

## **Appendix JS21**

**Appeal Ref:** APP/W0340/A/14/2226342

**Decision Date:** 17<sup>th</sup> March 2015

**Appeal Inspector:** David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI

**Site Address:** Agricultural land to both the north and south of Mans Hill,  
Burghfield Common, Reading, Berkshire

*To be read alongside CD11.18 as a dismissed scheme in the same location.*

Relevant Paragraphs:

- Paragraphs 76 and 77

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## Appeal Decision

Inquiry opened on 17 February 2015

Site visit made on 25 February 2015

**by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

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

**Decision date: 17 March 2015**

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**Appeal Ref: APP/W0340/A/14/2226342**

**Agricultural land to both the north and south of Mans Hill, Burghfield Common, Reading, Berkshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gladman Developments Ltd against the decision of West Berkshire Council.
  - The application Ref 14/00962/OUTMAJ, dated 11 April 2014, was refused by notice dated 31 July 2014.
  - The development proposed is a residential development for up to 210 dwellings including associated site access, public open space and landscaping.
  - The inquiry sat for 6 days on 17-20, 24 and 26 February 2015.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application was submitted in outline, with only access to be determined at this stage. An illustrative layout/framework plan was also submitted, and I have had regard to this in reaching my decision. In addition, after the appeal proposal was refused planning permission the appellant submitted a slightly reduced-scale scheme, seeking development of up to 197 dwellings on the same overall site (Ref No 14/03001/OUTMAJ). This was also refused planning permission by West Berkshire Council ('the Council'), on 18 February 2015, whilst this inquiry was sitting<sup>1</sup>. I was asked to consider this reduced-scale scheme and, if I found the appeal proposal to be unacceptable but this alternative proposal acceptable, to impose a condition to limit development to a maximum of 197 dwellings. I return to this matter later in this decision.
3. The day after the inquiry closed, new Household Projections based upon the 2012-based sub-national population projections were issued by the Department for Communities and Local Government (DCLG). Both parties have been given the opportunity to comment on these updated figures and I have taken these comments into account in reaching my decision.

### Main issues

4. Having regard to the various matters raised in evidence and discussed at the inquiry I consider that the main issues can best be stated as:

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<sup>1</sup> See Document (Doc) 15

- i. Whether the Council can demonstrate a 5-year supply of deliverable housing sites, in accordance with the National Planning Policy Framework ('the Framework') and the weight which should therefore be given to relevant policies for the supply of housing and to the Council's emerging Housing Site Allocations (HSA) Development Plan Document (DPD);
- ii. Whether the appeal proposal should be seen as representing sustainable development, and the effect of the proposed development on the character and appearance of the surrounding area; and
- iii. Whether the submitted planning obligation would satisfactorily address the impact of the proposed development on local infrastructure.

### **Site description, surrounding area and details of the appeal proposal**

5. The appeal site comprises some 13.5 hectares (ha) of land, mainly in arable use, located immediately to the east of the settlement of Burghfield Common. It consists of two main parcels of land, lying to the north and south of Mans Hill, with a separate parcel of land further to the south, intended for the provision of off-site water attenuation. Woodland copses form the majority of the site's boundaries.
6. On its western side, the site is bounded by a continuous woodland belt with residential properties beyond. To the north of the site there are further wooded areas and agricultural fields, with sporadic residential properties beyond. A strip of woodland planting, known as Gully Copse and associated with a brook, projects into the northern field, and a belt of woodland planting occupies the south-eastern extent of the southern field, running alongside Mans Hill. To the south of this southern parcel there is a wooded area known as Grove Copse, whilst an area of Ancient Woodland, Auclum Copse, lies to the west and south-west of the site.
7. Pimms Cottage, a residential property lying on the north side of Mans Hill, is surrounded by the appeal site but is not included within it. To the east, north of Mans Hill and outside the appeal site, lies a group of buildings centred on Culverlands, a grade II listed building set in a parkland and landscape setting. Located on a hill top, the site falls away to the north-east and to the south. The topography of the site undulates from approximately 91m Above Ordnance Datum (AOD) at its highest point in the vicinity of Pimms Cottage to approximately 83m AOD adjacent to Grove Copse.
8. The wider settlement of Burghfield Common is traditionally linear in form, with early development lining the Reading Road and Clayhill Road corridors. More recent development, between 1975 and the present day, has seen this traditional linear pattern expand somewhat, to the south and north.
9. The appeal proposal seeks to provide up to 210 dwellings, with a range of house types, of which 40% would be affordable with the remaining 60% market housing. Some 2.82 ha of public open space would be provided, including equipped play areas for children within both the northern and southern land parcels. The proposal includes a landscape strategy to enhance the site and boundaries, together with a landscape buffer to reinforce the eastern and southern boundaries. Landscape buffers would also be provided to Pimms Cottage and to Culverlands. There would also be a pedestrian link into the site from Mans Hill, and improvements to Mans Hill for vehicles and pedestrians in the vicinity of the proposed site access points.

### **Background**

10. The Council had prepared its Core Strategy (CS) with regard to the housing figures in the Regional Strategy (RS), the South East Plan (SEP). This set a requirement of

10,500 homes for the District over the period 2006-2026 at an average of 525 dwellings per annum (dpa). However, by the time the CS was undergoing its final period of examination, in May 2012, the Framework had been issued and the Government had announced its intention to revoke the RSs. As a result, the Inspector who examined the CS made it clear that he needed to assess the soundness of the housing provision in the light of the Framework's requirements<sup>2</sup>.

11. These include that in order to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (HMA), as far as is consistent with the policies set out in the Framework<sup>3</sup>. However, the Inspector noted that the CS had not been prepared on this basis as the SEP had taken account of conflicting needs and pressures for housing and constraints to its delivery. He further noted that the Berkshire Housing Market Assessment<sup>4</sup> did not provide a clear understanding of housing needs and demands in the area, as required by paragraph 159 of the Framework.
12. Along with other matters, these points led the Inspector to conclude that the CS's planned provision of 10,500 houses to 2026 was not justified by an assessment which met the requirements of the Framework. He commented that in the absence of an up-to-date, comprehensive Strategic Housing Market Assessment (SHMA) based on the HMA and agreed between the relevant local authorities covering that HMA, there was insufficient evidence to identify the objectively assessed needs and demands. He did, however, make it clear that evidence available to him indicated that housing need and demand within the District were materially greater than planned provision, and that there may be needs in the wider area which were not being met because the SEP was unable to fully address them.
13. Taking the view that the CS was unfortunately caught in the transitional period between the demise of the RSs and the emergence of the Framework, the Inspector gave thoughtful consideration to the options open to him for progressing the CS to best achieve the aims of the Framework. In so doing he paid specific regard to the 12 core planning principles set out in paragraph 17 of the Framework, noting in particular that planning should be genuinely plan-led and a positive process to support sustainable economic development.
14. In view of the exceptional circumstances relating to this CS he concluded, on balance, that even though there were shortcomings in relation to a fully compliant assessment of housing needs and demands, the Government's planning aims would best be achieved in the short term by the adoption of the CS (subject to some main modifications necessary for soundness). But, importantly, he also indicated that the CS would need to be amended to make it clear that the 10,500 housing figure should be seen as a minimum (and not a ceiling) and that a review of housing provision would need to be undertaken in 2 stages.
15. First, there would need to be a review of needs and demands for housing to inform the appropriate scale of housing to be met in the District. This would be achieved through an update to the SHMA, to be completed within 3 years and produced in co-operation with the other local authorities in the HMA, to accord with guidance in the Framework. For the second stage, if the updated SHMA indicated that housing

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<sup>2</sup> Core Document (CD) 9: paragraph 26

<sup>3</sup> National Planning Policy Framework paragraph 47

<sup>4</sup> CD32: Berkshire Housing Market Assessment - February 2007

provision within the District needed to be greater than is currently planned, a review of the scale of housing provision in the CS would need to be undertaken.

16. Following receipt of the Inspector's Report the Council made the recommended modifications and adopted the CS in July 2012. The Council's position is therefore that it adopted a sound Plan, and this Plan has not been subject to any challenge.

## **Reasons**

### ***Main Issue 1 – Housing land supply and the weight to be given to relevant Development Plan policies and the emerging HSA DPD***

#### Housing land supply

17. From the preceding points it is clear that the CS does not contain a housing target that has been based on the full, objectively assessed need for the relevant HMA. This is not in dispute between the parties. Nevertheless, as a starting point for the consideration of the appeal proposal I believe that it is helpful and instructive to examine the current situation regarding the Council's housing land supply, in order to have an understanding of the scale and context of the issues involved.
18. I deal first with the 5 year housing requirement as put forward by the Council in its Annual Monitoring Report (AMR) 2014. It should first be noted that the Council has adopted the approach of treating the 5 year period as a forward-looking requirement from April 2015, and has therefore sought to identify a 6 year supply from April 2014, with the relevant 5 year period covering April 2015 to March 2020.
19. As already noted, the CS is based on a housing requirement of 10,500 dwellings over the 20 year period 2006 to 2026, at an average of 525 dpa. The AMR indicates that by March 2014, 3,891 additional homes had been completed<sup>5</sup>, leaving a total remaining requirement of 6,609 dwellings. Using the 'residual' method favoured by the Council<sup>6</sup>, the requirement for 2014 to 2020 amounts to 3,306 dwellings, whereas using the 'Sedgefield' method of calculation, the remaining requirement for the same period would be 3,459 dwellings.
20. On the question of whether the housing requirement should be increased by a 5% or a 20% buffer, both parties use the same basic evidence but reach different conclusions. The appellant maintains that in the context of a need figure which has never reflected the objectively assessed need, it can be seen that the Council has not been meeting its needs for a considerable time. It argues that a 20% buffer should be applied, as even on the basis of 525 dpa (which the appellant refers to as an outdated target), the Council has only managed to meet its target in 4 of the last 8 years.
21. Taking a contrary view, the Council speaks of achieving this target in 4 of the last 8 years as a positive performance, pointing out that whilst the shortfall of some 300 dwellings represents about 57% of the annual housing requirement, it is only 2.9% of the overall housing requirement. Accordingly the Council argues that a 5% buffer should be used.
22. In my consideration of this matter I have had regard to the views of the Inspector who examined the CS. Commenting in July 2012, he noted that when housing completions in the District were compared with the Berkshire Structure Plan requirement up to 2005/6 and the SEP requirement thereafter, there had been

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<sup>5</sup> See CD93

<sup>6</sup> Also referred to as the 'Liverpool' method

under-delivery in 7 of the past 12 years. However, taking various matters into account he stated that it would not be reasonable to conclude that the Council has a record of persistent under delivery, and indicated that only a 5% buffer would therefore be required.

