

16<sup>th</sup> December 2025.

**To:** Councillors Phil Barnett, Jo Day, Sam Dibas, Nigel Foot, David Harman, Roger Hunneman, Ian Jee, David Marsh, Vaughan Miller, Andy Moore, Graham Storey, and Tony Vickers

**Substitutes:** All remaining Members of the Council

Dear Councillor,

You are summoned to attend a meeting of the **Planning & Highways Committee** on **Monday 22<sup>nd</sup> December 2025 at 7:30pm.**

The meeting will be held in the Council Chamber, Town Hall, Market Place, Newbury, RG14 5AA. The meeting is open to the press and public and will be streamed via Zoom:  
<https://us02web.zoom.us/j/86379150477?pwd=KQqQkd3tGR4rF5wLY8F0ZArOMZRKII.1#success>  
Meeting ID: 863 7915 0477      Passcode: 885325



**Toby Miles-Mallowan**  
Chief Executive Officer

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#### **AGENDA.**

- 1. Apologies**
- 2. Declarations of Interest and Dispensations**  
**To receive** any declarations of interest relating to business to be conducted in this meeting and confirmation of any relevant dispensations.
- 3. Minutes (Appendix 1)**  
**To approve** the minutes of a meeting of the Planning & Highways Committee held on Monday 24<sup>th</sup> November 2025.
- 4. Questions and Petitions from Members of the Public**  
Questions, in writing, must be with the Chief Executive Officer by 2pm on Friday 19th December 2025
- 5. Members' Questions and Petitions**  
Questions, in writing, must be with the Committee Clerk by 2pm on Friday 19<sup>th</sup> December 2025

Town Hall, Market Place, Newbury, RG14 5AA

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- 6. Schedule of Planning Applications (Appendix 2)**  
To **comment** on the planning applications listed at the attached schedule.
- 7. KPI'S FOR PLANNING AND HIGHWAYS COMMITTEE**  
To **review** KPI's presented by CEO
- 8. Protecting Heritage Assets in Newbury Paper (Appendix 3)**  
To **review** and **recommend** paper for adoption
- 10. Procedure for supporting the use of Section 215 notices review (Appendix 4)**  
To **receive** and **review** draft procedure
- 11. Update from Western Area Planning**  
To **receive** updates from Western Area Planning
- 12. Forward Work Programme for Planning & Highways Committee (Appendix 5)**  
To **note** and to agree any other items that Members resolve to add to the Forward Work Programme.

**MINUTES OF A MEETING OF THE PLANNING AND HIGHWAYS COMMITTEE HELD IN THE  
COUNCIL CHAMBER, NEWBURY TOWN COUNCIL, MARKET PLACE, NEWBURY ON  
MONDAY 24<sup>th</sup> November 2025 AT 7.30PM.**

**PRESENT**

Councillors Phil Barnett, Jo Day, Sam Dibas, Billy Drummond (sub Roger Hunneman), Nigel Foot, Ian Jee, David Marsh, Vaughan Miller, Andy Moore (Chair), Graham Storey and Tony Vickers.

**IN ATTENDANCE**

Toby Miles-Mallowan, Chief Executive Officer.

**78. APOLOGIES**

Councillors David Harman and Roger Hunneman (Substitute Billy Drummond).

**79. DECLARATIONS OF INTEREST**

The Committee Clerk declared that Councillors Phil Barnett, Billy Drummond, David Marsh and Tony Vickers who are also Members of West Berkshire Council, which is declared as a general interest on their behalf and a dispensation is in place to allow them to partake in discussions relating to West Berkshire Council business.

Cllrs Phil Barnett, Sam Dibas and Billy Drummond are members of other Parish Councils, which is declared as a general interest on their behalf and a dispensation is in place to allow them to partake in discussions relating to their Parish Council business.

**80. MINUTES**

**PROPOSED:** Cllr Billy Drummond

**SECONDED:** Cllr Sam Dibas

**ABSTENTION:** Cllr Jo Day

**RESOLVED:** That the minutes of the meeting of the Planning & Highways Committee held on Monday 27<sup>th</sup> October, be approved, and signed by the Chairperson.

