



Appeal Decision

Inquiry opened on 6 September 2022

Accompanied site visit made on 9 September 2022

Unaccompanied site visits made on 5, 9 and 16 September 2022

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 22nd September 2022

Appeal Ref: APP/R0335/W/22/3298503

Home Farm, Forest Road, West End, Warfield, Bracknell RG42 5RS

- 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 Home Farm Land Ltd against the decision of Bracknell Forest Borough Council.
 - The application Ref: 20/00802/OUT, dated 9 October 2020, was refused by notice dated 9 November 2021.
 - The development proposed is the erection of up to 197 dwellings and a convenience store, with a new roundabout and associated access from Forest Road.
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Preliminary and Procedural Matters

1. The application form submitted did not include reference to a convenience store on site. That was added during the course of the application process and it was agreed at the Case Management Conference (CMC) that it should be included in the description of development before me.
2. Other matters continued to evolve during the time prior to the decision notice of the Council being issued, though there is some disagreement with regard to the drawings and plans which should be addressed as part of this appeal. Many of the drawings and plans can only be regarded as being illustrative in light of the outline nature of the proposal, and this includes the parameters plan and the masterplan. The exceptions are those drawings which relate to access to the site, which is for determination. In this respect there are drawings and plans which I consider should be properly considered a part of the appeal, and which would not result in prejudice and disadvantage to any party. These are:
 - (a) Plan number 1192 PL-01 revision A (the revised red line plan which includes the southern 'nib' adjacent to Forest Road);
 - (b) Stuart Michael Associates drawing number 6630.008 revision D (which includes the detail of the proposed roundabout access);
 - (c) Stuart Michael Associates drawing number 6630.005 revision F (which illustrates the intended pedestrian and cycle links from the southern 'nib' and along the northern 'nib' from the Home Farm access).
 - (d) Stuart Michael Associates drawing number 6630.020 (which shows the proposed pedestrian access to the SANG at the roundabout).
 - (e) Stuart Michael Associates drawing number 6630.021 revision A.

3. The roundabout design has been slightly altered and its position marginally changed from the original drawing prepared by Odyssey. However, matters associated with vehicular, pedestrian and cycle access to the appeal site were thoroughly addressed during the inquiry and consequently I am satisfied that the above plans and drawings set out in paragraph 2, although not part of the original submission considered by the Council, can be accepted as part of the appeal¹. Other drawings submitted deal with matters which would require approval or agreement consequential on planning permission being granted, in part deal with off-site locations, and would therefore be more appropriately dealt with by other means, such as by the imposition of suitable conditions. I note here for completeness that the westernmost crossing from the appeal site to the suitable alternative natural greenspace (SANG) to the west of the site has been withdrawn from the proposal.
4. Several of the Council's reasons for refusing planning permission are no longer matters of contention. In particular reasons 4 (retail) 5 (Special Protection Area (SPA) mitigation) 6 (securing affordable housing) and 7 (contributions pursuant to a S106 obligation) are not matters which have been pursued to any degree by the Council.
5. It is agreed that the Council cannot currently demonstrate a 5 year supply of deliverable housing land. The latest calculation, from 1 April 2022, is that there is a 4.44 year supply. That is a slight improvement on the agreed position at 1 April 2021, which indicated a supply of 4.21 years. As such it is agreed that the 'tilted' balance of paragraph 11d) of the National Planning Policy Framework (NPPF) is engaged unless disapplied by any of the matters included in footnote 7. If the tilted balance is engaged that renders the most important development plan policies in this case out of date, but not irrelevant or without weight. I deal with the weight to attach to any conflict with those policies later in the decision.
6. Future provision is predicted to be volatile, with peaks and troughs. In my experience that is not unusual. I am not satisfied that it necessarily follows that future housing provision will fail to meet requirements. Much will depend on the progress of the emerging Local Plan.
7. A S106 Agreement has been submitted which deals with a number of matters. I deal with this below.

