To view the plans and drawings relating to this application click the following link:

<table>
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<tr>
<th>Item No</th>
<th>Application No.</th>
<th>Proposal, Location and Applicant</th>
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<tr>
<td>(3)</td>
<td>14/02998/FULD</td>
<td>Development of 4 no. live/work dwellings.</td>
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<td>Thatcham Town Council</td>
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<td>1 Land North Of The Travellers Friend, Crookham Common Road, Crookham Common, Thatcham, Berkshire</td>
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Recommendation Summary: To **DELEGATE** to the Head of Planning & Countryside to **REFUSE PLANNING PERMISSION** for the reasons given below (Section 8.1).

Ward Members: Councillor Croft

Reason for Committee Determination: To consider the proposal in terms of sustainable development and its potential contribution to the rural economy.

Committee Site Visit: 24 March 2015

Contact Officer Details
- Name: Simon Till
- Job Title: Planning Officer
- Tel No: (01635) 519111
- E-mail Address: still@westberks.gov.uk
1. Relevant Site History

01/02143/FUL Demolish sub standard existing storage building and replace with single storey building to form accommodation units for B and B clients. Approved

03/02413/FUL Extension to public house. Approved

05/00073/FUL Two storey extension to Public House. Approved

10/00463/FUL Proposed extension to create a village shop. Approved

2. Publicity of Application

Site Notice Expired: 18th March 2015
Neighbour Notification Expired: 25th February 2015

3. Consultations and Representations

3.1 Consultations

Parish Council Objection:

The proposal is contrary to the adopted Core Strategy, the Saved Policies of the West Berkshire Local Plan and the emerging policies for housing in the countryside. This speculative open market housing proposal would consolidate a scatter of housing in the open countryside with local access to a very limited range of services and meets none of the criteria for an exception to established policy for housing in such locations.

Planning Policy Objection:

Background
The site is located 2km to the west of Brimpton, located on Crookham Common Road. The site is located within the countryside, as it is not within or adjacent to a settlement boundary.

The area is rural in character, with a small number of large properties to the west of the site, a public house to the south and Crookham Park mobile-home park to the west.

The site is not considered to be located in a sustainable location.

The site has been submitted to the Council as a SHLAA site (RUR171). As the site is not a settlement within the Core Strategy Settlement Hierarchy it is considered to be a rural site. Rural sites have not been considered for allocation in the Housing Site Allocations DPD and the countryside policies of the development plan would apply.

Policy Context
The National Planning Policy Framework (NPPF) makes clear that the starting point for all decision making is the development plan, and
planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The current development plan for West Berkshire comprises the adopted West Berkshire Core Strategy and the Saved Policies of the West Berkshire District Local Plan 1991 – 2006. Any allocations of land beyond the settlement boundaries should take place through the Local Plan process.

The NPPF is a material consideration in the planning process. It places sustainable development at the heart of the planning system and strongly emphasises the need to support sustainable economic growth.

The NPPF states that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year housing supply. As the council is able to demonstrate a five year land supply its policies for housing can be considered up to date.

Paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of the rural communities. It is unlikely that the development of this site will enhance or maintain the vitality of the immediate rural community.

West Berkshire District Local Plan Saved Policies
The site is located outside any settlement boundary. The explanatory text to Policy HSG.1 states that outside settlement boundaries, development will only be acceptable in exceptional circumstances.

As the Council has an up to date 5 year housing land supply, this cannot be considered to be an exceptional circumstance.

The Core Strategy sets out the local planning policies for West Berkshire. Within West Berkshire the Core Strategy sets out that the majority of development will take place within settlements with the settlement hierarchy (ADPP1). Where sites are not within the settlement hierarchy development will be focused on smaller villages with settlement boundaries or to open countryside where there is an identified need and development would help to maintain a strong rural economy. This site is not within a smaller village with a settlement boundary and there is no evidence of an identified need for large family houses, or live/work units in this area.

