

Notice of Meeting



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Eastern Area Planning Committee

Wednesday 20th March 2019 at 6.30pm

At the Calcot Centre, Highview (off Royal Avenue), Calcot, RG31 4XD

Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 12 March 2019

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

Note: The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcasted, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Calcot Centre between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148

Email: planapps@westberks.gov.uk

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk



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(continued)

Any queries relating to the Committee should be directed to Stephen Chard / Jessica Bailiss on
(01635) 519462/503124 Email: stephen.chard@westberks.gov.uk /
jessica.bailiss@westberks.gov.uk



Agenda - Eastern Area Planning Committee to be held on Wednesday, 20 March 2019
(continued)

To: Councillors Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Richard Somner and Emma Webster

Substitutes: Councillors Rob Denton-Powell, Lee Dillon, Sheila Ellison, Tony Linden, Mollie Lock and Quentin Webb

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting.
 2. **Minutes** 5 - 16
To approve as a correct record the Minutes of the meeting of this Committee held on 27 February 2019.
 3. **Declarations of Interest**
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
 4. **Schedule of Planning Applications**
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
- (1) **Application No. & Parish: 18/03195/FULMAJ - Land at Springs Farm, Westbury Lane, Purley on Thames** 17 - 28
- Proposal:** Change of use of land from agricultural to equestrian use. Associated paddocks and bridge. Retrospective application for stable block, manege, track, and 4 staff flats in stables.
- Location:** Land at Springs Farm, Westbury Lane, Purley on Thames.
- Applicant:** Mr Otaibi
- Recommendation:** The Head of Development and Planning be authorised to **GRANT** conditional planning permission.



Agenda - Eastern Area Planning Committee to be held on Wednesday, 20 March 2019
(continued)

- (2) **Application No. & Parish: 18/02635/COMIND - Shalford Farm, Wasing** 29 - 38
Proposal: Conversion and redevelopment of land and buildings at Shalford Farm. Wedding shop, estate farm shop, overnight accommodation, bakery and cookery school, restaurant and yoga studio, biomass boiler and associated parking and landscaping.
Location: Shalford Farm, Wasing.
Applicant: Trustees of the 1975 Wasing Settlement.
Recommendation: The Head of Development and Planning be authorised to **REFUSE** planning permission.
- (3) **Application No. & Parish: 18/03367/FUL - Manderley, School Lane, Frilsham, Thatcham** 39 - 50
Proposal: Creation of an all-weather 20m x 30.8m outdoor riding arena.
Location: Manderley, School Lane, Frilsham, Thatcham
Applicant: Mr E Caloia and Mrs E Morando
Recommendation: The Head of Development and Planning be authorised to **GRANT** planning permission

Items for Information

5. **Appeal Decisions relating to Eastern Area Planning** 51 - 52
Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
- (b) The West Berkshire District Local Plan (Saved Policies September 2007), the Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.
- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Andy Day
Head of Strategic Support

If you require this information in a different format or translation, please contact Moira Fraser on telephone (01635) 519045.

DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

EASTERN AREA PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 27 FEBRUARY 2019

Councillors Present: Peter Argyle, Pamela Bale, Graham Bridgman, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Tim Metcalfe, Graham Pask (Chairman), Richard Somner and Quentin Webb (Substitute) (In place of Keith Chopping)

Also Present: Sharon Armour (Solicitor), Stephen Chard (Principal Policy Officer), Masie Masiwa (Senior Planning Officer) and David Pearson (Development Control Team Leader)

Apologies for inability to attend the meeting: Councillor Keith Chopping

PART I

54. Minutes

The Minutes of the meeting held on 6 February 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Item 52 (2) – 18/02930/HOUSE – Purley Lodge Cottage, Purley on Thames – final paragraph of the debate:

The Chairman invited the Committee to vote on the proposal which at the vote was carried with one abstention **from Councillor Tim Metcalfe.**

Councillor Graham Bridgman commented on the need for consistent recording of the resolutions for planning applications. The resolution need only state the decision of the Committee, there was no need to record whether a decision was taken unanimously or not. Abstentions should only be recorded if this was requested by the Member or Members concerned.

55. Declarations of Interest

Councillors Tim Metcalfe, Graham Pask and Quentin Webb declared an interest in Agenda Item 4(1), but reported that, as their interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

56. Schedule of Planning Applications

(1) Application No. & Parish: 18/01470/FULD - Bushnells Green Farmhouse, Chapel Row

(Councillor Tim Metcalfe declared a personal interest in Agenda Item 4(1) by virtue of the fact that he knew the Plank family from his work as a farmer. He also knew one of the supporters, Mr Yann Le Du, very well for the same reason. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.)

(Councillors Graham Pask and Quentin Webb declared a personal interest in Agenda Item 4(1) by virtue of the fact that they knew many of the members of the public who would be addressing the Committee. As their interest was personal and not prejudicial or

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a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/01470/FULD in respect of the retention of an existing timber lodge as farm worker accommodation as supported by new and additional evidence from the applicant. This would constitute non-compliance with condition 12 of approved 13/03014/FUL.

Masie Masiwa, Senior Planning Officer, introduced the report. He started by drawing Members' attention to errors contained in the committee report. The covering page of the committee report incorrectly stated that the application was called-in by Councillor Pask, but it was in fact called-in by Councillor Webb. He gave apologies for this error.

There was also a printing error on page 76 of the agenda pack, this page had been provided within the update report.

Mr Masiwa then referred to paragraph 1.2 of the update report. This provided a response to the Member query at the site visit as to whether temporary permission could be granted for the lodge. The update report advised that the lodge had already been granted temporary permission in 2008 for a period of three years and this temporary permission was renewed for an additional three year period in 2011. As indicated in the committee report, a permanent rural worker's dwelling had been approved for the farm enterprise and this had been completed. As such this application sought the retention of the temporary lodge building as a second permanent rural worker's dwelling. Officers therefore recommended that Members consider the application before them and not a further temporary permission.

Mr Masiwa then described the information provided by the applicant which highlighted that the application was based on the essential need of providing permanent and affordable accommodation on site for the shepherdess. The applicant argued that this requirement could not be met locally in alternative premises near enough to be effective to perform the role.

Mr Masiwa explained that the requirement for the shepherdess to reside on site was accepted, but it was the officer view that this need for the shepherdess could be met within the main dwelling and there was no additional need to retain the timber lodge for a second worker. This was a view shared by the Planning Inspector at the appeal in March 2017.

The Council's agricultural consultant, Kernon, reached the conclusion that there was only a need for one of the two workers to be readily available at all times and no requirement for both workers to live on site. The proposal went contrary to the National Planning Policy Framework (NPPF) and refusal of the application would avoid having an additional permanent dwelling in the countryside. It was considered that there was suitable accommodation in nearby settlements. The officer recommendation was refusal of the application.

In accordance with the Council's Constitution, Mr John Brims, Parish Council representative, Mr Chris Dent, adjacent Parish Council representative, Mrs Patricia Barclay and Mr Yann Le Du, supporters, and Mr Jeremy Plank and Mr Charles Holt, applicant/agent, addressed the Committee on this application.

Parish Council Representation (Bucklebury)

Mr Brims in addressing the Committee raised the following points:

- Both Bucklebury and Stanford Dingley Parish Councils were fully supportive of this application. There was also an overwhelming level of support from local residents

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and this was added to by support for the farm from local veterinarians and agricultural experts.

- This was a relatively new farm location and as such there were no existing/redundant buildings that could be used for accommodation. It was also the case that the business had grown eight fold over its years of operation.
- The proposal had been objected to by Council planners from the outset and some concern had been unfairly raised by the Council that the applicant had deliberately sought to mislead the Council and circumvent the planning process.
- The Planning Inspector had not been concerned about the impact on the AONB from the lodge, but did not feel from the evidence provided that an essential need was demonstrated for an additional rural worker to be permanently based at or near the site.
- However, there was no affordable housing locally. The cost of buying or renting a property was beyond a stock person's salary and this included properties within a five to ten mile radius. In addition, the time it would take to travel this distance was a cause for concern as the stock person(s) might not be able to reach the farm in the event of an emergency situation.
- It was felt that Planning Officers had 'cherry picked' the evidence from the consultant's report, i.e. that there was no requirement or evidence to support the need for two workers to be readily available at all times on site. However, it was not realistic to expect the second worker to live part of the year on site and the remainder of the year elsewhere.
- On site accommodation was needed and a high percentage of stock workers lived on site on many farms. The Kernon/Verity Drewett report stated that on site accommodation was needed in the form of the log cabin.
- The Planning Inspector's reasons for dismissing the appeal had been addressed.

Member Questions

Councillor Graham Bridgman noted from paragraph 46 of the Kernon report that the opinion was given that the log cabin would have to be retained if the business continued operating at current levels. The committee report, paragraph 6.1.56, covered this at some length and he asked Mr Brims if he had noted that Planning Officers had disagreed with and did not ignore the Kernon assessment that retaining rural workers was not possible unless on site accommodation was provided. This paragraph stated the concern that should permission be granted in this instance it could set a precedent whereby every agricultural, equestrian or other rural business in the district that required an additional worker would be able to justify an additional permanent dwelling on site. Mr Brims responded by stating that the Council's view was not in line with that of their own consultant.

Councillor Bridgman referred to Mr Brims view that Planning Officers had been wrong to state that the applicant had sought to mislead the planning process. He pointed out however that the conditions of the approved planning application had not been adhered to and the lodge had not been removed as required. He asked Mr Brims if he accepted that. Mr Brims advised that the farm had moved on from the time when the planning permission was originally granted. Circumstances had changed and there was now a requirement for the lodge to be retained. He did not feel that the applicant had been misleading, they were responding to the ever changing needs of the business.

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Councillor Bridgman reiterated that the temporary structure was not removed as required. Mr Brims commented that it would not have made sense to remove the lodge and then apply to have it reinstated. Councillor Bridgman stated his view that the agreed process should have been followed when the temporary permission expired in 2014.

Councillor Alan Law sought to further understand whether there was considered to be an essential need for an additional worker to reside on site. Mr Brims pointed out that the Kernon report gave the view that the additional worker needed to live on site for a period of between two and three months, although the Planning Inspector stated four to six months. Mr Brims did not feel it was reasonable to expect an individual to live for up to six months in one location and in another dwelling for the remainder of the year. This would prove very costly for the individual. Councillor Law would clarify timeframes with Officers.

Adjacent Parish Council Representation (Stanford Dingley)

Mr Dent in addressing the Committee raised the following points:

- Bushnells Green Farm overlapped the two parishes and, as stated by Mr Brims, Stanford Dingley Parish Council was supportive of the planning application.
- The lodge would be for residential use and, in the circumstances described, approval would not set a precedent.
- Refusal of this application would be contrary to the Department for Environment, Food and Rural Affairs (DEFRA) Mission Statement which included enabling a thriving rural economy. In addition, refusal would block the ability of a local business to support the local economy and employ local people.
- In terms of traffic, at peak times of the farming year, there were approximately 30 to 40 agricultural vehicle movements per day as well as HGVs. Traffic movements included the shepherdess in her Land Rover. However, movements took place throughout the year for this very busy enterprise which cared for many animals. It was essential that the lodge be retained to house the additional worker who had to be on site 24/7 throughout the year. The applicant also operated a large agricultural vehicle business.
- As already stated, there was extremely little opportunity to access affordable housing in the area.

Supporter Representation

Mr Le Du in addressing the Committee raised the following points:

- The role of mixed farming was key in the Pangbourne Valley and it was essential to safeguard mixed livestock farms for biodiversity to continue.
- Stock workers fulfilled essential roles and to fulfil their roles they had to live in very close proximity to their work/the site.
- The high rate of inflation was an issue on housing prices. The local housing cost was well beyond the means of agricultural workers and it was not possible for farmers to arrange to house their workers.
- The financial viability of the business was secure, but it could become threatened if it was not possible to retain or if necessary replace the shepherdess.
- The overwhelming level of support for the application was almost unprecedented as evidenced by the Parish Councils. No objections had been submitted.

