



Appeal Decision

Hearing held on 9 June 2026

Site visit made on 10 June 2026

by A McCormack BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06/08/2026

Appeal Ref: APP/X0360/W/26/6005646

**Land West of Edney's Hill, Barkham Road, Barkham Hill,
Wokingham, Berkshire RG41 4TG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Abbeymill Homes Limited against the decision of Wokingham Borough Council.
 - The application Ref is 251486.
 - The development proposed is erection of 16 flats and houses with new access off Edney's Hill, together with car ports, parking, footpaths, landscaping and all enabling works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for full costs was made by Abbeymill Homes Limited against Wokingham Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of the proposed development varies slightly in a range of documents relating to the planning application and the subsequent appeal. I have taken the description set out in the banner heading above from the application form as this is the original description and accurately describes the appeal proposal.
4. The relevant version of the National Planning Policy Framework (the Framework) in relation to this appeal was published in December 2024 and updated in 2025. Accordingly, the decision has been made in that context and against that version of the Framework.
5. The parties agree that the Council cannot currently demonstrate a five-year housing land supply (5YHLS) and that in these circumstances the Framework directs that the policies that are most important for determining the application are out of date and the "tilted balance" applies. It is acknowledged that the absence of a 5YHLS reduces the weight to policies most important for housing supply. However, Paragraph 232 of the Framework is also clear that due weight should be given to development plan policies according to their consistency with the Framework.

6. A signed legal document, dated 16 June 2026, has been submitted and it is indicated that it would secure the following:
 - an appropriate, policy compliant affordable housing contribution (40%) including on-site provision and an off-site financial contribution with a policy compliant tenure mix;
 - a Strategic Access Management and Monitoring (SAMM) contribution;
 - a Suitable Alternative Natural Green Space (SANG) Allocation Agreement, including a SANG Allocation Fee; and
 - appropriate financial contributions towards primary medical care, on-site highway maintenance and local employability skills.
7. I am satisfied that the provisions of the submitted signed legal document that relate to on-site and off-site infrastructure would meet the tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2012 and Paragraph 58 of the Framework. Some provisions of the agreement will be discussed further in this Decision as and where relevant. Some elements of mitigation and financial contribution have not been fully agreed between the parties. As a result, the submitted legal document identifies that provision for certain elements can be made, where appropriate, and it is noted that this reflects the Appellant's position on those particular matters.
8. Reasons for Refusal 5 and 6 of the Decision have been resolved between the parties prior to the hearing and are therefore no longer in dispute. Regarding Reason 5, the Appellant submitted amended plans relating to the privacy of future occupiers of plots 6 and 7 of the proposed scheme and detailing the installation of a screen to prevent overlooking of those plots from proposed plot 11. The amended plans were accepted by the Council and submitted to the appeal.
9. Reason 6 relates to the lack of evidence on noise impact to appropriately assess the proposal. Since the application was determined, the Appellant has provided a noise assessment indicating that the proposal would not be subject to an undue level of noise, particularly from the farm to the south and highways to the north and east. Having reviewed this assessment, the Council is satisfied that this supporting evidence is sufficient to overcome the concerns identified in Reason 6. In my own assessment, I have not seen or read anything to indicate that this would not be the case.
10. I have given due consideration to the matters set out above. As a result, I am satisfied that Reasons for Refusal 5 and 6 are now overcome, subject to the amended plans and relevant suggested conditions, as submitted within the Statement of Common Ground between the Council and the Appellant. Therefore, I consider these matters to be addressed and therefore no further discussion about them in this Decision is necessary.
11. Reasons 8, 10, 11, 12 and 13 in the Council's Decision Notice relate to the lack of a legal agreement being in place at the time of the Council's decision to secure planning obligations and financial contributions relating to on-site highways, primary medical care, affordable housing and local employability skills. With a legal document now provided, I am satisfied that the harmful matters relating to these reasons could now, largely, be overcome. Therefore, I

have given no further substantive consideration to those reasons for refusal in this Decision except where relevant to the main issues as I have identified them.

Main Issues

12. In my assessment, the main issues are:

- whether the proposal is inappropriate, unplanned development outside settlement limits within the countryside;
- the effect of the proposal on the landscape, character and appearance of the area;
- whether the proposal is in a sustainable location in transport terms regarding distance and access to local facilities and amenities;
- the impact of the proposal on highway and pedestrian safety;
- the impact of the proposal on important trees; and
- whether the proposal would achieve 10% Biodiversity Net Gain (BNG).

Reasons

13. The appeal site consists of an open field and covers an area of approximately 0.7 hectares (ha) of currently unused grazing land and is free from any built form. The topography of the site and surrounding roads broadly falls away in a mostly south-easterly direction, the lowest part of the site being at its south-east corner. The variance in ground level across the site is approximately 10 metres from north-west down to south-east. The site is located at the junction of Edney's Hill and Barkham Road and has a substantial amount of vegetation along its northern and eastern boundaries. The surrounding area is predominantly residential with dwellings to the north, east and west. There is a cluster of farm buildings at Mortimer Lodge Farm close to the south-east corner of the site. The residential built form in the area is mostly ribbon development along road frontages with open agricultural land south of the site.