5 Year Land Supply
The applicant is arguing that the Council’s policies are out-of-date because the Council does not have a five year housing land supply. Policy CS1 of the Core Strategy states that an update of the Strategic Housing Market Assessment (SHMA) (so that it accords with the requirements of the NPPF) will be undertaken within 3 years of the adoption of the Core Strategy. If the updated SHMA indicates that housing provision within the District needs to be greater than currently planned, a review of housing provision in the Core Strategy
will be undertaken. The Council is currently progressing work on a SHMA in partnership with neighbouring authorities and with the Thames Valley Local Enterprise Partnership (LEP). The new SHMA will use the most up to date projections and data, including updated household projections due to be released in February this year, to inform the assessment of objectively assessed needs.

The applicant states that the Council cannot claim to have a five year housing supply because of the lack of an objectively assessed need which complies with the requirements of the NPPF. However, the housing requirement figures in adopted Local Plans should be used as the starting point for calculating the five year supply. The Council has an up-to-date plan adopted since the publication of the NPPF, albeit that it contains a commitment to review the housing requirement.

The Core Strategy Inspector concluded that adoption of the Core Strategy would best achieve the aims of the NPPF by enabling positive plan-led development and he found the strategy sound. He considered that the housing requirement may need to be reviewed (in accordance with the approach set out in the NPPF) and recommended a modification to allow three years from adoption of the DPD to update the evidence base, before potentially undertaking a review of the scale of housing provision. We are still within that three year period and the policies cannot therefore be considered out-of-date. After this three year period the local authorities within the housing market area will need time to consider the evidence and to take account of constraints before any potential revision to the housing requirement. This approach is consistent with that advocated by the Minister of State for Housing and Planning in his letter to the Planning Inspectorate of 19 December 2014. He writes:

“The publication of a locally agreed assessment provides important new evidence and where appropriate will prompt councils to consider revising their housing requirements in their Local Plans. We would expect councils to actively consider this new evidence over time and, where over a reasonable period they did not, Inspectors could justifiably question the approach to housing land supply.

However, the outcome of a Strategic Housing Market Assessment is untested and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in existing Local Plans.”

The current housing requirement of 10,500 homes from 2006 to 2026 set out in the Core Strategy remains the most recent assessment of the housing requirement for the District.

The five year supply document is updated annually as required by the NPPF. The current document was published at the end of 2013.
This will be updated very shortly by a revised land supply document which continues to demonstrate that there is a sufficient supply of deliverable sites to meet the five year requirement.

**Sustainability**
The site is not located in a sustainable location. Although there is a small shop and public house adjacent to the site, the site is at least 2km from local services and facilities, including a school, and considerably further from local employment sites. This distance is greater than the ‘acceptable walking distances’ set out in the CIHT walking and cycling guidance, meaning that it is unlikely that residents would walk from the site to local services/facilities, therefore, there would be a reliance on the private car.

While there is a bus stop outside the site, the service could not be described as good. There is a 2 hourly service between Newbury and Tilehurst Triangle, Monday – Saturday, with no service on a Sunday. This level of service does not offer a realistic alternative to the private car.

There is no pavement along Crookham Common Road, and the speed limit ranges from 40mph outside the site to 60mph immediately to the west of the site. Therefore, there could be significant Road Safety issues for those wishing to walk, or cycle, especially more vulnerable residents (eg. children), especially as recent speed surveys show the 85th percentile is 52mph. This could further deter residents from walking or cycling along Crookham Common Road.

**Live/Work units**
There is no evidence provided with the application as to a local need. Paragraph 2.1 of the Planning statements states that ‘there is undoubtedly strong demand for the type of family housing proposed’ but there is no evidence to back this statement up.

Maintenance of the ‘work’ element of the dwellings cannot be enforced. Therefore, the dwellings could easily become large residential dwellings in the countryside without any ‘economic’ benefit, as originally proposed.

The development of four large single dwellings is not in keeping with the character of the surrounding area. The Mobile Home Park provides a range of small, single story properties, the proposed development will not be in keeping with the surrounding character.

Should the ‘work’ units employ the potential 3 people proposed in the supporting information there could be considerable vehicle movements to/from the site during the day. It is unlikely that all employees would be local; therefore, there would be a need for them to travel to the site, most likely by private vehicle.

**Conclusion**
The council is able to demonstrate an up to date five year land...
supply, therefore, the Council’s policies are considered to be up to date and relevant.