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- Mr Le Du was hopeful that the application would be approved so that the business could continue to thrive and the farm could pass on to the next generation of the Plank family.

Mrs Barclay in addressing the Committee raised the following points:

- She felt that the timber lodge should be retained. It did not create a harmful visual impact and its retention was crucial for managing the farm's livestock. This accommodation needed to be on site so that the second farm worker was also able to immediately respond when needed.
- The option of using a mobile home for the second farm worker would be unsightly.
- She commended the Planks for their very patient approach to the process. This application should have been processed a year ago. Mrs Barclay was hopeful that planning permission would be granted.

Member Questions

Councillor Bridgman referred to the option of a mobile home/caravan. He queried why this would not be acceptable if it was limited to the period in the year when a second worker was needed on site. Mrs Barclay explained that as the sheep were moved from field to field through the year, the onsite accommodation was needed throughout the year.

Councillor Tim Metcalfe queried the time period for lambing. Mr Le Du explained that in general, lambing lasted for a period of three weeks. However, this time period would be extended if different flocks, as with the three at Bushnells Green Farm, were lambed at different times. Mr Le Du advised that lambing could cover an 18 week period if lambing periods did not overlap. He added that calving took place at other times of the year on the farm and estimated that stock was being born on the farm for six months of the year.

Applicant/Agent Representation

Mr Holt in addressing the Committee raised the following points:

- He explained that he was an agricultural consultant and had undertaken work for both planning authorities and applicants.
- Mr Holt did not feel a 'one size fits all' planning approach could be taken when it came to farming.
- In this case, new evidence had come to light to support the application.
- The farm was financially viable and this was highlighted in the Kernon report. He had only seen this report in the last week despite earlier requests to receive it.
- The Planning Inspector had concluded that the lodge was not harmful to the AONB.
- The Kernon report confirmed there was a need for two workers to be onsite for part of the year. If permission was not granted it was uncertain where the shepherdess would live for the remainder of the year. It would be difficult to retain the services of the shepherdess or attract a replacement if there was a requirement to live in two different places. It was the case that landlords would not permit sheepdogs in their accommodation and the sheepdog needed to reside with the shepherdess.
- The Kernon/Verity Drewett report gave the view that the business could only be sustained if the lodge was retained for farm worker accommodation. He urged approval of the application.

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Mr Plank in addressing the Committee raised the following points:

- He was very committed to farming livestock for the foreseeable future. Mr Plank was the third generation of his family to run the business and it was his aim to pass the farm on to the fourth generation.
- The business continued to develop and livestock continued to grow in number. There were 3,700 sheep covering 2,000 acres of land.
- It was crucial to be able to offer housing at the farm, in the form of the lodge, so that workers could live on site.
- While the Council had approved the student bedroom, it had no cooking facilities and was therefore not suitable for the farm workers.
- The local community was supportive of the planning application.

Member Questions

Councillor Law sought to understand the difference between the work undertaken by rural/agricultural workers and that undertaken by a shepherdess. He queried what particulars made it so important for the shepherdess to live on site. Mr Plank explained that the livestock needed to be fed and cared for daily and this needed to be provided by on site workers. Animals behaved unpredictably and this needed to be managed. Mr Holt added that a shepherd or shepherdess needed to have their dog(s) with them at all times and they formed a special bond. As already explained it was difficult to house sheepdogs in other accommodation.

Councillor Law continued by explaining that he wished to understand if there were exceptional reasons to approve this application to accommodate the shepherdess as opposed to a general rural worker. He queried how key it was to have the shepherdess on site. Mr Holt explained that this was crucial, the shepherdess needed to be on site every day to conduct her work.

In response to a question from Councillor Richard Crumly, Mr Plank advised that he owned 30 acres of the farm's land.

Councillor Metcalfe commented that one of the most important roles of the shepherdess was to assist ewes during lambing. He asked Mr Plank to estimate the number of lambs whose lives had been saved by the on-site shepherdess. Mr Plank estimated that this could be up to ten per day during the lambing season. There were extra difficulties to manage if this was at a time of poor weather conditions.

Councillor Law queried if the lodge would still be needed if the farm ceased to farm sheep. Mr Plank felt that while this was a difficult question to answer, the farming of sheep was the farm's main concern. Other livestock was also farmed, in particular cows, and Mr Plank advised that the accommodation would be needed as long as livestock continued to be farmed.

Councillor Bridgman noted from the plans that a farm office was contained within the lodge. He queried its use when an office was situated in the main dwelling. Mr Plank advised that this was used for storage.

Councillor Webb noted the land used by livestock on the plans, but queried if ewes were brought into the yard during lambing. Mr Plank confirmed this was the case. However, as already outlined, not all the ewes were brought into the farm for lambing at the same time as there were too many, this was why a staged process was used for lambing. The shepherdess also needed access to the expectant ewes. She had also needed to be on site to assist sheep during periods of severe hot weather.

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Councillor Crumly queried if purchasing a separate property had been explored in the nearby vicinity rather than using the lodge. Mr Holt confirmed they had done so post the receipt of the Planning Inspector's comments. The Planks had approached their bank manager who advised them that the bank could not loan the money to the business to purchase a property for the shepherdess.

Ward Member Representation

Councillor Webb, speaking as Ward Member, made the following points:

- Officers' recommendation had been formed based on the requirements of the Local Plan. However, Members needed to consider whether they could exercise some flexibility in exceptional cases.
- The application was supported by both Parish Councils, it had received no letters of objection and 25 letters in support of the proposal.
- The increase in farming at Bushnells Green Farm should be applauded.
- He felt the case had been successfully made for keeping the lodge to house the shepherdess on site.
- As evidenced at today's meeting, there was no other accommodation available in the local vicinity. As explained by the applicant the student accommodation was not suitable.
- The retention of the lodge in the AONB was not felt by the Planning Inspector to be detrimental to the area.
- Councillor Webb believed that Members should be flexible in this case.

Member Questions to Officers

Councillor Bridgman referred to paragraph 6.1.61 of the report in which he highlighted a quotation from a 2013 High Court judgement. This stated that 'the NPPF test simply requires a judgement of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there.' Councillor Bridgman noted that this extract related to the previous NPPF and he queried whether this view was altered by revised NPPF guidance. David Pearson, Development Control Team Leader, confirmed that the previous and current guidance on this point was virtually identical.

Councillor Bridgman queried the importance of this judgement. Mr Pearson explained that the key test for this application was whether there was the genuine need for an agricultural dwelling on site. The High Court judgement was a consideration for Members in assessing this test.

Councillor Law then returned to the question he asked earlier of Bucklebury Parish Council on the timeframe for when two workers would need to be on site. Differing views had been given which ranged from a period of between two and three months, and between four to six months. Councillor Law noted the period given for lambing in the report was from late February to late April/early May, i.e. 2.5 months.

Councillor Law next noted from paragraph 6.1.41 of the committee report reference to areas of land farmed on short-term rental arrangements. The Kernon report (paragraph 47) also referred to 'a heavy reliance on the short-term occupation of rented land' and he queried the significance of this.

Mr Pearson explained that the review of essential need took into account the likely permanence of the business. The nature of the existing business required on-site workers for part of the year, but an uncertainty for Officers was how permanent the

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business was and whether the size of the holding would remain unchanged. This could grow or reduce.

Councillor Law referred to the point made earlier by Bucklebury Parish Council that the farm had grown eight fold since 2008. However, Councillor Law was eager to understand how much it had grown since 2013/14 when the last planning application was approved for the site. The committee report, at paragraph 6.1.43, explained that since 2017 the suckler cow enterprise had increased by eight cows and the number of ewes lambing had increased by 100. However, Councillor Law queried if the increase since 2013/14 was known.

Mr Masiwa confirmed that the increase in numbers referred to was since the last appraisal was conducted by Kernon in 2017. The level of growth since 2013/14 was unclear. Mr Pearson added that when the Planning Inspector refused the application at appeal, this was based on May 2017 numbers and therefore this date, and the increase in numbers since that time, held relevance for the Committee.

Councillor Crumly queried if financial viability of the farm should be a consideration. Mr Pearson explained that the primary focus was on the essential need for the lodge alongside national and local policy considerations for dwellings in the countryside. Essential need was a key consideration for the Planning Inspector alongside the impact of the lodge on the AONB. The test of financial viability only applied to the viability of the business into the future.

Mr Pearson added that businesses should be encouraged to flourish in the form of sustainable development. This application presented a very specific set of considerations for the Committee to determine.

In response to Councillor Crumly's second question, Councillor Pask confirmed that he had been advised by Officers that the application would be referenced up to the District Planning Committee if it was approved as there were strategic issues to consider with the application.

Debate

Councillor Bridgman referred back to the High Court judgement which highlighted the simple test of the NPPF on whether there was an essential need for a second rural worker to live on site. This assessment also had to have regard to Policy C5 of the Housing Site Allocations Development Plan Document (HSA DPD) which also had a number of tests for an application to pass for housing for rural workers. West Berkshire Council was a plan led authority.

Councillor Bridgman felt that the determination of essential need was a matter of judgement. The applicant had demonstrated why the lodge was required and that there was no suitable alternative. The size of the lodge was commensurate with its need.

Councillor Bridgman voiced concern that a summary point of the Kernon report, that the business would only be able to continue operating at current levels if the lodge accommodation was retained for the shepherdess, had not been taken on board by Officers. Councillor Bridgman therefore questioned whether economic viability should contribute to the essential need argument. What constituted essential need?

Councillor Law stated that this was a difficult determination. It had been accepted that the lodge caused no negative impact on the AONB. The consideration was on essential need. There was acceptance that a second worker was required, but was accommodation on site essential for them? The business could not buy another property in the immediate area.

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While there might not a harmful impact in this particular local area, it went contrary to the NPPF and local policy if essential need could not be established, and therefore Members had to consider the impact on the wider district. This was why it needed to be determined by District Planning Committee if it was approved.

Councillor Law continued by stating that the potential to set a precedent was a concern, should the application be approved, with applications from other rural businesses. Approval contrary to policy should only be permitted if essential need and an exceptional case could be proven. Councillor Law queried if an exception could be made if the lodge served as accommodation for the shepherdess and not a more general rural worker. This would mean that if in future sheep were not kept on the farm then the lodge would no longer be needed.

Councillor Law stated that he would be supportive of the application if a condition of approval was for the lodge to be solely used by a shepherdess/shepherd.

Mr Pearson highlighted that consideration was needed as to whether such a condition was enforceable and reasonable. The Council did not have sufficient enforcement resource to enforce this and the Council only become aware that the lodge was currently occupied after being informed of this by a local resident.

Mr Pearson added that the main dwelling had been developed to accommodate the essential need and should be used for this purpose. He was not aware of any other cases where a second dwelling was also permitted on essential need grounds.

Councillor Webb explained that he called-in the application due to the high level of local support. He felt that conditions, should Members be minded to approve the application, should include the lodge retaining an agricultural tie to the farm; a restriction to it being a log cabin and not a brick structure; and the lodge being tied to animal husbandry.

Councillor Webb felt that essential need had been proven in accordance with Policy C5 of the HSA DPD. He felt there were sufficient reasons on which to approve planning permission contrary to Officers' recommendation. Councillor Webb therefore proposed approval of the application which would result in referencing the application up to the District Planning Committee.

The proposal was seconded by Councillor Metcalfe. He also commented on essential use from the viewpoint of a farmer. Councillor Metcalfe stated that sheep were difficult to keep and it was essential to have full time labour on site to manage them and provide for their welfare. The employment of two workers would also help to avoid lone working issues.

Councillor Metcalfe felt that the essential use case was fulfilled and so therefore was the exception from policy. He felt the application should be approved as it would benefit the local economy.

Mr Pearson commented that the level of support or objection to an application was not a material planning consideration.

Mr Pearson also commented that the Kernon report concluded that there was not an essential need for two on-site workers as the case had not been proven. He advised that the publication of the Kernon report had been delayed as Kernon went beyond their brief for the report and this was something that the Council had been discussing with them. Kernon had not been commissioned to comment on the affordability of living in the district, their brief was to only consider essential need.