Decision

8. The appeal is dismissed.

Planning Policy

9. The adopted development plan is formed of the saved policies of the Bracknell Forest Borough Local Plan of 2002 (LP) the Core Strategy Development Plan Document of 2008 (CS) and the Site Allocations Local Plan of 2013 (SALP) which sits alongside the Bracknell Forest policies map of 2013. Policy NRM6 of the South East Plan of 2009 remains relevant as it deals with the Thames Basin Heaths Special Protection Area.²

¹ Having regard to 'Wheatcroft' principles

² Other adopted and saved development plan publications do not have a bearing on this case

10. The emerging Local Plan (eLP) has been submitted for examination and part 2 hearings are due to take place shortly (October 2022). In addition the draft Warfield Neighbourhood Plan (WNP) has been examined and modifications recommended have been accepted. The referendum into the WNP is also expected in the near future.
11. I deal first with those policies I consider to be the most important in determining the appeal, and their consistency with the NPPF.
12. The appeal site is acknowledged as being outside the settlement boundary and in a location not allocated for development. As such policies which relate to spatial strategy and future development are important. These are CS Policies CS1 and CS2, which taken together seek, amongst other things, to reduce the need to travel, protect landscape and allocate land for development in a hierarchical manner. These policies predominantly follow the advice of the NPPF and are therefore largely consistent with it in spatial terms. That the explanation of Policy CS2 indicates that development outside the specified areas will be resisted is, in my judgement, a minor inconsistency with the NPPF. I consider that any conflict with these policies should retain substantial weight. LP Policies EN8 and H5 are also restrictive of development outside settlement boundaries. These are not entirely consistent with the NPPF in that they set too high a bar for the assessment of harm, so reducing weight attaching to conflict with them.
13. So far as landscape matters are concerned CS Policy CS9 is engaged, albeit that its weight is reduced by the fact that it seeks to protect land for its own sake, which is not consistent with the NPPF. This reduces the weight which can be afforded to conflict with the policy. LP Policy EN1 seeks to avoid the destruction of trees and hedgerows which are important to the character and appearance of the landscape. This policy requires a balanced approach and is generally consistent with the NPPF. LP Policy EN8 is inconsistent with the NPPF as it seeks to protect the countryside for its own sake and conflict with it carries reduced weight for that reason.
14. Transport Policies CS23 and CS24 of the Core Strategy are consistent with the NPPF in that they seek to reduce the need to travel and provide safe transport arrangements in new developments. More specifically LP Policy M6 requires safe cycling provision and that accords with the objectives of the NPPF. These too are important policies.
15. CS Policy CS1 is also important in its objective of protecting the historic environment, in accordance with NPPF guidance. Similarly Policy CS7 seeks to ensure that development respects the historic environment.
16. Many other relevant, though not most important, policies have been brought to my attention but these policies do not individually or cumulatively alter my findings or change the balance of my conclusions. Hence I concentrate on the most important policies in this decision.
17. In relation to the eLP there is little before me other than the intention of the Council to allocate sufficient land for development to meet its housing requirement. The eLP cannot as yet be afforded significant weight and in any event is not likely to become part of the development plan until some time in 2023 at the very earliest. But I do acknowledge that the Council is moving towards making housing provision as it should.

18. The WLP has moved on in the last few weeks. At the end of August 2022 a post examination decision statement was published indicating that the recommendations of the Examiner had been accepted, that the WLP should be amended as recommended and thereafter proceed to referendum. It is accepted that this adds to the weight attaching to the draft WLP such that it is now significant. The appeal site lies within the area of the WLP. The general thrust of spatial policies in the WNP is to support development within defined settlement boundaries and to allocate land at Hayley Green for development. In addition policies seek to prevent the coalescence of settlements and to protect and enhance green infrastructure. Although the appeal site is outside settlement limits and not allocated in the WLP there is nothing of which I am aware which specifically seeks to prevent development here. It is a matter which has to be assessed in the light of the raft of prevailing policies.

Main Issues

19. In light of the fact that some matters have been agreed and dealt with by other means the main issues in the appeal are:
- a) The effect of the proposed development on the character and appearance of the surrounding locality;
 - b) Whether the proposal makes suitable provision for access and is acceptable in terms of highway safety;
 - c) Whether the proposed development would be in an acceptable location for access to services and facilities;
 - d) The impact of the proposal on the setting of the Grade II listed Home Farmhouse; and
 - e) Taking into account my findings on these issues, whether the planning balance falls in favour of, or against the grant of planning permission.