23. I understand that in the 3 years of housing delivery since the adoption of the CS, 1 year has been above the target and 2 have been below, with the Council explaining that 1 of these low years had a higher than normal number of demolitions on redevelopment sites. Whilst this record does not paint a glowing picture of housing delivery performance, I am not persuaded that the change from 2012 is so significant as to mark the Council as a persistent under-deliverer and I therefore consider a 5% buffer to be appropriate. This means that using the CS target, the housing requirement for the 2014-2020 period is 3,444 using the residual method and 3,603 using the Sedgefield method.
24. Turning to housing supply, the most up to date figures are set out in the 2014 AMR, with most of these figures not being disputed by the appellant. At the inquiry the gap between the parties had been narrowed to just 4 sites where there was a difference of view concerning deliverability or the likely amount of housing to be achieved within the 5 year period. However, 2 of the disputed sites, Lakeside at Theale and the former J & P Motors at Newbury have implemented planning permissions, and although there can be no certainty regarding housing delivery and the extent thereof on these sites, I see no good reason to exclude these sites.
25. Delivery of housing on the Market Street site at Newbury was also disputed, with the appellant pointing out that the site has a complicated ownership and that although its development has been proposed by the Council for the last 10 years or so, little progress has been made. However, the Council is the main landowner and further evidence was submitted to the inquiry to demonstrate that other land ownership issues have been resolved<sup>7</sup>. The Council explained that development of this area is an important component of the Newbury Vision; that there is an agreed developer for the site; and that a planning application is envisaged in June/July of this year. Moreover, the site has been assessed as deliverable in the Strategic Housing Land Availability Assessment (SHLAA). As development of this site is in the Council's own hands I consider it reasonable for this site to be included in the 5 year supply of housing land.
26. The final site in dispute is a former Council depot at Pound Lane, Thatcham, which has been assessed as deliverable in the SHLAA, potentially capable of accommodating 40-50 dwellings. The Council pointed out that the site is located within a residential area, is currently vacant, and that the sale of the site to a house-builder was at an advanced stage towards the end of last year, but had not been completed at the time of the inquiry. Despite this on-going sale process, the Council has also indicated that it is looking at the potential for use of the site as a care home, which would still count against the housing requirement, as made clear in the Government's Planning Practice Guidance (PPG)<sup>8</sup>.
27. However, although the Council has indicated that this site has a realistic prospect of delivering some 40 dwellings within 5 years, the appellant has pointed out that as a former waste depot, significant remediation work could be required to ensure the site is clear of contamination before any development could occur. On balance, the lack of any certainty regarding development of this site leads me to conclude that it

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<sup>7</sup> See Doc 16

<sup>8</sup> Reference ID: 3-037-20140306

would be prudent to exclude it from the 5 year housing land supply. Together with the removal of 30 dwellings relating to the Comfort Inn site at Padworth (agreed at the inquiry as not deliverable within 5 years), these amendments would reduce the Council's 2014-2020 housing land supply to 3,940 dwellings<sup>9</sup>.

28. On the basis of the figures detailed above it is clear, therefore, that the Council can comfortably demonstrate a 5 year supply of deliverable housing sites in the context of the CS housing target, whether measured on the residual or Sedgefield methods and providing for a 5% buffer. Indeed, simply expressing this supply figure as an annual average indicates that some 656 dpa could be provided over the 2014-2016 period. However, the question remains as to whether this CS figure can be considered an appropriate target in the terms set out in the Framework. I do not believe that this can be answered with complete certainty at the present time, but the weight of evidence before me, which includes the CS Inspector's view, echoed in general terms in the Council's own case, is that the objectively assessed need is likely to be a higher figure than the current CS target.
29. It does not necessarily follow, of course, that the final 'policy on' housing requirement figure for the District will be the same as the objectively assessed need figure, but that is not a matter which I am able to assess. Indeed, this point was recognised in the Hunston judgment<sup>10</sup>, where it was made clear that it is not for an Inspector in a Section 78 case, as here, to seek to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure.
30. In view of these points it is appropriate at this stage to consider the differing stances of the parties with regards to determining the objectively assessed need.

#### Objectively assessed need

31. The Council's position is quite straightforward. It accepts that at present there is no figure for the objectively assessed need for housing for the HMA, but explains that this is currently being addressed, in accordance with the recommendations of the CS Inspector and adopted CS Policy CS1. In summary, in partnership with a number of other neighbouring and nearby local authorities, and the Thames Valley Berkshire Local Enterprise Partnership (LEP), the Council has commissioned a SHMA, which is scheduled to be completed by the end of May 2015.
32. I have noted the appellant's contention that work could have commenced on this SHMA sooner, but as such an exercise involves the co-operation of a number of different authorities and bodies I consider it inevitable that its planning and organisation is a lengthy process. The fact remains that completion by the end of May would accord with the timescale set by the CS Inspector.
33. The Council explains that if the SHMA concludes that there is a need for further housing to be allocated to the District, new housing targets would be determined in consultation with neighbouring authorities, in line with the duty to co-operate set out in the Framework. The Council emphasises that in these circumstances the location of these houses would need to be established through an appropriate new spatial distribution for the District, prepared as part of a new Local Plan.
34. The Council does, however, recognise that these longer term actions would not assist in significantly boosting the supply of housing in the short to medium term,

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<sup>9</sup> See Table 4.5 in CD93 and Doc 27

<sup>10</sup> CD57: Hunston Properties Limited vs St Albans City and District Council (EWCA Civ 1610)

as sought through the Framework. It therefore proposes to address this more immediate housing need through its emerging HSA DPD, a matter I return to in the next section. In the meantime the Council argues that until the outcome of the SHMA is known and addressed through the plan-led system, the current housing number of 'at least' 10,500 homes set out in the CS should be seen as forming the basis for housing land supply purposes, and should not be considered out of date.

35. In contrast, the appellant argues that such matters should not wait. Drawing attention to the judgment in the aforementioned Hunston case, it maintains that when presented with arguments about the adequacy of a Council's housing land supply, the decision maker needs to consider whether there is a figure for objectively assessed need, against which the supply can be measured. The appellant has therefore produced its own assessment of the objectively assessed need, which amounts to a 'bottom line' figure of about 840 dpa, based on demographic trends and employment forecasts. Taking other factors into account, such as market signals, affordability, affordable housing need and cross-boundary need, the appellant maintains that this figure would rise to about 1120 dpa.
36. However, I have some serious concerns regarding the appropriateness and relevance of some of the appellant's figures. In particular, as highlighted by the Council, there are 2 key areas where the appellant's methodology does not reflect the requirements of the Framework and the PPG. The first of these relates to the scale and extent of the work necessary to establish a reliable figure for the full, objectively assessed need. The Framework is clear that this need relates to a specific HMA, and because of this I share the Council's view that the objectively assessed need should not be seen as a stand-alone figure. It is self-evident, therefore, that the appropriate starting point for such an exercise should be the identification of the relevant HMA.
37. But in preparing its assessment the appellant does not appear to have drawn on the geographical work that was carried out as part of the earlier SHMA in 2007<sup>11</sup>, or the Council's Housing Needs survey undertaken in 2012<sup>12</sup>. In this regard the Council points out that as discussions were on-going regarding the commissioning of this SHLA in mid to late-2014, the appellant's economic consultants, Regeneris, should have been aware that this was being undertaken by the 6 Berkshire authorities<sup>13</sup> together with the Thames Valley Berkshire LEP. As such, the Council contends that Regeneris could and should have taken this information on board, at least in its Final Report of January 2015. The fact that it has not done so means that the area it has chosen to assess as a HMA does not reflect the likely geographical area which will emerge from the current SHMA exercise.
38. Instead, the area chosen by the appellant ignores a large part of the relevant area to the east of West Berkshire District, but includes large parts of Wiltshire and Oxfordshire which the Council maintains have no obvious functional link with West Berkshire. Although the appellant argued that its chosen HMA was an appropriate one in this case, the fact remains that has not been determined through joint working with relevant neighbouring and nearby authorities. Overall, I share the Council's view that the choice of HMA is highly likely to have a significant impact on the outputs of any assessment exercise, as different geographical areas will have

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<sup>11</sup> CD32: Berkshire Housing Market Assessment - February 2007

<sup>12</sup> CD34: Housing Need Assessment and Affordable Rent Review – February 2012

<sup>13</sup> West Berkshire, Bracknell Forest, Reading, Slough, Wokingham and the Royal Borough of Windsor & Maidenhead



their own particular characteristics. Using data derived on the basis of a poorly evidenced definition of the HMA is unlikely to lead to reliable results.

