



Appeal Decision

Inquiry held on 11-14 November and 8 December 2014

Site visit made on 13 November 2014

by **L Rodgers B Eng (Hons) C Eng MICE MBA**

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

Decision date: 2 February 2015

Appeal Ref: APP/R0335/A/14/2219888

Land at Tilehurst Lane, Binfield, Bracknell, Berkshire RG42 5NJ

- 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 Bloor Homes and JPP Land Ltd. against the decision of Bracknell Forest Borough Council.
 - The application Ref 13/00746/OUT, dated 27 August 2013, was refused by notice dated 20 December 2013.
 - The development proposed is an outline application for the demolition of Toll House and the erection of 72 no. dwellings (71 net) together with new vehicular and pedestrian access from Church Lane and pedestrian access from Tilehurst Lane.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with only the matter of access to be determined at this stage. Matters of appearance, landscaping, layout and scale were all reserved for future determination and I have dealt with the appeal on the same basis.
3. The site address above has been commonly used by the parties to the appeal and reflects that on the Council's decision notice and the appeal form. Although vehicular access to the site would be taken from Church Lane, and the application itself refers to 'Land at Church Lane', I consider the above address sufficient to identify the site location - which in any case is confirmed by the submitted drawings.
4. Although the Council considered the application, and in particular the access, against Drawing No. 0624/SK/001D, the Appellants confirmed at the Inquiry that they wished to substitute Drawing No. 0624/SK/021B. Notwithstanding that this would constitute a change to the basis on which the Council considered the application there can be occasions where amendments could be made to a scheme without prejudice to the delivery of a fair system. Where amendments are proposed, those amendments should be considered in light of the 'Wheatcroft' judgement (*Bernard Wheatcroft Ltd vs SSE* [JPL, 1982 P37]) which established that "*the main, but not the only, criterion on which...judgement should be exercised is whether the development is so changed that to grant it would be to deprive those who should have been*

consulted on the changed development of the opportunity of such consultation”.

5. Compared to the scheme initially proposed the later scheme involves a slightly simpler form of junction. However, I do not see that this constitutes a fundamental change to the access in that its location is similar and it would still serve the same number of properties. The Council has had an opportunity to examine and comment on the revised proposals and as a result no longer sustains an objection to the access arrangements, a matter reflected in the Highways Statement of Common Ground (HSOCG). Whilst a number of third parties still object on highway grounds the proposed changes would have little effect on those objections and no substantive objections to the changes were raised at the Inquiry. I therefore consider that no party would be prejudiced if I was to base my determination on the revised access proposals –which are not so significant as to preclude them being secured by condition. Accordingly, I have based my assessment on Drawing No. 0624/SK/021 Rev B.
6. The Appellants have submitted a planning obligation dated 13 November 2014 pursuant to Section 106 of the Town and Country Planning Act 1990. This is a material consideration which I have taken into account in my decision.
7. Notwithstanding that the Council cited 8 reasons for refusal, it was confirmed that, following submission of the revised access proposals and the s106 obligation, the Council no longer wished to pursue Reasons for Refusal Nos. 2, 3, 4, 5, 6, 7 and 8.

Main Issues

8. In light of the procedural matters above I consider that the main issues are the effect of the proposed development on the character and appearance of the area and whether the development should be regarded as sustainable having particular regard to its location and the Council’s housing land supply.

Reasons

Character and appearance

9. The Statement of Common Ground (SOCG) records that the appeal site, which lies to the north of Tilehurst Lane, extends to around 3.37ha. It comprises the residential curtilage of Toll House and an area of largely undeveloped land.
10. Tilehurst Lane forms the site’s southern boundary. There are residential properties on the opposite (southern) side of Tilehurst Lane which also represents the settlement boundary of Binfield. The eastern boundary of the site fronts onto Church Lane, whilst the northern boundary abuts some kennels and their access. The Stag & Hounds Public House is located to the south east of the site and the western boundary abuts an area of pasture and trees to the south-east of Binfield Park Farm. There are a number of, mostly deciduous, trees within and adjacent to the appeal site. In particular the site's southern and eastern boundaries are defined by mature landscape buffers as is the boundary furthest to the west, close to Tilehurst Lane.
11. The existing development along the southern side of Tilehurst Lane exhibits a number of suburban characteristics. However, those characteristics are tempered by the presence of the trees along the lane and by the glimpses

through the trees to the open countryside to the north. Seen as a whole, I consider that the lane has a semi-rural ambience.

12. Although there is already some development, the appeal site is mostly open and more or less contiguous with the swathe of open countryside to the north. Whilst in part appearing as somewhat of a transition between the development on Tilehurst Lane and the more rural and open countryside to the north it is clear that the site contributes to the rural setting of this part of Binfield – albeit that appreciation of that setting is more in views out from the village rather than in views towards it. Indeed, views of Binfield with the appeal site in the foreground are very limited due to the landform and tree cover.
13. The proposed development would be outside the settlement boundary and would constitute an encroachment into the countryside. Notwithstanding the outline nature of the proposals and the Appellants' view that the development would be partly rural and visually soft, I consider it almost inevitable that the quantum of housing being proposed would result in the introduction of an overtly suburban development into a largely pastoral landscape. That, in consequence, is bound to detract from the current rural setting of Binfield and compromise the semi-rural character of Tilehurst Lane. As such I consider that the development would be materially harmful to the existing character and appearance of the area.
14. The core principles laid out in the NPPF make it clear that planning should take account of the different roles and character of different areas, should recognise the intrinsic character and beauty of the countryside and should contribute to conserving and enhancing the natural environment; at a local level there is also a range of policies which seek to protect or enhance the character of an area. These include Policy CS1 of the Bracknell Forest Core Strategy 2008 (CS), which seeks to protect and enhance the character and quality of local landscapes and the wider countryside and CS Policy CS9 which states that the Council will protect land outside settlements for its own sake - particularly from development that would adversely affect the character, appearance or function of the land.
15. In addition, Policy EN8 of the Bracknell Forest Borough Local Plan 2002 (LP) notes that the countryside will be protected for its own sake and that outside development boundaries, development will be permitted only where it would not adversely affect the character, appearance or function of the land and would not damage its landscape quality. LP Policy H5 notes that a new dwelling will not be permitted outside settlement boundaries unless, amongst other matters, there is a need in connection with an acceptable use that cannot be met within the settlement and it would cause no harm to the character of the area or to the relationship between the settlement and the surrounding landscape. LP Policy EN20 seeks for development to be in sympathy with the appearance and character of the local environment and to retain and where reasonable enhance beneficial landscape features.
16. The Appellants accept that the proposal would breach development plan policies concerning both the settlement boundary and the landscape. In light of my earlier findings I too consider that the development would be contrary to those local policies and national principles identified above. However, I consider it also necessary to give some consideration to the magnitude of the harm.

