

Statement of Common Ground

Between
West Berkshire Council

And
Mr R. Black

Appeal:	APP/W0340/W/24/3356688 (WBC Ref: 23/00815/FUL) (Appellant Ref: J004472)
Site:	Land South Of Sandhill Hampstead Norreys Road Hermitage Thatcham RG18 9XU
Proposal:	Part retrospective. Change of use of land for the formation of 5 Gypsy/Traveller pitches comprising of 1 mobile home, 1 touring caravan, and 1 utility building per pitch.
Date:	19 February 2025
Version:	F

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Introduction

1. Appeal made by Mr R. Black (“the Appellant”) under section 78 of the Town and Country Planning Act 1990 against the refusal of planning permission by West Berkshire Council (“the LPA”).
2. This Statement of Common Ground (SoCG) has been prepared in relation to the above planning appeal, and has been agreed between the aforementioned parties. It sets out factual information about the appeal site and proposal, as well as matters of agreement and dispute.

Appeal Site

3. The appeal site is rectangular in shape and lies immediately to the east of the Hampstead Norreys Road which is a classified B road; to the south of Sandhill, a detached dwelling adjacent the M4 to the north; to the west of the old rail line now a footpath known as Eling Way; and to the north of a detached bungalow known as Torcove. Abutting the site to the east is a Local Wildlife Site known as Pinewood Pits and Furze Hill and the Biodiversity Opportunity Area known as Bucklebury Plateau. Furze Hill Local Wildlife Site is designated as a local green space under policy HER7 under the Hermitage Neighbourhood Plan.
4. The appeal site is just under 0.5ha, formerly greenfield agricultural land. The site is surrounded by existing mature vegetation. The site lies approximately 55 metres north outside of the defined settlement boundary of Hermitage and lies in the North Wessex Downs National Landscape (NWDNL), formerly the AONB. Hermitage is listed as a Service Village within the Local Plan Core Strategy. Adjoining the east of the site are trees which are subject to Tree Preservation Order 201/21/0475 - A1. The appeal site is within flood zone one. The site is classed as woodland and Heathland Mosaic under West Berkshire Council Landscape Character Assessment (2019).

Appeal Proposal

5. The Planning Inspector requested clarification on the proposal description. The proposal description is, “Part retrospective. Change of use of land for the formation of 5 Gypsy/Traveller pitches comprising of 1 mobile home, 1 touring caravan, and 1 utility building per pitch.”
6. The development is part-retrospective, with the change of use of land having already occurred, hardstanding laid, widening of the vehicular access, fencing erected, and some caravans stationed. The site is not currently in its proposed form, with further development required to align with the proposed plans.
7. There is a High Court Injunction on the site which prevents further works.

Planning Policy

Current Planning Policy

8. Both parties agree that under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the Development Plan read as a whole, unless material considerations indicate otherwise.
9. At the time of preparing this SoCG, The statutory development plan for West Berkshire is made up of a number of different documents¹. It is agreed that the following development plan policies are relevant to the appeal proposal:
 - a) West Berkshire Core Strategy 2006-2026 – Policies: ADPP1, ADPP5, CS7, CS13, CS14, CS16, CS17, CS18, CS19
 - b) Housing Site Allocations DPD 2006-2026 – Policies: TS3 and P1
 - c) West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) – Policies: OVS.6
 - d) Hermitage Neighbourhood Plan 2023 - Policies: HER2, HER3, HER4, HER5, HER6, HER7, HER9

Other Material documents relevant to appeal

10. It is agreed that the following documents are material considerations relevant to the appeal proposal:
 - a) National Planning Policy Framework (NPPF)
 - b) Planning Practice Guidance (PPG)
 - c) Planning Policy for Traveller Sites (PPTS)
 - d) Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2019)
 - e) The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2021 refresh)
 - f) Quality Design SPD (2006)
 - g) Sustainable Drainage Systems (SuDS) SPD (2018)

¹ **Full list of development plan documents:** West Berkshire Core Strategy 2006-2026 (adopted July 2012); Housing Site Allocations Development Plan Document 2006-2026 (adopted May 2017); West Berkshire District Local Plan 1991-2006 Saved Policies 2007 (as amended in July 2012 and May 2017); Hermitage Neighbourhood Plan 2023 South East Plan Natural Resource Management Policy 6 relating to the Thames Basin Heaths Special Protection Area; Replacement Minerals Local Plan for Berkshire (incorporating alterations adopted in December 1997 and May 2001); and Waste Local Plan for Berkshire (adopted December 1998).

- h) North Wessex Downs Area of Outstanding Natural Beauty Integrated Landscape Character Assessment (2002)
- i) West Berkshire Landscape Character Assessment (2019)
- j) North Wessex Downs AONB Management Plan 2019-2024
- k) North Wessex Downs AONB Position Statement on Housing (October 2012)
- l) North Wessex Downs National Landscape Position Statement Dark Skies & Artificial Light
- m) Dark Skies of the North Wessex Downs AONB: A Guide to Good External Lighting
- n) Local Transport Plan for West Berkshire 2011-2026
- o) Chief Planning Officer letter dated 31st August 2015
- p) Guidelines for Landscape and Visual Impact Assessment (2013) 3rd Ed
- q) Hermitage Design Guidelines and Codes September 2022

