

Westrop Farm  
The Ridge  
Cold Ash  
Thatcham  
Berkshire RG18 9JA

Western Area Planning Committee  
West Berkshire Council

17 May 2020

Dear Councillor

**19/00832/REM**

**Land adjacent to Summerfield, The Ridge, Cold Ash**

**Western Area Planning Committee 20 May 2020**

Introduction

It is an established legal principle that a planning decision may be quashed if the overall effect of the officer report significantly misleads the committee members about material matters and these are left uncorrected: R v Selby District Council, ex parte Oxton Farms [2017] P.T.S.R. 1103.

Regrettably, the overall effect of the officer report into the above application does significantly mislead you about material matters.

I would particularly draw attention to five material matters.

Mass

In 2018, the Council refused the previous reserved matters application.

However, the massing of the proposed dwellings is materially *unchanged* since then.

The gross external area (“GEA”) of the 5 proposed dwellings for the refused application was 1,405m<sup>2</sup> (indicative drawings) or 1,518m<sup>2</sup> (scaled drawings).

The GEA for this scheme (scaled drawings) is 1,510m<sup>2</sup>. This is an *increase* of 105m<sup>2</sup> or a difference of only 8m<sup>2</sup>, respectively. The gross internal area (“GIA”) difference is only 27m<sup>2</sup>.

Whilst there is a “*Scale and massing*” section in the latest officer report, it does not draw members’ attention to the GEA or GIA figures. The paragraph 6.12 conclusion is based on incomplete analysis.

## Context

Paragraph 1.5 of the officer report, on site context, is significantly misleading.

The smallest GEA of the 5 proposed dwellings is 300m<sup>2</sup>, with the average being 302m<sup>2</sup>. By contrast, the GEAs of the two dwellings adjacent to the application site are only 188m<sup>2</sup> and 260m<sup>2</sup>. The average GEA of the 11 surrounding dwellings is 240m<sup>2</sup>.

The context is thus one of dwellings with a much smaller GEA than the GEA of the 5 proposed dwellings. The officer report fails to take this context into account.

Paragraph 1.5 of the officer report is also erroneous. Ridge End Barn is principally one-storey, to a height of 3.9m.

## Hedgerow

Paragraph 6.18 of the officer report relies upon the Tree Officer to support the assertion that the boundary hedgerow is not an “important” hedgerow for the purposes of the Hedgerow Regulations 1997.

The Tree Officer has relied upon the Pro Vision analysis. That analysis is limited to ecology considerations. There is no assessment of other criteria in the Hedgerow Regulations 1997. The 1840 tithe map shows that the hedgerow formed the parish boundary. Moreover, it marked the manorial boundary of the pre-1600 Manor of Thatcham.

The assertion that the hedgerow is not an “important” hedgerow for the purposes of the Hedgerow Regulations 1997 is clearly wrong.

I would add that the majority of the hedgerow will *not* be retained.

## Landscaping and AONB setting

The conclusions as to landscaping and AONB setting are tainted by the errors described above.

## Conclusion

I trust that, once the seriously misleading aspects of the officer report are corrected, you will once again refuse to grant reserved matters approval.

Yours faithfully,

Bernard Clark