

## Appeal Decision

Inquiry held on 20, 21 and 22 September and 12 and 14 December 2016

Site visit made on 22 September 2016

**by Jameson Bridgwater PGDipTP MRTPI**

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

**Decision date: 02 March 2017**

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**Appeal Ref: APP/X0360/W/15/3130829**

**Land West of Park Lane, Charvil, Reading RG10 9TS.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Hicks Developments Ltd against the decision of Wokingham Borough Council.
  - The application Ref F/2014/2503, dated 30 October 2014, was refused by notice dated 16 February 2015.
  - The development proposed is described as 'Erection of 25 detached houses with associated roads, garages, parking spaces, gardens and landscaped areas. Provision of allotments with associated access and parking, replacement field access to adjoin grazing land'.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 25 detached houses with associated roads, garages, parking spaces, gardens and landscaped areas. Provision of allotments with associated access and parking, replacement field access to adjoin grazing land at land west of Park Lane, Charvil, Reading RG10 9TS in accordance with the terms of the application, Ref F/2014/2503, dated 30 October 2014, subject to the 21 conditions set out in the attached schedule.

### Preliminary matters

2. A Unilateral Undertaking was submitted under section 106 of the Town and Country Planning Act 1990 (s106). I deal with the contents of this below.
  3. The Inquiry sat for 5 days. I held an accompanied site visit on 22 September 2016. I also conducted an unaccompanied visit on the 20 September 2016 and carried out unaccompanied rail journeys between Twyford and Reading on 13 December 2016 to observe the appeal site from the Great Western main line at the request of both parties.
  4. A Statement of Common Ground (SoCG) was submitted which sets out the policy context along with matters of agreement and those in dispute. It was confirmed in the SoCG that the Council were no longer seeking to defend their reasons for refusal numbered 3, 4, 5, 6, and 7 in light of changed circumstances relevant to the proposal and the submission of additional information by the appellant including the Unilateral Undertaking.
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Furthermore, no substantive or technical evidence that was contrary to the view of the Council was advanced by any other party. I have determined the appeal on this basis.

5. The appellants as part of their appeal submission have revised their proposal deleting the scheme for allotments and associated car parking within the 'blue line' (Plan Ref. 1978-01D). An amended plan was submitted to the Council detailing the change (Plan Ref. 1978-01E); this is confirmed in the SoCG. I have determined the appeal on the basis of this revision, mindful of the principles contained in the Wheatcroft decision. I consider that the amendments are not of a scale that the development is so changed that if I was minded to allow the appeal and grant planning permission it would deprive those who should have been consulted on the changed development of the opportunity of such consultation.

### **Application for costs**

6. An application for costs was made by Hicks Developments Ltd against Wokingham Borough Council. This application is the subject of a separate decision.

### **Main issues**

7. The main issues in the appeal are:
  - whether or not the Council are able to demonstrate a five-year supply of deliverable housing sites; and
  - the effect of the proposal on the character and appearance of the area with particular regard to landscape.

### **Reasons**

#### *Planning policy*

8. Paragraph 47 of the Framework seeks to boost significantly the supply of housing. It identifies that Councils should ensure that their local plans meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies of the Framework. In addition, they must identify and update annually a supply of specific deliverable sites sufficient to provide a 5 year supply of land for housing against their housing requirements, with an additional buffer of either 5% or 20% (moved onward from later in the plan period), to ensure choice and competition in the market for land. It is common ground that Wokingham are a local authority with a record of persistent under delivery of housing and therefore a 20% buffer should be applied.
9. Applications for housing should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Core Strategy housing requirement was formulated well before the publication of the Framework and stems from the now revoked Regional Spatial Strategy (RSS). In view of the relevant legal cases on housing land-supply, a revoked RSS is not a basis for the application of a constraint policy to the assessment of

housing needs, because it has been revoked and cannot be part of the Development Plan. The *same* would be true of an out of date Local Plan which did not set out the current full objectively assessed needs. Until the full, objectively assessed needs are qualified by the policies of an up to date Local Plan, they are the needs which go into the balance against any Framework policies. It is at that stage that constraints or otherwise may apply. In these circumstances, therefore, the housing requirement of the Core Strategy cannot be said to be up to date in the terms of the Framework.

10. The development plan for the area includes the Wokingham Borough Core Strategy Development Plan Document January 2010 (CS) and the Managing Development Delivery Local Plan February 2014 (MDD). These documents both plan for development, including housing, to 2026. The Council's reasons for refusal indicate that the appeal development would be contrary to Policies CP3 and CP11 of the CS and Policies CC01, and CC02, of the MDD.
11. Policy CP3 of the CS sets out the general principles for all development including, amongst other things, that planning permission will only be granted for proposals that have no detrimental impact upon important ecological, heritage or landscape. Policy CP11 states that, in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside the defined development limits of settlements will not normally be permitted.
12. Policy CC01 of the MDD reflects the statutory status of the development plan and sets out the presumption in favour of sustainable development in similar terms as the Framework. MDD Policy C002 refers to development limits for settlements and states, among other things, that proposals at the edge of settlements will only be approved where they can demonstrate that the development, including boundary treatments, is within development limits and respects the transition between the built up area and the open countryside by taking account of the character of the adjacent countryside and landscape.
13. Although not cited as a reason for refusal both parties have referred to Policy TB21 of the MDD that seeks to ensure that proposals demonstrate how they have addressed requirements of the Council's Landscape Character Assessment, including the landscape quality, strategy and sensitivity and key issues. It also requires proposals to retain or enhance the condition, character and features that contribute to the landscape.