Reasons

Character and Appearance

20. The appeal site lies to the north of the built up area of Bracknell in an area which is agreed to be open countryside. It falls within landscape character area (LCA) C1 (Binfield and Warfield Clay Farmland) of the Bracknell Forest Borough Landscape Character Assessment of 2015. The land has no national or formal landscape designation.
21. LCA C1 characteristics identified in the 2015 assessment are evident in and adjacent to the appeal site. These include a gently undulating landform, deciduous woodlands, remnant parkland landscapes, and rural lanes often bordered by hedgerows. The site itself has the shape of a shallow bowl, with its high point in the south-west corner adjacent to Forest Road. Although the land has been used lately for the keeping of horses, which was evident at the accompanied site visit, it still retains the ambience of countryside. The fact that it is criss-crossed by temporary paddock fencing (largely electric fencing at a low level) detracts to a degree from its rural character. However I do not share the Appellant's view that the land is so degraded that it has lost much of its former landscape character. I acknowledge that it is apparent that there has been a degree of hedgerow removal within the site, although a

strong hedgerow remains to Forest Road. In addition there is a backdrop of woodland at The Hooks to the north and west, and a number of veteran and other trees around the site. Although the appeal site is predominantly open it relates to its surroundings in a comfortable manner as grazing land with gentle slopes.

22. In considering this and the adjacent land to the east as a potential site allocation in 2018 (site WAR23) it was assessed as having, overall, a medium sensitivity rating. The western part of the site (which is essentially the appeal site) was assessed as having a sensitivity rating of low to medium in relation to landscape character. In considering this point I am particularly cognisant of the fact that the appeal site would not directly abut the existing built up area to the south of Forest Road because of the intervening areas of open space to the south of the road. In my judgement this detachment from the urban area increases the susceptibility of the site to built development as proposed, and consequently raises its sensitivity. In this regard I prefer the evidence of the Council and agree that the 2018 assessment underplays the sensitivity of the appeal site to a degree. I fundamentally disagree that the character of the site should be assessed at the lower sensitivity suggested by the Appellant.
23. The Appellant suggests that the site is, in effect, a buffer between the urban area to the south and the rural land at and beyond The Hooks and the grounds of Warfield Hall. There is some agreement between the parties on that point. However I do not wholly accept that argument. It is clear to me that the site is within and part of the rural area in its own right. It functions as such even if it is principally used for 'horsiculture'. If it is a buffer I fail to see how it can be a buffer or transition to the countryside, since it forms part of the countryside. The same could be said of much open countryside beyond a built up area. In my judgement any buffer function lies immediately to the north of the recent developments to the east and south and is principally formed of the SANG and Forest Road and its allied vegetated margins.
24. I also prefer the evidence of the Council in relation to the effects on the character of Forest Road and the roadside hedgerow. At present the hedgerow forms a continuous belt of vegetation, albeit relatively unmanaged. Nevertheless it provides a strong boundary to the appeal site and physically defines the road corridor as a lane within the rural area north of Bracknell. There is no substantive evidence that the hedgerow is likely to have a limited lifespan. The introduction of a roundabout would fundamentally change the character of the road in its surroundings by the removal and re-orientation of roadside hedgerow and the introduction of hard landscape associated with the roundabout itself. This would be an inescapable effect and I disagree that such a change in character in that location could be assessed as minor or negligible even at year 15 after development. A roundabout and road leading to a significant area of development would seem to me to lead to inevitable long-term effects of a greater magnitude.
25. Taking this in the round it is my judgement that the sensitivity of the site should be recognised as being at least at a medium level, and that the introduction of the development proposed, divorced as it would be from the existing built up area, would lead to a magnitude of change in year 1 of high impact. That impact would reduce over time as new planting matured and

the development became assimilated into its surroundings. However, the fact that it would be likely to remain as a rather isolated block of development in relation to the urban area would, in my view, not reduce the landscape impact to the extent suggested by the Appellant. At year 15 there would still be at least a moderate adverse impact on landscape character.

