

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
PLANNING COURT
BETWEEN:

Claim No: AC-2026-003203

FAIRFAX (READING) LIMITED

Claimant

-and-

(1) SECRETARY OF STATE FOR HOUSING, COMMUNITIES & LOCAL
GOVERNMENT

(2) SOUTH OXFORDSHIRE DISTRICT COUNCIL

(3) READING BOROUGH COUNCIL

(4) OXFORDSHIRE COUNTY COUNCIL

(5) KIDMORE END PARISH COUNCIL

(6) CAVERSHAM AND DISTRICT RESIDENTS' ASSOCIATION

Defendants

**WITNESS STATEMENT OF BENJAMIN WEBB ON BEHALF OF THE FIRST
DEFENDANT**

I, Benjamin Webb, of the Planning Inspectorate, QUADIENT, 69 Buckingham Avenue,
Slough SL1 4PN, will say as follows:

1. I am a Planning Inspector employed by the Planning Inspectorate and appointed by the Secretary of State for Housing, Communities and Local Government to determine planning appeals, including the holding of Inquiries. I have been appointed in this role since 2018.

2. I am duly authorised by the First Defendant to make this witness statement on its behalf.

The facts and matters set out in this statement are within my own knowledge unless otherwise stated, and I believe them to be true. Where I refer to information supplied by others, the source of the information is identified; facts and matters derived from other sources are true to the best of my knowledge and belief.

3. My evidence does not replicate the background set out in the Summary Grounds of Defence. Instead, I provide evidence in respect of a number of specific issues, which are relevant to the Claimant's challenge.

4. I am aware of the guidance given by the Planning Court in relation to the production of witness statements and have sought to follow that guidance: see, for example, *Murford Parish Council v Somerset Council* [2026] EWHC 1166 (Admin) at [27] – [30]. The purpose of this witness statement is to exhibit relevant materials on which the decision was made, to set out (based on my notes) relevant oral evidence given at the inquiry, and to explain the procedure followed at the inquiry, in so far as it is relevant to the grounds of challenge.

5. I attach at Exhibit BW1 true copies of each of the documents (or extracts of documents) referred to in this statement.

Ground 2

6. In relation to Ground 2, my decision letter ("DL") at DL18 makes reference to a number of documents. These are principally the CD5.5 Kidmore End Neighbourhood Development Plan 2011-2035, the relevant part of which is Section 11 **[Exhibit BW1/2]**, and the background evidence contained in its Appendices. The relevant Appendices comprise:

- a. CD5.14 The Kidmore End Parish Landscape Sensitivity Study [**Exhibit BW1/11**];
 - b. CD5.15 The Kidmore End Locally Valued Landscape Topic Paper [**Exhibit BW1/84**]; and
 - c. CD5.16 The Kidmore End Locally Valued Landscape Assessment [**Exhibit BW1/91**].
7. These documents are all referred to within CD5.7 The Kidmore End Neighbourhood Development Plan Examiners Report [**Exhibit BW1/96**], the relevant parts of which are paras 7.78 – 7.81, and 7.85 – 7.90, with para 7.87 noting that the Examiner looked at the southern part of the parish in significant detail.

Ground 3

8. In relation to Ground 3, public access to and use of the site arose frequently during the Inquiry. I reference the most notable instances below.
9. My notes record that Kidmore End Parish Council's ("KEPC's") landscape witness stated in response to the point put in cross examination that there was no authorised public access, that no one was being stopped, that lots of properties have gates, and that if this had been a problem they would have been blocked. The witness went on to say in response to a question about the weighting to be given to public recreation, that use for public recreation was informal, that the site had been in recreational use until 2020, and that there was nothing to stop it still being used as such. These points regarding public access were generally consistent with and expanded upon those made in para 7.9 of the Proof of Evidence of this witness, which specifically dealt with assessment of visual effects [**Exhibit BW1/147**].

10. My notes record that, following confirmation that KEPC's planning witness was not an expert witness, the Appellants' advocate asked whether she knew she had no right to use the site. She confirmed she understood this and added that access could be restricted.
11. My notes record that Caversham and District Resident's Association's ("CADRA's") planning witness stated during examination in chief that the public already have access and that some people already thought that it had been gifted.
12. My notes record that Mr Allin stated in examination in chief that in relation to open space there was existing use but that this was not authorised, and that it could be prevented and that he attached no weight to it. No details were given of any measures which had been taken or might be taken to prevent access.
13. My notes record that Mr Allin's response to the question he recalls at §16 of his Statement, being South Oxfordshire District Council's ("SODC's") advocate's question that access was not shut off, was that he thought attempts had been made but did not know how or where. That is also my recollection of his response to this question.
14. My recollection is that the Appellant did not use the terms 'trespasser' or 'trespassory' during the Inquiry.
15. In para 100 of their Closing Submissions [**Exhibit BW1/121**], SODC's advocate stated:

'Open Space is not the benefit as the Appellant attempts to pray in aid. There is already public access (permitted rather than formal) to open space which is locally highly valued. The Appellant says "we could close it tomorrow" but they haven't and the inquiry heard about back garden gates that have opened on to the golf course for years.'