**81. QUESTIONS AND PETITIONS FROM MEMBERS OF THE PUBLIC**

None received

**82. MEMBERS' QUESTIONS AND PETITIONS**

Question received from Cllr Tony Vickers:

*Will this Council investigate the demand for more regular town bus services and how we might use our Power of General Competence to help meet that demand with minimum impact on the town precept, following the example of other towns, some of which are far smaller than Newbury, such as Totnes in Devon which Cllr Martha Vickers and I know well? And does the Chairman agree that now is the time to do this – before we finalise our annual Strategy review*

Thank you for the question. Before proposing interventions, I recommend we first establish exactly what the problem is across Newbury and Thatcham and agree to work in partnership with West Berkshire Council and others. Whether we commit resources to this will be a matter, as you suggest, to be considered during our Strategy deliberations.

Question Received from Cllr Dibas:

*When can WBC come to our P&H meeting or Town Council to present their findings (the public feedback and the BID team, surveys) It will be great to see what positive/negative. It has been 6 months, and it will be good to understand what is next. I want this committee to debate and discuss future plans and have a say in what comes next.*

Thank you for your question. We fully recognise the need for clarity around the pedestrianisation pilot and the importance of understanding both the positive and negative impacts identified over the past six months. It is entirely appropriate that the Planning & Highways Committee, as well as Full Council, should have the opportunity to review this information and contribute to discussions about future plans.

At present, West Berkshire Council and Newbury BID are jointly undertaking the data collection and consultation work associated with the pedestrianisation pilot. This includes:

- Public feedback gathered through WBC's online consultation channels
- Input from local businesses through BID-led surveys and footfall/spend monitoring
- Engagement activity taking place between WBC's transport/economic development teams and BID representatives

Newbury Town Council is a stakeholder in this process; however, at this stage:

- NTC has not carried out its own consultation,
- Officers have not been asked to undertake analysis, and
- No budget has been allocated for NTC to commission independent evidence or studies.

### 83. SCHEDULE OF PLANNING APPLICATIONS

Resolved that the observations recorded at Appendix 1 to these minutes be submitted to the planning authority.

### 84. NOTICE OF APPLICATION MONUMENT CONSENT

**Proposed:** Cllr Graham Storey

**Seconded:** Cllr Andy Moore

**Resolved** Newbury Town Council would prefer that the Monument is not impacted at all, but it is happy for this Garden Office Pod to be installed within the Monument area provided that it does not impact on the integrity of the Round Barrow.

### 85. APPLICATION FOR A DEFINITIVE MAP MODIFICATION ORDER

**Proposed:** Cllr Tony Vickers

**Seconded:** Cllr Graham Storey

**Resolved** to support the application to record Moor Lane, Speen as a Public Footpath

**86. PARKING SCHEMES AMENDMENT 37**

**Area Code AL75:** No Comment

**Area Code AL77/78:** Support as long as residents are informed properly and that the Parking Permit Zone is in place prior to implementation.

**Area Code AL79:** Support amendment

**Area Code AN72:** No Objection

**Area Code AP75:** Not within Town Boundary

**87. KPI'S FOR PLANNING AND HIGHWAYS COMMITTEE**

For CEO to present KPIs at the next meeting.

**88. BUDGET AND STRATEGY**

CEO presented an overview of the budget for Planning and Highways and agreed to present the budget for the Neighbourhood Development Plan to the December meeting given the importance of completing the work.

**89. REVIEW OF TERMS OF REFERENCE**

**Proposed:** Cllr Tony Vickers

**Seconded:** Cllr Andy Moore

**Resolved** to **keep** quorum at 7, to **amend** c to: *it comments on transport and highways issues that affect the access in and to the Newbury Town area.*

**90. REVIEW OF P&H COMMITTEE WORKING GROUPS TERMS OF REFERENCE**

The six subsidiary groups to P&H are invited to suggest any amendments to their ToRs at their next meetings for review by the parent committee.

**91. UPDATE FROM WESTERN AREA PLANNING**

November's meeting had been cancelled.

**92. FORWARD WORK PLAN**

Forward Work Plan **received** and **updated**.

