

Notice of Meeting



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District Planning Committee

Wednesday 17 April 2019 at 6.30pm

**in Council Chamber Council Offices
Market Street Newbury**

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, 9 April 2019

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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 Council Chamber, Market Street, Newbury 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



Agenda - District Planning Committee to be held on Wednesday, 17 April 2019 *(continued)*

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

Any queries relating to the Committee should be directed to Stephen Chard on 01635 519462
Email: Stephen.Chard@westberks.gov.uk



Agenda - District Planning Committee to be held on Wednesday, 17 April 2019 (continued)

- To:** Councillors Pamela Bale, Jeff Beck, Paul Bryant, Keith Chopping, Hilary Cole (Vice-Chairman), Richard Crumly, Clive Hooker, Alan Law (Chairman), Alan Macro, Graham Pask, Anthony Pick and Garth Simpson
- Substitutes:** Councillors Lee Dillon, Billy Drummond, Paul Hewer, Marigold Jaques, Mollie Lock and Virginia von Celsing

Agenda

Part I

Page No.

1. **Apologies**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 16
To approve as a correct record the Minutes of the meeting of this Committee held on 11 July 2018.
 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: 18/01470/FULD - Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire, RG7 6DW** 17 - 110
Proposal: Retention of existing timber lodge as farm worker accommodation. Supported by new and additional evidence. Non compliance with condition 12 of approved 13/03014/FULD.
Location: Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire, RG7 6DW
Applicant: Mr and Mrs J Plank
Recommendation: The Eastern Area Planning Committee, at the meeting on 27th February 2019, recommended that the application be approved.
- Items for Information**
5. **Plans and Drawings** 111 - 120

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.



West Berkshire
C O U N C I L

DRAFT

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

DISTRICT PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON WEDNESDAY, 11 JULY 2018

Councillors Present: Jeff Beck, Paul Bryant, Keith Chopping, Hilary Cole (Vice-Chairman), Clive Hooker, Marigold Jaques (Substitute) (In place of Pamela Bale), Alan Law (Chairman), Alan Macro, Graham Pask, Anthony Pick and Garth Simpson

Also Present: Michael Butler (Principal Planning Officer), Derek Carnegie (Team Leader - Development Control), Sarah Clarke (Head of Legal Services), Paul Goddard (Team Leader - Highways Development Control) and Bryan Lyttle (Planning & Transport Policy Manager), Councillor Paul Hewer (Council Member) and Linda Pye (Principal Policy Officer)

Apologies: Councillor Pamela Bale and Councillor Richard Crumly

PART I

3. Minutes

The Minutes of the meetings held on 23rd August 2017 and 8th May 2018 were approved as a true and correct record and signed by the Chairman.

4. Declarations of Interest

Councillor Anthony Pick declared an interest in Agenda Item 4(1), but reported that, as his interest was a personal or an other registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

5. Schedule of Planning Applications

(1) Application No. & Parish: 18/00837/FULEXT - Land at Station Yard, Hungerford

(Councillor Anthony Pick declared a personal interest in Agenda Item 4(1) by virtue of the fact that he had had a discussion with Network Rail in the last couple of weeks. 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.)

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application No. 18/00837/FULEXT in respect of the proposed erection of 30 flats with associated car parking and coffee shop with external amenity space.

Application number 18/00837/FULEXT had been submitted to the Council on 19th March 2018. It was a full application to redevelop the existing temporary private car park at the Station Yard, to a new five storey scheme of 30 flats with associated undercroft parking (33 spaces), with nine of the flats (30%) being affordable. Associated with the proposal was a communal amenity space to the rear, and a new coffee shop for the public on the west aspect of the site. Vehicular access would continue to be from Station Road.

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

The Planning Officer advised that this was a brownfield site which was located south of the railway line in Hungerford. The levels in the area had a considerable height difference as the land to the south was some 5 or 6 metres higher than that on the car park itself. However, the difference in levels worked well as it allowed the undercroft parking to slot in to the development. The application site abutted a local conservation area and therefore any development on the site should fully respect the setting and value of that conservation area without detriment.

The whole of the application site was within a defined protected employment area [PEA] as designated under adopted policy CS9 in the Core Strategy. This meant that any non-employment generating use approved on the site would not be consistent with that policy - housing was not employment generating, (beyond initial construction), so would, if approved, be contrary to the Council's policy. The Council's constitution required that the District Planning Committee consider applications where there was a possibility of conflict with a policy that would undermine the Development Plan and where there was a district-wide public interest.

In terms of access and parking, Officers were satisfied that the net loss of just three car parking spaces from the public network rail car park in the Yard would not be so harmful as to merit a recommendation of refusal. There had been concerns around the poor pedestrian routes to and from the site up to and across Station Road. Highway Officers considered it was essential to ensure a safe pedestrian route to and from the site and further detailed plans would be submitted by the applicant to cover this point. It was noted that 96 parking spaces would be lost in the temporary car park but that would also be the case should an employment application be submitted.

Concerns had been raised in relation to noise and the applicant has submitted an acoustic report which had concluded that the development would be double or triple glazed particularly on the northern elevation which would be most sensitive to noise. It was felt that the external amenity space would be sufficient.

The appended Western Area Planning Committee agenda report, set out the reasoning by Officers as to why in this case policy CS9 did not need to be the dominant planning policy consideration in these specific circumstances as set out below:

- (a) A recent appeal decision on land in the same PEA in 2017 had been allowed for housing. The Inspector in his decision letter made it clear that there was no justification to reject the appeal, on the basis of continuing to protect employment land, when the land had been vacant for some considerable time and had been marketed for employment uses for a considerable time, to no avail: the same situation applied at the current application site. In addition, he noted the advice in paragraph 22 in the NPPF on this issue. This noted that planning authorities should avoid the long term protection of sites allocated for employment use, where there was no reasonable prospect of the site being used for that purpose. Where this was the case applications for alternative uses, should be treated on their merits.
- (b) There were clear regeneration benefits arising from the project, should it be granted planning permission, which (inter alia) the local Town Council were fully supportive of, notwithstanding the loss of the car parking on the site. In addition, not only would more dwellings be built out in a very sustainable location, but there would be the advantage of nine more affordable units in the town.
- (c) The economic vitality and viability of the local area would also be enhanced by the new coffee shop proposed, which would be a local community benefit.
- (d) Officer conclusions were that in the specific circumstances approving a residential scheme on the Station Yard PEA, did not undermine the protection of the remaining

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

CS9 sites in Hungerford, such as at Charnham Park, and nor would it undermine similar PEA sites in other parts of the District.

The Update Sheet noted that the applicant had formally accepted the Council's request for a contribution of £30,000 towards the provision of additional covered and secure cycle storage at the Station in lieu of the loss of the three Network Rail car parking spaces on the site, should the application be approved.

It had been suggested that the formal designation of the Hungerford Neighbourhood Development Plan [NDP] should accord some weight to be attached to the consideration of this application. Whilst the Committee should of course be aware of the prospective NDP, the Planning Policy Section had advised that no weight could be attached at this early stage.

The Planning Officer advised that for clarity, the Committee report appended to the cover report had been modified already to include the update points from the Western Area Planning meeting.

Further details had been sought from the Council's Highways Officer and the Council's own car parks operation in order to examine to what extent the surrounding car parks to the site in public ownership were used. No detailed usage figures were available although figures of about 60% had been suggested.

For information, the planning permission for the residential scheme for the former ambulance station adjacent to the application site did not need to appear at the District Planning Committee since it was outside the CS9 protection area. Accordingly, an approval was not a departure from adopted policy.

Officers were therefore recommending that the application be approved, subject to the necessary Section 106 planning obligation noted in the report and the full recommendation. Members of District Planning Committee noted the objections raised by the Transport Policy Officer and Great Western Railway, in response to the permanent loss of the 96 space car park on site, identified as valuable to train users/commuters in particular. This was an issue which had been carefully considered by Officers in making the recommendation and by Members at the Western Area Planning Committee meeting on 27th June 2018.

In accordance with the Council's Constitution, Mr Keith Knight, Parish Council representative, Ms Nicola Scott, objector, and Ms Kirstin Gray, applicant, addressed the Committee on this application.

Mr Keith Knight in addressing the Committee raised the following points:

- Mr Keith Knight was representing Hungerford Town Council and was also Deputy Mayor for Hungerford;
- The Town Council were fully supportive of the application and this land had been vacant for the last ten years. It had been used as a temporary car park for the last five years providing 96 parking spaces but the land was in private ownership;
- The Town Council were currently looking at six options for the provision of additional parking in the town which included:
 - 25 spaces on the Network Rail site to the north of the Station;
 - A temporary park and ride scheme operating from the Triangle Field;
 - Hungerford Town Council to take over the running of the West Berkshire Council car parks as part of the Neighbourhood Plan;

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

- The Town Council was currently working with West Berkshire Council on a number of other possible sites.
- The Station area was a gateway in to Hungerford and an additional 30 apartments would bring new residents into the town;
- Mr Knight recognised that this was a Protected Employment Area but the recent appeal decision had changed the perspective around that;
- The land had been up for sale for a considerable period of time but there had been no interest from any potential purchasers;
- For the above reasons the Town Council supported approval of the application.

Councillor Alan Macro referred to the options being considered in respect of additional car parking and he asked if those options presumed some further investment by the Town Council. Mr Knight responded that it would be necessary to look at the relationship with West Berkshire Council Car Parks in respect of using revenue to offset costs. However, a business case had not been put together as yet and discussions would need to take place with various landowners.

Councillor Paul Bryant asked if Hungerford had sufficient industrial space. Mr. Knight felt that it did as there was quite a bit of industrial development on Charnham Park and some of the businesses by the Station had relocated to Charnham Park as it was easier to access this site with large lorries. This was also something that was being considered in the Neighbourhood Plan. Councillor Hilary Cole referred to the Neighbourhood Plan and recognised that it was in the early stages. She asked what the vision was in the Neighbourhood Plan for that piece of land. Mr Knight replied that the view was similar to that which had been included in the Town Plan. This site was a gateway into the town and it could provide much needed housing for local people.

Councillor Anthony Pick raised the issue of parking and whether consideration had been given to the potential increase in demand arising from electrification of the line. Mr Knight agreed that from 2019 new IET trains would be operating which would provide a capacity increase. The use of a hybrid train would allow a service from Bedwyn through to London. This was a well-used route but he was not sure whether the new trains would encourage additional growth from Hungerford.

Councillor Marigold Jacques referred to the park and ride option and she queried whether this would run from one site or various sites. Mr Knight advised that it would run to and from the Triangle Field in the morning and evening but that in the daytime it could support the local bus service.

Ms Nicola Scott in addressing the Committee raised the following points:

- Ms Scott represented Great Western Railway who objected to the application on the basis of the reduction in the number of car parking spaces;
- Over 90 car parking spaces would be lost and that would have a negative impact on the town;
- The plan was to increase the number of parking spaces rather than reduce them and the new trains would further increase demand for parking;
- There were 70 official parking bays in the Station car park and these were at capacity on weekdays already;

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

- Rail passenger trips had increased by 78% from Hungerford since 2006 and a further 60% growth was anticipated by 2023/24;
- Alternative parking options would have an impact on the ability to access the town and there would still be a deficit of 50 spaces which would result in displacement parking in residential areas;
- Stations at Bedwyn, Kintbury and Newbury did not have any spare capacity for parking;
- The station at Hungerford was used widely by residents outside the Hungerford area;
- Great Western Railway would like to work more closely with the landowner and West Berkshire Council to consider options to protect the parking provided on the site.

Councillor Alan Law said that if it was so important why had Great Western Railway not considered purchasing the land during the ten years that it had been on the market. Ms Scott confirmed that Great Western Railway took a different view now than it had some 8 years ago.

Councillor Hilary Cole noted that permission to operate a temporary car park had expired two years previously and she queried whether any consideration had been given to paying for a lease of the land. Ms Scott confirmed that it had been considered in the past but that it had not been viable at the time.

Councillor Alan Macro queried the fact that it had been stated that there were 70 official spaces in the Station car park but the sign at the top of the road indicated that there were 120 spaces.

Ms Kirstin Gray in addressing the Committee raised the following points:

- In terms of the fact that the application site was within a defined protected employment area as designated under adopted policy CS9 in the Core Strategy, Ms Gray confirmed that the site had not been used since 2007. It had been marketed but there had been no interest in purchasing the site during that time as it was not attractive as employment land;
- The site had no prospect of development for employment purposes and the recent appeal on another site had been allowed which was also relevant to the application site;
- Alternative sites should be considered for car parking as they had capacity and were constantly underused;
- The scheme had not been simple to design and issues with previous schemes had now been addressed through working closely with Officers;
- The applicant had agreed to make a contribution of £30k towards the provision of additional covered and secured cycle storage at the Station;
- Neither Network Rail or Great Western Railway had never sought to purchase the land in question;
- The site as it currently was detracted from the area.

Councillor Alan Macro noted that Ms Gray had mentioned that the site was not attractive for employment use and he questioned why that was. Ms Gray confirmed that the site had been marketed for a long time and there had been no interest at all in commercial use only for residential development. The site was not easy for lorries to access.

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

Councillor Paul Bryant noted that this was a high density five storey development with an undercroft and he queried whether consideration had been given to installing sprinklers.

Councillor Graham Pask queried how many parking spaces would be provided in the undercroft. It was confirmed that there would be 32 car parking spaces which were two in excess of the number of flats.

Councillor Paul Hewer, as Ward Member, advised that over the years he had defended the site at meetings of Hungerford Town Council as an employment site. However, he could no longer do so as it had been marketed to no avail. He now considered that the best option for the site would be to use it for housing as it included nine affordable housing units. This would go some way to addressing the housing crisis. In respect of the car parking neither Network Rail or Great Western Railway had enquired about purchasing the site or the adjacent site and no representation from Great Western Railway had been received. He was of the opinion that it was a good scheme and he was fully supportive of it.

In considering the above application Members asked for clarification on the number of car parking spaces on the official Station car park. The Highways Officer confirmed that the capacity in the car park was for 120 cars. He had counted the cars in the car park on one occasion and there had been 70 cars in there. However, he urged caution on relying on that occupancy figure as he had only been able to undertake one count.

Councillor Graham Pask stated that much of the discussion had been around car parking at the Station but he queried whether there was sufficient parking within the development as there was only 32 spaces for 30 dwellings. The Highways Officer confirmed that it was sufficient and that it complied with Policy P1.

Councillor Jeff Beck asked that if the application was to be approved then could a condition be added in relation to hours of work.

Councillor Alan Law said that the key reason that this application was being discussed that evening was in relation to the fact that it was against policy. In particular he referred to reason (d) in the covering report by Officers where it stated that approving a residential scheme on the Station Yard PEA, would not undermine the protection of the remaining CS9 sites in Hungerford, such as at Charnham Park, and nor would it undermine similar PEA sites in other parts of the District. He asked what the exceptional circumstances were in this case. Was it because the site had been marketed for the last ten years and there had been no interest. Bryan Lyttle, the Planning Policy Manager, confirmed that there had been a previous appeal on a PEA and the Council had vigorously defended it. However, the Inspector had concluded that the site had been on the market for some time and there had been little interest and therefore PEA status could no longer apply in that respect. That was why this site was being treated as an exception. He referred to the viability argument in the NPPF in terms of what the landowner wanted to receive and what the developer was willing to pay. The Government had consulted on densities around railway stations and this development would comprise a net density of around 100 dwellings per ha if built out whereas what the Government considered acceptable was 350 dwellings per ha.

Councillor Jeff Beck proposed agreement with the Officer recommendation together with an additional condition in relation to hours of work. This was seconded by Councillor Keith Chopping.

RESOLVED that the Head of Development and Planning be authorised to grant planning permission subject to the following conditions (with the addition of the condition around hours of work) and subject to the prior completion of the s106 obligation to deliver the nine affordable housing units and the £30,000 cycle parking contribution.

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

Conditions:

3 years

- 1 The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

Reason: To enable the Local Planning Authority to review the desirability of the development against the advice in the DMPO of 2015, should it not be started within a reasonable time.

Materials

- 2 No development, shall commence until samples of the materials to be used in the proposed development have been submitted to and approved in writing by the Local Planning Authority. This condition shall apply irrespective of any indications as to the details that may have been submitted with the application, and shall where necessary include the submission of samples of glass, plastic and mortar materials. Thereafter the materials used in the development shall be in accordance with the approved samples.

