
Appeal Decision

Inquiry opened on 1 November 2016

Site visit made on 21 November 2016

by C J Ball DArch DCons RIBA IHBC

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

Decision date: 17 January 2017

Appeal Ref: APP/W0340/W/16/3146156

Land south of Man's Hill, Burghfield Common, Reading RG7 3BD

- 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 15/02019/OUTMAJ, dated 31 July 2015, was refused by notice dated 5 February 2016.
 - The development proposed is for up to 70 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Mans Hill and associated ancillary works.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The inquiry sat for 4 days on 1-4 November. The inquiry overran its agreed bespoke programme and after hearing all the evidence I adjourned on 4 November to allow the staggered submission of written closing submissions, from the Council on 10 November and the appellant on 11 November. As agreed a certified copy of the executed Unilateral Undertaking was submitted on 7 November. I made an accompanied site visit on 21 November and closed the inquiry in writing on 23 November.
 3. The application was made in outline with access to be considered. The other matters of appearance, landscaping, layout and scale are reserved for future consideration. The application was originally made for up to 70 dwellings but was subsequently reduced to 64 to address specific landscape constraints. I have considered the appeal on that basis.
 4. During the application process a Development Framework Plan 5281/ASP2 Rev F and an illustrative Master Plan 5281/ASP2/LM Rev C were submitted for discussion purposes. While I have taken note of these plans as an indication of the site's capacity for the proposed development, including extensive landscaping, since this is an outline application I have treated the layout and landscaping works they show as illustrative of future intent. Site access details are shown in Proposed Site Access Plan 1362/11. The Council makes no objection to the proposed means of access.
-

5. The Council's planning proof of evidence was written and submitted by Mr Dray, a Principal Planner at the Council. At the inquiry, the Council's planning evidence was given by Mr Grigoropoulos who, after correcting some minor errors, adopted and endorsed Mr Dray's proof of evidence in full.
6. At the inquiry an application for an award of costs was made by Gladman Developments Ltd against West Berkshire Council. That application is the subject of a separate decision.

Environmental impact

7. The Secretary of State has screened the proposal in accordance with the EIA Regulations and has come to the view that it is not EIA development so that a formal Environmental Statement is not necessary. I note the range of environmental and other information submitted with the application.

Agreed matters

8. Before the inquiry the parties submitted a statement of common ground. The statement sets out a description of the site and outlines relevant development plan and emerging policies, highlighting differences in opinion as to whether relevant policies are up to date with reference to the National Planning Policy Framework (the Framework). The parties agree that the site is outside the allocated settlement boundary of Burghfield Common; that, with appropriate mitigation, there would be no severe highways impact; that the potential impact on trees is very low; that the renewal and updating of the existing Woodland Management Scheme would enhance biodiversity value and increase public access; that the site does not lie in a flood risk area or critical drainage area; and that there is no objection relating to the location of the site within the AWE Aldermaston and AWE Burghfield hazard zones.
9. The parties agree that, subject to appropriate conditions, there would be no unacceptable impact on the area's ecology and archaeology or on Culverlands House and its parkland setting as heritage assets. Similarly, sustainable construction and sustainable drainage can be achieved and any contamination on the site is capable of being remediated. While the parties agree that the scheme should include 40% affordable dwellings, they disagree on the appropriate method of securing it.
10. Although the scheme would significantly alter the open landscape opposite Pimms Cottage, it would not necessarily harm the living conditions of the occupants. That could be controlled at reserved matters stage. There would be negligible impact on air quality and noise levels, and the development would not unnecessarily sterilise mineral resources. The parties also agree that landscape character and visual impact itself does not warrant a standalone reason for refusal; the impacts could be fully mitigated by condition. The proposal includes a new offsite bridleway, with dedicated public access, intended to link the site to other bridleways and local access points in and around the settlement.
11. At the inquiry the parties submitted Agreed Notes relating to Objectively Assessed Need (OAN) and Housing Land Supply (HLS) matters. While the notes were agreed by the respective witnesses, there is in fact limited agreement between the parties on these matters. Nonetheless the notes helpfully explain and compare their different approaches to the assessment of OAN and HLS.