**THERE BEING NO OTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 20.55 HRS**

CHAIRPERSON

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Planning and Highways Committee Meeting Schedule of  
Planning Applications to be considered.**

**Monday 24<sup>th</sup> November 2025**

<b>Running Order</b>	<b>Resolution</b>	<b>Application Number</b>	<b>Location and Applicant</b>
1.	No Objection	<a href="#"><u>25/02347/HOUSE</u></a>	10 Newport Road Newbury RG14 2AR Mr & Mrs Ower
2.	No Objection	<a href="#"><u>25/02253/HOUSE</u></a>	5 Westlands Road Newbury RG14 7JY for Mrs Smith
3.	No Objection	<a href="#"><u>25/02442/HOUSE</u></a>	23 Abbots Road Newbury RG14 7QW for Mr and Mrs Russell
4.	No Objection	<a href="#"><u>25/02494/HOUSE</u></a>	21 Mount Close Newbury RG14 7QR for Mr Michael Dines
5.	No Objection	<a href="#"><u>25/02569/HOUSE</u></a>	19 Battery End Newbury RG14 6NX for Mr and Mrs Stacey
6.	Support Application	<a href="#"><u>25/02379/FUL</u></a>	Merlion House West Mills Newbury RG14 5HP for Mr Mark Goldsmith
7.	No Objection	<a href="#"><u>25/02418/FUL</u></a>	21 St Nicholas Road Newbury RG14 5PR for Mr & Mrs Sam Vine
8.	No Objection	<a href="#"><u>25/02362/FUL</u></a> & <a href="#"><u>25/02363/LBC</u></a>	Georgian House 67 – 71 London Road Newbury RG14 1JN for Mr Stewart
9.	No Objection	<a href="#"><u>25/02638/LBC</u></a>	Georgian House 67 - 71 London Road Newbury RG14 1JN
10.	No Objection	<a href="#"><u>25/02501/HOUSE</u></a>	38 Gloucester Road Newbury RG14 5JR for Mrs Louise Ordish

**Planning and Highways Committee Meeting Schedule of  
Planning Applications to be considered.**

**Monday 22<sup>nd</sup> December 2025**

<b>Running Order</b>	<b>Ward</b>	<b>Application Number</b>	<b>Location and Applicant</b>	<b>Proposal</b>
1.	CLAY HILL	<a href="#">25/02685/HOUSE</a>	66 Turnpike Road Newbury RG14 2NF for Mr Marcus Tu	Proposed single storey rear extension and front porch extension.
2.	CLAY HILL	<a href="#">25/02612/HOUSE</a>	21 Fieldridge Newbury Berkshire RG14 2QD for Mr Walton & Miss Hollins	Single storey lean-to-side extension with internal alterations and removal of chimney stack.
3.	CLAY HILL	<a href="#">25/02755/LBC</a>	43 Shaw Road Newbury RG14 1HG for Mrs Celina Hands	Replacement of rear upper floor bedroom and bathroom windows with PVCU double glazed units. The current windows are not original to the building.
4.	CLAY HILL	<a href="#">25/02757/PACOU</a>	Measurement House Newbury Business Park London Road Newbury RG14 2PZ for Mr H Schneck	Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E) to form 35 apartments.
5.	EAST FIELDS	<a href="#">25/02712/FUL</a>	Bramble Court Queens Road Newbury RG14 7FP for Mr Sam Hilsum	Replacement of windows and doors
6.	WASH COMMON	<a href="#">25/02766/HOUSE</a>	1 Bell Holt Newbury RG14 6TH for Chandra and Venkata Naga Narala Mandali	Demolition of existing conservatory, proposed single storey rear extension, proposed first floor side extension and new obscure-glazed ground-floor window on the side elevation.
7.	WASH COMMON	<a href="#">25/02586/HOUSE</a>	10 Bartlemy Close Newbury RG14 6LE for Mr and Mrs Osnat	Single storey rear and side extension
8.	WASH COMMON	<a href="#">25/02643/HOUSE</a>	11 Bunkers Hill Newbury RG14 6TF for Mr & Mrs P Parks	Demolition of existing garage and conservatory. Erection of two storey side and single storey rear extensions and raise of roof over

