

Pins Ref 3153899	Land South of Garden Close Lane, Newbury, Berkshire, RG14 6P	Up to 85 residential dwellings (including up to 40% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Andover Road and associated ancillary work.	Dele. Refusal	Dismissed. 22.08.2017
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Procedural Matters

The application has been made in outline, with full details in relation to access. Layout, scale, appearance and landscaping are to be considered at a later date as reserved matters. However, a development framework plan and an indicative masterplan have been provided, along with other indicative photomontages, to which the Inspector had regard.

The Council's fourth reason for refusal set out within the decision notice relates to the proposed relocation of the hedgerow along Andover Road. However, the Council has since revised its position in relation to this reason for refusal and has signed an Arboricultural Statement of Common Ground (SOCG), which the Council confirmed at the Inquiry, overcomes the reason for refusal. There was no evidence before the Inspector to suggest that he should take a different view and therefore he had not considered this matter further in his decision.

After the close of the Inquiry, the Council provided copies of two recovered appeal decisions from the Secretary of State (the SoS) (APP/W0340/W/15/3141449 & APP/W0340/W/16/3144193, dated 27 July 2017) and a High Court Judgement: Wokingham Borough Council v Secretary of State for Communities and Local Government and Cooper Estates Strategic Land Limited EWHC 1863 (Admin), dated 20 July 2017. The Inspector had regard to these, where relevant, within his decision. Further, in the interests of natural justice, the appellant was given the opportunity to provide comments on the documents and he had also had regard to the representations that he had received.

Main Issues

As a result of the evidence before him and the discussions undertaken at the Inquiry, the Inspector considered that the main issues of the appeal are: whether the Council can demonstrate a five year housing land supply; the effect of the proposal on the character and appearance of the area; and whether the proposal constitutes sustainable development, having regard to the Council's development plan and national policy.

Reasons

Housing land supply

Paragraph 47 of the National Planning Policy Framework (the Framework) sets out that local planning authorities should significantly boost the supply of housing. The appellant is of the view that the Council cannot demonstrate a five year housing land supply and consequently,

its policies for the supply of housing are out-of-date and the 'tilted balance' set out within Paragraph 14 of the Framework is engaged. The Council's housing need, necessary buffer and supply is challenged by the appellant.

Housing need

The West Berkshire Core Strategy (2012) (the CS) sets out a housing requirement of some 10,500 homes over the plan period, which equates to 525 dwellings per annum (dpa). However, this is based on the housing figures of the now revoked South East Plan. It is accepted by the Council that the housing requirement of the CS is out-of-date and should not be relied upon in terms of being able to demonstrate a five year housing land supply. The Council rely on the figure within the Strategic Housing Market Assessment (2016) (the SHMA), which it considers represents its full objectively assessed need (OAN).

The need for the SHMA was set out by the CS examining Inspector, who raised concerns about the housing requirement in the CS, following the publication of the Framework, during the examination. However, a proactive approach was taken and the examining Inspector set out that a two stage review of the Council's housing requirement was needed. The first step was to produce the SHMA, which the Council has done. The second stage is to revise the housing requirement should the SHMA indicate the Council's housing need was greater than that set out in the CS. The Inspector understood that this will be undertaken by the preparation of a new Local Plan, which following the recent adoption of the West Berkshire Housing Site Allocations (2017) (the HSA DPD), is underway.

The Council's SHMA was undertaken in association with the neighbouring authorities Bracknell Forest, Wokingham and Reading, known collectively as the Western Housing Market Area (HMA). The SHMA identified an OAN for West Berkshire of 665 dpa. This is the figure that the Council considers should be used to calculate the Council's housing land supply. The appellant contests this view and considers that West Berkshire's OAN is 723 dpa – 738 dpa.

Since the publication of the SHMA new household projections have been published. The Government's Planning Practice Guidance (the PPG) sets out that '*Wherever possible, local needs assessments should be informed by the latest available information. The National Planning Policy Framework is clear that Local Plans should be kept up-to-date. A meaningful change in the housing situation should be considered in this context, but this does not automatically mean that housing assessments are rendered outdated every time new projections are issued*'. Whilst the Council still relies on the SHMA figure of 665 dpa, as part of its appeal evidence it has undertaken a 'sensitivity test' of the SHMA figure to come to a view as to whether there has been a meaningful change. This takes into account the latest household projections and other more recent data and forecasts.

The Housing Need SOCG states that whilst there are some differences in the approach to demographic led need, both parties' overall OAN figures are economic led and thus the demographic led projections on their own do not derive the ultimate OAN figure. Indeed, the appellant's evidence, sets out that their calculated demographic led OAN of between 548 and 562 dpa is very similar to the SHMA figure of 551 dpa, although they were arrived at by different methods. The Housing Need SOCG goes on to set out that the economic led need principally turns on the scale of economic growth, economic participation, double jobbing and commuting. Therefore, it is on these matters that the Inspector's decision will naturally focus.

The Council supplied to the Inquiry a note, which set out a sensitivity analysis, which amongst other things, applies the Council's assumptions on economic participation rates alongside the appellant's conclusions on the scale of employment growth. The appellant is of the view that the Office for Budget Responsibility (OBR) rates should be used. These apply nationally based assumptions. The Council has provided evidence to suggest that the OBR modelling assumptions on economic participation are too pessimistic. For example, they expect a fall in the employment rate of men between 20 - 54 which is inconsistent with past trends and what various economic forecasters expect. Indeed, the oral evidence given by Mr Ireland for the Council to the Inquiry and the latest Annual Population Survey points to employment rates for a range of age groups being noticeably higher than that assumed previously in the SHMA. The Inspector agreed that this is likely to require less economic driven migration to West Berkshire. The appellant has suggested that the more recent 2017 OBR rates are less pessimistic than the 2015 OBR rates. Whilst this may be the case, it is clear that the Council has considered the 2017 OBR rates within its evidence.