#### *Housing Land Supply*

14. As set out above, the housing requirement of the Core Strategy is not up to date in the terms of the Framework. Consequently, in order to determine this appeal, it is necessary for me to assess the housing requirement for amongst other things, compliance with paragraph 47 of the Framework. This is consistent with the approach adopted in the appeal decisions for residential development at Beech Hill Road (Appeal Ref: APP/X0360/A/13/2209286) and Stanbury House (Appeal Ref: APP/X0360/W/15/3097721) to which I have been referred to by the parties.
15. In reaching their decisions both Inspectors concluded that the Council could not demonstrate a five-year housing land supply in accordance with the

Framework. However, I note that the Beech Hill Road decision was made prior to the publication of the Council's jointly commissioned Strategic Housing Market Assessment of January 2016 (SHMA) and since the Stanbury House decision, the Council have published an updated Strategic Housing Land Availability Assessment (SHLAA) 31 March 2016, for the five-year period from 1 April 2016 – 31 March 2021.

16. The parties disagree over the five-year land supply in terms of the full objectively assessed need for housing (the OAN) in relation to market signals uplift and the anticipated amount of homes that will be delivered over the five-year period. I will therefore now consider each of these matters in turn.

*Housing need – market uplift*

17. It is not the purpose of this appeal to provide a definitive critique of the Council's OAN as that is the function of the Local Plan examination process. The Planning Practice Guidance (the PPG) advocates that housing requirement figures should be used as the starting point for calculating the five-year supply of housing. It further states that where evidence in Local Plans has become outdated and policies in emerging plans are not yet capable of carrying sufficient weight, as is the case here, information provided in the latest full assessment of housing needs should be considered. However, it recognises that the weight given to these assessments should take account of the fact that they have not been tested or moderated against relevant constraints.
18. For the purposes of this Inquiry it was agreed by the parties that the starting point for Wokingham's housing needs, as derived from the 2012-based CLG Household Projections, should be 680dpa and that it is necessary to make an uplift to that starting point to account for migration trends and economic needs. The uplift applied by the SHMA to address these factors results in a requirement of 784dpa. This figure was agreed by the parties to be appropriate for the purposes of this appeal. Moreover, it was common ground that it is necessary to then make a further upwards adjustment to account for market signals. However, there is dispute between the parties in relation to the extent of the market signals uplift required.
19. The Council have argued that the SHMA's uplift of 9.18% is an appropriate and evidence based response to market signals. This results in an OAN of 856dpa. The appellant disagrees and advocates that this is insufficient due to increasing affordability issues in the borough. The appellant therefore recommends that an uplift of at least 14% would be appropriate, which would result in an OAN of 894dpa. Consequently, the difference between the parties is no more than 38dpa at its maximum.
20. The PPG does not set out how any such adjustment should be quantified, though it must be 'reasonable'; the more significant the affordability constraints (as reflected in rising prices and rents, and worsening affordability ratio) and the stronger other indicators of high demand (e.g. the differential between land prices), the larger the improvement in affordability needed and, therefore, the larger the additional supply response should be. Moreover, it is also important to recognise that the housing figures that result from an OAN represent a minimum and not a maximum requirement for an area.

21. It was clear from the evidence before me and what I heard at the Inquiry that issues around affordability are not solely confined to Wokingham. In fact, there was no material dispute between the parties at the Inquiry regarding Wokingham's affordability difficulties given its locational advantages in relation to London and Reading. Furthermore, the worsening position in relation to affordability in the first 2 years of the SHMAA period was evidenced by data published by the ONS in 2015 which showed that the Borough had an increase in median price to earnings ratio in 2014 of 11.1, and that the corresponding figure for 2013 was 9.9.
22. The Council acknowledges that it has a record of persistent under delivery of housing as reflected in its acceptance of the use of a 20% buffer in the calculation of its five-year housing land supply. Furthermore, the SHLAA highlights an increasing deficit in overall housing completions (-988) within the SHMAA period (since 1 April 2013). As a result, I consider that the under delivery of new homes in Wokingham is likely to have a detrimental effect on affordability and would also be likely to restrict the delivery of affordable units in the Borough which in turn would further exacerbate affordability. Having reached the conclusions above, the combination of increasing affordability ratios combined with a constricted supply of housing lead me to the conclusion that a market signals uplift of 14% advocated by the appellant would be reasonable, proportionate and in this specific circumstance justified by the available evidence.
23. In reaching this conclusion I have not had to rely upon the appellant's use of Stage 2 projections in relation to market signals which were in dispute. Furthermore, my conclusion is broadly consistent with the findings of the Inspector in the Stanbury House appeal.
24. Therefore, the application of a 14% uplift would result in a OAN of some 894dpa in this specific circumstance. In relation to this difference I note that the Council have stated that *'ultimately, there is relatively little difference between both parties' recommended uplifts for market signals'*.