The proposed development constitutes development in the countryside, therefore development should be accessible to local services, and in accordance with local need. The site is not accessible to a range of key services, in particular a local school, and no evidence of local need for development of the 'live/work' units has been provided.

There is no way to ensure that the ‘work’ element of the scheme remains as a work unit in the long term, and therefore, which would result in unacceptable residential development in the countryside, without the economic benefit proposed by the provision of a ‘work’ unit on the site.

Additional comments following response from applicant:

The site is outside the settlement boundary, with the nearest settlement (Brimpton) with a settlement boundary 2km from the site. Brimpton is not within the Settlement Hierarchy as set out in the Core Strategy.

A number of examples of ‘similar’ applications are quoted in the response: 10/00463/FUL was for a shop, and therefore, different planning policies are relevant, the site at 07/00755/FULD is less than 200m from the Curridge Settlement Boundary and the appeal site quoted was for a barn conversion, which was partly within the settlement boundary, therefore, they are not comparable with this site.

The site cannot be considered a potential windfall site, as it is not acceptable in planning terms as it conflicts with planning policy.

The Core Strategy housing number, is a minimum, but this does not mean that unacceptable development should be allowed. The Housing Site Allocations DPD will allocated sites to meet the ‘at least’ 10,500 dwellings as required by the Core Strategy.

**Note:**
The Council’s stance on its five year land supply for housing has been supported by the Planning Inspectorate in respect of the dismissal of the appeal against refusal of application 14/00962/OUTMAJ at Mans Hill, Burghfield on 17th March 2015.

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<tr>
<th>Highways</th>
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<td>Thames Water</td>
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<tr>
<td>Archaeologist</td>
<td>No objection subject to conditions.</td>
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<td>SUDS</td>
<td>No consultation response received by date of writing.</td>
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Tree officer

No consultation response received by date of writing.

Waste Management

No objections but note that bin collection location may be difficult for elderly or infirm residents.

Disabled Access Panel

No comments received by date of writing.

3.2 Representations

Total: 11 Object: 2 Support: 9

Object:
- Development would set a precedent for development of other land surrounding the public house.
- Alterations to the access to the public house could cause degradation of surrounding roads
- The application does not discuss the class of business use proposed for the live/work units
- Details of layout for the "work" space and limitations on the amount of each plot that could be used for business are not discussed in the application
- The bus service in the area is limited
- There are inaccuracies in the supporting documents in respect of identifying trees to be retained on the site and the occupancy level of the adjacent mobile home park
- The application does not adequately address how services including electricity and sewage will be accessed
- Potential loss of light and overlooking of Model Cottage to the east of the site
- Potential drainage problems due to the amount of associated hardstanding

Other matters have been raised however they are not material planning considerations

Support:
- The proposed live/work aspect will reduce the need to travel
- The development will increase local commerce and employment
- There is access to the site by both bus and cycle
- The proposed dwellings will contribute to the Council's housing targets and to meeting demand for local housing
- The proposed works will not entail a high level of increase in traffic to and from the site

Other matters have been raised however they are not material planning considerations

Petition:

A petition with 51 signatures was received in support of this application. This states that the proposed live work units would make a valuable contribution to the rural community and be of a design to compliment the area.
4 Planning Policy

4.1 The statutory development plan comprises the West Berkshire Core Strategy 2006-2026 and those saved policies within the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP).

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (March 2012) (NPPF);
- By Design: urban design in the planning system: towards better practice (DETR/CABE);
- The National Planning Practice Guidance (March 2014),

4.3 The policies within the West Berkshire Core Strategy (2006-2016) attract full weight. The following policies are relevant to this application:

- Area Delivery Plan Policy 1: Spatial Strategy;
- Area Delivery Plan Policy 3: Thatcham;
- ADPP6: East Kennet Valley
- CS1: Delivering New Homes and Retaining the Housing Stock;
- CS9: Location and Type of Business Development;
- CS10: Rural Economy;
- CS 13: Transport;
- CS 14: Design Principles;
- CS 17: Biodiversity and Geodiversity;
- CS 19: Historic Environment and Landscape Character

