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## Appeal Decision

Inquiry held on 2-10 June 2015

Site visit made on 10 June 2015

**by Kevin Ward BA (Hons) MRTPI**

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

**Decision date: 6 July 2015**

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**Appeal Ref: APP/W0340/A/14/2228089**

**Land at Firlands Farm, Hollybush Lane, 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 HDD Burghfield Common Ltd against the decision of West Berkshire District Council.
  - The application Ref 14/01730/OUTMAJ, dated 27 June 2014, was refused by notice dated 22 October 2014.
  - The development proposed is the erection of up to 129 dwellings with vehicular access on to Hollybush Lane and associated public open space, landscaping and drainage work.
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### Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 90 dwellings with vehicular access on to Hollybush Lane and associated public open space, landscaping and drainage work on land at Firlands Farm, Hollybush Lane, Burghfield Common, Reading, Berkshire in accordance with the terms of the application, Ref 14/01730/OUTMAJ, dated 27 June 2014, subject to the conditions set out in the attached schedule.

### Application for costs

2. At the Inquiry an application for costs was made by West Berkshire District Council against HDD Burghfield Common Ltd. This application is the subject of a separate decision.

### Preliminary Matters

3. The appeal concerns an application for outline planning permission including details of access. Appearance, landscaping, layout and scale are reserved for later consideration. In addition to a plan showing proposed access arrangements and a design and access statement, the application was accompanied by an illustrative masterplan and a parameters plan. These were amended prior to the Council determining the application.
4. Following the submission of the appeal and prior to the start of the inquiry, the appellant produced a further revised illustrative masterplan and parameters plan, a revised access plan and a revised design and access statement. These showed a reduced number of dwellings proposed (up to 90), a reduced area to be taken up by built development and provision for a village green on the

- southern part of the site. They also showed a single vehicular access with an amended alignment and amended landscaping.
5. The revised illustrative masterplan, parameters plan and associated documents were made publicly available and subject to consultation for a period of 21 days from 23 April 2015. The consultation exercise reflected that carried out by the Council in respect of the original application but also included notification of those who had made representations on the application and appeal. A significant number of representations were made on the revised proposal. The Council had time to consider the revised proposal and was able to make written submissions prior to the inquiry. An updated statement of common ground was submitted on the basis of this revised proposal.
  6. The appellant confirmed at the start of the inquiry that they wished the appeal to be considered on the basis of this revised proposal. No objections to this course of action were raised by the Council or interested parties at the inquiry.
  7. The revised proposal relates to exactly the same site but reduces the extent of built development. All matters apart from access would remain reserved. Given this and the nature and extent of consultation, I am satisfied that no one would be prejudiced if the appeal were to be determined on the basis of the revised proposal and have therefore done so. My decision relates to the revised proposal and I have amended the description of the development to reflect this. For the avoidance of doubt my decision grants planning permission for up to 90 dwellings. A condition has been imposed to ensure that the development generally accords with the revised parameters plan.
  8. The updated statement of common ground confirmed that subject to the appeal being considered on the basis of the revised proposal, the Council considers that the impact on the landscape and character of the area would be brought within acceptable levels and that it withdraws reason for refusal No.2. In light of additional information provided by the appellant, the Council had already withdrawn reason for refusal No.4 which concerned the potential sterilisation of mineral resources.
  9. The Council adopted its Community Infrastructure Levy Charging Schedule on 1 April 2015. Much of its original concern relating to the impact on infrastructure set out in reason for refusal No.3 no longer applies therefore. The Council confirmed that its remaining concerns relating to affordable housing, on site open space and highway mitigation measures could be addressed through conditions and a planning obligation.
  10. A planning obligation in the form of a unilateral undertaking was submitted by the appellant during the inquiry. I deal with this in more detail below.

### **Main Issues**

11. From the evidence before me at the inquiry, written representations and my inspection of the appeal site and the surrounding area, I consider that the main issues are:
  - a) Whether housing development on the appeal site is appropriate in principle in terms of adopted development plan policies;

- b) Whether there is a five year supply of deliverable housing sites and in the light of this and other factors whether relevant policies for the supply of housing should be considered up to date;
- c) The weight to be given to relevant policies in the emerging Housing Site Allocations Development Plan Document (the HSADPD) and whether the appeal proposal would undermine the plan making process;
- d) The effect on the character and appearance of the area;
- e) In relation to the presumption in favour of sustainable development, if relevant policies are out of date would any adverse impacts of granting permission significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework (NPPF) as a whole, and
- f) The effects of the appeal proposal on highway safety and infrastructure provision and whether these would be adequately addressed.

