

Material Misdirection, Mount Cook Breach, and Procedural Unfairness – Application 253071 (Land West of Park Lane)

Submitted by: Sarah Beere

Dear Councillor Conway, Ms. Parsonage and Mr. Vaughan

I'm writing to formally elevate our position regarding Reserved Matters Application 253071, following a highly defensive response received this evening from Andrew Moulton, Service Director Governance.

As a matter of critical record, neither the Chief Executive's office nor the planning department has acknowledged or responded to my formal correspondence dated 12th July 2026 (chained below). The council has had ample time to resolve this spatial conflict. This total lack of administrative engagement, combined with the repeated data view blackouts suffered by the WBC planning portal during the final weeks of determination, means the statutory public consultation process has been handled in a manner that is procedurally unsafe and contrary to the principles of natural justice.

While we welcome Mr. Moulton's formal legal concession that the "Made" Charvil Neighbourhood Plan holds full statutory weight at the date of decision under Section 38(6), the remainder of his response confirms a profound misdirection of planning law.

To ensure absolute clarity ahead of the publication of the Case Officer's report, we are setting out the council's exact legal exposure regarding the *Mount Cook* precedent:

The True Threshold of the *Mount Cook* Exception

Mr. Moulton asserts that under *R (Mount Cook Land Ltd) v Westminster City Council*, the council is not required to consider alternative layouts. This is an incorrect application of the law to the facts of this case.

While the baseline judgment states an alternative layout is not *normally* a material consideration, subsequent High Court jurisprudence establishes a strict exception where an alternative must be treated as a binding material consideration:

- **The Prime Scheme Causes Clear Planning Harm:** Bellway's current layout collapses a contractually promised 10m green buffer down to 3m against our property flatly violating Policy CHARVIL 1 (village edge transition) and Policies CHARVIL 7 & 9 (sustaining mature canopy cover). A 3m strip cannot physically sustain a mature canopy. The prime scheme therefore causes distinct, unmitigated planning harm.
- **The Alternative Scheme is Viable and Serves the Public Interest:** *The Planning Voice Blueprint* is a professionally drawn, 100% density-neutral layout that unlocks the 10m+ green buffer while keeping Bellway's 75-dwelling target completely intact. It directly resolves the harm of the prime scheme at zero cost.

The Developer Concession Evaporates the Council's Defense

In a standard planning dispute, a local authority can try to reject an alternative layout by claiming that enforcing it would cause undue delays, threat of appeal costs, or non-delivery of housing targets.

Your planning department has zero such defense here. We holds explicit, written confirmation from Bellway Homes' Land Director, Craig Duncan, dated 8th July 2026 (publicly available on your own planning portal), explicitly shifting the determination mandate to the council. Mr. Duncan states:

"I can however confirm we will not be making any amendments to our proposed development plans unless Wokingham Borough Council consider our latest development proposals do not comply with any of their local planning policies or the NPPF."

Because Andrew Moulton has now formally conceded that the "Made" Charvil Neighbourhood Plan forms part of your statutory local planning policies, and because a 3m squeeze physically cannot comply with the village-edge canopy requirements of Policies CHARVIL 1, 7, and 9, the trigger condition set by the developer has been met.

The developer is explicitly waiting for your instruction. Any attempt by officers to push through a harmful, non-compliant 3m layout when the developer has openly committed to amending the plans upon your policy directive constitutes acute *Wednesbury unreasonableness*.

Mandatory Requirement for the Case Officer's Report

Mr. Moulton states that the upcoming committee report will set out how the Neighbourhood Plan has been taken into account.

To ensure transparency, we demand a dedicated, explicit section within the published Case Officer report providing a detailed written explanation as to why officers are actively advising the Planning Committee to reject *The Planning Voice Blueprint*.

If the Case Officer fails to legally justify why a density-neutral, developer-approved solution to a clear policy breach is being dismissed, the report will be fundamentally flawed. The Planning Committee will be missing vital material information, rendering any subsequent vote to approve legally unsafe.

Immediate Action Required

WBC has had ample opportunity to coordinate this minor layout adjustment. As Ward Councillor Leon Cook has formally listed this application to strip delegated powers, we formally request that officers immediately instruct Bellway to implement the amended 10m+ layout within the current determination framework, avoiding any unnecessary procedural delays.

This correspondence will be published on the public planning portal to ensure total procedural transparency.

We are fully prepared to protect our properties through the higher courts and will submit this entire correspondence trail as prime evidence of administrative pre-determination.

Yours sincerely,

Sarah Beere and Mike Cordrey