The Council has considered a range of sources and has interrogated dynamics and trends that are specific to West Berkshire, which, in the Inspector's view should be preferred. Given all of this, he was more persuaded by the Council's view on economic participation. Referring back to the Council's note this identified that if he was to prefer the Council's approach to economic participation, then the appellant's job growth assumptions (565 per annum) could be accommodated within an OAN of 665 dpa. This includes the use of either a 2011 Census commuting ratio (including a 4.3% adjustment for double jobbing) or the Council's preferred 2015 ratio of jobs to residents in employment at 0.79. This was not contested by the appellant at the Inquiry.

The Inspector acknowledged that the appellant sets out that a 4.3% adjustment for double jobbing is too high and favours a 3% adjustment. The appellant prefers this adjustment based on data from ONS (Reconciliation of estimates of jobs, March 2017). However, it is unclear whether this data relates to national trends or is specific to West Berkshire. Whilst the appellant's data may be more recent, the SHMA sets out that the double jobbing percentage was calculated at a local level using an average of 10 years of data to reconcile errors of margin within individual years. On this basis, he considered that the double-jobbing ratio set out within the SHMA should be preferred, as this takes into account local data over a prolonged period of time.

The Council's note is also based on 2014-based headship rates, with part return to trend adjustment towards 2008-based headship rates such that there is a 50% return to the 2008-based headship rates for those aged 25 - 34 and 35 - 44 by 2033. It was suggested that this was very similar to Mr Donagh's 'Blended 25 - 44 HFRs 50% Sensitivity' scenario. This was not challenged by the appellant and it is the scenario that has been preferred by the appellant's housing land supply witness.

In terms of the Council's preferred 2015 ratio of jobs to residents in employment of 0.79 (includes commuting and double jobbing), this is based on ONS job estimates of employment of 107,000 in 2015, with the Annual Population Survey (APS) showing 87,400 economically active residents with 84,500 in work. This suggests a ratio of residence-based people to jobs of 0.79. The Council also provided the same data from 2014, 2015 and 2016, which showed an average of 0.789. In response, the appellant provided a table that calculated commuting ratios using the APS and the Business Register and Employment Survey (BRES). Whilst these showed varied results, the Council's response to the appellant's table sets out that the APS commuting ratio in Column 4 of the appellant's table compares the number of people

working, on a residence and work place basis, which is a reasonable basis to calculate a commuting ratio, but it does not include an adjustment for double jobbing. Further, the Council set out that the BRES calculations count persons employed and that it is widely accepted that these do not fully capture the self-employed. The appellant did not contest these views at the Inquiry.

Whilst not overly decisive given his other findings and while he acknowledged that there has been some criticisms from the appellant with regard to its reliability, the Inspector considered that the Council's preferred 2015 ratio of jobs to residents in employment of 0.79, shows a strong indication that less housing could be needed to support job growth in West Berkshire, than previously anticipated by the SHMA and the SHMA figure of 665 dpa could be a conservative one. The only scenario in the Council's note that goes above 665 dpa, relates to the Cambridge Economics 2016 forecast and the 2011 census commuting ratio and 4.3% double jobbing adjustment. This would result in an OAN of 673 dpa, which he did not consider to be materially different to a figure of 665 dpa.

In terms of market signal indicators, it is agreed between the parties that these are worsening. However, the Council has set out that its figure of 665 dpa represents an uplift of 70% on top of the 2014 based household projections. The Inspector was not convinced by the evidence, including the Council's current affordable housing situation, that a greater uplift is necessary and he considered that a 70% uplift would provide a strong response to affordability issues in West Berkshire. Further, the appellant has provided, at Table 8.1 of Mr Donagh's proof of evidence, a table that shows alternative market signal approaches in West Berkshire. This includes, figures suggested by the Local Plans Expert Group (685 dpa), the Barker Review (912 dpa), the National Housing & Planning Advice Unit (479 dpa) and Redfern Review, November 2016 (557 dpa). These show a fairly wide variation. However, if for example an average of these figures is taken, the figure would be 658 dpa. This is a figure very similar to the Council's OAN of 665 dpa and provides some additional comfort that a greater uplift above 665 dpa is not necessary to address affordability issues.

The appellant has been critical of the 'Bracknell Forest Adjustment' made within the SHMA. However, the Inspector was mindful that the Council's updated calculations provided for the purposes of this appeal, did not include such an adjustment.

On balance, he considered that the weight of evidence suggests that the SHMA figure of 665 dpa remains an appropriate figure and he was not convinced by the new evidence provided to this appeal that there has been any meaningful change in the housing situation of the Council. The Inspector concluded that the figure of 665 dpa should therefore be preferred to assess the Council's five year housing land supply.

He acknowledged that the Inspector of the Hilltop Inquiry stated at Paragraph 17 that '*The balance of evidence before the Inquiry suggested that the FOAN should be higher than that used by the Council*'. However, the Inspector in that case did not reach any further conclusions and he was mindful that he had different evidence before him in relation to this appeal. This does therefore not affect his own findings. Further, the Inspector had been made aware of two more recent appeal decisions that were recovered by the SoS for developments in West Berkshire. In both cases, the SoS agreed with the Inspector's view that the SHMA OAN figure of 665 dpa remains an appropriate OAN for the Council. Whilst he acknowledged that there would have been different evidence provided in those appeals, the overall findings, nonetheless, add weight to his own.