## **Reasons**

*The principle of housing development on the appeal site in terms of adopted development plan policies*

- 12. Burghfield Common is identified as a Rural Service Centre in Policy ADPP1 of the West Berkshire Core Strategy (the Core Strategy). Policy ADPP6 of the Core Strategy states that within the East Kennet Valley area it is intended to be the focus for development along with the other Rural Service Centre of Mortimer. The policy also sets out a level of housing growth for the East Kennet Valley area of approximately 800 dwellings between 2006 and 2026. As of March 2014 some 413 dwellings had been built and a further 152 had planning permission. There is a need for additional housing in the East Kennet Valley to achieve the level of growth planned therefore.
- 13. Although it is intended that the majority of development will take place on previously developed land and development in the open countryside will be strictly controlled, the Core Strategy does not preclude development on greenfield sites and Policy ADPP6 recognises that development may take the form of small extensions to Burghfield Common, Mortimer and the service village of Woolhampton. Policy ADPP1 allows for development within or adjacent to settlements in the settlement hierarchy (which includes Burghfield Common).
- 14. Policy CS1 of the Core Strategy emphasises that new homes will be located in accordance with the settlement hierarchy. Whilst it states that they will primarily be developed on land within settlement boundaries, strategic sites and broad locations in the Core Strategy and land allocated in subsequent development plan documents, Policy CS1 does not in itself specifically preclude development beyond existing settlement boundaries.
- 15. As such, I consider that the principle of housing development on the appeal site does not conflict with Policies ADPP1, ADPP6 and CS1 of the Core Strategy.
- 16. Policy HSG.1 of the West Berkshire District Local Plan (the Local Plan) was saved and continues to form part of the adopted development plan. It allows for new housing development within identified settlement boundaries. The

appeal site is adjacent to but outside of the settlement boundary for Burghfield Common. The principle of housing development on the appeal site is contrary to Policy HSG.1 therefore. The appellant accepts that this is the case.

*Five year supply of deliverable housing sites and relevant policies for the supply of housing*

17. The report of the Inspector examining the Core Strategy (the Core Strategy Inspector) was published in July 2012. The Core Strategy was adopted in the same month. It seeks to provide for at least 10,500 net additional dwellings in the District between 2006 and 2026, an annual average of 525. The Council argues that this is the basis for calculating a five year housing requirement.
18. However, it is clear that the Core Strategy Inspector considered that the planned provision of 10,500 dwellings was not justified by an assessment which met the requirements of the NPPF. There was no Strategic Housing Market Assessment (SHMA) which properly assessed overall housing needs in the Housing Market Area (HMA). The figure of 10,500 dwellings was taken from the South East Plan (SEP). This was approved in 2009 and given its evidence base; the Core Strategy Inspector considered that its assessment of housing needs and demand was not up to date.
19. It is clear that the planned housing provision in the Core Strategy was not based on an objectively assessed need for housing (OAN). The Council accepts that this is the case.
20. The Core Strategy Inspector took account of the particular circumstances which existed at the time. The SEP was still in place and there was a statutory requirement for the Core Strategy to be in general conformity with it. There had been a protracted examination process and the NPPF had been recently published. He also recognised the benefits of having a plan in place, confirming the strategic allocation at Sandleford and providing the basis for site allocations to come forward in a subsequent development plan document. Weighing up the situation the Core Strategy Inspector considered that on balance, the Government's planning aims would be best achieved in the short term by adopting the Core Strategy. He recommended modifications which made it clear that the figure of 10,500 dwellings was a minimum, there was a need to review housing needs and demands and that a NPPF compliant SHMA should be completed within three years. Policy CS1 of the Core Strategy encompasses these points.
21. Almost three years has passed since the Core Strategy was adopted. There is still no up to date SHMA which properly assesses housing needs for the District or the wider HMA. Although work is underway on a joint SHMA in partnership with the other Berkshire authorities and the Thames Valley Berkshire Local Enterprise Partnership (the LEP), no report has been published to date. It was confirmed at the inquiry that work on the SHMA was only commissioned in January 2015. There is no clear timetable set out for the relevant authorities to consider the findings of the SHMA and agree a distribution of housing provision. The Council will take account of the SHMA in preparing a new Local Plan. The Local Development Scheme does not envisage adopting the new Local Plan until September 2019.
22. Paragraph 47 of the NPPF sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to