39. As a case in point, the Council explains that the use of employment growth forecasts of 0.9% for the area chosen by the appellant differs markedly from the 0.6% figure which is relevant to the Thames Valley Berkshire LEP area. The Council maintains that this factor, alone, would see the appellant's basic new housing figure reduce from around 840 to about 560 – broadly in line with the current CS figure of 525. I have noted the appellant's claim that to use a lower employment growth figure would simply serve to constrain economic growth, but as the figures quoted by the Council relate specifically to the Thames Valley Berkshire LEP area, I am not persuaded that this is a reasonable argument in this case.
40. The second, related area of concern centres on the fact that both the Framework<sup>14</sup> and the PPG<sup>15</sup> expect local planning authorities to assess their development needs in co-operation with other local authorities in the relevant HMA or functional economic market area. The PPG lists a wide range of bodies, authorities and organisations, including LEPs and parish councils, that it indicates should be involved from the earliest stages of plan preparation, including the preparation of the evidence base in relation to development needs. Clearly, such co-operative working does not form part of the appellant's methodology in this case. Moreover, although the inquiry was told that copies of the appellant's report on objectively assessed need had been sent to neighbouring local authorities for comment, this had happened too late to influence the report's findings.
41. A further matter to be factored into the appellant's assessment is the fact that new Household Projections based upon the 2012-based sub-national population projections were issued by the DCLG the day after the inquiry closed. For the West Berkshire area these updated figures show a markedly lower growth in households over the period 2006 to 2026 (18%) than was the case with the previous 2008-based projections (27.1%), which were before the Inspector who examined the CS.
42. This means that whereas the Inspector reached his conclusions on the basis of a predicted increase in households of 16,000 to 2026, the latest projections show an increase of 10,700 households over this same period, amounting to about 540 households per annum. I acknowledge that households cannot simply be correlating to dwellings, but it nevertheless remains the case that the 2012-based household projection is tolerably close to the CS requirement figure of 10,500.
43. I have noted the appellant's comment that the range of 568 to 579 dpa in the Regeneris report, based on demographic factors alone, is not dissimilar to the 540 dpa figure from the recently published projections, but that demographic projections should only ever be used as a starting point and do not represent a full objective assessment of need. The appellant has also pointed out that average headship rates using the 2012 projections are higher than the 2011 interim projections, but lower than the 2008-based DCLG projections indexed to 2011 used to prepare the appellant's estimate of objectively assessed need. This leads the appellant to maintain that a mid-point figure of around 840 dpa would still be appropriate, based on employment projections and the latest headship rates. However, I have already commented on the implications of using incorrect or inappropriate employment growth figures, above.

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<sup>14</sup> Paragraph 159

<sup>15</sup> See Reference ID: 2a-007-20140306 and ID: 2a-018-20140306

44. The Council has raised other criticisms of the appellant's calculation of a figure for objectively assessed need, including conflicts with the Technical Advice Note on this topic produced by the Planning Advisory Service<sup>16</sup>; the treatment of affordability challenges and market signals; and issues relating to out-of-date housing targets in neighbouring areas. I consider that many of these criticisms have merit but in view of the serious concerns I have already expressed, regarding the relevance of the chosen HMA and the absence of any joint working, I do not believe it necessary or productive to examine this matter further.
45. In summary, I find that the appellant's attempt to establish a figure for the objectively assessed need, in advance of that which will emerge in a few months time from the SHMA, has produced a figure which has not been shown to be robust and therefore cannot be relied on. As such, this part of the appellant's evidence does not advance matters in any meaningful way. It certainly does not, in itself, assist in coming to a view on any likely future 'policy on' figure for the housing requirement for the District.
46. In this context, a recent letter from the Minister of State for Housing and Planning<sup>17</sup> makes it clear that the outcome of a SHMA is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans. The letter goes on to say:

*"Councils will need to consider SHMA evidence carefully and take adequate time to consider whether there are environmental and policy constraints, such as Green Belt, which will impact on their overall final housing requirement. They also need to consider whether there are opportunities to co-operate with neighbouring planning authorities to meet needs across HMAs. Only after these considerations are complete will the Council's approach be tested at examination by an Inspector. Clearly each Council will need to work through this process to take account of particular local circumstances in responding to SHMAs".*

47. The Council maintains that this latest advice supports the approach it is taking on this matter. It is the case, however, that any changed housing requirement formulated as a result of the SHMA and subsequent discussions and negotiations between the other authorities within the HMA, is unlikely to have any effect on boosting housing delivery within the short term. But as this is a clear imperative of the Framework, it is to possible ways of achieving this objective that I now turn.

#### Boosting housing delivery, and the Housing Sites Allocation DPD<sup>18</sup>

48. Put simply, the appellant's case is that the Council is unable to demonstrate a 5 year supply of deliverable housing sites against its requirement, and that its policies for the supply of housing therefore have to be considered out of date. As a result the appellant maintains that this proposal should be determined in accordance with the presumption in favour of sustainable development and paragraph 14 of the Framework. This indicates that where relevant development plan policies are out of date, development should be granted planning permission unless any adverse

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<sup>16</sup> CD88: Objectively Assessed Need and Housing Targets – Technical Advice Note – The Planning Advisory Service June 2014

<sup>17</sup> CD87: Ministerial Letter from Brandon Lewis MP, Minister of State for Housing and Planning – 'Strategic Housing Market Assessments' - 19 December 2014

<sup>18</sup> CD10: Housing Site Allocations DPD Preferred Options – July 2014

impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole.

49. I return to the matter of sustainable development under the second main issue, but it seems to me that although no firm conclusion can be reached on the issue of the acceptability of the 5 year housing land supply, for the reasons already given, there is some force in the appellant's argument, when considered in the context of the Council's emerging HSA DPD. This DPD, for which a 'Preferred Options' version was the subject of public consultation ending in September 2014, marks the Council's response to the Framework's call for housing supply to be boosted significantly. The Council explains that this DPD is not designed to reassess housing numbers but rather, as a 'daughter document' to the CS, aims to bring forward 'the remainder of the 'at least' 10,500 dwelling figure' set out in the CS, from later in the Plan period to the next 5 years or so.
50. The DPD contains potential housing sites drawn from the Council's SHLAA, none of which are currently included in the 5 year housing supply. These sites amount to almost 2,800 dwellings, of which the Council has indicated that some 2,000 could be delivered over about the next 5 years. Although I have noted the appellant's contention that this DPD would be rendered out of date once the SHMA has reported, I see no reason why work undertaken as part of the DPD could not be incorporated into any future response to the need to increase the housing requirement. As such, I consider that the DPD is an appropriate way to seek to boost the supply of housing land within the existing planning framework for the area, and I note that general support for such an approach is given in the 'Gladman v Wokingham BC' High Court judgment<sup>19</sup> referred to by the Council.
51. As a large proportion of these sites lie outside current settlement boundaries, by proposing them for development at this time, through the DPD, the Council is accepting that saved Policy HSG.1 from the West Berkshire District Local Plan 1991-2006, which seeks to locate development within urban areas and restrict development in the open countryside, should not act as a barrier to development. In these circumstances it seems self-evident that the Council is also accepting that this housing policy should not carry full weight, thereby allowing a more immediate boost to housing supply to be achieved. I support this stance as it clearly accords with Framework objectives.
52. The Council is of the view, however, that the spatial strategy set out in the CS through Area Delivery Plan Policy (ADPP) 1 should still remain in force, and should be used in the short to medium term to guide the location of additional housing development which is to be promoted through the HSA DPD. This seems to me to be a reasonable course of action, as Policy ADPP1 indicates that most development will be within or adjacent to the settlements included in the settlement hierarchy, and related to the transport accessibility of the settlements (especially by public transport, cycling and walking), their level of services, and the availability of suitable sites for development.
53. The policy also states that the majority of development will take place on previously developed land and that West Berkshire's main urban areas will be the focus for most development. It further indicates that the scale and density of development will be related to the site's current or proposed accessibility, character and surroundings. These points seem to me to reflect the aims of the Framework, and as the policy's only direct reference to housing supply is to make it clear that

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<sup>19</sup> CD 92: Gladman v Wokingham BC [2014] EWHC 2320 (Admin), 11 July 2014 – paragraphs 60-63

provision will be made for at least 10,500 net additional dwellings by 2026, I do not consider that this policy should be seen as out of date.

54. I acknowledge that the precise figures given in the ADPPs for the individual areas cannot be seen as fixed, in light of the need to provide 'at least' 10,500 dwellings. Nevertheless, it seems reasonable to me, in the particular circumstances of this case, to not simply regard these individual ADPPs as out of date, but rather to treat them as giving an indication of how the Council considers new development (including new housing) should be distributed, to reflect the elements of the spatial strategy detailed above.
55. In this regard, I note that the CS seeks to provide for about 800 new dwellings in the East Kennet Valley (EKV) area, within which the appeal site lies, over the period to 2026. This compares to some 6,300 dwellings in Newbury/Thatcham; about 1,400 dwellings in the Eastern Area; and about 2,000 dwellings in the Area of Outstanding Natural Beauty (AONB). ADPP6, dealing with the EKV explains that the relatively low level of growth for this area, amounting to about 40 new homes a year, reflects the more limited services and poorer transport connections of the area, but would help meet the needs of the village communities and assist with the viability of village shops and services.
56. The CS reports that as at March 2011 there had already been considerable housing commitments and completions in the EKV, leaving only about 320 dwellings remaining to be allocated. Updated information provided to the inquiry indicated that as at March 2014 this figure had dropped to about 240 dwellings still needed for the whole of the EKV area. There are no identified 'Urban Areas' (the highest level of settlement in the spatial strategy hierarchy) within the EKV, so Policy ADPP6 explains that the 2 identified 'Rural Service Centres' of Burghfield Common and Mortimer will be the focus for development in this area, together with more modest development at the identified 'Service Village' of Woolhampton.
57. The HSA DPD makes it clear that there has been significant developer interest in housing options around Burghfield Common, with 11 of the sites promoted through the SHLAA assessed as potentially developable. In total these sites have a development potential of some 840 dwellings, well in excess of the total figure proposed for the EKV as a whole. In these circumstances the Council considered that the sites had to be narrowed down, and for its Preferred Options consultation it therefore undertook both a Sustainable Appraisal (SA) and a Strategic Environmental Assessment (SEA), allowing an assessment of the competing sites to be undertaken on a consistent basis. This has resulted in 2 Preferred Options<sup>20</sup>, with a total development potential of some 190 dwellings.
58. A similar exercise for Mortimer also resulted in 2 Preferred Options<sup>21</sup>, with a development potential of about 147 dwellings (with 2 further sites amounting to some 166 dwellings, rejected). For the Service Village of Woolhampton, there are 2 alternative preferred sites<sup>22</sup>, proposed to accommodate either 20 or 30 dwellings, with 2 further sites capable of accommodating some 23 dwellings being rejected.
59. Overall, this indicates that set against the requirement of 240 dwellings for the EKV as a whole, to meet the CS target of about 800 dwellings, the HSA DPD is promoting sites capable of accommodating some 357 to 367 dwellings. I agree

<sup>20</sup> Site Refs BUR002, BUR002A and BUR004 (taken together); and BUR015

<sup>21</sup> Site Refs MOR005 and MOR006

<sup>22</sup> Site Refs WOOL001 or WOOL006

with the Council that this shows that the DPD would be able to offer some flexibility of provision and that it would also allow for increased provision, over the currently assumed figure of 240 dwellings, if considered necessary and appropriate.