Whether inappropriate development

14. The statutory starting point for determining the proposal is the development plan. Policy CP11 of the Wokingham Core Strategy (CS) seeks to resist development outside development limits, including in the countryside, unless specific exceptions apply. It is a fact that the appeal site is outside development limits. Furthermore, it is the case, as the Appellant accepts, that the proposal is within the countryside and does not fall within the development exceptions specified within the policy. As a result, a degree of conflict arises with Policy CP11 of the CS and Policy IRS1 of the Arborfield and Barkham Neighbourhood Plan (NP).
15. The Appellant argues that as the site is located adjacent to Barkham Hill, a limited development location under Policy CP9 of the CS, and that the proposed scheme is of an appropriate scale that is supported by Policy CP17, some housing growth, as proposed by the scheme, is acceptable, policy compliant and should be allowed. However, both these policies clearly relate to development sites within settlement limits. As the proposed scheme lies outside of those limits, as agreed by the Appellant, it is in direct conflict with Policies CP9 and CP17 of the CS. These policies do not negate the defined settlement boundary. Nor do they support unrestricted residential development outside development limits.

16. Furthermore, Policy CP17 is not a freestanding permission for housing in the countryside. It is clear to me, and confirmed the Council, that the policy requirement within CP17 for at least 100 dwellings to be built within defined limited development locations during the plan period has more than been met without the inclusion and contribution of this proposal.
17. From the evidence, the Appellant relies on the Council's recent resolution to grant outline permission for up to 70 dwellings at Arborfield Cross. I have only limited information about that case. In any event, another decision elsewhere does not establish that the appeal site is suitable or that the development plan conflict should be set aside. I have therefore given limited weight to this and other cases, as material considerations as each proposal must be assessed on its own facts. Having regard to the referenced application (Ref: 250735), the wording of Policy CP17 states clearly that proposals should generally not exceed 25 dwellings. Accordingly, insofar as that point is concerned, the granting of planning permission for up to 70 dwellings is not, in and of itself, a breach of policy. Moreover, as the proposed site is outside settlement limits, albeit adjacent to Barkham Hill, it therefore cannot be within Barkham Hill. Nor can it be within a limited development location.
18. The principle of development in this location is unacceptable and conflicts with the development plan and its spatial strategy. Specifically, the proposal conflicts with policies CP1, CP9 and CP11 of the CS as it undermines the aims and purposes of these policies which are designed to maintain the separate identity of settlements and the quality of the environment. Furthermore, these policies seek to provide certainty as to how the Borough will be developed and prevent development in areas that are not well positioned for services and facilities.
19. The absence of a 5YHLS reduces the weight to be given to policies most important for housing supply. Nonetheless, Policies CP9 and CP11 serve broader planning purposes as they direct growth to appropriate locations, protect countryside character, maintain settlement identity and provide certainty and clarity through a plan-led strategy. These objectives remain consistent with the Framework and for that reason, I find that the conflict between relevant policies and the proposal remains relevant in this appeal and has been assessed accordingly.

Conclusion

20. In conclusion, having regard to the above, the proposal would amount to unplanned residential development in the countryside, located outside the defined settlement limits of Barkham Hill. Furthermore, it would not comprise a form of development within identified exceptions as set out in policy. Therefore, I conclude that the proposal would conflict with Policies CP1, CP9 and CP11 of the Wokingham Core Strategy, Policy CC01 of the Managing Development Delivery Local Plan (MDD), Policy IRS1 of the Arborfield and Barkham Neighbourhood Plan and would not be consistent with national policy.

Landscape, character and appearance

21. It is accepted that there is an inevitability in that most, if not all, new development will impact on its surrounding area and landscape. Nonetheless, it

is the level and extent of the resultant harm, and its wider impacts, which are determining factors in whether the proposed development would adversely affect these to an unacceptable degree and result in substantive harm and policy conflict.

22. The proposed scheme is supported by a Landscape and Visual Assessment (LVA) which concludes that the resulting landscape character impacts would be highly localised to the site and its immediate setting. In the Appellant's view, such effects are not considered as significant as the proposal would sit within the established build line south of Barkham Road, following a linear-like structure and not extending further into the countryside beyond.
23. From the Council's landscape evidence, the site is recognised as being one of the valued landscape attributes of the J2 Landscape Character Area (LCA). The topography found on-site and in its immediate vicinity is identified as a typical example of the undulating landscape associated with the J2 LCA, consisting of small fields and wooded coombes. This assessment forms a significant factor in determining the landscape value of the site. Although the site is not publicly open, it remains classified as countryside and is identified as such in the development plan. As such, it is afforded protection under the adopted plan.
24. From my observations, both in evidence and on site, the appeal site provides a landscape pause or break amongst the existing built development form within the local area. By doing so, it is an integral and important element of the existing character and appearance of the area and the local landscape. Therefore, the loss of the site to development would have wider detrimental implications regarding the context of the surrounding area and the relationship of the site to the wider, open countryside to the south. It is also evident that the settlement boundary of Barkham Hill has been drawn specifically around the site, as identified in the development plan. To my mind, this indicates an intentional approach to resist development of the site and provides significant evidence and a firm recognition of its value as an open field in its surrounding context.
25. It is stated that the development of the site would result in a logical infilling of the settlement. However, for the reasons given above, an extension of the Barkham Hill settlement limits in this case would not be appropriate in terms of the proposals' adverse impact on the visual context of the site and the semi-rural character and open countryside landscape of the local area.
26. Moreover, I find that the landscape and character value of the site does not depend solely on formal or informal designation or public access. It is an open field on the edge of the settlement which contributes to the semi-rural setting of this part of Barkham Hill. It also provides an important visual break within the existing pattern of built development, significantly contributing to the transition between the settlement edge and the open countryside to the south.
27. From what I have seen on-site and in the surrounding area and having considered the evidence, I find myself of the view that the loss of the field would not only result in the loss of a parcel of land, described by the Appellant as ordinary, but also result in the removal of an open rural feature that contributes positively to local landscape character.