- provide five years worth of housing against their housing requirements. The Planning Practice Guidance (PPG) explains (Ref. 3-030-20140306) that housing requirement figures in up to date Local Plans should provide the starting point for the calculation and that considerable weight should be given to housing requirement figures in adopted Local Plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It goes on to state that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.
23. The PPG continues to explain that where evidence in Local Plans has become outdated, information in the latest full assessment of housing needs should be considered and where there is no robust recent assessment, the household projections published by the Department for Communities and Local Government should be used as the starting point. It makes clear however that the weight to be given to these projections should take account of the fact that they have not been tested or moderated against relevant constraints.
24. In this case, as set out above, the housing requirement figure in the Core Strategy was taken from the now revoked SEP which itself was based on evidence from a number of years earlier. Given the further passage of time and the clear findings of the Core Strategy Inspector that even in 2012 the figure did not represent a robust and up to date assessment of housing needs, I consider that the Core Strategy is not up to date in respect of housing requirements. Significant new evidence in terms of population and household projections along with jobs growth forecasts is now available.
25. Whilst I appreciate the difficulties in progressing joint working on a SHMA with other authorities, the Council has had almost three years to address the situation. It may be that the report from the SHMA will be published in the near future but none of the findings in relation to OAN have been made available yet. In any case it will clearly be some time before housing requirements can be properly established taking account of interrelationships between authorities and potential constraints.
26. Taking all of this into account I consider that the housing requirement in the Core Strategy no longer provides an appropriate basis for the calculation of a five year supply.
27. The question arises therefore as to what is an appropriate figure. As noted above, the Council does not have an up to date full assessment of housing needs. The 2012-based household projections were published in February 2015. Under the circumstances it is appropriate in light of the guidance in the PPG to use these as a starting point, although clearly they have not been tested or moderated against constraints.
28. The appellant undertook detailed work on assessing housing needs and arrived at a range of figures based on different scenarios<sup>1</sup>. Such assessments inevitably rely on a series of assumptions relating to matters such as future migration, household formation and jobs growth which can clearly have a significant effect on the figures for OAN. The assessment submitted by the appellant also only relates to West Berkshire and does not consider the OAN for the HMA as a whole.

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<sup>1</sup> Proof of evidence and App 25 from Mr Bateman.

29. It cannot be seen as a substitute for a full assessment of housing needs across the HMA which would be needed to support the preparation of a Local Plan and clearly housing requirements in a Local Plan would need to be arrived at through co-operation with other authorities and the consideration of constraints. However, the appellant does not attempt to argue that it should be seen in this light. It has been produced specifically in relation to this appeal. Under the circumstances I consider this to be a reasonable approach.
30. One of the Council's concerns over the work undertaken by the appellant is that it should have used the 2012-based household representative rates rather than a mid point between 2008-based and 2011 interim projections. Whilst emphasising continued concerns regarding suppressed household representative rates, the appellant submitted updated analysis during the inquiry to address this point<sup>2</sup>. This shows a figure of 11,944 dwellings between 2011 and 2031 (597 dwellings per annum) based on a ten year migration trend. The Council maintains that migration trends over five years should be used. Using this shorter migration trend, the appellant's updated analysis shows a figure of 19,219 dwellings between 2011 and 2031 (961 dwellings per annum) based on annual average employment growth of 0.8%. Based on annual average employment growth of 0.6% it shows a figure of 16,667 dwellings between 2011 and 2031 (833 dwellings per annum).
31. Employment growth is extremely difficult to predict, particularly over a long period of time and I share the Council's view that such forecasts need to be treated with caution. However, the evidence base for the LEP's Strategic Economic Plan identifies an annual average employment growth of 0.6% between 2011 and 2025 and it appears that the work currently underway on the SHMA is using the same assumption<sup>3</sup>.
32. In other respects I consider that the appellant's analysis employs reasonable assumptions. As noted above, it does not provide a substitute for the work necessary to provide the basis for Local Plan preparation. I also appreciate that it relates to a different time period than that covered in the Core Strategy and the new SHMA. However, I consider that it provides a reasonable basis to assess a five year supply of housing sites under the particular circumstances that exist in West Berkshire at this time in the context of a planning appeal. The scenario based on 0.6% employment growth (833 dwellings per annum) is in my view the most credible and provides a good indication at least of housing needs in the District in the absence of any alternative detailed evidence. Simply basing the requirement on the 2012-based household projections (adjusted to give a dwelling figure) would give a figure marginally above that in the Core Strategy. However, this would not factor in reasonable assumptions about employment growth, a key element in the process.
33. On the basis of evidence before me and taking account of all of the above I therefore consider that a figure of 833 dwellings per annum is an appropriate starting point in calculating a five year housing requirement for the purposes of this appeal. I must stress that this is not intended to pre-judge the outcome of work on the new SHMA for the HMA as a whole or indeed the preparation of a new Local Plan.