Reason: In the interests of visual amenity in accordance with Policy CS19 of the WBCS of 2006 to 2026.

Floor levels

- 3 No development shall commence until all details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy CS19 of the WBCS of 2006 to 2026.

Contamination

4. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:-

i) A preliminary risk assessment which has identified:-

- a) all previous uses
 - b) Potential contaminants associated with those uses
 - c) a conceptual model of the site indicating sources, pathways and receptors
 - d) potentially unacceptable risks arising from contamination at the site.
- ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - iii) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

- iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect Controlled Waters from pollution. In accord with the advice in the NPPF.

Verification report

- 5 No occupation of each phase of development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that contamination at the site is remediated, such that the site does not pose a threat to controlled waters. In accord with advice in the NPPF of 2012.

Unforeseen contamination

- 6 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect Controlled Waters from pollution. In accord with advice in the NPPF.

Tree fencing

- 7 Protective fencing shall be implemented and retained intact for the duration of the development in accordance with the tree and landscape protection scheme identified on approved drawing(s) numbered plan 980-02. Within the fenced area(s), there shall be no excavations, storage of materials or machinery, parking of vehicles or fires. In addition, no development shall take place (including site clearance and any other preparatory works) until the applicant has secured the implementation of an arboricultural watching brief in accordance with a written scheme of site monitoring, which has been submitted to and approved in writing by the Local Planning Authority. In addition, no trees, shrubs or hedges shown as being retained on tree survey 980-02 shall be pruned, cut back, felled, wilfully damaged or destroyed in any way without the prior consent of the local planning authority. Any trees, shrubs or hedges felled, removed or destroyed, or any that dies, become seriously damaged or diseased within five years from completion of the approved development, shall be replaced with the same species in the next planting season unless the Local Planning Authority gives written consent for any subsequent variation. In addition, no development shall take place (including site

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

clearance and any other preparatory works) until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall include the treatment of hard surfacing and materials to be used, a schedules of plants (noting species, plant sizes and proposed numbers/densities), an implementation programme, and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure:

a) completion of the approved landscaping within the first planting season following the completion of the development; and b) Any trees, shrubs or plants that die or become seriously damaged within five years of the completion of the development shall be replaced in the following year by plants of the same size and species. In addition the as approved landscaping plan 5 shall be implemented within the first planting season following completion of development or in accordance with a programme submitted to and approved in writing by the Local Planning Authority. Any trees, shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006 to 2026.

Waste Water Network

8 No properties shall be occupied until confirmation has been provided that either:- all wastewater network upgrades required to accommodate the additional flows from the development have been completed; or- a housing and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied. Where a housing and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed housing and infrastructure phasing plan.

Reason: The development may lead to sewage flooding and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional flows anticipated from the new development. In accord with the protection of public health in accord with the NPPF advice of 2012.

SUDS

9 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. These details shall:-

- a) Incorporate the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and West Berkshire Council local standards;
- b) Include and be informed by a ground investigation survey which confirms the soil characteristics, infiltration rate and groundwater levels (to be monitored through the winter months);
- c) Include construction drawings, cross-sections and specifications of all proposed SuDS measures within the site;

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

- d) Include run-off calculations, discharge rates, infiltration and storage capacity calculations for the proposed SuDS measures based on a 1 in 100 year storm + 40% for climate change;
- e) Include pre-treatment methods to prevent any pollution or silt entering SuDS features or causing any contamination to the soil or groundwater;
- f) Ensure any permeable paved areas are designed and constructed in accordance with manufacturers guidelines;
- g) Include a management and maintenance plan for the lifetime of the development. This plan shall incorporate arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a residents' management company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. The above sustainable drainage measures shall be implemented in accordance with the approved details before the dwellings are first occupied or in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained and managed in accordance with the approved details thereafter.

Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), and Part 4 of Supplementary Planning Document Quality Design (June 2006).

Noise mitigation

- 10 The applicant shall implement the noise mitigation measures recommended in the submitted 'Assessment of Noise and Vibration '(Ian Sharland Limited Ref M3863 Dated 09/03/18 v.4) to achieve suitable internal noise levels in accordance with BS8233 guideline values. Noise from building plant services shall not at any time exceed a level 10dB below the prevailing background sound when measured at the facade of the nearest noise sensitive location.

Reasons: To protect the amenity of future residents and to minimise the potential commercial impact on the existing public house, in accord with policy OVS6 in the WBDLP of 1991 to 2006.

Construction method statement

- 11 No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:
- (a) The parking of vehicles of site operatives and visitors
 - (b) Loading and unloading of plant and materials
 - (c) Storage of plant and materials used in constructing the development
 - (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
 - (e) Wheel washing facilities

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

Footway/cycleway details

- 12 The development shall not be brought into use until the 1.5 metre wide footway fronting the site from the proposed Café eastwards has been constructed in accordance with the approved drawing(s) and any statutory undertaker's equipment or street furniture located in the position of this footway/cycleway has been re-sited to provide an unobstructed footway/cycleway.

Reason: In the interest of road safety and to ensure adequate and unobstructed provision for pedestrians and/or cyclists. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

.Vehicle parking

- 13 The development shall not be brought into use until the vehicle parking and/or turning space have been 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 (March 2012), 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).

Gradient of private driveway

- 14 The gradient of private drives shall not exceed 1 in 8 or, where buildings are likely to be occupied by the mobility impaired, 1 in 12.

Reason: To ensure that adequate access to parking spaces and garages is provided. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

Access construction

- 15 No development shall take place until details of the proposed accesses into the site have been submitted to and approved in writing by the Local Planning Authority. As a first development operation, the vehicular, pedestrian/cycle access and associated engineering operations shall be constructed in accordance with the approved drawing(s).

Reason: To ensure that the accesses into the site are constructed before the approved buildings in the interest of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026).

DISTRICT PLANNING COMMITTEE - 11 JULY 2018 - MINUTES

Train station cycle parking

- 16 No dwelling shall be occupied until a financial contribution of £30,000 has been provided for the provision of addition cycle storage facilities within Hungerford Train Station.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

Station Road footway improvements

- 17 No dwelling shall be occupied until dropped kerbing and tactile paving is provided across Station Road south of the Railway Tavern under a Section 278 Agreement or other appropriate mechanism.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the encouragement of walking as a sustainable mode of travel. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), 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).

Hours of Construction Work

- 18 The hours of work for all contractors for the duration of the site development shall unless otherwise agreed by the Local Planning Authority in writing be limited to:

7.30 am to 6.00 p.m. on Mondays to Fridays
8.30 am to 1.00 p.m. on Saturdays and
NO work shall be carried out on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbouring occupiers. In accordance with CS14 of the West Berkshire Core Strategy (2006-2026) and OVS.6 of the West Berkshire Local Plan 1991-2006 (Saved Policies 2007).

(The meeting commenced at 6.00 pm and closed at 6.52 pm)

CHAIRMAN

Date of Signature

Agenda Item 4.(1)

Item (1)	18/01470/FULD
Title of Report:	Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire, RG7 6DW
	Retention of existing timber lodge as farm worker accommodation. Supported by new and additional evidence. Non compliance with condition 12 of approved 13/03014/FULD.
Report to be considered by:	District Planning Committee
Date of Meeting:	17 th April 2018
Forward Plan Ref:	N/A

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01470/FULD>

Purpose of Report:	For the District Planning Committee to determine the application in question.
Recommended Action:	The Eastern Area Planning Committee, at the meeting on 27 th February 2019, recommended that the application be approved.
Reason for decision to be taken:	The application, if approved, would comprise a departure from the current Development Plan Policy in the Core Strategy 2006 to 2026 - ADPP1, ADPP5, Policy CS10 and CS14 of the West Berkshire Core Strategy 2006 - 2016 and the Housing Site Allocations Development Plan Document's Policies C1: Location of new housing in the countryside, C3: Design of Housing in the Countryside, C5: Housing related to rural workers and GS1: General site policy.
Key background documentation:	Eastern Area Planning Committee on 27 th February 2019. Agenda Report and draft minutes, plus update sheet. Application file 18/01470/FULD.

Key Issues.

Isolated dwellings within the rural countryside; essential need for a second permanent rural worker's dwelling in that location; conserve, enhance and preserve the North Wessex Downs AONB and promote the rural economy.

Portfolio Member Details	
Name & Telephone No.:	Councillor Hilary Cole
E-mail Address:	Hilary.Cole@westberks.gov.uk
Date Portfolio Member agreed report:	To be advised.

Contact Officer Details	
Name:	Masie Masiwa
Job Title:	Senior Planning Officer
Tel. No.:	01635 519111
E-mail Address:	Masie.Masiwa@westberks.gov.uk

Implications

Policy: Core Strategy Policies - NPPF Policy, ADPP1, ADPP5, Policy CS1, CS4, CS10, CS13, CS14, CS15, CS 17, CS 18 and CS19

Housing Site Allocations Development Plan Document - GS1, C1, C3, C5

Financial: N/A

Personnel: N/A

Legal/Procurement: N/A

Property: N/A

Risk Management: N/A

Equalities Impact Assessment: N/A

EXECUTIVE SUMMARY

1 INTRODUCTION

1.1 On 27th February 2019 the Eastern Area Planning Committee considered the agenda and update report for this full planning application for the retention of the existing timber lodge (previously allowed as temporary accommodation) as farm worker accommodation. The application seeks to regularise non-compliance with condition 12 of approved application 13/03014/FULD. Condition 12 required the removal of the temporary dwelling on occupation of the approved permanent rural worker's dwelling. That report is attached at Appendix 1.

1.2 The application site is located in the countryside and the North Wessex Downs AONB. The temporary timber lodge has a chalet design and is situated at the access of the existing farmyard with the completed dwelling located further towards the middle of the farmyard. The dwelling is a single storey timber construction and the accommodation is made up of one bedroom, living space, farm office, balcony

and rear enclosed garden area. A shed has constructed in the timber lodge's garden area.

1.3 Bushnells Green Farm is a beef and sheep farm, which has been established for approximately ten years. The planning history is outlined within the report at Appendix 1.

1.4 At a meeting of the Eastern Area Planning Committee it was resolved to approve the application for following reasons:

“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:

- Occupation of the timber lodge to be restricted to a stock person employed by the farm (more specific than for an agricultural worker).
- 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 Section 106 legal agreement.”

1.5 In reaching this decision the Eastern Area Planning Committee concluded that on the basis the lodge accommodation could be restricted to the shepherdess/shepherd. The application could then be approved as an exceptional case for the district and would not set a precedent. Members proposed that the application could be approved in accordance with Policy C5 of the HSA DPD (housing related to rural workers) and subject to the signing of a Section 106 legal agreement. Members cited that 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 for the stock person.

1.6 As indicated above officers determined that the issues involved should be considered by the District Planning Committee due to the conflict of the resolution to approve the application with the criteria within Policy C5 of the Housing Site Allocations Development Plan Document and the assessment of essential need for a second dwelling at the site determined by the Planning Inspector in dismissing an appeal for the same proposal under the previously refused application 16/01782/FULD. In Officers’ view there are consequent negative impacts on the implementation of the Council’s strategic policies for the provision of housing for rural workers across the District, in particular with regard to applying the essential need criteria of Policy C5 which was fully applied in approving the now occupied permanent agricultural worker’s dwelling on the site.

2 CONCLUSION

2.1 The Eastern Area Planning Committee concluded that greater weight should be given to the provision of accommodation for a rural worker (stock person), despite failure to demonstrate an essential need for a second rural worker's dwelling to be located in that location. The Eastern Area Planning Committee felt that there was an exceptional case in this instance. The officers' view is that criteria (i) of the Housing Site Allocation Development Plan Document has not been met and this was assessed by the Planning Inspector and is also confirmed by Kernon Agricultural Consultants who were instructed to review whether there was an essential need for a second rural worker to be located at Bushnells Green Farm. Policy C5 outlines that the Council's preference for rural workers' accommodation is for such provision to be located in nearby towns or villages or in existing properties near to their place of work, which would avoid the need for new dwellings in the countryside.

3 RECOMMENDATION

To **DELEGATE** to the Head of Development & Planning to **REFUSE PLANNING PERMISSION**.

That the District Planning Committee **REFUSE** planning permission for application 18/01470/FULD as the proposed development is considered to be contrary to the Development Plan Policies already applied on the site and the assessment of essential need determined by the Planning Inspector on a previous appeal for the same proposal.

APPENDICES

- 1 EAPC Committee Report and Appendices of 27th February 2019
- 2 Update report of EAPC on 27th February 2019
- 3 Minutes of meeting held on 27th February 2019

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	18/01470/FULD Bucklebury Parish Council	27 February 2019	Retention of existing timber lodge as farm worker accommodation. Supported by new and additional evidence. Non compliance with condition 12 of approved 13/03014/FUL. Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire, RG7 6DW Mr and Mrs J Plank

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01470/FULD>

Recommendation Summary: To **DELEGATE** to the Head of Development & Planning to **REFUSE PLANNING PERMISSION**.

Ward Members: Councillor Graham Pask
Councillor Quentin Webb

Reason for Committee determination: Called in by Councillor Pask to allow Members the opportunity to consider the need for a dwelling.

Committee Site Visit: 30 January 2019

Contact Officer Details

Name: Masie Masiwa
Job Title: Senior Planning Officer
Tel No: (01635) 519111
Email: Masie.Masiwa@westberks.gov.uk

APPENDICES

Please note the following documents have been attached as appendices to this report:

Appendix 1: Appeal Decision from the Planning Inspectorate on application 16/01784/FULD.

Appendix 2: Assessment of need report by Kernon Consultants.

Appendix 3: Approved permanent dwelling plans and elevations under approved application 13/03014/FULD showing bedsit for temporary worker/student.

Appendix 4: Design and Access Statement under approved application 13/00331/FULD outlining bedsit with ensuite will be used for temporary worker/student.

Appendix 5: Design and Access Statement under approved application 13/03014/FULD outlining timber lodge will be removed and land restored to agriculture.

Appendix 6: Approved block plan 1 under approved application 13/03014/FULD shows that timber lodge will be removed.

Appendix 7: Approved block plan 2 under approved application 13/03014/FULD shows that timber lodge and fencing will be removed.

Appendix 8: Approved decision notice description under approved application 13/03014/FULD showing that timber lodge will be removed and condition 12.

1. PLANNING HISTORY

- 1.1** Application not required on Prior Notification: 07/02456/AGRIC: Building for housing cattle after Christmas and turkeys before Christmas
- 1.2** Approved application: 08/01628/FULD: Agricultural workers dwelling (temporary permission).
- 1.3** Approved application: 09/01244/FUL: Section 73 - Application for removal or variation of condition 4 of planning permission 08/01628/FULD
- 1.4** Application Required on Prior Notification: 11/02444/AGRIC: Pole Barn.
- 1.5** Approved Application 11/02731/FULD: Agricultural worker dwelling for temporary period. (request for additional temporary period)
- 1.6** Refused Application 12/02025/FULD New agricultural workers dwelling to replace existing temporary dwelling.
- 1.7** Approved Application: 13/00331/FULD: New agricultural workers dwelling to replace existing temporary dwelling.
- 1.8** Approved Application: 13/03014/FULD: Erection of new agricultural workers dwelling on an alternative siting from that approved by planning consent ref 13/00331/FULD dated April 2013, and removal of existing temporary timber chalet.
- 1.9** Application Required: 16/01116/AGRIC: Agricultural barn
- 1.10** Refused Application 16/01784/FUL: Retention of existing timber lodge as farm worker accommodation. Noncompliance with condition 12 of approved 13/03014/FUL. Dismissed at Appeal following an Appeal Hearing.
- 1.11** Local Planning Authority declined to determine application 18/00643/FULD: Retention of existing timber lodge as farm worker accommodation. Supported by new and additional evidence. Non-compliance with condition 12 of approved 13/03014/FUL.

2. PUBLICITY

- 2.1** A site notice was displayed on 17th July 2018 and expired on 07th August 2018. The Council has therefore complied with the publicity requirements of the Town and Country (Development Management Procedure) Order 2015 and the Council's Statement of Community Involvement.

2.2 CONSULTATION

Bucklebury

Parish Council: Summary recommendation

Bucklebury Parish Council has taken the unusual step of supporting this application. BPC feels that the research supports the evidence submitted by Mr Plank and his agents, and find it difficult to see or propose any alternative solution. BPC believes the reasons for the inspector's refusal in 2016 have been addressed and therefore can see no reason for refusal to this application. Any approval must be subject to there being a continuing agricultural need.