#### *Housing Supply*

25. Paragraph 47 of the Framework seeks 'to boost significantly the supply of housing, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land'. It is common ground that Wokingham are a local authority with a record of persistent under delivery of housing and therefore a 20% buffer should be applied.
26. Furthermore, in support of Paragraph 47 guidance on the assessment of deliverability is set out in the associated footnote 11. It states, 'to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing

will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans’.

27. The Council’s case, as set out in its recently published SHLAA at 31 March 2016, is that it can demonstrate a supply of 6965 deliverable sites for the five-year period from 1 April 2016 – 31 March 2021. This equates to supply of 1393dpa.
28. The appellant disputes this and argues that the actual housing supply figure falls in the range of between 6286 if a 10% across the board lapse rate is applied or as low as 5914 if site specific deductions are applied. Further, the appellant advances a third scenario that follows the Inspectors approach in the Stanbury House decision who applied site specific deductions on a number of identified sites before applying a 10% lapse rate to the remainder, the decision quantified the supply from deliverable sites as 6204.

#### *Site specific analysis*

29. A substantial proportion of the Borough’s planned housing delivery is from the four Strategic Development Locations (SDLs) identified in the Core Strategy. These are known as Arborfield Garrison, North Wokingham, South of the M4 Motorway and South Wokingham. Based on the evidence before me, the predicted housing delivery from SDLs would deliver approximately 65% of claimed supply in SHLAA. Moreover, SHLAA advances delivery rates for the SDLs which range up to 359pa, with an overall average of 228pa). However, this would differ from the Council’s calculation of housing delivery that assumes: 67.87 dwellings per year from the development of larger sites being built out by one developer. 54.63 dwellings per year, from large sites being built out by two or more developers. In short the principal areas of disagreement in the appeal relate to the SDL’s and to a large extent boil down to the relative degree of optimism or pessimism of the parties concerning the extent of their deliverability within the 5-year period 1 April 2016 – 31 March 2021.

#### *Arborfield Garrison*

30. Arborfield Garrison SDL is allocated by Core Strategy Policy CP18 for the phased delivery of around 3,500 dwellings by 2026. The SHLAA confirms that the site is split into two sections; North (Crest) (2,000 homes) and South (Hogwood) (1,500 homes). Phase 1 (which consists of 113 houses (net)) of the Northern (Crest) site began building work in February 2016.
31. The dispute between the parties relates to the trajectory of delivery from the Northern area (Crest) and the Southern area (Hogwood). The SHLAA projects that 470 homes will be delivered from Crest within the 5-year period and 375 from Hogwood in the same period. In terms of setting the delivery trajectory in both instances the SHLAA confirms that the Council contacted the developer/landowners in April 2016 to seek views on the validity of the authority’s assumptions for delivery. In line with the approach of their letter,

since no response to the contrary was received, the Council's expected delivery rates were therefore considered to be agreed by the developer.

32. The main dispute between the parties in relation to the Northern area (Crest) is that the Council have stated that rates of delivery will double in the last year of the 5-year period from 100 to 200 homes without adequate justification. In this respect, I share the appellant's concerns that the Council's build out trajectory is inconsistent with SHLAA, table 3.2 (p11) which asserts that calculations are made based on 55pa from each developer where there are multiple developers. Given that there had been no response from the developer in relation to the Council's request for information, there appears to be no underlying rationale or substantive evidence that supports the Council's decision to conclude that 4 developers would be operational on site throughout monitoring year 2020/21. I accept that Mr Spurling of the Council mentioned that another house builder had purchased other parcels of land and there were on-going pre-application discussions. However, this was little more than anecdotal and there was no substantive evidence at the Inquiry that demonstrates that the developer (Crest) are currently marketing other parcels of land on the site for development or that they are likely to come forward within the five-year period. Consequently, based on the evidence before me and what I heard at the Inquiry; I conclude taking into account of Paragraph 47 of the Framework and its associated Footnote 11 that it is appropriate for the purposes of this appeal to make a deduction amounting to 90 dwellings in the absence of any conflicting evidence to ensure broad consistency with the delivery rates of the published SHLAA from the Northern area (Crest).
33. The dispute between the parties on the Southern area (Hogwood) centres on whether the delivery rates in the SHLAA are realistic given the site-specific circumstances. The appellant has sought a reduction for the Southern area (Hogwood) of 240 dwellings to 135 dwellings in the 5-year period. This is on the basis that although the Council resolved to grant the outline application on 14 October 2015, there was no executed s106 obligation (no planning permission) at the time of the Inquiry and that in terms of ownership Hogwood Farm differs from the Northern site (Crest), in that it is being promoted directly by the landowners; meaning that it is likely that there would still be a significant delay in its implementation. Further reasoning that there would be a requirement for the site to be marketed and sold to a developer (house builder or house builders), along with the necessary reserved matters and associated discharge of condition processes, provision of initial infrastructure etc. The appellant's argument is underpinned by their analysis of similar landowner promoted schemes in Wokingham (Ms Mulliner's supplementary proof dated 29 November 2016). The evidence demonstrates that from the grant of outline permission to first completions were in the range of 2.5 to 4 years. Therefore, with no substantive evidence to lead me to a different conclusion, I accept the appellant's reasoning that in relation to the Southern area (Hogwood), it is highly unlikely that first completion would be achieved before 19/20. Having reached this conclusion, it is appropriate to deduct 150 dwellings from the supply in the Southern area (Hogwood Farm) to reflect that it has not been adequately demonstrated by the Council that there is a realistic prospect that the full quota of housing identified within the SHLAA (375 dwellings) will be delivered on the site within the five-year period.