Mr Pearson went on to describe instances where, for periods of time during the year, small caravans were located on farms in the district. The purpose had been for workers to be on site for a temporary period during the lambing season. These had no need for

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planning permission if they were removed at the end of the lambing period. The use of a caravan/mobile home was suggested in the Kernon report for this site to house the second worker during lambing. Mr Pearson concluded by questioning why this second dwelling was necessary when a permanent dwelling had already been provided to cover essential need for the shepherdess.

Councillor Marigold Jaques noted that as approval of this application would result in the lodge becoming permanent, it could follow that it would be replaced by a more permanent structure in the future. Mr Pearson responded to this point. He confirmed that approval of the application would result in the lodge being retained with no time limit. However, in time, the lodge might need replacing and while a more permanent dwelling would need planning permission, it would be difficult to turn down.

Mr Pearson then suggested some potential conditions for Members' consideration:

- Occupation of the timber lodge to be restricted to a stock person employed by the farm (more specific than for an agricultural worker).
- Permitted development rights would be removed for any extensions and for further outbuildings for residential purposes.
- The lodge would remain linked to the main dwelling, it could not be let or sold separately.
- Consideration could also be given to a Section 106 legal agreement to enforce the requirements of planning permission rather than conditions.

Sharon Armour (Solicitor) commented that a S106 legal agreement might prove more enforceable than conditions. She explained that a S106 legal agreement could not be modified for a period of five years, whereas an application to amend conditions could be submitted immediately.

Councillor Law queried whether both a legal agreement and conditions could be imposed. Mr Pearson commented that this approach was not supported by case law.

Councillor Law then queried if the lodge accommodation could be restricted to the shepherdess/shepherd. The application could then be approved on this basis as an exceptional case for the district and would not set a precedent. Sharon Armour raised a difficulty of being clear which worker would reside in the lodge and the S106 would need to be clear on that. Councillor Bridgman suggested the wording provided by Mr Pearson be used, i.e. restricted to a stock person employed by the farm (more specific than for an agricultural worker).

On the basis of these points, Councillor Webb amended his proposal to approve planning permission in accordance with Policy C5 of the HSA DPD (housing related to rural workers) and subject to the signing of a S106 legal agreement. Paragraph 4.39 of Policy C5 stated that 'there may be cases where the nature and demands of the worker's role require them to live at or very close to the work place' and this was felt to provide the necessary justification for granting planning permission. Councillor Metcalfe agreed to this as seconder.

Councillor Crumly advised that he was supportive of Officers' recommendation and the dismissal of the application at appeal by the Planning Inspector was correct. There was not a need for a permanent dwelling for a second worker, the Inspector felt this was only needed for a time limited period. This view was supported by the Kernon report.

RESOLVED that the Head of Development and Planning be authorised to grant planning permission subject to the completion of a Section 106 legal agreement within *** months (to be confirmed). This would need to include the following points:

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

- Occupation of the timber lodge to be restricted to a stock person employed by the farm (more specific than for an agricultural worker).
- Permitted development rights would be removed for any extensions and for further outbuildings for residential purposes.
- The lodge would remain linked to the main dwelling, it could not be let or sold separately.

Or, if the Section 106 legal agreement was not completed within the above timeframe, to delegate to the Head of Development and Planning to refuse planning permission for failure to secure the Heads of Terms of the S106 legal agreement.

This recommendation would be referenced up to the District Planning Committee for determination as there were strategic issues to consider with the application. The next District Planning Committee was scheduled for Wednesday 17 April 2019.

57. Appeal Decisions relating to Eastern Area Planning

Members noted the outcome of appeal decisions relating to the Eastern Area.

58. Site Visits

A date of 13 March 2019 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 20 March 2019.

(The meeting commenced at 6.30pm and closed at 8.26pm)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(1)	18/03195/FULMAJ Purley on Thames Parish Council	1 ST March 2019	Land at Springs Farm, Westbury Lane, Purley on Thames. Change of use of land from agricultural to equestrian use. Associated paddocks and bridge. Retrospective application for stable block, manege, track, and 4 staff flats in stables. Mr Otaibi.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03195/FULMAJ>

Ward Member(s):	Tim Metcalfe, Rick Jones.
Reason for Committee determination:	The Council has received well in excess of 10 letters of objection.
Committee Site Visit:	20 th February 2019.
Recommendation.	The Head of Development and Planning be authorised to GRANT conditional planning permission.

Contact Officer Details	
Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel No:	(01635) 519111
E-mail Address:	michael.butler@westberks.gov.uk

1. Site History

18/00846/ful. Construction of lunge ring and associated fencing and hard landscaping. Approved October 2018.

18/00847/ful. Demolition of storage building. Erection of new. Approved November 2018.

18/00854/lbc2. Springs Farm house—many internal works –retrospective. Approved July 2018.

2. Publicity of Application

Site notice displayed 17th December 2018. Expiry 7th January 2019.

Amended plans site notice—Displayed 23rd January 2019. Expiry 6th February 2019.

3. Consultations and Representations

Purley Parish Council	No objection if for personal use. Objection if for commercial use as the forecast traffic has been completed on the basis of non-commercial use. Addendum - if the application involves any disruption/diversion of the existing footpath crossing the site then the PC would object as this process must necessarily be outside the planning application process, considered under separate legislation.
Pangbourne Parish Council	No objection if the application scheme is for private use alone. Objection if the use is for commercial purposes. The recent upheld appeal into claimed public footpaths should also be taken into account in the consideration of the application.
Highways	Conditional permission. Parking and access is acceptable. Traffic generation on Westbury Lane is acceptable. Conditions correspond to construction method statement, visibility splays and parking/turning on site.
Natural England	No objection. Application will not be harmful on protected species and no SSSIs in the vicinity. However, the AONB unit should be consulted on the application.
AONB UNIT	Do not object to the principle of the change of use, but remain concerned about the suburbanisation of the site by the fencing, the lighting around the manege, and the inappropriate planting on site. Also with the prevalence of the horse shelters in the paddocks.
Historic England	No comments to make. Seek views of Council's own specialist advisors.
Council conservation officer	No objections to the proposal.
Office for Nuclear Regulation	No safeguarding issues arise.
Public rights of way	No objection to the amended plans. Irrespective of the planning application the rights of ways issues will be determined in a distinct and separate jurisdiction, probably by the Planning Inspectorate.

Environmental Health.	No views to make.
CLH Pipeline System	No objections per se but the applicant needs to be aware of the apparatus running to the west of the application site plan submitted.
Archaeology.	Some concerns about impact of the application on the setting of the listed building and possible impact on local deposits. But no objection as such. A preliminary report on the archaeological assets of the site should be prepared prior to any approval, if granted. Report submitted. Satisfied with report. No further concerns or conditions recommended.
Council joint emergency planning officer.	No views to make on the application.
Pang Valley Ramblers Association	Oppose the application. The development is a major one in the AONB and has had an impact. Closure of any public footpath should not be required by this application. Concerns that horses would be a danger to footpath users is unfounded. Objection.
Environment Agency.	Current objection [see update sheet]. Site lies within a flood risk vulnerability category that is not appropriate to this Thames Functional Flood plain. In addition the submitted FRA is considered to be inadequate for the application. Officer note - the applicant is seeking to overcome this objection. FRA technical note submitted.
Public comment.	49 objections received to the application. The vast majority of these relate to concerns about the current and future potential impacts upon the local footpath network which is both well used and highly valued by the local population. Other worries relate to the retrospective nature of the development, landscape impact, precedent, should be non- commercial use. No objection to the change of use per se, simply the proposed paddocks lying across the definitive right of way. One letter in addition which is neither objection nor support. Amended plans. Two additional letters of objection received. The amended plans do not provide sufficient protection and respect to the existing path network and if the application is approved it will prejudice future consideration of the footpath network.

4. Policy Considerations

National Planning Policy Framework 2018
National Planning Practice Guidance 2014.
West Berkshire Core Strategy 2006 to 2026.
Policies ADPP5, CS12, CS16, CS18, CS19.
W-B-HSADPD of 2017—Policy C1. C5.

5. Description of development

- 5.1 The application site consists of Springs Farm [formerly Scrases Farm], and the Westbury Farm estate in land to the south of the River Thames, lying between Purley and Pangbourne. The application site is some 27ha and lies in the North Wessex Downs AONB. It also lies in a flood plain and is wholly situated outside any defined settlement boundary in the Local Plan. The area of the whole estate is just over 123 ha.

- 5.2 Access to the site is via Westbury Lane running to the south, and a listed building grade 2 with associated outbuildings lies adjacent to, but outside the red line application site. Accordingly the development, if permitted by the Council, will involve no changes to any recognised designated heritage assets. It is proposed as part of the application to regularise the following: a change of use of previously agricultural land into private equestrian use, the continued retention of 4 staff flats in the existing stable block [bringing the total to 5 as one is already permitted] the construction of a manege for personal equestrian use, with associated floodlighting, and associated horse shelters in the paddocks. The Committee need to be aware that the erection of the post and rail fencing for the enclosure of the paddocks does not require express planning permission since this falls as being permitted development in the GPDO of 2015 as amended.
- 5.3 It is envisaged that should the application be approved, an additional 12 horses will be accommodated within the 19 paddocks created on site [covering 15 ha in total]. This will involve the employment of one further member of staff, who will reside on site. Again it is expressly stated by the applicant and his agent that the use will be for private recreational use only and the officers have no reason to believe this will be otherwise. One condition recommended is the use to remain private only.
- 5.4 A whole array of footpaths cross the application site. PURL /1/1 is the definitive right of way which is the only definitive path to cross through the red line application site. To the south adjacent the rail line lies the permissive path which is the proposed diversionary route for PURL/1/1 should that occur in the future. In addition some claimed paths flow through the red line site. To the west of the application site lie a number of other claimed paths which are the subject of litigation, plus PURL7 the other local definitive right of way. It is important for the Committee to note that this rights of way information is for background only: the application itself does NOT propose any changes to the rights of way network as such and indeed under planning legislation, this is not possible in any event.
- 5.5 On the 18th December last year, the Council formally informed the applicant that the application did not comprise development which would require the submission of an Environmental Statement under the 2017 Environmental Impact Assessment Regulations. A screening opinion was required as the application site is 27ha and lies in the AONB.

6. Consideration of the application

The application will be considered under the following headings.

- a. Visual impact
- b. Policy
- c. Footpath issues
- d. Other issues

a. Visual Impact.

- i. The NPPF is the overarching framework for local planning authorities to address when making determinations of any planning application. The Framework makes it clear that major development in the AONB can be permitted in appropriate circumstances, taking into account the nature, scale and setting of the scheme in question, and whether it would have a significant adverse impact on the designation in question. In this particular context, the application site lies between 2 settlements, North West of the urban area of Reading, so its location is certainly not isolated. However, it remains unquestionably rural in nature. Paragraph 172 of the NPPF refers.