60. I accept that this DPD is at a relatively early stage of preparation, with a further round of consultation scheduled for early Autumn 2015, leading to formal examination either later this year or early in 2016. Clearly, the form of the final document may well differ from the consultation versions, as comments and representations will need to be considered and responded to. However, as the thrust of the document is to boost significantly the supply of housing in the short to medium term, with sites being subject to SA/SEA, I consider that the emerging DPD shows a high degree of consistency with the policies in the Framework. As such, it carries a reasonable amount of weight in terms of providing an indication of the relevant merits of the competing sites, assessed on a consistent basis.
61. With these points in mind I note that the appeal site was one of the Burghfield Common sites assessed and rejected as part of this process. It was assumed to have a development potential of some 315 dwellings, which is clearly in excess of either scheme option I have been asked to consider through this appeal, and this must also call into question the assumed capacity of other sites, including the preferred options. But regardless of this point, the SA/SEA Report indicates, as justification for rejecting this site, that development of the whole site would be out of keeping with the village's role and function within the settlement hierarchy, and that other sites within Burghfield Common are considered to be better related to the existing settlement. In addition, the Report notes that the site is located on the edge of Burghfield and is rural in nature, such that development would extend out into the countryside and would have an impact on the landscape character and the character of the built environment.
62. I return to this matter in more detail under the second main issue, but from observations made at my site visit I generally support these findings, as it seemed to me that development on either of the 2 preferred sites would sit more comfortably alongside the existing built form of the settlement, and be of a more appropriate scale, than would the proposed development on the appeal site. Overall I consider that the findings of this SA/SEA exercise have to weigh against the appeal proposal.
63. In this regard I have noted the Council's contention, in its first reason for refusal, that to grant planning permission for this proposal would be premature in light of this emerging DPD. The PPG explains that arguments that an application is premature are unlikely to justify a refusal of planning permission, other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.
64. In this case I have already concluded that the HSA DPD should carry a reasonable amount of weight as it shows a high degree of consistency with the policies in the Framework. Furthermore, there are clear uncertainties regarding the scale of the housing requirement for the District that is likely to flow from the ongoing SHMA process. In these circumstances, and being mindful of the scale of the appeal proposal in the context of the current CS requirement for just a further 240 dwellings in the whole of the EKV area, I do consider that approving this proposal would undermine the plan-making process by predetermining decisions about the scale and location of new development.

## Summary

65. Having regard to all the above points I conclude that although the Council can demonstrate a 5-Year supply of deliverable housing land against the CS requirement, this requirement cannot be shown to be based upon a full, objective assessment of need. As such, in line with the guidance in Framework paragraph 49 it seems to me that saved Local Plan Policy HSG.1 should not be considered up to date, as it effectively seeks to constrain new housing development to within existing settlements. Indeed, the supporting text to this policy explains that development will only be acceptable outside settlement boundaries in exceptional circumstances.
66. That said, I am not persuaded that other policies relating to the supply of housing, such as CS Policy CS1 'Delivering New Homes and Retaining the Housing Stock', should necessarily also be seen as out of date, in the particular circumstances of this case. This policy makes it quite clear that settlement boundaries will need to be reviewed through a 'Site Allocations and Delivery DPD', to accommodate the broad distribution of housing set out in the ADPPs. It explains that this DPD will identify and allocate specific sites in each of the 4 spatial areas, including greenfield sites adjoining settlements. Although the title of the DPD has now changed, Policy CS1 still defines the way in which the Council is intending to take this process forward, in general conformity with the recommendations of the CS Inspector.
67. Moreover, for the reasons already given I do not consider that the ADPPs, particularly ADPP6, dealing with the EKV within which the appeal site lies, should be considered out of date, although I acknowledge that the housing figures they contain have to be treated as minima, for guidance only. Distribution of development in general conformity with the approved spatial strategy, as set out in the emerging HSA DPD would therefore accord with the plan-led process. In my assessment this DPD should therefore carry weight, despite its relatively early stage of preparation. As a consequence I further conclude that the appeal proposal would be at odds with CS Policy CS1 and would undermine the plan-making process by predetermining decisions about the scale and location of new development.

### ***Main Issue 2 – Whether the appeal proposal would be sustainable development and its effect on the character and appearance of the area***

68. As noted earlier, paragraph 49 of the Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, with relevant policies for the supply of housing not being considered up to date if a 5 year supply of deliverable housing land cannot be demonstrated. The difficulty of making such an assessment in this case is that it is agreed that the CS housing target is not based on full, objectively assessed housing needs, and it is therefore not possible, with certainty, to say whether or not the Council has a Framework-compliant housing supply.
69. I have already noted, however, that the Council has accepted that saved Local Plan Policy HSG.1 should not carry full weight, as additional housing sites adjacent to, but outside, existing settlement boundaries are actively being sought through the emerging HSA DPD. In these circumstances I consider it quite reasonable and appropriate for the acceptability of this proposal to be determined in accordance with paragraph 14 of the Framework.
70. The starting point, therefore, has to be an assessment of whether or not the proposal should be seen as sustainable development. Paragraph 7 of the

Framework explains that there are 3 dimensions to sustainable development: economic, social and environmental, and that these give rise to the need for the planning system to perform a number of roles.

### The economic role

71. It is agreed that a number of monetary benefits would flow from this development, if permitted<sup>23</sup>. Firstly, the Council would receive a New Homes Bonus payment of some £2.01 million over a 6 year period, as well as additional Council Tax receipts. It is estimated that the total construction cost of the proposed development would be about £23.2 million, which would support about 82 Full Time Equivalent (FTE) jobs in the construction industry.
72. A further 6 FTE jobs would be created across the local area as a result of the total predicted annual household expenditure of £120,000 within Burghfield Common and £640,000 in West Berkshire as a whole. In addition, the development would help sustain local services and facilities and it is estimated that up to 20 jobs would be created through the demand for public services.
73. These would be real, tangible benefits to the local and District-wide economy, and I consider that they should carry significant weight in the proposal's favour. However, these benefits would not be unique to this development, but would flow from any new housing development, with the actual monetary benefit depending on the number of dwellings provided. Put simply, similar benefits would arise from the new housing sites proposed for the EKV through the emerging HSA DPD.
74. However, in Framework terms this does not tell the whole story as far as the economic role is concerned. It is also important that the development land in question is of the right type, and is available in the right place at the right time. Whilst I accept that many of the sites the Council is itself promoting through the HSA DPD are greenfield locations, it remains the case that one of the Framework's core planning principles is to encourage the effective use of previously developed land, with paragraph 111 reiterating the point that planning policies and decisions should encourage the use of brownfield sites.
75. Moreover, the SA/SEA which has been undertaken as part of the HSA DPD exercise considered that development on the appeal site would relate less well to the existing settlement than would the preferred sites; and that development on the site would extend out into the countryside and would have an impact on landscape character. Whilst I consider some of these points in more detail under the environmental role, in light of the points detailed above and the existing CS spatial strategy I am not persuaded that the site could reasonably be said to be of the right type or in the right place for development at this time. On balance, I therefore consider the proposal to be neutral in terms of its economic role.

### The social role

76. The main arguments put forward by the appellant in this regard are that the development would result in much needed market and affordable housing, with up to 84 affordable units being provided. Again, these would be undeniable benefits of the scheme, and they have to carry weight. But as with the economic benefits outlined above, these social benefits would not be unique to this scheme, but would be likely to flow from any other new housing development within the EKV.

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<sup>23</sup> See CD1.5: Socio-Economic Impact Assessment

77. Moreover, the Framework makes it clear that the social role of sustainable development embraces more than simply housing numbers – whether market or affordable homes. It requires the supply of housing to reflect the community's needs, and support its health, social and cultural well-being, but a development of this size and scale would be at odds with the more limited level of growth proposed for the Rural Service Centres in the EKV, through the adopted spatial strategy. Whilst contributions to social infrastructure would be forthcoming through a submitted Unilateral Undertaking<sup>24</sup> made under Section 106 of the Town and Country Planning Act 1990, as amended, if planning permission were to be granted, these would be needed to address impact of the new development itself. As such, they would not constitute a benefit to weigh in favour of the proposal.
78. In addition I have noted the Council's comment that this development would run counter to the expressed wishes of the local community set out in the Burghfield Parish Plan (BPP) and the Burghfield Parish Design Statement (BPDS)<sup>25</sup>. As a result the Council maintains that the development would be at odds with one of the Framework's core principles, namely that planning should be genuinely plan-led, empowering local people to shape their surroundings. Amongst other matters the BPP seeks to ensure that new development is in keeping with the character of the area and meets the needs of the village; whilst the BPDS has an overall objective that new development should conserve and enhance the character of the village.
79. These documents do not form part of the formal development plan and do not have the status of Supplementary Planning Documents or Guidance. Nevertheless, evidence submitted to the inquiry shows that they have been prepared through consultation with a wide range of village residents and other statutory and non-statutory bodies and interest groups, and that the Council has adopted the BPDS as part of the community planning process and the BPP as an important document. As such I regard them as material considerations carrying some weight in this appeal.
80. It is evident from the extent of the opposition to this proposal that a significant number of village residents do not consider that the development would reflect their wishes, as set out in these community planning documents. Whilst this, in itself, would not be sufficient to cause this appeal to be dismissed, it does have to weigh against the proposal in terms of its social role. As such, and having regard to the other matters set out above, my assessment is that the proposal can only be considered to have a neutral score in this role.

### The environmental role

81. Paragraph 7 of the Framework points out that, amongst other matters, the planning system should contribute to protecting and enhancing the natural, built and historic environment. Section 11 of the Framework provides more information on this, with paragraph 109 introducing the term 'valued landscapes', which it indicates should be protected and enhanced by the planning system. As 'valued landscapes' are not defined in the Framework there was discussion and a difference of opinion at the inquiry as to whether the appeal site should be seen as falling into this category.
82. The appellant's position is that the phrase cannot simply mean valued locally, as every piece of greenfield land adjacent to an urban area is likely to be valued by local residents, and that to seek to protect all such sites would be inconsistent with the imperative to meet housing needs in accessible and sustainable locations.