26. The site is prominent in views from Cabbage Hill to the south and west. Cabbage Hill is an area of SANG associated with the recent developments to the east. Public open space at those developments is enmeshed with the SANG so allowing significant public access. From the northern part of the SANG and open space the appeal site is in clear view when looking north (particularly from the SANG). It is seen as open land with horses grazing, and with an attractive backdrop of trees over much of its extent. The agricultural buildings to the east of the site sit comfortably in the scene and are not unexpected in a rural area. The views into the site do reduce further to the south as a result of topography and distance. But if developed there would undoubtedly be views of roofs where none existed before, giving a clear perception of urban development.
27. The open space is, of course, designed for use by the public, and its use is encouraged in order to alleviate pressure on the SPA. Recreational users are rightly afforded high sensitivity in considering the visual effects of development. From what I saw at my various site visits this open space and SANG is a well used resource.
28. As I have intimated above, I consider that the appeal site would appear as a development divorced from the main built up area, and be a protrusion of built development into the open countryside. It does not, contrary to the evidence of the Appellant, enjoy a close relationship with the built up area to the south of Forest Road further to the east. The development would interrupt the public enjoyment of the experience of using Cabbage Hill SANG notwithstanding the fact that some softening of impact would occur over time and that it is experienced in one arc of the compass to the north. There would be a high magnitude of effect in the short term, and this would remain moderate in the long term. That said, I do accept that the effects would not be evident over the whole of the SANG and open space.
29. Users of Forest Road are not as sensitive to the potential visual impacts of the development. Drivers and passengers would be passing on a journey and would be unlikely to be travelling along the road for its own scenic attractions. Hence, although the development would be in clear view through the access point the magnitude of impact on road users would be low.
30. Drawing my conclusions on this issue together it is my judgement that the character of the appeal site has at least a moderate sensitivity to development and that the magnitude of impact would be greater than that assessed by the Appellant. In addition the visual impact would be greatest for the highly sensitive users of Cabbage Hill and the enmeshed open space. Taken together I consider that the landscape and visual effects would lead to significant harm to the character and appearance of the locality, and would result in an incongruous mass of development with little connection to the existing urban area, and which would protrude uncomfortably into the countryside. It would be in conflict with CS Policies CS1 and CS9, which in

the case of CS1 retains full weight. There is also conflict with LP Policies EN1, EN8 and H5, albeit that the weight attached to that conflict is reduced where there is a lack of consistency of the policies with the NPPF.

Access and Highway Safety

31. There is agreement that the design of the roundabout access shown on the drawing mentioned in paragraph 2 above would be acceptable, and would provide safe vehicular access to the appeal site. There is further agreement that the traffic likely to be generated by the development would not cause undue problems on the network. The roundabout design also includes provision for pedestrian access to the SANG, and this is uncontested as being acceptable. The residual matters in dispute are therefore limited, but nonetheless important.
32. The first matter concerns whether a developer could legitimately gain access to the appeal site. In this regard the Council has concerns relating to ownership in that strips of land alongside Forest Road appear not to have clear title. This seems to be to be a historical accident and I acknowledge that this is not in truth likely to hinder the provision of access from Forest Road to either the site or the SANG. It is apparent that there was no hindrance, for example, to the access provision to the SANG carpark which also leads off Forest Road. In reality I do not consider it likely that there would be any resistance to the provision of access should planning permission be granted.
33. The second matter concerns street lighting, which the Council would require if development were to proceed, in order to make pedestrian traffic and cycling safe during hours of darkness. The principal dispute is the potential for street lighting along West End Lane, the lane running south of Forest Road. This lane is not part of the appeal site and from what I heard at the inquiry it seems to me that a technical solution would be likely to be available to deal with that matter. In any event this would be a detail which would require negotiation following a grant of planning permission. I have no firm evidence that a solution could not be found, and on balance it is my view that a solution would emerge. This matter does not therefore weigh against the development.
34. But the main area of dispute surrounds the pedestrian and cycle access proposed along the southern 'spur' of the appeal site. This has been proposed so that access can be gained to the footway along the southern side of Forest Road close to the property known as Mayfair, and so link to West End Lane, or Ellison Road, further to the east. A signal controlled crossing is proposed on Forest Road, with a 3.5m shared surface leading along the southern spur on the northern side of Forest Road from the south-eastern corner of the appeal site. It is notable that Forest Road has no other existing or proposed footway to the west of the southern 'spur'.
35. Forest Road is not particularly wide, and the road safety audit (RSA) carried out suggested that there could be a problem with the use of the shared surface proposed if cyclists chose to bounce down the kerb onto the highway rather than dismount to use the signal controlled crossing. This was addressed by the Appellant with the suggestion that a second dropped kerb

could be installed for cyclists who were confident enough to join the main carriageway rather than dismounting and walking for a short distance to West End Lane. In turn, the Council has suggested that this option would not provide sufficient visibility for and of those cyclists.