34. In reaching this decision I have taken account of the conclusions in the Beech Hill Road and Stanbury House appeal decisions and whilst I note that neither made specific deductions for the Aborfield SDL, they both raised significant concern in relation to the Council's very optimistic projections. I therefore conclude that my conclusion is broadly consistent with their findings.

*North Wokingham*

35. North Wokingham SDL is allocated by Policy CP20 of the Core Strategy for the phased delivery of around 1500 dwellings by 2026. The SDL is sub-divided into different areas, which are the subject of several separate planning permissions and applications.
36. Mrs Mulliner's supplemental proof of evidence (29 November 2016) raises concern in relation to delivery trajectory from North Wokingham SDL highlighting the Council's over-optimism in their SHLAA when compared to its predecessors. Again, I share the appellant's concerns that the Council's build out trajectory for Matthews Green is inconsistent with SHLAA, table 3.2 (p11) which asserts that calculations are made based on 55pa from each developer where there are multiple developers. Given that there had been no response from the developer in relation to the Council's request for information, there appears to be no underlying rationale or substantive evidence that supports the Council's decision to conclude that the build rates would rise to 156 dwellings in 2018/19, 150 in 2019/20 and 120 dwellings in 2020/2021. Furthermore, in reaching this conclusion there was no evidence to suggest that there would be more than two developers (Bovis and Linden) operational on site. Consequently, based on the evidence before me and what I heard at the Inquiry; I conclude taking into account of Paragraph 47 of the Framework and its associated Footnote 11 that it is appropriate for the purposes of this appeal to make a deduction amounting to 106 dwellings in the absence of any conflicting evidence to ensure broad consistency with the delivery rates of the published SHLAA from the North Wokingham SDL.
37. Furthermore, my conclusions are broadly consistent with the findings of the Inspectors in the Beech Hill Road and Stanbury House appeal decisions where although deductions in supply were not made, both inspectors concluded that the projections appeared somewhat optimistic.

*South of the M4 Motorway*

38. South of the M4 Motorway SDL is allocated by Core Strategy Policy CP19 for the phased delivery of around 2,500 dwellings by 2026. The SDL is sub-divided into different areas, which are the subject of a number of separate planning permissions and applications.
39. The appellant makes the case that 14 dwellings should be removed as the 'Non-consortium land north of Hyde End Road'. This is based on the actual number of dwellings proposed (31+5) by the developer of the site in a current planning application. The Council have argued that the SHLAA allocation (50 dwellings) should be maintained as the application had not been determined at the time of the Inquiry. However, from the evidence before me and what I heard at the Inquiry I am persuaded that the current application by the developer gives the clearest and most reliable indication of the housing delivery



from this part of the site. Consequently, it is appropriate and realistic for the purposes of this appeal to make a deduction of 14 dwellings to reflect the developers clearly signalled intentions for the site.

40. The appellant suggests that 144 dwellings should be removed as the 'Land north of Hyde End Rd' cannot be considered available now. However, whilst a deduction of 43 for Croft Road/Spencers Wood was agreed by Mr Spurling of the Council during cross examination, the Council confirmed prior to the close of the Inquiry that applications had been submitted for the site. I accept that this is positive news in relation to supply; however, taking into account the evidence before me and what I heard at the Inquiry even when applying an optimistic trajectory of delivery, I am not persuaded that it would be a realistic proposition for the development to deliver a first completion in the first nine months of 2017/18. Consequently, it is appropriate to deduct 30 dwellings from the site supply to reflect the planning application process.
41. The appellant had raised concerns over the trajectory of housing delivery from land west of Shinfield, which is also within the South of the M4 SDL. Like the Inspector in the Stanbury House appeal I broadly agree with the matters raised by the appellant's witness Mrs Mulliner in her proof of evidence regarding the levels of optimism within the SHLAA's projections. However, whilst there may be some slippage in delivery, given that reserved matters are in place and progress is now underway on site from two of the three developers it is reasonable to accept for the purposes of this appeal that the site would be likely to deliver the dwellings at around the trajectory advanced in the SHLAA.

#### *South Wokingham*

42. South Wokingham SDL is allocated under Core Strategy Policy CP21 for the phased delivery of around 2500 dwellings by 2026. The SDL is split into two main areas north and south of the railway line. There is no dispute between the parties in relation to delivery from land north of the railway line. Regarding land south of the railway line the SHLAA forecasts that no dwellings will be delivered before 2019/20 with a total of 270 by March 2021. The comprehensive development of the land south of the railway line relies upon the construction of a rail crossing and the provision of a distribution road. The Council have stated in their evidence that an outline application for the site would be submitted before the end of 2016. However, at the time of the Inquiry no application had been received by the Council for land south of the railway line. Furthermore, during cross examination Mr Spurling of the Council confirmed that details as to delivery of the Southern Distribution Road (the SDR) had not yet been finalised.
43. Notwithstanding this, the Council suggested that following discussions between the Council's delivery team with the developer approximately 300 homes could be delivered within the 5-year period without reliance upon the distributor road or rail crossing. However, other than the reference to discussions there was no substantive evidence presented at the Inquiry to demonstrate that the provision of 300 homes was anything more than a theoretical possibility; a fact confirmed by Mr Spurling during cross examination.
44. Given the complexities involved in the provision of the SDR and the consideration that no planning applications have yet been submitted, I share

the appellant's view that it is highly unlikely that 270 dwellings will be delivered within the next five years on the area of this SDL that lies to the south of the railway line. I therefore conclude taking into account of Paragraph 47 of the Framework and its associated Footnote 11 that it is appropriate and necessary for the purposes of this appeal to make a deduction to reflect the delay in the submission of the outline application amounting to 240 dwellings.