28. The Appellant makes the point that the proposal is landscape-led and would not result in a wholesale loss of openness with a substantial portion of the site retained as landscaped open space. In my assessment, this is not the case. The landscape proposed around the edges of the site is more incidental rather than being at the forefront of the design of the scheme. Furthermore, it is proposed to retain existing boundary vegetation with additional planting and open space along the southern boundary. Whilst those features may have some softening effect on the visual impact of the development to a minor extent, they would not alter the substantial, fundamental change from an open semi-rural field to a built residential estate with dwellings, access roads, parking areas, car ports and other associated paraphernalia.
29. I have had regard to the Appellant's view that the layout of the proposed scheme would follow the prevailing linear, ribbon character of development along Barkham Road and sit within established building parameters. I am not persuaded. Neither the proposal nor the adjacent tandem development to the west of the site strictly define the historic pattern of single dwellings facing Barkham Road. Whilst the existing form of ribbon development and, to a lesser extent, the tandem development identified form a linear pattern of development, the proposal and in particular plots 14-16, would be arranged in a way that does not reflect the existing linear surroundings.
30. The proposal would introduce a form of development accessed from Edney's Hill, with internal roads, cul-de-sacs and grouped development extending into the field. This estate-like layout would be materially different in its appearance, its function and would be generally at odds with the established grain and pattern of the surrounding area and the prevailing linear pattern of development observed along highways in the local area.
31. The tandem form of development to the west of the site is acknowledged as not being completely ribbon development. However, whilst this does present development situated behind the principal frontage and building line along Barkham Road, the dwellings behind the frontage properties follow the building line and the prevailing form of development seen elsewhere in the locality. Furthermore, the vehicular access point on Edney's Hill, a narrow lane with no substantive proposal to be widened, would also diminish the environmental quality, rural character and appearance of this lane and how it is experienced visually as it passes the appeal site,
32. The comparison of densities between the site proposal and the surrounding area is also relevant. Figure CJ5.3 of the Appellant's LVA aims to illustrate that development on the appeal site will not extend further than the existing prevailing building line adjacent to the site. However, development would go beyond it in the form of the internal access road. In general, the proposed scheme would be relatively dense. It would appreciably appear to be of a higher density than nearby tandem and linear forms of development. Furthermore, with the dwellings, the block of flats and the hardstanding proposed, the volume of the built form within the scheme would produce an unacceptable suburbanising effect which would appear to be visually at odds with the surrounding built form, the semi-rural character and appearance of Edney's Hill and the countryside edge.

33. The scale and form of the proposed buildings would not respond satisfactorily to the local context. The proposed buildings would be around 11 metres high with bulky roof forms. In contrast, the Barkham Village Design Statement (VDS) encourages schemes of one-and-a-half storey properties with dormer-style upper windows and discourages high ridgelines that dominate their surroundings. Moreover, the proposed dwellings would provide very limited visual relief or break up either at roof height or within the facades. It is noted that there would be some minor architectural detailing within the brickwork of the proposed dwellings. However, having regard to the context of the scale of the buildings, greater physical breaks in the composition of the dwellings would be more in line with the local architectural context of Barkham Hill. Furthermore, proposed windows are of a size that appear disproportionately small to the scale of the proposed buildings.
34. The Appellant refers to the four townhouses on the north side of Barkham Road, north-west of the site. These are 2.5 storeys in height, larger than average in the local area and appear to be the only dwellings of that stature in the locality. This is not sufficient to justify unnecessarily high two-storey dwellings when looking at the wider context of development. To the east of the site, there are 1.5 storey dwellings. Given the quantum of development proposed on the site at such an elevated height, as well as its arrangement in an estate-like layout, the proposal would contribute to, and exacerbate, a dense urban environment that is out of keeping with the surrounding character and appearance of the area.
35. I have had regard to the fact that the proposed scheme would result in a density of around 23 dwellings per hectare. In comparison, the density of surrounding residential development, such as the tandem development to the west, equates to around 11 dwellings per hectare. Although, the proposal presents a density that is relatively low, given the context of the site and its relationship to the open countryside to the south, a scheme in such a location may be expected to be transitional in nature and reflective in its scale and layout. This is not the case here as the proposal does not achieve this.
36. Overall, the amount and density of development proposed and the height and scale of the proposed buildings would result in a very urbanised addition to what is currently a rural lane – Edney’s Hill – and a surrounding area that is laid out in a predominantly linear development form. In this form, the proposal would lead to the loss of a valuable open field in the local landscape that forms a valuable feature in the J2 LCA. The presence of the built form, as proposed, would also have wider implications regarding the limitation of views over the landscape.
37. Whilst the proposed development could be screened partially when viewed from certain viewpoints, such as along Barkham Road, the proposal would result in a significant impact on the view towards the site from the south-east taken from Edney’s Hill, at Edney’s House. The existing open aspect of the land at the site rising behind the buildings at Mortimer’s Lodge Farm would be lost, resulting in an increased urban backdrop to the farm buildings, as seen from the rural lane.
38. Furthermore, from my site visit I note that the view southwards across the site and open countryside towards the ‘saw-tooth horizon’ of trees at Waterloo Avenue taken from points along Barkham Road adjacent to the site on its northern boundary would be lost as a result of the proposed scheme. This would be detrimental not only to the ability to view the local landscape, but also

to the character and appearance of the area as experienced from within the built area of Barkham Hill, along Barkham Road, adjacent to the site.