Stanford Dingley Parish Council

(Conclusion): Stanford Dingley Parish Council believes that there is a strong commercial justification to retain the Finlodge indefinitely because of the need for another experienced person to live on the farm site and because of the lack of alternative accommodation in the immediate vicinity. The viability of the business is fragile, and Jeremy Plank has worked very hard to grow the business in order to maintain its viability. Livestock farming has significantly reduced in this area, and the countryside will be a very much poorer place if it reduces further. All livestock farmers have had to scale up to survive, and those that have not have generally gone out of the business. Jeremy Plank's business was a start-up venture 12 years ago and requires support to sustain its early success in what has become a tougher business environment driven by low farm gate prices, higher operating costs and the uncertainties for livestock farming following the 'Brexit' vote.

The demolition of the Finlodge would be very hard to justify, and a highly unpopular move, given the absence of affordable and alternative accommodation in the immediate area. The resultant loss of an experienced worker on site could put the farming operation in jeopardy through having to downsize its operations to a level that may not be viable.

Highways

No Objection: Adequate parking is provided and vehicle movements would be relatively low

Natural England

No Objection

2.3 Representations

Total: 25

Object: 0

Support: 25

The representations received provided the following points:

- a) The scale and nature of the enterprise ,with the numbers of breeding animals involved and the nature of the available “rapid response “make it essential for a stock-person to live on-site.
- b) If permission is refused then the present occupier is likely to successfully seek employment elsewhere, with on-farm accommodation
- c) Essential for shepherdess to be on site and available for long days, early mornings and the need to be on hand for emergencies.
- d) Mr Plank would find it impossible to source a competent replacement in the absence of housing on the farm.
- e) Surrounding farm land is grazed under licence by the Plank brothers
- f) Shepherdess requires accommodation provided for her in the immediate vicinity of the farm.
- g) Shepherdess is often called out to attend to problems with sheep during unsociable hours
- h) Very little affordable accommodation to buy or rent in Stanford Dingley or surrounding parishes
- i) A refusal is an obstacle in the path of a small but important rural business
- j) The Council is actively blocking the ability to sustain a local rural economy.
- k) Retention of the cottage is integral to the business success and to remain viable.
- l) There is no adverse visual effect made by the wood cabin/lodge.
- m) Promotes a strong rural economy, high standards of husbandry and environmentally sound farming practice.
- n) The future of agriculture is of particular importance to the Parish, as a landscape supported by viable agriculture.
- o) Applicant demonstrated essential need for the provision of accommodation for this key rural worker.

3. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as

amended). The proposed development is not EIA development and therefore an Environmental Statement is not required.

4. PLANNING POLICY

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

4.2 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and who these are expected to be applied. It is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).

4.3 According to paragraph 213 of the revised NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

4.4 The West Berkshire Core Strategy (2006-2026) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:

- NPPF Policy
- ADPP1: Spatial Strategy
- ADPP5: North Wessex Downs Area of Outstanding Natural Beauty (AONB)
- Policy CS1: Delivering New Homes and Retaining the Housing Stock
- Policy CS4: Housing Type and Mix
- Policy CS10: Rural Economy
- Policy CS13: Transport
- Policy CS14: Design Principles
- Policy CS15: Sustainable Construction and Energy Efficiency
- Policy CS 17 Biodiversity and Geodiversity
- Policy CS 18 Green Infrastructure
- Policy CS19: Historic Environment and Landscape Character

4.5 The Housing Site Allocations Development Plan Document (HSA DPD) is the second DPD of the new West Berkshire Local Plan. It allocates non-strategic housing sites and sites for gypsies, travellers and travelling show people, and provides updated residential parking standards and a set of policies to guide housing in the countryside. The following policies from the HSA DPD are relevant to this development:

- GS1: General site policy
- C1: Location of new housing in the countryside
- C3: Design of housing in the countryside
- C5: Housing related to rural workers

- P1: Residential parking for new development

4.6 A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) remain part of the development plan following the publication of the Core Strategy. The following saved policy from the Local Plan is relevant to this development:

- TRANS.1: Meeting the Transport Needs of New Development

4.7 The following local policy documents adopted by the Council are material considerations relevant to the development:

- West Berkshire Supplementary Planning Document Series: Quality Design (SPDQD), (adopted June 2006)
 - Part 1 Achieving Quality Design
 - Part 2 Residential Development
 - Part 4 Sustainable Design Techniques
- West Berkshire Supplementary Planning Document Planning Obligations SPD
- West Berkshire Supplementary Planning Document Delivering Investment from Sustainable Development
- National Planning Practice Guidance (Use of Planning Conditions)
- North Wessex Downs AONB Management Plan (2014-2019)

5. DESCRIPTION OF DEVELOPMENT AND THE SITE

5.1 The application seeks permission for the retention of the existing temporary timber lodge or log cabin as a permanent farm worker accommodation at Bushnells Green Farm, Chapel Row. By retaining the lodge, the proposal seeks for non compliance with condition 12 of approved application 13/03014/FUL.

5.2 The condition required that the temporary agricultural dwelling on the site approved under application 11/02731/FUL (approved 20 March 2012) must be removed within 2 months of first occupation of the permanent worker's dwelling (application 13/03014/FUL). Condition 12 further requires that all associated plant, materials and equipment associated with or resulting from the removal of the temporary dwelling shall be removed from the site within 3 months from first occupation of the permanent agricultural worker's dwelling. Lastly the condition also requires that the site shall thereafter be landscaped.

5.3 The temporary timber lodge has a chalet design and is situated at the access of the existing farmyard. The dwelling is a single storey timber construction and the accommodation is made up of one bedroom, living space, farm office, balcony and rear enclosed garden area. A shed has been added to the timber lodge's garden area.

6. APPRAISAL

The main issues for consideration in the determination of this application are:

- 6.1 Principle of the development – essential need assessment.
- 6.2 The impact on the character and appearance of the North Wessex Downs AONB.
- 6.3 The impact on neighbour amenity
- 6.4 On-site amenity and facilities for future occupiers
- 6.5 The impact on highway safety
- 6.6 Impact on Flooding and Drainage
- 6.7 Other matters

Community infrastructure levy
The presumption in favour of sustainable development

6.1 The principle of development.

Proposal for consideration.

6.1.1 In an email dated 25 July 2018 the agent explained that the resubmitted application is based on the essential need and is based on providing permanent and affordable accommodation for the shepherdess. The email stated that:

6.1.2 *"The essential need element pertains to providing permanent and affordable housing for the farm's shepherd and the associated provision needed for her working sheep dogs necessary to handle animal welfare issues. This requirement cannot be met locally in alternative premises near enough to the farm yard to be effective. This is expanded upon in Charles Holt's report.*

"I note that within the Government's revised NPPF published yesterday it says at para 77. "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs" and at para 79. "Planning policies and decisions should avoid the development of isolated homes in the countryside unlessthere is an essential need for a rural worker,....., to live permanently at or near their place of work in the countryside.

6.1.3 The Council received an additional statement from the applicant submitted on 27 November 2018 which stated that the retention of the timber log cabin would provide for health and safety and animal welfare provisions as the applicant cannot find suitable affordable accommodation for the employee within the local area. In the statement the applicant's consultant stated that the farm business has a requirement that a worker is readily available day and night. The letter goes on to say that the welfare of any livestock is always paramount and emphasises clearly that the principle of sight and sound is the core justification for this latest proposal. Officers fully agree that a worker is required at the site day and night, however as will be explained in this report, the Council consider that these needs are being

sufficiently met by the completed main dwelling on the site, which was approved by the Council for this purpose.

- 6.1.4 Bushnells Green Farm is a beef and sheep farm, which has been established for approximately ten years. The principle of the proposed development must be assessed against government guidance set out in the NPPF and relevant development plan policies.

Planning History:

- 6.1.5 In 2008, the Council approved a temporary agricultural worker's dwelling (the lodge) under application 08/01628/FULD (**Proposal Description: Agricultural workers dwelling (temporary permission).**)
- 6.1.6 In 2013, the Council approved the first permanent replacement agricultural worker's dwelling to replace the temporary lodge under application 13/00331/FULD (**Proposal Description: New agricultural workers dwelling to replace existing temporary dwelling.**)
- 6.1.7 In 2014, the Council approved a resubmitted application for a replacement agricultural worker's dwelling to replace the temporary lodge under application 13/03014/FULD (**Proposal Description: Erection of new agricultural workers dwelling on an alternative siting from that approved by planning consent ref 13/00331/FULD dated April 2013, and removal of existing temporary timber chalet.**) This application included supporting design and access statement and approved plans that confirmed that the temporary timber lodge would be removed and the land restored to agriculture. These documents are attached as appendices and it is confirmed that this is the implemented scheme.
- 6.1.8 On the 21st January 2016, the Council received a complaint that the "log cabin in the grounds was meant to come down after the occupiers moved into the main property" The complainant confirmed that the occupants had moved into the main property in August 2015, and that there was now somebody else living in the log cabin.
- 6.1.9 In 2016, the Council refused an application for the permanent retention of the temporary lodge under application 16/01782/FULD, the decision was appealed and the appeal was dismissed on 16 May 2017 after an Appeal Hearing. (**Proposal Description: Retention of existing timber lodge as farm worker accommodation. Non-compliance with condition 12 of approved 13/03014/FUL.**)
- 6.1.10 The applicant resubmitted the same proposal on 15 March 2018 under reference: 18/00643/FULD. However as the proposal was similar to that dismissed at appeal on 16 May 2017 and since the new application was received within two years of the relevant appeal decision, the Council declined to determine the resubmitted application by a letter dated 23 March 2018. This decision to decline to determine the application was made under the provisions of Section 70A and 70C of the Town and Country Planning Act 1990.

- 6.1.11 The current submission is accompanied by a legal opinion from Counsel appointed by the applicant. The legal opinion provides that the Council should not refuse to determine the current application as additional information has been submitted, summarised as an increase in stock levels and the acquisition of additional farmland on rental/tenancy agreements. The Council's Development Manager (Gary Rayner) has resolved that the Council should accordingly consider and determine the current application, which is now before the Planning Committee.
- 6.1.12 The revised NPPF was published on 24 July 2018. Whilst the new NPPF includes additional content, the matter of rural housing remains materially the same, albeit the paragraph numbers have changed.
- 6.1.13 Paragraph 77 – 79 outlines the revised NPPF's national policy guidance on rural housing.
- 6.1.14 Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Plans should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 6.1.15 Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an **essential** need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential property; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 6.1.16 Policy ADPP1 of the West Berkshire Core Strategy 2006-2026 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land. The HSADPD has revised some of the settlements and their boundaries within which new housing would normally be permitted. The application site lies outside a defined settlement

boundary, within the context of planning the site is classified as being located within the open countryside.

- 6.1.17 Policy ADPP1 states that only appropriate limited development will be allowed, with a focus on addressing identified needs and maintaining a strong rural economy. The policy also encourages the maximum use of land and infrastructure. The principle of an agricultural worker's accommodation on the holding is in accordance with Policy ADPP1 in terms of promoting a strong rural economy, but fails in being appropriate limited development within the same Policy ADPP1.
- 6.1.18 Policy ADPP5 of the WBCS further provides for the limiting of development within the countryside. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP5 permits development within AONB providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the AONB, ensuring that any development responds positively to the local context. The development is designed as a temporary chalet structure which was previously approved on a temporary basis until the completion of the main dwelling, as such it is not considered to accord with the context of the surrounding area and permanent vernacular architecture in terms of design, size and appearance. The timber lodge is of a design and appearance which can be described as functional but is certainly not of high quality or standard worth of retention in the AONB.
- 6.1.19 Policy C 5 of the HSA DPD (Housing related to Rural Workers) states that new dwellings in the countryside related to, and located at or near, a rural enterprise will be permitted where:
- i. It is proven as **essential** to the continuing use of land and buildings for agriculture, forestry or a rural enterprise;
 - ii. Detailed evidence is submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the housing is required for a full time worker in that location;
 - iii. It is demonstrated that there are no suitable alternative dwellings available or that could be made available in that location to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion.
 - iv. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries;
 - v. The financial viability of the business is demonstrated to justify temporary or permanent accommodation;

- vi. The size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise; and well related to existing farm buildings or associated dwellings;
- vii. The development has no adverse impact on the rural character and heritage assets of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the landscape will be the overriding consideration;
- viii. No dwelling serving or associated with the rural enterprise has been either sold or converted from a residential use or otherwise separated from the holding within the last 10 years. The act of severance may override the evidence of need.

HSA DPD Policy C5 assessment:

- 6.1.20 (i). It has not been proven that the timber cabin is essential to the continuing use of land and buildings for agriculture or the rural enterprise in this location at Bushnells' Farm. The approved permanent dwelling on the site already fulfils this essential need in accordance with policy. When dismissing the appeal against refusal of application 16/01782/FULD to retain the log cabin on the site, the planning inspector states *“ I conclude that while there is a need for a second rural worker to be permanently present on the site for part of the year, I do not consider the need essential at other times. Furthermore, I am satisfied that this need can be sufficiently met by other alternative accommodation either on site or the wider area. Accordingly, I find the special circumstances by paragraph 55 of the Framework are not present and the second permanent dwelling on the site is not essential. It would also fail to satisfy the requirement of emerging Policy C5 of the HSADPD”*. In reviewing the current application the Council's agricultural consultant Kernon reaches the following conclusion *“Although in my opinion there is no doubt that the enterprise provides full time employment for two workers, indeed more during the busy lambing season, there is only a need for one of these workers to readily available at most times, with the exception being the short period when ewes are lambing indoors (2/3 months when the need can be met by temporary accommodation such as a mobile home). There is in my opinion no requirement for both workers to live on site.”*
- 6.1.21 (ii). detailed evidence has not been submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the second rural worker dwelling is required for a full time worker in that location at Bushnells Farm. Both the Inspector and Kernon Consultant concluded that the temporary need for a second permanent rural worker's dwelling could be met by a temporary mobile home or other accommodation on site. It is noted that other farms in the district often place small touring caravans in or near fields where lambing is taking place in order to provide temporary accommodation for workers during this period. The placing and removing of these caravans for a short period each year does not require planning permission.

- 6.1.22 (iii). It is not demonstrated that there are no suitable alternative dwellings available or that could be made available in the locality to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries. In addition the approved and completed dwelling had provision for an annex for a student, which has not been included in the building as constructed. This area consisted of a bedroom, shower and WC and was shown on the approved plans as having its own separate external door. No indication has been given as to why it could not be adopted for use by the shepherdess during the two and half months per year when a secondary worker on the site would be essential.
- 6.1.23 (iv). As indicated in some detail elsewhere the financial viability of the business is open to question as insufficient evidence has been submitted to demonstrate the long term financial viability of the enterprise.
- 6.1.24 (v). The size, location and nature of the temporary dwelling is not commensurate with the needs of the enterprise and is not well related to existing farm buildings or associated dwellings. The lodge is located away from the main farm buildings when compared to the main dwelling.
- 6.1.25 (vi). The permanent retention of the cabin will not have an adverse impact on the wider rural character of the area and its setting within the landscape, but does add to the intensification of built form within this sensitive site.
- 6.1.26 (vii). No dwelling serving or closely associated with the rural enterprise has recently been sold or changed from a residential use or otherwise separated from the holding within the last 10 years of the application for a new dwelling or converted from a residential use.
- 6.1.27 The essential need test has not been demonstrated, as such Policy C5 has not been complied with. This will be explored in more detail in this report.
- 6.1.28 Policy C 5 provides supporting text which gives an explanation of the aims and objectives of the policy, whilst providing clarity on the approach to be taken.
- 6.1.29 At paragraph 4.37 the supporting text states that the rural economy plays an important role in the District, in providing employment and in managing the rural landscape. The Council encourages viable agricultural, forestry and other rural enterprises that support the delivery of a wide range of public benefits and sees them as essential to the maintenance of a thriving rural economy.
- 6.1.30 At paragraph 4.39 the supporting text states that the Council's preference for rural workers' accommodation is for such provision to be located in nearby towns or villages or in existing properties near to their place of work, which would avoid the need for new dwellings in the countryside. The Council accepts however, 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. Such instances will be judged on the needs of the workplace and not the personal preferences of the specific individuals.