				existing single storey side element. Addition of extended dropped kerb and x1 parking space.
9.	WASH COMMON	<a href="#">25/02836/HOUSE</a>	9 Enborne Gate Newbury RG14 6AZ for Mr and Mrs de Quidt	Timber Orangery and replacement door and 2 windows
10.	WASH COMMON	<a href="#">25/02609/RESMAJ</a>	Land East Of Newbury College Monks Lane Newbury	Reserved matters of appearance, layout and scale applicable to Phase 3 identified on the approved phasing plan (drawing no. 50873 P1-11) of approved application 22/02754/OUTMAJhttp
11.	WEST FIELDS	<a href="#">25/02339/FUL</a>	Fitzgerald Court Pembroke Road Newbury RG14 1BW for Habinteg Housing Association Ltd	Replacement of existing timber windows and doors with wood effect uPVC windows and doors with matching profiles
12.	WEST FIELDS	<a href="#">25/02326/ADV</a>	New Look 66 - 67 Parkway Shopping Centre Newbury RG14 1AY for Mr Anthony Dobbie	Proposed signage: 4x external, W-3,7 m, H-1,7 m non-illuminated vinyl signage, 4x vinyl logos, W-0,8 m, 1x Linear internally illuminated Sports Direct sign and 1x Re-use bus sign with new vinyl SD stacked logo on both sides of glass.
13.	WEST FIELDS	<a href="#">25/02636/HOUSE</a>	6 Salcombe Road Newbury RG14 6ED for Mr Simeon Kempshall	Single storey rear extension and Loft conversion with 2no. front rooflights.
14.	WEST FIELDS	<a href="#">25/02680/ADV</a>	Georgian House 67 - 71 London Road Newbury RG14 1JN for Mr Stewart	Sign directing clients to car park. Signs showing designated car parking spaces. Signs with name of applicant (Horsey Lightly Solicitors). Signs offering directions to reception. Etching on glass door.
15.	WEST FIELDS	<a href="#">25/02747/PASSHE</a>	22 Gloucester Road Newbury RG14 5JP for Mr and Mrs Kingston	Application to determine if prior approval is required for a proposed: Single storey rear infill extension. Dimensions 3.920m beyond rear wall, 2.916m height, 2.695m eaves height
16.	WEST FIELDS	<a href="#">25/02840/LBC</a>	102A And 103 Bartholomew Street Newbury RG14 5DY for James Byng	Maintenance work to existing front elevation of roof to 102a-103 Bartholomew Street, stripping off failing clay tiles and battens. To replace with a membrane felt, new battens and handmade clay roofing tiles, nibbed and clout nail fixed. Replace gutters and down pipes with new cast iron fittings.





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## **Protecting Heritage Assets in Newbury**

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## INTRODUCTION

To help Newbury Town Council (NTC) protect heritage assets (both listed and non-listed), we can establish a comprehensive process based on best practice from Historic England's "Stopping the Rot" and DLUHC's guidance on town/parish council powers. This plan includes the powers available to both NTC and West Berkshire Council (WBC) and suggests a strategic collaboration with WBC potentially seeking devolved powers or stronger local coordination.

## PROCESS: Protecting Heritage Assets in Newbury

### 1. Identification & Risk Assessment

- Routine Surveying: NTC can proactively identify buildings at risk through visual inspections and community reporting.
- Historic Environment Record (HER): Collaborate with West Berkshire to access HER data.
- Community Listing: Promote local listing of non-designated heritage assets.

### 2. Communication & Early Engagement

- Owner Contact: Initial non-statutory letter suggesting repairs and offering advice (Historic England Sample Letters – Appendix 2).
- Public Awareness: Community engagement campaigns encouraging reporting of at-risk assets.
- Mediation: Explore voluntary agreements with owners for repairs and reuse.

### 3. Statutory Enforcement Tools (with WBC)

Though NTC cannot directly issue statutory notices, it can request WBC to use the following tools under the *Planning (Listed Buildings and Conservation Areas) Act 1990* and other laws:

#### For Listed Buildings

Tool	Description	Lead Authority
Urgent Works Notice (s54)	Emergency works to unoccupied listed buildings. Costs recoverable.	WBC
Repairs Notice (s48)	Orders owner to carry out necessary works; can lead to CPO if ignored.	WBC
Listed Building Enforcement Notice (s38)	If unauthorized work has harmed a listed building.	WBC
Compulsory Purchase (s47)	Used after failure to comply with Repairs Notice.	WBC

## For Unlisted Buildings in Conservation Areas

Tool	Description
Section 215 Notice (TCPA 1990)	Used when land or buildings adversely affect amenity; applicable to any building type.
Emergency Measures (Building Act 1984 s78)	Immediate works for dangerous structures.
Enforced Sale (Law of Property Act 1925)	Recover debts on vacant buildings by forcing sale.
Community Protection Notice (ASB Act 2014)	For persistent nuisance impacting quality of life.