39. The proposal would contribute to the key issues and challenges facing the J2 LCA and fails to comply with this LCA strategy. It therefore conflicts with Policy TB21 of the MDD which seeks to at least retain features that contribute to the quality of the landscape. In addition to Policy TB21, the proposal fails to comply with Policies CP1 and CP11 of the CS which seek to maintain the quality of the environment. The proposal also fails to comply with Policy CP3 of the CS which seeks schemes that are appropriate to the character of the area, scale, layout, height and overall are of a high-quality design. Furthermore, the scheme also fails to comply with Policy CC03 which has the aims of promoting the integration of schemes into the countryside and incorporating landscaping as an integral part of the scheme. There is also conflict with Policies AD3 and IRS2 of the NP which seek good quality design and refer to an adherence to the VDS.
40. These considerations are within the Framework in terms of setting out how well-designed places are fundamental to sustainable development. Paragraph 135 states that development should be visually attractive and sympathetic to local character. Paragraph 139 is also clear that development that is not well-designed should be refused, especially where it fails to reflect local design policies and guidance.
41. Some appeal decisions have been referenced in the evidence before me in relation to matters concerning impacts on landscape character and appearance. The Appellant argues that very limited weight should be given to these other appeal conclusions in relation to this appeal. To be clear, in my assessment, the outcome of these historic conclusions has a limited bearing on the outcome of this appeal. Previous appeal decisions on the site are not determinative. Nonetheless, the conclusions presented are material to the consideration of the principle of development, the built form on the site, the consequential impacts on the landscape and countryside and insofar as they identify and highlight the sensitivity of this open parcel of land to residential development.
42. The site is now - as it was at the time of those previous appeals – an open field. From what is before me, the context and function of the site also remain the same. Whilst development has been constructed in the local area, such as the four townhouses on the opposite side of Barkham Road, it is my view that this simply reinforces the importance of this remaining parcel of land in the local streetscape and landscape. The proposal is therefore unable to successfully integrate into its surroundings as the loss of the site as a visual break would be a permanent and irreversible and have a significant impact.
43. Whilst it may be argued that those earlier schemes were materially different to the appeal proposal for such reasons as they were outline proposals with poor layouts and boundary treatments, the essential concern remains that the built development proposed on this site would substantially and unacceptably erode the quality of its open, semi-rural character and the surrounding landscape.

Conclusion

44. Consequently, for the above reasons, I conclude that the proposed development would cause significant harm to the landscape, character and appearance of the area. It would therefore conflict with Policies CP1, CP3 and CP11 of the

Wokingham Core Strategy, Policies CC03 and TB21 of the Managing Development Delivery Local Plan, Policies AD3, IRS1 and IRS2 of the Arborfield and Barkham Neighbourhood Plan, the Barkham Village Design Statement and the Wokingham Borough Design Guide. Furthermore, the proposed development would not be consistent with national policy.

Sustainable location / Access to services and facilities

45. Policy CP6 states that development proposals should provide for sustainable forms of transport to allow choice and be located where there are, or will be at the time of development, choices in the mode of transport available which minimise the distance people need to travel.
46. The Appellant argues that Barkham Hill's status as a limited development location demonstrates that it is not inherently unsuitable for housing. However, whilst the development plan does contemplate some growth at Barkham Hill, this does not mean that every site adjoining Barkham Hill is sustainable or that accessibility concerns are removed. The evidence presented in the Appellant's Transport Appeal Technical Note shows that although some facilities are within reasonable walking distance from the appeal site, the range of services and facilities is limited and many routes are unattractive or of poor quality.
47. Identified facilities in the local area include Toad Hall Nursery, Barkham Village Store and Post Office, and Barkham Grange employment area. These facilities are all within an acceptable walking distance of the appeal site (i.e. within 1km). However, the walking environments to these facilities are not, in my assessment, sufficiently safe, attractive or convenient to encourage everyday walking, particularly for families with young children, during hours of darkness or in poor weather.
48. Toad Hall Nursery is located on Edney's Hill, a narrow lane with blind bends and concealed access points along its route. It lacks pedestrian and cycle infrastructure and covers a stretch of highway that is subject to national speed limits. It is an unlit route, having a number of pinch points for passing vehicles and great potential for conflict between pedestrians, cyclists and vehicles. With no footpath provision at any point between the nursery and the site and a national speed limit in force, I find this to be an undesirable and indeed unsafe route to walk along, particularly for families with young children. This is borne out by my experience of walking the route between the site and the Nursery.
49. The combination of the above conditions would likely discourage pedestrians, including families from walking and instead rely on the private car for the relatively short distance between the site and nursery. There is nothing presented as part of the proposed scheme that seek to adequately address these concerns.
50. Barkham Village Store has a limited range of provisions, providing only for convenience shopping needs. As such, it would only likely be used by future residents of the proposed scheme for 'top up' shopping rather than for a standard weekly shop. Such shopping would need to be undertaken at a larger supermarket which, I note, necessitate a journey either by public transport or private car.

