

# Planning Policy Rebuttal

## Town and Country Planning Act 1990 Section 78 appeal against the refusal of planning permission

**Witness:** Arthur Bryan Lyttle BSc (Hons), Dip TP, MBA, MRTPI

**Subject of Evidence:** Planning Policy

**Appeal:** APP/W0340/W/22/3312261

**Site:** The Hollies, Reading Road, Burghfield Common  
RG7 3LZ

**Proposal:** Erection of 32 dwellings including affordable housing, parking,  
and landscaping. Access via Regis Manor Road

**Date:** 11<sup>th</sup> May 2023

**Council Reference:** 22/00244/FULEXT

## Rebuttal

Name: Arthur Bryan Lyttle

24<sup>th</sup> May 2023

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## Rebuttal Points

Having regard to the Proof of Evidence as submitted by Katherine Miles there are a number of paragraphs which I do not agree with as set out below:

- 1.1 **Para 4.11:** It is stated that “Policy CS8 does not contain a mechanism for the inner zones to be amended in the context of that policy”.

I disagree with this statement as Footnote 60 clearly states “Consultation Zones as defined by ONR and shown on the West Berkshire Proposals Map”.

- 1.2 **Para 4.43:** Katherine Miles wishes to draw attention to ‘Section 7 Emergency Planning’ where the Council noted that ONR had been consulted and *“have not raised any concerns regarding the level of development proposed in the DPD”*.

In my opinion the context of that quote needs to be made clear in that it was prior to the changes in legislation relating to the REPPiR (2019) and the NPPF (2021 and 2022)

- 1.3 **Para 4.48:** Katherine Miles states “the delivery of the remaining 32 houses on the Appeal Site is necessary to assist the Council in meeting and maintaining its housing requirement”

- 1.4 In my opinion the site is not necessary to meeting and maintaining its housing requirement in relation to both ADPP1 and ADPP6. This is clearly shown in Appendix **ABL2** Housing Monitoring Report Table 3.18 (page 27 top right page number or page 33 of the PDF)

East Kennet Valley Completions 2006 – 2022 = 859

Completions and Hard Commitments = 11,693

- 1.5 **Para 4.67:** Katherine Miles states that there should be no moratorium on development simply because it is within the DEPZ.

In my opinion Policy CS8 does not impose a moratorium on development within the DEPZ. Not only is the policy worded “is likely to be refused” rather than “will be refused” but also as per Table 3.20 Housing Commitments and Completions within the AWE

Consultation Zones/DEPZ 2011/12 to 2021/22 development has taken place. (Appendix **ABL2** Table 3.20 page 29 top right page number or page 35 of the PDF)

- 1.6 **Para 4.70:** It is stated that “Policy RSA12 proposes to carry forward the allocation of the Pondhouse Farm site under Policy HSA15 of the HSADPD, despite that site also being within the extended DEPZ. However, the Council does not propose to carry forward the allocation of the Appeal Site because it is within the DEPZ. This only serves to further highlight the inconsistency in the Council’s approach to delivery of the allocated sites in Burghfield Common.”

I disagree with this statement. The approach taken for the Local Plan Review is simply if a site had a valid planning permission then it was included in the proposed Local Plan Review allocated sites. Pondhouse Farm had the benefit of a valid planning permission.

- 1.7 **Para 4.73:** Katherine Miles makes reference to the recent appeal in Bristol and states “I consider that appeal of relevance because the Council seek to use its evidence base and spatial strategy of the emerging Local Plan to undermine the allocation of this Appeal Site in the Adopted Development Plan. In my, opinion that is contrary to Paragraph 15 of the Framework in that the Council is attempting to undermine the plan led system”.

I disagree that this appeal decision is relevant. Para 2 of the Framework states “Planning policies and decisions must also reflect relevant international obligations and statutory requirements” and paragraph 3 “The Framework should be read as a whole (including its footnotes and annexes).” The Council is not attempting to undermine the plan led system but make appropriate and proportionate steps to reduce vulnerability, increase resilience and safety by taking into account the changes to the national policy and other legislation.

- 1.8 **Paragraph 5.2:** Katherine Miles states “the fact that the Council can demonstrate a 5 year housing land supply does not reduce the weight to be given to the proposed 32 dwellings to be delivered on the appeal site”.

I disagree, notwithstanding my response to Para 4.48 and Housing Land Supply, given the change in circumstances relating to the DEPZ it is simply not appropriate to provide this number of houses in an area of potential risk.

- 1.9 **Paragraph 8.14:** Katherine Miles states “..Therefore, in my opinion, very significant positive weight should be given to any proposal which delivers affordable housing in the District.”

Whilst the matter of planning weight is for the decision taker and is addressed directly by my colleague, Matthew Shepherd, I disagree with the appellant’s statement. There are many locations within the District which are not suitable for affordable housing such as floodplains and in this instance within the DEPZ. Therefore, in my opinion it is reasonable to give less weight to the provision of affordable housing in this case due to the sites inclusion within the DEPZ.