Planning obligation

12. At the inquiry, the appellant submitted a finalised draft of a deed of Unilateral Undertaking as a planning obligation under s106 of the Act. In outline, the Undertaking would commit the appellant to providing Public Open Space and arrangements for its transfer to the Council or a Management Company set up for the purpose; and to entering into a s25 Agreement to provide the bridleway. Other contributions to the Council's infrastructure delivery plan would be made through the CIL Charging Schedule.
13. After some discussion of the Council's preference for affordable housing to be secured by obligation, it was accepted that the appropriate amount, type and tenure of affordable housing could be secured by condition. Furthermore, the Council's queries relating to the impact of the bridleway on common land were satisfactorily answered. The Council accepts that, provided no works take place on common land, the undertaking and s25 Agreement would secure the bridleway for public access in perpetuity. The obligations are necessary to make the development acceptable in planning terms. They are directly related to the development and are fairly and reasonably related in scale and kind to it. They meet the tests of CIL Regulations 122 and 123 and comply with Framework 204. Accordingly the Council confirmed that the second reason for refusal of the application had been overcome. The appellant submitted a certified copy of the executed undertaking during the adjournment.

Main issues

14. I therefore consider the main issues in this case to be:

- whether the Council can demonstrate a 5 year supply of deliverable housing land and the consequent policy implications; and
- the effect of the proposal on the character and appearance of the rural setting of the village.

Planning history

15. In March 2015 2 applications for housing development on a substantially larger site, incorporating land to the north and south of Man's Hill, were dismissed on appeal.¹ The proposals - one for 201 dwellings, the other for 197 - were found unacceptable primarily because approval would undermine the plan-making process and both schemes would not amount to sustainable development.
16. In July 2015 an application for a development of 90 dwellings on a site adjoining the south-western edge of Burghfield Common was approved on appeal.² The Council's challenge to this decision failed, in a judgement given in February 2016.³

Policy background

17. The local development plan includes the West Berkshire Core Strategy DPD 2006-2026, adopted in July 2012 (WBCS) and the saved policies of the West Berkshire District Local Plan 1991-2006 (WBLP). The WBCS, together with the saved policies, was found sound and adopted after consideration against the then recently published Framework. The parties agree that the development plan

¹ Appeal reference APP/W0340/A/14/2226342

² Appeal reference APP/W0340/A/14/2228089 (Firlands Farm)

³ [2016] EWHC 267 Admin

policies relevant to the appeal are WBCS policies ADPP1 (Area Delivery Plan Policy 1), which sets out the spatial strategy for the district; ADPP6, which outlines the spatial strategy for the East Kennet Valley area, which includes Burghfield Common; CS1: Delivering new homes and retaining the housing stock; and CS19: Historic environment and landscape character. WBLP saved policy HSG1 relates to small scale development within settlements and the countryside and normally permits development within the boundaries of identified settlements, including Burghfield Common.

18. The emerging Housing Sites Allocation (HSA) DPD is at a very advanced stage. The Examining Inspector issued his preliminary findings in October 2016, putting forward a list of Main Modifications (MMs) necessary to address some shortcomings in the DPD relating to soundness. None directly affect this site so, in the context of this appeal, the HSADPD carries very significant weight. The Council relies on draft policy C1: Location of New Housing in the Countryside.
19. The Framework sets out the government's core planning principles and key objectives. Other material considerations include the Burghfield Parish Design Statement (2011) and the Burghfield Parish Plan Refresh 2012.