Furthermore, my conclusions are broadly consistent with the findings of the Inspectors in the Beech Hill Road and Stanbury House appeal decisions where deductions in supply were made in both instances.

#### *Five-Year Housing Land Supply Conclusion*

45. I have concluded for the purposes of this appeal that the OAN would be 894dpa which equates to 4470 homes over five years. As identified above, there is a deficit of 988 homes in delivery against the Council's preferred figure of 856dpa since the start of the SHMA period. This rises to 1102 homes against an OAN of 894dpa thus resulting in total of 5572 dwellings. When the undisputed 20% buffer is applied, and following the Sedgefield method, this results in a five-year requirement figure of 6686 dwellings. Setting this against the projected housing delivery of 6335 dwellings results in a shortfall of some 351 homes for the five-year period to March 2021.
46. In reaching the above conclusions I recognise the inherent uncertainty in predicting housing delivery. Though it is clear that the Council is in active discussion with landowners and potential developers on some of the sites that in time may bear fruit, from the evidence I heard, it does not seem likely that all will come forward in the time frames anticipated. Furthermore, I accept that the Council's Delivery Team can have little real control or influence over the delivery rate and timing of housing on sites owned and developed by others. This is particularly the case when developers and housebuilders can be reluctant to fully disclose their full delivery intentions based on the level of competition and commercial confidentiality. However, notwithstanding this, it is important for the Council to challenge delivery figures and trajectories supplied by agents/developers that are not supported by realistic evidence or are inconsistent with the Council's own evidence based housing projections or completion data.
47. Moreover, given that I have found that the Council cannot demonstrate a 5-year supply of housing in relation to site specific allocations and that the shortfall is significant; it is not necessary for the purposes of this appeal to consider the application of a 10% lapse rate or the combination of site specific deductions and lapse rate of the Inspector in the Stanbury House Inquiry.
48. Policy CP3 of CS and Policy C002 of the MDD, seek to restrict development in the countryside and form part of the Council's strategic approach to the distribution and location of housing. They are, therefore, relevant policies for the supply of housing and given there is no 5 year supply they cannot be regarded as being up to date. In these circumstances, paragraph 14 of the Framework states that, the presumption in favour of sustainable development means that planning permission should be granted, unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or unless specific Framework policies indicate development should be restricted.

49. The provision of 25 dwellings, that would include a policy compliant commuted sum of approximately £2m towards the provision affordable housing, would make a significant contribution to the supply of housing when measured against the Council's annual requirement. This weighs significantly in favour of the proposal, particularly given the absence of a 5-year supply of land for housing.

*Character and appearance*

50. The appeal site is located to the south of The Hawthorns, outside but adjoining the settlement boundary of Charvil. To the east of the site is Charvil Primary School, with the Sonning Golf Club to the West. The Great Western main railway line (GWML) is located to the south of the site. The four-track mainline is located on top of an engineered embankment and electrification works including the erection of substantial supporting masts were underway at the time of my site visits. Furthermore, at the foot of the embankment there is an industrial estate with a collection of buildings and associated storage. The embankment has a narrow arched underbridge that provides a vehicle/pedestrian link to the neighbouring settlement of Woodley via Waingels Road.
51. The site is bounded by mature hedgerows to Park Lane and the shared boundary with The Hawthorns. There is a gentle slope on the site from Park Lane towards the Sonning golf course; the appeal site is located on the lower part of the field. The Wokingham Borough Landscape Character Assessment (LCA) describes the site as being part of the J4 Woodley – Earley, Settled and Farmed Clay landscape character area. The site is also located close to character area D2 - Sonning wooded chalk slopes, and character area B1 - Loddon river valley. The J4 Woodley – Earley LCA is characterised by gently rolling clay ridge with wooded ridgelines and a highly urbanised landscape due to the presence of the town of Reading and the extension of settlements (Woodley and Earley) into their former agricultural hinterland. However, the appeal site has no landscape designation and has no characteristics that would identify the site as a valued landscape (paragraph 109 of the Framework) when considered against the factors set out in Guidelines for Landscape and Visual Impact Assessment Third edition (GLVIA).
52. I confirmed by way of my site visits that the appeal site is visible from several vantage points including The Hawthorns, the hedgerow at the boundary with the private members Sonning golf course, Park Lane and from the low land situated east of the primary school on the far side of the sports pitches; however, this view is largely dominated by the Charvil Primary School in the foreground.
53. I accept that the appeal site does have a local aesthetic value, and this has been evidenced by the representations in writing from local residents. Further, it is common ground that the proposed development would have an effect on the open rural character of the appeal site. Moreover, the introduction of the housing would change the outlook for local residents particularly from The Hawthorns by way of the introduction of built development. The effect would be to increase the presence of suburban type development in the countryside. Moreover, given that the bulk of the proposed development would be sited on

the lower part of the field adjoining Park Lane, it would have limited effect on the visual significance of the wooded ridges as identified in the LCA.