### 4. Heritage-Led Regeneration and Reuse

- Town Council-Led Projects: Use heritage-led regeneration for vacant/at-risk assets.
- Asset Transfer & Reuse: Seek Community Asset Transfers (CAT) or partner with Building Preservation Trusts.
- Interim Uses: Encourage meanwhile uses to keep buildings occupied and secure.

### POWERS AND PARTNERSHIPS AVAILABLE TO NEWBURY TOWN COUNCIL

- Powers NTC Already Has or Can Use:
  - Community Right to Bid: Nominate local heritage assets as Assets of Community Value (ACVs).
  - Neighbourhood Planning: Include strong heritage policies and designations.
  - Local Listing Advocacy: Work with WBC to promote non-designated assets.
  - Campaigning & Publicity: Build local support and highlight threats.

### Recommended Actions for Collaboration with West Berkshire Council

Goal	Action
Statutory Notices	Formally request WBC to use Section 215, UWN, or Repairs Notices where needed.
Delegated Powers	Explore formal agreements for devolved enforcement or joint tasking (e.g. "enforcement partnership" model).
Joint Working Group	Establish a Heritage Task Force with WBC conservation officers.
Funding Applications	Jointly pursue Historic England and Heritage Lottery Fund grants.

Goal	Action
Empty Homes Strategy Integration	Ensure heritage buildings are included in wider housing action plans.

### **Checklist: Practical Steps for Newbury Town Council**

1. ☒ Identify local heritage at risk.
2. ☒ Log condition issues and engage owners early.
3. ☒ Publicize problem sites (backed by community support).
4. ☒ Submit ACV nominations for eligible buildings.
5. ☒ Push for urgent WBC enforcement (e.g., s215, s54).
6. ☒ Request delegated powers where practical.
7. ☒ Propose partnership working with WBC.
8. ☒ Apply for grants or coordinate CATs and reuse schemes.

## Appendix 1

**To:** Head of Planning and Development  
West Berkshire Council  
Council Offices, Market Street  
Newbury RG14 5LD

**From:**  
Town Clerk  
Newbury Town Council  
Town Hall, Market Place  
Newbury RG14 5AA

**Subject: Request for Enforcement Action on Heritage Assets at Risk in Newbury**

Dear [Insert Name],

Newbury Town Council (NTC) is writing to formally request that West Berkshire Council (WBC) consider the use of statutory enforcement powers in relation to a number of heritage buildings and sites within Newbury which are currently in a state of neglect or disrepair.

These assets—some listed, others non-designated but of clear local historic or architectural value—contribute significantly to the character and identity of the town. Their ongoing deterioration is having a measurable impact on local amenity and undermining regeneration efforts.

In line with Historic England's "*Stopping the Rot*" guidance, we would urge WBC to investigate and, where appropriate, initiate the following actions:


- **Section 215 Notices** under the Town and Country Planning Act 1990 for buildings whose condition adversely affects local amenity
- **Urgent Works Notices (s54)** and **Repairs Notices (s48)** under the Planning (Listed Buildings and Conservation Areas) Act 1990
- Enforcement under the **Building Act 1984, Environmental Protection Act 1990**, or other applicable provisions where the buildings pose safety or environmental concerns
- Engagement with relevant owners to secure voluntary action ahead of any statutory measures

We are happy to provide photographs, condition assessments, or evidence from residents to support these concerns. We are also willing to meet with your officers to discuss how NTC can assist in supporting and publicising any enforcement efforts, particularly where they may lead to the repair and reuse of heritage assets.

We believe this action is both necessary and timely, and we hope you will consider our request with urgency.

Yours sincerely,  
**[Name]**  
Town Clerk  
Newbury Town Council



 [Phone Number]

 [Email Address]

## **Appendix 2**

**To:** Chief Executive  
West Berkshire Council  
Council Offices, Market Street  
Newbury RG14 5LD

**From:**  
Town Clerk  
Newbury Town Council  
Town Hall, Market Place  
Newbury RG14 5AA

**Subject: Proposal to Explore Delegation of Heritage Enforcement Powers**

Dear [Insert Name],

I write on behalf of Newbury Town Council (NTC) to propose that we explore the delegation of certain enforcement-related powers or shared working arrangements with West Berkshire Council (WBC), specifically concerning the protection of heritage and historic environment assets.