Reasons

20. Burghfield Common is a strongly linear village, historically settled along the parallel Reading Road and Clayhill Road corridors. Later development has largely followed this pattern, expanding the village to the north-east and south-west. Man's Hill leads off the Reading Road to the south-east, over Burghley Hill.
21. The site, of about 4.48 hectares, lies to the east of Burghfield Common and to the south of the Man's Hill road. It consists primarily of a field in arable use, with a separate parcel of agricultural land further to the south, intended to accommodate a surface water attenuation pond. The site slopes gently from north to south, with its highest point adjacent to the road. The site is enclosed by established woodland copses and hedgerows and is separated from the built-up area of the village by a dense belt of ancient woodland, Auclum Copse. The site lies within a wider Biodiversity Opportunity Area.
22. The proposal would provide up to 64 dwellings, with up to 40% (25) as affordable housing. Additional tree planting is proposed, with enhanced landscape buffers against the road. The layout would include informal public open space and a children's play area. Vehicular and pedestrian access would be from Man's Hill, with roadside footpath improvements towards the village. The existing 30 mph speed limit and street lighting would be extended to beyond the site entrance. A new bridleway would be created through Auclum Copse, using an existing private driveway, linking Man's Hill and the site to Wokefield Common to the south.

Whether the Council can demonstrate a 5 year supply of deliverable housing land and the consequent policy implications

23. The West Berkshire Core Strategy was adopted in unusual circumstances. The WBCS was prepared with regard to the housing figures in the South East Plan (SEP). This set a requirement of 10,500 homes for the period 2006-2026, an average of 525 dpa. The government's National Planning Policy Framework was issued before the WBCS examination had been completed. This change in circumstances included the express intention of revoking the SEP and a requirement for local authorities to boost significantly the supply of housing,

- primarily through using their evidence base to ensure their Local Plan meets the full objectively assessed needs (OAN) for market and affordable housing in the Housing Market Area (HMA).
24. The WBCS Inspector found that, against the Framework requirements, the WBCS's planned provision of 10,500 houses to 2026 did not have sufficient justification. He made it clear that, from the evidence he had seen, the housing need in the district appeared to be materially greater. Taking the view that the WBCS was unfortunately caught in a transitional period, and taking specific note of the core Framework principle that development should be plan-led, the Inspector came to the pragmatic conclusion that the government's planning aims would be best met in the short term by the adoption of the WBCS. However, he indicated that the WBCS should be amended to make it clear that the 10,500 housing figure was a minimum and that a 2-stage review of housing provision would be undertaken. The WBCS was adopted on this basis in July 2012.
25. The first stage of that review was to be a review of housing needs to inform the appropriate scale of housing to be met in the district. This was to be made through an updated Strategic Market Housing Assessment (SHMA), to be completed within 3 years and produced in cooperation with the other local authorities in the HMA, in accordance with Framework guidance. For the second stage, if the updated SHMA indicated that housing provision needs to be greater, a review of the scale of housing provision in the WBCS would need to be undertaken.
26. The Council has done exactly what was required of it by the WBCS Inspector. First, in cooperation with all 6 Berkshire local planning authorities and the Thames Valley Berkshire Local Enterprise Partnership (LEP), 2 HMAs were defined. West Berkshire is in the western HMA which also includes Bracknell Forest, Wokingham and Reading. A joint SHMA was then prepared which identified a significantly greater HMA-wide OAN for the period 2013-36. The need in West Berkshire District is identified as 665 dpa.
27. Second, The Council has actively gone on to consider the implications of this new evidence. The conclusions of the SHMA for the western HMA, in terms of the OAN figures, are being progressed into policy by joint working between the 4 western HMA authorities. This will provide part of the evidence base for establishing a new housing requirement for the Local Plan, which is to be prepared following adoption of the HSADPD.
28. The Council accepts that the WBCS housing requirement is out of date for the purposes of assessing the 5 year housing land supply and relies on the OAN as representing the best up-to-date evidence of housing need for the purposes of this appeal. Since the final figure could change, depending on policy constraints, the SHMA indicates that an intermediate housing figure, midway between the WBCS and the OAN, could be used as a first phase until the new Local Plan identifies a specific requirement. I am not convinced of the need for this. The intermediate figure has no status in a DPD. The OAN has been carefully established and any lower provision, even for a limited period, could build in additional shortfall. For the purposes of this appeal I rely on the OAN as the preferred indication of housing need.
29. The appellant challenges the Council's methodology in reaching a number of outcomes in the OAN assessment and considers that the OAN should be 770-790 dpa (a range is used by the appellant to reflect different economic activity

scenarios). Most of the disagreed points would make little difference to the overall figure. The key difference between the parties of 105-125 dpa is broadly accounted for by disputed economic activity and unemployment rates and the Bracknell Forest adjustment, with the appellant arguing that these would result in a higher requirement of 60-80 dpa and 43 dpa respectively.