- 6.1.31 At paragraph 4.43, the supporting text states that the many people work in rural areas in offices, workshops, garages and garden centres but it is unlikely that they will have an essential need to live permanently at or near their place of work. Being, employed in a rural location is not sufficient to qualify as a rural worker with an essential housing need. As clearly explained, the Officers therefore consider that the need for providing accommodation for an additional employee as is in this instance is not itself a functional requirement that indicates an essential need that justifies a second rural worker's dwelling on the site.
- 6.1.32 At paragraph 4.45, the supporting text states that suitable alternative buildings that should be considered before creating a new dwelling unit, are existing vacant residential buildings or buildings suitable for conversion to residential use. Where an agricultural occupancy condition has been applied this will not be relaxed unless it is clear that there is no longer a continuing need for the accommodation in the local area by the persons employed or last employed in the agricultural sector. Appropriate marketing will need to have been undertaken and it will need to be shown that the property cannot meet another local housing need.

Dismissal of Appeal under refused application 16/01782/FULD at the same site.

- 6.1.33 As indicated above, the same proposal has been previously considered by a Planning Inspector following an appeal under application reference; 16/01782/FULD. The appeal was dismissed on 16 May 2017 after an Appeal Hearing. The Inspector's assessment and conclusions are key material considerations of significant weight in the interpretation of National and Local planning policies for this specific site and holding. The key outcomes are also explored below.
- 6.1.34 In its Appeal Statement of Case, the Council referred to numerous Appeal Decisions when Planning Inspectors had dismissed appeals for a second rural worker's dwelling, specifically when the essential needs of the rural enterprise are being sufficiently met by an existing dwelling. This is considered the case in this instance.
- 6.1.35 The relevant appeal decision is attached as Appendix 1.

Further West Berkshire policy assessment

- 6.1.36 It is considered that the HSA DPD policies remain consistent with policies in the new NPPF revised in 2018. Paragraph 79 of the NPPF outlines that isolated homes in the countryside should be avoided, unless there are circumstances such as the essential need for rural workers; making the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings and lead to the enhancement to the

immediate setting; and where the design is of exceptional quality or innovative nature.

- 6.1.37 Section 4.9 of the HSA DPD generally outlines that 'in the wider countryside, residential development will be restricted to the provision of rural workers accommodation, or the conversion or replacement of an existing dwelling. This is consistent with the NPPF.
- 6.1.38 Policy C1 of the HSA DPD states that there will be a presumption against new residential development outside of the settlement boundaries, with the settlements of Thatcham, Upper Bucklebury, Bucklebury, Woolhampton and Beenham being the nearest identified settlements where new housing will be located.
- 6.1.39 The proposal does not meet Policy C2: Rural Housing Exception Policy as extensions to settlement boundaries and district wide housing supply are being provided through the allocated housing sites within the HSA DPD.
- 6.1.40 Officers consider that the principle of a second separate residential unit on this site remains unacceptable in accordance with the development plan and to prevent the slow encroachment of built form and new dwellings within the countryside and the AONB. This consideration fully supported the attachment of Condition 12 in granting permission for a permanent rural worker's dwelling under application 13/03014/FULD. Indeed the applicant was fully aware of this requirement and acknowledged acceptance of it as evidenced by their statement that the lodge would be removed when the permanent dwelling was constructed. Owing to its location outside of any existing settlement boundary, the proposal fails to comply with the up-to-date framework for housing supply provided by Core Strategy Policies ADPP1, ADPP5 and CS1, and Policy C1 of the HSA DPD, which includes the revised settlement boundaries and the allocation of rural sites for additional housing.

Essential need assessment.

- 6.1.41 Based on information set out in the Charles Holt Addendum the applicant is now farming of the order of 775 hectares (1915 acres), this is an increase of 85 hectares. However with the exception of the land outlined above and 2.8 hectares which is stated to be rented on a "permanent" farm business tenancy (FBT) all of this land is farmed on short-term rental arrangements, with:
- 107 hectares (264 acres) occupied on three year FBT's;
 - 138 hectares on annual FBT's; and
 - 513 hectares on occupied for part of the year on annual licences.
- 6.1.42 Stock numbers have also increased and as at 4th March 2018 comprised of:
- 65 Suckler Cows;
 - 44 young stock;
 - 2 Bulls;

- 76 purchased in dairy bred calves;
- 1600 Ewes;
- 30 Tups (Rams); and
- 1450 lambs.

6.1.43 In summary the Suckler Cow enterprise has increased by 8 cows and the number of ewes lambing has increased by 100, since 2017.

6.1.44 Under the previously refused application, as of March 2016, the enterprise had 52 cows with calves at foot, achieving the calving of some 50 cows per annum.

6.1.45 Full-time labour continues to be provided by the applicant, who works full-time with the livestock enterprise working full-time in the contracting part of the business for the rest of the year. However he does spend odd days during this period helping with the livestock enterprises when needed i.e. shearing, Tb testing, administering vaccinations, sorting sheep to go to market etc. full time labour is also provided by the shepherdess, who currently lives in the log cabin the subject of this application. The applicant's brother is also employed full-time by the business but his workload is primarily focused on the arable and grassland contracting element of the business, which is not included in this assessment.

6.1.46 Following a request by the Council the applicant's Agricultural Consultant provided a response letter dated 27th November 2018, outlining the following key points explaining the needs of the enterprise:

- Applicant considered properties to rent within 3 miles of Stanford Dingley. In the addendum report of 12th March 2018 the applicant considered properties to buy or to rent within 0.5 miles of RG7 60W.
- Applicant did not considered properties at a greater distance (e.g. 5 - 10 miles) distance from the farm, as they do not consider these to be appropriate for a shepherdess on this farm to be able to fulfil their role consistent with good animal husbandry and in accordance with animal welfare legislation.
- Application is based on the availability of properties 'within sight and sound' of the emergencies and eventualities that will occur from time to time on the farm, that will give rise to the need for a further member of staff to live at the farm.
- Applicant states that only properties within 0.5 mile of the farm would satisfy welfare requirements.
- Applicant states that agricultural processes require essential care or attention at short notice and to deal quickly with emergencies that could otherwise cause serious loss.

Essential need assessment.

6.1.47 Based on the above submissions, the Council, has formed its assessment of the proposal.

6.1.48 The present site is located near to other settlements and villages within a 5 - 10 mile radius and less than 15 minute car journey times. Theale to Chapel Row is approximately 5.88 miles (approximately 10 minute car journey) and Burghfield to Chapel Row is approximately 7.9 miles (approximately 15 minute car journey). In addition other settlements include Stanford Dingley, Upper Bucklebury and the town of Thatcham, with the responsible Veterinary Surgery based in Newbury, which is approximately 8 miles away. If an emergency Veterinary can respond from approximately 8 miles away (20 minutes), it is reasonable to consider that an employee can live approximately 10 miles away, which equates to an approximately 20 minute drive.

6.1.49 Policy C5 of the DPD concerns housing related to rural workers. It permits agricultural workers dwellings providing it is essential to the continuing use of land and buildings for agriculture or a rural enterprise. In line with planning practice the Council commissioned an agricultural consultant (Kernon Consultants) to analyse and review the applicant's agricultural justification case, albeit the final decision would rest with the Council and in accordance with the Councils adopted development plan policies. The report's findings are shown below.

6.1.50 At paragraph 18 - 19 of the report by Kernon Consultants, it is stated that:

"This application is for a second on-site dwelling. As per my original appraisal (which was based on very similar livestock numbers) although I am satisfied that there is an essential need for one-full-time worker to live on site, I am not satisfied that there is a functional requirement for two on-site workers to be readily available at most times i.e. two dwellings. It remains my opinion that the only period during which there is a need for two on-site workers is during the indoor lambing period which runs from the end of February through to the end of April / early May i.e. a period of at most 2 ½ months. During this period the volume of lambings (indicated by the applicant at an average of 25 a day/night when in full swing) and calvings cannot be covered by only one on-site worker.

It also remains my opinion that the later lambing period (May / early June) does not warrant an on-site worker as the ewes are lambed outdoors and away from the farm buildings / dwellings (albeit less than ¼ mile). The applicant made it clear to me that during the outdoor lambing periods checks are made as it gets dusk and as soon as it is light. As the worker has to travel to the fields on a quad bike the starting point is less important i.e. it could be done from a nearby dwelling. It is not the same as when ewes are lambing in the shed on the farm and a worker can make frequent inspections throughout the night returning to bed in between."

6.1.51 At paragraph 20 - 21 the report by Kernon Consultants also states that:

"No information has been submitted to indicate that this is no longer the case and on that basis it remains my opinion that the only period when it is essential for a second worker to reside on site is for a maximum period of two - three months then in my opinion this could be met by some form of

short-term accommodation, such as a mobile home. Indeed such a provision is allowed for under Part 5 of General Permitted Development Order.

The Addendum report sets out at paragraph 7.9 – 7.14 and Appendix 1 circumstances where situations have occurred which “necessitate two people to attend” between 1st January 2018 and 10th March 2018. There were a total of 10. Of these 10 incidents two related to sheep that were away from the main farm and therefore both workers had to travel to attend to them. Therefore as set out above could have been dealt with regardless of how many workers were living on site.”

6.1.52 At paragraph 22 the report by Kernon Consultants states that:

“With regards the other issues, these primarily relate to incidents where cattle needed to be handled, albeit in emergency situations, out of normal working hours. I have no doubt that all of these situations required two workers (if not more) to be able to be adequately dealt with. However when considering whether there is a need to live on Site in connection with livestock, particularly cattle who as highlighted in the addendum report, from a safety perspective generally need to be handled by two workers, it is generally accepted that the on-site worker will be able to identify the problem and then if necessary call for additional help, whether that be in the form of the Vet, an off-site worker or in cases where there is only one member of staff a neighbour who can come and help.”

6.1.53 At paragraph 23 -24 the report by Kernon Consultants states that

“if you were to work on Mr Holt’s theory then every cattle farm that warranted an on-site worker would actually require two on-site workers as any out-of-hours problems would have to be immediately attended to by two members of staff. Clearly this is not what actually occurs and on the majority of farms which have Suckler Cow Herds of this size there would only be one on-site worker who would then have to call for help if and when a problem which necessitated the assistance of two workers arose.”

The case relating to the sheep dog was not in my opinion a case that warranted two on-site workers. The applicant was still on hand to identify any problems that could have occurred and then if a dog was needed on-site (it does not appear that any were identified) the applicant could have called Sophie and her dog in. “

6.1.54 At paragraph 26 - 28 the report by Kernon Consultants states that:

“The applicant has also submitted copies of Sophie’s timesheets which indicate that she clearly works long hours, however these are representative of most livestock workers, many of whom may live off-site. However I have no reason to doubt her commitment to the business, but that in itself isn’t part of the permanent dwelling test.

Another point raised in Appendix 1 of the Addendum report is that “Sophie is 25, works long hours, often in wet and difficult circumstances, in the 4

months that WBC allow her to be on Site she does not want to come back to a mobile home / caravan with restricted facilities. No bath, no central heating, nowhere to dry and wash clothes etc". I would comment that given the long hours and the nature of the work which creates wet and dirty clothes it would not be unreasonable for a washing / drying facility (for clothes) to be provided on the farm. I would also comment that many farm workers spend 3 years in a mobile home whilst they demonstrate financial viability.

*In summary it remains my opinion, due to the set-up of the business i.e. 50 % of the ewes lambing outdoors away from the main farm buildings i.e. not within sight and sound of the resident workers that **there is only a need for one on-site permanent worker a view shared by the Inspector.** However as per my earlier appraisal I do recognise the problems of attracting good staff if you can't offer accommodation."*

- 6.1.55 It is clear from the review by Kernon Consultants that there is no essential need for a second worker to be at the site day and night. The Planning Inspector's conclusions also reaffirm that there is no essential need for a second worker to be at the site day and night. At paragraph 9 of the appeal decision the Planning Inspector states that:

"The Council accepts that the appellants are operating an established agricultural business. It also accepts that the farm is financially viable. However, it disputes the appellants' contention that there is an essential need for two rural workers to be permanently present on the site. In assessing the question of essential need, it is first necessary to consider whether there is a physical need for a worker to be present at most times of the day and night. It is clear that the farm has a need for an on-site presence. However, it is, in the first instance met by the Farmhouse. In order to demonstrate that the special circumstances required by Paragraph 55 of the Framework exist, the appellants need to show that there is an essential need for a second worker to be permanently present on site."

*The appellants' written evidence refers to the number of Standard Man Days (SMD's) required to operate the farm efficiently and indicates that the labour needs of the holding have increased considerably over recent years, in line with the increased number of animals. Furthermore, during the hearing, I heard evidence from both the appellants and other interested parties regarding the welfare needs of those animals and the amount of labour required to operate a sheep and beef farm of this size. However, while the parties agree that the number of lambs being born between late February and early May would require a second worker to be permanently present on site, between May and June most lambing occurs outdoors and away from the farm buildings. With checks being made at dusk and dawn, coupled with the wide geographical area covered, **I am not persuaded that there is an essential need for a second worker to be permanently present on site during this latter period on animal welfare grounds."***

- 6.1.56 The Kernon suggestion that due to high local accommodation costs separate permanent accommodation for an employee on an agricultural enterprise as part of their employment package in order to ensure the

retention of the worker introduces a new test which would override the established test of essential need. The planning inspector clarified that this approach cannot be part of the consideration. This is confirmed within the supporting text of policy C5 of the HSADPD at paragraph 4.43, which states that being employed in a rural location is not sufficient to qualify as a rural worker with an essential housing need. During the appeal and again in this instance the Council does not agree with the Kernon assessment that retaining rural workers is impossible unless on site accommodation is provided. It is worth noting that the Council disagreed with Kernon consultants on this point during the previous refused application and during the appeal hearing. This disagreement is also acknowledged by the planning inspector in dismissing the appeal. It would then be pertinent to consider where the hundreds of rural workers would reside across the district. In concluding that the business would be likely to fail if the second dwelling were not retained because it is unlikely that suitable, affordable accommodation (either to rent or buy) would introduce an additional test which falls outside of those tests contained in Policy C5 of the HSADPD and the NPPF. The Council consider that if this were to be allowed every agricultural, equestrian or other rural business in the district that requires an additional worker would be able to justify an additional permanent dwelling on the holding even though there is no essential functional need for these workers to live on site. This is contrary to Policy C5 of the HSADPD and the requirements of the NPPF. In addition the Council are concerned that allowing the current proposal would indicate that if the business continues to grow and further staff were to be recruited the applicant may be looking at further dwellings at Bushnells Green Farm.

- 6.1.57 Officers therefore consider that the occupancy condition recommended by Kernon Consultants would fail the planning condition tests within the Planning Practice Guidance, as the condition would not be related to planning requirements of policy, will not be precise and enforceable. In addition the Council do not have the resources to routinely check that any information supplied on sheep and livestock numbers is accurate, it is unreasonable to expect the Council to be able to monitor the sheep numbers on an agricultural enterprise and enforce accordingly.
- 6.1.58 It has been established in case law, that the objective of the NPPF policy is to prevent multiple permanent rural workers' dwellings on rural enterprise sites. Great weight is applied to the essential need test, in accordance with the NPPF and case law. As such the essential need is the definitive test to be applied.
- 6.1.59 Although the log cabin is not isolated from other buildings and dwellings, it is isolated from day to day services such as schools, shops, and transport links. The occupant would not have to travel to her work base but it would be isolated for anyone else who lived with her, it is likely that anyone who lived there would be dependent on a motor vehicle.
- 6.1.60 Officers agree that there is a physical need for someone to be on the site at most times to be within sight and sound to respond to emergencies. This fact is argued by the applicant's agricultural statement and additional information submitted. However Officers, the appeal inspector and Kernon

consider that this physical need is sufficiently met by the approved permanent rural worker's dwelling occupied by Mr Plank, who remains a full time worker on the farm. If Mr Plank cannot perform the physical needs of "sight and sound" then it would be required that the completed dwelling is made available for the worker to perform these functional needs.