On a related matter, both parties have referred to the Local Plans Expert Group methodology for assessing housing need. However, both parties agree in the SOCG that this should be given little weight, as the Government has not formally responded to the suggested methodology. The Inspector agreed with this view.

Buffer and shortfall

The appellant contends that the Council has a consistent record of under delivery of housing and should therefore provide a 20% buffer, as set out in Paragraph 47 of the Framework. The appellant also maintains that the SHMA OAN figure should be used to calculate any under delivery from 2013/14. However, the Council confirmed at the Inquiry that it only knew what the SHMA figure (665 dpa) was in autumn 2015, which is half way through the 2015/16 monitoring year. Given this, the Inspector considered that up until 2016/17, any past under delivery in terms of the buffer should be considered against the Core Strategy housing requirement of 525 dpa. In his view, it would be unfair to measure any under delivery from 2013/14 to 2015/16 against a figure that the Council simply was not aware of, or was only aware of for the second half of the year, in terms of 2015/16.

For the period 2006/07 to 2015/16, which is the last 10 year period where actual completions are known, the Council has over delivered in 5 years and under delivered in 5 years. Looking at Mrs Peddie's Table 2 of her proof of evidence, it can be seen that the Council has, in total over the entire 10 year period (2006/07 to 2015/16), only marginally under delivered. The majority of under delivery was through the recessionary period 2009/10 to 2011/12, which was a very difficult period for housing delivery nationwide. Despite the views of the appellant, the Inspector considered that this should be taken into account.

Given all of this, he considered that the Council is not a persistent under deliverer of housing and a 5% buffer should apply. The Manns Hill Inspector considered similar evidence from the same housing land supply witnesses for both parties and at Paragraph 34 of the appeal decision found *'...Over the past 10 years 2006/07-2015/16 delivery was above the requirement in 5 years and below the requirement in the other 5 years. This assessment is somewhat distorted by factors such as the 2014/15 below-target outcome as a result of over 100 demolitions (largely on one site in preparation for redevelopment now close to completion) which reduced the annual net completion figure. Taking account of the peaks and troughs of the housing market cycle over a particularly difficult period, I do not consider that this represents a record of persistent under delivery. An additional buffer of 5% should therefore be applied...'*

In addition, the recent recovered appeal decisions also considered this matter. In both cases, the SoS concluded that the authority was not a persistent under deliverer of housing and a 5% buffer was appropriate. The appellant has suggested that the SoS did not disagree with the Inspector's conclusion that performance should be assessed against the requirement of 525 dpa up to 2012/13 and then the SHMA OAN of 665 thereafter. However, the SoS states that he *'disagrees with the Inspector's conclusions'* on the buffer. It is unclear from the SoS reports whether this includes the figures against which performance should be assessed or not. On that basis, the Inspector could take the matter no further.

The appellant has also pointed out that the SoS in coming to his conclusion, has had regard to the report of the West Berkshire Housing Site Allocations DPD and the DPD Inspector's conclusions that the housing supply situation is satisfactorily monitored with no reasons to conclude that there is any significant threat to the delivery of housing in West Berkshire. The

appellant suggests that significant new evidence is now available that was not before the SoS, in the form of the Council's acceptance that 77 dwellings should be removed from allocation HSA4 as part of their supply calculations. The Inspector did not consider this to be significant new evidence and the slippage of one site does not indicate that there is a significant threat to the delivery of housing in West Berkshire. The SoS also took the view that the recession should be taken into account. Consequently, he considered that these factors did not alter his own findings and the overall conclusion of the SoS was that the Council is a 5% buffer authority and this supports and adds weight to his own conclusion.

The Council has provided an estimated completion figure of 520 dwellings for 2016/17. Against the SHMA figure of 665 dpa, this would represent an under delivery of 145 dwellings. However, whilst the estimated completion figure has been agreed as an appropriate figure to base the calculation of the 5 year housing land supply on, it is, nonetheless, an estimated figure and could be subject to change. Notwithstanding this, even if the figure turns out to be accurate, it would not be sufficient to alter his findings that a 5% buffer should apply.

Both parties agree that the shortfall should be made up during the next 5 years, known as the Sedgefield method. Having regard to his findings above in terms of housing need, this, including the shortfall and a 5% buffer, gives an overall housing requirement over the five year period 1 April 2017 to 31 March 2022 of 4081 dwellings.

Supply

Turning to matters of supply, at the close of the Inquiry the Council maintained that it can demonstrate a supply of 4386 dwellings over the five year period, whereas, the appellant is of the view that the deliverable supply is 3714 dwellings. The difference in these figures relates to disagreements over the delivery of numerous sites within the five year period. The Inspector dealt with these in turn.

Dealing firstly with sites with planning permission, the Framework at Footnote 11 identifies that *'To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans'*.

The site known as J&P Motors has planning permission for 37 dwellings and remains extant as it has been partly implemented. An application has been made to modify the Section 106 agreement in terms of affordable housing. He understood that Palady Developments Ltd will purchase the site should the deed of variation to the Section 106 be agreed. At this point in time there is no evidence to suggest that the modification to the Section 106 agreement will not be granted and the Council set out at the Inquiry that it is expected to be agreed very shortly. In addition, the Council has provided emails as recently as 7 June 2017 that show the site is still being pursued subject to the Section 106 agreement modification being agreed and that it is hoped that development will start towards the end of this year. Despite the current use and the long running planning history of the site, the Inspector could see no reason to believe that the site will not deliver 37 dwellings in the next five year period.