30. It is not appropriate for me, in a s78 appeal, to go into the kind of detail necessary for a Local Plan examination. Suffice to say that, from the evidence before me, it is clear that the Council's assessment of economic growth potential was based on national projections and commercial forecasting, tempered by extensive and vital discussions over 3 years with the other HMA authorities (and London), the Thames Valley Berkshire LEP, housebuilders and registered providers, whereas the appellant's assessment relies more on a range of recent desktop studies. The appellant was unable to show real engagement with any of the stakeholders, despite accepting that comprehensive interrogation and understanding of the economic dynamics of the local area was essential in order to make judgements beyond a simple mathematical model.
31. The appellant's assessment of economic activity rates for West Berkshire relies on 2 scenarios, one using Office for Budget Responsibility (OBR) forecasts 'as is' and one using OBR but keeping activity rates for 20-54 year olds as fixed. The Council was able to show evidence of recent notable improvements, with employment rates for men 20-54 and women 34+ increasing, contrary to OBR forecasts. The main commercial forecasters consider that levels of economic participation will be stronger than OBR's figures, which are seen as unduly pessimistic and relating more to the sustainability of public finances, (although nevertheless the SHMA assumptions are cautious relative to these).
32. The economic geography of the area is clearly relevant to the distribution of jobs and the location of housing supply. Bracknell Forest has a young population and good public transport links to Reading and Wokingham, but not to West Berkshire. I consider that it is reasonable to find that in future more people will commute to Wokingham and Reading, and fewer to West Berkshire. The members of the 4 western HMA authorities and the other stakeholders affected agree and are fully committed to this approach.
33. Thus, although there is always the potential for some adjustment up or down (and the full impact of the Brexit decision is yet to be determined), I find the Council's assessment of housing need at this stage to be authoritative and convincing. While it is yet to be tested through the Local Plan process, for this appeal I consider that the SHMA, carried out in accordance with the WBCS, provides a recent, realistic and robust assessment of full OAN which should carry very significant weight. It is to be noted that this is an important change in planning circumstances in relation to the Firlands Farm appeal, where there was no SHMA or Council OAN given in evidence.
34. The parties agree that the accumulated shortfall against the SHMA OAN is 417 dwellings and that the shortfall should be addressed within the 5 year period April 2016-March 2021. Over the past 10 years 2006/07-2015/16 delivery was above the requirement in 5 years and below the requirement in the other 5 years. This assessment is somewhat distorted by factors such as the 2014/15 below-target outcome as a result of over 100 demolitions (largely on one site in preparation for redevelopment now close to completion) which reduced the annual net completion figure. Taking account of the peaks and troughs of the housing market cycle over