17. The Council maintains that the development would have an adverse impact on a valued landscape and would cause the loss of valued landscape features. The National Planning Policy Framework (NPPF) states at Paragraph 109 that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. However, what is meant by a 'valued landscape' and how it might be identified is open to interpretation.
18. In this case I have no doubt that the pastoral openness of the appeal site is highly valued by the residents of Tilehurst Lane as well as by others who may only experience the site in passing. However, unless it is especially degraded, it is likely that most open land outside a settlement boundary would be termed a 'valued landscape' by those who regularly experience it. Consequently, seeking to define a 'valued landscape' in this manner is not particularly helpful in seeking to inform where and whether development might take place.
19. The site is not subject to any local or national landscape designations. The parties have, however, referred to various landscape character assessments which seek to place the appeal site in context. These include the Berkshire Landscape Character Assessment. This sets out a landscape strategy for the relevant typology (*Settled Farmlands*) as being to strengthen and enhance the landscape character - including that of the remaining mixed pastoral and arable farmed landscapes.
20. At a more detailed level is the Bracknell Forest Borough Council: Landscape Analysis of Sites Allocations and an Assessment of Gaps/Green Wedges (August 2006), a study undertaken to inform the selection of preferred housing options early in the Local Plan process. In that document the site is placed within the Binfield Open Clay Farmlands (CL2) categorisation with the study concluding that this area has a moderate capacity to accept change. This is explained as meaning that some development may be accommodated in the landscape without significant effects on its character, or overall change of landscape character type.
21. The Council's Character Area Assessments SPD (2010) shows that the site lies just to the north of Area A: Binfield. It identifies that the character of Area A is heavily influenced by the surrounding open rural landscape, especially to the north and east, commenting that the Binfield Open Clay Farmlands to the north are well enclosed with limited views and a strong contrast with the urban form. It also notes that Tilehurst Lane retains remnants of its rural character, partially bounded by hedgerows and roadside ditch/stream.
22. However, it seems to me that these assessments are of only limited value in analysing the impact of the development; a number cover a very wide area¹ and even those which address the appeal site itself are fairly general. A more detailed assessment of the area was however carried out to inform the selection of strategic site options for the SALP. This concluded that Area 5.C1 (North of Tilehurst Lane), which includes but is larger than the appeal site, is "*.....less sensitive than CL2 and RV2 [the adjacent character area] as a whole and could accommodate some development adjacent to Tilehurst Lane, providing it is in keeping with the local landscape townscape character. The landscape capacity is moderate.*"

¹ Eg The Berkshire Landscape Character Assessment

23. According to the Appellants' Landscape and Visual Impact Assessment (LVIA) the site is visually well contained preventing most local and medium views of the site. Whilst it is accepted in the LVIA that views from Church Lane will incur moderately significant visual effects during construction and for some time thereafter it is considered that these will reduce to 'not significant' after 15 years. Overall the LVIA suggests that the surrounding landscape has a low sensitivity and is able to accommodate this type of change because it is characteristic of the area.
24. The Council, however, considers that the magnitude of change has been underestimated. In particular the Council considers that to identify the scale of effect on the site itself as 'minor', 'slight' or 'negligible', when the change in question includes the permanent loss of open pasture and its replacement with 72 houses, associated hardstandings, estate roads and gardens is not a reasonable assessment. Whilst the Council acknowledges that the Appellants' assessment in part appears to derive from the starting point that the development would be 'part rural in nature', I agree with the Council that the development is more likely to appear suburban in nature.
25. I have no reason to doubt the experience or credentials of the Appellants' expert witness or that the LVIA has followed an accepted methodology. Nonetheless, use of that methodology still requires a number of judgements to be made and the Appellants accept that the Guidance for Landscape and Visual Impact Assessment (Third edition)(GLVIA3) acknowledges that different assessors will have different opinions – and the methodology does not replace site assessment.
26. Based on my observations during the site visit, I consider that the open pasture and the trees and bushes in and around the appeal site, all of which are set in a rolling landform, make the site subjectively attractive and I have no reason to question the Council's view that the site exhibits a number of landscape characteristics typical of the area and worthy of protection. However, although lying outside the appeal site, the presence of the kennels to the northwest degrades the landscape. Similarly, the pastoral qualities of the landscape are also somewhat compromised by the Toll House and its ancillary buildings and domestic accoutrements.
27. The site is well contained in longer views from the north by the undulating landform. It is also reasonably well screened from both Tilehurst Lane and Church Lane by tree belts and undergrowth. There are, however, filtered views of the site from Tilehurst Lane and whilst my visit was at a time of sparse leaf cover it seems unlikely that all views would be blocked even when the trees are in full leaf. Consequently the impression of an open landscape behind the tree belt would, in my view, still be there in summer. There are also some distant views towards the site from the west/northwest although many potential views are constrained by trees or the kennels.
28. The replacement of the existing pastoral landscape by the construction of an estate of dwellings should, in my view, be regarded as a significant change. However, in long views from the north and west those changes would have limited visibility and, in consequence, limited impact. Despite the screening effect of the trees the changes are, however, likely to have an appreciable impact on the character of Tilehurst Lane and the sensitive receptors living opposite the site. Whilst it may be possible to mitigate any such effects by a

carefully chosen layout and landscaping, the remaining rural character of Tilehurst Lane would be further compromised.

29. As far as Church Lane is concerned, if the existing tree belt along was to remain untouched it is likely that construction of the dwellings would go largely unnoticed. However, the proposed access would itself introduce a suburban form onto the lane and would also provide views through to the rest of the development. The impact on the lane would be exacerbated by the removal of the undergrowth and trees necessary to facilitate the visibility splays. The presence of an access to a suburban style development in an otherwise rural environment would, to my mind, appear highly incongruous. The lack of any pedestrian connection from the proposed access along Church Lane would simply emphasise the isolation of the development from the rest of the developed area of Binfield and reinforce its incongruous nature. Whilst I accept that some of these effects are likely to reduce over time as new planting becomes established, and that most people would only have transient experiences of these changes, I nonetheless consider that they weigh heavily against the proposal.
30. The illustrative drawings also indicate that a landscape mound and acoustic fence would be provided along the boundary with the kennels. Such a solution would, in my view, be perceived as a wholly artificial and alien form in the rural landscape. I accept that the proposal is in outline. However, the Appellants and Council have agreed a condition requiring a scheme to be provided for protecting the proposed dwellings/gardens from noise from the kennels – suggesting that some form of acoustic screening would be required. Even though the kennels and the proposed housing would themselves restrict the wider views of any such screening, I consider it unlikely that, on the basis of the evidence before the inquiry, effective acoustic screening could be provided without creating a somewhat harsh and uncompromising edge to the development. The suburban, or possibly even urban, nature of any likely acoustic screening would add to the overall incongruity of the development.
31. I accept that the site is particularly well screened and that it has already been assessed as having a moderate capacity for development. Nevertheless, in assessing the particular proposal before me, I consider that despite the site's screening the proposed development would appear as an incongruous suburban enclave in its rural setting. In my view that would result in very considerable harm to the character and appearance of the area.