Land to the rear of 1-15 The Broadway has outline permission for 72 dwellings and is currently in use as a car park. At the Inquiry, the Council provided a recent email exchange with an agent for the site who has confirmed that the landowners intend to be on site to commence the development within 18 to 24 months. The emails also set out that a reserved application will imminently be submitted for the only reserved matter: landscaping. The Inspector could see no reason to consider that the site will not deliver 72 dwellings as suggested by the Council.

The appellant has not disputed that the site at Firlands Farm will deliver housing within the next five years. However, the appellant is of the view that commencement on the site is delayed from that suggested by the Council, which should result in the removal of 30 dwellings based on the appellant's assumptions on lead in times. At the current time the site benefits from outline planning permission for 90 dwellings, which was granted at appeal. To date no reserved matters applications have been submitted. Given this, he considered that it is unlikely that the site will deliver 30 dwellings in 2018/19 and he agreed with the appellant that the development is delayed by a year. On this basis, he considered that the first completions are likely to occur in 2019/20. However, having regard to the site's projection in the Council's Five Year Housing Land Supply Update April 2017, the delivery of the site could slip by one year and 90 dwellings could still be delivered by 2021/22. Consequently, the Inspector considered that no dwellings should be removed from the supply for this site.

11-15 Bartholomew Street benefits from planning permission for 47 flats. Part of the site is currently in active use in the form of an Iceland supermarket. However, at the Inquiry, the Council set out that the site owners have sought pre-application discussions on an alternative scheme for retirement homes. This indicated to the Inspector that the permitted scheme is not being pursued by the current landowners and is therefore unlikely to be delivered. Whilst an alternative scheme could be delivered in the next 5 years, this is very uncertain given the current stage of discussions. Having regard to Footnote 11 of the Framework, he considered that 47 dwellings should be removed from the Council's supply.

The other sites in dispute relate to those allocated within the HSA DPD. The PPG states *'Deliverable sites for housing could include those that are allocated for housing in the development plan and sites with planning permission (outline or full that have not been implemented) unless there is clear evidence that schemes will not be implemented within 5 years'*. The same paragraph of the PPG then goes on to set out *'However, planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out'*.

The Inspector had been made aware that at a recent Inquiry the Council conceded that HSA DPD allocations HSA1, HSA1420 and HSA15 would not be delivered within the next five years. However, he agreed with the Council that there has been a significant change since the previous Inquiry, insofar that the HSA DPD has now been adopted. It is evident that some landowners may have been waiting for the adoption of the HSA DPD before preparing and submitting planning applications. The email from the agent representing the landowner of HSA19 (Inquiry Document 25) is a clear example of this.

HSA DPD allocation HSA1 is for 15 dwellings and there is a recent email from the agent acting for the landowner that shows there is every intention to deliver within the five year period. The Council anticipate the 15 dwellings being delivered in 2020/21. However, this could slip a year

and still be deliverable in the next five years. On this basis, the Inspector could see no reason to consider that the site will not be delivered in the next five years.

Turning to HSA14 and HSA15, the appellant has set out that delivery of new dwellings on HSA14 by 2019/20 is unlikely and the Inspector agreed with that view. However, he believed if planning applications on HSA14 and HSA15 were submitted towards the end of this year, both sites could start delivering new dwellings in 2020/21. This would broadly accord with the appellant's suggestion of a three year lead in time from the point of a planning application to first completions on the site, which from the evidence that he had before him, he considered to be reasonable. There is a recent email from the landowner of both sites saying that work on the planning applications are underway and a twin tracked process to find a suitable developer is likely to occur. Consequently, the Inspector considered that HSA15 is capable of delivering 100 dwellings in the next five year period, as set out in the Council's Five Year Housing Land Supply April 2017 (Core Document 14.8). However, the Council project that HSA14 would deliver 30 dwellings in 2019/20, 40 dwellings in 2020/21 and 30 dwellings in 2021/22. As set out above, he considered that delivery in 2019/20 is unlikely and therefore the trajectory is likely to slip one year for HSA14 and 30 dwellings should be removed from the Council's supply.

The Council are of the view that HSA2 will deliver 100 new homes within the next five years, with 30 dwellings being delivered in 2019/20 and 70 dwellings in 2020/21. Given that a planning application has not yet been submitted, the Inspector agreed with the appellant that the first completions are unlikely to occur in 2019/20. However, it appears from the emails provided at the Inquiry in relation to the site that archaeological concerns have been suitably investigated and a planning application is due soon. Having regard to his above observations in relation to lead in times, the Inspector considered that the site could feasibly deliver 30 new dwellings in 2020/21 and 70 dwellings in 2021/22. This would still deliver 100 dwellings within the five year period, as anticipated by the Council. Whilst 70 dwellings in 2021/22 is above the build out rate of 30-50 dwellings per annum assumed by the appellant, he did not consider it to be unreasonable given that it is a large site. Further, the appellant has referred to evidence from Wokingham Borough Council that suggest for large sites where there is one developer, a rate of 48 to 88 homes annually could be expected. Consequently, he considered that the site could feasibly deliver 100 homes over the next five years.