- ii The reason why the application is major is because the application site area is greater than 1ha. However, the development may be construed as being “minor” in the sense that the paddocks, the horse shelters, and the staff flats and manege are not substantial buildings/structures. This is the context in which the officers have addressed the application. The site in question is undeniably attractive and forms a very pleasant visual setting to the Thames to the north and the escarpment beyond. As such, the application site forms an important visual buffer to the surrounding built up areas. It is considered that the enclosure of the land by the fencing has had a harmful impact upon this wider landscape. However, as noted above this cannot be controlled by planning legislation, unless permitted development rights for such enclosures are removed, either by condition or an article 4 direction. It is the officer recommendation that this should be controlled by condition in the future should the application be approved. The next factor to consider in terms of visual impact are the horse shelters. These are modest structures and moveable and will be dotted around the site as required. Officers consider these will not be harmful when viewed in the wider landscape context. Next, the manege will be located within the curtilage of the main dwelling, where to the west planning permission exists for the erection of dog kennels and a storage building, albeit not yet implemented. The floodlighting is modest and can be controlled by condition in terms of when lit. Finally the retention of the 4 staff flats in the existing refurbished stable block will have no wider visual impact.
- iii It is on this basis that the application in visual terms is not objected to, albeit harm has arisen via the fencing, outwith planning control. Members will recall from their site visit that the impact of the raised national rail line to the south of the application site, with the overhead gantries for the electrification, have already had a serious visual impact on the locality. Whilst “two wrongs do not make a right”, this is the context in which the application should be viewed. Officers have also had careful regard to the views of the AONB unit, which are identified earlier in the report. They do not object in principle to the change of use, but to the various structures existing and proposed.
- iv. The Committee in reaching this conclusion [should they agree with officers], should have regard in addition to policy ADPP5 in the WBCS of 2012, in particular bullet point 1 of the Environment section. In addition they should also take into full account the advice in policy CS19 in the same document, which relates to [inter alia] landscape character , where the visual setting of built up areas , and the tranquillity of a locality are all factors to be taken into account, in determining the proposal. On balance the application is considered to meet this criterion and advice.

b. Policy

- i. Policy ADPP5 in the Core Strategy identifies, amongst other points, that the local equestrian and racehorse economy in the AONB will be supported by the Council, although this is principally directed towards the racehorse industry as opposed to private leisure use. However, in seeking to continue to support the rural economy as encouraged in policy CS10 and indeed in paragraphs 83 and 84 in the NPPF of 2018, there is no doubt that the equestrian economy in the District whether it be private or commercial makes a significant contribution to the wellbeing of the rural areas. This is further recognised in policy CS12 [the equestrian/racehorse industry policy] where it is noted “development associated with equestrian activities will be encouraged... where the scale, form, impact and character, siting and level of activity is in keeping with its location”. Further, proposals for additional new residential accommodation associated with the equestrian use must be based upon a genuine need, and which cannot be located elsewhere. These various policies are thus the basis upon which the Council should make its decision on the application, in terms of the principle of the change of use, and the retention of the staff accommodation.
- ii. In terms of principle, it is considered that there is little objection to the change of use of the land, given the fact that this large area of land will not be sterilised in the future for

agricultural purposes, and although a private use, it is clear from the application supporting material that existing and additional staff will be employed in conjunction with looking after the some 20 horses on site. In addition, should the use cease at any time [the permission if granted will not be a personal one], the paddock fencing can very easily be dismantled from the site quickly, to facilitate a return to agriculture, should that occur

- iii. The question then remains as to the retention of the 4 staff flats in the present stables building. At present there are 5 flats in the stables, all in use by employees on the estate. One flat is authorised by dint of the original permission for the building under 130870, permitted in July 1988. In looking through the planning history on the site, it is apparent that over time, an additional 4 flats have been incorporated in the stables, but without express planning permission being granted. This application now seeks to regularise this. The Committee will need to take into account policy C5 in the HSADPD, which relates to housing for rural workers. There are a number of criteria corresponding to this policy. One criterion questions if the need has been justified for the staff on site. Given this is not a commercial operation, the staff cannot be supported—for example one is simply a dog walker, another is a “handyman /security” and so forth. ie they do not need to be actually on site. However, from evidence submitted, it is clear that these employees are being subsidised by cheap accommodation on site, so that they can continue working on the estate, for presumably relatively low wages, in relation to renting/purchasing housing in the Purley area. Taking a pragmatic view, it would be perverse of the Planning Authority to reject the flat retention which could mean a] people losing a job and b] accommodation being lost in an area of high demand for housing. In addition the applicant has submitted evidence to support a possible continued use of some of the flats for a period in excess of 10 years, which would make them immune from enforcement action anyway, if a Certificate of Lawful Existing Development were to be submitted, and approved. Given the fact that the retention of the flats will not have any material visual impact upon the area as the stables will be retained anyway as they are authorised, it is considered, on balance, that notwithstanding the technical non-compliance with policy C5 in the HSADPD, little if any harm will flow from the retention of the additional 4 flats, and indeed a benefit to the local economy will arise. Accordingly it is concluded at officer level that this element of the application is acceptable: a condition will be applied ensuring the accommodation is tied to the estate of Springs Farm only in perpetuity. The applicant has accepted this in writing. A further point to consider is that if the applicant were to demonstrate that this farm was redundant for agricultural purposes, an application could be made for its conversion to residential use under Policy C4 of the HSADPP.

c. Footpath issues

- i. The Committee will be aware that the largest area of public concern regarding this particular application corresponds to the ongoing public rights of way issues relating to the site as a whole. What is clear is that the officers, in recommending the application for approval, consider that this in no way prejudices the Council’s future determination of the potential diversionary route of PURL1/1 adjacent the rail line, should that occur. This is because whilst the **original plans** included proposed horse paddocks interfering with the definitive line [which was considered not to be acceptable] **amended plans** submitted at the request of the officer, have clearly reconfigured the pattern of paddocks, namely 17-19 inclusive, such that the route is not now compromised. The amended plans have been duly consulted upon. It is acknowledged on this basis that the Council public rights of way officer has now no objections to the amended plans. The application red line does however, include 2 claimed public rights of way. It is noted that the location of the paddocks with fencing do not compromise these claimed rights of way, should they be confirmed in the future. In addition, if at a later date these claimed paths are ratified by either the Council and/or the Planning Inspectorate, and they become part of the definitive network,

any future revisions to the paddock alignment [if required] would be dealt with via a non-material amendment.

- ii. In arriving at a favourable recommendation, officers have had close regard to the advice in policy CS18 in the Core Strategy which relates to the protection and conservation of green infrastructure. Green corridors are part of this, and in bullet point 4 in para 5.124 of the WBCS, rights of way are included. That is, since the existing and proposed rights of way network is not prejudiced or compromised by this application being approved, notwithstanding the clear level of local objection to this element of the application, it does comply with policy CS18 and so is taken to be satisfactory. It is hoped however, that the Council public rights of way officer will be in attendance at the Committee to respond to any technical questions on this issue.
- iii. One further point: the applicant has already provided a permissive path immediately to the north of the rail line which is well used. It is intended that if PURL/1/1 is closed at a future date [in part] this will be offered up as the diversionary route by the landowner. The approval or otherwise of this application will NOT prejudice this process

d. Other issues.

- i. The application site lies partly within the functional flood plain of the River Thames. It accordingly lies partly within flood zones 2 and 3. The uses proposed however, are “less vulnerable” according to the Environment Agency criteria. Whilst the applicant has submitted a site specific Flood Risk Assessment which concludes, in their opinion, that the scheme if permitted will not increase flood risk elsewhere, nor future users of the site be put in any increased danger from flooding, the EA has however submitted a holding objection on technical grounds. It is understood that this can be overcome. In layman’s terms it is not considered that any of the horse shelters, or the fencing will impede flood flows, nor the insertion of a small bridge over a water course.
- ii. One other planning matter the Committee need to be aware of is heritage. The owner of the site [albeit outside the red line] occupies three listed buildings, namely Scrace’s Farm House, Westbury Farmhouse, and some barns and stables - all listed grade 2. The NPPF and policy CS19 both seek to ensure that the integrity and setting of designated heritage assets such as listed buildings are properly protected from harmful forms of development, wherever possible. The change of use of the land will obviously not have any effect, but, the fencing for the paddocks may. Having noted that, in looking at the submitted plans, the paddocks are a considerable distance from the listed buildings, to the east of the application site, separated by not only other non-listed buildings [such as the stables] but also a lake and intervening agricultural land. Officers have concluded that no harm will arise and so policy CS19 is met.
- iii. The Council’s archaeologist has raised some concerns over the application, given the potential for finds across the site. She has accordingly requested a heritage note/desk based assessment of the site prior to determination of the application. This is presently being produced. It is likely a condition relating to this may be attached to any permission

7. Conclusion

1. The Committee will know that local planning authorities are required to determine planning applications in accordance with the guidance in the NPPF, principally based upon the 3 golden threads of sustainability.
2. Firstly, in social terms. The retention of the staff flats will be positive in the sense that jobs will be retained as will presumably the required accommodation. This may “only” affect 4

employees but it is still a material consideration. Secondly, the present public rights of way network will not be compromised by the application so the continued public enjoyment of the network will remain in place. This is in accord with policy CS18 in the NPPF.

3. In environmental terms, there has been some impact visually across open land of the paddocks which is “unfortunate”. However, the fencing, being below 2m in height, is permitted development whether the change of use of the land is granted or not. The other structures on the site have little impact in the view of the officer. Additional planting/landscaping across the Estate which is ongoing does not of course require planning permission, but over time will help to ameliorate any future/current impact on local footpath users.
4. Finally in economic terms, if the application were for a commercial use, rather ironically this could be more effectively prayed in aid in support of the application, in terms of support for the rural economy. However, this is explicitly not the case as it is neither the wish of the applicant nor indeed the LPA. Accordingly the wider economic impact will be marginal.
5. To conclude, the Committee will appreciate that if permission is granted, it will not be a personal permission, but will run with the land. Accordingly some of the objectors’ worries over the present actions of the applicant should have no bearing on the planning merits of the case. In addition, guidance under planning legislation makes it very clear that the submission of retrospective applications is not a problem in itself, however the applicant obviously runs a risk should any subsequent application be refused.

8. Recommendation

The Head of Development and Planning be authorized to GRANT Conditional Planning Permission

CONDITIONS

1. Within 3 months of the date of this permission, visibility splays of 2.4 metres by 90 metres should be provided at the access. The visibility splays shall thereafter, be kept free of all obstructions to visibility above a height of 0.6 metres above carriageway level.

Reason: In the interests of road safety. This condition is imposed in accordance with the National Planning Policy Framework (July 2018) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

2. Within 3 months of the date of this permission, the proposed vehicle parking and/or turning space must be surfaced, marked out and provided in accordance with the approved plan(s). The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

3. Notwithstanding the provisions of the General Permitted Development Order 2015 as amended, or any subsequent revisions or alterations, within the red line application site, no further enclosures up to 2m in height of any kind shall be erected without the express permission from the local planning authority in respect of a planning application.

Reason: To ensure future enclosures are controlled, in the interests of visual impact, in accord with policy ADPP5 in the WBCS of 2006 to 2026, and the advice in the NPPF on the protection of the AONB landscape.

4. All of the 5 staff flats hereby permitted by this approval in the existing stables, shall only be occupied by employees of the Springs Farm Estate, and their dependents, and by no other occupant.

Reason: The Council is not satisfied that the approval of non-restricted C3 accommodation in this location is justified, having regard to the advice in policy C5 in the Housing Site Allocations Development Plan Document of 2017. Accordingly the accommodation must be restricted in the manner noted.

5. The development must be carried out in strict accord with the following amended plans dated 22nd January 2019 on the file -:all by Morse Webb - job number 568. 020-PLO4, 050-PLO4, 004-PLO2, 021-PLO3. Plus 002-PL00. In addition plan numbers [all job 568] 003-PL100, 004-PL100, 010-PLO3, 011-PLO2, 030 to 44 inclusive all PLO2, and 060 and 061 plus 070-PL02 are the approved as existing and proposed plans, hereby permitted.

Reason: To provide clarity in the permission in accord with the advice in the DMPO of 2015.

6. At no time shall any of the equestrian uses, operations, stable buildings hereby be permitted to be used for any commercial purposes whatsoever, but must remain in private equestrian recreational use attached to the Springs Farm estate.

Reason: To control future intensity of activity on the site having regard to the rural setting of the site and its sensitive nature in accord with policy ADPP5 in the WBCS of 2006 to 2026.

