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Our ref: 123

Martina Mackin
Planning Department
Bracknell Forest Council
Time Square
Market Street
Bracknell
RG12 1JD

RECEIVED

21/00092/REM
24.02.21



Dear Ms Mackin

21/00147/REM: Land at Towsbourne, Winkfield Lane, Winkfield, SL4 4QU

I write in reply to your letter of 12 February 2021. Enclosed are drawings 484-SK-115 (garage plans) and an updated 484-SK-105 (roof plan showing rooflights, which are to be flush).

Whilst writing I want to raise one issue that has come to my attention since the date of your letter. A pre-application submission was made on the same site for a house of different design and the response has recently been received (PRE/20/00224). My clients have been considering various options for the new house, hence why that was pursued by the project architects at the same time as this formal Reserved Matters application. I have noticed that in PRE/20/00224 the Planning Officer said that, as those drawings showed a different width, depth and position of garage to the outline permission, then there would be a change from the layout approved at the outline stage. Hence, the Officer considered any such submission would not be treated as a Reserved Matters application, with support for that opinion said to arise from *R(Morland) v West Wiltshire DC and Persimmon Homes* [2016] with the view given that that case does not allow for illustrative drawings.

That assertion is not correct and, as the current RM submission in 21/00147/REM also shows a different width, depth and position of garage, I write to clarify the legal position.

‘Scale’ is defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as *‘the height, width and length of each building proposed within the development in relation to its surroundings’*. ‘Appearance’ is defined as *‘the aspects of a building or place within the development which determines the visual impression the building or place makes, including the external built form of the development...’* etc, whilst ‘layout’ is defined as *‘the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces’*



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outside the development'. Thus, consideration of the height, width, length and visual impression of every building can be considered at this Reserved Matter submission. The approved layout shows where the buildings, etc, are situated on the site and relate to other buildings and spaces off the site.

This is in fact supported by the ruling in *Morland* as it actually affirms the position that drawings in outline are indicative. The judgement was concerned chiefly with, on the facts of that case, whether an application for RM would allow an area shown on the outline permission's masterplan to be a district to instead be developed as housing at the Reserved Matters stage. Sullivan J agreed that (emphasis added):

6. Accepting, as I do, that the master plan was illustrative rather than intended to be definitive in any detailed way, it was still intended to illustrate or indicate something. Minor revisions of boundaries and realignments of the highways would undoubtedly be within the scope of such an illustrative plan. However what are required within the broad area set aside for the district centre are district centre uses and not residential development which is not ancillary to the district centre

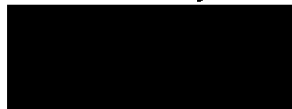
7. As I say, the master plan certainly left scope for adjustments to some degree as to the size and/or precise location of the district centre. It is interesting to note that the highway network - at least in the vicinity of the site - is broadly as illustrated on the master plan. It shows the extent to which the master plan was able to guide the development, allowing sufficient flexibility but still with the development being carried out broadly in accordance with the illustrative proposals.

8...The interested party's submissions amount, in effect, to a contention that the master plan should be disregarded and treated as no more than a red line around the site. This was not a bare outline. The master plan was incorporated in the permission. It is one thing to say that the master plan can be regarded as illustrative and/or indicative, it is another thing to say that it can be set entirely on one side so that rather than district centre uses on the area (indicated for a district centre) one has a substantial amount of residential development.

Thus, a proper reading of *Morland* shows that, far from saying plans cannot be treated as illustrative, confirms they are to be treated that way, if the facts of the case allow it. And, in this instance at my clients' land, the other Reserved Matters confirm that the scale, appearance and landscaping are all matters that can now legitimately be assessed within the framework established by outline permission 19/00140/OUT.

My clients and I trust this clarifies matters and look forward to the registration of the 21/00147/REM.

Yours sincerely,



Christian Leigh