The Council accepted at the Inquiry that there is likely to be some slippage to the delivery of HSA4 and subsequently removed 77 dwellings from its supply. The Council now consider that 30 dwellings would be delivered in 2020/21 and 50 dwellings in 2021/22. This broadly correlates with the views of the appellant, who considers that the site would deliver 20 dwellings in 2020/21 and 50 dwellings in 2021/22. The Inspector could see no reason to believe that a build out rate of 30 dwellings per annum could not be achieved in the first year. As a result, he considered that the site is capable of delivering 80 dwellings in the next five years.

The Council consider that HSA5, HSA11 and HSA19 will start delivering new dwellings in 2019/20. Given that there are currently no submitted planning applications and again having regard to his findings in terms of lead in times, he considered that delivery before 2020/21 is unlikely. He considered that the Council's trajectory for each of these sites in terms of numbers per annum to be reasonable and with a year's slippage on the trajectory, this would result in the removal of 70 dwellings from the Council's supply.

During the Inquiry, the Council confirmed the adoption of the Stratfield Mortimer Neighbourhood Plan. This includes a site allocation of 110 dwellings. The Council consider that it is realistic to include 60 dwellings within the five year supply. The appellant considers that the site would contribute 30 dwellings. The Council has provided a timetable for the delivery of the site that was provided by an agent for the site (Inquiry Document 26). This considers that all 110 units would be delivered by 2021/22. Whilst this may be overly optimistic, the Inspector considered that the Council's approach is appropriate and 60 dwellings should be counted towards the Council's supply.

In terms of prior approvals, the parties are very close in their views on this matter, with the Council calculating that 185 dwellings will be delivered in the 5 year period, with the appellant calculating 179 dwellings. For the purposes of the appeal, he had given the benefit of the doubt to the appellant and assumed 179 dwellings would be delivered, a removal of 6 dwellings. Shortly before the Inquiry, the Council set out that prior approvals granted at 19 & 19A High Street, Theale (10 units) and Lambourn, Nexus and Derby House, New Business Park (129 units) should also contribute to the Council's five year housing land supply. Incorporating a 10% non-implementation allowance this represents 125 dwellings, which is disputed by the appellant. This is on the basis that these prior approvals have been granted post the calculation base date of 1 April 2017 and there is no correlating position addressed in terms of completions and the requirement. Whilst he noted such concerns, the two prior approvals are, nonetheless, likely to provide new dwellings within the next five year period and in his view, they should count towards the Council's supply.

All other matters are agreed between the parties in terms of supply. Given all of these findings, the Inspector considered that 153 dwellings should be removed from the Council's supply and concluded from the evidence before him for this Inquiry, that the Council's supply for the period 1 April 2017 to 31 March 2022 is 4233 dwellings.

It should be noted that these findings are based on the evidence that was provided to the Inspector at the Inquiry and therefore may differ from the findings of other recent appeal decisions.

Housing land supply conclusion

The Inspector had found that the Council's suggested OAN of 665 dpa represents an appropriate figure to calculate the five year housing land supply. This figure, including the shortfall and a 5% buffer, gives an overall housing requirement over the five year period 1 April 2017 to 31 March 2022 of 4081 dwellings. The Council can demonstrate a supply of 4233 dwellings over the five year period, which equates to a supply of 5.2 years. As a result, the Inspector concluded that the Council can demonstrate a five year housing land supply.

Character and appearance

The appeal site is located on the eastern side of Andover Road and is currently an open agricultural field, with relatively mature vegetation on the western, southern and eastern boundaries. The topography of the land slopes noticeably to the south, away from the existing development associated with Newbury. The site lies adjacent to the settlement boundary of Newbury, where the site abuts existing residential properties along Andover Road, along with a dwelling within Garden Close Lane. Open countryside lies to the east and south and Andover Road runs along the western boundary. Beyond Andover Road to the west also lies open countryside. Enborne Row lies a short distance to the southwest of the appeal site. The

appeal site does not fall within an area that is the subject of any current landscape designation.

The site falls within the Berkshire Landscape Character Assessment (2003) (the BLCA) Landscape Type H: Woodland and Heathland Mosaic and Landscape Character Area (LCA) H2: Greenham. This is a large area, however, some of the key characteristics of this landscape type of most relevance to the appeal site include: being topographically varied with undulating hills and small valleys rising to mounded ridges; intimate lowland rural landscape; strong wooded context, including wooded valleys and copses; and arable land and pastures divided into a varied field pattern of irregular fields. The BLCA sets out that the landscape strategy for this area type is to conserve and where necessary restore the distinctive intimate and peaceful wooded landscape with its small scale mosaic pasture, arable farmland and parkland. Key management guidelines of the BLCA for this area also include: conserve and restore areas of pastureland; conserve and strengthen boundary elements and seek to prevent further loss of boundary hedgerows; conserve the rural character of roads; conserve the distinctive dispersed settlement character; and retain and enhance positive open views to the south within LCA H2.

Although LCA A4 (Upper Valley Enborne) excludes the appeal site, it does lie immediately to the south of the site. The BLCA sets out that the landscape strategy for this area is to conserve and restore the peaceful and intimate rural character. The Newbury District Landscape Character Assessment (1993) (the NDLC) identifies the appeal site lying within the Landscape Character Type 15: London Clay with Gravel Ridges. The most relevant key characteristics of this area is convex slopes and small incised valleys with streams. In a similar manner, the strategy for this area is to conserve and enhance.