Sustainability and five year housing land supply

32. In terms of its location and the consequences for sustainability the site lies just outside the settlement boundary. However, the SOCG notes that the site is within 1Km of the centre of Binfield which benefits from a private college, a primary school, 3 churches, 4 public houses, a doctors' surgery, a dental surgery, a chemist, and various other services including a Londis supermarket (with post office) and a garden centre.
33. The SOCG also notes that the site benefits from bus services running from Forest Road, approximately 100m south of the site. The bus services offer links to Bracknell town centre and key services including Wexham Park Hospital. Employment opportunities are said to be available within the built-up area of Bracknell and Bracknell Train Station also offers rail links to other major

employment centres including Reading (approx 20 minutes), Wokingham (6 minutes) and London (approx 1 hour).

34. Notwithstanding the local transport links described above a number of third parties suggested that, in reality, the links are limited and any future residents would largely depend on private cars for the majority of their trips. I agree that this is likely. Nonetheless, given the locally available range of services the site is, from a transport perspective, reasonably sustainable. The Council's draft submission Site Allocations Development Plan Document Background Paper² identified Binfield as a sustainable settlement and the draft sustainability appraisal for 'SHLAA ref 90' (an area including the appeal site) scored the site positively in relation to its potential to provide housing and its accessibility to services and facilities in Binfield.
35. Sustainability however extends well beyond location and services and the NPPF is a weighty material consideration to be taken into account in its assessment. Paragraph 6 notes that the purpose of the planning system is to contribute to the achievement of sustainable development and Paragraph 14 explains that a presumption in favour of sustainable development is at the heart of the NPPF.
36. NPPF Paragraph 49 notes that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. NPPF Paragraph 47 makes it clear that to boost significantly the supply of housing local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for housing in the housing market area and should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing, plus a buffer, against their housing requirements.
37. The Council maintains that it can demonstrate a housing land supply (HLS) in excess of five years and in consequence relevant policies for the supply of housing should be considered up to date. This is disputed by the Appellants who take issue with the Council as to the housing need, the methodology for addressing any historical shortfall ('Liverpool vs Sedgefield'), the methodology for the application of any buffer and the deliverability of certain sites. I shall address each of these issues separately beginning with the deliverable supply.

Deliverable supply

38. The NPPF sets out a number of parameters to be considered when deciding whether or not a site is deliverable including that it is available now, offers a suitable location for development now, and is achievable with a realistic prospect that housing will be delivered on the site within five years and, in particular, that development of the site is viable. It also notes that sites with planning permission should be considered deliverable until permission expires - unless there is clear evidence that schemes will not be implemented within five years. The Planning Practice Guidance (PPG) makes it clear that planning permission or allocation in a development plan is not a prerequisite for a site being considered deliverable in terms of the five-year supply.

² PoE Muston Appendix 3

39. According to the Housing Land Supply SOCG the Council believes it has a five year deliverable supply of 4,320 units; the Appellants considers that the Council's figures are considerably overstated on a number of sites and that in consequence the total deliverable supply should be only 3,138 units. I shall look at the disputed sites in turn.

Land at Warfield (Area 2)

40. The Council considers that this site will deliver 360 units by 2019, the Appellants 261. The site is in the ownership of a single developer, has planning permission for 750 units and the application to discharge pre-commencement conditions has been made. A s106 agreement has also been negotiated and agreed. According to the Council the developer has confirmed an intention to start on site in January 2015. I therefore see no reason to believe that the site will not deliver housing within the five years; the only issue is at what rate.
41. The Council's position is largely based on discussions that took place through the s106 negotiations. In particular, as the s106 requires delivery of a primary school before more than 110 units are constructed, and the applicant anticipates delivery of the school by September 2016, the Council suggests that this equates to a delivery rate of around 100 units a year (on the basis that the first units will not be available until August 2015). The Appellants, however, consider firstly that tying the delivery of units to the opening of the school is a *non sequitur* and, secondly, given the Appellants' knowledge and previous experience of the developer concerned, it is considered unlikely that any of the land would be sold on to other developers - and in consequence the delivery rate would be much lower than that being assumed by the Council.
42. I accept that there does not appear to be anything tying delivery of 110 units to the opening of the school - the number of units actually completed might, for instance, be less - nor anything which appears to explicitly tie delivery of the school to September 2016. However, it seems unlikely to me that the developer would seek to deliver the school earlier than was necessary and I note that September 2016 date is the applicant's own phasing.
43. The Officer's report on the application, relied on to some extent by both main parties, suggested that with a start on site at the end of 2014, 87 units would be complete by November 2015. Whilst this particular phasing is no longer applicable, it nonetheless suggests that completion of around 8 units a month (or approximately 100 units pa) would not be an unreasonable assumption. Despite the Appellants' discussions with, and previous experience of, the developer there is, in reality, little in the way of substantive evidence before the inquiry to support a lower delivery rate.
44. I find none of the evidence particularly convincing or robust and whilst there must be some risks to the delivery rates anticipated by the Council I do not consider that the Appellants' views can be regarded as clear evidence that the scheme will not be implemented within five years. I shall therefore adopt the Council's suggested delivery of 360 units on this site.

Transport Research Laboratory

45. In overall terms the site is around 100ha and is intended to deliver 1000 units. It has a resolution to grant planning permission subject to a s106 obligation -

due to be completed in January 2015 – but will require some preparatory works to be undertaken. The Council considers that the site will deliver 460 units by 2019, the Appellants 200. The difference arises from a combination of different start dates and delivery rates.

46. In terms of delivery the Council assume 150dpa. This is based on multiple house builders as suggested in the outline application³ and an email from the site owner⁴ confirming that the Council's assumed build out rates still represent the owner's current thinking. The Appellants consider that 150dpa is optimistic by comparison to other strategic sites in the Borough which, with one exception, have maximum projected build out rates of 100 units per annum. However, whilst I note the Appellants' view it seems to me that a build out rate of 150dpa would not be unrealistic on a site of this size, especially with multiple developers. As the site owner is clearly considering involving more than one developer I am content to accept the Council's assumed delivery rate.
47. In terms of a start date, the Appellants consider the Council's assumed start date to be optimistic and point out that there is an error in the start date suggested by the Council in its trajectory and that subsequently endorsed by the owner. However, whilst I accept that there is an inconsistency it also seems to me that as the Council's email to the owner refers to "...150 per annum for the following three years to 2018/19" the owner was, in reality, agreeing to both the Council's projected start date and delivery rate.
48. That said, I note that the indicative construction programme put forward with the application anticipates that some 8 months of asbestos removal would occur before the grant of planning permission, starting in 2013. The development would then be completed in phases with residential development shown as occurring in Phase 3 – itself not starting until 2015. Notwithstanding that the Council notes that the various phases are intended to be carried out alongside each other, as the asbestos removal has not yet taken place it seems somewhat optimistic to anticipate that housing delivery would start in 2015/16.
49. In light of all these factors it is my judgement that the Council's anticipated 160 dwellings in 2015/16 and 2016/17 should be reduced to 80 dwellings and the overall five year delivery should be regarded as being 380 units.