- a particularly difficult period, I do not consider that this represents a record of persistent under delivery. An additional buffer of 5% should therefore be applied. Using the SHMA OAN, this results in a 5 year housing requirement of 3,929.
35. Turning to housing supply over the 5 year period, the Council's *'Five year Housing Land Supply at September 2016'* identifies an up-to-date supply of specific deliverable sites providing 4,902 housing units. The appellant challenges the deliverability of a number of sites arguing that, in most cases, the anticipated rate of delivery is over-optimistic. The Council recognises that there are factors which may influence annual delivery rates, such as developer uncertainty over phasing, but points out that all these sites have the potential to deliver the anticipated numbers by March 2021.
36. As footnote 11 to Framework 47 explains, sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within 5 years. National Planning Practice Guidance (PPG) also makes it clear that deliverable sites for housing could include those that are allocated in the development plan.
37. Sandleford Park is an allocated site and the Council is working with the developer to ensure that planning permission is granted shortly. The delivery trajectory of 460 homes over 5 years has been agreed with the developer. The Newbury racecourse site has planning permission, with housing under construction since 2013. The developer forecasts 965 completions over the next 5 years. The J&P Motors site has planning permission, which has been implemented. While there is planning permission for another use, and part of the site is in retail use, there is nothing to indicate that this site will not deliver 37 units within 5 years. 1-15 The Broadway has planning permission, which does not expire until November 2017. While there has so far been a lack of action by the developer, there is nothing to indicate that this site will not come forward as expected by the Council.
38. 11-15 Bartholomew Street has planning permission. Although the site is currently in retail use, the owner's agent indicates that housing development is actively being sought, with completion within 5 years. A range of small sites and prior approval sites also have planning permission. The Council already applies a 10% non-implementation rate to these sites where they are not already under construction, even though this is not required by footnote 11. I consider that to be a realistic and reasonable approach, so that any further reduction is unnecessary.
39. Most of the sites allocated in the draft HASDPD do not have planning permission, although the Council confirms that 3 sites have already been granted permission. The appellant accepts that, given the advanced stage of the HASDPD, all the sites are likely to be allocated. The sites were carefully chosen as the most sustainable and likely to deliver quickly in order to boost housing supply in the short term. I also heard evidence to show that a planning application for adjoining allocated sites BUR002 and BUR004 at Burghfield Common is to be made within 3 months. The Council has only included about 70% of the allocated units in the 5 year land supply. That seems to me to be a realistic assessment of likely delivery and I do not consider that a further 20% non-implementation rate is justified.
40. While the appellant puts forward speculative reasons as to why all these sites may under-deliver, he has not spoken to any of the developers concerned and there is no clear evidence to show that the schemes with planning permission or housing development on allocated sites will not be implemented within 5 years.

41. Market Street, Newbury is an identified site without planning permission, where the appellant disputes the anticipated lead-in time. This site is part of the Council's 'Newbury Vision', some elements of which have already been completed. Market Street is the next phase and I heard that its development is a priority for the Council. A planning application is currently being considered. While redevelopment of the site will involve the relocation of the bus station, planning permission has been secured for the new bus station site. The Council owns the Market Street site and is negotiating with an agreed developer. It is anticipated that the development will be completed within the period to 2021. The appellant disputes the length of time necessary for the pre-commencement and construction periods, such that the Council's trajectory slips a year. This is very much a matter of opinion. Since development of the site is in the Council's hands, I consider it reasonable to include this site within the 5 year supply.
42. The Council has made a careful assessment of historic windfall development, analysing the rate of delivery (excluding gardens) during 2008/09-2015/16. Using these rates, which have a built-in non-implementation allowance of 20% for sites where permission may lapse or which deliver after 5 years, the pattern of windfall development has been applied to the housing trajectory. This approach to a windfall allowance seems entirely realistic and I can see no reason why a further 20% reduction should be required.
43. I therefore find that the Council can show a supply of specific deliverable sites providing 4,902 housing units over the 5 years 2016-2021. Compared to the housing requirement for that period of 3,929, this shows a housing land supply of 6.2 years. It is agreed that footnote 11 to Framework 47 establishes a presumption of deliverability for sites with planning permission. Even if the appellant is right about delayed delivery of sites without planning permission, including Market Street, prior approval and windfall sites, that would lead to a reduction of 524 houses. In that case the Council could show a housing land supply of just over 5.5 years. I therefore find that the Council can convincingly demonstrate at least a 5 year supply of deliverable housing sites.
44. While for this reason, in terms of Framework 49, the relevant policies for the supply of housing may be considered up to date, the appellant argues that these policies are also out of date because they are either time-expired or inconsistent with the Framework and that, if any of the policies relied on are found to be out of date, then the enhanced presumption in favour of sustainable development in Framework 14 should be applied.
45. WBCS policies CS1, ADPP1 and ADPP6 were adopted post-Framework in 2012. In accordance with the Framework's core principle of genuinely plan-led development, they set out the spatial strategy for the provision of housing in the district. The WBCS was adopted in unusual circumstances where a practical approach was taken to boosting the supply of housing. While the number of houses to be provided was clearly recognised as too low, policy CS1 makes specific allowance for that number to be treated as a minimum and to be reviewed and updated in accordance with a prescribed procedure, currently well under way. The HASDPD is expected to identify specific sites, recognising that greenfield sites will need to be allocated and reviewing all settlement boundaries. Thus, while the housing provision figure may be out of date, the policies themselves take a flexible and robust approach which is consistent with the Framework.