Also of relevance is the Integrated Landscape Sensitivity Approach to Settlement Expansion within West Berkshire (2009), which was a study of small landscape parcels around the hinterland of Newbury. The appeal site lies within Local Landscape Character Area 15B: Wash Common Farmland. This identified the area as having a medium to high sensitivity to development. As a result of his own observations, the Inspector agreed with this assessment. Key sensitivities were noted as: complex topography of the south facing Enborne Valley slopes; the mosaic of quite small regular fields with tall hedgerows; long views of higher ground and lower tranquillity close to Newbury.

In addition, the Landscape Sensitivity Assessment of Potential Strategic Development Sites (2009) included the consideration of 13 areas as potential strategic development sites. The appeal site was included within a larger parcel of land. The study found that the housing at Enborne Row is clearly separated from the Wash Common area of Newbury and that any large scale development would subsume Enborne Row within Newbury and would have significant landscape impacts.

The proposal would result in the construction of up to 85 dwellings. The Development Framework Plan and Illustrative Masterplan show a single point of vehicular access from Andover Road, along with an additional footway access. The plans also show that lower density housing would be placed around the edges of the site, with higher density development towards the centre of the site and adjacent to the existing properties on Andover Road. The scheme would include open space, including a children's play area towards the south of the site. The Development Framework Plan also shows that the boundaries would be strengthened with additional planting. In order to provide suitable visibility splays much of the

existing hedgerow along Andover Road would need to be removed. The appellant is proposing to provide a new instant hedgerow that would be set further back from the road.

During his site visits, the Inspector spent a good amount of time observing the appeal site, particularly from the south, notably from the network of public footpaths. Whilst he accepted that the visual envelope of the appeal site is fairly limited, there are numerous opportunities, where views of the appeal site can be gained across the Enborne Valley. Whilst the appeal site is influenced to some degree by existing built development, this is largely on higher ground and the sloping open field of the appeal site can clearly be seen. When viewed from the south, the appeal site clearly forms part of the sloping valley side and contributes positively to the rural setting of Newbury. In his view, this makes the appeal site particularly sensitive to development. The appellant has provided some Photomontages (A, B and C), which give an indicative visual impression of the proposed development from the south. When viewed from these locations, it can be seen that despite the existing vegetation, the development would have the appearance of sprawling down the valley side, markedly urbanising the Enborne Valley and the rural landscape, to its detriment. Whilst additional planting is proposed along the southern boundary of the site and there would be an area of open space, this would not be sufficient to overcome such harm, as the residential dwellings and their roof tops would still be highly visible, as can be seen from the Photomontages showing an impression of how the scheme could appear after 10 years.

As set out above, much of the existing mature hedgerow along Andover Road would need to be removed to accommodate the vehicular access and associated visibility splays. Whilst an instant hedgerow could be planted, this would not screen the dwellings that would likely face onto Andover Road or the appearance of the vehicular access. Along with this, additional pavements would be provided along the site frontage. These features would all urbanise the existing largely rural and pleasant approach into Newbury.

There was much debate at the Inquiry as to whether the area constitutes a valued landscape in terms of Paragraph 109 of the Framework. The Inspector considered that the landscape is attractive, but he was not of the view that the immediate landscape is out of the ordinary, in the context of the wider area. Further, the appeal site and its surrounding area is to some degree influenced by existing development to the north. In addition, there are no conservation interests or perceptual associations or any aspect of recreational value associated with the appeal site. Therefore, although he considered that the landscape clearly has a reasonable level of value and is clearly highly valued by local people, he was not of the view that it benefits from the specific protection of Paragraph 109 of the Framework. Notwithstanding this, Paragraph 17 of the Framework sets out its core planning objectives, which includes recognising the intrinsic character and beauty of the countryside. The proposal would result in a significant level of built development sprawling down the valley side, causing significant harm to the existing rural character and appearance of the area.

In terms of coalescence, the proposal would largely fill an open area of land that separates Newbury from Enborne Row. Whilst the parties have calculated differing separation distances, it was clear from his site visit, that the proposed scheme and the most eastern extent of Enborne Row, which in visual terms is defined by a relatively new fence, would only be separated by a very small triangular piece of woodland and Andover Road. The Inspector considered that despite any existing filtered views of housing on Andover Road, the scheme would result in the unacceptable coalescence of Newbury and Enborne Row, which would be clearly evident from Andover Road. Enborne Row would lose its individual identity and would ultimately become part of Newbury.

The appellant has suggested that there is no specific policy protection against coalescence and there is no gap protection policy. Whilst this is the case, the supporting text of the West Berkshire Core Strategy (2012) (the CS) Policy CS19 refers to coalescence and the importance of the separate identities of settlements in West Berkshire. Further, Policy CS19 sets out that proposals for development should be informed by and respond to: (a) the distinctive character areas and key characteristics identified in relevant landscape character assessments. The Inspector had identified above that the BLCA sets out that one of the key development guidelines for the area in which the appeal site falls is to conserve the distinctive dispersed settlement character. The scheme would run directly in contrast to this aim. He was not of the view that the location of the much debated Newbury sign suggests that Enborne Row and Newbury are not separate or distinct settlements.

Dealing now with visual impacts, the appellant maintains that when walking the public footpath network to the south there are not many opportunities to observe the appeal site due to the mature vegetation. Whilst to some degree this is the case, where such views do exist, he observed that the eye is naturally drawn to the views across the Enborne Valley towards Newbury, which includes the appeal site. He considered that the scheme would therefore be visible when viewed from numerous locations along the public footpath network to the south and given his above observations, would cause visual harm to its users, who are sensitive receptors.

