

10th September 2024



Development & Regulation

Council Offices
Market Street, Newbury
Berkshire, RG14 5LD

Our Ref: 23/00682/15UNAU

Please ask for: Planning Appeals

Tel: 01635 519111

Email: appeals@westberks.gov.uk

Dear Sir/Madam

Appeal under Section 174 of the Town and Country Planning Act 1990

Site address:	Land To The East Of Blacknest Lane Brimpton Common Berkshire RG7 4RX
Proposal:	Appeal against an Enforcement Notice: material change of use of the land by the stationing of a mobile home for residential use
Enforcement reference:	23/00682/15UNAU
Appellant's name:	James Slater
Appeal reference:	APP/W0340/C/24/3351139
Appeal start date:	9th September 2024

I refer to the above details. An appeal has been made to the Secretary of State against an enforcement notice issue by West Berkshire District Council on **12th August 2024**.

The enforcement notice was issued for the following reasons:

- 1. The Unauthorised Development took place less than 10 years before the date of this notice.*
- 2. The Unauthorised Development lies in the countryside, outside any defined*

settlement boundary, where there is a general restriction on new development which does not fall within one of the exceptions in the Local Plan. Specifically, Policy C1 of the Housing Site Allocations DPD (2006-2026) sets out a presumption against new residential development outside of the settlement boundaries. The Unauthorised Development does not fall within those exceptions. Nor does the Unauthorised Development meet the criteria for sites for gypsy, traveller and travelling showpeople pitches which are outside settlement boundaries. The Unauthorised Development is considered to be contrary to Policies ADPP1, ADPP6 and CS7 of the Core Strategy.

3. *The Unauthorised Development does not meet the requirements for the design of the travellers sites, contrary to policy TS3 (Detailed Planning Considerations for Travellers Sites) of the Housing Site Allocations DPD (2006-2026).*
4. *The Unauthorised Development lies within the Detailed Emergency Planning Zone (DEPZ) for Aldermaston where there is a need to protect continuing operational defence capability of the AWE site which is prejudiced by additional residential development. It is therefore contrary to policy CS8.*
5. *The Unauthorised Development is harmful to the character and appearance of the area by reason of its urbanising visual impact, contrary to policy CS19.*
6. *The Unauthorised Development lies in an area where it is likely that needs will be found in the absence of information to show how biodiversity will be maintained it is considered contrary to policy CS 17.*
7. *Access to the unauthorised development does not meet the requirements for HGV turning circles and is harmful to highway safety, contrary to policy CS13.*
8. *The Unauthorised Development is harmful to the use and enjoyment of Green infrastructure, contrary to policy CS18.*
9. *The purpose of this notice is the remedy of the breach of planning control and the council does not believe that there are any steps short of those stated above which would achieve the purpose.*

The enforcement notice requires the following steps to be taken:

- A. *Cease the residential use of the Land;*
- B. *Remove from the Land the mobile home ~~in the approximate position marked with an X on the plan;~~*
- C. *Take the following additional actions:*
 - *Disconnect the electricity supply and remove all electrical supply apparatus from the Land,*
 - *Remove from the Land all septic tanks, water tanks and associated pipework,*
 - *Remove from the Land all field shelters, all fencing and gates,*
 - *Remove from the Land all hardstanding;*

All of which facilitate the Unauthorised Development; and

D. Remove from the Land all debris associated with the above steps

The appellant has appealed against the notice on the following grounds:

- **Ground (a):** That planning permission should be granted for what is alleged in the notice.
- **Ground (b):** That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
- **Ground (g):** The time given to comply with the notice is too short.

The appeal will be determined on the basis of an **inquiry**. The procedure to be followed is set out in the Town and Country Planning Appeals (Determination by Inspectors) (Inquiry Procedure) (England) Rules 2000, as amended. We will write to you again in due course to give you details of the Inquiry date and venue.

Applying for Rule 6 status

For any group or organisation who wish to take an active part in the Inquiry, the opportunity is available to apply for what is known as Rule 6 status. Although unusual, there is also scope for interested individuals to take part on the same basis. Rule 6 status means that you would be able to present your evidence on a formal basis and cross examine the evidence of others. You can find guidance at the following link:

<https://www.gov.uk/government/publications/apply-for-rule-6-status-on-a-planning-appeal-or-called-in-application>

Arrangements for the Inquiry are currently being finalised by the Planning Inspectorate. These will include a pre-Inquiry conference call with the lead parties to deal with procedural and administrative matters, including how the evidence will be heard. It is anticipated that any Rule 6 party would also be a part of that process. If, having read the above guidance, you wish to apply for Rule 6 status and/or have any related questions, you should contact the Planning Inspectorate immediately. If you are interested but are unable to access the guidance electronically, again, you should contact the Planning Inspectorate who will try and assist.

If, having read the above guidance, you wish to apply for Rule 6 status it is essential that you contact the Planning Inspectorate immediately.

Making, modifying or withdrawing representations

If you wish to make comments, or modify/withdraw your previous representation(s), you must make this request to the Planning Inspectorate, you can do so online at <https://acp.planninginspectorate.gov.uk>. If you do not have access to the internet, you can send your comments to:

Amy Booth
Room 3B
Temple Quay House
2 The Square
Bristol

BS1 6PN

All representations must be received no later than 21st October 2024. Any representations submitted after the deadline will not usually be considered and will be returned. The Planning Inspectorate does not acknowledge representations. **All representations must quote the Inspectorate's appeal reference: APP/W0340/C/24/3351139.**

Please note that any representations you submit to the Planning Inspectorate will be copied to the appellant and this local planning authority and will be considered by the Inspector when determining the appeal.

The appeal documents are available for inspection at the Market Street Council Offices during normal working hours, or online at <https://publicaccess.westberks.gov.uk> using the Council's application reference: .

You can get a copy of one of the Planning Inspectorate's "Guide to taking part in planning appeals" booklets free of charge from GOV.UK at: <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal> or from us.

When made, the decision will be published online at: <https://acp.planninginspectorate.gov.uk>

Yours faithfully

Planning Appeals Team