4.4 Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The following saved policy from the Local Plan is relevant to this application:

- HSG1: The Identification of Settlements for Planning Purposes

4.5 In addition, the following locally adopted West Berkshire Council policy documents are relevant to this application:

- Supplementary Planning Document, Quality Design (June 2006);
- Supplementary Planning Guidance, House Extensions (July 2004);

5 Description of Development

5.1 The application site is a parcel of agricultural land to the north of the Travellers Friend Public House most recently used for the grazing and stabling of horses. To the south of the site is the public house, shop and B&B accommodation associated with the Travellers Friend. To the west is an existing mobile home park and to the east are four detached residential dwellings.
5.2 The proposed works are for the erection of four 4 bedroom dwellings with detached three bay garages, each with a live/ work space above.

6. Consideration of the Proposal

The main issues raised by the proposal are:

6.1 The principle of development;
6.2 Design and impact on the character and appearance of the surrounding area;
6.3 The impact on neighbouring amenity;
6.4 Impact on highway safety;
6.5 Assessment of sustainability

6.1 Principle of development

6.1.1 The application site is located approximately 1.9 kilometres from the defined settlement boundary of Brimpton and 2.3 kilometres from the settlement boundary of Thatcham, in land defined as open countryside under Policy ADPP1 of the Core Strategy. Policy ADPP1 states that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.1.2 The application states that there is an identified need for additional housing development due to a shortfall in the local housing supply. However, the policy officer has assessed this statement and is satisfied that at present the Council can identify a five year supply of housing in accordance with the requirements of the NPPF. This view has been confirmed by the recent decision to dismiss an appeal against refusal of housing development at Mans Hill, Burghfield. Accordingly Policies ADPP1 and CS1 should be given full weight in respect of decision making and Policy HSG1 should also be accorded due weight in identifying the defined settlement boundaries. Therefore, the application fails to identify a need for development in the countryside such as would justify an exception to these policies being made.

6.1.3 Information submitted to support this application states that live/work units would provide economic benefits to the local economy. However, the application is not accompanied by evidence to indicate any defined need for live/work units, or that such units would produce significant economic benefit to the local rural economy. The proposed live/work units are presented in the form of offices above garages, where the applicant speculates that up to three people may be employed. However, the applicant does not present any clear manner in which these units would be linked to local businesses and local employees. Whilst the benefits of a worker’s dwelling to a local business may be clear in the case of an agricultural worker’s dwelling or a head groom’s accommodation, the proposed works have no such attachment to any local business, or any clear, identifiable benefit to the rural economy. Furthermore, in the event that the live work units are not taken into use for business it is likely that the additional accommodation would simply be taken into use as ancillary residential accommodation, thus negating any benefit to the rural economy that this aspect of the development may bring. Similarly, the benefits of a home office could be achieved on any site with a sufficient level of ancillary
accommodation, such as a large garage and are not considered to lend significant weight to a proposal to develop additional dwellings in what is considered to be an unsustainable location.

6.1.4 The planning policy officer has identified that the proposed live/work units are in a poor location in terms of access to both public transport and walking and cycling routes. Although local public rights of way provide a route to Thatcham, as the nearest large settlement with a range of services, this route would be 4km and the return journey involves travelling up a steep incline. It is therefore considered unlikely that the majority of journeys made by the occupants would be made on foot or by bicycle. Similarly, as noted by the policy officer, a large number of vehicles travel at high speed on Crookham Road, with speed limits adjacent to the site of 40 and 60 miles per hour and no pedestrian footpath, making this a poor choice of route to both Thatcham and Brimpton by cycle or foot. This constraint of the site, coupled with an infrequent bus service to the stop outside of the site, would indicate that further development in this location would be likely to increase use of the private car.

6.1.5 It is therefore the case that the proposed development of live/work units would fail to meet the requirements of Policy ADPP1, that development in the countryside should be focussed on meeting identified needs and maintaining a strong rural economy, and would be contrary to the requirements of Policies CS1 and HSG1 which state that new homes will primarily be developed on suitable previously developed land within settlement boundaries, other suitable land within settlement boundaries, strategic sites and locations identified on the Core Strategy Key Diagram and land allocated for residential development in subsequent Development Plan Documents.