As you are aware, NTC is actively engaged in identifying and supporting the preservation of both listed and locally important buildings across the town. However, our ability to act is currently limited, as statutory enforcement powers reside solely with the principal authority.

Given WBC's existing commitments and the increasing demand to act on buildings at risk—including those affecting the visual amenity, public safety, and character of conservation areas—we believe there may be mutual benefit in a more collaborative approach. We propose to explore options such as:

- Delegated authority to serve or co-sign Section 215 Notices or initial warning letters
- Joint action or co-funding of Urgent Works under s54 of the Listed Buildings Act
- Data sharing and joint inspections with Conservation and Planning Enforcement Officers
- Participation in a Heritage Enforcement Task Group led by WBC

Our shared aim is to act early, prevent further deterioration, and support proactive heritage regeneration. We believe this can be achieved through a formal agreement or service-level protocol, enabling NTC to assist with groundwork and local engagement, while ensuring any enforcement remains legally robust and coordinated.

We would welcome the opportunity to meet with the relevant officers and cabinet member to discuss how best this partnership might be developed, and what governance mechanisms could be appropriate.






We hope you will agree that a stronger local response to heritage protection is not only timely, but necessary.

Yours faithfully,

**[Name]**

Town Clerk

Newbury Town Council

 [Phone Number]

 [Email Address]

## Procedure for supporting the use of Section 215 Notices

<b>Subject:</b> Planning and Highways	<b>Policy No:</b> ....
<b>Date Issued:</b> TBC	<b>Date Reviewed:</b> November 2025
<b>Effective date:</b> <i>November 2025</i>	<b>Review Date:</b> October2027

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**Appendix A**

**Appendix B**

## 1. Purpose

This procedure sets out how Newbury Town Council can support West Berkshire District Council, the Local Planning Authority (LPA) in the effective, proportionate, and lawful use of Section 215 of the Town and Country Planning Act 1990.

It is not intended to give Town or Parish Councils enforcement powers they do not have. Instead, it provides a structured way to:

- Identify potential Section 215 issues early.
- Apply a consistent amenity-based assessment.
- Gather and present robust evidence.
- Act as an informed local partner to the LPA;
- Encourage voluntary compliance wherever possible.

## 2. Scope

Newbury Town Council:

- Does not have statutory powers to serve or enforce Section 215 notices.
- Does have an important local intelligence and advocacy role.
- Can act as the eyes and ears of the Local Planning Authority.
- Can support proportionate and consistent decision-making.

This procedure applies to:

- Land or buildings within the town boundary.
- Sites whose condition (not use) appears to harm local amenity.

## 3. Definitions

### 1. Definition of local amenity

For the purpose of this procedure, local amenity is defined as:

*The quality, character, and enjoyment of the local environment as experienced by the public or neighbouring occupiers, including visual appearance, sense of place, and the reasonable enjoyment of land and buildings.*

Local amenity is not about personal taste or experience. It concerns how land or buildings contribute positively or negatively to their surroundings when viewed or experienced from public places or adjoining land.

### 2. What constitutes an adverse or negative impact on the local environment

An adverse impact occurs where the condition of land or buildings:

- Detracts materially from the appearance of the area;
- Undermines the character or function of the locality.

- Reduces the reasonable enjoyment of neighbouring land or public spaces.
- Creates a persistent sense of neglect, dereliction, or decay.

The impact must be more than trivial, temporary, or purely subjective and should be capable of being understood by a reasonable observer.

## **4. Identification of Potential Section 215 Sites**

### **4.1 Triggers for Consideration**

A site may warrant consideration where one or more of the following apply:

- Persistent complaints from residents about visual harm.
- Long-term neglect, dereliction, or accumulation of waste.
- Overgrown land affecting streetscape or neighbouring properties.
- Buildings in disrepair visible from public areas.
- Sites undermining regeneration, conservation, or town character.

### **4.2 Matters that are *not* section 215 issues**

Newbury town Council will avoid referral where issues relate solely to:

- Personal taste or style (paint colour).
- Temporary untidiness.
- Matters controlled by other regimes (noise, smells, fly tipping already addressed).

## **5. Initial Assessment by Newbury Town Council**

Before involving the Local Planning Authority, Newbury Town Council will carry out a basic, proportionate assessment.