Emerging plan

11. The Local Plan Review was submitted for independent examination on 31st March 2023. Hearing sessions on the Local Plan Review [LPR] were held in May, June and October 2024. Consultations on the proposed Main Modifications to the LPR closed on 31st January 2025.
12. The Local Plan Review sets out the Council's vision, objectives and spatial planning strategy for West Berkshire up to 2039. It sets out strategic policies, non-strategic site allocations and development management policies.
13. In terms of dates for the LPR, the Main Modifications consultation was held from 6th December 2024 to 31st January 2025. The Inspector has requested a copy of the representations, a summary of representations, and a response to the main issues by the end of February. The Inspector will then prepare his final report. If he recommends the Plan is sound the Council can then proceed to adoption. This needs to be considered and agreed by Members and would therefore need to go to a meeting of full Council, and this may potentially be on 15th May. The emerging policies relevant to this proposal are:
 - i. SP1 The Spatial Strategy
 - ii. SP2 North Wessex Downs AONB
 - iii. SP3 Settlement Hierarchy
 - iv. SP5 Responding to Climate Change
 - v. SP6 Flood Risk
 - vi. SP7 Design Quality
 - vii. SP8 Landscape Character
 - viii. SP9 Historic Environment
 - ix. SP10 Green Infrastructure
 - x. SP11 Biodiversity and geodiversity
 - xi. SP23 Transport
 - xii. DM1 Residential Development in the Countryside

- xiii. DM3 Health and Wellbeing
- xiv. DM5 Environmental Nuisance and Pollution Control
- xv. DM6 Water quality
- xvi. DM7 Water Resources and Waste Water
- xvii. DM8 Air Quality
- xviii. DM14 Assets of Archaeological Importance
- xix. DM15 Trees, Woodland and Hedgerows
- xx. DM20 Gypsies, Travellers and Travelling Showpeople
- xxi. DM31 Residential Amenity
- xxii. DM42 Transport Infrastructure
- xxiii. DM44 Parking

Degree to which parties agree on development plan policies and weight

14. The table below sets out the parties' respective positions on the most important policies for the determination of the planning application. It also outlines the parties' respective positions on the consistency of relevant development plan policies with the NPPF and the weight which can be afforded to them.

Parties' respective positions on Development Plan Policies

	LPA Position		Appellant's Position	
	Consistent with NPPF	Weight to be afforded	Consistent with NPPF	Weight to be afforded
Core Strategy 2012				
ADPP1: Spatial Strategy and District Settlement Hierarchy	Yes	Full	Yes	Full
ADPP5: North Wessex Downs	Yes	Full	Yes	Full
CS7: Gypsies, Travellers and Travelling Showpeople	Yes	Full	No	Limited
CS13: Transport	Yes	Full	Yes	Full
CS14: Design Principles	Yes	Full	Yes	Full
CS16 Flooding	Yes	Full	Yes	Full
CS17: Biodiversity	Yes	Full	Yes	Full
CS18: Green Infrastructure	Yes	Full	No	Limited
CS19: Historic Environment & Landscape Character	Yes	Full	Yes	Full
Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD)				

TS3: Detailed Planning Considerations for Traveller Sites	Yes	Full	No	Limited
P1: Residential Parking for New Development	Yes	Full	Yes	Full
West Berkshire Local Plan (Saved Policies 2017)				
OVS6: Noise Pollution	Yes	Full	Yes	Full
Hermitage Neighbourhood Plan 2023				
HER2: Design	Yes	Full	Yes	Full
HER3: Countryside views between properties	Yes	Full	Yes	Full
HER4: Low energy and energy efficient design, including Sustainable Drainage Systems	Yes	Full	Yes	Full
HER5: Wildlife-friendly development	Yes	Full	Yes	Full
HER6: Irreplaceable habitats and local wildlife-rich habitats and species	Yes	Full	Yes	Full
HER7: Local Green Spaces	Yes	Full	Yes	Full
HER9: Access for walking, cycling and horse riding	Yes	Full	Yes	Full

Issue Heading

15. Taking into account the Council's reasons for refusal and the Appellant's Statement of Case, the main issues of this appeal can be broadly summarised as follows:

- a) Impact on the character of the area and the NWDNL
- b) Whether the development would provide adequate drainage measures
- c) Impact on highway safety

Summary: Matters in Agreement

16. In summary, the following matters are agreed between the parties:

- a) The appeal site lies outside the of the settlement boundary of Hermitage which is a Service Village within the settlement hierarchy.
- b) The appeal site is not within the Green Belt,
- c) The appeal site is located in North Wessex Downs National Landscape (formerly AONB)
- d) The appeal site is not located within or adjacent to a Conservation Area, nor are there any heritage concerns arising from the development,
- e) The appeal site is within flood zone 1
- f) The LPA currently have an unmet need and cannot demonstrated a 5 year supply of Gypsy/Traveller sites.
- g) The occupiers of the site are covered by the definition for gypsies and travellers as set out in Planning policy for traveller sites December 2024 Annex 1 point 1. The definition is as follows *"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such"*
- h) Intentional unauthorised development has been undertaken at the site.


Summary: Matters in Dispute

17. In summary, the following matters are in dispute between the parties:

- a) Whether or not there exists any material considerations, including need, supply, alternative sites and personal circumstances, which outweigh any identified harm.
- b) Whether or not the development results in adverse impacts on character & appearance of the area and the National Landscape, and the weight afforded to this matter, particularly in the context of Paragraph 11(d) of the NPPF, and whether this is outweighed other considerations.
- c) Whether or not the development would provide adequate drainage measures,
- d) Whether or not the development would result in unacceptable highways impacts

Signatories

The contents of this SoCG is hereby agreed.

Signed: Alice Attwood	Signed: 
On behalf of West Berkshire Council Name: Alice Attwood MRTPI Position: Senior Planner Date: 18.02.2025	On behalf of The Appellant Mr. R. Black Name: Brian Woods Position: Managing Director Date: 18.02.2025