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<sup>24</sup> See Doc 39

<sup>25</sup> Incorrectly referred to in the reason for refusal as the Burghfield Village Design Statement



Accordingly, the appellant argues that the appeal site should not be seen as a valued landscape in the context of the Framework, pointing out that it has no international, national or local designation covering it, and is unconstrained in planning policy. The appellant therefore concludes that the site should be afforded the lowest weight in terms of protection of landscape character.

83. In contrast the Council points out that it does not use local landscape designations, but instead uses a criteria-based approach to assessing a site's sensitivity in landscape terms. This approach is set out in CS Policy CS19 'Historic Environment and Landscape Character', which indicates that in order to ensure that the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced, particular regard will be given to, amongst other things, the sensitivity of the area to change; and to ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
84. This policy goes on to explain that proposals for development should be informed by and respond to the distinctive character areas and key characteristics identified in relevant landscape character assessments; and to features identified in various settlement character studies and community planning documents which have been adopted by the Council such as Parish Plans and Town and Village Design Statements. In this regard the supporting text to Policy CS19 refers specifically to the Newbury District-Wide Landscape Assessment (NDLA) of 1993 and the Berkshire Landscape Character Assessment (BLCA) of 2003. The BPP and BPDS are also of relevance and have been referred to earlier.
85. This approach reflects that suggested in the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) document<sup>26</sup>, which explains that the fact that an area of landscape is not designated, either nationally or locally, does not mean that it does not have any value. It points out that ordinary landscapes can also have value, supported by the landscape character approach and indicates that reference to existing Landscape Character Assessments (LCAs) and other similar documents may give an indication of which landscape types or areas, or individual elements of the landscape are particularly valued. It comments that a stated strategy of landscape conservation is usually a good indicator of this.
86. In terms of the NDLA the appeal site to the north of Mans Hill falls within Landscape Character Type (LCT) 14 (Plateau Edge Transitional Matrix), whilst the area south of Mans Hill falls within LCT13 (Gravel Plateau Woodlands with Pastures and Heaths). Having regard to the NDLA, and from observations made at my site visit, I share the Council's view that many of the key landscape characteristics listed for these LCTs<sup>27</sup> are relevant to the appeal site and its landscape setting.
87. In the case of LCT13 the Council lists these as intimately-scaled flat to undulating plateau with small incised valleys; a complex pattern of woodland, pasture and paddocks; some suburban areas (such as Burghfield Common); and complex winding lanes (such as Mans Hill). For LCT14 the Council lists the transition between plateau woodlands and open farmland; parklands and private estates (such as the adjacent Culverlands); small villages and clustered farmsteads; and lanes traversing the slopes (such as Mans Hill).

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<sup>26</sup> Guidelines for Landscape and Visual Impact Assessment – Third edition – published by the Landscape Institute and the Institute of Environmental Management & Assessment

<sup>27</sup> See pages 54-57 of CD29: Newbury District-Wide Landscape Character Assessment 1993

88. Although the NDLA decided not to designate land to the east of Mortimer and Burghfield Common as an Area of Special Landscape Importance, the area was still described as having special qualities which demand a strategy of landscape conservation. Guidelines to achieve such conservation, in terms of LCTs 13 and 14, include preventing the erosion of woodland fringes by built development; noting that large scale development of any kind would be undesirable; noting that small-scale developments may be acceptable if integrated with the complex land-use pattern; protecting existing parkland and conserving views of parkland from the wider landscape; and protecting hedge banks and verges.
89. With regards to the BLCA, the appeal site lies within the Woodland and Heathland Mosaic: H5 Burghfield. Again, I share the Council's view that many of the key landscape characteristics of this LCT<sup>28</sup> are to be found in and around the appeal site, including a mosaic of landcover including arable fields, damp pasture, paddocks and woodland; and winding rural lanes, including sunken lanes passing through open and wooded landscapes. The landscape strategy for this LCT is to conserve and where necessary, restore the distinctive intimate and peaceful wooded landscape, including its arable land and woodland. Some of the guidelines to achieve this are listed as conserving and restoring deciduous woodland habitats; conserving the rural character of the network of lanes and roads; keeping the wooded context of settlements which help to integrate the built form; and keeping the distinctiveness and distribution pattern of the settlements.
90. In addition, the BPDS contains a number of Planning and Development Guidelines, with the overall objective that new development should conserve and enhance the character of the Parish, incorporating sympathetic design and reflecting the surrounding environment. One of the bullet points under the heading of 'Environment', with specific relevance to the appeal proposal, is that the setting of Burghfield in the wider landscape should be conserved and enhanced by any future development, respecting important views into and out of the individual settlements, such as those along Mans Hill in Burghfield Common.
91. Having regard to all of the above points, I share the Council's view that the appeal site contains a number of characteristics, noted to be of key landscape importance and, as a result, should be seen as a valued landscape which the planning system should seek to protect and enhance, in accordance with Framework paragraph 109. I have noted the appellant's references to other appeal decisions in which the issue of valued landscape was considered<sup>29</sup>, but from the information before me it does not appear that the Inspectors in those cases were presented with the same sort of detailed landscape evidence, specific to the site in question, as the Council has put forward here. I therefore do not consider that these other decisions should influence my conclusion on this matter in this case.
92. Both main parties have engaged landscape professionals to undertake landscape and visual impact assessments of the proposed development, and both have used methodology based on the GLVIA3 referred to above. However, as is understandable where subjective judgments are involved, there are differences between these 2 assessments.
93. According to the appellant's Landscape and Visual Impact Assessment<sup>30</sup>, and evidence to the inquiry, the impact of the proposals on both the wider Woodland

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<sup>28</sup> See page 140 of CD30: Berkshire Landscape Character Assessment 2003

<sup>29</sup> CD61: App Ref APP/F1610/A/14/2213318 and Doc 19: App Ref APP/R0335/A/14/2219888

<sup>30</sup> CD1.7

and Heathland Mosaic landscape type and the more local Burghfield Woodland and Heathland Mosaic landscape type would be of minor significance; whilst the effect from within the site is estimated as being of moderate/minor significance. None of these impacts are considered to be significant in landscape terms.

94. In terms of visual impact, the appellant contends that views of the proposed development would be confined to Mans Hill and from immediately to the south of the site, over a limited length of road, with the extent of visibility in such views restricted by landform and intervening vegetation. As such the appellant maintains that the development would generally have an effect of minor/negligible significance upon the receiving visual environment, with impacts of moderate/minor significance arising from a limited number of viewpoints along Mans Hill. The impact on residential amenity to the residential properties south of Culverlands would be moderate. In all cases the impacts are not considered to be significant.
95. In contrast, the Council's case is that the proposal would have a much greater impact on the key landscape characteristics of the site than is maintained by the appellant, and a greater visual impact on a range of visual receptors, many of which have been assumed to be of high value, and having a high or medium-high susceptibility to change. As a result, the Council argues that the proposed development would give rise to significant adverse effects in both landscape and visual impact terms, ranging from major/moderate to major.
96. I have been guided by the main parties' assessments, but because of their distinctly different findings I have primarily relied on my own assessment of the issues, together with my observations made during the site visit, to reach a conclusion on this matter. I have, however, been particularly mindful of the Council's conclusions regarding the various ways in which aspects of the proposed development would be harmful to the key landscape characteristics of the site, as defined in the NDLA and the BLCA. For the reasons already given I support these views, and give them weight.
97. The appeal site is currently undeveloped and, as such, I saw that the roadside hedging means it generally goes un-noticed by those travelling along Mans Hill. These would mainly be car drivers and passengers, although the Council has also referred to its use by pedestrians, cyclists and horse riders. Travelling out of the village, there is a change to the nature of Mans Hill as the entrance to the Hill Farm Shop is passed. The footway on the north-eastern side of the road comes to an end and the road becomes un-kerbed, with grass verges and field hedges alongside both parcels of the appeal site.
98. Pimms Cottage can be seen set back from the road in a well-treed setting and the gateway to Culverlands can be seen in the distance. But apart from these isolated features there is a distinct absence of built form, and in these circumstances I have no doubt that users of Mans Hill consider that they are leaving the built-up area and entering the countryside. Because of these points I do not share the appellant's view that the appeal site should be seen as having a transitional, urban-fringe character. I accept that wooden telegraph poles and wires run along this part of Mans Hill and also cross both parcels of the appeal site, but I consider these to be low key, unobtrusive features which are not out of keeping in a rural setting like this, and do not serve to urbanise the area as claimed by the appellant.
99. Travelling south past the entrance to Culverlands, Mans Hill assumes a sunken nature on a winding alignment as it passes through a well-wooded area. The fact that a small cluster of residential buildings lies just to the south of Culverlands, with

some being clearly seen from Mans Hill, does not, in my assessment, lessen the impression of travelling along a country lane, as sporadic groups of buildings such as this are not uncommon in rural settings.

