



**2<sup>nd</sup> September 2022**

**Councillor Wayne Smith, Chairman “Say No to 200 Houses in Hurst Group” and Chairman of Hurst Parish Council.**

Dear Wayne,

The Hurst Village Society (HVS) Committee met last night to consider a request from yourself as Chairman of the “Say No to 200 Houses in Hurst” working group for funds to be contributed by the Society to pay for a QC’s review of the Planning Inspectorate’s Decision Report on land at the junction of Sawpit Road and School Road Hurst. The QC’s review would focus in particular on whether there was any evidence to suggest that the Inspector had erred in law or had ignored any vital information in making his decision and if so what was the likelihood of success if this decision was challenged in the High Court through the Judicial Review process. If successful, members of the Committee were mindful that this could be the first step in a very lengthy and costly legal process, with an uncertain outcome, and if unsuccessful it would do nothing to change circumstances.

Following a lengthy and informed discussion the Committee was unanimous in deciding that it was not appropriate to expend Hurst Village Society funds for this purpose at this time. Committee members were aware that £7000 was the likely cost to engage the QC of your choice, a highly eminent Planning Silk, but that in the event of him being unavailable at such short notice, using an alternative QC but based in the same Chambers the cost was likely to be less at approximately £3500 to £5000. However the decision to release funds even at this reduced level was still

deemed not appropriate or in the best interests of the membership of the Society as a whole at this time.

Prior to the meeting members had the opportunity to examine in detail the response of officers of Wokingham Borough Council (the principle aggrieved party as a result of this Planning Inspectorate decision) who unequivocally stated that in their “opinion there are no grounds for challenging the decision”; an extract from The National Planning Policy Framework, Paragraph 11 and footnote 8; and also background information as to the Judicial Review process and in particular challenging a Planning Inspector’s decision. The latter was seen as very important because even if the matter did proceed to the High Court and the challenge was upheld, a different Inspector would then be appointed to reconsider the Appeal, and who whilst avoiding the mistake of the previous Inspector might still reach the same decision.

With this information to hand members of the Committee agreed that at each stage of the process the chances of success are very low and the named parties in any challenge would be faced with ever increasing costs, with the added risk that were the challenge ultimately to be rejected costs may be awarded against them. In addition if the Planning Inspectorate were unsuccessful in defending any action they more than likely would seek leave to appeal in The Court of Appeal and possibly onwards to The Supreme Court, further escalating the potential cost.

HVS voiced its objection to the Sawpit Road application when it was first made, and reiterated its objection during the Appeal process. However, now that the Inspector has concluded that Wokingham Borough Council does not have a five year land supply in terms of housing, and that delays in delivering an updated Local Plan means that critical planning policies might only be afforded little or no weight in any future appeals, the major question is whether deciding not to invest in seeking a Judicial Review of this particular application would have any affect on the Village’s ability to successfully object against current or future potentially much larger planning applications, with much greater adverse impacts. The Committee were satisfied that each and every planning application in the Borough will continue to be decided on its own individual merits, and in particular, where as a result of this Planning Inspector’s decision the “tilted planning balance” concept will have to be applied, permission cannot be granted even on Appeal where the adverse impacts of the application significantly and demonstrably outweigh the benefits. The Committee were content that it does not therefore mean that in the immediate future the Planning Authority will never be able to refuse development or that they are certain to lose all Panning Appeals from now on.

I hope that I have been able to convey to you that the decision by the HVS Committee not to release funds in accordance with your request was not taken

# Hurst Village Society

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lightly but as a result of an informed discussion taking account of compelling information.

The Society of course remains committed to working with all other interested groups and individuals in protecting the unique character of the village of Hurst and its immediate surrounds.

Yours sincerely,

John Osborne on behalf of The Hurst Village Society Committee