36. It seems to me that this particular part of the access strategy has been brought forward out of necessity to find some sort of pedestrian and cycle access to the site. The southern 'spur' was added relatively late in proceedings and I am not satisfied that it would provide the solution that has been suggested. In large part I share the Council's concern. I am prepared to accept that an agreement has been reached to obtain access to the southern 'spur' but I am not at all confident that it would provide a suitable pedestrian and cycle route. It is worth pointing out here that the fencing recently erected to define the southern spur access does not appear to provide the intended width for a shared surface along the intended length. That may, however, be capable of being rectified.
37. As acknowledged at the inquiry, requiring cyclists to dismount is possible in theory, but very difficult to enforce. The likelihood is, therefore, that cyclist will choose either to join the carriageway, or continue to ride on the shared surface in conflict with pedestrians or dismounted cyclists. In short I am not satisfied that it has been sufficiently demonstrated that the southern 'spur' has the basis to provide a suitable pedestrian and cycle route to and from the site. There is much technical evidence presented on both sides in this respect, to which I have had due regard, but I have used my own judgement to assess the likely success or otherwise of the crossing proposed.
38. However in one particular respect I consider that the Council's case is stronger, and that is in relation to the matter of likely traffic speeds. The first speed survey carried out, in accordance with guidance, showed 85th percentile speeds a little over 40mph. The subsequent survey was not carried out in accordance with guidance and its results must be treated with more caution. In reality, without a reduction in speed limit here, for which there is no evidence of support, I consider that traffic speed is more likely to be in line with the first survey at or about the 40mph speed limit. Introducing a roundabout some distance away, or a signal controlled crossing, may affect speeds to some extent, but the evidence is not strong enough to demonstrate that this would be material.
39. In any event the crossing from the southern nib as proposed would lead to a section of footway on the south side of Forest Road which is of limited width and which would not provide an attractive pedestrian route in its own right to West End Lane or Ellison Road. Although it has been measured as being up to about 2m in width, in practice (no doubt because of maintenance or other difficulties) it is significantly below that width in places, as I observed at my site visits. That would make it difficult to use for any person with mobility difficulties or requiring the use of a child buggy or wheelchair. The danger of falling from the kerb into traffic would be real. Additionally there are locations where deep ditches close to a narrow section of footway would make passing pedestrians vulnerable to accidental falls. This adds to my concerns in respect of the access strategy proposed.

40. The alternative pedestrian and cycle route, along the Home Farm access, and thence to the south of Duncans Cottage, Longmead and Sarsway Cottage, has its own problems. It is in part a gravel track and is unlit, although I note that it would be intended to resurface that part of the lane and introduce lighting. Whilst I have no reason to doubt that the route could lawfully be used to access the eastern part of the site, it seems to me to be an unsuitable option. It is narrow, has no footways, and has the potential for conflict with legitimate vehicular users of that route. Furthermore, after joining with the Home Farm access it would then be necessary to cross Forest Road without the benefit of a signal controlled crossing, but with dropped kerbs as the only assistance.
41. Taking these factors into account I am far from satisfied that it has been demonstrated that adequate and safe pedestrian and cycle access would be provided to and from the appeal site (with the exception of the SANG access point). It may well be possible to design accesses which meet the parameters set out in technical guidance for the actual crossing of Forest Road, but the accesses would only be used if they were perceived to be safe and attractive routes. I am not satisfied that it has been demonstrated that either of the proposed alternatives would be attractive to residents of the proposed development. Indeed, in my judgement neither would provide an attractive option for their use because they exhibit features which would reduce safety to an unacceptable level. The proposal would therefore not be likely to reduce the propensity for travel by private motor vehicle and would be in conflict with Policies CS23 and CS24, which retain full weight, as well as with LP Policy M6. This is a significant consideration in the appeal.

Location

42. The area generally located north of Bracknell town was chosen as an area for growth, and development sites allocated accordingly. These have been, and are being, developed. The allocations no doubt took account of the proximity of facilities and services, and developments made provision for linkages which are designed to encourage the use of methods of travel other than the private car. Those linkages primarily flow to the south from the allocated development sites, and to east and west within and adjacent to those sites.
43. The Appellant has sought to emphasise that the appeal site is little further from services generally than the developments to the south and east, and is in some cases closer. In addition I acknowledge that the provision of an on-site convenience store would be an asset for residents of the site and for other people living in the general area (albeit that I have no certainty that it would be delivered). However, locational suitability with regard to the opportunity to avoid using a private motor vehicle is more complex than just a measure of distance. Factors which are likely to be taken into account are the safety of pedestrian or cycling routes, whether or not public transport is regular and reliable, and the overall experience of using an alternative mode of transport.
44. In this case I have already indicated that I am not satisfied that safe pedestrian and cycle access to and from the site has been shown to be feasible. I have severe doubts that any resident of the appeal site would choose to walk or cycle to local services and facilities rather than use a