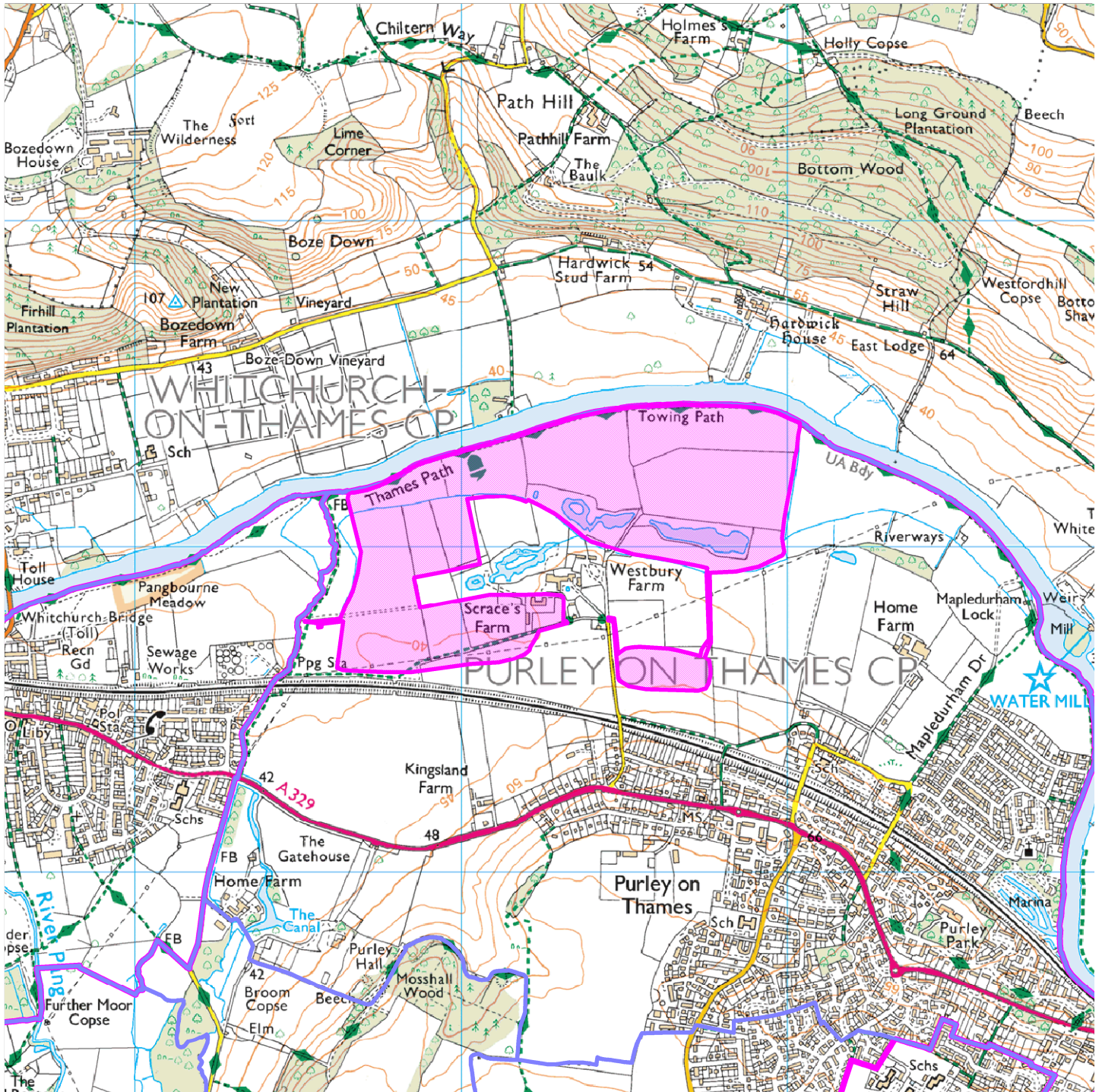
7. Within one month of the date of this decision the applicant will remove, in its entirety, the metal heras fencing adjacent the definitive line of PURL1/1 in the red line application site.

Reason: The heras fencing has a harmful visual impact on the locality and is not conducive to public enjoyment of the public footpath. Accordingly, it is contrary to the advice in policies ADPP5 and CS18 and CS19. In the WBCS of 2006 to 2026.

8. The lighting hereby permitted at the manege shall be turned off at 8pm every night at the latest and not turned on until 7am at the earliest the following day, if required, over the winter months.

Reason: The manege lies in the rural area in the AONB and it is necessary to control future light pollution, in accord with the advice in the NPPF.

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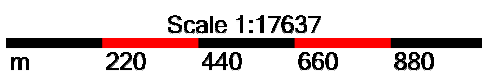
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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	14 February 2019
SLA Number	0100024151



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Agenda Item 4.(2)

Item No.	Application No. and Parish	8/13 Week Date	Proposal, Location and Applicant
(2)	18/02635/COMIND	4 TH February 2019.	Conversion and redevelopment of land and buildings at Shalford Farm. Wedding shop, estate farm shop, overnight accommodation, bakery and cookery school, restaurant and yoga studio, biomass boiler and associated parking and landscaping. Shalford Farm, Wasing. Trustees of the 1975 Wasing Settlement.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/02635/COMIND>

Ward Member(s): Dominic Boeck.

Reason for Committee determination: The ward member called in the application irrespective of officer recommendation. This is because, on the one hand the application will benefit the local economy, on the other it will have a highways impact.

Committee Site Visit: 13th March 2019.

Recommendation. **The Head of Development and Planning be authorised to REFUSE planning permission.**

Contact Officer Details	
Name:	Michael Butler
Job Title:	Principal Planning Officer
Tel No:	(01635) 519111
E-mail Address:	michael.butler@westberks.gov.uk

1. Site History

123268. Hire of horse trailers, vans and light vans. Approved February 1985.
133441. Change of use to container storage. Approved September 1989.
134754. Change of use for storage of exhibition display units. Approved September 1989.
135613. Storage of boxed goods. Approved February 1990.
149212. Change of use to office accommodation. Approved April 1997.
03/01229/FUL. Change of use of building to B1. Approved February 2004.

2. Publicity of Application

Site notice displayed. 16th November 2018. Expiry 7th December 2018.
Amended plans site notice. Displayed 13th February 2019. Expiry 27th February 2019.

3. Consultations and Representations

Brimpton Parish Council.	Objection. On two grounds. Highways impact. Development will significantly increase traffic on the surrounding rural lane network, which will be harmful. Roads prone to flooding as well. Parking pressures on site. Secondly, creeping urbanisation. Increased noise in a rural area and increased light pollution. Impact on nearby residents and character of the area. The parish council are not against the principle of redevelopment, but this scheme will have a profound effect on the nature of the village.
Adjoining Parish Council Aldermaston.	No objection raised. However needs to be control of traffic movements particularly during the construction phase.
Highways.	Parking and layout on the site is acceptable, as are the local sight lines. However the officer is concerned with the level of future traffic movements which will be attracted to the site in a non-sustainable location: cycling access is poor as is public transport. Quality of local road network is also poor. Accordingly recommends refusal, notwithstanding the applicant's offer of providing a bespoke shuttle bus service between the site and the nearby train stations, and the main estate itself.
Transport Policy.	Concerned about the poor location of the site in terms of walking, cycling and public transport. Not a suitable location for the extent of uses. Proposed travel plan and shuttle service most unlikely to be viable and very difficult to enforce and monitor. Agrees with Highways recommendation to refuse.
Defence Infrastructure Organisation.	No safeguarding objections raised.
Thames Water.	No objections.
Economic Development Officer.	Supports the application. It accords with National and Local policy in encouraging rural diversification, it will provide additional jobs, and support the Wasing Estate, an important local employer.
Berkshire Fire Officer.	Should the application be approved, additional hydrants will be required. To be conditioned.

Archaeology.	Conditional permission if the application is approved. Important site as it contains listed buildings and lies adjacent the Registered Park of Wasing. No objections in principle however. Maybe below ground deposits so require a watching brief.
Natural England.	No objections. Will not impact upon any nearby SSSIs.
Environment Agency	Holding objection. The development would have an unacceptable impact upon the West Berkshire Groundwater scheme. ie loss of access to land used as part of this scheme (the pumping station at the site). In addition the submitted FRA is deficient in terms of the advice in the NPPF about flood protection. Amended details needed. Officer comment – further details supplied. EA response awaited.
Environmental Health.	No objections - conditional permission. The potential for local noise disturbance has been looked at carefully, particularly on the farmhouse to the North. So long as conditions are applied about opening hours and deliveries, the application is acceptable. Also a contamination condition.
Conservation officer	Consulted. Response awaited.
SUDS	Similar to the EA holding objection, it is not considered that the submitted drainage strategy is sufficient to allay fears about future flood risk both on and off site. More information required.
Public representations.	<p>A total of 12 objections have been received, some additional, following the reconsultation on the amended plans. Concerns based on increased disturbance, increased light pollution impact on local highways network, Rosebourne in Aldermaston nearby is similar, so site not needed, intrusive on rural setting of the area. Site is of historical importance as well. Pressure on local parking. Possible future flooding problems and disposal of foul waste. Other sites in the Wasing Estate are available for this use. Detrimental impact on tranquil part of the Parish of Brimpton. Impact on setting of listed building to the north. Application should be refused.</p> <p>11 letters of support. The application will support the Wasing Estate and be a good boon for local business. Should be approved. It is a good location for the new businesses proposed. Will improve a dilapidated site in addition.</p>

4. Policy Considerations

National Planning Policy Framework 2018
National Planning Practice Guidance 2014.
West Berkshire Core Strategy 2006 to 2026.
Policies ADPP1, ADPP6, CS5,CS8, CS10, CS13,CS16,CS17,CS19.
Local Transport Plan for West Berkshire 2011 to 2026.

5. Description of development

5.1. The application site comprises Shalford Farm yard, which has long been redundant in agricultural terms. The yard adjoins the River Enborne immediately to the North, where, in addition, Shalford Farmhouse lies, being the original farm house attached to the yard, now separated off. The yard now lies in the ownership of the Wasing Estate, the main focus of which lies about 1km to the south east of the application site. The yard comprises five buildings in total:- the old piggeries to the north, the main threshing barn, the garages, the old dairy and a monopitch

timber clad building. The site is currently in various forms of low key employment use, plus storage all authorised and permitted. It is fair to say however, that the site is in some disrepair and rather dilapidated, in “need” of investment and a degree of refurbishment.

5.2. The following is proposed. Firstly, the conversion of the main barn to a restaurant with an ancillary bar facility. This will be open to the public. Secondly, the demolition of the garages on site with a new kitchen and plant room. Thirdly, the conversion of the piggeries to overnight accommodation to serve the wedding guests based at Wasing Estate, 8 number in total. Next, the conversion of the Old Dairy to a bakery and cooking school (or other local food production and ancillary education facility) and the replacement of the Workshop building with a new Dutch barn and adjoining narrow barn to provide bespoke wedding retail and estate farm together with yoga facilities, wedding retail use, a dress barn and a further 5 overnight guest rooms in the first floor of the narrow barn. In addition a new small building to the west of the site [outside the recognised curtilage of the yard] will house a small biomass boiler to serve the scheme, and finally a scheme of soft and hard landscaping with new hard surfacing, cycle stores and bin store. The total number of parking spaces will be 57. Seven spaces are to be provided for staff to the north of the site. Two accesses off Back Lane adjacent will be created, the principal one to the south serving the main site with a minor one to the north serving the piggeries.

5.3. To summarise the proposals - the restaurant will have 75 covers and be 154m². The guest accommodation is 14 rooms in total. The bakery and cooking school is 123m² and for up to 10 students. The wedding dress barn is 46m², and the estate and farm shop 166m². The wedding retail units will be 248m² and the yoga studio for 10 people and 60m².

5.4. The principal purpose of the project is to support the ongoing and successful wedding venue business at Wasing Park, whilst in addition, increasing the range of public facilities on site to diversify the estate further in economic terms.

6. Consideration of the application.

The application will be considered under the following matters.

- 1 - Policy and principle.
- 2 - Highways impact.
- 3 - Other issues –amenity.