- 6.1.61 In the High Court judgement: *Embleton PC v Northumberland CC [2013] EM/NC 361 (Admin)* the Judge noted 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. This legal authority assists in establishing the approach to be adopted in determining whether an essential need exists."* The significant judgement is the determination that a single worker would need to live on the site to meet the essential needs of the enterprise, with regard to health and safety requirements, ensure security maintenance and to raise alarm as required. In this instance the worker would have to be a full time worker.
- 6.1.62 The essential need test also relates to the labour requirements and where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker. In this instance a dwelling to meet this test is existing and is tied to the Bushnells Farm enterprise to meet these needs for a full time worker to reside on the farm.
- 6.1.63 The applicant must therefore demonstrate sufficiently that there is an essential need for a second rural worker to live on or near their place of work, being employed by the enterprise will not suffice. As discussed above another aspect of essential need is a functional requirement for a worker to be readily available at most times day or night to check on the welfare of the stock assets and to raise alarm in emergencies and to resolve minor emergencies requiring no additional assistance.
- 6.1.64 National planning policy recognises the need for additional employees for rural enterprises during busy times such as lambing or harvesting. These busy periods are temporary and are adequately accommodated by provisions within the Town and Country Planning General Permitted Development Order (2015) which allow for the temporary stationing of mobile homes for the accommodation of additional employees as required during these periods. This point was again emphasised clearly by the planning inspector in dismissing the previous appeal.
- 6.1.65 Having considered the NPPF guidance and Policy C5 Officers consider that the size, location and nature of the timber chalet cabin is not commensurate with the essential needs of the enterprise, as these essential needs are being sufficiently met by the permanent agricultural worker's dwelling on the site. The large permanent agricultural worker's dwelling provides farm security, supervision and accommodation as evidenced by the statement and confirmed by the appeal decision. Whilst it may be desirable for an additional farm worker to stay on the site, this is not essential. As such the retention of the temporary lodge is not essential for the continued operation of the farm unit. The proposal would create a proliferation of houses in the countryside and an additional dwelling, together with the approved

permanent agricultural worker's dwelling would not be sympathetic to the open landscape of the AONB area.

Financial sustainability.

6.1.66 The Inspector who determined Appeal reference: APP/M0655/A/14/2216149 (emphasis added) was of the view that *"in order to determine whether a need is both essential and permanent it is necessary to establish whether there is a physical need for someone to be on the site at most times (e.g. to care for animals) and that the operation itself has reasonable long term prospects such that it can be regarded as permanent.*

6.1.67 The HAS DPD further outlines that evidence must prove that the business is financially viable. The unit and the agricultural activity concerned have been established for at least three years. As part of the previous planning application and during the appeal, the enterprise appeared profitable (based on the tables within the previous statement). The holding remains reliant on unsecured land and the unverified financial information submitted with this current application which includes a letter from the applicant's Bank Manager indicating that the business cannot afford to provide accommodation. The financial details fail to demonstrate financial viability and sustainability of the farm business and as such the proposed development does not comply with the objectives of the NPPF as should the business fail it would result in two isolated dwellings in a sensitive location within the North Wessex Downs AONB.

6.1.68 The report by Kernon Consultants outlines that :

"The addendum report states at paragraph 10.5 that "the latest accounts for year ended 31st December 2016 were included in the previous appraisal and that the accounts showed a profit of £53,886 for Year Ending 31st December 2016". I would comment that I have never seen the 2016 accounts, my 2017 appraisal referred to accounts for "the 9 month period from 1st April – Dec 2014 and 1st Jan – 31st December 2015. I understand that these relate purely to the livestock element of the business with the contracting business being separately accounted for. The accounts show a profit in 2015 of just over £20,000 and for the 9 month period in 2014 of just under £20,000 this is after all paid labour i.e. The Shepherdess and lambing assistants and in 2015 includes a Director's salary of £4,000." Further having reviewed the appeal decision it does not appear that the Year End 2016 accounts were submitted at the appeal.

6.1.69 At paragraph 31 the report by Kernon Consultants also states that the accounts submitted are now 2 and half years old and more recent accounts would be required to be able to conclude whether or not the business was still financially sound.

6.1.70 Officers agree that there is a physical need for someone to be on the site at most times to be within sight and to respond to emergencies. This fact is argued by the applicant's agricultural statement. However officers wholly consider that this physical need is sufficiently met by the permanent rural

worker's dwelling occupied by Mr Plank, who remains a full time worker on the farm.

- 6.1.71 It is considered that the financial and sustainability of the enterprise has not been demonstrated to be sound enough to support two permanent dwellings on the site. The business' whole justification is on affordability, it is therefore questionable whether or not the enterprise will be profitable in the long term. This is evidenced as the enterprise is unable to afford provision of staff accommodation requirements through wages or through provision of purchased or rented accommodation as part of an employee benefit. If the business were to fail then two isolated dwellings would remain outside the district's settlements and indeed isolated within the North Wessex Downs AONB countryside.
- 6.1.72 The applicants fail to demonstrate that they have actually actively sought to try and find suitable accommodation to buy or rent over a reasonable period and search area. They only assert nothing suitable is available without providing the robust evidence to support this view that the inspector felt was necessary in paragraph 16 of the appeal decision letter. The only areas where such accommodation may be found are quoted as Reading and Newbury, with no mention of Thatcham, Theale, Mortimer or Burghfield. The additional information shows that most of the land being farmed by the business is scattered about the district and at some distance from Bushnells Farm and in this instance land as far away as Aldermaston Village. This suggests that the case for a functional need for a second farmworker's dwelling at Bushnell's farm is even more tenuous. In addition to the above, the fact that much of the land is farmed on short term tenancies and some of it appears to be in arable use makes it unclear what labour needs are likely to be in the short or long term and what type of labour is needed on each parcel of land. Kernon also assert that there is further difficulty in finding accommodation for the shepherdess and that it would be very difficult to find a property where keeping a quad bike and sheep dog would be allowed. However no explanation has been given as to why the quad bike and dogs could not be kept on the holding when not being used, particularly if the shepherdess lived in reasonably close proximity.
- 6.1.73 At paragraph 16 - 19 of the appeal decision the Planning Inspector reviewed this point extensively stating that:

"the options considered by the appellants relate to the costs of renting or purchasing a property from the worker's perspective. While I accept that this may be beyond the means of a worker on a typical agricultural wage, little consideration appears to have been given to whether the Farm itself is in a financial position to meet the need identified. I note that the farm has net assets in the region of £1.546m and have seen no robust evidence which would indicate that it would not be economically viable for the business to purchase or rent accommodation to meet that need.

Furthermore, in view of the limited periods in which two persons would be required to be on site, I see no reason that other temporary accommodation could not be utilised for which permitted development rights already exist. While I accept that this may have a greater impact on the AONB during the

times which it would be on site, by its very nature such harm would be temporary. I do not therefore consider the limited harm to the AONB that would arise from a temporary structure would justify granting planning permission for a permanent rural workers dwelling in the countryside.

Consequently, I conclude that while there is a need for a second rural worker to be permanently present on site for part of the year, I do not consider that need to be essential at other times. Furthermore, I am satisfied that this need can be sufficiently met by other alternative accommodation either on site or within the wider rural area. Accordingly, I find the special circumstances required by Paragraph 55 of the Framework are not present and a second permanent dwelling on the site is not essential. It would also fail to satisfy the requirements of emerging Policy C5 of the HSADPD.”

6.1.74 At paragraph 12 - 14 of the appeal decision the Planning Inspector also states that:

“It was clear from the site visit conducted that the farm operates over a considerable area. However, travel to these fields in the case of emergencies will mostly be made by vehicle and so the starting point is less important. While it was clear that there will be instances where it might be necessary to transport equipment from the appeal site to an off-site emergency, no robust reason has been provided as to why this could not be performed by the occupant of the existing dwelling. Furthermore, there is no evidence that would indicate that these situations were so numerous that they would require the on-site presence of 2 workers.

While I accept that the number of animals has increased considerably and with it the amount of labour required, it is only where it is essential for a rural worker to be present that the special circumstances set out in Paragraph 55 are present. Prior to the erection of the Farmhouse, the current occupant of the Lodge resided off-site. The appellants have not provided any information which would indicate that this arrangement impacted negatively on either animal welfare or the efficient running of the farm. Likewise, although I note the practical difficulties that arise in having a shepherd live off-site, I am not persuaded that these are so great that they make it essential for a second worker to be based permanently on the site. As such, I do not consider that they would provide the special circumstances required to justify a grant of planning permission for a new isolated dwelling in the countryside.

Accordingly, based on the evidence before me, while I accept that there may at times be a physical need for a second person to be present, I am not persuaded that it is essential that they be permanently based at or near the site. In this instance, I concur with the Council that the essential need for a second permanent on-site presence has not been demonstrated.”

6.1.75 The retention of the temporary rural worker's dwelling as a permanent second rural worker's dwelling in addition to the completed permanent rural worker's dwelling on the site is not acceptable in principle policy terms when

considered against National and Local policies as outlined above. The essential needs of the agricultural enterprise are being met by the approved and completed rural worker's dwelling in terms of the health and safety of the animals at the site (site and sound) and security. As the current enterprise operates from a vast area, there is no reason why any additional workers cannot be accommodated within the numerous of towns and villages within a 5 to 10 mile radius. Indeed the Inspector considered that the starting point for the shepherdess is not essential, this remains the case as the nature of a shepherdess' work does not require permanent presence on the site day and night. Furthermore, as noted above, it has not been explained by the applicant why the separate "student" accommodation on the ground floor cannot be adopted for use by the shepherdess during the two and half months per year when her presence on site is essential. Notwithstanding that the principle of development has been considered unacceptable, the relevant material considerations are further considered below.

6.2 Impact upon the character and appearance of the site and the AONB area.

- 6.2.1 The Government attaches great importance to the design of the built environment, and securing high quality design is one of the core planning principles of the NPPF.
- 6.2.2 The site is located within a sensitive location within countryside forming part of the AONB, as such the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any from the proposed development.
- 6.2.3 The log cabin is located as the first building at the entrance to the site and next to the farmyard. It is located alongside a number of other buildings and is visible from the western street scene, the southern and the eastern boundaries of the site. The northern part of the site is set to woodland. The site benefited from an openness prior to the construction of the additional farm buildings, the temporary cabin and the permanent dwelling. Condition 12 remains sound under the new guidelines for attaching conditions set within the PPG. The removal of the log cabin would restore the landscape to an acceptable state of conserving and enhancing the character of the AONB. The two dwellings in situ along with the associated development of fencing, gates, sheds and garden paraphernalia have a significant material impact upon the character and appearance of the AONB.
- 6.2.4 Under Refused application 12/02025/FULD for a New agricultural workers dwelling to replace the existing temporary dwelling - the AONB Board commented that (emphasis added):
- 6.2.5 *"Should the Council come to conclusion that the need tests have been fulfilled, planning conditions are requested to ensure the dwelling is tied to the blue line land of the whole farm and limited to agricultural and forestry workers use only. The existing temporary dwelling should also be removed on occupation of the new dwelling and suitable materials and landscaping*

should be secured also by condition: To ensure the character and qualities of the AONB are suitably protected.

6.2.6 It is considered that as the building is temporary, there are no long term impacts on the character of the AONB area, however this would not be the case if it were permanently retained.

6.3 Impact upon neighbouring amenity

6.3.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Core Strategy Policy CS14 further states that new development must make a positive contribution to the quality of life in West Berkshire. The Council's Supplementary Planning Document 'Quality Design' and Supplementary Planning Guidance House Extensions provide guidance on the impacts of development on neighbouring living conditions.

6.3.2 Given the existing residential context and relationship with the existing farmhouse, the log cabin is not considered to have a sufficient detrimental impact upon the residential amenity of existing neighbouring properties to warrant refusal of the application on these grounds.

6.4 On-site amenity and facilities for future occupiers

6.4.1 According to Part 2 of the Council's Supplementary Planning Document "Quality Design (SPDQD)", the Council considers it essential for the living conditions of future residents that suitable outdoor amenity space (e.g. private gardens) is provided in most new residential development.

6.4.2 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 70 square metres for houses with a single bedroom. The lodge will have a garden area of more than sufficient size to deliver the required number of dwellings to comply with the guidance within the SPDQD.

6.5 Impact on Highways (safety and use)

6.5.1 Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.

6.5.2 Policy CS13 states that development generating a transport impact will be required to; reduce the need to travel, improve and promote opportunities for healthy and safe travel, mitigate the impact on the local transport network and the strategic road network, and prepare transport assessments to support planning proposals in accordance with national guidance.

6.5.3 Policy P1 of the HSA DPD states the parking standards for new residential development. The layout and design of parking spaces should follow the

parking design guidance from the Building for Life Partnership, 2012 and principles contained in the Manual for Streets in order that good quality homes and neighbourhoods are created.

6.5.4 The site is in Zone 3 of the parking standards and the Council's Highways Service has reviewed the proposed plans raising no objections, as adequate access and parking is available. It is considered that the proposed development will comply with the criteria contained within Policy CS13 of the WBCS, Policy P1 of the HSA DPD, and the NPPF.

6.6 Impact on Flooding and Drainage

6.6.1 The application site is located within Flood Zone 1, which is appropriate for new residential development. Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

6.7 Other matters

Support

6.7.1 Two Parish Councils and 25 individual supporters have written to the Council in support of the application. The matters raised by the supporters and the Parish Council have been considered and addressed within this report.

Breach of planning legislation

6.7.2 It is also worth noting that the initial planning enforcement query was raised with the Council anonymously. The current application is in clear breach of a planning condition the appropriateness of which was subsequently supported by the Inspector's appeal decision. In clearly indicating that the temporary dwelling would be removed when the permanent dwelling was constructed and occupied and then allowing it to be permanently occupied and in continuing to do so after the appeal to retain the building for the purpose was dismissed, Officers take the view that the applicant has demonstrated a deliberate intent to mislead the Council and to flout planning regulations.

Community Infrastructure Levy

6.7.3 Planning Policy CS5 of the WBCS states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery. The Council has implemented its Community Infrastructure Levy (CIL).

6.7.4 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations, residential development of 100m² or more will be liable to pay the Community Infrastructure Levy.

- 6.7.5 The proposal's new gross internal floor space area (GIA) 70.2 square metres, which equates to £12285 (£175 rate in the AONB).
- 6.7.6 As such this application is CIL Liable and the Community Infrastructure Levy liability notice detailing the chargeable amount is to be sent under separate cover. Applicants may claim an exemption (subject to meeting the criteria) from the charge where the required forms for the Assumption of Liability, Exemption request and supporting documentation have been provided to the local authority.

The assessment of sustainable development

- 6.7.7 The NPPF sets out the Government's economic, environment social planning policies for England, with the presumption in favour of sustainable development. The NPPF identifies three dimensions to 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 should be the basis for every plan, and every decision. Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal.
- 6.7.8 Economic Dimension: It is considered that future residents of the lodge will make a limited contribution to the local economy. There are no wider economic benefits that result from the proposal.
- 6.7.9 Environmental dimension: With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact of an isolated dwelling within the open countryside within the AONB has been assessed as part of this application. It is considered that the proposal will result in an isolated dwelling within open countryside, which is contrary to national and local planning policy and will serve to intensify the amount of built form in this sensitive site.
- 6.7.10 Social dimension: It is considered that the proposal makes no contribution to the wider social dimension of sustainable development
- 6.7.11 For the above reasons, it is considered that the proposed development is not supported by the presumption in favour of sustainable development.