46. WBLP policy HSG1 normally permits development within the identified boundaries of a range of settlements. It is a saved policy so is part of the current development plan. Despite its early origins it cannot therefore simply be ignored as time-expired. The clear purpose of the policy is to protect the surrounding rural areas from harmful development. This is not fully consistent with the Framework, which has a more nuanced approach to the protection of the countryside. However, as indicated in Framework 215, while this means policy HSG.1 carries significantly less weight, it does not mean that it is out of date.
47. Emerging HSADPD policy C1 is intended to control the location of new housing in the countryside. It is seen as a replacement for policy HSG.1 and sets out a presumption in favour of development within settlement boundaries and against new residential development outside those boundaries. It details the exceptions to this policy in accordance with the Framework. The Examining Inspector found limited modification of this policy necessary and HSADPD is at a very advanced stage so that policy C1 is likely to be adopted in the near future. I consider the policy to be reasonably consistent with the relative policies in the Framework so that, in accordance with Framework 216, it carries very significant weight.
48. I therefore conclude on this issue that the Council can satisfactorily demonstrate a 5 year supply of deliverable housing land and as a consequence, while the weight they carry may vary, the relevant policies for the supply of housing are not out of date. Thus, in accordance with Framework 12, the proposals should be considered against the local development plan, emerging policies and other material considerations.

The effect of the proposal on the character and appearance of the rural setting of the village

49. The site lies outside and to the east of the village of Burghfield Common. It does not adjoin the settlement boundary, being separated both physically and visually from the built up area of the village by Auclum Copse, an extensive belt of old woodland. As a result the site is quite separate from the village and of a totally different character.
50. As I saw on my site visit, the site lies within an area of extremely attractive countryside. While it has no special protective designation, the varied mix of open fields, hedges and established woodland on gently sloping ground, affording longer views, gives the landscape a high level of scenic beauty. The site is a prominent part of an area with a very distinctive landscape character which provides a high quality rural landscape setting for the village on the country road approach from the east. I note that my colleague in 2015 considered that the area should be regarded as a valued landscape in the terms of Framework 109.
51. One of the Framework's core principles underpinning the decision-taking process is that planning should take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside. The clear purpose of both WBLP policy HSG.1 and draft HASDPD policy C1, fully consistent with this principle, is to promote small scale development in the rural areas by directing development to within settlement boundaries thereby protecting the surrounding countryside from harmful development. The site is wholly outside the settlement boundary and the proposal is in clear conflict with these policies.
52. The high quality of the landscape means it is particularly sensitive to change. It may be that, taken in isolation, the visual impact of the development on the

surrounding landscape enclosing the site could be satisfactorily mitigated. However, seen in the wider context of the way the village sits in the landscape, and the factors that have influenced that, I consider that new development in this separate location would not reflect in any way the context of the existing village form and character. I acknowledge that some wooded areas already exist within the village but Auclum Copse forms a strong and well-defined edge to the settlement. To take the land beyond that into the built-up area would, in my view, lead to an undesirable urbanisation of Mans Hill and a particularly insensitive and harmful change to the high quality landscape setting of the village. I consider that, in conflict with WBCS policy CS19, the local distinctiveness of the landscape character would not be conserved.