6.1. Policy and principle.

6.1.1. The Committee will be familiar with the adopted Core Strategy for the District. In terms of the overall spatial strategy, **Policy ADPP1** sets out the general criteria to be applied to new development in the Council area. Whilst most development will be directed inside settlement boundaries, if sites in the rural areas are on previously developed land [as is the case here], then new development is acceptable in principle - subject however, to other matters such as the proposed intensity of the new use and the site location in terms of its accessibility. The policy goes on to state that “significant intensification of ...employment generating uses... will be avoided within areas which lack supporting infrastructure, facilities or services or where opportunities to access them by public transport, cycling and walking **are limited**”. [officer emphasis]. Flowing on from this, sites in the open countryside [as this application site], are at the lowest end of the hierarchy in terms of new building/changes of use and should only be permitted in the interests of promoting a strong rural economy. Next, **Policy ADPP6** covers the Eastern Kennet Valley area in which the application site is located, being south of Woolhampton. In terms of the environment section of this policy, it is stated in the second bullet point, that “... development in the open countryside will be strictly controlled”.

6.1.2 The next policy of relevance is **CS9**, which corresponds to [inter alia] the future scale, type and intensification of new business schemes. In section [c] of the policy, the more efficient use of

existing employment sites is encouraged, and this is what the application certainly does. The Council in the policy also notes that the intensification, redevelopment and upgrade of existing derelict employment sites will be encouraged where appropriate. Accordingly this supports the application concerned. However, following on through the policy it is clear that in terms of the sequential test, which covers accessibility and sustainability issues, the location of the application site is at the very lowest end of the scale ie. the least accessible, so is the least preferred option for new employment generation, in regard to this test.

6.1.3 **Policy CS10** relates to the rural economy. This policy identifies the need to support the rural economy, and it relates to farm diversification as well. The applicants are clearly praying in aid the fact that the new project will do much to assist the forward business plan of the Wasing Estate which already has a flourishing wedding business, which it wishes to enhance through the application. The applicant makes the point that without this business the remainder of the agricultural functions would not be viable, although the officers have not requested detailed financial statements to fully justify this proposition, so its accuracy cannot be verified. What is true however, is that undoubtedly local employment would rise if permission is granted, with the new farm shop, the yoga sessions, the bakery and cookery school and wedding shop all helping in this regard. The new on site accommodation would also boost employment and local tourism. This all aligns well with the advice in para 83 of the NPPF which corresponds to the rural economy. Indeed para 84 of the NPPF notes that planning authorities should recognise that not all new facilities in the countryside may be well served by public transport, but such development should be sensitive to its surroundings, and it should not have an unacceptable impact on local roads.

6.1.4. **Policy CS11** relates to the town and village centres across the District. The policy aims to protect the vitality and viability of these centres wherever possible, in recognition not only of the valuable private and public investment made in them, but also their importance to the wider economy. Because of this, both the policy and the NPPF identify typical town centre uses which are subject to the sequential test, should they not be located in or adjoining existing defined town centres. Retail and leisure uses are in part, these. The applicant is proposing these types of uses at Shalford Farm. The latter clearly does not lie in any defined centre, so a sequential test must be submitted. The applicants have failed to do this, presumably in the knowledge that the types and scale of uses could be accommodated in more accessible locations. They have however prayed in aid the fact that the sole purpose of the application is to support the ongoing commercial viability of the Wasing Estate and so due flexibility should be applied in the test. Whilst to an extent, this is true, any planning permission granted by the Council, would not be personal to the Estate, so there is nothing to stop the whole site/ planning unit being sold off in the future - unlikely but technically possible in planning/land use terms. Secondly, the whole remit of the highways objection corresponds to accessibility and sustainability, which is the premise upon which the purpose of the sequential test is founded. Accordingly, an additional reason for refusal will be based upon the lack of a satisfactory sequential tests being submitted by the applicant in accord with the advice in para 90 of the NPPF. Just to be clear - in the NPPF in para 88, it notes that the sequential test need not be applied to small scale rural development, but given the total new floorspace proposed in the application will be 1640m², this is certainly major.

6.1.5. Next, **Policy CS13** sets out the criteria against which new applications should be addressed vis a vis transport and sustainability implications. Development should reduce the need to travel, improve travel choice, by all modes of transport, demonstrate good access to key services and facilities and minimise the impact of travel on the environment. It is apparent to the case officer that the location of Shalford Farm meets none of these important criteria, notwithstanding the amended travel plan attached to the application, should it be approved. The site lies about 1 mile distant from Woolhampton to the north with its rail station and bus services, and approximately 0.5 miles from Brimpton to the west. Aldermaston lies about 1 mile to the east. Clearly this means walking, cycling and public transport means of accessing the site are currently poor and look set to remain so in the future. ie the prime means of accessing the site will be via private vehicle, and the Wasing taxi/ bus service proposed, assuming it runs successfully into the future. The officer view is that the application accordingly does not comply with the policy. Committee should note that both the Transport Policy Officer and Highways Officer are recommending refusal in this regard.

6.1.6. **Policy CS15** identifies the need for all new major commercial development in the District to achieve, from 2019 a zero carbon rating under the BREEAM regulations. The applicant has submitted a pre assessment with a covering letter, which notes that whilst BREEAM excellent could be achieved, this would be at significant cost to the developer, given the fact that the “poor” location of the site on sustainability measures, makes a number of credits effectively impossible to achieve. Officers accept this point and whilst the scheme would be technically contrary to the advice in policy CS15, no additional reason for refusal is recommended on this basis. However the point is re-iterated that this highlights one of the difficulties in promoting this scheme at this location.

6.1.7. The application site lies close to the River Enborne to the north, lying in flood zone 1. Accordingly any new development should be sensitive to any future flooding issues, in compliance with **policy CS16**. It is clear that despite the applicants FRA the Environment Agency is not satisfied with that assessment and has asked for revisions, and so have a holding objection. This may or may not be removed by the time of Committee. In addition, one reason for refusal related to the application scheme physically compromising access to the local pumping station on which it has a lease from the Estate - it is understood that the amended plans submitted now resolve this issue. What is important however, is that the new built form must not impede local flood flow or drainage to an unacceptable extent, which would harm local dwellings. One reason for refusal will accordingly relate to the FRA issue, at the time of writing, taking the precautionary approach.

6.1.8. **Policy CS17** in the WBCS identifies the need to respect local biodiversity and geodiversity. The applicants have surveyed the application buildings, to discover if any bat roosts exist on site. In the surveys, the Old Dairy and workshop do have bat roosts. Accordingly, if the application is approved, an EPS licence will be required prior to works commencing on site. Given the fact that Natural England have no outstanding objection to the development in question, being the statutory body in these matters, neither do your officers.

6.1.9. The final policy with which the Committee will need to test the application is **CS19**, which corresponds to the historic environment and landscape character. Taking the first point initially. Lying to the north of the application site is Shalford Farm house. This is listed grade 2. It is however physically divorced from the yard to the south by existing tree screening, and a drainage ditch. It also enjoys a separate vehicle access. Accordingly, in the view of officers the buildings in the yard are not curtilage listed, by virtue of the above physical factors which create a distinction in context between the two sites: the fact that the 2 sites are in separate ownership has no bearing on this planning judgement. Having said that, the Council as Planning Authority must have due regard as to whether the scheme would have a detrimental impact on the southern setting of the listed farmhouse. This is in accord with the advice in the NPPF about harm to a designated heritage eg a listed building. In addition any wider impact on the adjacent historic park of Wasing must also be taken into account as this is one more designated asset. Accordingly, the advice in para 196 in the NPPF must be taken into account. Members will have noted from their site visit that the current attractiveness of the yard is poor and does not enhance the locality. Officers consider that if the application is approved, on balance whilst the physical massing and scale of the new buildings/conversions will be more dominant than before, the design and external facing materials will be acceptable in this context and so not harmful to the setting of the Registered Park or the listed building. In this respect it will accord with policy CS19.

6.1.10. Policy CS19 also examines whether any new development will or will not have a harmful effect on local landscape character and quality. It is recognised that Shalford Farm does not lie in any protected landscape, such as the AONB. However it does lie in the Kennet Valley which is certainly an attractive corridor of countryside which the Council has a duty to protect and conserve. There is no doubt that the site being brownfield, already has a degree of impact on the locality. However this impact is constrained by the fact that it is low lying, it has built development around it on two sides [existing dwellings] and natural screening to the north and east. Accordingly, apart from Back Lane, it is only really visible at any distance from the south west, which in turn is screened by Chaplin’s Wood. Whilst new build will occur on the site and refurbishment, any wider

landscape impact caused by the scheme will be minimal, in the officer opinion, due to the above factors. So, if there is no visual harm, the application should not be rejected on these grounds, so in recommending refusal to the application, CS19 forms no part of this.

6.1.11 In conclusion on this policy examination in respect of the application, the following is noted : officers consider that the application fails policies ADPP1, ADPP6, CS9, CS11, CS13 and CS16 on the grounds identified –essentially on the poor location of the scheme, but including flooding. However in terms of policies CS10, CS15 , CS17 and CS19 the application is considered to be satisfactory ie in terms of support for the rural economy, BREEAM , biodiversity and landscape character /heritage. But the application should not only be considered on policy grounds.

6.2. Highways.

6.2.1. The Committee will note that many of the local objections relate to highways issues: indeed the Council highways officer is continuing to recommend refusal to the proposal, despite the revised Travel Plan with amended plans being submitted. Set out above in summary is the officer view of the application in regard to policy CS13 which is the principal policy in the Core Strategy relating to transport issues. In addition however, the Committee should take account of the Local Travel Plan of 2011 to 2026. This sets out a number of key issues, a number of which in particular correspond to the application in question - one is accessibility to services, another is carbon reduction and climate change. In addition, good performance of the highways network is important as is safe and healthy travel. Flowing on from this, one of the main objectives of the LTP is to improve access to employment, education, retail and leisure opportunities. In addition, the application site lies in the East Kennet Valley area in which options to improve pedestrian and cycle linkages are given due significance. Policy LTP K3, which corresponds to accessibility, seeks to ensure that new development is focused where there is already good access to services and facilities.

6.2.2. It is the officers' view that this proposal does not comply with the LTP in that it is a major scheme located in a non sustainable location as evidenced above. The applicants have submitted a revised Travel Plan which proposes a mini bus service to provide transport for both staff and wedding guests to and from the local rail stations to the site, and onto the main Wasing Estate. Whilst in principle this is laudable, in practice officers are not convinced how successful this scheme would be and indeed how long it would last - but more especially how it would be monitored into the future. The Council simply does not have the resources to monitor such travel plans, which normally relate only to major residential schemes. This is important since one of the tests on proposed conditions attached to any permission, in para 55 of the NPPF, is that they should be enforceable. Officers consider this applies to the travel plan noted.

6.2.3. To conclude on the above the application is considered to be clearly contrary to policy CS13 in the WBCS and policy K3 in the LTP2.

6.3. Other issues.

6.3.1. One factor the Council will need to bear in mind in the determination of this application is that of amenity. Presently, although the farm yard has an element of authorised commercial uses, it is low key and causes little disturbance, noise or traffic movements in the immediate locale. If this application were to be approved, it is clear that the number of traffic movements would increase considerably, the amount of noise would inevitably rise [especially at weekends] and light pollution may increase. The tranquil character of the area could then be diminished. Having said that, the Council Environmental Health Officer has not objected to the development, noting that so long as opening times of the new complex are conditioned and delivery times also conditioned, any impact on adjoining amenity will be regulated and so acceptable. Accordingly, notwithstanding the greater intensity of use proposed on the site, officers will not be recommending an additional reason for refusing the application on the grounds of amenity impact and so harm.

7. Conclusion .

7.1. All planning applications are required to be determined in accord with the three tenets of sustainability in the NPPF.

7.2. In economic terms the application is clearly to be encouraged as it is estimated by the applicants that up to 31 fte jobs will be created by the scheme. Not only this, but the increased turnover and profit for the Wasing Estate will be important in continuing to support that important local enterprise in the local area. Diversification is of course a key factor in supporting the rural economy, in the Core Strategy and the NPPF. Having said that, of course any permission if granted is not going to be personal to the applicant –but jobs will still be provided.