51. In addition to the limited range for convenience shopping, the most direct route to the village store follows Aggisters Lane, an uneven gravel path that is unlit and a relatively narrow route between Barkham Road and Bearwood Road. Although it passes residential properties, many of these are set back behind large hedges or fencing, resulting in a pathway that is relatively concealed, uneven and not particularly overlooked. As a result, it would be an unattractive, unlit route to walk particularly, but not exclusively, during hours of darkness.
52. Barkham Grange employment area is a small-scale commercial estate located on Barkham Street, south-west of the site. However, the walking route to reach it from the site, along Barkham Road and Barkham Street, has no streetlighting and many pinch points along the footway provided. The footway is also only about one metre wide and located immediately adjacent to the highway which undulates and bends, particularly along Barkham Road. Indeed, at some points, there is no footway at all. As a result, I also find this route to be particularly unattractive and unsafe for pedestrians. Again, I have seen nothing presented in relation to the proposal that seeks to address the concerns.
53. There is no dedicated cycle infrastructure in the local area and no direct, continuous cycling routes to local facilities. It is evident from what I have seen and read that the best cycling routes in most cases will be equivalent to the pedestrian routes to local facilities. Accordingly, I find that cycling routes are also unattractive as they are unsegregated from pedestrians and, in some cases, road traffic and unlit.
54. The availability of a bus service is positive and it is acknowledged that the site has access to a 'good' bus service, as defined in Policy CP6 of the CS. Notwithstanding this, although the bus service will provide residents with a choice of alternative transport mode, Paragraph 117a of the Framework identifies that priority should be given first to pedestrian and cycle movements both within the proposed scheme and within neighbouring areas. Pedestrians and cyclists are at the hierarchical summit in terms of sustainable transport modes. Based on the evidence before me and my observations in the area, I find that the proposal has not sufficiently or effectively accounted for this.
55. Access to public transport does not overcome the limited and unattractive pedestrian and cycle connections to day-to-day facilities. The Framework clearly gives priority to pedestrian and cycle movements, and the proposal would not achieve a development where those modes are likely to be realistic first choices for many daily trips to key local services and facilities. Public transport may provide a sustainable alternative transport mode to walking and cycling to local facilities. However, given the unattractive nature of the walking and cycling routes and location of some of the local facilities, it is highly likely that potential future residents would use a private car instead to access those facilities.
56. The Appellant relies on previous applications where sustainability was not raised as a reason for refusal. However, I note that this appeal proposal is materially larger than some earlier schemes, including previous schemes identified for the appeal site. Moreover, current national policy and guidance now place a stronger emphasis on sustainable travel, active travel and reducing car dependency than previous versions. As such, there have been substantive material changes in circumstance since the previous applications referenced were determined under previous national policy and guidance.

57. Overall, it is my view that previous omissions or conclusions should not, and do not, prevent a proper assessment of this proposal on the relevant evidence before me and each case must be assessed on its own merits.
58. As a result, the proposal is determined to be inconsistent with the Framework which places great emphasis on sustainable environments and travel. Core Strategy policies CP1 and CP3 emphasise the requirement to provide functional schemes with CP1 stating that proposals should demonstrate opportunities to reduce the need to travel, particularly by private car. Policy CP6 of the CS sets out that residents should have choice in selecting transport modes. However, the realistic options for future residents of the appeal site have been limited to the private car, which is the most likely and unsustainable, and a bus service which, although considered to be 'good', utilises waiting environments at the adjacent bus stops that are not desirable to use.
59. Regarding access to public open space, although disputing the need for mitigation, the Appellant has sought to provide for it through the submitted legal document. Whilst I note the Council's concerns regarding the effectiveness of such mitigation and the legal document which seeks to achieve it, as I have found that the scheme would conflict with local and national policy by failing to provide sustainable access to a range of other services, the matter of public open space is not in itself determinative.

Conclusion

60. In conclusion, the proposed scheme would not be in a sustainable location in transport terms having regard to distance and access to local facilities and services. Whilst some facilities are within reasonable walking distance of the site and a 'good' bus service exists, future residents of the proposed scheme would likely rely heavily on private cars for many short day-to-day journeys to local facilities and services. This is due to unattractive walking and cycling routes, lack of streetlighting, a lack of dedicated footpaths and cycleways and a lack of, and distance to, different types of open space.
61. Consequently, I conclude that the proposal would not be in a sufficiently sustainable location in transport terms and would conflict with Policies CP1, CP2, CP3 and CP6 of the Wokingham Core Strategy and Policy TB08 of the Managing Development Delivery Local Plan. Furthermore, it would not be consistent with the Framework which identifies and gives priority to walking and cycling with regard to the hierarchy for sustainable transport modes.

Highway and pedestrian safety

62. The proposed access to the site would be from Edney's Hill. The Appellant has provided speed survey evidence, revised visibility splays and further swept path analysis. The Appellant also states that the observed speeds justify visibility splays of 36.6 metres southbound and 35.7 metres northbound and that these are achievable.
63. The Appellant also says that the Council's original assessment underestimated the existing use of Edney's Hill, with surveys showing 1,155 two-way vehicle movements over 12 hours and an estimated 78 additional daily movements resulting from the proposed scheme.