7. CONCLUSION

- 7.1 Being employed as a rural worker does not mean that a worker has to live at their place of work. Many rural enterprises have thrived despite not offering employee accommodation as a benefit. The desire to offer a worker accommodation as part of their employment package is an aspiration which falls outside of and is contrary to the test of essential need contained in Policy C5 of

the HSADPD and the NPPF and should be refused as discussed in this report and for the following reasons:

- The proposed retention of the temporary timber log cabin at Bushnells Green Farm is considered contrary to national and local policy, and to established planning case law which includes the specific appeal decision relating to this site.
- The applicants have failed to provide **up to date financial information**;
- It is expected that a viable agricultural holding would pay sufficient minimum wages for a worker to seek off site accommodation or indeed employ more workers in line with the size of the enterprise. Most of these workers do not need to be based at the site permanently, as is the case on the majority of rural enterprises within the district.
- **The failure of the applicants to demonstrate that they have actually actively sought to try and find suitable accommodation to buy or rent.** The application only asserts that nothing suitable is available without providing the robust evidence to support this view that the inspector felt was necessary in paragraph 16 of the appeal decision letter.
- At paragraph 4.45 of policy C5's supporting text, it is stated that suitable alternative buildings should be considered before creating a new dwelling unit, including existing vacant residential buildings or buildings suitable for conversion to residential use. Where an agricultural occupancy condition has been applied this will not be relaxed unless it is clear that there is no longer a continuing need for the accommodation in the local area by the persons employed or last employed in the agricultural .
- **When the approved dwelling was being constructed the shepherdess lived off site and the applicant occupied the log cabin, there is no reason why the shepherdess cannot live offsite again.**
- Officers note that the only areas where such accommodation may be found are quoted as Reading and Newbury, with no mention of Thatcham, Theale, Mortimer or Burghfield areas.
- The fact that the additional information submitted shows that most of the **land being farmed by the business is scattered about the district at some distance from Bushnells Farm** suggests that the case for a functional need for a second farmworker's dwelling at Bushnell's farm is even more tenuous.
- The fact that much of the **land is farmed on short term tenancies** and some of it appears to be in arable use which makes it unclear what labour needs are likely to be in the short or long term.
- The farm enterprise is still reliant on an increase in stock levels as the benchmark and justification for an additional second dwelling on the site.
- The 4 bedroom dwelling currently accommodates Mr Plank, his wife and 2 small children, therefore **the dwelling has a spare bedroom and the bedsit/annex on ground level for accommodating an additional rural worker when required.**
- **Busy periods are temporary and are adequately accommodated by provisions within the Town and Country Planning General Permitted Development Order (2015)** which allows for the temporary stationing of mobile homes for the accommodation of additional employees as required during these periods. Furthermore the applicant has not explained why the separate student accommodation shown on the plans for the approved

dwelling cannot be for use by the shepherdess, either permanently or during the two and a half months per year when there may be an essential need for two workers to be present on the holding. The bedsit has independent access which would limit any disruption to the other occupants.

- Applicant considered properties to rent within 3 miles of Stanford Dingley. In the addendum report of 12th March 2018, the applicant considered properties to buy or to rent within 0.5 miles of RG7 60W.
- **Applicant did not considered properties at a greater distance (e.g. 5 - 10 miles) distance from the farm, as they do not consider these to be appropriate for a shepherdess on this farm to be able to fulfil their role** consistent with good animal husbandry and in accordance with animal welfare legislation.
- The applicant's justification for a second rule worker's dwelling squarely remains the same and the application is considered contrived. The increase in livestock numbers increases the need for additional workers but does not justify a second agricultural worker's dwelling at Bushnells Farm.

7.2 Having regard to the relevant development plan policies, the other material considerations referred to above, it is considered that the retention of the temporary log cabin is not justified and is contrary to national and local policy and should be refused. Officers are strongly of the view that the grant of permission for this proposal would seriously undermine the strategic objectives of the development plan and the NPPF relating to development in the countryside and the AONB.

7.3 This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP5, CS1, CS4, CS5, CS6, CS10, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of The West Berkshire Core Strategy 2006 - 2026, Policy OVS5, OVS6 and TRANS1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, Policy GS1, C1, C3, C5 and P1 of the Housing Site Allocations Development Plan Document (May 2017) (DPD), and the National Planning Policy Framework.

8. FULL RECOMMENDATION

DELEGATE to the Head of Development & Planning to **REFUSE PLANNING PERMISSION**

8.1 Reason:

1. The NPPF sets out a presumption in favour of sustainable development. In terms of rural workers dwellings the NPPF states that to promote sustainable development in rural areas housing should be carefully located. New isolated dwellings should only be allowed in special circumstances such as the essential need for a rural worker to live permanently at or near their place of

work. As such, a new rural worker's dwelling should be essential and sustainable. The Development Plan states that there is a presumption against new residential development outside of the settlement boundaries and within the countryside. An exception to this is housing to accommodate rural workers. The Council granted planning permission for a permanent agriculture worker's dwelling on 27 February 2014 under application reference: 13/03014/FULD. The dwelling has now been completed is currently occupied and in accordance with the approved plans it consists of four bedrooms, an annex with shower room/WC and a farm office. The completed agricultural worker's dwelling accommodates a full time agricultural worker who lives at the site, as such the permanent agricultural worker's dwelling is considered commensurate with the essential needs of the holding as required by the NPPF. The evidence provided does not indicate that the need for an additional permanent dwelling is essential and therefore justifies overriding the policies seeking to protect the countryside and AONB from inappropriate development. Furthermore it is considered that the site is within a reasonable and practical distance and journey time to neighbouring settlements in the form of towns and villages. As such it has not been clearly demonstrated that no alternative accommodation is available within an acceptable distance to the site or within the permanent dwelling itself. It is considered that the retention of the temporary timber cabin is not essential to the continuing successful operation of the agricultural holding at the site.

In addition no verifiable financial evidence has been submitted to confirm that the agricultural holding is financially sustainable in the short and long term as required by the NPPF.

The proposal is therefore contrary to the NPPF's paragraphs 77 - 79, ADPP1, ADPP5, Policy CS10 and CS14 of the West Berkshire Core Strategy 2006 - 2016 and the Housing Site Allocations Development Plan Document's Policies C1: Location of new housing in the countryside, C3: Design of Housing in the Countryside, C5: Housing related to rural workers and GS1: General site policy.

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Appeal Decision

Hearing held on 28 March 2017

Site visit made on 28 March 2017

by Rory Cridland LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 May 2017

Appeal Ref: APP/W0340/W/16/3161487

Bushnells Green Farmhouse, Manor Farm Road, Chapel Row, Reading RG7 6DW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs J Plank against the decision of West Berkshire Council.
 - The application Ref 16/01782/FULD, dated 24 June 2016, was refused by notice dated 8 September 2016.
 - The development proposed is described as "retention of existing timber lodge as farm worker accommodation. Non-compliance with condition no. 12 of Planning Permission 13/03014/FUL".
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Planning permission was granted in 2014 for the erection of a permanent rural worker's dwelling on the site under ref 13/03014/FULD ("the 2014 Consent"). That consent contains a condition requiring the removal of the appeal property which currently remains in its original position. As such, I have considered the application on a retrospective basis.

Policy context

3. Policies ADPP1 and ADPP5 of the West Berkshire Core Strategy¹ (CS) set out the Council's spatial strategy for the area and direct development towards the main settlements according to the District Settlement Hierarchy. Outside such areas, only limited development will be permitted and only where it addresses an identified need and helps maintain a strong rural economy. Furthermore, Policy ADPP5 seeks to ensure that development within the North Wessex Downs Area of Outstanding Natural Beauty ("the AONB") conserves and enhances the local distinctiveness, sense of place and setting of the AONB. It also seeks to support small local business to help maintain a strong rural economy.
4. The application seeks planning permission for a second permanent rural worker's dwelling in the countryside. It was agreed at the hearing that the relevant local plan policies referred to by the Council do not directly deal with new rural worker's dwellings in the countryside. However, Paragraph 55 of the National Planning Policy Framework ("the Framework") advises against

¹ Adopted July 2012.

new isolated homes in the countryside other than in a limited number of special circumstances. These include where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

5. Similarly, Policy C5 of the emerging Housing Site Allocations Development Plan Document (HSADPD) permits new dwellings in the countryside related to a rural enterprise provided certain criteria are met. These include where it is essential to the continuing use of land and buildings for agriculture or a rural enterprise and where it is demonstrated that there are no suitable alternative dwellings available, or that could be made available, in the locality to meet the need. The emerging HSADPD is currently at an advanced stage with adoption expected in the near future. I was also at the hearing that there are no significant alterations proposed to Policy C5. As such, in accordance with the advice set out in Paragraph 216 of the Framework, I afford it significant weight.

Main Issues

6. The main issues are:
 - (i) whether there is an essential need for a second dwelling to accommodate a rural worker at the site; and
 - (ii) the effect of the development on the character and appearance of the surrounding area including the AONB.

Reasons

Essential Need

7. The appeal site is located in the countryside, outside any recognised settlement boundary. It currently consists of a large farmhouse² ("the Farmhouse"), together with 3 agricultural buildings and a timber chalet-style lodge ("the Lodge"). A fourth agricultural building has been permitted under reference 16/01784/FUL with the steel frames already present on the site.
8. The appellants currently operate a livestock business from the appeal site specialising in the raising of sheep and cattle. At the time of the hearing the farm consisted of just over 12 hectares with an additional 250 hectares of grazing land being rented on a variety of farm tenancies. In addition, a further area of around 350 hectares is taken on at other points during the year. Stock numbers vary but it is clear from the evidence that there is a steady upward trend with sheep numbers having doubled over the last two years and tripled over the last five.
9. The Council accepts that the appellants are operating an established agricultural business. It also accepts that the farm is financially viable. However, it disputes the appellants' contention that there is an essential need for two rural workers to be permanently present on the site. In assessing the question of essential need, it is first necessary to consider whether there is a physical need for a worker to be present at most times of the day and night. It is clear that the farm has a need for an on-site presence. However, it is, in the first instance met by the Farmhouse. In order to demonstrate that the

² Permitted under the 2014 Consent.

special circumstances required by Paragraph 55 of the Framework exist, the appellants need to show that there is an essential need for a second worker to be permanently present on site.

10. The appellants' written evidence refers to the number of Standard Man Days (SMD's) required to operate the farm efficiently and indicates that the labour needs of the holding have increased considerably over recent years, in line with the increased number of animals. Furthermore, during the hearing, I heard evidence from both the appellants and other interested parties regarding the welfare needs of those animals and the amount of labour required to operate a sheep and beef farm of this size. However, while the parties agree that the number of lambs being born between late February and early May would require a second worker to be permanently present on site, between May and June most lambing occurs outdoors and away from the farm buildings. With checks being made at dusk and dawn, coupled with the wide geographical area covered, I am not persuaded that there is an essential need for a second worker to be permanently present on site during this latter period on animal welfare grounds. While the appellants provided examples at the hearing of the types of situations that might occur on site during other times throughout the year, there is little robust evidence which would demonstrate that these situations are sufficiently numerous or frequent that they would require a permanent on-site presence of two workers.
11. Furthermore, although the timesheets provided by the appellants show that the shepherdess currently works long hours, they nevertheless indicate few night-time call outs. The appellants explained at the hearing that this was due to the way in which hours were recorded and that they do not represent an accurate picture of the actual times worked. However, while I agree that it is unlikely that a shepherdess living on site would not at times be required to attend night time emergencies, in the absence of any detailed evidence to the contrary, it appears that the welfare needs of those animals present on the site are adequately met by the occupant of the Farmhouse.
12. It was clear from the site visit conducted that the farm operates over a considerable area. However, travel to these fields in the case of emergencies will mostly be made by vehicle and so the starting point is less important. While it was clear that there will be instances where it might be necessary to transport equipment from the appeal site to an off-site emergency, no robust reason has been provided as to why this could not be performed by the occupant of the existing dwelling. Furthermore, there is no evidence that would indicate that these situations were so numerous that they would require the on-site presence of 2 workers.
13. While I accept that the number of animals has increased considerably and with it the amount of labour required, it is only where it is essential for a rural worker to be present that the special circumstances set out in Paragraph 55 are present. Prior to the erection of the Farmhouse, the current occupant of the Lodge resided off-site. The appellants have not provided any information which would indicate that this arrangement impacted negatively on either animal welfare or the efficient running of the farm. Likewise, although I note the practical difficulties that arise in having a shepherd live off-site, I am not persuaded that these are so great that they make it essential for a second worker to be based permanently on the site. As such, I do not consider that

- they would provide the special circumstances required to justify a grant of planning permission for a new isolated dwelling in the countryside.
14. Accordingly, based on the evidence before me, while I accept that there may at times be a physical need for a second person to be present, I am not persuaded that it is essential that they be permanently based at or near the site. In this instance, I concur with the Council that the essential need for a second permanent on-site presence has not been demonstrated.
 15. Turning then to other alternative accommodation, the appellants have indicated that there is no other accommodation available either on site or nearby which would be suitable to meet the needs of the additional worker. This is confirmed by the Council's agricultural consultant who concludes it would be very difficult to either buy or rent accommodation in the area on a typical agricultural wage. However, at the hearing the Council disputed these findings and suggested that there were other options which could be explored, although I note that no specifics were provided as to what these might be.
 16. There was some discussion around the fact that the Farmhouse included student accommodation. However, it was clear from my inspection that this related to a spare bedroom. With no separate kitchen, bathroom or other living accommodation, I do not consider it would particularly suitable to accommodate an adult worker. Nevertheless, the options considered by the appellants relate to the costs of renting or purchasing a property from the worker's perspective. While I accept that this may be beyond the means of a worker on a typical agricultural wage, little consideration appears to have been given to whether the Farm itself is in a financial position to meet the need identified. I note that the farm has net assets in the region of £1.546m and have seen no robust evidence which would indicate that it would not be economically viable for the business to purchase or rent accommodation to meet that need.
 17. Furthermore, in view of the limited periods in which two persons would be required to be on site, I see no reason that other temporary accommodation could not be utilised for which permitted development rights already exist. While I accept that this may have a greater impact on the AONB during the times which it would be on site, by its very nature such harm would be temporary. I do not therefore consider the limited harm to the AONB that would arise from a temporary structure would justify granting planning permission for a permanent rural workers dwelling in the countryside.
 18. Consequently, I conclude that while there is a need for a second rural worker to be permanently present on site for part of the year, I do not consider that need to be essential at other times. Furthermore, I am satisfied that this need can be sufficiently met by other alternative accommodation either on site or within the wider rural area. Accordingly, I find the special circumstances required by Paragraph 55 of the Framework are not present and a second permanent dwelling on the site is not essential. It would also fail to satisfy the requirements of emerging Policy C5 of the HSADPD.

Character and appearance

19. The Lodge is located within the AONB and consists of a single storey wooden cabin with a chalet design. It is located adjacent to the site entrance, in close

- proximity to the existing farmyard buildings and is set within its own curtilage, benefitting from its own garden area, fencing and parking provision. The site itself is surrounded by open countryside to the south and west but lies in a substantially enclosed setting surrounded by woodland. A public footpath runs along the boundary on an east west alignment.
20. CS Policies ADPP5 and CS19 seek to ensure that new development conserves and enhances the diversity and local distinctiveness of the landscape character of the District, particularly in areas which are sensitive to change, such as the AONB. This accords with Paragraph 109 of the Framework which advises that the planning system should contribute to and enhance the natural and local environment by amongst other things, protecting and enhancing valued landscapes. In addition, CS Policy CS14 requires new development to demonstrate high quality design that respects and enhances the character and appearance of the area.
21. The Council is concerned that the development would not be appropriate within the AONB and would negatively impact on the character and appearance of its surroundings. Furthermore, it considers that the design of the Lodge is not well related to the existing farm buildings or the character of the built form in the wider area.
22. However, views of the site itself are limited and, in general, it is well screened within the wider landscape and from the adjacent public footpath. In the limited number of views that are available³, the Lodge is seen within the overall farm complex. Its modest form and natural materials help ensure that it integrates well into both the site itself and the wider landscape. On balance, I do not consider that the Lodge, either in terms of its location or design, would be visually harmful to the appearance of the wider sensitive landscape.
23. The Council has also raised concerns regarding the additional light pollution which would result from the cabin, directing me towards the AONB management plan and its recognition of the contribution that darkness at night makes towards the characteristics of the AONB. It was also suggested that the addition of a further dwelling in this location would present a significant encroachment and impact on the openness of the site and the AONB area. However, in view of its location within an existing farm complex, together with its limited size and visibility, I am satisfied that the Lodge would have only a marginal effect on both light pollution levels and visual openness. Likewise, in view of its modest size and location within the existing complex, I consider any spatial impact on openness would similarly be limited.
24. Consequently, I do not consider the development would be harmful to the character and appearance of the surrounding area and I am satisfied that the AONB would be conserved. As such, I find no conflict with CS Policies ADPP5, CS14 and CS19 which together seek to ensure that such harm does not occur.

Other matters

25. The Council has referred to CS Policy CS10 in its reasons for refusal. That policy seeks to support proposals to diversify the rural economy, particularly

³ i.e. directly outside the site and on the immediate approach.

where they are located in or adjacent to Rural Service Centres and Service Villages. In view of the appeal site's location, I consider that Policy to be of limited relevance in the determination of this appeal.

26. In reaching my decision I have considered the large amount of local support in favour of the application that was submitted at both the application stage and as part of this appeal. However, while I accept that the impact on the character and appearance of the surrounding area would not be significant, it provides limited support in establishing that there is an essential need for a second rural worker to be permanently present on the site.
27. The Council has also referred me to the comments of the North Wessex Downs AONB Board. However, while I note that the Board may have considerable expertise in the landscape value of the AONB, the Council confirmed at the hearing that the comments relate to a previous, refused application and that the Board has made no comments on the present application. As such, I afford these comments limited weight.