- private car. The route, or routes, are simply not attractive enough, and would entail crossing Forest Road, which is likely to be perceived as a manoeuvre to be avoided even with the benefit of a signal controlled crossing at one location.
45. Even after crossing Forest Road at the signal controlled crossing the footpath to West End Lane is quite narrow as I have indicated above. West End Lane itself has no footpaths and takes a variety of traffic which serves both residential and commercial premises. Despite the 20mph speed limit along West End Lane it is not an attractive proposition as a walking or cycling route because of that traffic. I emphasise here that the example of a large load using the lane on one occasion has not influenced my judgement, which is based on a more rounded appraisal and the experience of 3 separate site visits at different times of day.
46. The use of the SANG footpaths to walk to local facilities may take place in association with any dog walking from the appeal site, and could conceivably include trips to the nearest primary school or some other locations. But I do not consider that the SANG in general would be an attractive route for access to facilities as it includes the need to negotiate kissing gates, stiles and other impediments.
47. The nearest bus service is some distance to the east. Using it would necessitate crossing Forest Road and Ellison Road even if the bus stop proposal of the Appellant were to be introduced, and the stop relocated. It does not seem to me to be an attractive option for potential residents of the appeal site, in particular because of the distance it would be necessary to walk, but also because the service is not frequent. In contrast the developments to the south have access to a bus service much closer at hand.
48. Overall it is my judgement that the appeal site, despite the best efforts of the Appellant, has inherent drawbacks in location which, coupled with the difficulty in providing attractive alternative links, means that trips from the site are likely to be overwhelmingly made by private motor vehicle. The presence of an on-site convenience store would be unlikely to mitigate the use of private vehicles to a significant degree other than for top up shopping. I therefore find that the proposal would be in conflict with the spatial strategy set out in CS1 and CS23, which retain substantial and full weight.

Heritage

49. I preface my consideration of this issue by acknowledging that my duty under S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Home Farm is Grade II listed and is located on land to the east of the site. It is visible from the south along Forest Road, but visibility of the listed building from the appeal site is hindered by the presence of vegetation and farm buildings. Nonetheless it is just possible to see small parts of the building itself, and curtilage buildings, from the appeal site in glimpsed views from limited locations. There is no suggestion that the development would affect anything other than the significance of the setting

of the building. It is, however, agreed that the appeal site is within that setting.

50. Evidence provided suggests that the farmhouse was linked with some of the land to the west (the appeal site) in the past, but probably not all of it. I have no reason to doubt that since farmhouses are commonly associated with the surrounding land. But those links now seem to me to be somewhat tenuous. Views of the farmhouse are very limited and unlikely to be reclaimed. I do, however, recognise that there is likely to be some historical association between the listed building and parts of the appeal site which can be said to add to the significance of the asset. That the association cannot now be detected on the ground is, however, material to my consideration of the effect on the setting of the building. It reflects too that settings can change over time.
51. The setting of a listed building is commonly acknowledged to be the surroundings in which it is experienced. In this instance, because of the presence of high hedges, other vegetation, an intervening access track and farm buildings, it is my judgement that the surroundings in which the listed building is experienced on the ground cannot reasonably be said to include the appeal site. There may be historical links between the site and the building, but the listed building is sufficiently divorced from the site such that there is no current appreciation of any links between them. Indeed it is difficult to discern the presence of the building at all. Hence I cannot agree that the surroundings in which the listed building is physically experienced include any part of the appeal site. Rather the setting is experienced along its access driveway, from other locations to the south and east, and from historical records.
52. I associate my judgement in this case more closely with the evidence provided by the Appellant. The proposed development would not impede the appreciation of the significance of the listed building as a former farmhouse when experienced from the appeal site. Nor would any views of the asset be materially affected. Any former historical association with parts of the appeal site can only be materially appreciated in archival records, and that would not change. The impact on the significance of the setting of the building is therefore extremely minor in a physical context, and very limited overall. Whilst I accept that the loss of appreciation of the link to surrounding farmland evident from archives is harmful to the appreciation of setting that harm is at the very lowest point of less than substantial. The Council also agree that the harm is very low on that scale.
53. I have noted the extensive evidence provided by the Council relating to other factors such as the nearby presence of Warfield Hall and its grounds, and the historic hedgerow boundary to Forest Road, but these matters do not alter the balance of my assessment on this issue. To conclude on this issue I am satisfied that the proposed development would have an extremely limited harmful impact on the setting of Home Farm. I do not find conflict with LP Policy EN1 but accept some conflict with CS Policies CS1 and CS7. As required by national policy I afford great weight to the conservation of heritage assets. I refer to this again in the overall balance.