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<sup>2</sup> Inquiry documents 7 and 24

<sup>3</sup> App 39 from Mr Bateman and App 20 from Mrs Peddie

34. The Council's latest Annual Monitoring Report was published in January 2015, utilising data set out in the assessment of a five year housing land supply at December 2014. The information on actual completions and planning permissions is as of March 2014. In my view the assessment of a five year supply must be based at a point in time when actual data on completions is available so that any shortfall can be accurately taken into account. In this case actual data is only available up to March 2014 and this should be the starting point for the calculation covering a five year period 2014 to 2019. Basing the calculation on a starting point of March 2015 as the Council suggest would involve making assumptions about delivery during 2014/15. In this particular case however, it makes no difference to my conclusion regarding the adequacy of supply, given my findings in relation to the appropriate requirement figure.
35. The latest actual data for housing completions relates to 2013/14. The Core strategy annual average requirement of 525 dwellings was only achieved in one of the last five years. In the Core Strategy period so far (2006 to 2014) there has been a total shortfall of 309 dwellings compared with the requirement. However, the annual average requirement has been achieved in four out of the eight years. The previous Local Plan requirement was met comfortably in 2004/05 and 2005/06. Delivery should be assessed over a reasonable length of time. I consider that on this basis there has not been persistent under-delivery. Under the circumstances a buffer of 5% should be added when calculating the five year requirement in line with Paragraph 47 of the NPPF.
36. Whilst the Core Strategy monitoring framework refers to maintaining residual annual rates of completions, this predates the PPG which states that local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible (Ref. 3-035-20140306). It is appropriate therefore that the shortfall to date is addressed within five years rather than over the plan period as a whole. Again however, in this particular case, it makes no difference to my conclusion regarding the adequacy of supply.
37. Taking the basic annual figure of 833 dwellings, adding the shortfall since 2006 (total shortfall of 309 dwellings against the Core Strategy figure of 525 per annum) and then applying a 5% buffer would give a requirement for the five years 2014 to 2019 of 4,698 dwellings.
38. The Council's housing land supply document shows a supply of 3,413 dwellings for 2014 to 2019. Taking the period 2015 to 2020, it shows a supply of 3,652 dwellings and even over a six year period 2014 to 2020 the supply is estimated at 4,010 dwellings. The Council accepts that this assessment of supply should be reduced by 79 dwellings on the basis of a miscalculation over the site at Sterling Industrial Estate (-9 dwellings), the fact that the planning permission for the site at the Comfort Inn, Padworth had lapsed (-30 dwellings) and the conclusions of the Inspector who determined the appeal at Mans Hill, Burghfield Common (APP/W0340/A/14/2226342) and considered that the site at Pound Lane, Thatcham should be excluded from the supply (-40 dwellings). In light of this the Council's calculation of supply would show 3,334 dwellings for the period 2014 to 2019.
39. Whilst the appellant makes a number of detailed criticisms of the Council's calculation of supply and raises doubts over the contribution from individual

sites, it is clear that even on the basis of the Council's own position there is not a five year supply of deliverable housing sites when compared with a requirement based on an annual figure of 833 dwellings. In fact the supply falls short of the requirement by a very considerable margin. Under the circumstances I do not consider it necessary to set out a detailed analysis of the Council's calculations on housing supply. I find that there is not a five year supply of deliverable housing sites.

40. I consider that Policies ADPP1, ADPP6 and CS1 of the Core Strategy are relevant policies for the supply of housing; they deal with the scale of housing, the spatial strategy and the broad distribution of development across the District and within the East Kennet Valley. In the case of Policy HSG.1 of the Local Plan, it allows for new housing on sites within the boundaries of identified settlements with development in the countryside beyond the boundaries only being considered acceptable in exceptional circumstances. Again I consider that it is a relevant policy for the supply of housing.
41. Given Paragraph 49 of the NPPF and my finding that there is not a five year supply of deliverable housing sites, these policies should not be considered up to date. As set out above however, I do not find any conflict with Policies ADPP1, ADPP6 and CS1 of the Core Strategy in any case.
42. Whilst Policy HSG.1 is a saved policy which remains part of the adopted development plan, the associated settlement boundaries, including that for Burghfield Common, were defined some considerable time ago. The Local Plan was adopted in 2002 and was intended to cover the period 1991 to 2006. The settlement boundaries were defined well before the Core Strategy was adopted and it is clear that the Council recognises the need to review them to accommodate even the level of housing provision set out in the Core Strategy. The Council is intending to review the settlement boundary and allocate additional housing sites at Burghfield Common through the HSADPD in order to contribute towards the provision of housing set out in the Core Strategy. This reinforces my view that Policy HSG.1 should not be considered up to date.

*The Housing Site Allocations Development Plan Document (HSADPD)*

43. The preferred options document for the HSADPD was published in July 2014. The publication of the proposed submission document is scheduled for September 2015 and submission is scheduled for February 2016. I consider that it has not yet reached an advanced stage of preparation. There are a substantial number of unresolved objections (in the order of 8,000<sup>4</sup>) to the DPD as a whole and significant numbers of objections to the two sites at Burghfield Common included as preferred options. Notwithstanding the issue of overall housing provision, I consider that the approach and policies of the HSADPD are otherwise broadly consistent with the policies in the NPPF. However, taking Paragraph 216 of the NPPF as a whole I find that at this point in time it should only be given limited weight.
44. The PPG (Ref. 21b-014-20140306) provides further guidance in respect of emerging plans. It emphasises that refusal of permission on the grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination.