In addition, views would be gained of the proposal when in close proximity to the appeal site, particularly from existing residential properties along Andover Road and Garden Close Lane. Such views would alter significantly from an open field sloping down towards the rural valley bottom, to a significant suburban housing development. There would therefore also be visual impacts to the existing local residents and passers-by along Andover Road.

Turning to other related matters, the appellant has set out that the Council has allocated and granted planning permission for major housing developments within other areas of medium to high landscape sensitivity. Further, the appellant is also of the view that there are no easy sites left to develop around Newbury, due to a large number of designations, such as the Area of Outstanding Natural Beauty. The Inspector acknowledged these matters and accepted that as time moves forward increasingly difficult decisions will need to be made.

Notwithstanding this, he was mindful that the Framework advocates a plan-led approach and where housing sites in sensitive landscape areas have come forward in the past, it has largely been as part of a comprehensive plan-led strategy, such as the Sandleford Park allocation. Further, there are areas remaining to the north of Newbury that do not fall within the AONB and are of a lower landscape sensitivity than the area in which the appeal site falls. As part of his site visits, he viewed several site allocations or development sites to the north of Newbury and he considered that these areas have less landscape sensitivity than the areas to the south of Newbury.

The Inspector acknowledged that the delivery of housing at the Sandleford Park allocation has slipped and it is not anticipated that there will be any completions in the next five years. However, he had found that the Council can demonstrate a five year housing land supply against an appropriate OAN, without any contribution from Sandleford Park. Sandleford Park is therefore likely to make a major contribution to boosting the supply of housing in the medium to long term. He considered that the above matters undermine the appellant's

suggestion that sensitive sites that will cause landscape harm need to be released now in order for the Council to meet its housing needs.

Whilst the appeal site when considered and appraised as part of the HSA DPD was not ruled out on landscape grounds, he did not consider that this in any way affects his above findings.

The Inspector concluded on this main issue, for the reasons set out above, the proposal would cause significant harm to the character and appearance of the area and would fail to recognise the intrinsic character and beauty of the countryside. The proposal therefore runs contrary to Policies CS14 and CS19 of the CS and Paragraph 17 of the Framework. In summary, these policies seek to ensure that: new development respects and enhances the character and appearance of the area; the diversity and local distinctiveness of the landscape character of the District is conserved and enhanced; and new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. The identified harm in this regard, weighs heavily against the scheme.

Sustainable development?

The Council's spatial strategy

The Council's strategy for the delivery of new housing is set out by a number of policies within the CS and the HSA DPD. Policy CS1 of the CS sets out that the Council will need to deliver a minimum of 10,500 homes over the plan period (2006-2026). It is accepted by the Council that this housing requirement is out-of-date. The policy sets out 4 criteria by which new homes will be delivered. The proposal does not meet any of those listed. However, as worded, the Inspector considered that Policy CS1 is not entirely restrictive of development outside of these categories.

Policy ADPP1 of the CS sets out the Council's spatial strategy. This identifies that most development will be located within or adjacent to the settlements included within the settlement hierarchy. The policy sets out that West Berkshire's main urban areas will be the focus for most of the development and this includes Newbury. The appellant contends that because the site lies adjacent to Newbury, the site falls within the hierarchy and the scheme complies with Policy ADPP1. However, the last part of Policy ADPP1 introduces restraints on development outside of the settlement hierarchy, which includes open countryside.

The Council is of the view that, although the policy refers to the potential for development adjacent to a settlement, this must be considered in the context of Policy CS1, where such land would be allocated in a development plan document. The Inspector agreed with this view, namely because it distinguishes land adjoining a settlement from the settlement itself, and the District Settlement Hierarchy refers only to the settlement. As a consequence and despite its proximity to Newbury, he considered that the appeal site falls outside the settlement hierarchy and constitutes open countryside, particularly given it consists of an agricultural field. The final bullet point of Policy ADPP1 is therefore relevant, which only allows for limited development which addresses identified needs and maintains a strong rural economy. The proposal for 85 dwellings would not comply with this criterion and therefore conflicts with Policy ADPP1. Whilst he noted that there has been varying views on such matters in recent appeal decisions and he noted that at the Hilltop Inspector took a contrary view to his own, the most recent view on this matter relates to the two recovered appeals. In these cases, the SoS took a very similar view to his own and this again adds weight to his findings.

Policy ADPP2 of the CS identifies that Newbury will accommodate approximately 5,400 homes and that two large strategic allocations will deliver the majority of these homes at Newbury Racecourse and at Sandford Park. The policy also sets out that other development will come forward through existing commitments, infill development and the allocation of smaller extensions to the urban area in the HSA DPD. The proposal does not fit with any of these mechanisms. The appellant has suggested that sufficient homes have not been built or are unlikely to be built in Newbury. The Inspector acknowledged that the delivery of the Sandford Park Allocation has slipped. However, there is no indication that the site will not be delivered in the medium term and dwellings are being delivered at Newbury Racecourse. Further, the HSA DPD has recently been adopted and will also help to deliver new housing in Newbury. There is no evidence to suggest that the anticipated delivery from these sites has slipped to any great degree. In the context that the Council can demonstrate a five year housing land supply and given the above matters, there was no compelling evidence before him to suggest that the Council will not deliver sufficient homes in Newbury over the plan period in a plan-led manner.