Land north of Peacock Lane

50. The Council has assumed a delivery of 180 dwellings, the Appellants 106. Although the Appellants' figure is based on the current application for the site, the Council explained that this was part of a reserved matters application and as such had been constrained by the original permission.
51. Discussions now taking place with the applicant are seeking an increase in density such that the site would deliver around 30 more dwellings. The Council also points out that the current application does not relate to the whole of the allocation, the remainder being promoted by the applicant through the SALP process as potentially suitable for 37 units. This was subsequently included as a main modification to the SALP.
52. Although the Appellants question whether the increased density could be realised, and point out that there is no permission for the remainder of the site

³ Bond Annex to Deliverable Housing Supply 2.4

⁴ Hird Supplementary PoE App 6

(which, it is also suggested, is in any event unsuitable for residential development) I was given no substantive evidence to fatally undermine the Council's assumptions. However, as the Council's assumptions would, at best, produce some 173 dwellings, for the purposes of assessing a five year supply it seems more appropriate to assume delivery of 170, rather than 180, units.

Sandbanks, London Road

53. The Council has assumed delivery of 49 dwellings whereas the Appellants, as a result of land contamination and subsequent viability issues, zero. Whilst the viability issues are clearly of some concern, I understand that a developer has an option on the site and that an application for a development of some 62 dwellings has already been submitted. Although the Appellants suggest that the Council cannot envisage more than 49 dwellings on the site, and that in consequence the viability circle cannot be squared, the Council confirms that discussions are currently ongoing with the applicant.
54. Whether or not the problem ultimately proves intractable is, on the evidence before me, a matter of conjecture. However, the fact that the applicant has submitted an application at all suggests that some form of solution is available. As the site is likely to deliver either no dwellings or more than 60, for the purposes of assessing a five year supply I propose to assume that 30 dwellings will be delivered compared to the Council's 49. Whilst this clearly represents an unreasonable proposition for this site on its own, such assumptions should average out across the whole portfolio.

Amen Corner South

55. The Council has assumed a delivery of 350 dwellings, the Appellants zero. Although, on the basis of an outline application, the site has a resolution to grant permission the Appellants point out that, despite being under consideration for some 18 months, the application was only referred to the planning committee in August 2014 - with the applicant now having until January 2015 to complete the s106. The Appellants consider this alone to be a threat to the Council's projected delivery of 50 dwellings in 2015/16. The Appellants also note that the site is in multiple-ownership, that there is as yet no developer appointed and that a commercial agreement will be required with an adjoining landowner (concerning drainage of the site and use of the adjoining landowner's balancing pond) before any development can begin. As such the Appellants consider that the adjoining landowner holds the promoters in a ransom position and in consequence will be in no hurry to complete a commercial negotiation.
56. Despite the endorsement given by the landowners to the Council's suggested delivery rates⁵, that endorsement was in July 2014, prior to the consideration of the application at committee. In light of the time that has now elapsed since the landowner's endorsement of the suggested delivery rates and the range and complexity of the issues identified above it seems to me that the Council's assumed start date, and thus overall delivery, is highly optimistic. Conversely I see no reason to believe that the site will fail to deliver any housing in the five year period. Based on the information before me I consider it is reasonable to assume that a start on site is likely to be delayed by a year. The

⁵ Hird Supplementary PoE appendices p74

effect of such a delay would be to reduce the Council's assumed delivery by 100 units. Delivery should thus be taken as 250 units.

Land at Warfield (Area 1)

57. The Council has again assumed a delivery of 350 dwellings, the Appellants zero. This area forms part of a comprehensive development and is subject to a Masterplan which is currently out for consultation. However, whilst an allocated site, there is as yet no planning permission or application. The site requires the provision of Suitable Alternative Natural Green Space (SANG) but as the area earmarked for the on-site SANG (Cabbage Hill) is in the ownership of a separate commercial party (a house builder) the Appellants consider that there is an intractable commercial issue and as such the site cannot be considered available now.
58. Although the Council suggests that two further options for the SANG are under discussion, the details are confidential and I can give them little weight. Nevertheless, I agree with the Council that, whilst there would need to be some form of commercial equalisation agreement, this does not necessarily mean that the problem is intractable. The Council also points out that the owner of the potential SANG made representations through the SALP examination to say that there was such land available in order to facilitate development.
59. In my view it would therefore be unreasonable to assume that no dwellings would be delivered on this site within five years. However, as the Council itself lays out⁶ the site ownership is highly complex and given that the Masterplan consultation is not complete there must, to my mind, be some risks in assuming that 50 dwellings would be delivered in 2016/17. I do, however, accept that the Council's assumed delivery rate of 150dpa in 2017/18 and 2018/19 could be achieved, particularly if a number of developers were to be involved.
60. In light of these matters I see no compelling reason to depart from the Council's assumed numbers, albeit that I consider them to be at significant risk. I therefore intend to assume that 350 dwellings will be delivered from Warfield (Area 1).

Summary of deliverable supply

61. The Council considers it has an overall 5 year deliverable supply of some 4,320 dwellings whereas the Appellants consider that only 3,138 dwellings would be delivered. In light of my reasoning above I consider that the Council's assumed supply is optimistic and the Appellants' alternative is unduly pessimistic. In my judgement the Council's assumed supply should be reduced by some 209 units made up of - 80 (Transport Research Laboratory), - 10 (Land North of Peacock Lane), -19 (Sandbanks) and - 100 (Amen Corner South).
62. Whilst I also consider there to be further, significant risk of delivery at Warfield Area 1, for the purposes of assessing whether or not the Council has a five year HLS I shall assume that the likely 5 year delivery equates to some 4,111 units.