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<sup>4</sup> Mrs Alexander's estimate that approx. 95% of the 8,500 representations were objections



45. The revised appeal proposal is for up to 90 dwellings. The preferred options for the HSADPD identified sites with a total capacity of 2,095 dwellings. Within this total, 315 dwellings would be in the East Kennet Valley and of these 190 would be on two sites in Burghfield Common (105 and 85 dwellings respectively). The appeal proposal is comparable in scale to both of the preferred option sites. These preferred option sites are both greenfield and sit outside the existing settlement boundary. The Council is still considering consultation responses to the preferred options and is yet to produce the proposed submission version of the document. The Council would have the opportunity to consider whether to proceed with one or more of the preferred options in addition to the appeal site prior to progressing the HSADPD to the next stage. Policy ADPP6 of the Core Strategy identifies the need for approximately 800 dwellings in the East Kennet Valley. It is clear that this figure is not regarded as a ceiling and in any case as of March 2014 there were completions and planning permissions for only 565 dwellings. The appeal proposal is consistent with the scale and distribution of development envisaged in the HSADPD.
46. Within this context I do not consider that the appeal proposal is so substantial or its cumulative effect would be so significant that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the emerging HSADPD. I deal with the balance between the adverse impacts and benefits of the proposal in detail below. However, in the light of Paragraph 216 of the NPPF and guidance within the PPG, I conclude that the appeal proposal would not undermine the plan making process in relation to the HSADPD.
47. My conclusion on this issue differs from that of the Inspector who dealt with the appeal at Mans Hill. It is important to bear in mind that in that case the proposal was for a noticeably larger scheme, up to 210 dwellings (although a reduced number of 183 dwellings appears to have been considered during the inquiry). As set out above, in the context of the amount of additional housing to be planned for and the strategy to accommodate it, I do not consider that the scale of the particular proposal before me would undermine the plan making process.
48. However, I take a different view as to the weight to be given to the emerging HSADPD because I consider that it has not yet reached an advanced stage of preparation and evidence before me confirms that there are substantial numbers of unresolved objections.

#### *Character and appearance*

49. As set out above, the Council withdrew its reason for refusal No.2 subject to the appeal being considered on the basis of the revised proposal for up to 90 dwellings. Many local residents and other interested parties maintain objections in respect of the visual impact of the revised proposal and its effect on the character and appearance of the area however.
50. The tree lined access track to Firlands Farm runs from Hollybush Lane and separates two distinct elements of the appeal site. The larger, northern portion of the site consists of an area of open land and a substantial area of woodland running along Hollybush Lane. The southern part of the site is a relatively narrow strip of open land with significantly less tree cover along the boundary

with Hollybush Lane which allows for clearer views into this part of the site. All of the trees on the site are covered by a tree preservation order.

51. The revised proposal (as defined on the revised parameters plan) would limit built development to the open land on the northern part of the site. The area of woodland along Hollybush Lane would remain largely unaffected, apart from the area needed to provide vehicular access. The southern part of the site would become public open space. The proposal would provide the opportunity for improved management of the woodland and additional planting.
52. The proposed dwellings would be well contained visually by the woodland along Hollybush Lane, the trees along the access track to Firlands Farm and the substantial woodland which adjoins the western boundary of the site. There would be views of the dwellings from the public right of way that runs to the north of the site to Benham's Farm and beyond. The dwellings would be seen at some distance however and in the context of the existing residential development at Acorn Gardens.
53. Taking all of this into account I consider that the proposal would not have a significant visual impact on the village or its immediate surroundings. Whilst it would involve the development of greenfield land and further extend the built form of the village into the surrounding countryside, this is likely to be the case with any proposal of a similar scale, including the two preferred option sites.
54. I conclude therefore that the appeal proposal (as revised for up to 90 dwellings) would not have a significant adverse effect on the character and appearance of the area. It would accord with Policies CS4, CS14, CS19, ADPP1 and ADPP6 of the Core Strategy, guidance within the Supplementary Planning Document on Quality Design, Part 2 – Residential Development and relevant aspects of the Burghfield Parish Plan and Burghfield Village Design Statement.

*The presumption in favour of sustainable development*

55. As set out above Policy HSG.1 of the Local Plan should not be considered up to date. Under these circumstances when applying the presumption in favour of sustainable development, Paragraph 14 of the NPPF makes it clear that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole. In this case there are no specific policies in the NPPF which indicate development should be restricted.
56. It is necessary to establish first of all whether the appeal proposal would constitute sustainable development. I consider that the proposal would have clear economic benefits, supporting jobs in construction and the wider supply chain, increasing expenditure and economic activity in the area and directly through the New Homes Bonus. The Council was not able to point to any specific negative economic effects.
57. The proposal would make a significant contribution to the supply of new housing, helping to meet the needs of Burghfield Common, the East Kennet Valley and the District as a whole. This is particularly important given my findings in relation to the inadequacy of housing land supply. It would provide 40% affordable housing (36 dwellings), a significant contribution towards meeting needs in the area. The new housing would be well related to services and facilities within the village and help to sustain them. The revised proposal

would also include the provision of substantial additional public open space in the form of a village green. I consider that the social benefits of the proposal would therefore be significant. As discussed above, I do not consider that the appeal proposal would undermine the plan making process in relation to the HSADPD. In addition, the fact that the proposal was subject to significant local opposition is not in my view a factor which is specifically relevant to the assessment of sustainable development. The preferred option sites are themselves subject to substantial local objection.