Other Matters

54. Before turning to the planning balance I deal here with some other important matters. First, an obligation pursuant to S106 of the 1990 Act has been provided. This deals with a number of commitments:

- The obligation makes a commitment to provide 97 affordable homes. This is well beyond the requirements of the current development plan. Funding is in place for those affordable homes which would in addition be provided in excess of eLP proposals. In a location with an acknowledged and significant shortfall of affordable housing provision, in which the Council acknowledges it will not be able to meet demand, this is a matter of substantial weight in favour of the proposal.
- The obligation also provides for the provision of an additional area of SANG linked with Cabbage Hill. That SANG extension has a resolution to grant planning permission and can be delivered in order to mitigate any effects on the Thames Basin Heaths SPA. In addition a contribution towards the Strategic Access Management and Monitoring (SAMM) programme for the SPA would be made. The obligation would also make provision for publicly accessible open space and its management, as well as management of private accesses and footpaths.
- There is provision in the obligation for the payment of contributions for primary education and community facilities which would follow from the implementation of the development. Public transport and traffic regulation orders contributions would also be made.
- Biodiversity net gain implementation is required under the terms of the obligation, as are matters which would relate to sustainable drainage, adoption of highways, and the provision of a travel plan. Monitoring fees for the various strands of the obligation would also be payable.

55. I am satisfied that the obligation meets the tests set out in the CIL³ Regulations and can therefore be taken into account in any decision to grant planning permission.

56. Several other developments to the north of Bracknell have been brought to my attention in order to demonstrate that development can legitimately be brought forward in a situation where a 5 year housing land supply is lacking. That is so, and I am cognisant of those cases, the locations of some of which I visited unaccompanied. I mention in particular the site at Tilehurst Lane, where an Inspector considered the position relating to cycle and pedestrian access. But Tilehurst Lane and its proposals cannot be directly compared with the situation at the site before me adjacent to Forest Road because of the differences in road configuration and the like. Similarly there are examples of development having been refused in non-allocated locations. Each case is determined in the light of its own circumstances and it is not possible to exactly replicate circumstances at the appeal site which are evident on the example sites. Whilst I have had due regard to the decisions

³ Community Infrastructure Levy

made in those cases I have made my judgement in the case before me on its own unique circumstances.

57. As I have noted above, the proposal includes provision for mitigation of effects on the SPA. An appropriate assessment⁴ was carried out prior to a decision being issued on the proposal, and subject to the mitigation which would now be secured by the S106 obligation, it was determined that there would be no likely significant effects on the SPA. Having read the evidence in this regard I concur with and adopt the assessment reached that the development would not result in an adverse impact on the integrity of the SPA.
58. A final matter which was raised at the inquiry was the effect of the proposal on the living conditions of nearby residents. I visited one nearby property as requested. For the most part I do not consider that there would be likely to be any material impact on living conditions. The site is divorced from the majority of existing residential property and although there would be traffic generation from the appeal site it would be unlikely to have any noticeable impact on the residents of those houses. There is much concern locally in respect of the likely traffic generation, impact on wildlife, traffic generation and other matters. However, in light of my overall conclusions on the appeal set out below, and the large measure of agreement between the Appellant and the Council on a range of matters I do not need to consider this further in this decision.

The Planning Balance

59. In this section I draw together the findings set out above on the principal controversial issues, but also include other matters which are uncontroversial but require to be afforded weight in the overall balance. As was rightly pointed out the benefits of development must also be acknowledged having regard to the 3 strands of sustainability set out in the NPPF. The application of the tilted balance would not mean that planning permission must be granted, but in effect gives the proposal a head start in assessing the final conclusion.
60. Dealing first with those matters which weigh in favour of the proposal:
- The provision of market housing in a situation where there is a deficit of housing land supply is of significant social weight. I do not afford it greater weight because the Council has made strides in recent years to deliver more housing and the housing delivery test amply illustrates the success. Whilst this does not guarantee future delivery I consider that it is to the Council's credit that it has been able to reduce the housing shortfall.
 - The provision of affordable housing at the level offered is of substantial social weight in an area where there is great need for such housing. The Appellant suggests the weight should be very substantial. In reality I see no material difference. Both judgements are at the apex of the judgement of weight.
 - That the land is capable of being developed in a short timescale is noted, though I do not afford this more than limited weight since it could no doubt apply to many locations.