⁶ Hird PoE Table 5 p35/36

Housing requirement

63. NPPF Paragraph 47 is clear that the Local Plan should meet the full, objectively assessed needs (OAN) for housing in the housing market area. The Council relies for its OAN on the figures in its CS pointing out that the SOCG notes⁷ that CS Policy CS15 sets out the housing requirement for the Borough between 2006 and 2026. However, and notwithstanding that the SOCG also goes on to record that these "...figures set out the requirements for calculating the five year housing land supply requirement", the Appellants argue that the figures in the CS are out of date and do not represent the OAN.
64. Whilst the Council is concerned at the apparent shift in the Appellants' position since agreeing the SOCG, I note that the Appellants' statement of case set out an intention to provide evidence as to the appropriateness of the Council's housing requirement. In any event, whatever the interpretation or genesis of the statements in the SOCG it seems to me that, having regard to the NPPF, I must try and understand whether or not the figures relied on by the Council can in fact be considered as the OAN.
65. CS Policy CS15 notes that over the period of 2006 to 2026 the Council will make provision for the phased delivery of 11,139 net dwellings. According to CS Paragraph 173 the "...submission South East Plan identifies that 10,780 new dwellings should be built in the Borough between 2006 and 2026 – an annual average of 539 dwellings per annum. In addition, there is an additional 359 dwelling shortfall carried over from the period up to 2006 to be made up in the period to 2017, making a total of 11,139 dwellings to be provided." This is reflected in CS Policy CS15 which puts forward broad phasings of 572 dpa between 2006 and 2017 and 539 dpa between 2017 and 2026.
66. The Council points out that there is no dispute that the housing figure in the CS represents the only adopted housing requirement for the Borough and considers that as the CS covers the period up to 2026; has been tested and found sound at examination; and, has not been superseded by any more recent assessment of housing need it should be considered up to date. The Council also points out that it is the figure that has been carried through to the Site Allocations Local Plan (SALP), not simply as a matter of housing numbers, but as a means of delivering housing according to the spatial strategy in the CS. As such the Council considers the CS numbers to be the most reliable representation of housing needs that should continue to be used for the purposes of the five year requirement until the Strategic Housing Market Assessment (SHMA) or Local Plan process is further advanced.
67. Whilst I accept that it is not disputed that the CS figures represent the only adopted housing requirement for the Borough, as the CS itself records at Paragraph 173, the housing requirement figures are based on the submission South East Plan (SEP – also known as the Regional Spatial Strategy (RSS)). The report of the panel following the examination in public of the SEP⁸ notes at Paragraph 21.54 that, in considering the overall housing provision, "*Our finding is that for the reasons summarised in Chapter 7 we consider the draft Plan's provision to be too low.*"

⁷ Paragraph 5.6

⁸ Bond Appendix 5 'The South East Plan Volume 1: Report August 2007'

68. In the specific case of Bracknell Forest, Paragraph 21.94 of the panel report states that *"We recommend that 2,000 (100dpa) should be added to the draft Plan provision for Bracknell Forest, totalling 12,780, equivalent to 639dpa (2006-26)."* The annual average figure of 639 is contained in Table H1b of the SEP (May 2009), that table being prefaced by the words *"Local planning authorities will prepare plans, strategies and programmes to ensure the delivery of the annual average net additional dwelling requirement as set out in Table H1b."*
69. It therefore seems clear to me that the level of housing provision in the CS has, through an independent examination process, already been found to be too low. Despite the SEP report not being publicly available at the date of adoption of the CS, the Inspector's report on the examination into the CS⁹ is clear at Paragraph 207 that *"...if the RSS is finally adopted with different housing figures for the Borough, then it is likely that the Core Strategy will need to be reviewed to ensure conformity with the RSS."* I understand no such review has taken place. Whilst the RSS (SEP) has since been revoked and the evidence bases for the draft SEP and the SEP are not before this inquiry I do not see these matters as good reasons to simply ignore the findings of the SEP panel. Its findings were arrived at following an examination in public and cannot simply be put aside, albeit that they are now some years old.
70. Notwithstanding the panel's findings, I accept that the recent SALP (July 2013) is based on the housing numbers in the CS. However, the Inspector's report on the examination into the SALP notes that, had *"...the SEP's housing policies still been extant, the resulting difference would have raised concerns of general conformity..."* before going on to note that *"...given that these policies have now been revoked, it is appropriate to consider the soundness of the SALP in the context of the adopted CS. Indeed, consistency with the CS is required by the 2012 Regulations."*
71. Consequently, and despite his acknowledgment that higher housing numbers had been put forward in the SEP, it is clear that the SALP Inspector considered that his assessment of the soundness of the SALP had to be undertaken in the context of the CS numbers. Indeed, he noted in his report that whilst many parties wished to revisit the underlying justification for the scale of housing proposed in the SALP, *"...given that the SALP has been prepared in the context of an adopted CS, such a review would represent a significant change in the Plan's role and purpose – which is to allocate sites in line with the CS."*
72. The Inspector's approach here is consistent with that of the Inspector assessing the soundness of the Wokingham Borough Council site allocations document, a matter considered by the High Court in the case of *Gladman Development Ltd v Wokingham Borough Council*¹⁰. The judge in that case held that *"...an inspector assessing the soundness of a development plan document dealing with the allocation of sites for a quantity of housing which is needed is not required to consider whether an objective assessment of housing need would disclose a need for additional housing"*.
73. I therefore do not see the SALP Inspector's finding of soundness as an endorsement of the numbers in the CS. Rather the Inspector's approach was

⁹ Inquiry Document 13

¹⁰ Bond Appendix 33 [2014] EWHC 2320 (Admin)

- intended to be compliant with the relevant Regulations and, as the Inspector himself noted, to avoid counter-productive delays in the release of sites.
74. In light of these matters I consider that there must be very serious question marks over whether or not the housing numbers in the CS can be said to represent the OAN.
75. The Council points out that the PPG¹¹ says that housing requirement figures in up-to-date adopted Local Plans should be used as the starting point for calculating the five year supply – and argues that as the CS covers the period up to 2026 and has not been superseded by any more recent full assessment of housing need it is up to date. However, I am conscious that the PPG also notes that considerable weight should be given to the housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless *significant new evidence comes to light* (my emphasis). The findings of the SEP panel should, to my mind, be regarded as 'significant new evidence' - although I am also conscious that the PPG says that it should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.
76. The PPG goes on to say that where there is no robust recent assessment of full housing needs, a situation that must apply here, the household projections published by the Department for Communities and Local Government (DCLG) should be used as the starting point. However, the PPG also acknowledges that the weight given to these projections should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure).
77. Whilst accepting that the figure has not been tested, the Appellants note that the current DCLG household projections show a need of 711 units per annum¹² - considerably in excess of the CS figures. The Appellants also point out that the PPG¹³ acknowledges that the household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends. For example, household formation rates may have been historically suppressed by under-supply and worsening affordability of housing. The Appellants believe that the historical under supply, now standing at 1774 units¹⁴, and the need for affordable housing of between 176 and 276 units per year¹⁵ (which at an average 25% per site would require a minimum of 704 dwellings to be built each year), both add support to the DCLG figure - which in consequence should be seen as robust.
78. For its part, the Council accepts that the CS housing figures are not perfect in that they are not contained in a post NPPF Local Plan and are not derived from a recent SHMA. However, the Council suggests that for a number of reasons,

¹¹ 3-30

¹² Bond Appendix 25

¹³ 2a-15

¹⁴ Housing Land Supply SOCG

¹⁵ Bond Appendix 12

such figures are still preferable to the bare statistical projections derived from the DCLG figures.