58. Whilst it may be that similar economic and social benefits could be achieved from other sites including the preferred option sites, I do not consider that this is relevant to the assessment of whether the particular proposal before me represents sustainable development in its own right.
59. Environmentally the proposal would have some adverse impacts. It would involve development on greenfield land, extend the built form of the village into the countryside and result in the loss of some trees. There would be some effect on the character and appearance of the area although the harm would not be significant. On the other hand it would provide for more effective woodland management, involve additional planting and enable the provision of a significant area of public open space. It would provide housing relatively close to local services and facilities, helping to reduce the need to travel. On balance I consider that the proposal would have a neutral effect in terms of the environmental role of sustainable development.
60. On the basis of the above assessment I consider that the proposal would constitute sustainable development. It would bring clear economic benefits and significant social benefits. It would have some positive environmental effects. Whilst there would be some adverse environmental impacts, these would be limited and would not outweigh the benefits of the proposal.
61. In the light of this and the presumption in favour of sustainable development set out in Paragraph 14 of the NPPF, permission should be granted.

*Highway safety and infrastructure provision*

62. The Council is satisfied that the level of vehicular traffic likely to be generated would not have a significant impact on the highway network and subject to appropriate mitigation and a travel plan, the proposal would not adversely affect highway safety. This mitigation would involve the widening of a short section of Hollybush Lane, the provision of additional parking bays, traffic calming measures and dropped kerbs and tactile paving. These works are set out on Drawing Ref. P518/18 submitted by the appellant and the Council considers that these are matters that can be addressed through conditions. I share this view.
63. As noted above, the Council is now satisfied that Community Infrastructure Levy contributions will largely address concerns regarding the effect of the proposal on local infrastructure and services such as education, libraries and health care etc. Whilst I acknowledge the concerns of interested parties in this respect I agree that this is the case and there is no substantive evidence that the additional demands on local infrastructure and services could not be adequately accommodated or mitigated.

64. The unilateral undertaking submitted by the appellant relates to the provision and future management of the proposed open space on the site including the village green, along with a commuted sum for maintenance. The contribution to open space maintenance is justified by the Council's Supplementary Planning Document on Planning Obligations. I am satisfied that the undertaking is necessary to make the development acceptable in planning terms and otherwise complies with the Community Infrastructure Levy Regulations and the NPPF and I attach weight to it accordingly.
65. The appellant proposes that 40% of the dwellings would be affordable in accordance with Policy CS6 of the Core Strategy. The Council wished to give further consideration to the details of affordable housing provision and by the time of the inquiry the main parties had been unable to agree a suitably worded planning obligation in this respect. A negatively worded condition was agreed by the main parties relating to the submission of a scheme for the provision of affordable housing prior to the commencement of development. Given that I find the proposal otherwise acceptable and the clear need for affordable housing, this is an appropriate course of action under the circumstances.

### **Other Matters**

66. There is considerable local opposition to the appeal proposal, even on the basis of the revised proposal for up to 90 dwellings. I appreciate the level of objection on a range of issues and have taken this into account in reaching my decision. Whilst there is concern that the proposal may lead to further applications to develop a larger site and extend the development, I must determine the appeal on the basis of the scheme which is actually before me.
67. Burghfield Common is a village of reasonable size with a range of services and facilities and is recognised as a Rural Service Centre in the Core Strategy. I consider that the scale of development proposed is not out of keeping with that of the village.
68. Given the scale of the proposal and the separation from existing dwellings, I see no reason why a detailed scheme could not be designed to avoid any significant impact on the living conditions of the occupiers of nearby dwellings in terms of privacy and outlook. The impact of noise and disturbance during construction is a matter which can be addressed through appropriate working practices and conditions. There would also be a significant gap and tree cover between the proposed dwellings and the school playing fields.
69. The appeal site is in Flood Zone 1 and at low risk of flooding. The Council is satisfied that on the basis of the flood risk assessment submitted by the appellant and with appropriate drainage measures, the development would not increase flood risk. The Council is also satisfied that subject to conditions, the development would not have a detrimental effect on ecology. There is no substantive evidence that the development could not be adequately serviced.
70. I have given careful consideration to the decision of the Inspector who dealt with the appeal at Mans Hill. It is worth emphasising that in that case the Inspector was considering a noticeably larger proposal adjoining a different part of the village. Whilst I have approached the issue of housing land requirements and supply from a different perspective, I reach the same conclusion that Policy HSG.1 of the Local Plan should not be considered up to

date and the proposal should be assessed in the light of Paragraph 14 of the NPPF.