64. The local highway authority considered this additional information and revised plans, which were submitted by the Appellant during the appeal as the Council had raised no relevant concerns on such matters during the planning application, prior to issuing its decision notice.
65. This additional work does not, however, result in the concerns raised in Reason for Refusal 4 of the Council's decision notice being fully addressed. The issue of concern is not simply the percentage increase in traffic that would be generated by the proposed scheme. It is whether safe and suitable access can be achieved for all users having regard to the physical constraints of Edney's Hill, the proximity of the access point to the nearby bend in the highway, the relationship with Barkham Road and the need for refuse and emergency vehicles to manoeuvre safely in to, around and out of the site.
66. Edney's Hill is of insufficient width to easily accommodate two-way traffic movements safely and I find that the additional traffic generated by the proposed scheme would only intensify use of a substandard road and junction for the proposed purpose. There are other concerns raised that larger vehicles have not been shown to be able to enter, turn and leave the site satisfactorily in forward gear within acceptable reversing distances.
67. It is noted that as the proposed site access on Edney's Hill is in proximity to a bend in the road approximately 50 metres south. That bend is also close to the access to Mortimer Lodge Farm. Given this proximity, tangential and forward visibility at the bend would be expected to be assessed.
68. From what has been presented, I am not satisfied that the submitted information provided by the Appellant sufficiently demonstrates that the development would be safely and conveniently served in this regard, particularly by refuse and emergency vehicles. Nor am I satisfied that the potential for vehicular conflict, waiting or reversing on Edney's Hill and near its junction with Barkham Road has been adequately addressed.
69. Moreover, due to relatively high traffic flows experienced along Barkham Road during peak hours, it is my assessment that any potential delay at the junction of Barkham Road and Edney's Hill, from vehicles waiting or reversing back on Edney's Hill, could result in the queue stacking of traffic along Barkham Road. Consequently, this would lead to potential congestion issues and increase risks to highway and pedestrian safety.
70. It is acknowledged that revised swept path analysis of larger vehicle movements was provided by the Appellant during the appeal and these appear to address some of the issues relating to the turning and reversing of refuse and emergency vehicles. However, these do not fully address the potential risk for congestion at the access point to the site on Edney's Hill due to large vehicles passing each other and trying to turn into and out of the site. As such, I find that the proposal would remain in conflict with Policy CP6 of the CS. Part g of the policy states that permission will only be granted for schemes that do not cause highway problems or lead to traffic related environmental problems. Based on the evidence, and notwithstanding the additional details provided by the Appellant during the appeal, I find that the proposal still presents a substantive risk for vehicular conflict and associated highway and traffic problems.

71. In relation to issues concerning waste collection and removal specifically, Policy CC04 of the MDD states that all development shall incorporate suitable waste management facilities, including on-site recycling. Given the concerns raised relating to the provision of the suitable access, egress and manoeuvring of large vehicles around the proposed site, including waste management vehicles, and notwithstanding that elements of waste management could be addressed by conditions, the proposal has not fully demonstrated its ability to provide suitable and safe overall waste management arrangements. Therefore, it does not fully comply with Policy CC04.
72. Paragraph 116 of the Framework says that development should only be prevented where it is refused on highways grounds if there would be an unacceptable impact on highway safety or cumulative impacts on the road network, following mitigation, which would be severe, taking account of all reasonable future scenarios. I find this to be the case here as, for the above reasons, the proposal would result in an increased risk to highway safety and have an unacceptable impact on it.

Conclusion

73. Accordingly, I conclude that the proposal would have an unacceptable impact on highway and pedestrian safety, particularly regarding the access arrangements for the site and the manoeuvring of large vehicles around it. It therefore fails to demonstrate adequate servicing arrangements, including waste collection. Therefore, I conclude that the proposal conflicts with Policies CP1, CP3 and CP6 of the Wokingham Core Strategy, Policy CC04 of the Managing Development Delivery Local Plan and is not consistent with national policy.

Trees

74. The proposal would particularly affect the trees identified as T16, T17 and T20 at the appeal site. The Council identifies T16 and T17 as category B trees and T20 as an A category tree which it also considers to be at least veteran and potentially ancient. All the identified trees are assessed to be of good quality.
75. The Appellant's arboricultural evidence says that any root protection area (RPA) encroachment in relation to T16 and T17 would be minor, within acceptable limits and capable of mitigation through best practice. It also states that the required visibility splays identified for access to the site would not conflict with any existing trees.
76. However, the Council's tree evidence raises substantive concerns that the proposal has not followed the default approach in BS 5837 which is that structures are located outside the RPA of trees to be retained.
77. Considering the requirements of 5.3 of British Standard BS 5837, it is evident that these aspects have not been met. Specifically, points (a) to (d) of 5.3 have not been demonstrated to show that the proposal would be acceptable in relation to T16 and T17. Furthermore, the proposal has not provided an explanation as to why there is an overriding justification for construction to take place within the RPAs. There is no demonstration before me to show that the trees can remain viable with the proposed development in place, notwithstanding whether any encroachment into the RPA would be minor, within acceptable limits or capable of mitigation through best practice. There is also no

indication provided to show where the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA. Nor is there a proposal for any suitable mitigation measures to improve the soil environment that is used by the trees for growth.