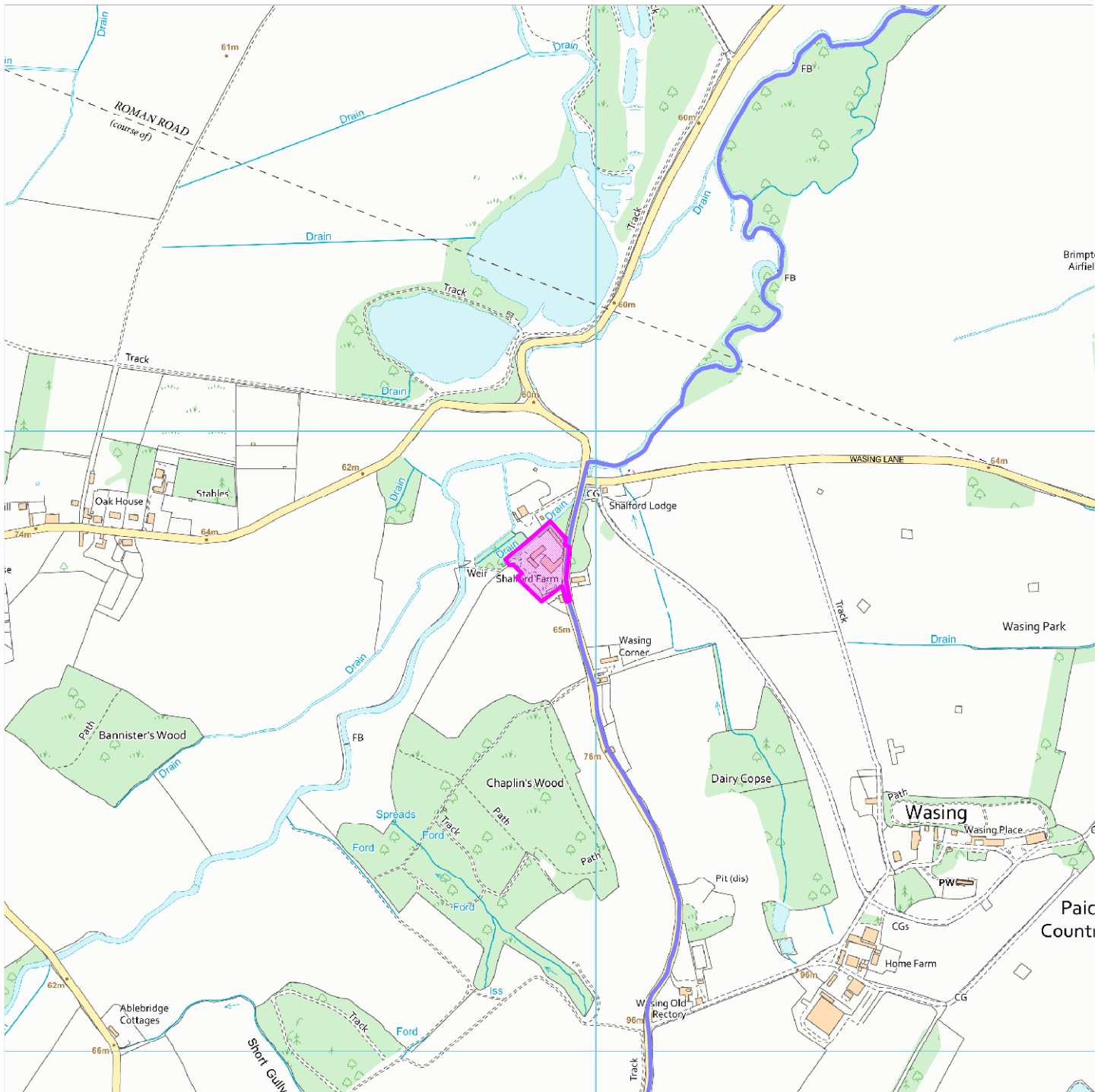
7.3. In social terms the application is also encouraged since the advent of these leisure and retail facilities will certainly promote social interaction to the benefit of ongoing community cohesion and strength, which is promoted in the NPPF. [para 92 refers].

7.4. However, it is in the environmental aspects that the application clearly fails. Whilst the design, massing, and layout of the new scheme is attractive and will not harm either local amenity, the setting of the listed building to the north or indeed the local landscape character or local biodiversity, it is the overall scale and location of the project which ensures that it is unacceptable having regard to the advice in the Local Transport Plan, the NPPF and policy CS13 in the Core Strategy. Accordingly, notwithstanding the apparent economic and social benefits arising from the application officers are recommending refusal on highway grounds, including the sequential test and also on the grounds of potential flooding.

8. Recommendation

8.1. The Head of Development and Planning be authorised to REFUSE planning permission for the following reasons.

- 1 The proposal will increase traffic in a rural location that has no pedestrian or bus routes and is linked by rural roads where at times cycling can be difficult. The location of the site will increase traffic where the mode of travel can only be the private car. The proposal is therefore unsustainable and is therefore contrary to Policy CS13 of the West Berkshire District Core Strategy 2006 to 2026 and the National Planning Policy Framework 2018. It is also contrary to the advice in the LTP2 of 2011 to 2026 for West Berkshire. It is accordingly unacceptable.
- 2 The applicant has failed to satisfy the Local Planning Authority that the proposed town centre uses of retail and leisure in this location is acceptable under the remit of the sequential test, as set out in the NPPF and the advice in policy CS11 in the WBCS of 2006 to 2026. Accordingly the application is unacceptable given the onus is on the applicant to demonstrate this test, as set out in para 90 of the NPPF.
- 3 The submitted flood risk assessment with the application is not satisfactory. Accordingly, it does not comply with the advice in para 163 of the NPPF and the advice in policy CS16 in the WBCS of 2006 to 2026. The application is therefore unacceptable on these grounds.

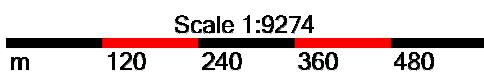


Map Centre Coordinates :

Scale : 1:9273

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	07 March 2019
SLA Number	0100024151

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Agenda Item 4.(3)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(3)	18/03367/FUL	06/03/2019 28/03/2019	Creation of an all-weather 20m x 30.8m outdoor riding arena. Manderley, School Lane, Frilsham, Thatcham Mr E Caloia and Mrs E Morando

Recommendation Summary:

The Head of Development and Planning be authorise to GRANT planning permission

Ward Member(s):

Cllr Graham Pask and Cllr Quentin Webb

Reason for Committee Determination:

The Council has received over 10 letters of objections by members of the public, the application has received a recommendation for approval.

Committee Site Visit:

13th March 2019

Contact Officer Details

Name: Sarah Melton
Job Title: Senior Planning Officer
Tel No: (01635) 519111
E-mail Address: Sarah.Melton1@westberks.gov.uk

1. Site History

Creation of an all-weather 20 x 30.8m outdoor riding arena
Ref. No: 18/02330/FUL | Status: Withdrawn

Application for approval of details reserved by condition 3 -Materials, 5-Lighting condition of approved application 16/00586/FUL - Change of use of agricultural land associated with Manderley to equine use to provide stabling.
Ref. No: 16/02736/COND1 | Status: Approved

Application for approval of details reserved by condition 7- Arboricultural Method Statement Condition of approved application 16/00586/FUL - Change of use of agricultural land associated with Manderley to equine use to provide stabling.
Ref. No: 16/02810/COND1 | Status: Approved

Change of use of agricultural land associated with Manderley to equine use to provide stabling.
Ref. No: 16/00586/FUL | Status: Approved

To construct a 25m x 45m menage and a U-shaped stable block.
Ref. No: 14/00062/FUL | Status: Refused

Addition of dormer windows to garage roof in place of roof lights
Ref. No: 88/32711/ADD | Status: Approved

New double garage and workshop with loft over on site of existing garage
Ref. No: 86/27912/ADD | Status: Approved

New double garage and loft over on existing site of single garage
Ref. No: 86/27395/ADD | Status: Approved

Double rear extension to existing single family dwelling
Ref. No: 86/26141/ADD | Status: Approved

2. Publicity of Application

2.1 The application was advertised by way of a site notice stapled on the telephone pole outside Manderley along School Lane. The notice was posted on 16/01/2019, expiring on 06/02/2019. Representations were submitted and accepted beyond the 21 day consultation period.

3. Consultations and Representations

Parish Council: Frilsham Parish Council

No objections

Whilst Frilsham Parish Council has no objection to this application, the following restrictions are requested should permission be approved:

- That there is absolutely no external lighting of the arena.
- Use of the arena is strictly for the private use of the household.

Highways: This arena is proposed for private use only.

No highways objections.

Please add:

HI 3 Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

HI 4 Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

SUDS:

We accept the applicant's proposal for 150mm of 20-40 mm limestone to be used as sub base and agree for drainage to be dealt with via a pre- commencement condition, but would prefer the condition to use our own standard wording:

"No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority"

Although the proposed surface material appears to quite standard within the industry, would there be a more natural alternative that could be used? This is due our concerns of the polyurethane fibres breaking down and entering the ground water.

Natural England:**No objection**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

North Wessex Downs Area of Outstanding Natural Beauty:

No formal response received within the 21 day consultation period. A voicemail was received by the case officer indicating that the consultee does have a number of issues with the impact of the development on the AONB and does not feel that the development has been justified. Any further comments will be reported on the update sheet.

Ecology:

Thank you for consulting with Ecology I have no comments to make

Representations:

There have been 21 letters of objection and 14 letters of support received in reference to this application. The representations are summarised:

Objections

- Impact of the development/structure on the landscape
- No benefit or use for residents in the vicinity
- There are already riding facilities in the area
- Site is located in the AONB
- Impact of the development on the AONB
- Visual impact on the character of the area
- Will be visible from neighbouring properties and the road up Hawkridge Hill
- Suburbanising effect of the rural area
- Urbanising effect on the rural area
- Contrary to Local Planning Policies; ENV29, CS14 and CS19
- A manege is not a pre-requisite for safe riding
- Parkland setting should be preserved
- Does not add anything to the local community to justify the development
- The levelling of the hill will disrupt the landscape
- Development would be irreversible
- Over development
- Contrary to the NPPF
- Development has already taken place on the site (stables and paddocks)
- The site is visible from the road
- Development on parkland
- Not in-keeping with the area and will create an unnecessary eyesore

Support

- Would allow the owner's children to ride in a safe area
- Allow children to improve riding skills and be safer on the road

- Not safe for the children to learn to ride on the road
- Allow a safe place the exercise the horses
- Roads are very busy and unsafe
- Development is in-keeping with the property and the area
- Development would not have an aesthetic impact on the house or surrounding area
- The design would not impact on neighbouring properties
- Other, larger developments have been approved which are not in-keeping with the areas
- Schooling in Frilsham is not possible for the majority of the year due to clay caps
- Has been designed to the highest possible standard
- Horses and horse riding are part of country life
- The manege is tucked in next to the property so as not to be obtrusive

4. Policy Considerations

The National Planning Policy Framework 2019;

Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012.

Policy ENV29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Additional guidance is contained within:

The West Berkshire Supplementary Planning Document on Quality Design (2006);

North Wessex Downs AONB Management Plan 2014-2019;

Horse, the Landscape and You Equestrian Guide to Keeping Horses in Protected Landscapes

5. Description of Development

5.1 The application is for the creation of an all-weather 20mx30.8m outdoor riding manege (arena). The proposed development is for private use only and will not have any commercial components.

5.2 The application site is to the west of Manderley, a large detached thatched dwelling of a rural character.

5.3 The land within the southern boundary of Manderley stretches approximately 92 metres along School Lane. School Lane is a single track, tarmacked road with a grass verge, hedges and trees either side of the road. The boundary between School Lane and Manderley consists of mixed hedging and a number of trees of varying species.