71. As explained above I take a different view as to the weight to be given to the emerging HSADPD and do not consider that the particular proposal before me would undermine the plan making process. I have also taken a different view of the weight to be attached to social and economic benefits as I consider that the proposal should be assessed in its own right in terms of sustainable development. Notwithstanding this, it is clear that the Inspector in the Mans Hill case had significant concerns regarding the adverse effect on the character and appearance of the area. I do not share such concerns in relation to the proposal before me.

### **Conditions**

72. A number of conditions were suggested on the basis of an agreement between the main parties. The suggested conditions were subject to discussion at the inquiry. Standard conditions relating to the submission of reserved matters, the timescale for such an application and the commencement of development are required. I see no reason to deviate from the form of words set out in Section 92 of the Town and Country Planning Act 1990 in terms of the time limit for commencement of development following the approval of reserved matters however. For the avoidance of doubt and in the interests of proper planning a condition is required to ensure that the development is carried out in accordance with the approved location plan and access drawing.
73. A condition is required to limit the maximum number of dwellings and ensure that development generally accords with the revised parameters plan in order to provide clarity and to safeguard the character and appearance of the area. Whilst the revised parameters plan is illustrative and did not form part of the application, the general extent of built development and open space and the retention of woodland are fundamental to the acceptability of the principle of the development on the site. I do not consider it necessary at this stage to specify the maximum height or number of storeys of the dwellings however as this would be dealt with through reserved matters.
74. A condition is required to ensure adequate and suitable provision for affordable housing. Conditions relating to off-site highway mitigation and a travel plan are necessary in the interests of highway safety and promoting sustainable forms of transport. Conditions are required to ensure suitable and adequate arrangements for surface water drainage and sewage disposal.
75. To reduce disruption to local residents and mitigate impacts on ecological receptors, a condition relating to a construction management plan is required. In order to mitigate the impact on the ecological value of the site and safeguard protected species, a condition requiring the provision of bird and bat boxes is necessary. In the interests of safety a condition relating to the provision of fire hydrants or other emergency water supplies is required. I have amended the suggested wording of conditions where appropriate in the interests of clarity and consistency.
76. Given the existing and past use of the site as open pasture/woodland there is no indication that contamination is likely to be a particular issue. A condition relating to potential contamination is therefore unnecessary. Details of external lighting and play equipment and space would be more appropriately

dealt with through conditions at the reserved matters stage. The Council accepted that the unilateral undertaking deals with management plans for the woodland and village green and so conditions are not required.

**Conclusion**

77. For the above reasons and taking account of other matters raised I conclude that the appeal should succeed.

*Kevin Ward*

INSPECTOR

**Schedule of conditions for Appeal Ref: APP/W0340/A/14/2228089**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location Plan – EMS.2458\_004 A  
Proposed Access Arrangements – P518/14 Rev B
- 5) The development hereby permitted shall be limited to no more than 90 dwellings and the reserved matters submitted pursuant to condition no.1 above shall generally accord with the principles shown on the Revised Parameters Plan EMS.2458\_008C.
- 6) The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the glossary of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
  - i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of 40% of the housing units (70% of the affordable housing units shall be social rented units and 30% shall be intermediate housing units);
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider regulated by the Homes and Communities Agency or any body that replaces it;
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing (subject to such reasonable exemptions for all mortgagees, chargees, receivers and persons who acquire 100% of the equity in a unit of affordable housing (and persons deriving title from any of them) as are appropriate) including arrangements where appropriate for the subsidy to be recycled for alternative affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing (in accordance with the common housing register) and the means by which such occupancy criteria shall be enforced.

- 7) No development shall take place until an off-site highway improvement scheme, based on the drawing Proposed Mitigation Measures on Hollybush Lane Option 1 Ref. P518/18 has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved scheme and completed prior to the first occupation of any dwelling on the site.
- 8) No development shall take place until a Travel Plan, based on that submitted with the application by PFA Consulting, has been submitted to and approved in writing by the local planning authority. The Travel Plan shall be implemented in accordance with the timescales for the action points set out in Chapters 4 and 5 of the Travel Plan submitted with the application. It should be reviewed and updated if necessary within 6 months of the first occupation of any dwelling on the site. After that the Travel Plan should be annually reviewed and updated and all reasonable practicable steps made to achieve the agreed targets and measures within the timescales set out in the Travel Plan and any subsequent revisions.
- 9) No development shall take place until a surface water drainage scheme for the site, based on the agreed PFA Consulting Flood Risk Assessment (Job No. 518 dated June 2014) with the accompanying appendices, has been submitted to and approved in writing by the local planning authority.