⁴ Regulation 63 of the Habitats Regulations

- Similarly the provision of open space, play areas and the like are positive social and environmental benefits, but would be expected in most, if not all, new developments. This carries limited weight.
- A convenience store on site would be of some social benefit in assisting in reducing the need to travel, and can be afforded a little weight in this case.
- With regard to the weight afforded to the economic benefits of the development in the local area these could, as pointed out by the Council, be forthcoming from any development of this scale. However, given that it is this scheme which is before me I afford those benefits some limited weight.

61. Turning to the opposite side of the balance:

- The development would result in serious harm to the character and appearance of the surrounding locality. This carries significant environmental weight against the proposal.
- The appeal proposal is unable to demonstrate that it can achieve safe and attractive means of access for pedestrians and cyclists. This is a matter which attracts significant social weight against the development.
- The development would be in a location which would be likely to be reliant on the use of private motor vehicles. This is a matter of significant social and environmental weight.
- There would be less than substantial harm to the setting of the Home Farm listed building. But this harm would not outweigh the public benefits of the proposal and does not provide a clear reason for refusing planning permission or disapplying the tilted balance. This harm attracts little weight in the overall balance.

62. The balancing of competing interests is not an arithmetical exercise but requires an overall judgement. This is a case which on the face of it appears finely balanced in light of the weight afforded to competing benefits and harms. In reality, however, it is my judgement that the balance is a good deal more simple to express. Despite the acknowledged benefits of the proposal the disbenefits, in combination, are of greater weight. Put shortly, this would be a development in the wrong place, divorced from the existing urban area, and without sufficient benefits to overcome the clear harms identified and the conflict with the development plan, even allowing for reduced weight to the conflict in some of the policy areas as a result of inconsistency with the NPPF or application of the tilted balance. Indeed, notwithstanding the 'tilted' balance it is clear to me that the adverse impact of the proposal would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

Overall Conclusion

63. For the reasons given above I conclude that the appeal should be dismissed.

Philip Major

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Ms Melissa Murphy	King's Counsel
She called:	
Ms Michelle Bolger CMLI	Director, Michelle Bolger Expert Landscape
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Mr Andrew Wells MRes	Senior Development Management Officer,
PGDip MCIHT CTPP	Bracknell Forest Council
Ms Jo Male BA(Hons) MA	Team Manager, Major Development Team,
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FOR THE APPELLANT:

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He called:	
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Dr Paula Jones	Associate Director, HCUK Group
BA(Hons) MA PhD	
Mr Tom Martindale-	Associate Director, Stuart Michael Associates
Sheldon BEng(Hons)	
GMICE MTPS MCIHT	
Mr Owen Jones	Director, LRM Planning
BA(Hons) DipTP MSc	
MRTPI PIEMA	

DOCUMENTS - HANDED IN AT THE INQUIRY AND LATER BY AGREEMENT

From the Local Planning Authority

- 1 Opening submissions for the Council
- 2 Comparison table of landscape effects
- 3 Papers relating to the updated housing land supply and Local Plan examinations
- 4 Papers relating to the Warfield Neighbourhood Plan
- 5 Housing trajectory 2022 to 2023
- 6 Draft conditions
- 7 Note in response to evidence of Mr Martindale-Sheldon
- 8 Drawings relating to the Tilehurst Lane development
- 9 CIL compliance statement
- 10 Closing submissions

From the Appellant

- 11 Opening statement
- 12 Table on magnitude and significance of landscape effects
- 13 Stage 1 Road Safety Audit

- 14 Revised drawing 6630.021 revision A
- 15 Consultation letters sent to 3 properties along Forest Road
- 16 Licence for access to undertake footpath and verge works
- 17 Withdrawal of proposal to provide a western access to the SANG
- 18 Title register for Home Farm
- 19 Response to the note from Mr Wells on highway evidence
- 20 Closing submissions

Post Inquiry Document

- 21 Signed and dated S106 Agreement
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Richborough Estates