The final policy of relevance in this regard, is Policy C1 of the HSA DPD, which relates to the location of new housing in the countryside. The policy sets out that there is a presumption against new residential development outside of settlement boundaries. There are exceptions to this, but the proposal does not meet any of those listed. The scheme therefore conflicts with Policy C1 of the HSA DPD.

As a result of these findings, he considered the scheme conflicts with Policies ADPP1 and ADPP2 of the CS and Policy C1 of the HSA DPD and does not comply with the Council's spatial strategy as set out in the development plan.

Weight to be afforded to the policies

The Inspector found that the Council can demonstrate a five year housing land supply. Consequently, in terms of Paragraph 49 of the Framework, and he considered that policies which relate to the supply of housing are not out-of-date. However, the appellant is of the view that the tilted balancing exercise set out in Paragraph 14 of the Framework is triggered, even if a five year housing land supply can be demonstrated, as the Council's policies that relate to the supply of housing and settlement boundaries are based on an out-of-date housing requirement.

It is common ground that the housing requirement of 10,500 dwellings within Policy CS1 of the CS is out-of-date and is not the Council's OAN. However, he was mindful that Policy CS1 sets out that the housing numbers are a minimum and importantly allows for its review over time to reflect updated housing needs. The Inspector had found that the Council can demonstrate a five year housing land supply against an appropriate OAN figure, even with the existing settlement boundaries in place. Given this, he considered that the Council's policies that relate to the supply of housing should not be considered out-of-date and therefore, the tilted balancing exercise in Paragraph 14 of the Framework and Policy NPPF of the CS is not engaged. This view is shared by the SoS in the two recently recovered appeal decisions, which add weight to his findings.

Turning to the policies' compliance with the Framework, the appellant has set out that Policy C1 of the HSA DPD is overly restrictive and is similar to Green Belt restrictions set out in the Framework. However, the Inspector considered the intention to protect the rural areas by restricting development outside defined settlement boundaries is not inconsistent with the

Framework, which recognises the inherent character and beauty of the countryside. Further, he was mindful that the HSA DPD and Policy C1 have only recently been found sound and adopted. One of the tests of soundness is the plan's consistency with national policy and the examining Inspector was content in the context of Newbury that Policy C1 was compliant with the Framework. Given the above, he saw no reason to take a different view. As a result, he considered that Policies CS1, ADPP1 and ADPP2 of the CS and Policy C1 of the HSA DPD are broadly consistent with the Framework and given his other findings should all be afforded significant weight.

Having regard to all of the above findings, the scheme conflicts with Policies ADPP1 and ADPP2 of the CS and Policy C1 of the HSA DPD, which carry significant weight. This also weighs heavily against the proposal.

Planning balance

It is accepted that there is a substantial need at the present time for affordable housing within West Berkshire and that the provision of 40% affordable housing would be a significant social benefit of the proposal. However, he was mindful that other housing schemes that would come forward through a plan-led approach would help to do the same, and it is highly likely that such developments would also be required to make provision for affordable housing. The same can also be said for the economic benefits of the scheme identified by the appellant. The Inspector considered that this, along with the presence of a five year housing land supply reduces the level of weight that can be afforded to the benefits of the housing. The appellant has set out that there would be benefits through the provision of new open space and through the CIL regime. However, he considered these to mitigate the impact of the proposal and therefore carry a neutral level of weight. Given all of the above, he considered that the social and economic benefits of the scheme, should collectively carry a moderate level of weight in favour of the scheme.

The Inspector accepted that in terms of access to local services and facilities, including public transport, the appeal site is relatively well located. However, he considered this to be a matter of neutral weight as it could be argued that this should be the case for all new development, particularly where the Council can demonstrate a five year housing land supply.

In conclusion on this main issue, the Inspector had found that the proposal would cause significant harm to the character and appearance of the area. Further, the appeal site is located outside of the existing settlement boundary of Newbury and does not comply with the Council's spatial strategy, which also weighs heavily against the scheme. The proposal would have social benefits through the provision of up to 85 new dwellings, including the provision of 40% affordable units. There would also be some associated economic benefits. The Inspector had found that the social and economic benefits of the proposed housing delivery should collectively carry a moderate level of weight in its favour.

On balance and weighing all of these factors against each other, he considered that the social and economic benefits of the scheme are not sufficient to outweigh the identified environmental harm and the associated development plan conflict. Overall, he concluded that the proposal does not comply with the development plan as a whole and does not constitute sustainable development in terms of the Framework.

Other matters

Interested parties have raised a large number of other concerns. However, as the Inspector was dismissing the appeal on other grounds, such matters do not alter his overall conclusion and have therefore not had a significant bearing on his decision.

Planning Obligations

The Council's third reason for refusal relates to the absence of a Section 106 agreement to secure necessary planning obligations. At the Inquiry the appellant provided a signed and dated Unilateral Undertaking (UU), which makes provision for affordable housing, the transfer of open space and a financial contribution for the recreational management of the Greenham and Crookham Common Site of Special Scientific Interest (SSSI).

The Council confirmed at the Inquiry that its third reason for refusal had been overcome. In addition, the appellant has contested the need to provide a financial contribution for the recreational management of the Greenham and Crookham Common SSSI. However, given that he was dismissing the appeal for other reasons, it is not necessary for him to consider these matters in any further detail.

Conclusion

For the reasons set out above and having regard to all other matters raised, the Inspector concluded that the proposal does not comply with the development plan as a whole and does not represent sustainable development in terms of the Framework. There are no material considerations which would warrant a decision other than in accordance with the development plan. The appeal is therefore dismissed.

DC