- 5.4 The levels of School Lane along and within the site vary, with lower levels to the west and rising unevenly to the east.
- 5.5 The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The site is in a visually prominent location within the AONB, defined as downland with woodland in the AONB Management Plan.
- 5.6 The AONB Management Plan references the document 'Horse, the Landscape and You Equestrian Guide to Keeping Horses in Protected Landscapes'. This document advises that new buildings or arenas are best located within existing farmsteads or groups of buildings.
- 5.7 The proposed manege is located within the curtilage of the dwelling Manderley, adjacent to the existing driveway. This area of the property has been developed to include a long driveway, stable block, a substantial garage block, a number of wooden post and rail fences and hard standing footpaths.
- 5.8 There are two apple trees within the site, these would be loss due to the proposed development.
- 5.9 Historically, minor parkland has existed in Frilsham, much of the parkland in the area has been enclosed and converted to arable fields and many parks now have only small stubs of grounds immediately around the house, such as Frilsham Park. The case officer has found no evidence that the application site is within parkland.

6. Consideration of the Proposal

- 6.1 The principle matters in considering this application are:
- I. The principle of development
 - II. Impact on highway safety
 - III. Impact on neighbours
 - IV. The impact on the character of the surrounding AONB

The principle of development

- 6.2 The application site is located outside of a defined settlement boundary and is therefore considered to be situated within open countryside, where policy ADPP1 states that development will be more strictly controlled.
- 6.3 The site is located within North Wessex Downs AONB which is an area of national landscape importance, a great level of importance is given to protecting the character and appearance of this landscape.
- 6.4 The application site is located within the residential curtilage of Manderley, rather than the adjoining open land also within the ownership of the occupants of Manderley.

- 6.5 Sufficient steps have been taken to ensure that the application accords with policy ENV29, these include reducing the size of the manege (compared to previous applications), the use of materials that will limit the impact on the surrounding area and locating of the manege next to existing hardstanding and development, within the residential curtilage of Manderly.
- 6.6 The manege has been designed in such a way that it would not result in an unacceptable form of development that would cause sufficient harm to the AONB and surrounding area to justify refusal of the application.

Impact on highway safety

- 6.7 The proposed riding arena will be for private use only, no commercial use is proposed as part of this application. On this basis the Highways Department have no objections to this application.

Impact on neighbours

- 6.8 Due to the size, height and location of the proposed development, the riding arena will not have any impact on neighbouring dwellings. The proposed development will not result in any; over shadowing, overlooking, loss of privacy or loss of light to neighbours, nor have any material visual impact.

Impact on the character of the surrounding area

- 6.9 The proposal scheme does include some limited levelling of the site, this will result in an impact on the character of the surrounding area.
- 6.10 The proposal also includes the loss of two apple trees within the site, however this loss will be off-set by additional tree and hedge planting.
- 6.11 External lighting is not proposed as part of this application. A planning condition can be applied to any consent strictly prohibiting any external lighting unless planning permission is granted for it, this is vital to protect 'dark skies'.
- 6.12 Minor fencing is included as part of the scheme which will have a limited impact on the character of the surrounding area. The fencing that is included is acceptable in terms of design and impact.
- 6.13 A sample of the material proposed for the top layer of the manege has been submitted with the application. The material proposed has been assessed as acceptable in this location in terms of impact on the character and appearance of the surrounding area.
- 6.14 Given the size, height, bulk and scale of the development, along with its equestrian use and location within the curtilage of Manderley and close proximity to the main dwelling and other development/hard standing, the impact of the development would not be sufficient justify refusal of the application.

Assessment of sustainable development

- 6.15 At the heart of the NPPF is a presumption in favour of sustainable development, the NPPF identifies three objectives of sustainable

development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development.

6.15.1 Economic objective: the proposal is not considered to make a contribution to the wider economic dimension of sustainable development.

6.15.2 Social objective: the proposal is not considered to make a contribution to the wider social dimension of sustainable development.

6.15.3 Environmental objective: With regards to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment. The impact on the character and appearance of the surrounding area has been assessed as part of this application. It is not considered that the proposal would cause demonstrable harm to the surrounding environment.

6.16 Overall the proposed development is considered to have a neutral impact in terms of achieving sustainable development.

Other matters

6.17 The application is not liable to make payment to CIL (Community Infrastructure Levy).

6.18 The Council's Drainage Engineer has confirmed that the top level material sample is acceptable.

7. Full Recommendation

7.1 In light of the above and in consideration of The National Planning Policy Framework and policies; policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Local Plan Core Strategy (2006-2026) 2012 and policy ENV29 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007). **The Head of Development and Planning be authorized to GRANT Conditional Planning Permission**

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with plans, documents and material:

a) Proposed New Arena Site Location, reference FLA-MAN-LS-001 – received on 09/01/2019

- b) Proposed New Arena General Arrangement & Section Locations, reference FLA-MAN-LS-003 – received on 09/01/2019
- c) Proposed New Area General Arrangement Block Plan, reference FLA-MAN-LA-002 – received on 09/01/2019
- d) Proposed Arena General Arrangement Indicative Section A-A, B-B & C-C, reference FLA-MAN-LS-004 – received on 09/01/2019
- e) Proposed New Arena Tree Survey & Protection Measure, reference FLA-MAN-LS-005 – received on 09/01/2019
- f) Tree Survey, Arboricultural Assessment and Method Statement Proposed Arena, Manderley, School Lane, Hermitage Rev D – received on 09/01/2019
- g) Letter reference SMD/CAL49/1 – received on 25/02/2019
- h) Landscape and Visual Assessment Proposed Arena, Manderley, School Lane, Rev B - Received on 21/12/2018
- i) Material Sample 'Riding Surface for Emanuela Morando' – received on 25/02/2019
- j) Planning Application Form Section 7 Materials – received on 09/01/2019

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Irrespective of the Town and Country Planning (General Permitted Development) Order 2015 (or an order revoking and re-enacting that Order, with or without modification), the riding arena hereby approved shall not be illuminated at any time unless permission for the illumination has been granted in respect of a planning application.

Reason: In the interest of amenity and protection of the surrounding countryside. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policy CS14 of the West Berkshire Core Strategy 2006-2026.

4. The riding arena hereby approved shall only be used for purposes incidental to the dwelling house known as Manderley. It shall not be used for any commercial equestrian purposes.

Reason: To ensure that the development is retained as a use incidental the existing dwelling house Manderley, in the interests of highway safety and to protect the amenity of the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed in accordance with the National Planning Policy Framework 2019 and Policies CS13 and CS14 of the West Berkshire Core Strategy 2006-2026.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order, with or without modification), no fencing, other than the section of knee high rail fencing shown on the approved plans, shall be erected within the application site unless planning permission has been granted in respect of an application made for that purpose.

Reason: To protect the open plan character of the surrounding area and AONB. This condition is imposed in accordance with the National Planning Policy Framework (February 2019), Policies CS14 and CS18 of the West Berkshire Core Strategy (2006-2026).

6. No development shall take place until details of sustainable drainage measures to manage surface water within the site have been submitted to and approved in writing by the Local Planning Authority. The riding arena shall not be brought into use until the approved sustainable drainage measures have been implemented. Thereafter the sustainable drainage measures shall be permanently retained and maintained in accordance with approved details.

Reason: To ensure that surface water will be managed in a sustainable manner. This condition is imposed in accordance with the National Planning Policy Framework (February 2019) and Policy CS16 of the West Berkshire Core Strategy (2006-2026).

INFORMATIVES

DEC3 - Approval - Objections/Support received

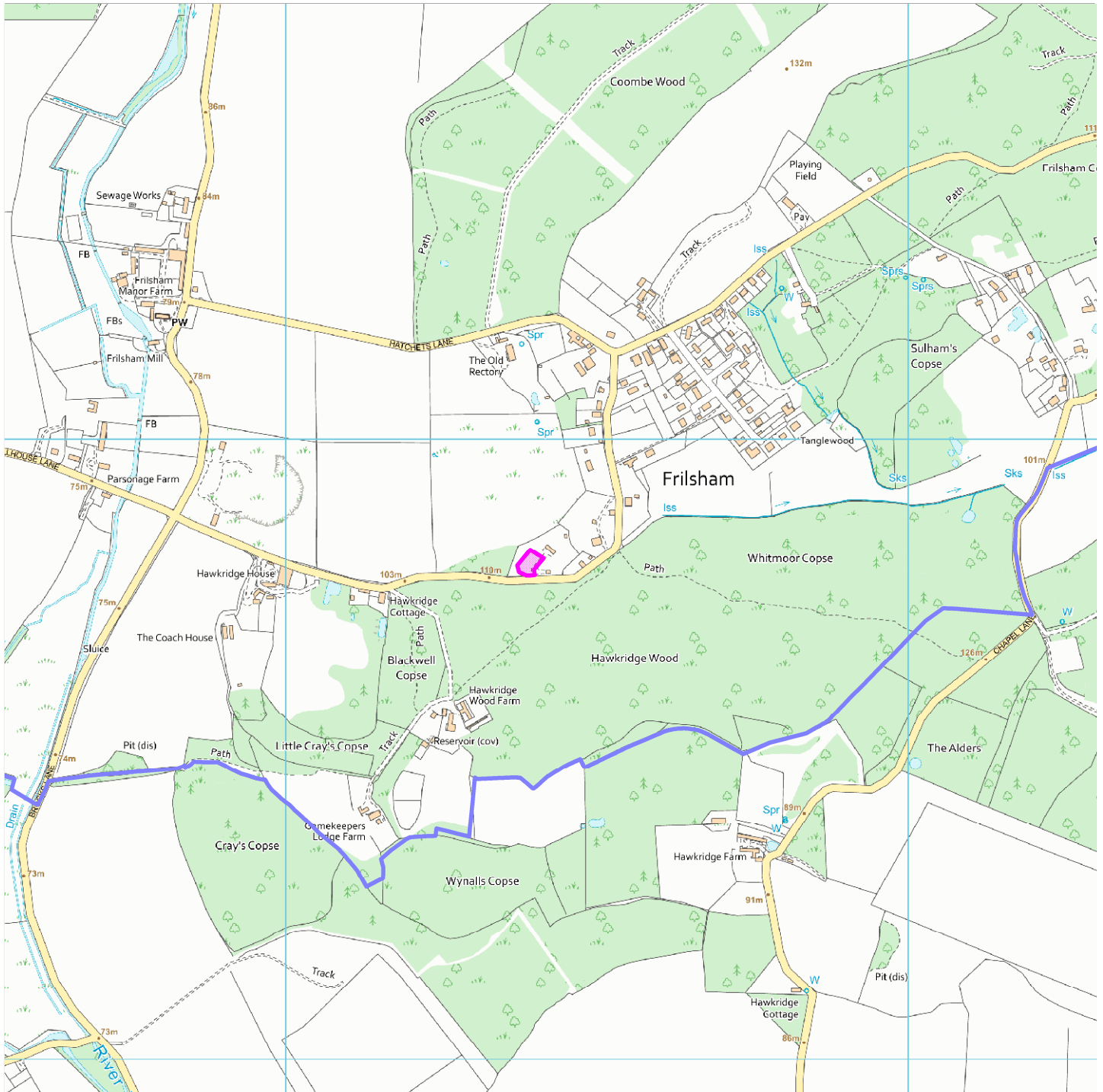
This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area

HI 3 Damage to footways, cycleways and verges

The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

HI 4 Damage to the carriageway

The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.



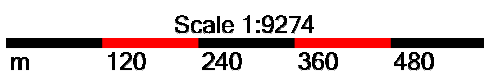
Map Centre Coordinates :

Scale : 1:9273

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	07 March 2019
SLA Number	0100024151



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Agenda Item 5.

APPEAL DECISIONS EASTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
<p>HOLYBROOK 17/02904/OUTMAJ</p> <p>PINS Ref 3206449</p>	<p>Land Adjacent To Bath Road, Dorking Way Calcot Carter Lauren Construction Ltd, Marstons PLC</p>	<p>Hybrid planning application (part full/part outline) comprising: (1) Restaurant/pub with 150 covers with associated parking and landscaping and installation of plant at roof level; (2) Outline permission for 28 residential units with details of access submitted. Matters to be considered: Access.</p>	<p>Delegated Refusal</p>	<p>Dismissed 1.3.19</p>

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