16. In para 33 of their Closing Submissions [**Exhibit BW1/134-135**], KEPC's advocate drew attention to public testimonies regarding 'ongoing use for recreational purposes'.
17. In the Appellant's Closing Submissions [**CB/273**], the Appellants' advocate repeated the point that '(t)here is no authorised public access to the land' (see para 13) and 'given there is no public rights of access, and the landowner could remove it tomorrow' (see para 19a). Again, no details were given of any measures which had been taken or might be taken.
18. DL23 was further informed by my observations during visits to the site, including the formal site visit, which the Appellants' planning witness and advocate did not attend.

Ground 5

19. In relation to Ground 5, my notes summarise my question to the Appellants' planning witness which was whether the excess provision of public open space would be an efficient use of land. My notes also record his response, which was that it would be. He explained why he was of that view by stating that it was a product of the design approach and evolution, accepting that the eastern edge was less enclosed, and topography.
20. The Appellants' more general case was that exceedance of the public open space requirement was a benefit (which was explained in response to one of my questions to the Appellant's landscape witness) and it was necessary to address policy conflict (which was explained in the examination in chief of the Appellants' planning witness).
21. My notes record that the Appellants' advocate addressed the linked issues of density and efficiency in 3 questions to the Appellants' planning witness during re-examination.

22. My question to the Appellants' planning witness and the re-examination of that witness on the subject followed wider discussion of the density of the development during the inquiry, for example, during cross examination of KEPC's landscape witness by the Appellants' advocate, and through cross examination by KEPC's advocate of the Appellants' planning and landscape witness.
23. KEPC's landscape witness also addressed the matter in written evidence at para 5.3 of her proof of evidence [**Exhibit BW1/146**]. Though KEPC's particular concern was the impact of the proposal on the character, the balance between the developed area and open space was an integral aspect of those discussions which concerned the appropriateness of the overall mix of development and open space.
24. My notes record that during cross examination, SODC's planning witness expressed doubt when the Appellants' advocate asked if the scheme 'ticked' a number of considerations including effective use of land. This question was asked in the context of paragraph 11(d)(ii) of the NPPF. Whilst stating yes, the witness also noted landscape objections in terms of design noting paragraphs 135 and 139 of the NPPF and stating that SODC took issue. The witness then said that she wasn't alleging conflict with para 135. Efficient use of land was nonetheless a matter which SODC expressly did not agree in Closing Submissions, given their case on landscape harm (see para 101 of SODC's Closing Submissions [**Exhibit BW1/122**]).
25. KEPC's advocate addressed the matter in paras 28-30 of their Closing Submissions [**Exhibit BW1/133-134**].
26. The Appellants' Closing Submissions did not make written reference to the matter but in response to SODC's Closing Submissions, my notes record that the Appellants' advocate referred back to his landscape witness' testimony.

27. Having been provided with a range of views on the linked considerations of making an efficient use of land, the mix of development and open space, and the density of the development, including evidence from the Appellants' planning witness, I considered the issues to be a matter for my judgement. It is not obvious what additional evidence the Appellants could have adduced on the topic, nor did I consider that I required further evidence to reach a conclusion on these issues.
28. Mr Allin's witness statement, and the Claimant's Statement of Facts and Grounds ("SFG"), seeks to compare my approach to this issue with other issues which arose in the appeal. It is therefore appropriate for me to explain why I dealt with different matters in different ways.
29. The role of Reading Borough Council ("RBC") is given as an example at §14(a) of Mr Allin's Statement. This was a procedural matter which I considered appropriate to address at the Case Management Conference ("CMC"). This is because RBC had questioned the appeal procedure. I therefore considered it necessary to provide direction both in relation to the procedure and in relation to RBC's involvement.
30. In relation to ecology, given as an example at §14(b) of Mr Allin's Statement and paras 79 and 84(d) of the SFG, this issue emerged from input by interested parties, and questioning of the Appellants' landscape witness. It appeared that the Appellants had not had proper regard to their own ecology evidence in (1) being unable to confirm that a 10m dark corridor could be provided in respect of bats; (2) indicating that a larger opening would be formed in a boundary hedge than had been assessed; and (3) formalising access to ancient woodland, despite this having been identified as likely to result in degradation.

31. Furthermore, it became apparent that the Appellants had failed to define the extent of offsite open space/BNG. This had a bearing on the proposed provision of public access to ancient woodland which I considered I needed further information on. I therefore sought further information and clarification on these issues from the Appellants to confirm their position.

32. In relation to CIL, given as an example at §14(c) of Mr Allin's Statement, upon reviewing the CIL Compliance Statement I did not consider it to be sufficiently detailed in some of the explanations given. I therefore sought information to inform discussion at the Planning Obligations session.

33. Finally, it should be noted that whilst I have addressed the four matters mentioned by Mr Allin in his witness statement, I asked numerous other questions of the parties during the appeal process. I did so in different ways depending on a variety of factors, including whether I considered it necessary to have an answer in writing or whether I was content to receive evidence orally.

Statement of Truth

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.



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Name: Benjamin Webb

Date: 30 July 2026