Planning Balance and Conclusion

28. The Lodge would provide workplace accommodation for a rural worker as well as providing support for an existing and expanding rural enterprise. Furthermore, I have found above that it would not be harmful to the character and appearance of the surrounding area. However, I have also found that the evidence provided does not demonstrate that there is an essential need for a rural worker to be permanently based at or near the site. As such, I am not persuaded that the special circumstances required by Paragraph 55 of the Framework are present or that the grant of planning permission for an isolated rural worker's dwelling in the countryside would be justified.
29. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Jeremy Plank	Appellant
Mr Robert McLennan	Planning Agent
Mr Charles Holt	Agricultural Consultant
Dr Yann Le Du PhD	Sheep and Beef Consultant

FOR THE COUNCIL:

Mr Masie Masiwa	Planning Officer
Mr Andy Heron	Senior Planning Officer

INTERESTED PARTIES:

Mr Mark Hawkesworth	Stanford Dingley Parish Council
Mr K Waldie	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Copy of email correspondence between the appellants, Mr Richard Beynon (MP) and the Council dated February and March 2017 (EXB 1).
2. Copy of Appeal Decision APP/W0340/A/10/2134547 (EXB 2).
3. Plan showing the extent of tenanted land and winter grazing (EXB 3)
4. Plans identifying areas of winter grazing, areas of current grazing and resting fields (EXB 4 & 5)
5. Copy of pamphlet issued by National Housing Federation entitled "Home Truths 2016/2017 - The Housing Market in the South East" (EXB 6).

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Electronic Copy

Mr M Masiwa
West Berkshire Council
Market Street
Newbury
Berkshire
RG14 5LD

Our Ref: KCC797/vmd
Your Ref: 18/01470
28th August 2018

Dear Mr Masiwa

APPLICATION 18/01470/FULD

RETENTION OF EXISTING TIMBER LODGE AS FARM WORKER ACCOMMODATION AT BUSHNELLS GREEN FARM, CHAPEL ROW, READING, RG7 6DW

1. Thank you for your consultation dated 26th August 2018, requesting my opinion on the above application. As you will be aware I commented on an earlier application 16/01782/FULD in February 2017. As part of that application I visited the Site and met the applicant.
2. The information considered as part of this appraisal includes:
 - Application forms and application drawings;
 - Addendum Report prepared by Charles Holt dated 12th March 2018;
 - Appeal Decision APP/W0340/W/16/3161487 dated 16th May 2017; and
 - Legal Opinion provided by Michael Rudd dated 23rd April 2018.

The Proposals / Planning History

3. Planning consent (13/03014/FUL) was granted in 2014 for the erection of a permanent dwelling. This dwelling has been constructed and is now occupied by Mr J Plank, his wife and their two small children. Condition 12 of that consent required **“that the temporary agricultural dwelling must be removed within 2 months of first occupation of the dwelling hereby approved”**. However once Mr Plank and his family moved out of the log cabin, in the Autumn of 2015, the farm’s full-time Shepherdess moved into the log cabin
4. It is the applicant / appellant’s case that there is an essential need for both the shepherdess and Mr Plank to live on the farm and accordingly they wish to retain the log cabin as farm workers accommodation.
5. The same proposal was dismissed at appeal in 2017 with the Inspector concluding that **“the essential need for a second permanent on-site presence has not been demonstrated”**. The Inspector comments in detail on the functional need in paragraphs 10 – 12 of the appeal decision.

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6. The Inspector also concluded that **“while there is a need for a second rural worker to be permanently present on site for part of the year, I do not consider that need to be essential at other times. Furthermore I am satisfied that this need can be sufficiently met by other alternative accommodations either on site or within the wider rural area”**.

The Holding and Enterprises

7. Since I visited the farm in 2017 additional land has been taken on and livestock numbers have increased, however the amount of land owned by the applicant remains at just over 12 hectares. .
8. Based on information set out in the Charles Holt Addendum the applicant is now farming of the order of 775 hectares (1915 acres), this is an increase of 85 hectares. However with the exception of the land outlined above and 2.8 hectares which is stated to be rented on a “permanent” FBT all of this land is farmed on short-term arrangements, with:
- 107 hectares (264 acres) occupied on three year FBT’s;
 - 138 hectares on annual FBT’s; and
 - 513 hectares on occupied for part of the year on annual licences.
9. Stock numbers have also increased and as at 4th March 2018 comprised of:
- 65 Suckler Cows;
 - 44 young stock;
 - 2 Bulls;
 - 76 purchased in dairy bred calves;
 - 1600 Ewes;
 - 30 Tups (Rams); and
 - 1450 lambs.
10. In summary the Suckler Cow enterprise has increased by 8 cows and the number of ewes lambing has increased by 100, since my appraisal in 2017.
11. In my 2017 report I set out in detail the lambing and calving periods and locations as provided to me by the applicant when I visited the Site in February 2017. No reference has been made to these in the Addendum and therefore I assume that they remain broadly the same. For ease of reference I set out this information below, however please note that the stock numbers referred to are those provided in February 2017 not as per this application.

“Predominately Native Breeds (South Devon, Hereford and Aberdeen Angus Crosses) Suckler Cow herd comprising of 57 cows and off-spring, of which 41 calve indoors in the Spring (mid. Feb – mid. April) and 16 in the Autumn (mid. Nov – beginning of Jan.). Autumn calving off-spring are sold as strong stores at the end of the summer and the Spring calving off-spring are over-wintered on the farm and then sold in the Spring, this was similar to that level of operation operating when the permanent dwelling was permitted;

- *Calf rearing enterprise rearing around 70-80 calves per year, these are primarily bought from a local dairy farm and sold on to another farmer once weaned at circa 12 weeks of age. Calves tend to come in batches of approx. 20 – 25 from the local dairy farm during the summer / autumn months before the Suckler Cows need to be housed, with a batch coming approximately every 6 weeks. This level of throughput is similar to that operating in 2013;*
- *Flock of approximately 1500 breeding ewes which lamb between late February and early June. This is a significant increase (more than double) on that which was operated at the time when the farmhouse was permitted. Ewes are lambed in a number of flocks / location depending on their age:*

- A flock of **150 ewes** lamb in March, these are housed a week or so prior to lambing. Once lambed the ewes spend circa 12 hours in individual pens with their lambs to ensure bonding and are then moved to a group pen for circa 24 hours before being turned back out to grass away from the farm. At the time of my site visit (22/2) the applicant still had to empty the shed of store cattle before the ewes could come in. However once the new shed is complete the need to move store cattle will not be necessary;
 - A batch of **300** older ewes lamb from the 1st week of April, these are also lambed indoors in a similar fashion to those in the early batch;
 - A third batch of **300** ewes are due to lamb from 3rd week of April, these are bought to the paddocks around the farm buildings prior to lambing but will lamb outdoors. Once lambed they will be bought inside for circa 12 – 36 hours and penned as with the earlier flocks;
 - From 1st May a further flock of **250** ewes will lamb outside on a block of rented land between the farm and Stanford Dingley. Regular day time checks are made on these ewes, with the first being made at dawn and the last at dusk;
 - From 10th May onwards **425** ewe lambs will also lamb outside, again on rented land in a similar management fashion to the earlier outdoor lambing flock. The intention is that these will have finished lambing by early June.
 - This year the applicant also has 60 old ewes to lamb, he had intended to sell these as cull ewes last Autumn but the price was so bad that he kept them and put them to the ram, with a view to selling them with lambs at foot; and
 - There are 73 ewes that have been scanned as not in lamb.
- At the time of my visit there were still 1000 lambs on the holding being finished off stubble turnips / grass, these are sold at a rate of approximately 130 per week (lorry full) from January through to March / April”
12. Full-time labour continues to be provided by the applicant, who works full-time with the livestock enterprise from late November through to the end of May, before working full-time in the contracting part of the business for the rest of the year. However he does spend odd days during this period helping with the livestock enterprises when needed i.e. shearing, Tb testing, administering vaccinations, sorting sheep to go to market etc. and the shepherdess, who currently lives in the log cabin the subject of this application. The applicant’s brother is also employed full-time by the business but my understanding is that his workload is primarily focused on the arable and grassland contracting element of the business.

Policy

13. Since my appraisal in 2017 the NPPF has been updated. Although the paragraph numbers relating to planning policy for rural workers dwellings has changed the actual policy remains unaltered.
14. Paragraphs 77-79 of the July 2018 Framework currently provides guidance regarding rural dwellings. The paragraph advises that, **“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”**. New isolated housing should only be allowed in special circumstances such as where **“there is an essential need for a rural worker, including those taking a majority control of a farm business, to live permanently at or near their place of work in the countryside”**.
15. New rural workers’ dwellings should, therefore, be **“essential”** and **“sustainable”**.
16. Whilst this guidance is very brief, in the six years since the NPPF was published it has become clear that all applications need to be considered carefully against the following criteria:

- whether there is an essential need for a rural worker to live on site;
- whether that need can be met by existing accommodation;
- whether the enterprise is financially viable or sustainable; and
- whether other relevant considerations, such as siting and size, are acceptable.

Re-Assessment

17. **Essential Need?** Whether or not a worker needs to live on site is a matter of judgement based on factors such as the frequency of out-of-hours problems, the ability of a resident worker to identify and address those problems, the severity of loss if they are not addressed and the potential for notification of problems to a worker living off site (by alarms, for example).
18. This application is for a second on-site dwelling. As per my original appraisal (which was based on very similar livestock numbers) although I am satisfied that there is an essential need for one-full-time worker to live on site, I am not satisfied that there is a functional requirement for two on-site workers to be readily available at most times i.e. two dwellings. It remains my opinion that the only period during which there is a need for two on-site workers is during the indoor lambing period which runs from the end of February through to the end of April / early May i.e. a period of at most 2 ½ months. During this period the volume of lambings (indicated by the applicant at an average of 25 a day/night when in full swing) and calvings cannot be covered by only one on-site worker.
19. It also remains my opinion that the later lambing period (May / early June) does not warrant an on-site worker as the ewes are lambed outdoors and away from the farm buildings / dwellings (albeit less than ¼ mile). The applicant made it clear to me that during the outdoor lambing periods checks are made as it gets dusk and as soon as it is light. As the worker has to travel to the fields on a quad bike the starting point is less important i.e. it could be done from a nearby dwelling. It is not the same as when ewes are lambing in the shed on the farm and a worker can make frequent inspections throughout the night returning to bed in between.
20. No information has been submitted to indicate that this is no longer the case and on that basis it remains my opinion that the only period when it is essential for a second worker to reside on site is for a maximum period of two - three months then in my opinion this could be met by some form of short-term accommodation, such as a mobile home. Indeed such a provision is allowed for under Part 5 of General Permitted Development Order.
21. The Addendum report sets out at paragraph 7.9 – 7.14 and Appendix 1 circumstances where situations have occurred which “**necessitate two people to attend**” between 1st January 2018 and 10th March 2018. There were a total of 10. Of these 10 incidents two related to sheep that were away from the main farm and therefore both workers had to travel to attend to them. Therefore as set out above could have been dealt with regardless of how many workers were living on Site.
22. With regards the other issues, these primarily relate to incidents where cattle needed to be handled, albeit in emergency situations, out of normal working hours. I have no doubt that all of these situations required two workers (if not more) to be able to be adequately dealt with. However when considering whether there is a need to live on Site in connection with livestock, particularly cattle who as highlighted in the addendum report, from a safety perspective generally need to be handled by two workers, it is generally accepted that the on-site worker will be able to identify the problem and then if necessary call for additional help, whether that be in the form of the vet, an off-site worker or in cases where there is only one member of staff a neighbour who can come and help.

23. If you were to work on Mr Holt's theory then every cattle farm that warranted an on-site worker would actually require two on-site workers as any out-of-hours problems would have to be immediately attended to by two members of staff. Clearly this is not what actually occurs and on the majority of farms which have Suckler Cow Herds of this size there would only be one on-site worker who would then have to call for help if and when a problem which necessitated the assistance of two workers arose.
24. The case relating to the sheep dog was not in my opinion a case that warranted two on-site workers. The applicant was still on hand to identify any problems that could have occurred and then if a dog was needed on-site (it does not appear that any were identified) the applicant could have called Sophie and her dog in.
25. With regards the weather situation although Sophie's assistance would have been invaluable in my opinion in a situation like this the applicant would have been able to defrost pipes etc on his own and move bales to act as wind breaks. The weather this winter was also an extreme event which will hopefully not be repeated.
26. The applicant has also submitted copies of Sophie's timesheets which indicate that she clearly works long hours, however these are representative of most livestock workers, many of whom may live off-site. However I have no reason to doubt her commitment to the business, but that in itself isn't part of the permanent dwelling test.
27. Another point raised in Appendix 1 of the Addendum report is that **"Sophie is 25, works long hours, often in wet and difficult circumstances, in the 4 months that WBC allow her to be on Site she does not want to come back to a mobile home / caravan with restricted facilities. No bath, no central heating, nowhere to dry and wash clothes etc"**. I would comment that given the long hours and the nature of the work which creates wet and dirty clothes it would not be unreasonable for a washing / drying facility (for clothes) to be provided on the farm. I would also comment that many farm workers spend 3 years in a mobile home whilst they demonstrate financial viability.
28. In summary it remains my opinion, due to the set-up of the business i.e. 50 % of the ewes lambing outdoors away from the main farm buildings i.e. not within sight and sound of the resident workers that there is only a need for one on-site permanent worker a view shared by the Inspector. However as per my earlier appraisal I do recognise the problems of attracting good staff if you can't offer accommodation
29. **Sustainability considerations?** Although there is no longer a specific test in the Framework regarding profitability in relation to the provision of agricultural workers' dwellings, the Framework only promotes **"sustainable development in rural areas"** (paragraph 77-79, in relation to housing). Economic sustainability and the ability to carry out the proposals as described must be part of this. An applicant therefore still needs to demonstrate economic sustainability.
30. The addendum report states at paragraph 10.5 that **"the latest accounts for year ended 31st December 2016 were included in the previous appraisal and that the accounts showed a profit of £53,886 for Year Ending 31st December 2016"**. I would comment that I have never seen the 2016 accounts, my 2017 appraisal referred to accounts for **"the 9 month period from 1st April – Dec 2014 and 1st Jan – 31st December 2015. I understand that these relate purely to the livestock element of the business with the contracting business being separately accounted for. The accounts show a profit in 2015 of just over £20,000 and for the 9 month period in 2014 of just under £20,000 this is after all paid labour i.e. The Shepherdess and lambing assistants and in 2015 includes a Director's salary of £4,000."** Further having reviewed the appeal decision it does not appear that the Year End 2016 accounts were submitted at the appeal.

31. Therefore the accounts that I have seen are now 2 ½ years old and I would want to see more recent accounts to be able to conclude whether or not the business was still financially sound.
32. In summary there appears to be some confusion as to what financial information was submitted in relation to the 2016 / 17 appeal and accounts. Given that we are now in August 2018 in order to be satisfied that the business was financially sustainable I would need to see more current accounts than what I was provided with 18 months ago.