100. I saw that a similar impression of the appeal site is gained by those entering the village from the south, although I accept that after travelling along the sunken part of Mans Hill, and passing the Culverlands buildings and gateways, some of the built-up area of the village is visible in the distance, signalling that an urban area is being approached. However, the appeal site itself does not contribute to this urban character, but simply helps to frame the approach to the village.
101. This setting would, however, change significantly under the appeal proposal. Firstly, this length of Mans Hill would take on a clear, suburban nature as it would be widened to 5.5m to provide the necessary highway standard and would be kerbed, with 2.0m wide footways either side, meaning that an appreciable amount of the existing roadside verges would be lost. In addition, a total of 4 new access points would be created, making 2 cross-road junctions within about 100m of one another and highlighting the changed, suburban character of this stretch of road.
102. I acknowledge that matters such as layout and landscaping are not to be determined at this stage, but I have no doubt that the new crossroad junctions would open up views into both parcels of the appeal site. In these circumstances, and because of the generally flat nature of the appeal site in proximity to Mans Hill, I consider it highly likely that the proposed dwellings would be visible from these access points. The change from open, agricultural land to a relatively dense suburban housing development would be quite apparent and would amount to a significant change to the character of the area and the rural setting of this part of the approach to the village.
103. The proposed development would amount to a significant eastwards extension of the village, taking built form close to the parkland at Culverlands. I share the Council's view that whilst this would not result in any direct impact upon the parkland, it would tend to urbanise its existing rural setting and would serve to more or less incorporate it into the settlement edge, notwithstanding the proposed landscape buffer. This would be harmful to the setting of the parkland and would not accord with one of the guidelines for landscape management relating to LCT14, discussed above.
104. I have noted the appellant's contention that the appeal site is visually well-contained and that the established vegetation structure and localised topography would limit both localised and longer distance views. However, this would not be the case in the vicinity of the proposed site entrances, for the reasons just outlined. It was also apparent from observations made at my site visit that buildings on the appeal site would be seen from other parts of Mans Hill and from further afield, such as from viewpoints 9, 10 and 12-15. That said, I accept that views from some of these more distant locations would be relatively limited and would not, in themselves, justify the withholding of planning permission.
105. Nevertheless, it seems to me that the contained nature of the site, spoken of as a benefit by the appellant in landscape and visual terms, would result in a large but isolated enclave of development which would be poorly related to the rest of the village. It would place development either side of Gully Copse and Grove Copse (in the 210 dwelling scheme), and beyond the belt of strong tree cover which currently forms a well-defined boundary to the settlement at this location. Whilst I acknowledge that some fairly extensive wooded areas do exist within the village,

Gully Copse and Grove Copse form part of the current rural landscape. In my assessment the incorporation of these areas of woodland into the built-up form of the village would harm both this rural landscape and the setting of the village.

106. I accept that this impact would be lessened with the scheme for 197 dwellings, and could be lessened further if I granted planning permission but imposed a condition restricting the extent of development on the southern parcel, as discussed at the inquiry<sup>31</sup>. However, such changes would not go to the heart of my concerns on this issue as they would not change the overall impact on Mans Hill, nor address the implications of the development on Gully Copse.
107. I accept that most of the proposed development would sit on the plateau of around 90m AOD and that, as such, it would be generally in keeping with the form of much of the development centred on Reading Road. However, there are clearly some parts of the village, including some areas in close proximity to the appeal site, where development dips below this 90m AOD level. Because of this, I do not consider it unacceptable that some parts of the proposed development would have to fall below this level.
108. I note the Council's concerns regarding the size and location of the proposed attenuation pond, which would occupy a detached part of the appeal site to the south of Grove Copse. Further details of the proposed pond have not been supplied at this stage, but the Council contends that remodelling of the landform and loss of streamside vegetation would be inevitable to accommodate such a large feature, and that such works would alter the undisturbed pastoral quality of Burghfield Brook and extend urbanising influences further into the open countryside.
109. However, whilst the illustrative framework plan does indicate that this pond would be a large feature I do not see why, with careful design, it could not be satisfactorily located in the chosen area without appearing unacceptably out of keeping. Large water features are not uncommon in rural settings, and there has been no suggestion that a formal, surfaced access road or track would be needed for maintenance purposes. Based on the information before me, I am not persuaded that this element of the overall proposal would be unacceptable.
110. Drawing the preceding points together, and notwithstanding my favourable findings on these latter matters, I conclude that the proposed development would be at odds with the aims and objectives of paragraph 109 of the Framework, as it would fail to protect and enhance a landscape which is of clear value. It would also have an adverse effect on the character and appearance of the surrounding area, especially the rural nature of this stretch of Mans Hill and the setting of this part of the village. As a result, I conclude that the appeal proposal would not satisfy the environmental role of sustainable development.

### Summary

111. Having regard to all of the points set out above, my overall conclusion on this second main issue is that whilst the proposal would perform in a neutral way in terms of both the economic and social roles of sustainable development, it would fail to satisfy the environmental role. Taken in sum, I therefore do not regard the appeal proposal as sustainable development. This means that it does not benefit from the presumption in favour of such development, described in the Framework as the golden thread running through both plan-making and decision-taking.

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<sup>31</sup> This was agreed to effectively limit development to a total of 183 dwellings

112. The failure of the appeal proposal to satisfy the environmental role of sustainable development also leads me to conclude that it would result in an adverse impact on the character and appearance of the surrounding area. As such it would be at odds with CS Policy CS19, as detailed earlier.

### ***Main Issue 3 – Requested contributions***

113. The Council's third reason for refusal alleged that the appeal proposal failed to provide an appropriate scheme of works or off-site mitigation measures to accommodate the impact of development on local infrastructure, or provide an appropriate mitigation measure, such as a planning obligation. As such the Council maintained that the proposal was in conflict with national guidance in the Framework, as well as CS Policy CS5 'Infrastructure Requirements and Delivery' and the Council's adopted Supplementary Planning Document (SPD) 'Delivering Investment from Sustainable Development'.
114. However, matters have moved on significantly, and by the time of the inquiry the appellant had prepared a unilateral undertaking, as noted earlier, to address this issue. This undertaking would be operative if planning permission was granted for the appeal proposal before 1 April 2015 and would provide specific financial contributions towards Adult Social Care, car parking facilities at Mortimer Railway Station, Education, Libraries, the maintenance of Open Space and Waste Management. There would also be a Project Delivery Payment, relating to the Education contributions. These contributions would only be payable if they were deemed to accord with all the tests for planning obligations set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations.
115. If planning permission was granted for the appeal proposal on or after 1 April 2015, none of these contributions would be payable, as the Council has adopted a CIL which will be effective from 1 April 2015. The Charging Schedule can be seen at CD83, and the SPD entitled 'Planning Obligations', which will be operative from that date, can be seen at CD44.
116. In addition to the above, a package of highway works had been agreed between the appellant and the Council, and if planning permission had been granted these would have been secured through an agreement under S278 of the Highways Act 1980, controlled by a condition attached to the permission.
117. However, in view of my conclusions on the first and second main issues, I do not intend to allow this appeal. Accordingly, I do not need to take this matter further.

### ***Other matters***

118. The appellant has undertaken a review of the various site allocations around Burghfield Common which have been investigated as part of the Council's HSA DPD exercise, and has commented on the existing 'landscape capacity' of these sites, that is, the extent to which landscape considerations may impinge on development potential. The appellant's overall conclusion from this exercise is that in landscape terms the appeal site is very similar to the 2 preferred sites. The Council has, however, criticised this exercise as flawed, and argues that its findings should not be relied on to inform the current appeal.
119. Although I have noted the parties' views on this matter, the fact remains that this appeal centres on the acceptability of the appeal site to accommodate the proposed development, and is not dependent on findings or conclusions relating to other sites. Whilst I have given some weight to the HSA DPD, and have had regard to

some of the SA/SEA results which support it, I have not reached any firm conclusions on other sites as that is not my role. Rather, I have limited my consideration to an assessment of the planning merits of the appeal proposal. Because of this, the appellant's assessments of these alternative sites, and the Council's subsequent comments, have had no material bearing on my conclusions.

120. A number of other matters were raised by interested persons. These included various highways and traffic concerns, relating to traffic generation; the ability of Mans Hill and the surrounding road network to safely accommodate the additional traffic likely to be generated by the proposed development; and concerns about visibility at the Mans Hill/Reading Road junction. However, whilst I can understand these concerns, I have noted that a Highways Statement of Common Ground<sup>32</sup> (SoCG) has been completed between the appellant and the Council, which Council Officers are satisfied would make the development acceptable in transport terms.
121. This SoCG sets out a number of improvements to the local highway network which would be secured through the S278 agreement referred to above, together with details of a Transport Plan for the development aimed at encouraging sustainable transport choices. No firm evidence has been put before me to demonstrate that these measures would not satisfactorily mitigate the impact of the proposed development, and I therefore conclude that there are no reasons on highways and transport grounds why planning permission should be withheld.
122. Concerns were also raised on a variety of drainage matters, and at my site visit I saw local areas where flooding has occurred. However, a detailed Flood Risk Assessment and drainage strategy was undertaken and submitted with the application. Amongst other matters this proposes a sustainable drainage system for the development, incorporating on-site attenuation, and this matter could have been secured by condition if planning permission was to be granted. I am satisfied that this would have acceptably addressed these concerns, and am also satisfied that concerns raised by Thames Water concerning water supply could have been effectively addressed by conditions.
123. A detailed objection on ecology grounds was put forward to the inquiry, but this information was also before the Council when it considered the planning application and therefore had been duly considered by the Council's Principal Ecologist, along with an updated Ecological Appraisal submitted on behalf of the appellant. I note that the Council's Ecologist raised no objections to the proposal, subject to a number of conditions. In view of these points I see no reason why planning permission should have been withheld on ecology grounds, if all other matters had been favourable.
124. The appeal site falls within the Extendibility Zones of the Atomic Weapons Establishments (AWE) at Aldermaston and Burghfield and objections were raised by interested persons regarding the likely impact of the proposal on emergency planning. However, a full review of the development proposal has been undertaken by the AWE Off-Site Planning Group. This group comments that the proposed development is outside the Detailed Emergency Planning Zone and that, as such, there is a much reduced risk of the area being affected and therefore requiring a response from the responding agencies.
125. Taking into account the impact on the AWE Off-Site Response Plan and the risk of an event that would impact the zone of extendibility taking place, the Off-Site

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<sup>32</sup> Doc 43

Planning Group, on balance, has no objection. As such the scheme is considered to comply with the requirements of CS Policy CS8 which controls development in the vicinity of these nuclear installations. This matter would therefore not have weighed against this proposal, if all other matters had been favourable.

126. An interested person spoke at the inquiry, urging that a full archaeological Resistivity survey should be carried out on the site, before any development is approved. As already noted, I do not intend to allow this appeal, for the reasons set out earlier in this decision. But had the planning balance been in favour of this proposal, such that planning permission could have been granted, this matter could have been addressed through the agreed archaeological condition, which would have required the approval of a written scheme of investigation.