79. In particular the Council argues that the DCLG figures are based on the Office for National Statistics (ONS) population projections for 2011 and that the 2012 figures show the 2011 figures to be an overestimate of some 20%. All other things being equal, it is suggested that this would reduce the DCLG projections from 711 to 569dpa. More recent household projections by the Greater London Authority (GLA), based on the 2012 ONS statistics together with the application of household formation rates prepared for the purposes of testing the London Plan, produce household growth figures for the Borough of 562dpa to 2021.
80. The Council also considers that the lack of any adjustment to the bare figures, the limitations of the methodology underlying the projections and the relationship of the projections to the housing market area all reduce the reliance that can be placed on the DCLG projections. According to the Council, the Government's own methodology paper recognises that the limitations of the 2011-based population projections should be considered when assessing the 2011-based household projections.
81. The PPG itself records that establishing future need for housing is not an exact science and that no single approach will provide a definitive answer. On an annualised basis the figures derived from the CS equate to about 559 dpa; those from the GLA projections about 562dpa; those from a rough estimate of the effect of the 2012 population projections about 569dpa; those from the revoked RSS about 639dpa; and, those from the current DCLG projections about 711 dpa. Having regard to all the factors above I consider that basing the OAN on the current DCLG household projections would be likely to produce too high a figure. Conversely, if the OAN was taken to be the CS derived figure it is likely that it would be too low.
82. I am conscious that the Council argues that the CS figures have not only been tested through the examination processes for both the CS and the SALP but also form part of an adopted plan and should therefore be given preference over the current DCLG projections. However, whilst clearly part of an adopted plan the CS figures were not, as explained above, tested through the SALP examination process and were, in any event, subject to a caveat that they may need to be reviewed following the RSS examination. Although the more recent GLA projections have not yet been fully tested, I accept that they do lend some credence to the CS figures - as does the fairly crude estimate based on the 2012 population projections. Nevertheless, despite being revoked, the RSS housing need figure was not only subject to examination but was more recent than the CS figure. It should, in my view, be accorded similar weight to the figure from the CS.
83. Having regard to all these factors it seems to me that an equivalent OAN is likely to fall somewhere between the CS housing figures and those derived from the RSS - that is somewhere between 559dpa and 639dpa. For the purposes of assessing whether or not the Council can demonstrate a five year HLS I therefore intend to assume an equivalent OAN of 600dpa; I shall test the sensitivities of this assumption later.

'Liverpool vs Sedgfield'

84. Compared to the CS Policy CS15 requirements, the Housing Land Supply SOCG shows that there has been a shortfall in delivery in each year since 2006/7. This has led to an overall shortfall which currently stands at some 1,774 dwellings – a figure that could, in theory, increase if the CS figures were deemed too low. The Council believes that this shortfall should be spread out over the remainder of the plan period, resulting in an additional requirement of 148dpa for the remaining 12 years of the plan. The Appellants' view is that the shortfall should be recovered over the next 5 years. Based on the Council's assumed shortfall against the CS, accepting the Appellants' view would mean an additional requirement of 355dpa for each of the next 5 years.
85. The PPG¹⁶ notes that local planning authorities should aim to deal with any under supply within the first 5 years of the plan period where possible. Whilst the Appellants accept the Council's point that, on the face of it, this is taken from a plan making paragraph it seems to me that is nevertheless consistent with the Government's aim, expressed in NPPF Paragraph 47 and cross referred to in that part of the PPG, to boost significantly the supply of housing. Consequently I do not see the approach as applying exclusively to plan making. Nevertheless, whilst the PPG encourages dealing with the undersupply in the first 5 years it is not policy and it is not prescriptive. The words 'where possible' clearly suggest that some form of pragmatism is envisaged.
86. In considering the two ('Liverpool' vs 'Sedgfield') approaches to addressing the shortfall in delivery, the SALP Inspector noted that *"Both calculation methods have advantages and drawbacks. In the present case, it is clear that the SALP's delivery strategy involves larger sites that will require significant supporting infrastructure and that are likely to come forward at generally later stages during the Plan period. Seeking to meet the outstanding shortfall during a five year period would be inconsistent with that approach."*
87. I was given no substantive evidence to show that the mix of sites had changed appreciably since the considerations of the SALP Inspector and it is clear from the site specific information before me that the smallish number of sites which are expected to deliver a significant proportion of the five year housing supply are complex and would require appreciable supporting infrastructure. However, that does not mean that it would be impossible to bring smaller sites forward from later in the plan period - but the relative inflexibility of the larger sites is clearly a constraint on early delivery.
88. The SALP Inspector also noted that *"Moreover, it would require an even greater rate of housing delivery during the first five year period than is shown in the present trajectory. Projected completions during some of these years already markedly exceed recent delivery rates. It would be unrealistic to expect an even higher rate to be achieved."* Until the larger sites come on stream, achieving a step change in delivery - especially bearing in mind what has been a record of persistent under-delivery - would require a very considerable number of sites to be brought forward from later in the plan period. That in itself illustrates the considerable practical difficulties inherent in seeking to recover the shortfall over the next five years.

¹⁶ 3-035

89. That said, it seems to me that, based on my considerations of what the OAN might be, the CS figures are likely to represent the lowest level of requirement. The fact that there is a considerable backlog in delivery against even those figures means that there is already a significant unmet need. Such a need and backlog should clearly be met as soon as is practically possible - consistent with the principles of good planning.
90. The Council believes that the SALP Inspector's conclusions should, in the interests of consistency and good planning, only be departed from for good reason and that to change method now would fundamentally alter the basis upon which the delivery of the spatial strategy has been planned. The Council notes that the SALP Inspector himself said that "*...bearing in mind both that housing targets will be reviewed in the forthcoming Local Plan and that (as already noted) further delays to the present examination would be counter-productive, I am therefore satisfied on balance that the Council's approach is justified and that a five year housing supply has been demonstrated.*" However, I do not see that as a resounding endorsement of the Council's preferred methodology for recovering the shortfall over the plan period; rather, it appears to be an acceptance that adopting the Council's preferred methodology would be a pragmatic way of achieving early housing delivery in the context of a review of the housing targets through an imminent Local Plan. As the Council confirmed, that Local Plan has now slipped back considerably.
91. In my view the Council should be planning to recover the under supply within the next five years. Even if the practical and reasonable constraints of good planning mean that it is not sensibly possible to recover the backlog within five years, I see no particular reason to be constrained by having, in the alternative, to choose the Council's interpretation of the 'Liverpool' approach - which in this case means that it would take 12 years to recover the backlog. Seeking to recover the backlog over say 7 or 8 years, or whatever might be the shortest period possible consistent with good planning, seems more consistent with the Government's aims.
92. Against this background I consider that including only an additional 148 dpa in the requirement for the purposes of calculating whether or not the Council can demonstrate a five year HLS would be contrary to the aims of the PPG and Government policy. Based on a need derived from the CS, a more appropriate figure would be somewhere between 148dpa and 355 dpa. Simply for the sake of argument I intend to assume, in looking at whether a five year HLS can be demonstrated, that recovery of the backlog would take place over something like a 10 year period. I shall again look at the sensitivities surrounding such an assumption later.