6.1.6 Additionally the proposed works fail to comply with the requirements of Policy CS13, which requires development that generates a transport impact to reduce the need to travel, facilitate sustainable travel and demonstrate good access to key services and facilities.

6.1.7 Accordingly, the principle of development is not accepted in this case, and the application should be refused.

6.2 Design and impact on the character and appearance of the area

6.2.1 The proposed development is for four large dwellings and ancillary triple garage/live work units. While the dwellings and garage/live work units are substantial, sited as proposed, behind the far larger public house and its B&B wing and shop, the dwellings would not be prominent in views from Crookham Road. The site itself is well contained and surrounded by existing development to the west, south and east, and the layout of the development would space the proposed dwellings and live/work units well, both in terms of their relationship to each other and the layout of development surrounding the site. Whilst the policy officer's comments in terms of compact dwellings on the adjacent mobile home site are noted, a variety of house types, including a number of larger dwellings in generous plots, are scattered along Crookham Road between the site and the Brimpton settlement boundary. The site is considered to be of a suitable size to accommodate the amount of development proposed without having an undue impact on the character and appearance of the surrounding area. The design of the
dwellings themselves, while somewhat suburban in character, is considered to be of sufficient quality of design so as to not result in a detrimental impact on the character and appearance of the surrounding area, and due to the varied character of the nearby residential development, is not considered to be such as to appear alien in the local context.

6.3 Impact on neighbouring amenity

6.3.1 It is noted that comments made in respect of this application draw attention to possible overlooking of Model Cottage, an adjacent residential dwelling. Whilst it is noted that windows on the rear elevation of plot 2 would face towards model cottage. However, these windows would substantially overlook the front and side of this dwelling, and would not greatly increase overlooking of the private rear amenity space. It is noted that the master bedroom window of Model Cottage faces the site. However, the rear elevation of plot 2 would be over 50 metres distant from this window and 40 metres distant from the boundary with Model Cottage. Similarly, windows in the front elevations of plots 1 and 2 have a separation of over 40 metres from the plots of the mobile home park west of the site. In consideration of the separation distances between windows and private amenity spaces, which would be well beyond those recommended in the Council’s SPD on Quality Design, the proposed works are not considered to entail significant or detrimental overlooking of neighbouring properties or loss of neighbouring amenity such as would merit a reason for refusal.

6.4 Impact on Highways

6.4.1 The proposed development would provide sufficient parking to meet the Council’s adopted standards, and the parking and turning layout is considered acceptable. The applicant has provided additional plans of the access which confirm that a suitable level of visibility at the junction with Crookham Road would be achieved. The proposed live work units are not considered likely to engender such a high level of vehicle movements, beyond those already associated with the public house and shop, as to entail a detrimental impact on highway safety.

6.5 Presumption in favour of sustainable development

6.5.1 The NPPF establishes a presumption in favour of sustainable development. This is based on three roles of sustainable development: an economic role, a social role and an environmental role. The works proposed in this application have been considered against these three roles as follows:

6.5.2 In terms of the economic role of sustainable development, while it is accepted that the proposed works would bring about short term localised benefits to the developer, in terms of wider long term economic benefits the proposed live/work units are not considered to be so significant as to justify an exception to policy on development in the countryside, and as stated above, would be negated in the event that the live/work units were not occupied as such. While locating additional inhabitants in the area would bring limited benefit to local businesses such as the public house and local shop operating at the Travellers Friend, this localised benefit is not considered to be significant in terms of justifying locating development in a location with poor access to a range of services and amenities.
6.5.2 In terms of the social role of sustainable development, the proposed works would entail the creation of four substantial family dwellings and live/work spaces which would potentially benefit those looking to work flexibly or operate a business from home. However, this must be considered against the poor location of the dwellings in terms of local services, amenities and access to public transport and local walking and cycling routes, which would oblige occupants to undertake most journeys by car. The application highlights construction of the dwellings to lifetime living standards. However, the location of the development in an area with poor access to public transport and distant from local services and amenities would indicate that the proposed dwellings would be poorly located for elderly or disabled members of the community who may require better access to local services and transport. Therefore the proposal is considered neutral in terms of the social role of sustainable development.