### **5.1 Site Information Checklist**

Record the following:

- Site address and description
- Ownership known or unknown
- Duration of the problem (month/years)
- Visibility from public places (street view)
- Impact on neighbouring properties or public spaces
- Any previous contact with the owner

### **5.2 Amenity Impact Test (structured Assessment)**

Apply the following test:

- Does the condition of the land or building (not its lawful use) detract from the appearance or character of the area?
- Is the harm clearly visible or experienced from the public places or neighbouring land?
- Is the impact ongoing or persistent, rather than temporary?
- Would a reasonable person conclude that the condition harms local amenity, rather than merely being untidy or unconventional?

Only where these questions can be answered broadly in the affirmative should escalation be considered.

#### 5.3 Photographic Evidence

- Take clear photographs from publicly accessible locations.
- Date stamp images where possible.
- Show context (wider street or landscape), not just close-ups.
- Capture deterioration over time if available.

#### 5.4 Written Evidence

- Brief summary of amenity impacts.
- Record of complaints (without disclosing personal data).
- Reference to any relevant parish plans, neighbourhood plans, or conservation objectives.

#### 5.5 Proportionality

Evidence should be factual and neutral. Language will avoid emotive words or personal criticism of owners.

### **6. Informal Engagement (where appropriate)**

Where relationships allow, Newbury Town Council may:

- Make informal contact with landowners
- Encourage voluntary clean-up
- Explain that the issue may be referred to the Local Planning Authority

This step is optional and should be avoided where:

- There is a history of conflict.
- Safety concerns exist.
- The issue is long-standing and serious.

## **7. Referral to the local planning authority**

### **1. Formal Referral Pack**

- Covering summary explaining why Section 215 may be appropriate.
- Evidence pack (photos, notes, timeline).
- Confirmation that informal options have been considered.
- Contact details of Newbury Town Council Officer.

### **2. Tone and Framing**

Referrals should:

- Focus on amenity harm, not punishment.
- Recognise Local Planning Authority Discretion.
- Avoid presuming enforcement action.

## **8. Ongoing Support During LPA Consideration**

Newbury Town Council will assist by:

- Providing historical knowledge of the site.
- Updating evidence if conditions worsen.
- Supporting site visits.
- Explaining local sensitivities.

Newbury Town Council will avoid:

- Publicly pre-judging outcomes.
- Pressuring officers to act unlawfully or disproportionately.

## **9. Post-Notice Support (if a Section 215 is served)**

Where an LPA serves a notice, Newbury Town Council may:

- Monitor visible compliance progress.
- Report factual updates to the LPA.
- Help manage community expectations.

Newbury Town Council will not:

- Attempt to enforce the notice themselves
- Engage in disputes between owners and the LPA.

## **10. Governance and Transparency**

Best practice includes:

- Recording Section 215 referrals in council minutes.
- Treating landowners fairly and consistently.
- Ensuring GDPR compliance when handling complaints.
- Reviewing outcomes annually to improve practice.

## **11. Review and Training**

Newbury Town Council will:

- Review this procedure every 3 years (or as policy changes)
- Seek basic planning enforcement training for clerks and councillors
- Maintain a named LPA enforcement contact.

## **12. Key Principles Underpinning the Procedure**

- Proportionality – section 215 is reserved for genuine, material harm to amenity.
- Evidence-led decision making – objective fact over opinion.
- Partnership working – Newbury Town Council supports, does not replace the Local Planning Authority.
- Early intervention – addressing deterioration

## **13. Recordkeeping & Equality**

- Keep records in line with Data Protection Act/UK GDPR. Monitor access and outcomes by protected characteristics to ensure equitable opportunities.

## **14. References**

This section is to list all other council policies with page section reference that this policy links with.

<b>POLICY</b>	<b>Section</b>
<i>Town and Country Planning Act 1990</i>	Section 215 – power to require proper maintenance of land Section 216 – service of notice Section 217 – Right of appeal to the Magistrates' Court
Town and Country Planning	Referenced indirectly to distinguish condition of land from lawful use



(general permitted development) Order	
National Planning Policy Framework (NPPF)	General Principles

## Appendix A: Short Legal Appendix

### Statutory Basis

Section 215 of the Town and County Planning Act 1990 empowers a Local Planning Authority to require the proper maintenance of land where:

*It appears to the authority that the amenity of part of their area, or of an adjoining area, is adversely affected by the condition of land.*

Newbury Town Council does not exercise this power but may assist West Berks District Council in identifying and evidencing relevant cases.