### ***Summary and overall conclusion***

127. The assessments involved in this case have been somewhat unusual, in view of the exceptional circumstances in which the adoption of the Council's CS took place. However, whilst acknowledging that the Council does not, at present, have a Framework-compliant figure for its housing requirement, I am satisfied that it is following the correct, plan-led approach to resolve this matter, as recommended by the Inspector who examined the CS. With this in mind I have concluded, on the first main issue, that approval of the appeal proposal now would undermine the plan-making process by predetermining decisions about the scale and location of new development.
128. In any event, I have concluded that the proposed development would not amount to sustainable development in the terms set out in the Framework, and therefore does not benefit from any presumption in its favour. Indeed, I have found that it would have an unacceptable effect on the character and appearance of the surrounding area. Overall, the adverse impacts of the proposal would significantly and demonstrably outweigh any benefits it would offer.
129. Accordingly, for all the reasons detailed above, I conclude that the appeal should be dismissed. I have had regard to all other matters raised, but they are not sufficient to outweigh the considerations which have led me to my conclusion.

*David Wildsmith*

INSPECTOR



## **APPEARANCES**

### **FOR THE COUNCIL:**

William Upton of Counsel	instructed by West Berkshire Council (WBC)
<b>He called</b>	
Bettina Kirkham DipTP BLD CMLI	Director, Kirkham Landscape Planning Ltd
Elizabeth Alexander BA MPhil MRTPI	Principal Planning Officer, Planning and Transportation Policy Section, Planning and Countryside Service, WBC
Caroline Peddie BSc MSc MRTPI	Principal Planning Officer, Planning Policy Team, Planning and Countryside Service, WBC
Emma Nutchey BSc MSc MRTPI	Principal Planning Officer, Development Control, Planning and Countryside Service, WBC
Jon Muller	Interim Service Manager, Maximising Independence Team, Adult Social Care, WBC
Fiona Simmonds	Strategic Commissioning and Compliance Team Leader, Education Service, WBC
Mike Brook BA(Hons) MCLIP	Manager, Library Service, WBC
Jackie Ward	Waste Manager, WBC

### **FOR THE APPELLANT:**

Celina Colquhoun of Counsel	instructed by Gladman Developments Limited
<b>She called</b>	
Ben Wright BA(Hons) DipLA CMLI	Director, Aspect Landscape Planning Ltd
Margaret Collins BA(Hons)	Director, Regeneris Consulting
Haydn Morris BA(Hons) DipTP MRTPI	Director, Terence O'Rourke Ltd
Mr John Powell LLB(Hons)	EPDS Consultants

### **INTERESTED PERSONS OPPOSING THE PROPOSAL:**

Stephen McConnell	Local resident – also spoke on behalf of a number of other local residents
Paul Lawrence	Chairman of Burghfield Parish Council
Royce Longton	Burghfield District Councillor and Burghfield Parish Councillor
John Watkinson CEng	Local resident
John Steeds	Local resident
Jodie Smith BSc(Hons) MCIEEM	Former local resident
Barrie Randall	Local resident
Peter Plant	Local resident
Carol Jackson-Doerge	Burghfield District Councillor

## CORE DOCUMENTS

### Number Document

#### **Submitted Planning Application Documents**

CD1.1	Application Covering Letter, Application Form and Certificates
CD1.2	Location Plan (including Application Red Line) - Drawing No. 2013-057-100-002 Rev D
CD1.3	Planning Statement and draft S106
CD1.4	Affordable Housing Statement
CD1.5	Socio-Economic Impact Assessment
CD1.6	Design & Access Statement and Development Framework Plan Drawing No. 5281/ASP2 Rev K
CD1.7	Landscape and Visual Impact Assessment
CD1.8	Ecology Appraisal
CD1.9	Arboricultural Assessment
CD1.10	Proposed Site Access Plan Drawing No. 1362/10
CD1.11	Transport Assessment
CD1.12	Travel Plan
CD1.13	Education Impact Assessment
CD1.14	Air Quality Assessment
CD1.15	Noise Screening Report
CD1.16	Archaeological Desk Based Assessment Report
CD1.17	Heritage Statement
CD1.18	Phase 1 Site Investigation Report
CD1.19	Flood Risk Assessment
CD1.20	Foul Drainage Strategy
CD1.21	Statement of Community Involvement
CD1.22	Topographical Survey Drawings

#### **Additional and amended documents submitted after Validation**

CD2.1	The email to WBC, dated 23/05/14, issuing the Archaeological Geophysical Report and a copy of the Archaeological Officer comment
CD2.2	The email to WBC, dated 4/06/14, issuing the revised section of the Ecological Appraisal with the Confidential Badger report removed (for the Councils website)
CD2.3	The email to WBC, dated 17/06/14, issuing the amended Red line plan to include the drainage connection the southern part of the site to the attenuation pond
CD2.4	The emails to WBC, dated 17/06/14, issuing the junction modelling data requested by the Highways officer
CD2.5	The email to WBC, dated 24/06/14, issuing the additional junction modelling data requested by the Highways Officer
CD2.6	The email to WBC, dated 07/07/14 issuing the revised Planning Statement, the Objectively Assessed Need Report by Regeneris and Aspects response to the Landscape and Ecology officer's comments
CD2.7	The email to WBC, dated 11/07/14, providing additional information in response to Highways officer's Concerns
CD2.8	The email to WBC, dated 11/07/14, providing the updated ecology report with the full survey information
CD2.9	The email to WBC, dated 24/07/14, providing a revised Travel Plan in response to the officer's concerns
CD2.10	The email to WBC, dated 23.07/14, providing the full LINSIG output information in response to the Highway officers concerns

### **Relevant Correspondence since Application Validation**

- CD3.1 The email from WBC, dated 08/05/14, validating the application
- CD3.2 The email to WBC, dated 13/05/14, identifying that residents' confidential information had been published on the WBC website
- CD3.3 The email to WBC, dated 21/05/14, confirming houses rather than flats are proposed
- CD3.4 The email to WBC Contamination officer, dated 05/06/14, regarding possible site soakaways
- CD3.5 The email to WBC, dated 12/06/14, providing detail of the proposed mix of houses
- CD3.6 The email from WBC, dated 23/06/14, issuing the 2nd screening opinion following the issue of the revised Red line plan
- CD3.7 The email to WBC, dated 27/06/14, requesting an update on progress with the application and suggesting a meeting
- CD3.8 Emails from WBC, dated 27/06/14, providing officers' comments and requesting more information
- CD3.9 The email to WBC, dated 2/07/14, with copies of email correspondence with The WBC Minerals and Waste Planning Officer
- CD3.10 Emails between WBC and GDL/GL Hearn regarding Objectively Assessed Housing Need Report by Regeneris
- CD3.11 The email from WBC, dated 8/07/14, with further comments from Highways requesting additional information
- CD3.12 Emails between WBC and GDL confirming all the required information had been received in order for re-consultation.
- CD3.13 GDL letter, dated 17/07/14, pointing out WBC responsibilities when determining the application
- CD3.14 The email from WBC, dated 25/07/14, providing further comments from Highways and requesting further information
- CD3.15 The email to WBC, dated 28/07/14, confirming the Principal Plans
- CD3.16 The email from WBC, dated 28/07/14, confirming that the Travel Plan is now acceptable
- CD3.17 Emails between WBC and GDL regarding agreed dates for the Appeal

### **Planning Officer's Report**

- CD4 Planning Officer's Work Sheet

### **Planning Officer's Decision Notice**

- CD5 Planning Decision Notice
- CD6 Not used

### **National Planning Policy Guidance (PPG)**

- CD7.1 PPG Section on Housing and economic land availability assessment
- CD7.2 PPG Paragraph 014 of the section on Determining a Planning Application

### **Relevant West Berkshire Council Documents**

- CD8 West Berkshire Core Strategy DPD, July 2012
- CD9 Inspector's Report: West Berkshire Core Strategy Examination, July 2012
- CD10 West Berkshire Housing Site Allocations DPD (Preferred Options), July 2014
- CD11 West Berkshire Annual Monitoring Report 2011, December 2011 (with amendments), April 2012
- CD12 West Berkshire Annual Monitoring Report 2012 – Housing, January 2013
- CD13 West Berkshire Annual Monitoring Report 2013, no date

CD14	West Berkshire Council's Five Year Housing Land Supply Statement, December 2013
CD15	Sandleford Park Supplementary Planning Document (SPD), September 2013, Section G: Delivery and Implementation (Extract)
CD16	West Berkshire Council's Five Year Housing Land Supply Statement, December 2012
CD17	Market Street Urban Village, Newbury Planning and Design Brief SPD, 3 June 2005
CD18	SHLAA Maps and Site Assessments for Newbury, 2013: Market Street extract
CD19	SHLAA Maps and Site Assessments for Newbury, 2013: Former depot at Pound Lane extract
CD20	SHLAA Maps and Site Assessments for Burghfield Common, 2013: Land adjoining Mans Hill, extract
CD21	West Berkshire District Local Plan, June 2002
CD22	Burghfield Parish Plan, November 2012
CD23	Burghfield Parish Design Statement, August 2011
CD24	Proposed Focused Changes Topic Paper, February 2011: extracts only with respect to housing numbers.
CD25	SA/SAE for East Kennet Valley (extract) and Appendix 9C
CD26	Quality Design Supplementary Planning Document – Part 2 Residential Development, 2006
CD27	Delivering Investment from Sustainable Development SPD, June 2013
CD28	Natural England Thames Basin Heath Character Area (NCA 129)
CD29	Newbury District-Wide Landscape Assessment, 1993 (Extract)
CD30	Berkshire Landscape Character Assessment, 2003 (Extract)
CD31	West Berkshire District Local Plan 1991-2006, saved Policies 2007,(Extract) HSG1, Trans 1, RL 1, RL 2
CD32	Berkshire SHMA 2007 (Extract) Appendix B
CD33	Housing Need Assessment 2007
CD34	Housing Need Assessment and Affordable Rent Review 2012
CD35	South East Plan, May 2009 (extract)-Section C Western Corridor and Blackwater Valley and Section B on Housing
CD36	Panel Report on the RSS for South East England 2007 (Extracts)-Section 6 (pages 61-81), -Section 7 (pages 83-113), -Section 8 on Affordable Housing (115-124)-Section 21 on Western Corridor and Blackwater Valley (311-335)
CD37	South East Plan Schedule of Changes and Reasoned Justification (extract)
CD38	ITT for the Berkshire SHMA
CD39	West Berkshire Employment Land Assessment, May 2007
CD40	West Berkshire – Open for Business – A Local Economic Development Strategy for West Berkshire 2013-2018
CD41	Thames Valley Berkshire: Delivering national growth, locally Strategic Economic Plan, 2015/16 – 2020/21
CD42	Berkshire Business First Paper on Employment and Output forecasts by LEP (Extract)
CD43	Thames Valley Berkshire LEP Strategic Economic Plan Evidence Base – just Evidence Paper 1
CD44	Planning Obligations SPD, December 2014