78. In addition to T16 and T17, tree T20 is noted as being a key tree of particular importance by the Council. The Appellant argues that the tree is off-site and that the red line shown passing through the trunk reflects Ordnance Survey Mapping plotting tolerance of up to 2 metres. However, submitted plans and application material indicate, initially at least, that the tree is on-site. Notwithstanding whether tree T20 is on-site or not, the buffer and RPA for the tree undoubtedly extends onto the appeal site. As such, T20 is clearly impacted by the proposed development as the development's effect on its RPA and immediate surrounding environment is material.
79. Taking account of the Council's supporting evidence, and as highlighted by a previous tree officer at the time of the original application, T20 is considered a veteran tree. Its listing on the Ancient Tree Inventory is noted, as is its ecological value due to providing a deadwood habitat for stag beetles and records of stag beetles being identified nearby. Stag beetles are a national priority species under Section 41 of the Natural Environment and Rural Communities Act and protected under the Wildlife and Countryside Act 1981. As such, they are a species of principle importance as set out in Policy CP7.
80. The Appellant had stated that T20 is not a veteran and that the principal trees in relation to the Council's Reason for Refusal 7 did not include T20 when it was drafted. However, I note that a further review of the proposal's impact on trees was undertaken by the Council's current tree officer, in light of an updated proposed site layout submitted by the Appellant. As a result of this review, the tree officer identified T20 as a veteran and that the proposed scheme would extend into the 24.1 metre buffer area and RPA required for tree T20. It therefore became evident that the surrounding environment of the tree would also be impacted by the proposed scheme and that the proposal would result in unjustified harm to a veteran tree. Accordingly, this impact cannot be ignored and this matter is considered relevant in determining this appeal.
81. Paragraph 193c of the Framework applies in relation to veteran trees. It states that veteran trees are irreplaceable habitats. Development resulting in their loss or deterioration should be refused unless wholly exceptional reasons and a suitable compensation strategy exist.
82. In my assessment, no such wholly exceptional reasons have been demonstrated here. Notwithstanding the Appellant's view as to whether T20 is a veteran tree or not, as I find T20 to be a veteran tree based on the evidence, the Appellant has not provided any exceptional reasoning and justification for the impact of the proposed scheme on the RPA of T20 as a veteran tree. In this regard, the proposal is not consistent with Paragraph 193c of the Framework. The proposal also fails to comply with Policy CP7 of the CS as, due to the veteran tree not being adequately protected, neither is the deadwood which would have an impact on the habitat of a national priority species and harm the ecological value of the tree. Therefore, the proposal should be refused.

83. Overall, the proposed scheme would result in unjustified harm to T16 and T17. Furthermore, as has now been identified, unjustified harm to T20, a veteran tree, would also occur based on the present site layout of the proposed scheme. Therefore, the proposal fails to comply with Policy CP7 of the CS because the veteran tree is not adequately protected, neither is the deadwood habitat it provides which would consequently impact on stag beetles, a national priority species, causing harm the ecological value of tree T20.

Conclusion

84. Consequently, with due regard to the above points, I conclude that the proposed scheme would fail to adequately protect important trees and would risk the deterioration of a veteran tree and associated ecological habitat. The proposal conflicts with Policy CP7 of the Wokingham Core Strategy and Policy CC03 of the Managing Development Delivery Local Plan. The proposal is also inconsistent with national policy concerning the protection of irreplaceable habitats and national priority species.

Biodiversity Net Gain

85. This issue centres on the statutory Biodiversity Net Gain (BNG) baseline being in dispute between the Council and the Appellant. The dispute set out above regarding tree T20 also has an impact on the assessment of BNG values and whether the proposed development would meet its 10% BNG requirement.
86. The Appellant maintains that the tree is off-site and that the submitted biodiversity information demonstrates that a 10% biodiversity net gain (BNG) can be achieved through a combination of on-site measures and off-site habitat units. The Council does not accept that this is the case because T20 was not included in that baseline assessment despite the red line application site boundary on the site location plan submitted with the planning application passing through the trunk of tree T20. Moreover, the Appellant has referred to the tree being on-site in their own application documentation.
87. The original site location plan has been superseded by the submission of an updated plan and whilst allowing for an indicated tolerance in the accuracy of Ordnance Survey Mapping, tree T20 now appears to be depicted off-site.
88. In any event, and notwithstanding whether the tree is on site or off site, given the Council's review and assessment of the amended planning layout submitted by the Appellant, it is my assessment that T20 is identified as a veteran tree and an irreplaceable habitat that is on-site.
89. In my view, as tree T20 was identified to be on-site in the original site location plan submitted with the planning application, this should be the reference plan on this issue. Moreover, in light of the proximity of T20 to the site boundary, whether within the site or adjacent to it, its presence and its potential impact and influence on biodiversity at and near to the site should have been clearly considered and assessed when undertaking the baseline assessment for BNG and in determining the pre-development biodiversity value for the appeal site.
90. As such, the baseline assessment of the pre-development biodiversity value of the site did not include and take account of the influence and impact of T20 not only as a veteran tree but also as an irreplaceable habitat for the stag beetle, a

national priority species. Accordingly, having not done so results in the submitted baseline assessment not providing an appropriate biodiversity assessment for the appeal site. Furthermore, an appropriate assessment of the level of BNG that the proposed scheme would provide over and above an identified baseline value cannot, and has not, been provided in the evidence.

Conclusion

91. Consequently, I conclude that the proposed scheme does not accord with the requirements of the Environment Act 2021, Schedule 7A of the Town and Country Planning Act 1990 or the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. Accordingly, I conclude that with regard to BNG, the proposed scheme conflicts with Policy CP7 of the Wokingham Core Strategy and is not consistent with national policy.

