



The Planning Inspectorate

Pre-Hearing Note

Reference: APP/W0340/W/24/3352936

Site address: Rambling Rose Cottage, Road known as Winterbourne Lane, Winterbourne, Newbury RG20 8AS

Appellant: Thomas and Harry Frampton-Harris

Local Planning Authority: West Berkshire District Council

Background

1. A two-day hearing relating to the above appeal is programmed to open on Tuesday 4 February 2025 at 10:00. It will be conducted by Hannah Guest BSc (Hons) MA MRTPI, who is the Inspector appointed by the Secretary of State to determine the appeal.
2. The hearing will be run as a digital event.
3. The purpose of this pre-hearing note is to explain the format of the hearing, how it will operate in a fair, open, and transparent way and what should be done to ensure it runs smoothly.
4. The note includes a number of actions for the Council and appellant.
Responses are requested as soon as possible and, in each case, no later than mid-day, Friday 24 January 2025, unless specified otherwise. All responses should be sent via the Planning Inspectorate Case Officer.
5. The parties should note that failure to undertake the actions outlined in this document, or follow the timetable set out, could constitute unreasonable behaviour.
6. A copy of this pre-hearing note along with any responses to it should be made publicly available by the Council in advance of the Hearing.

Format

7. The event will operate in much the same way as an in-person hearing, although there will need to be some differences to ensure it takes place smoothly. The Inspector will run through these at the outset of the event.
8. The Council should provide the Planning Inspectorate Case Officer and all other parties taking part in the Hearing with a link and joining instructions for the meeting. Please also provide details of a contact point should there be any technical problems with the digital meeting.

9. All participants should ensure that you have notified the Council of your attendance. In addition, it would assist the Inspector if the Council and appellant could each submit in advance of the Hearing a list of the names and job title of those that will be attending the hearing to represent them, how they would like to be addressed during proceedings (e.g. Ms, Mrs, Miss, Dr etc...) and any qualifications they would like recorded.
10. Please also notify the Planning Inspectorate Case Officer in advance if you are intending to record or live stream the event.
11. The Inspector will start the event in the usual way by addressing several preliminary matters. A draft agenda is at the end of this note (Annex 1), but it could well change. This includes the Inspector's provisional assessment of the main issues in this appeal. The Inspector welcomes any initial views you have on this and will issue a final version shortly before the event.
12. The hearing will be conducted as a structured discussion with the Inspector asking a series of questions in respect of the main issues. All parties who so wish, will be given an opportunity to speak.
13. As all parties will be working from screens, the Inspector will ensure there are regular breaks. These will probably take place between discussions on the main issues and are likely to be every hour and a half or so.

Letters and Adverts

14. The Council must notify interested parties of the details of the hearing arrangements, including the date and time of the hearing and how to join the digital event. I will require copies of these notifications once they have been sent by the date specified above.
15. Please could the appellant send copies of the adverts and notices showing that Certificate C has been served for the appeal.

Statement of Common Ground and Late Evidence

16. It is not entirely clear whether the Draft Statement of Common Ground (SOCG) dated 1 October 2024 has been agreed between the parties. If it has been agreed, please provide a signed copy by the date specified above.
17. The Council has raised concerns that the appellant has not submitted any further evidence as part of the appeal, particularly business account evidence, such as the full accounts for 2023 and draft accounts for 2024.
18. It is not anticipated that there will be any need for additional documents to be submitted during the hearing. You should review your cases promptly to ensure that is the case. If the appellant wishes to submit further evidence, this must be provided by the date specified above, so that it can be cross copied amongst the parties for their consideration before the hearing opens.

