

# Notes for Consideration at Stratfield Mortimer Parish Council Meeting on 12<sup>th</sup> January 2017 in connection with the Monkey Puzzle Field Planning Appeal

## Background

When SMPC through full Council and its Planning Committee considered the application to build up to 51 houses on the Monkey Puzzle Field late in 2015, there was unanimous agreement to object to the proposal. The representations we made at that point to West Berkshire are attached to the end of this note. The planning application was rejected by West Berkshire on a number of grounds including some of the points we had made directly. That decision by West Berkshire is now under formal appeal.

It has already been determined by the Appeals body that the determination of the appeal will be by way of full inquiry involving a public hearing likely to be held in Mortimer itself. That date was expected to be late in 2017. However it has just been announced (apparently with the agreement of WBC) that the hearing will be on 25-28 April and/or 3/4 May. This is very quick by the standards of appeals.

It is not compulsory for SMPC to make further comments or representations to the Appeal body. All the original representations including those we sent in will have already been passed on to the Planning Inspector. However, this is a matter of considerable interest in the village and particularly in connection with our neighbourhood development plan and the current position of that plan, I and others feel that we should be seen to be actively and currently involved.

At the end of these notes is a proposed resolution to be put to the full Council meeting on 12<sup>th</sup> January 2017 which essentially maintains our previous objections and confirms that we consider them currently valid even after considering the grounds for appeal.

## What are the grounds for appeal?

This is very difficult to summarise (the full case runs to 657 pages!) and the following points I think are correct although it would really take a planning expert to be certain of that:-

- There is strong and persistent criticism in the appeal of the claim failure of West Berkshire Council to implement and follow its own planning policies. Many of you will know that the acronyms used across Local Government planning are numerous and I can assure you that they nearly all appear in the appeal. No doubt similar claims appear in a lot of appeals but if those claims are true as stated there are potentially gaps in WBC's defence against the appeal.;
- Essentially the major claim is that because West Berkshire does not operate, implement or even develop its own policies correctly, then it makes the grounds for the refusal of the original application invalid. The appeal is less an attack on specific grounds such as dangerous access, situation outside the village line etc., though on those points the appeal does say (in sections 5 and 6) that such points are "in favour" of permission being granted.
- It might in principle be possible to return to those points in more detail if the appeal is allowed but it seems clear based on other cases that if the appeal is allowed, there will then

be a presumption that the outline of the plan as submitted can be developed even if smaller details remain to be settled. Without being able to be certain that the appeal is correct on any of its points, we do need to consider other factors. The cost of both the preparation of the case for the appeal, the demand for a full inquiry hearing and the costs of going through that hearing represent a substantial expenditure by the landowners / developer in addition to the process leading to the initial application. There must be at least the possibility that the appellant is confident of success;

- There is a clear and simple claim that the NDP is irrelevant to the application-through countering the argument that the application is premature.

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#### Summary and Recommendation

All the original grounds for our objection to the application remain valid. The temporary delays with the neighbourhood development plan will hopefully be resolved soon but we should be prepared to deal with the situation if that does not happen. I am therefore suggesting two steps: First, the motion be passed by the Council as set out below and secondly, that attendance at the appeal on behalf of the Parish Council and an application to speak be made. Part of the purpose for that is to try to ensure that an overstretched planning office in Newbury is able to fight the appeal properly.

#### Resolution

"We consider that the objections made by this Council to the original application reference 15/02784/OUTMAJ for housing development in the Monkey Puzzle Field in Mortimer remain valid and should be considered by the Appeal Inspector dealing with the appeal reference APP/W0340/W/16/3162905. Further, in connection with the appeal made, we would make the following additional comments:-

- The planning application against which the appeal is made is a matter of considerable interest and concern to our village. As a Parish Council, we would wish to attend and have a representative speak/give evidence at the inquiry to be held into the appeal;
- The appellant's statement of its case is complex with many references to national, regional and local authority specific planning policies and practices. We do not comment specifically on those policies but we consider that the substantial reasons for our original objection to the planning proposal including the developments already envisaged in the village under the neighbourhood development plan are so strong they should outweigh any concerns raised over the development and operation of policies."

**Councillor Tony Butcher**  
**6<sup>th</sup> January 2017**