### Legal Tests Applied by the LPA

When considering Section 215 action, the LPA must be satisfied that:

- The issue relates to the condition of land or buildings, not the lawfulness of the use.
- The condition causes an adverse effect on amenity (actual, not speculative).
- The steps required are reasonable, precise, and proportionate.
- The compliance period is reasonable given the works required.

Failure to meet these tests risks a successful appeal.

### Amenity in Law

- 'Amenity' is not defined in statute and is assessed on a case by case basis.
- It includes visual appearance, character, and the reasonable enjoyment of land.
- Mere untidiness or unconventional appearance is insufficient.
- Harm must be material, persistent, and objectively identifiable.

### Appeals and Enforcement

- Section 215 notices may be appealed to the Magistrates' Court under Section 217.
- Appeals commonly challenge whether amenity is genuinely adversely affected, or whether the notice is unreasonable.
- If a notice is upheld and ignored the LPA may:
  - Prosecute and/or
  - Enter the land, carry out the works and recover the costs

Newbury Town Council has no role in appeals or enforcement action.

DRAFT

## **Appendix B: One Page Decision Checklist for Councillors**

**This checklist is intended for use at parish meetings or site reviews before referral to the LPA.**

### **Step 1: Is this a Section 215 Type Issue?**

- ☐ The concern relates to the *condition* of land or buildings.
- ☐ It is not solely about lawful use, personal taste, or temporary untidiness.

### **Step 2: Visibility and Impact**

- ☐ The condition is visible from public land or affects neighbouring properties.
- ☐ The issue has persisted for a significant period.

### **Step 3: Amenity Assessment**

- ☐ The condition detracts from the appearance or character of the area.
- ☐ It reduces reasonable enjoyment of the local environment.
- ☐ A reasonable person would regard the impact as harmful, not trivial.

### **Step 4: Proportionality**

- ☐ Informal resolution has been considered (where appropriate).
- ☐ Referral is justified by the scale and persistence of the issue.

### **Step 5: Evidence Ready?**

- ☐ Photographs taken from public viewpoints.
- ☐ Brief written summary of amenity harm prepared.
- ☐ Site location and history recorded.

### **Step 6: Referral Decision**

- ☐ Council resolution or delegated approval recorded.
- ☐ Referral Framed as a request for LPA assessment, not enforcement demand.

## Newbury Town Council

Forward Work Programme for Planning and Highways Committee: 27<sup>th</sup> October 2025**Standing Items on each (ordinary meeting) agenda:**

1. Apologies
2. Declarations of Interests and Dispensations
- 3.1 Approval of Minutes of previous meeting
- 3.2 Officer's report on actions from previous meeting
4. Questions/Petitions from members of the Public
5. Questions/Petitions from Members of the Council
6. Schedule of Planning Applications
7. Schedule of Prior Approval Applications (if any)
8. Schedule of Licensing Applications (if any)
9. Schedule of Appeal Notifications (if any)
10. Schedule of Appeal Decisions (if any)
11. Neighbourhood Development Plan – Update (if any)
12. The Western Area Planning Committee – Update

At the first Committee meeting after the annual meeting of the Council	Election of Chair/ Deputy
	Approval of ToRs and memberships of Working Groups
June/September/December/March (Quarterly)	Updates on Section 215 of the Town and Country Planning Acts. (Postponed until further notice)
Each November	Review of KPI's for Planning and Highways Committee
	Send Budget and Strategy proposals to RFO
<b>2025/26</b>	
16 June 25	- Rule 6 Update
7 <sup>th</sup> July 25	- Newbury Town Design Statement review -
4 <sup>th</sup> August 25	- Prow Working Group
1 <sup>st</sup> September 25	- Eagle Quarter update - HWG Lay member
29 <sup>th</sup> September	- NDP Update. - NEWT Group Update. - Welcome to Newbury Signs
27 <sup>th</sup> October	- Welcome to Newbury Signs - Review of P&H projects
24 <sup>th</sup> November	- Review of KPI's for Planning and Highways Committee - Send Budget and Strategy proposals to RFO - Review of P & H Committee Working Groups. - Review of Terms of Reference -
22 <sup>nd</sup> December	
12 <sup>th</sup> January	London Road – Presentation from WBC (TBC)
February	