Application of the buffer

93. NPPF Paragraph 47 notes that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of either 5 or 20%. There is no dispute here that the buffer should be 20%; the Council, however, argues that the buffer should only be applied in comparison to the housing requirement derived directly from CS Policy CS15 and not to any deficit or shortfall. The Appellants consider it should apply to both. I agree with the Appellants.

94. First, it seems to me that any deficit or shortfall only arises because there has been a failure to deliver the required housing in previous years. That does not mean that the requirement has disappeared; indeed, if that were the case there would be no point in trying to take account of the deficit at all. The housing requirement must therefore include the deficit. Secondly, the NPPF makes it clear that the 20% buffer is there in part to "...provide a realistic prospect of achieving the planned supply...". I see no logic in seeking to secure delivery of only part of the overall requirement whilst the rest remains at risk. That surely is a recipe for a continuing deficit.

95. Although the Council has referred me to Paragraph 22 of the SALP Inspector's report I find nothing there that leads me to reconsider my approach above. I therefore conclude that in assessing whether or not the Council can demonstrate a five year HLS, a 20% buffer should be added to the supply - assessed against the totality of the housing requirement including the backlog.

Five year housing land supply – summary

96. The Council believes it can demonstrate a HLS equivalent to some 5.28 years (Line 1, Table A below). However, as explained previously I consider the Council's approach to the application of the buffer to be incorrect. Applying the buffer to both the base need and the deficit (to enable comparison against the likely supply) means that, without altering any of the Council's figures on need, deficit or deliverable supply, the HLS falls to some 5.09 years (Line 2, Table A). As noted in Table 2 of the HLS SOCG, that is only equivalent to a surplus of 79 dwellings (or 16dpa) over five years.

Table A

	<i>Need</i>	<i>Deficit to be made up</i>	<i>Total requirement inc. 20% addition</i>	<i>Deliverable units</i>	<i>HLS</i>
<i>1. Council's position</i>	2,794	740	4,093	4,320	5.28 years
<i>2. Revised buffer application</i>	2,794	740	4,241	4,320	5.09 years
<i>3. Revised buffer application and revised base need</i>	3,000	833	4,433	4,320	4.87 years
<i>4. Revised buffer application and recovery of under supply in 10 years</i>	2,794	887	4,417	4,320	4.89 years
<i>5. Revised buffer application and revised supply figure</i>	2,794	740	4,241	4,111	4.85 years
<i>6. Application of all adjustments</i>	3,000	999	4,799	4,111	4.28 years

97. If an equivalent OAN of 600 dpa (as outlined above) is assumed, the HLS would fall to around 4.87 years (Table A, Line 3). Whilst I acknowledge that 600 dpa is no more than an assumption, even if the only adjustment to the HLS calculation was to increase the base need by the equivalent of 16 dpa over the next five years the Council would be unable to demonstrate a five year HLS.
98. The Council seeks to recover its current under supply over the remaining plan period of some 12 years. However, the Government clearly seeks to boost the supply of housing and aims for under supply to be recovered within the next five years where possible. Even if it was assumed that the backlog recovery took place over a ten year period then the Council could not demonstrate a five year supply (Table A, Line 4). Indeed, recovery over anything less than an 11 year period would mean that the Council was unable to demonstrate a five year supply.
99. Line 5 of Table A shows that adjustments to the application of the buffer and the use of what I consider to be a more realistic assessment of the likely delivery (indeed, bearing in mind the risk to delivery at Warfield Area 1, even my assessment may be seen as optimistic) mean that the Council is only able to demonstrate a HLS equivalent to some 4.85 years.
100. Applying all the adjustments that I consider would meet Government guidance and would provide a realistic assessment of the likely delivery, the Council's HLS is equivalent to no more than 4.3 years (Table A, Line 6). Whilst I accept that this view is based on a series of assumptions and estimations I nevertheless consider that there is compelling evidence before me to conclude that the Council cannot demonstrate a five year HLS.
101. In light of this finding and in accord with NPPF Paragraph 49, relevant policies for the supply of housing should not be considered up to date. In my view that would include any policies which seek to place a blanket ban on development outside settlement boundaries, such as CS Policy CS9 and LP Policy H5, but would not include more general policies which seek to protect the character and appearance of an area.

Other matters

Highway and pedestrian safety

102. A number of concerns have been raised by third parties in respect of highway matters such as the likely traffic increase on local roads, the relationship of the proposed access to the sharp bend on Church Lane, the risks to vehicles turning into the site from Church Lane, the risks to pedestrians accessing the site and the difficulties inherent in construction of the proposed footpaths.
103. I have taken account of those concerns. However, subject to the changes put forward by the Appellants in respect of the proposed access and the contributions to be secured through the submitted s106 obligation, the Highway Authority no longer raises any objection to the proposals and the Council has confirmed that it no longer wishes to pursue its highways reasons for refusal. Whilst I have no doubt that the concerns of local residents are genuinely held, equally I have no substantive evidence to convince me to take

a different stance to that of the Highway Authority. Consequently I have not pursued this matter further.

Listed buildings

104. A number of local residents have also raised concerns over the impact of the proposals on nearby listed buildings and I am conscious that the Planning (Listed Buildings and Conservation Areas) Act 1990 states at section 66(1) that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority ..shall have special regard to the desirability of preserving the building or its setting.....".
105. Notwithstanding residents' concerns, the SOCG records that the physical separation and screening between the proposed development and nearby listed buildings means that any harmful impact would not be sufficient in itself to justify refusing the application. Based on my observations during the site visit it is my judgement that the development would result in no material impact to the significance of the nearby designated assets and I have not, therefore, pursued this matter further.