Whether this is an appropriate location for housing

53. WBCS policy ADPP1 sets out the spatial strategy for the delivery of housing in the district. Most development will be within or adjacent to settlements and related to transport accessibility, the level of services and the availability of suitable sites. The majority of development is to take place on previously developed land. Policy ADPP6 sets out the more detailed policy for the East Kennet Valley (EKV), an area which includes Burghfield Common. Relatively low growth is planned for this area because of the more limited services available and poorer transport connections. The policy indicates that, to help meet the needs of village communities and to assist with the viability of village shops and services, this amounts to approximately 800 homes between 2006 and 2026. Clearly in terms of policy CS1 these figures have to be seen as a minimum.
54. The 2 identified rural service centres of Burghfield Common and Mortimer will be the focus of new development in the EKV, with development taking the form of small extensions to these villages, outside the settlement boundary on primarily greenfield sites. This is to be based on information set out in the Strategic Housing Land Availability Assessment (SHLAA), which has shown a 'basket' of potentially developable sites from which to select through the HASDPD. While the SHLAA identified the appeal site as a potential development site, it was rejected in the HASDPD review of the settlement boundary in favour of more sustainably located extension sites more closely related to the village.
55. There has already been considerable development since 2006 in the EKV area. The Council confirms that, at March 2016, 505 dwellings had been completed, there were outstanding permissions for 200 dwellings (not including the Firlands Farm site) and 300 units have been allocated in the emerging HSADPD and the Stratfield Mortimer Neighbourhood Development Plan (NDP). Delivery of a 5 year supply of housing is effectively assured and the minimum amount of development for the EKV area is likely to be substantially exceeded. The proposal would not therefore be consistent with WBCS policy ADPP6.
56. The OAN takes the District's housing requirement forward to 2036. It provides part of the evidence base for establishing a new housing requirement for a new West Berkshire Local Plan, which is to be prepared following adoption of the HSADPD (anticipated in early 2017). While the HASDPD currently identifies a deficit against the OAN by 2023/24, further sites to meet that longer term deficit will be considered as part of the Local Plan process. That process is well advanced, with adoption of the new Local Plan scheduled for late 2019.
57. One of the core principles of the Framework is that planning for future development should be genuinely plan-led, providing a practical framework within

which decisions on planning applications can be made with a high degree of predictability and efficiency. Local Plans are the key to sustainable development. They should set out the opportunities for development and clear policies on what will or will not be permitted and where. Policy matters have progressed considerably since the 2015 appeals. The clear aim of the plan-led system is to direct development to where it is needed. The Council is well advanced in the current Local Plan process, in line with the CS Inspector's recommendations, with the imminent adoption of the HASDPD a key stage in that process.

58. Given that the housing need in the EKV area is likely to be more than met, and that Burghfield Common would already be considerably extended, I consider that this proposal would be so substantial, and its cumulative effect so significant, that to grant planning permission for it now would undermine the plan-making process by predetermining decisions about the scale and location of new development that are central to the draft HASDPD and that ought properly to be determined through the consultative Local Plan process. In these circumstances, deciding the location and number of new houses through a s78 appeal would be a serious breach of the core principle of genuinely plan-led development. For this reason I consider that the site is not an appropriate location for housing.

Overall conclusions

59. The development would undoubtedly bring benefits to the area, including a wider choice of market housing and a significant number of affordable houses to help meet a pressing need. An argument can be made that the development would fulfil the economic and social roles of sustainable development. However, despite a projected increase in the biodiversity value of the area, because of the failure to protect the natural environment and the harm to the landscape setting of the village, the proposal would not meet the environmental role. Since the 3 roles are mutually dependent, the proposal as a whole would not be sustainable development.
60. The proposal would conflict with development plan and emerging policies intended to protect the countryside and to direct development to where it is needed. The benefits of the proposal do not outweigh the harm it would cause and there are no other material considerations sufficient to indicate that the proposed development should not be refused. For the reasons given above I conclude that the appeal should be dismissed.

Colin Ball

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambert, of Counsel	Instructed by the Head of Legal Services, West Berkshire Council.
She called:	
Nick Ireland BA(Hons) MTPI MRTPI	Planning Director, G L Hearn.
Caroline Peddie BSc MSc MRTPI	Principal Planning Officer, Planning Policy Team, West Berkshire Council.
Niko Grigoropoulos BSc(Hons) MA MRTPI	Planning Consultant, Development Control Section, West Berkshire Council.