54. Therefore, whilst the new development would be visible, the views would be largely contained by the natural topography of the site and its surroundings and as such the effect of the proposed development would be localised. Furthermore, these views would not be out of context in the setting of Charvil being a settlement that already has built development particularly on the southern side of the A3202. Further, taking account of the topography of the appeal site, the sensitively planned and designed landscaping scheme would be consistent with the LCA. This would be likely to ensure that the development would over time be viewed as an integral part of Charvil. As a result, this would to a large degree mitigate the limited harm in relation to the change of character and outlook.
55. In relation to the effect of the proposal on character and appearance of the landscape when viewed from the GWML, the site was observed by using local stopping train services between Twyford and Reading. The appeal site is visible from the GWML; however, the kinetic views from the train are at best fleeting with the site largely screened from the railway by hedgerows, trees and other features. Furthermore, the features in the landscape that immediately attract the eye from the train are the existing industrial estate at the foot of the embankment and primary school with its large surface car park, fenced tennis courts and fenced multi-use games area (MUGA). Therefore, when viewed from the train, the proposed development with its associated landscaping would largely blend into the existing residential backdrop that lies to the south of the A3202.
56. It was argued that the proposal would result in coalescence between the settlements of Charvil and Woodley. I have carefully considered the Council's representations in relation to the continuity of the landscape gap between the urban areas of Woodley and Charvil as being key in visual terms. However, the substantial railway embankment provides a significant visual break between the two settlements. Further, the narrow rail underbridge acts as a visual gateway between the hinterland of both settlements ensuring that there is a definitive sense of arrival and departure users pass under the GWML. Moreover, the gap between the settlements is further maintained by the cumulative effect of the fields to the south of Waingels Road, and the remainder of the field between the appeal site and the property known as the Homestead. As such the given the physical and visual separation the proposed development would not result in material harm to the character and appearance of the area by way of coalescence or the perception of coalescence.
57. Having reached the above conclusions, the visual effect of the proposed development in relation to users of the GWML would be neutral, nor would the proposal result in material harm by way of coalescence. However, it would result in moderate harm to the rural character and appearance of the area due to the introduction of built development, although this would be largely mitigated by the appellant's proposed landscaping scheme. The proposal would therefore conflict with Policy CP11 of the CS and Policy TB21 of the MDD.

*Unilateral undertakings*

58. At the time the Council made their decision the appellant had not provided a planning obligation in relation to affordable housing. However, the appellant has as part of their appeal submitted a unilateral undertaking pursuant to Section 106 of the Act, which addressed the issue outlined above.
59. Whilst the planning obligation addressing affordable housing does not appear to be in dispute the Council have required the provision of a monitoring fee (£5000) which is disputed by the appellant. Notwithstanding this, the Council have provided a statement of CIL regulation compliance. However, I have considered both obligations against the tests in Regulation 122 of the CIL Regulations 2010 and the Framework nonetheless.
60. The unilateral undertaking deals with a commuted sum (£1,995,989) in lieu of the on-site provision of affordable housing. There is no dispute between the parties that there is an identified need for affordable housing in Wokingham and the commuted sum would equate to an approximate on site provision of 40%. In relation to the monitoring fee I have carefully considered the appellant's representations; however, given that affordable housing contribution would be made in 3 staged payments it would be necessary for the Council to monitor the progress of the development of the development during its construction. Moreover, given the level of identified need for affordable housing in Wokingham it is important that the full commuted sum is utilised for its provision. I therefore conclude that the provision of affordable housing and its associated monitoring fee is reasonably related in scale and kind to the needs generated by the proposed development. Further, these requirements are consistent with Policies CP4 and CP5 of the CS.
61. I therefore consider that the obligations meet the necessary tests in law and I have taken account of them in reaching my decision.

*Other considerations*

62. There was local concern raised in relation to the potential effect of the proposed development on the capacity of the local road network. However, based on all of the evidence before me and the observations during my site visits, I am satisfied that any increase in traffic from the proposed development would not result in severe harm to highway safety. Moreover, this is consistent with the Highways Authority who raised no objection in relation to capacity or highway safety.
63. The SoCG confirms that the appeal site is in a location that has adequate access to public transport and facilities. Notwithstanding this, local residents raised concerns in relation to access to public transport and facilities in Charvil, a point taken up briefly by Mr Croucher of the Council during the Inquiry. However, there was no substantive or technical evidence that was contrary to the parties agreed position contained within the SoCG. Consequently, I see no reason to disagree with the main parties agreed position within the SoCG that the appeal site is in a sustainable location and has adequate access to facilities and services.
64. A number of additional issues were raised by local residents. These included the potential migration of rats and mice from the appeal site into the adjoining

residential area and that archaeological and wildlife reports submitted by the appellant had not been available for inspection. However, there was no substantive evidence submitted in support of these assertions.

