



The Planning Inspectorate

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Kiaran Roughan
Planning Manager
Reading Borough Council

Your Ref:

Our Ref: APP/E0345/W/16/3160994
APP/E0345/W/16/3162360

Sent via e-mail

Date: 22 June 2017

Dear Mr Roughan

**APPEAL BY MR M & MRS G GARG – LAND ADJACENT 26 WOODS ROAD,
CAVERSHAM, READING, RG4 6NA**

**APPEAL BY MR M CHAMBERLAIN – 153 HEMDEAN ROAD, CAVERSHAM, RG4
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Thank you for your letter of 6 March, regarding the above planning appeals. Your letter has been passed to me for reply as a member of the Customer Quality team whose role is to deal with post appeal decision issues and correspondence. Please accept my apologies for the time taken to respond.

Careful consideration has been given to your concerns regarding the reasoning in these decisions in relation to the provision of affordable housing and inconsistency between Inspectors in determining appeals on small site affordable housing provision. In order to inform my investigation of these matters I have sought feedback from the Inspector together with the views of our Director of Inspectors.

As you will be aware planning legislation and case law require that each individual appeal is determined on its own planning merits and on the basis of the evidence put before the Inspector. Circumstances will vary between similar proposals and the balance of argument will differ so resulting in different appeal outcomes. The law does not require all decisions to be "consistent", rather that, where proposals are similar, explanations are given for the differences. Case law does require the explanation of differences with other Inspectors' decisions and unfortunately, in these appeals, the Inspector rather than do that or explain that he cannot do so because he has not seen the relevant evidence, appears to make his own assertions. This was a failure to demonstrate that a relevant material consideration was taken into account.

It is further acknowledged there is a lack of reasoning by Inspector in these appeals. His considerations appear to have incorrectly not started with the development plan and then considered the Written Ministerial Statement of 28 November 2015 (WMS) as a material consideration. Rather, despite acknowledging the development plan

policies in the decision letters, in practice he has used the WMS as the starting point of his considerations.

This was not an appropriate approach as the effect of the WMS was not to reduce the weight that should be given to the statutory development plan, or automatically to outweigh relevant development plan policies. Local policies still have weight as the starting point from S.38(6) of the Planning and Compulsory Purchase Act and the WMS comes into play as a material consideration which post-dates the plan, and which has to be balanced against the plan and the evidence base supporting the LPA's application of the policy. The decision maker therefore has discretion in applying his or her judgment as to where the balance should lie, drawing on the evidence presented.

The correct approach, if minded to allow an appeal in such circumstances, would be for an Inspector to start with the development plan and any evidence presented by the LPA supporting the need for an affordable housing contribution, establish whether the proposal is in conflict with those policies if no contribution is provided for, and, if there is conflict, only then go on to address the weight to be attached to the WMS as a national policy that post-dates the development plan policies.

With the above in mind, it is fully accepted that there are regrettably failures in both approach and judgement in these appeals. Please accept my sincere apologies on behalf of the Planning Inspectorate that these appeal decisions fall short of expected standards and for any subsequent inconvenience caused. We do aim to take forward lessons such as this constructively. The Inspector and his manager have been informed that your complaints have been upheld and in moving forward, I can advise our internal Inspector guidance is in the process of being updated and strengthened to ensure, as far as a possible, that such errors do not occur again.

Yours sincerely

Chris Pritchard

Customer Quality