FOR THE APPELLANT:

Jonathan Easton, of Counsel	Instructed by Gladman Developments Ltd.
He called:	
Margaret Collins BSc(Hons)	Director, Regeneris Consulting.
Jacqueline Mulliner BA(Hons) BTP(Dist) MRTPI	Director and National Head of Planning, Terence O'Rourke Ltd.
Kevin Waters MSc BSc(Hons) MRICS MRTPI	Planning and Development Manager, Gladman Developments Ltd.

INTERESTED PERSONS:

John Steeds	Local resident.
John Watkinson	Local resident.
Sharron Gilbert	Local resident.
Cllr Royce Longton	Burghfield Parish Councillor
D Kendall	Local resident.
Alison	Local resident.
Cllr Carol Jackson-Doerge's statement was read by Mr Steeds in her absence.	

ADDITIONAL DOCUMENTS SUBMITTED AT THE INQUIRY

Agreed Documents

- S1 Agreed Note: Objectively Assessed Need
- S2 Agreed Note: Housing Land Supply Matters

Council's Documents

- C0 Miss Lambert's opening submissions
- C1 Note on migration from London to West Berkshire.
- C2 West Berkshire Housing Site Allocations DPD – Main Modifications, Inspector's Preliminary Findings.
- C3 Council's note on the proposed Main Modifications.
- C4 Monitored list of planning permissions 2006-2016, indicating lapse rate.
- C5 Copy of email dated 24/10/16 regarding 11-15 Bartholomew Street, Newbury.
- C6 Appeal Decision APP/W1525/W/15/3129306 ('Bicknacre').
- C7 Appeal Decision APP/W1525/W/15/3121603 ('Great Leighs').

- C8 West Berkshire Council Infrastructure Delivery Plan April 2016.
- C9 CIL Charging Schedule.
- C10 CIL Regulation 123 List.
- C11 CIL Compliance Statement
- C12 Copy of email dated 4/11/16 regarding affordable housing.
- C13 Proposed Submission Housing Site Allocations DPD Appendix 1: Housing Delivery and Trajectory.
- C14 Berkshire 2014 SHMA Project Brief, indicating commissioning members.
- C15 5 Year Housing Land Supply Update – comparison of December 2015 and September 2016 documents.

Appellant's Documents

- A0 Mr Easton's opening points.
- A1 Plan showing site in relation to Burghfield Common, indicating allocated sites and site permitted on appeal.
- A2 Press cutting from 'Newbury News' regarding house prices.
- A3 Appeal Decision APP/C3240/W/15/3010085 ('Telford').
- A4 Consent Order CO/2082/2016 quashing the above decision.
- A5 List of key plans.
- A6 Extract from judgement regarding under-delivery and determination of buffer.
- A7 Extract from Thames Valley Berkshire SEP 'The Spatial Framework for Economic Growth.'
- A8 Ms Collins' speaking notes on OAN Issues.
- A9 Extract from the Schedule of Main Modifications to the West Berkshire Submission Core Strategy DPD July 2012.
- A10 Final draft of s106 Unilateral Undertaking.
- A11 Bradfield RDC 1953 Scheme for the Regulation and Management of Wokefield Common under the Commons Act 1899.
- A12 Bradfield RDC 1955 Byelaws with respect to Wokefield Common, made under the Commons Act 1899.
- A13 Suggested conditions.
- A14 Application for costs.

Third Party Documents

- TP1 Mr Cornwell's letter regarding the availability of allocated sites BUR002 and BUR004
- TP2 Mr Steeds' statement.
- TP3 Mr Watkinson's statement.
- TP4 Mrs Gilbert's statement.
- TP5 Cllr Longton's statement.
- TP6 Mr Kendall's statement.
- TP7 Alison's speaking notes.
- TP8 Cllr Jackson-Doerge's statement

ADDITIONAL DOCUMENTS SUBMITTED AFTER THE ADJOURNMENT

- A15 Certified copy of executed Unilateral Undertaking.
- A16 Suggested conditions with Council comments.
- CC Miss Lambert's closing submissions.
- CC1 Council's Duty to Cooperate Statement April 2016
- AC Mr Easton's closing submissions.

Richborough Estates