### **Conditions**

65. The conditions suggested by the Council have been considered in light of the advice contained within the National Planning Practice Guidance and the National Planning Policy Framework. I have amended their wording where required, or have combined or separated others, in the interests of clarity. In addition to the standard implementation condition, it is necessary for the avoidance of doubt and in the interests of proper planning, to define the plans with which the scheme should accord. To ensure the satisfactory appearance of the scheme and to protect the character and appearance of the area, it is necessary for the materials used to be submitted to the Council for approval.
66. It is necessary in the interests of amenity to ensure that there is adequate protection for the trees and hedges on to the site during and after construction and that the proposed landscaping is retained and maintained. Further it is necessary in the interests of highway safety to impose conditions that ensure that garages are kept available for vehicle parking and vehicle parking bays, visibility splays and turning spaces shall be retained and maintained in accordance with the approved details; and the parking spaces shall remain available for the parking of vehicles at all times. In the interests of amenity and the environment it is necessary to impose a condition relating to cycle storage. To minimise the risk of flooding, it is necessary for details of drainage, and a sustainable urban drainage scheme including management arrangements to be agreed with the Local Planning Authority. It is necessary to impose a condition requiring an assessment of ground conditions and for details of any required remediation to be submitted to and approved by the Local Planning Authority.
67. In the interests of highway and pedestrian safety it is necessary for construction details of the site access, footways, and the 2m wide footpath in the Hawthorns be submitted to and approved by the Local Planning Authority and thereafter implemented and retained. Further it is necessary in the interests of highway safety to impose a condition that ensures the existing vehicular access is permanently closed.
68. It is necessary in the interests of amenity to ensure that there is adequate protection for the trees and hedges on and adjacent to the site during construction. To minimise the risk to biodiversity it is necessary to ensure that the findings and recommendations in the Reptile Survey Report are implemented. Further it is necessary to control hours of construction and agree details of construction loading/unloading/parking in the interests of local residents.

### **Planning balance and conclusion**

69. I have found that the proposed development would be contrary to the development plan and would result in moderate harm to the character and appearance of the area. Balanced against this is the contribution to the supply of housing of 25 new homes with a policy compliant financial contribution

towards the provision of affordable housing in the Borough, to which I have given significant weight.

70. Taking everything into account including all other material considerations, I conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the Framework as a whole. Furthermore, I have found that paragraphs 49 and 14 of the Framework apply here and in that context the presumption in favour of Sustainable Development is a material consideration which warrants a decision other than in accordance with the development plan.
71. For the above reasons and having regard to all other matters, I conclude that the appeal should be allowed.

*Jameson Bridgwater*

INSPECTOR

## Schedule – Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. This permission is in respect of plan numbers in Schedule 1. The development hereby permitted shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

### Schedule 1

	Site location OS plan with Red and blue line boundaries
1978-01E	Site layout
1978-02B	3 bed house- Plot 1
1978-03A	3 bed house- Plots 15,18,19
1978-04B	4 bed house- Plots 2,3,4,5
1978-05A	4 bed house- Plots 7,10
1978-06A	4 bed house –Plot 6
1978-07A	4 bed house- Plots 8,9
1978-08A	5 bed house –plots 11,12, 21-25
1978-09A	4 bed house- plots 13,14,17
1978-10	Garages
1978-11B	Site layout in local context
1978-12	3 bed house – Plot 20
1978-13	3 bed house – Plot16
1978 -14	3 bed house- Plot 15
1978-20	Cycle store details

3. Before the development hereby permitted is commenced, samples and details of the materials to be used in the construction of the external surfaces of the building/s shall have first been submitted to and approved in



writing by the local planning authority. Development shall not be carried out other than in accordance with the so-approved details.

4. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the local planning authority; any trees, shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with trees, shrubs or hedge plants of similar size and species unless the local planning authority gives written consent to any variation.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the garage accommodation on the site identified on the approved plans shall be kept available for the parking of vehicles ancillary to the residential use of the site at all times. It shall not be used for any business nor as habitable space.
6. No part of any buildings hereby permitted shall be occupied or used until the vehicle parking and turning space has been provided in accordance with the approved plans. The vehicle parking and turning space shall be retained and maintained in accordance with the approved details and the parking space shall remain available for the parking of vehicles at all times and the turning space shall not be used for any other purpose other than vehicle turning.
7. Prior to the occupation of the dwellings hereby approved, the cycle stores shall be fully implemented in every property in accordance with the drawing ref: DWG20 and shall be permanently retained in the approved form for the parking of bicycles and used for no other purpose, unless otherwise first agreed in writing by the Local Planning Authority.
8. Prior to the occupation of the development the proposed vehicular access shall have been formed and provided with visibility splays shown on the approved drawing number 1978/01/revE. The land within the visibility splays shall be cleared of any obstruction exceeding 0.6 metres in height and maintained clear of any obstruction exceeding 0.6 metres in height at all times.
9. No development shall commence until provision has been made to accommodate all site operatives, visitors and construction vehicles loading, off-loading, parking and turning within the site during the construction period, in accordance with details to be submitted to and agreed in writing by the local planning authority. The provision shall be maintained as so-

approved and used for no other purposes until completion of the development or otherwise as provided for in the approved details.

