and Barwood Strategic Land II LLP (2) [2016] EWHC 2973 (Admin)
Document 22	Predicted housing delivery timeline for the appeal site
Document 23	Appeal decisions ref. APP/3045/W/17/3173201 & 31733203
Document 24	Closing Submission on behalf of the Council
Document 25	Closing Submissions on behalf of the appellant
Document 26	Appeal decision ref. APP/T2405/W/17/3168737