

Statement of Common Ground

regarding the decision to refuse planning permission for the *Change of use of land to Gypsy/Traveller site comprising the siting of 1 mobile home and 1 touring caravan plus 1 dayroom*

and the service of enforcement notice regarding the alleged breach of planning control, *Without planning permission, the material change of use of the Land by the stationing of a mobile home for residential use (the "Unauthorised Development")*

on *Land Approximately 150 Metres South Of Brimpton Lane and West Of, Blacknest Lane, Brimpton Common, Reading*

Appeals made by **Mr. J. Slater** (*"the Appellant"*) under section 78 and 174 of the Town and Country Planning Act 1990 against the refusal of planning permission and service of enforcement notice by **West Berkshire Council** (*"the LPA"*).

PINS Ref: APP/W0340/W/24/3346878
APP/W0340/C/24/3351139

LPA Ref: 23/02984/FUL
23/00682/15UNAU

Appellant Ref: J004724
J005000

Areas of Agreement

The parties agree that, without prejudice to the issues in dispute the following matters are areas of agreement.

- The appeal site is located outside of any defined settlement boundary, and is within the Countryside area of the District.
- The appeal site is not located in a National Landscape.
- A Public Right of Way (BRIM/20/1) is situated to the east of the site.
- Relevant Policies of the West Berkshire Core Strategy 2006-2026 are:
 - ADPP1
 - ADPP6
 - CS7
 - CS8
 - CS13

- CS14
- CS16
- CS17
- CS18
- CS19
- Relevant Policies of the West Berkshire Housing Site Allocations Development Plan Document (2017) are:
 - C1
 - TS3
- There are no Noise related issues with the principle of a residential use.
- There are no Air Quality related issues.
- There are no Flood Risk related issues subject to securing suitable and deliverable surface and foul water management by planning condition.
- The development results in harm to the character and appearance of the area, the level of harm is disputed.
- Intentional unauthorised development has been undertaken at the site.
- The access would not result in an unacceptable degree of hazard to all users of the public highway.

Areas in Disagreement

The parties consider that the main issues in dispute within this appeal are,

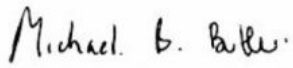


- On the basis of the “statement of personal circumstances” from the appellant’s agent dated January 2024, the LPA and the Rule 6 Party agree that the appellant have Gypsy and Traveller status as defined by Annex 1 of the PPTS. However, they are not able to record this as a matter of agreement because the Appellant’s statement has not yet been supported by satisfactory evidence (for example in the form of a statutory declaration) to support these assertions
- Whether or not the site is located within the open countryside.
- Whether the appeal site is in a sustainable location in relation to local services and facilities.

- Whether or not the site is in a “valued landscape” (NPPF paragraph 180).
- Whether or not the development would comply with policy CS8 of the current local plan (public safety in relation to AWE Aldermaston).
- The level of harm to the character and appearance of the area and whether this is outweighed other considerations.
- Whether the requirement in policy TS3 bullet point 14 first sentence of the current local plan (detailed planning considerations for traveller sites) have not been met for an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary.
- Whether or not the development complies with policies CS17 (conservation and enhancement of ecology and biodiversity) and TS3 bullet point 14 second sentence (detailed planning considerations for traveller sites) of the current local plan and whether it has been shown that any adverse impacts on ecology, biodiversity and the natural environment would be adequately mitigated or compensated.
- The impact of the intentional unauthorised development and the weight to be afforded to this matter in the planning balance.
- Whether or not the development would harm the setting of any designated heritage asset.
- Whether or not the development results in a loss of Green Infrastructure (“Open Grassland”).
- Whether the LPA can demonstrate a 5-year supply of deliverable pitches, the level of unmet need within the District, and whether there has been a failure of policy.
- Whether consideration should be given to the effect of allowing the appeal in terms of precedence and if so, if the appeal would, based on sufficient evidence, create, or be likely to create, a precedent for other development that would be cumulatively harmful.
- The weight afforded to the matters weighing against and in favour of the appeal.
- Whether or not there exists any material considerations, including need, supply, alternative sites and personal circumstances, which outweigh any identified harm.

- Whether 3 months is a suitable compliance period should the enforcement notice takes effect.

Declaration

This SoCG reflects those matters which have been agreed and is without prejudice to matters which are currently not agreed, notwithstanding any further future agreement which may be reached between the **Appellant, West Berkshire Council and the Brimpton Common Residents' Group (Rule 6)**.

LPA Signature		Date: 24 October 2024
Name	Michael Butler, Principal Planning Officer	
Rule 6 Party Signature		Date: 24 October 2024
Name:	Aaron Smith of Master Land & Planning Ltd on behalf of the BCRG	
Agent/Appellant Signature		Date: 24 October 2024
Name:	Brian Woods of WS Planning & Architecture - agent of the appellant	