10. No other development of the site as hereby approved shall take place until the access has been constructed in accordance with the approved plans to road base level.
11. Prior to the commencement of development, full details of the construction of roads and footways, including levels, widths, construction materials, depths of construction, surface water drainage and lighting shall be submitted to and approved in writing by the local planning authority. The roads and footways shall be constructed in accordance with the approved details to road base level before the development is occupied and the final wearing course will be provided within 3 months of occupation, unless otherwise agreed in writing by the local planning authority.
12. The existing vehicular access to the site shall be stopped up and abandoned, and the footway and/or verge crossings shall be re-instated within one month of the completion of the new access in accordance with details to be submitted to and approved in writing by the local planning authority.
13. No dwelling shall be occupied until the off-site works comprising a 2m wide footway and associated dropped crossing proposed adjacent to The Hawthorns have been provided in accordance with details to be submitted to and approved in writing by the LPA.
14. The mitigation strategy, post-construction management and enhancements, initial management and maintenance works, and on-going maintenance schedule given in given in detail in the Reptile Survey Report and Mitigation Strategy (CSa Environmental Planning, Ref: 2686/01a, 01 October 2015) sections 5, 6, 7, 8, and Appendix C shall be implemented in full in accordance with the approved plan unless otherwise approved in writing by the local planning authority.
15. All hard and soft landscape works shall be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a timetable approved in writing by the local planning authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved and permanently retained.
16. The development hereby approved shall be carried in accordance with the tree protection details (Tree Survey; Arboriculture Impact Assessment and Method Statement) by ACD ref: PRI17891tr\_aia\_ams unless other agreed in writing by the Local Planning Authority.

- a) No operations shall commence on site in connection with development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening or any other operation involving use of motorised vehicles or construction machinery) until the tree protection works required by the Approved Scheme are in place on site.
  - b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within an area designated as being fenced off or otherwise protected in the Approved Scheme.
  - c) The fencing or other works which are part of the Approved Scheme shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials removed from the site, unless the prior approval in writing of the local planning authority has first been sought and obtained.
17. No development shall take place within the site until the applicant, or their agents or their successors in title, has secured and implemented a programme of archaeological work (which may comprise more than one phase of work) in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition.
18. No development shall take place until a scheme to deal with contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include an investigation and assessment to identify the extent of contamination and the measures to be taken to avoid risk when the site is developed. Development shall not commence until the measures approved in the scheme have been implemented.
19. No development shall take place until full details of the Drainage Scheme have been submitted to and approved in writing by the Local Planning Authority. These shall include:
- i) Confirmation that the 1 in 100 year plus climate change design standard can be achieved by the proposed drainage system without risk of flooding occurring to on or off site receptors;
  - ii) Confirmation that the proposed infiltration basin has been designed in accordance with best practise design guidance (The SUDS Manual (C753));
  - iii) Results of the intrusive ground investigation demonstrating the depth of the seasonally high groundwater table and infiltration rates in

accordance with BRE Digest 365;

- iv) Evidence that the results of the intrusive ground investigation have been taken account of in the design of the proposed surface water drainage system;
- v) Full details of all components of the proposed drainage system including dimensions, locations, and gradients, invert and cover levels and drawings as appropriate;
- vi) Drawings and calculation demonstrating that proposed ground levels will be formed to ensure that exceedance flows are properly managed through the site and do not introduce flood risk to proposed properties or exacerbate surface water flood risk off site

20.No dwelling within the development shall be sold until full details of the maintenance arrangements (including covenants and management company subscriptions) for the development covering every aspect of the proposed drainage system have been submitted to and approved in writing by the Local Planning Authority.

21.Construction work, including preparatory work prior to building operations, shall not take place before 0730 or after 1800 Mondays to Fridays and shall not take place before 0830 or after 1300 on Saturdays. Construction work, including preparatory work will not take place at any time on Sundays or Bank or National Holidays.

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

1. Copy of SOS Decision – Money Hill, Ashby-De-La-Zouch
2. Copy of High Court Submission – WBC and SOS, Cooper Estates Strategic Land
3. Excerpt Wokingham District Local Plan – Policies WH12, WH13 and WH14
4. Copy WBC Report and decision – F/2013/0016 – Primary school Charvil
5. Revised List of suggested conditions
6. Updated Proof of Evidence and Summary – John Spurling (WBC) – 5-year HLS
7. Updated Proof of Evidence and Summary – J Mulliner (appellant) – 5-year HLS
8. CIL Regulations Compliance Statement and Planning Advice Note
9. SoCG - Housing Land Supply
10. Cycle stores plan
11. Local facilities plan
12. Joint Housing Land Supply – References and comparison tables

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr Andrew Tabachnik of Counsel He Called	Instructed by Deirdre Wells
Dr Ricardo Gomez	Regeneris Consulting Ltd
Mr Clive Self	CSA Environmental
Mrs Jacqueline Mulliner	Terence O'Rourke Ltd
Ms Deirdre Wells	Red Kite Development Consultancy

### **FOR THE LOCAL PLANNING AUTHORITY:**

Saira Kabir Sheikh QC She called	Instructed by Wokingham Borough Council
Mr Nick Ireland	Wokingham Borough Council
Mr Chris Hannington	Wokingham Borough Council
Mr John Spurling	Wokingham Borough Council
Mr Mark Croucher*	Wokingham Borough Council

\*Mr Mark Croucher spoke to the proof of evidence prepared by Laura Ashton