Planning obligations

92. The Council's Decision Notice contains five separate reasons for refusal which relate to planning obligations that the Council says should be secured from the proposed scheme. These reasons relate to securing appropriate affordable housing in terms of quantum, type and tenure on-site and a financial contribution for off-site provision; appropriate mitigation and contributions to SANG capacity and SAMM relating to the Thames Basin Heaths SPA as a result of the proposed scheme; the provision and appropriate maintenance of suitable on-site highway infrastructure; a financial contribution to primary health care for additional clinical capacity to serve the development and a financial contribution towards local employability skills and training opportunities.
93. In response, the Appellant prepared a signed legal document to secure those obligations. The Council had also raised concerns about the proposed affordable housing tenure split, noting that the submitted mix did not accord with the policy approach requiring 70% Social Rent and 30% Shared Ownership and that Affordable Rent should not typically account for more than 12% of affordable housing under the Affordable Housing SPD. The submitted legal document resolves that disagreement, and it is now policy compliant.
94. Notwithstanding the above, there remains uncertainty and disagreement between the Council and the Appellant in relation to some matters within the legal document, including the suitable provision of SANG capacity and the compliance of some obligations with the CIL Regulations. Whilst these are acknowledged as remaining in dispute, as I am dismissing the appeal on a number of substantive issues, these matters are not determinative in my decision. Therefore, it is not necessary to consider these in any further detail.

Other matters

95. In addition to the main issues identified, I confirm that I have had regard to all other matters raised concerning the proposed development. These have been submitted by statutory organisations, interested third parties and residents. Having done so, I find none of these other matters determinative in this case and in relation to my overall decision to dismiss the appeal. Accordingly, it is not

necessary to deal with these other matters in any further detail.

Planning balance

96. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. Therefore, in accordance with Paragraph 11(d) of the Framework, the 'tilted balance' is engaged. As such, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework, taken as a whole. In considering this, particular regard is to be had to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, whether individually or in combination.
97. In addition to the Council's inability to demonstrate a 5YHLS and the resultant status of relevant housing supply policies, including CP9 and CP11 of the CS as being out-of-date, I have also considered Paragraph 232 of the Framework. Paragraph 232 is clear that despite being considered out of date, due weight should be given to policies according to their consistency with the Framework. In my assessment, the objectives of policies CP9 and CP11 are consistent with the Framework, providing certainty and clarity about where development should be located. Accordingly, I conclude that the proposed scheme's conflict with the policies identified remains and should be afforded due weight in the overall planning balance.
98. To undertake the balancing exercise, I have assessed the benefits and harms of the proposal and determined what level of weight is to be afforded to each aspect to reach my overall conclusion, having due regard to the tilted balance.

Benefits

99. The proposal would deliver 16 dwellings, including a policy compliant affordable housing contribution on a small site which could be delivered quickly by a SME (small or medium sized enterprise) developer. In the context of a 2.5-year housing land supply and a significant housing shortfall, the provision of market housing carries substantial weight. The provision of affordable housing also carries significant weight, in terms of its form, tenure and delivery being secured by obligation.
100. The proposal would bring some limited economic benefits in terms of construction activity, local expenditure by future residents and support for local services. These benefits attract moderate weight. It would also bring some benefit through its contribution towards employability skills and training and contributions towards primary health care. These benefits attract limited weight.
101. I have considered that the scheme would deliver energy-efficient homes, electric vehicle charging, e-bike charging and biodiversity enhancements. These are benefits to which I give limited weight. Suitable mitigation for the Thames Basin Heaths SPA and related planning obligations has been demonstrated to be secured through a legal document which is considered would be achievable.

This also attracts limited weight. These elements attract limited weight in favour of the proposal as it is expected that such benefits would be required of any development proposal for compliance with the development plan.

Harms

102. The adverse impacts of the proposed scheme are extensive. The proposal would conflict with the spatial strategy of the development plan by introducing unplanned housing outside settlement limits within the countryside. This conflict with policy attracts substantial weight. The proposal would also cause significant harm to landscape character and appearance through the loss of an open rural field and the introduction of dense, estate-like development. This also attracts substantial weight.
103. Furthermore, the proposal would be poorly located for walking and cycling to many day-to-day facilities. As such, this would likely increase reliance on private cars, even for relatively short trips and therefore have a significant adverse impact on the overall sustainability of the proposal. This attracts significant weight.
104. The proposal has not demonstrated safe and suitable access into an out of the site for all road users. Moreover, the proposal would be likely to give rise to unresolved highway safety and servicing concerns for both vehicles and pedestrians. As such, this harm attracts significant weight against the proposal.
105. The proposed development fails to adequately protect important trees, including a veteran tree, and it has not satisfactorily demonstrated that the necessary BNG and statutory duty could be fulfilled and BNG achieved through the development. This harm attracts substantial weight against the scheme.

Planning Balance Conclusion

106. In applying paragraph 11(d) of the Framework and the tilted balance, I find that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole. Consequently, with the above considerations and having undertaken and assessed the overall planning balance, I conclude that the proposal would not be sustainable development.

Overall Conclusion

107. For all the above reasons, and having regard to all matters raised, I conclude that the appeal is dismissed.

A McCormack

INSPECTOR

APPEARANCES

For the Appellant:

Tim Northey	Planning Director, Abbeymill Homes Ltd (the Appellant)
Dr Richard Curtis	Director, Aspect Arboriculture Ltd
Chris Callaway	Transport Planner, Associate - Paul Basham Associates
Chris Jenkinson	Director, Jenk Landscape Design and Planning Ltd
Megan Jewson	Director, Essential Ecology
Marco Mauro*	Partner, Howes Percival – Planning Legal

For the Local Planning Authority:

Connie Davis	Principal Planning Officer
Louise Aparo	Ecology Officer
Benjamin Amey	Principal Highways Development Management Officer
Finn Rothery	Green Infrastructure Officer
Chris Hannington	Trees and Landscape Manager
Chris Beasty*	Planning Solicitor

Interested Parties:

Chris Heylinger	Local resident
Steve Ollerhead	Local resident

(*Appeared via video call)