6.5.3 In terms of the environmental role of sustainable development, as stated above and in the policy officer’s consultation response the proposed works are considered to result in the siting of four new dwellings in a location that would encourage the use of the private car for access to services and amenities. While the applicant argues that if occupied as live/work units the proposed units would alleviate the need for some journeys associated with employment, as family dwellings the range of associated journeys would include to schools, places of work (if both spouses were working/the live work unit was used for flexible working practices, to adult children’s workplaces, etc.), to local supermarkets and services. Therefore, the reduction in journeys by car compared to a dwelling without a live/work unit sited in a similar location is considered to be minimal. This would be further compounded by journeys that would be undertaken by any employees or visitors to any business operating on the site. Therefore, the proposed works are considered to have a negative role in terms of environmental sustainability due to siting development in a location that would encourage the use of the private car as primary means of transport.

6.5.4 In consideration of the above matters the proposed development of four dwellings and live/work units on the site is not considered to comply with the objective of achieving sustainable development that is central to the NPPF.

6.6 Community Infrastructure Levy

6.6.1 Should the application be approved the developer would be required to make payments under CIL, which was adopted on 04 March 2014 and will be implemented on 01 April 2015. At the date of writing the necessary paperwork has not been submitted to determine the level of CIL contribution that would be required.

7. Conclusion

7.1 The site is located approximately 1.9 kilometres from any settlement boundary in land that is poorly served by public transport and local walking and cycling connections to local amenities and services. The proposed works do not offer a significant benefit to the rural economy such as would justify the proposed level of development in the countryside and justify exception to the policies seeking to restrict inappropriate development in the countryside.
7.2 While the design and layout of the site is considered acceptable, the proposed development of four houses and live work units is considered to increase development in an unsustainable location outside of any defined settlement boundary and increase the use of the private car as principle means of transport. The proposed works are therefore contrary to the aims of sustainable development as defined in the NPPF, and are contrary to Policies ADPP1, CS1 and CS13 of the Core Strategy and Policy HSG1 of the Local Plan Saved Policies. Accordingly, the principle of development is not considered acceptable and the application is recommended for refusal.

8. Recommendation

DELEGATE to the Head of Planning & Countryside to REFUSE PLANNING PERMISSION subject to the reasons for refusal set out in Section 8.1.

8.1 Reasons for refusal

1. The proposed development of four dwellings and associated live work units would result in the siting of development in an unsustainable location that is poorly served by access to local services and amenities and would result in an increase in the use of the private motor vehicle contrary to the aims of the National Planning Policy Framework 2012, Policies ADPP1, CS1 and CS13 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and Policy HSG1 of the West Berkshire District Local Plan (1991-2006) Saved Policies 2007.

2. The proposed development of four dwellings and associated live/work units would not meet any identified need for additional housing or business units in the countryside or provide any significant benefit to the local rural economy such as would justify an exception to policy on development in the countryside, contrary to the roles of sustainable development defined in the National Planning Policy Framework 2012 and the requirements of Policy ADPP1 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 which states that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

3. The site is located outside of the settlement boundary of Brimpton as defined by the Local Plan Proposals Map. The Council are able to demonstrate a 5 year housing land supply in accordance with paragraphs 47-49 of the National Planning Policy Framework. Accordingly the relevant policies relating to the supply of housing are deemed to be up to date and given full weight. The West Berkshire Core Strategy 2006-2026, July 2012 seeks to direct new development in accordance with the settlement pattern with most development taking place within settlements defined within the hierarchy as directed by Policy ADPP1. The explanatory text to Policy HSG.1 (West Berkshire District Local Plan 1991-2006, Saved Policies 2007) states that outside settlement boundaries, development will only be acceptable in exceptional circumstances. Policy CS1 of the Core Strategy states that new homes will be primarily developed on: suitable previously developed land within boundaries, other suitable land within settlements, strategic sites and broad locations identified on the Core Strategy Key Diagram and land allocated through
the Site Allocations DPD. The site does not meet with these criteria and as such is not in conformity with the current development plan.