Planning Obligation

106. The Appellants have submitted a planning obligation (dated 13 November 2014) in the form of an agreement between the owners, option holder, developers and Bracknell Forest Borough Council pursuant to s106 of the Town and Country Planning Act 1990. This agreement is intended to secure the provision of 25% of the total number of dwellings as affordable homes as well as other matters such as financial contributions towards transport, education and leisure and the mitigation of the impact of the development on land designated as a Special Protection Area (SPA). The agreement is also intended to secure the carrying out of the highway works in connection with the vehicular and pedestrian accesses, the provision of open space of public value and an off site reptile enhancement plan.
107. Having taken into account the Community Infrastructure Levy (CIL) Regulations Compliance Statement¹⁷, the Highways SOCG and the 'Justification for Ecological Elements of the s106'¹⁸ I consider that the proposed contributions, the provision of open space, the highway works and the reptile enhancement plan would all be necessary to make the development acceptable in planning terms, would be directly related to it and would be fairly and reasonably related to it in scale and kind.
108. I also consider, having had regard to Policy H8 of the Bracknell Forest Borough Local Plan 2002, CS Policy CS17, the Council's Housing Strategy¹⁹ and the resolution of the Council's Executive²⁰, that the provision of 25% of the proposed dwellings as affordable housing would meet the CIL tests.
109. In consequence I find that the submitted obligation as a whole meets the tests set out in the NPPF and the Community Infrastructure Levy (CIL) Regulations 2010. However, in terms of the overall planning balance it is only the provision

¹⁷ Inquiry Document 9

¹⁸ Muston PoE Appendix 4

¹⁹ Inquiry Document 27

²⁰ Inquiry Document 26

of affordable housing that should attract weight in the overall planning balance; the other provisions merely seek to mitigate the effects of the development.

Conclusion

110. NPPF Paragraph 49 is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. According to NPPF Paragraph 14 that means that when, as here, there is no five year HLS and relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole or specific NPPF policies indicate that development should be restricted. In this case there is no suggestion that specific NPPF policies indicate that development should be restricted.
111. Although the correct application of NPPF Paragraph 14 has been subject to some debate, case law is clear that the presumption only applies to sustainable development. It also seems clear that there is no need to try and reach an interim conclusion as to whether a development is sustainable before then seeking to apply Paragraph 14. In this case the Council and Appellants agree that the balancing exercise embedded in Paragraph 14 should be taken into account in reaching an overall conclusion as to whether the proposal amounts to sustainable development.
112. There are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 71 (net) housing units in a location that gives relatively easy access to a range of services must carry significant weight in its favour, as must the provision of 18 units of affordable housing secured through the s106. However, whilst I agree with the Appellants that there would also be a range of smaller benefits including increased Council tax, New Homes Bonus, the economic benefits to Binfield in terms of additional revenue for services and safety benefits for users of the new bridleway, I consider that these should be accorded limited weight.
113. Weighed against the benefits of the proposal I have found that there would be very considerable harm to the character and appearance of the area. In my judgement that harm would, for the reasons above, be sufficient to significantly and demonstrably outweigh the benefits of the development. In consequence I do not consider that the proposed development can be regarded as sustainable.
114. The proposed development would be contrary to the development plan. Notwithstanding the benefits of the proposal and the fact that the NPPF is a weighty material consideration that seeks to boost significantly the supply of housing, having had regard to all matters before me I find nothing to outweigh the development plan conflict. I therefore conclude that the appeal must fail.

Lloyd Rodgers

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr G Williams of Counsel	Instructed by Mr A Jack, Borough Solicitor
He called	
Mrs B Kirkham Dip TP, BLD, CMLI	Director, Kirkham Landscape Planning Ltd
Mrs N Hird BSc (Hons), MSc (T&CP), MRTPI	Principal Planning Officer, Bracknell Forest Borough Council
Mr M Muston BA (Hons), M Phil, MRTPI	Director, Muston Planning

FOR THE APPELLANTS:

Mr R Warren of Queen's Counsel	Instructed by Mr D Bond of Woolf Bond LLP
He called	
Mr J Cooper BSc (Hons), DipLD, FLI, AAILA	Director of Landscape Architecture, SLR Consulting
Mr D Bond BA (Hons), MRTPI	Partner, Woolf Bond LLP

INTERESTED PERSONS:

Mr D Phillips	Local resident
Cllr C Turrell	Executive member, Planning and Transport, Bracknell Forest Borough Council
Mrs S Peacey	Local resident and Binfield Neighbourhood Plan Steering Committee
Mrs A Phillips	Local resident and member of neighbourhood area working group
Mrs B Fisher	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appearances and opening points on behalf of the Appellants. Submitted by Mr Warren.
- 2 Supplementary Proof of Evidence of Mrs Hird. Submitted by Mr Williams.
- 3 Notification list for Appeal. Submitted by Mr Williams
- 4 Housing Land Supply Statement of Common Ground. Submitted by Messrs Warren/Williams.
- 5 Opening submissions on behalf of the Council. Submitted by Mr Williams.
- 6 Written statement. Submitted by Cllr Turrell.
- 7 Extract from GLVIA3 – Assessing the significance of effects. Submitted by Mr Warren.
- 8 Draft s106 Deed of Agreement. Submitted by Mr Warren.
- 9 Community Infrastructure Levy (CIL) Regulations Compliance Statement. Submitted by Mr Williams.
- 10 Bracknell Forest Designated Neighbourhood Area Boundary. Submitted by Mr Warren.
- 11 Site Allocations Local Plan. Submitted by Mr Williams.

- 12 Core Strategy Development Plan Document (CSDPD). Submitted by Mr Williams.
- 13 Extract from Report on the Examination into the CSDPD. Submitted by Mr Warren.
- 14 Extract from Planning Practice Guidance (Section 2a). Submitted by Mr Warren.
- 15 Signed s106 Deed of Agreement. Submitted by Mr Warren.
- 16 Contents Lists: Original Planning Application/Subsequent Correspondence. Submitted by Mr Warren.
- 17 Annotated Drawing No 0624/SK/023A. Submitted by Mr Warren.
- 18 Extract from Design Manual for Roads and Bridges. Submitted by Mr Warren.
- 19 Letter to Rt Hon Hazel Blears MP submitting Panel Report following Examination in Public of the draft South East Plan - plus extract of page 101 of the report. Submitted by Mr Warren.
- 20 Thames Basin Heaths Special Protection Area Avoidance and Mitigation Supplementary Planning Document. Submitted by Mr Warren.
- 21 Table 9A: BFBC Five Year Supply Calculation adopting interim 2011 household projections as the requirement. Submitted by Mr Warren.
- 22 Written statement including map of 'Development in Wokingham Borough's Strategic Development Locations'. Submitted by Mrs Fisher.
- 23 SoS decision and Inspector's report into 'Land off Coate Road and Windsor Drive, Devizes, Wiltshire'. Application Ref E/2013/0083/OUT (APP/Y3940/A/13/2206963). Submitted by Mrs Fisher.
- 24 Guidelines for Landscape and Visual Impact Assessment 3rd edition (further extract). Submitted by Mr Warren.
- 25 Suggested conditions. Submitted by Mr Williams.
- 26 Bracknell Forest Council Minutes of Executive 29.3.11 - re. Affordable Housing Planning Policy. Submitted by Mr Williams.
- 27 'The Right Home'. Housing Strategy for Bracknell Forest 2009-2014. Submitted by Mr Williams.
- 28 Policy H8 Bracknell Forest Borough Local Plan 2002. Submitted by Mr Williams.
- 29 Closing submissions on behalf of the Council. Submitted by Mr Williams.
- 30 Closing submissions on behalf of the Appellants. Submitted by Mr Warren.