### **Documents from other Local Authorities**

- CD45 Cambridge Centre for Housing & Planning Research, Choice of Assumptions in forecasting housing requirements
- CD46 The new household projections and their implications for Cheltenham Borough Council, Gloucester City Council and Tewkesbury Borough Council, Final Report
- CD47 Basingstoke and Deane Local Plan April 2014 Revised Pre-Submission Draft Document
- CD48 Reading Core Strategy Adopted 2008 (Extract) Section 6
- CD49 Oxfordshire SHMA 2014
- CD50 Swindon Local Plan Submission Draft June 2013 (extract) Theme 3 on Housing and Accommodation
- CD51 Wiltshire Housing Land Supply Statement
- CD52 Wokingham Core Strategy 2010 (Extract)

### **Other National and International Documents**

- CD53 OBR Fiscal Sustainability Report – July 2014 (Extract)
- CD54 European Commission – the 2012 Ageing Report (Extract)

### **Appeal Decisions and Judgements**

- CD55 Horncastle, Lincolnshire: Gladman Developments Ltd vs East Lindsey District Council (APP/D2510/A/14/2214716)
- CD56 Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another (1982 43 P & C R 22)
- CD57 Hunston Properties Limited vs St Albans City and District Council (EWCA Civ 1610)
- CD58 Swanley, Kent: Cooper Estates Limited vs. Sevenoaks District Council (APPG2245/A/13/2197478 and APP/G2245/A/13/2197479)
- CD59 Gallagher Estates Limited and Lioncourt Homes Limited vs Solihull Metropolitan Borough Council (EWHC 1283)
- CD60 Willaston, Cheshire: Richborough Estates vs Cheshire East Council (APP/R0660/A/14/2211721)
- CD61 Fairford, Gloucestershire: Gladman Developments Ltd vs Cotswold District Council (APP/F1610/A/14/2213318)
- CD62 Gallagher Estates and Lioncourt Homes vs Solihull Metropolitan Borough Council (EWCA Civ 1610)
- CD63 Clitheroe, Lancashire, Huntroyde Estate; Clitheroe Auction Mart Co. Ltd; Mr J Taylor; Ms Sarah Howard and Ms Samantha Howard vs Ribble Valley Borough Council (APP/T2350/A/13/2194601)
- CD64 Branston, Burton upon Trent: Marston's PLC vs East Staffordshire Borough Council (APP/B3410/A/13/2193657)
- CD65 Rothley, Leicestershire: William Davis Limited vs Charnwood Borough Council (APP/X2410/A/13/2196928)
- CD66 Waterbeach, Cambridgeshire: Persimmon Homes East Midlands vs South Cambridgeshire District Council (APP/W0530/A/13/2209166)
- CD67 Barrow, Lancashire: The Barrow Lands Company against Ribble Valley Borough Council (APP/T2350/A/13/2197091)
- CD68 Cotswolds District Council vs Secretary of State, Fay & Son Ltd and Hannick Homes and Development Ltd (EWHC 3719)
- CD69 Grazeley Green, Reading: Mr R Thorne vs West Berkshire Council (APP/W0340/A/12/2178573)
- CD70 9 Shooters Hill, Pangbourne, appeal decision, ref APP/W0340/A/14/2222914 (dated 24/11/14)

- CD71 Thatcham, West Berkshire: Mrs Caroline Graham vs West Berkshire Council (APP/W0340/A/13/2191207)
- CD72 Newland, Droitwich Spa: Persimmon Homes Limited and Prowting Projects Limited vs Wychavon District Council (APP/H1840/A/13/2199426)
- CD73 Morpeth, Northumberland: Barratt, David Wilson Homes North East and Tees Valley Housing vs Northumberland County Council (APP/P2935/A/14/2212989)

**Ministerial Statements and Inspectors Reports Letters and Notes**

- CD74 Ministerial statements: Housing and growth, 6 September 2012
- CD75 Ministerial statements: Housing the next generation, 10 January 2013
- CD76 Inspector's Letter: Vale of Aylesbury Plan Strategy Examination January 2014
- CD77 Inspector's Note: Eastleigh Borough Local Plan Examination, November 2014
- CD78 Inspector's Note: Cherwell Local Plan Examination, January 2014
- CD79 Inspector's Note: Uttlesford Local Plan Examination, December 2014
- CD80 Inspector's Letter: Harrogate Borough Council Sites and Policies DPD, April 2014
- CD81 Inspector's Letter: Doncaster Metropolitan Borough Council's Sites and Policies DPD, June 2014

**Relevant Pre-Inquiry Correspondence**

- CD82 Email to PINS re consideration of alternative 197 dwelling Scheme

**Additional Documents**

- CD83 WBC Community Infrastructure Levy Charging Schedule, March 2014, effective from April 2015
- CD84 WBC Community Infrastructure Levy Regulation 123 List
- CD85 WBC Housing Site Allocation DPD - Background Paper Preferred options consultation July 2014
- CD86 WBC Housing Site Allocation DPD Preferred Options Countryside Policies
- CD87 Letter from Minister of State for Housing and Planning to the Planning Inspectorate on SHMA - 19th December 2014
- CD88 Planning Advisory Service: Objectively Assessed Need and Housing targets. Technical Advice Note June 2014.
- CD89 Land adjacent to Primrose Croft, Reading Road, Burghfield Common, RG7 3BH appeal ref - APP/W0340/A/11/2155555
- CD90 Land off Pincents Lane, Tilehurst, Reading - appeal ref APP/W0340/A/10/2133957
- CD91 30 Mount Pleasant, Tadley, Hampshire, RG26 4JR - appeal ref - APP/H1705/A/14/2224451
- CD92 GDL and Wokingham Borough Council, high court challenge case number [2014] EWHC 2320.
- CD93 West Berkshire Annual Monitoring Report 2014

## **DOCUMENTS AND PLANS SUBMITTED AT THE INQUIRY**

Document	1	Opening submissions on behalf of the appellant
Document	2	Opening submissions on behalf of WBC
Document	3	WBC's letter of notification of the appeal
Document	4	Letter of support for the appeal proposals, submitted by Gary Lees, on behalf of Pegasus Group
Document	5	Stephen McConnell's statement of objection to the appeal proposal
Document	6	Additional extracts from the Newbury District Council District-Wide Landscape Assessment (CD29)
Document	7	Press release regarding further public consultation on proposed new housing sites
Document	8	WBC's Decision Notice, ref 14/01730/OUTMAJ, dated 22 October 2014, refusing planning permission for development at Firlands Farm, Hollybush Lane, Burghfield Common
Document	9	Summary of Elizabeth Alexander's evidence
Document	10	Summary of Caroline Peddie's evidence
Document	11	Table, indicating changes to the 5 Year Housing Land Supply
Document	12	Summary of Emma Nutchey's evidence
Document	13	Note on the Berkshire Landscape Character Assessment, submitted by WBC
Document	14	Plan showing further extent of proposed permissive bridleway, submitted by the appellant
Document	15	WBC's Decision Notice, ref 14/03001/OUTMAJ, dated 18 February 2015, refusing planning permission for development of up to 197 dwellings on the appeal site
Document	16	Information about the proposed development at Market Street, Newbury, submitted by WBC
Document	17	Information regarding the status of the Burghfield Parish Design Statement and the Burghfield Parish Plan, submitted by WBC
Document	18	Site visit itinerary
Document	19	Appeal Decision Ref APP/R0335/A/14/2219888, dated 2 February 2015, submitted by the appellant
Document	20	Royce Longton's statement of objection to the appeal proposal
Document	21	John Watkinson's statement of objection to the appeal proposal
Document	22	John Steeds' statement of objection to the appeal proposal
Document	23	Jodie Smith's statement of objection to the appeal proposal
Document	24	Barrie Randall's statement of objection to the appeal proposal
Document	25	Peter Plant's statement of objection to the appeal proposal
Document	26	Carol Jackson-Doerge's statement of objection to the appeal proposal
Document	27	Revised Table 5 from Caroline Peddie's Rebuttal Proof, showing a comparison of the parties' differing positions regarding various proposed housing sites, submitted by WBC
Document	28	SHLAA, December 2013 – Settlement Hierarchy, submitted by WBC
Document	29	Land Registry Plan showing the full extent of site owners' land ownership
Document	30	Plan showing a proposed limit of development, based on land contours, to accompany an un-agreed condition
Document	31	Updated Education Statement, dated 25 February 2015, submitted by WBC

Document	32	Education Contributions Final Submission v1-1, dated 25 February 2015, submitted by the appellant
Document	33	Jon Muller's Introduction and brief details of relevant career history, submitted by WBC
Document	34	Jackie Ward's Introduction and brief details of relevant career history, submitted by WBC
Document	35	Final Draft list of agreed and un-agreed conditions
Document	36	Further details of un-agreed condition concerning the limit of development
Document	37	WBC Note providing clarifications on the appellant's Education Contributions Final Submission v1-1
Document	38	Amended Figures 1.1 and 1.2, replacing Figures 6.1 and 6.2 of Margaret Collins' evidence, submitted by the appellant
Document	39	Signed and dated Unilateral Undertaking submitted by the appellant
Document	40	Closing submissions on behalf of WBC
Document	41	Closing submissions on behalf of the appellant
Document	42	Approved Judgment Cheshire East Borough Council vs Secretary of State for Communities and Local Government and Richborough Estates Partnerships LLP [2015] EWCA 410 (Admin)
Document	43	Signed Statement of Common Ground covering planning matters
Document	44	Signed Statement of Common Ground covering highways matters
Document	45	Letter and attachments received immediately after the close of the inquiry, from WBC, concerning the DCLG updated Household Projections issued on 27 February 2015
Document	46	Note received immediately after the close of the inquiry, from the appellant, concerning the DCLG updated Household Projections issued on 27 February 2015