19. Please remember that any late evidence could result in an award of costs.

Other Matters

20. For reasons of clarity, please would the appellant confirm that the references to Years 3-6 in the Revised Business Plan relate to the following financial years:

Year 3	April 2022 – March 2023
Year 4	April 2023 – March 2024
Year 5	April 2024 – March 2025
Year 6	April 2025 – March 2026

River Lambourne Special Area of Conservation (SAC)

21. The Inspector recognises that the dwelling subject to the appeal has existed since before Natural England advised the Council of the need for nutrient neutrality on 16th March 2022. Nonetheless, the Inspector notes that the dwelling was granted permission on a temporary basis. Condition 1 of the temporary permission requires the residential use on the appeal site to cease and the log cabin to be removed from the land at the end of a three-year period. This period ended on 30 April 2023.

22. It may therefore be necessary for the Inspector, as the competent authority, to undertake an appropriate assessment in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended). The Council should ensure that the Inspector has the information necessary to undertake this. Therefore, can the Council please provide the following by the date specified above.

- A plan clearly identifying the relevant European Site(s) relative to the appeal site.
- The conservation objectives for the relevant European Site(s)
- Any relevant strategy aimed at securing mitigation or avoidance.

23. The Inspector, as the competent authority, intends to consult Natural England, who are the Statutory Nature Conservation Body. Any response will be shared with the parties.

24. In the event the Inspector is minded to allow the appeal, mitigation may be required to address any resulting harm to the integrity of the River Lambourne SAC. Any comments the parties have as to how this mitigation should be secured should be provided by the date above.

25. If the appellant intends to submit a planning obligation, then this should be done at least 10 working days before the hearing is due to open, in this case **by mid-day on 20 January 2024**. This will allow the Inspector and Council time to review the document before the hearing opens. Failure to do so may hamper the ability of the parties to prepare and require an adjournment.

Flood Risk

26. Part of the access road to the appeal site, close to Winterbourne Road, lies within Flood Zones 2 & 3. The Environment Agency (EA), in its letter dated 19 December 2024, considers the Flood Risk Assessment (FRA) submitted as part of the application to not adequately assess the flood risks posed by the development. In particular, it is concerned that the FRA fails to take the impact of climate change into account and consider how people will be kept safe during a flood event. The observations of the EA are based on the understanding that the LPA have concluded that the proposed development has passed the flood risk sequential test.
27. Please would the Council advise whether the proposed development has passed the flood risk sequential test.
28. The appeal site is also located in an area of risk of groundwater flooding. Please would the Council confirm the level of risk of this groundwater flooding and the area of the appeal site that the risk applies to.
29. Any comments the parties have with respect to flood risk, particularly whether the proposal would comply with Paragraph 175 of the Framework, should be submitted in accordance with the date above. If the parties are in agreement, these comments could be included within the SOCG.

North Wessex Downs National Landscape

30. The Inspector notes that, subject to the completion of the approved landscaping scheme, the Council consider the retention of the log cabin would preserve the character and appearance of the North Wessex Downs National Landscape.
31. It would assist the Inspector if the Council would set out how the proposal would further the purpose of conserving and enhancing the natural beauty of the North Wessex Downs National Landscape in accordance with Section 85(A1) of the Countryside and Rights of Way Act 2000 (as amended).

Conditions

32. Both parties should reflect on whether the suggested conditions would meet the relevant tests¹ as the Inspector will explore this at the hearing.

Site Visit

33. The Inspector will need to visit the appeal site. This will be done once the hearing has closed and is likely to be on the second day of the hearing or the following day. At this stage, the Inspector is minded to visit on an unaccompanied basis but with access provided by the appellant. The Inspector will review this in light of the discussions. The appellant will need to arrange access to the appeal site for the Inspector.

¹ See Paragraphs 56 and 57 of the National Planning Policy Framework

Annex 1 - Provisional Agenda

1. Introduction, opening formalities and points of clarification.
2. Main Issue – Whether there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, with specific regard to the degree to which there is confidence that the enterprise will remain viable for the foreseeable future.
3. Other Matters
 - The effect of the proposal on the integrity of the River Lambourne Special Area of Conservation (SAC)
 - Flood Risk
 - North Wessex Downs National Landscape
4. Planning conditions and obligations (without prejudice and where relevant).
5. Planning Balance
6. Applications for costs (if any).
7. Arrangements for the site visit and closing.