The drainage measures shall be implemented in accordance with the approved scheme and in accordance with a timetable to be submitted to and approved in writing by the local planning authority. The drainage measures shall be retained and managed in accordance with the approved scheme thereafter.
- 10) None of the dwellings shall be occupied until details for the disposal of sewage have been submitted to and approved in writing by the local planning authority in consultation with the sewerage undertaker. No discharge of foul water from the site shall be accepted into the public system until the approved drainage works have been completed.
- 11) No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The construction management plan shall include details of: a scheme to minimise the effects of dust from the development on nearby residents, hours of work for all contractors, phasing of construction, lorry routing and potential numbers, types of piling rig and earth moving machinery to be used, temporary lighting and measures proposed to mitigate the impact of construction operations including on ecological receptors such as reptiles, bats, badgers and nesting birds and controlling the spread of rhododendron. The approved construction management plan shall be implemented in full for the duration of construction. Any deviation from the approved construction management plan shall require prior approval in writing from the local planning authority.
- 12) No development shall take place until details of the type and location of 40 woodcrete bird boxes and 30 woodcrete built in bat boxes/roosting units that are to be included in the development and woodland have been submitted to and approved in writing by the local planning authority. No more than 70 of the dwellings hereby approved shall be occupied until



the boxes have been installed in accordance with the approved details. The boxes shall be retained thereafter.

- 13) No development shall take place until details of suitable fire hydrants or other emergency water supplies along with a management plan defining the long term maintenance and responsibility for the fire hydrants or other emergency water supplies to serve the development have been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details and completed prior to the first occupation of any dwelling on the site.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr W Upton of Counsel	Instructed by West Berkshire District Council (WBDC)
He called	
Mrs E Alexander	Planning Policy Team Leader WBDC
Mrs C Peddie	Principal Planning Officer (Planning Policy) WBDC
Mrs E Nutchey	Principal Planning Officer (Development Control) WBDC

### FOR THE APPELLANT:

Mr C Young of Counsel	Instructed by Pegasus Planning
He called	
Mr A Bateman	Director – Pegasus Planning
Mr J Stacey	Director – Tetlow King Planning
Mr G Lees	Director – Pegasus Planning

### INTERESTED PERSONS:

Mr E Golton	CPRE Berkshire
Mr Z Welch	Local resident

## **INQUIRY DOCUMENTS**

- 1 Opening statement on behalf of the appellant
- 2 Opening statement on behalf of the Council
- 3 Appeal decision 2215930
- 4 Appeal decision 2214596
- 5 Extract from Inspector's report on BANES Core Strategy
- 6 BANES Core Strategy
- 7 Note on implications of 2012-based household representative rates from Mr Bateman
- 8 Extract from SE Plan Panel Report
- 9 Article by L Simpson and N McDonald "making sense of the new english household projections"
- 10 Letter regarding examination of Warwick District Local Plan
- 11 Extract of SoS Proposed Changes to SE Plan
- 12 Agendas for hearing sessions for West Berkshire Core Strategy examination
- 13 Household projection data from 2012-based projections
- 14 E mail from Bloor Homes regarding application at Sandleford
- 15 Timeline for Berkshire SHMA
- 16 Closing submissions from Council on Mans Hill Inquiry
- 17 Closing submissions from appellant on Mans Hill Inquiry
- 18 Analysis from Council of migration implications of Mr Bateman's updated note

- 19 Data on completions and commitments in Burghfield Common and Mortimer
- 20 Plan showing Parish boundaries in relation to Burghfield Common
- 21 Draft unilateral undertaking from appellant
- 22 Draft set of suggested conditions
- 23 Data on completions and commitments in East Kennet Valley and associated map
- 24 Revised Tables 3 and 5 to Mr Bateman's proof of evidence
- 25 Data from housing register
- 26 Revised version of APP 37 to Mr Lees' proof of evidence
- 27 Grounds for legal challenge to adoption of West Berkshire Core Strategy
- 28 List of designated Rural Areas and associated map
- 29 Revised analysis from Council of migration implications of Mr Bateman's updated note
- 30 Data on median house price trends
- 31 Data on ratio of house prices to incomes
- 32 Judgement relating to Stroud District Council v SSCLG and Gladman
- 33 Judgement relating to Grand Union Investments v Dacorum Borough Council
- 34 Set of suggested conditions discussed at inquiry and condition on bird/bat boxes forwarded later by the Council
- 35 Unilateral undertaking discussed at inquiry and final version forwarded later by appellant along with documents relating to power of attorney
- 36 Closing submissions on behalf of the Council
- 37 Closing submissions on behalf of the appellant
- 38 Application for partial costs on behalf of the Council and associated copies of correspondence