Availability of Other Dwellings

33. In my opinion this is the key issue with this proposal and in my earlier appraisal I concluded **“that given the high costs of either renting or buying accommodation in a rural area, the only accommodation that a stock person is likely to be able to afford will be in either Newbury or Reading and is highly unlikely to be suitable to meet their needs i.e. there will be no space for parking a quad bike and it will be unsuitable for keeping a sheep dog etc.”**.
34. The Inspector was satisfied that buying or renting a rural property may be beyond the needs of an agricultural worker **“on a typical agricultural wage, little consideration appears to have been given to whether the Farm itself is in a financial position to meet the need identified”** and concluded that he had **“seen no robust evidence to demonstrate that it would not be economically viable for the business to purchase or rent accommodation to meet the need.”** (para 16).
35. The March 2018 Addendum provides more information on this point. In particular a calculation of mortgage re-payments etc. is set out along with a letter from the bank regarding the feasibility of servicing a mortgage. I would comment that the property referred to in Chapel Row is no longer advertised for sale and that in my opinion a member of staff could live 5 miles away. However even when you extend the search to 5 miles away you are looking at a minimum price of £270,000 for a property that could essentially be suitable, i.e. parking, garden etc. Even at this cost you would be looking a mortgage payments of £21,500 per annum which could not be serviced by the accounts which I have seen.
36. Therefore on the basis of the information submitted in relation to housing availability and cost etc, which I have fully reviewed and verified by way of my own search, then I am satisfied that in all probability the only accommodation that a stock person or the farm business / Directors would be likely to be able to afford will be in either Newbury or Reading and will be unsuitable to meet the needs of a stock person i.e. there will be no space for parking a quad bike and it will be unsuitable for keeping a sheep dog etc.
37. Section 9 of the Addendum addresses the potential for renting and I would share the view that many rental properties, even if affordable, would be unsuitable for farm workers (due to many not allowing dogs) and also that Assured Short Hold Tenancies do not provide sufficient security of tenure on which to base business decisions.
38. In summary in my opinion if this business is to continue then the only way that it can do so is by the retention of the log cabin for occupation by the shepherdess as neither the business nor the shepherdess can afford to purchase suitable accommodation to live in.
39. I would comment that the need for the shepherdess is bought about due to a very heavy reliance on short-term rented ground and therefore in my opinion if consent is granted to retain the log cabin it should be conditioned to reflect this, i.e. conditioned so that it can only be occupied by a livestock worker employed in connection with the livestock enterprises operating from Bushnells Green Farm as if the short term land

were to be lost which it could be for a variety of reasons there would no longer be a need for a shepherdess.

40. In your letter dated 26th July you have also asked that I consider the possibilities of converting buildings on other farms or renting other agricultural tied dwellings. I would comment that as far as I am aware there are no such properties currently available i.e. on the market that could be utilised.

Summary and Conclusions

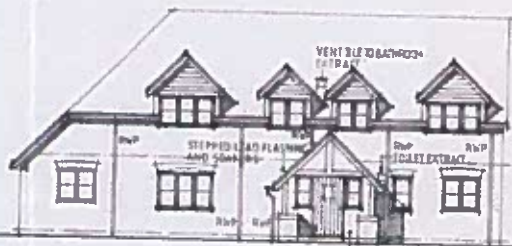
41. This proposal relates to the retention of a log cabin for occupation by an agricultural worker. There is already one dwelling on Site that is occupied by the landowner, who spends the Winter and Spring months fully employed in the livestock enterprise.
42. Although in my opinion there is no doubt that the enterprises provide full-time employment for two workers, indeed more, during the busy lambing season, there is in my opinion only a need for one of these workers to be readily available at most times. With the exception of the short period when ewes are lambing indoors (2 / 3 months when the need can be met by temporary accommodation such as a mobile home) there is in my opinion no requirement for both workers to live on Site.
43. There is some confusion as to what financial information has been submitted and at the current time due to a lack of evidence I am unable to conclude that the business is financially sustainable.
44. In terms of other accommodation given the high costs of either renting or buying accommodation in a rural area, the only accommodation that a stock person is likely to be able to afford will be in either Newbury or Reading and is highly unlikely to be suitable to meet their needs i.e. there will be no space for parking a quad bike and it will be unsuitable for keeping a sheep dog etc.
45. In light of the comments set out in the 2017 appeal decision I am satisfied that the applicant has fully explored the potential of purchasing suitable accommodation for a worker and that it is beyond the means of both the business or any employee
46. Therefore in my opinion the only way that the business will be able to continue operating at the current levels is if accommodation is provided by way of the retention of the log cabin, for the shepherdess.
47. Given that the need for the retention of the log cabin arises due to a heavy reliance on the short-term occupation of rented land I would recommend that the consent is conditioned so that it can only be occupied by a livestock worker employed by the business based at Bushnell Green Farm.
48. I trust this provides you with sufficient information but please do not hesitate to contact us if you require any additional information or wish to discuss the application in more detail.

Yours sincerely



VERITY DREWETT

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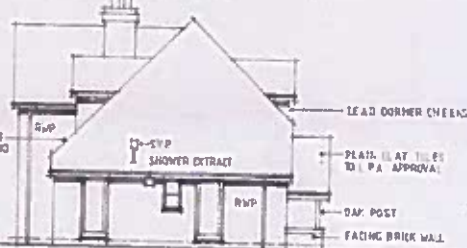
North elevation.



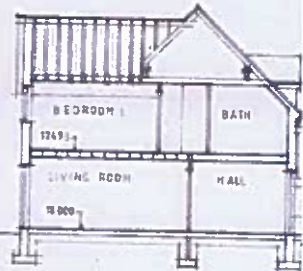
West elevation.



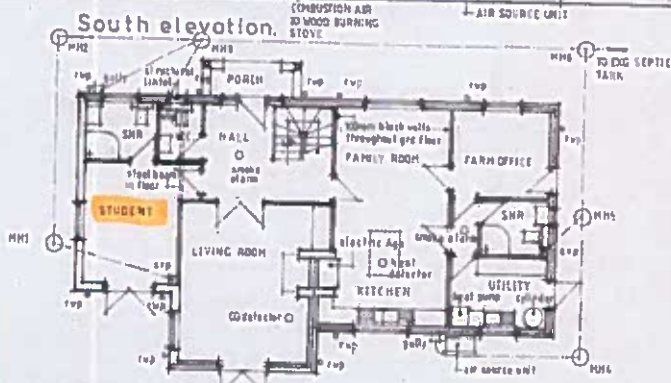
South elevation.



East elevation.

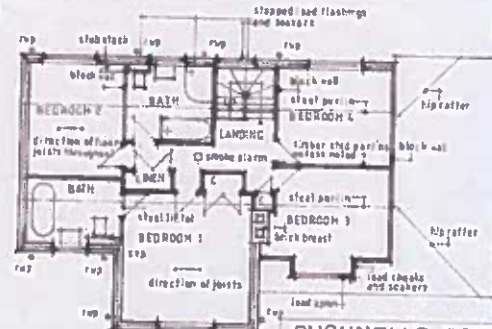


Section



Ground floor plan.

FLOOR AREAS	
HOUSE	156.00
FARM OFFICES	23.75
STUDENT BEDSIT	18.25
TOTAL	198.00



First floor plan.

D. 23 07 2013 CO DETECTOR 10
 REVISION C. 31 05 2013 BUILDING REGS.

BUSHNELLS GREEN FARM, STANFORD DIN
 COLIN F.C. SHEPPARD Dip. Arch (Hons) R.I. & A
 ARCHITECT
 PADDOCK VIEW, HADN STREET, WEST ILSLEY, NEWBURY, BERKS, RG20 7AA
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1 3

13/00331

BUSHNELLS GREEN FARM, BUCKLEBURY ROAD, STANFORD DINGLEY, READING, BERKS, RG7 6DW.

PROPOSED AGRICULTURAL WORKERS DWELLING.

DESIGN AND ACCESS STATEMENT.



HISTORY:

An application for a temporary dwelling, application number 08/01628/FULD, was approved for a period of three years on 22nd October 2008.

To allow time for a detailed design to be prepared, for the application to be approved and sufficient construction time remaining, prior to the temporary dwelling having to be removed, a subsequent application, 11/02731/FULD, supported by an agricultural appraisal, extended the period by a further three years and will expire on 20th March 2015.

In approving the application, the case officer's report advised:

- i) The applicant has demonstrated a continued intention and ability to develop and operate a livestock enterprise. We have no reason to assume that this had changed.
- ii) There is a functional need for a worker to be on site at most times.
- iii) We are satisfied that the business remains planned on a sound financial basis but would note that further clarity regarding the apportionment of fixed costs will be required at the permanent dwelling stage and the return on the applicant's labour should cover long hours worked as well as provide remuneration for his wife, at the permanent dwelling stage.
- iv) No other dwelling could meet the need.
- v) The retained siting presents us with no agricultural concerns.

Accordingly we are satisfied that the proposals meet the tests set out in PPS7

Subsequently a detailed planning application, for a permanent agricultural worker's dwelling, was submitted on 7th August 2012 (application number 12/02025/FULD) This however was refused permission on 15th October 2012, for the following reasons:

1. Financial sustainability.
2. Non completion of Section 106 legal agreement.
3. Pre-assessment report required, to show that the proposed dwelling can be constructed to achieve Code for Sustainable Homes Level 3.

PROPOSAL:

This application is a re-submission of application number 12/02025/FULD designed to obtain detailed planning approval for a permanent agricultural worker's dwelling, to replace the current temporary timber chalet and includes the following additional information.

1. Further information relating to and justifying the financial sustainability of the agricultural holding.
2. All information required, in respect of the Section 106 Legal Agreement was, forwarded in respect of the earlier application, 12/020265/FULD and the majority of the work already undertaken by West Berkshire Council's legal department. It should therefore be possible to complete the agreement ready for signature well in advance of this application's determination date.
3. Pre assessment report showing that the proposed dwelling can be constructed to achieve Code for Sustainable Homes Level 4.

Informative:

Since moving into the temporary chalet, which is very confined and has only one bedroom, Mr and Mrs Plank now have a three year old child and a two month old baby.

Additionally, at peak times such as lambing and harvest, temporary staff, shepherdess and agricultural worker/agricultural student, have to be accommodated at the applicant's mother's house at Scotland Corner, as it is essential that 24 hour cover is maintained, especially at lambing time.

Brief:

A minimum of four bedrooms, one en suite, family bathroom, living room, large kitchen/dining room, farm office with toilet/shower facilities, utility/boot room, ground floor cloakroom and a ground floor room, with en suite facilities, capable of being used as a bed-sit, for use by a temporary agricultural worker/student.

Pre-application discussions.

Preliminary designs, for a permanent farmhouse and its suggested location, were discussed with Karen Buckingham on 15th May 2012.

It was suggested that the new house should be located closer to the road, whilst still being able to retain the existing chalet whilst construction of the new dwelling took place.

Some concern was expressed regarding the overall size of the proposed house, however Mrs Plank advised that she was expecting a second child, due 26th December 2012 and that it would be better to construct a house suitable for a growing family, rather than have to apply for an extension at a later date. Additionally, the Architect advised that he would separate out the areas required for the day to day running of the farm and for temporary accommodation at peak farming periods, from the family accommodation.

In view of the above the size, design, access and siting of the proposed dwelling were considered acceptable, when the earlier application (12/02025/FULD) was considered and determined, however we reiterate the following for continuity:

Floor areas:

The new dwelling has been designed to provide the following:

Family accommodation: 156.00sq.m

Farm offices: 23.75sq.m

Student accommodation: 18.25sq.m

Total floor area: 198.00sq.m

Location:

The house will be positioned slightly to the east of the existing temporary chalet to allow the chalet to be occupied throughout the construction period. The domestic curtilage will be extended to incorporate the new house and its extended access driveway and parking area. A walkway will link the house directly to the farm complex. The existing vehicular access from the highway will be retained and both vehicular and pedestrian access will be designed to meet disabled access legislation.

By orientating the building east-west, the building will present its least width to the highway and its location adjacent to the existing farm buildings will optically tend to reduce its overall mass and height. Additionally the proposed location is well screened from the highway by a hedgerow and mature oak trees.

Design:

The design incorporates dormer windows at first floor level and a cat slide roof to the single storey area above the farm offices and will be set into the slope, as shown on the cross section, to reduce the overall impact of the new building on the immediate area. The house is of traditional design and will be constructed with facing bricks below a plain clay tile roof. An oak framed porch will accentuate the main entrance and the dormers will be clad with horizontal oak weatherboards. External windows and doors will be standard timber units stained to match the oak framing.

Issue B. 6th February 2013.

Colin F.G. Sheppard. Architect.

Design and Access Statement
& Statement in Support

of an application for an;

Amendment to the siting of the farmhouse as
Approved under Planning Application ref: 13/00331/FULD
On 25th April 2013

At

Bushnells Green Farm
Chapel Row
Reading
Berkshire
RG7 6DW

WEST BERKSHIRE
COUNCIL
- 2 DEC 2013
PLANNING AND
COUNTRYSIDE SERVICE



On Behalf of Mr & Mrs J Plank

Prepared By

R. McLennan
Heritage South West Ltd

20th November 2013

Introduction.

This Planning Application seeks only to amend the proposed siting of the farmhouse to a location some 50m east from the position as approved under Planning consent ref 13/00331/FULD on 13th April this year.

All other matters such as the need for the dwelling, its size, design, elevational treatment, construction specification and materials of the proposed farmhouse remain as previously approved. Only the siting of the house and it's immediate residential curtilage and access thereto are now proposed to be altered.

As this amendment requires construction of the house outside of the approved application site 'red-line' (although still within the 'blue land' under the control and ownership of the applicants) then a full fresh planning application is required. For completeness therefore, a copy of the agricultural case that supported the previous approval is also resubmitted here (attached as Appendix 1).

The applicants also accept that such an amendment will need to be subject to the same or similar conditions and section 106 legal agreement requirements as previously set by the consented scheme earlier this year.

The application is prompted by the very real need to ensure that the new permanent farmhouse is most appropriately sited in relation to the successful running of the farm as a whole, both now and on into the future. This has required full, proper and thorough consideration being given to related health and safety, operational, environmental health and living condition issues and requirements that will affect not just the current family farming this land but others that will continue here in years to come.

In formulating the current proposal due regard has also been paid to the resultant landscape impact of such a move upon the AONB designation which covers this area and to the historical precedent of built form in this vicinity.

To assist with these considerations the help and support has been sought and given from the National Farmers Union (NFU) and from landscape consultants Floyd Matcham. Their respective reports and comments are attached as Appendices 2 and 3 of this report.

The Proposal

The current application seeks to locate the approved farmhouse which is of traditional design and materials some 50m further east into the site, away from the lane and the site entrance and busiest yards 1 and 2, and onto the more level ground directly opposite the 'third yard' within the farm located between the second and third barns. There is no proposed movement of the house south or north with this proposal.

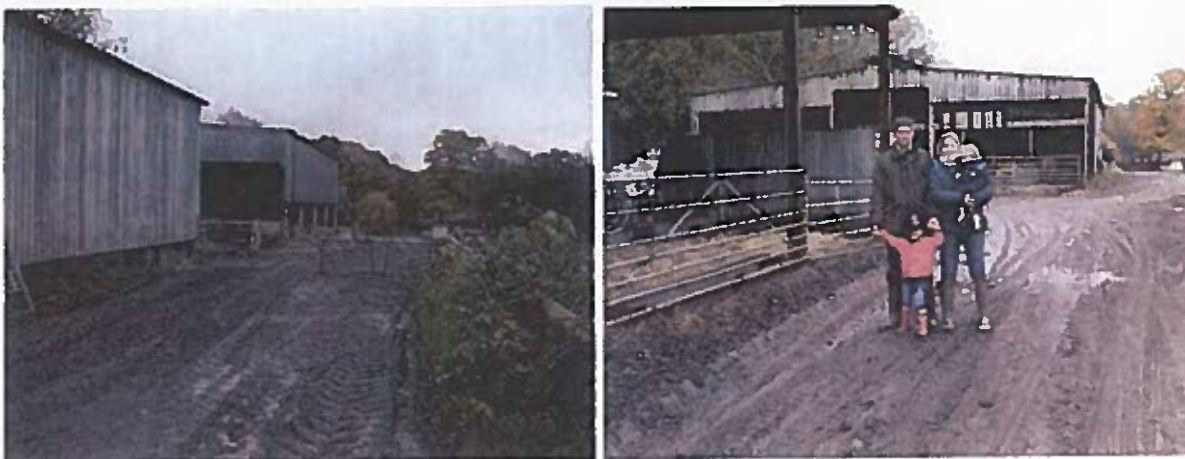
This allows, (as did the 13/00331 approval), the continued occupation of the temporary timber chalet during the construction of the permanent dwelling and its removal upon first occupation of the new house. The area presently occupied by the temporary chalet will then be restored to its former agricultural use and landscaped accordingly. The original profile of this field will be restored and all existing trees in this vicinity will be protected and preserved.

The new dwelling will be accessed by an extension of the current drive to the chalet, alongside the existing ditch thus separating as far as possible residential traffic and access (whether by car or on foot) from operational farming vehicular movements.

Residential parking bays are again provided within the new residential curtilage, itself defined by post and rail fencing with stock proof wire mesh (as previously approved) and new hedge and tree planting. The overall size of the residential curtilage has been slightly reduced from that approved and more considered landscape proposals are now shown, including some field tree planting proposed within the 'blue land'. For more details of this see Floyd Matcham's Landscape Assessment and Report attached as appendix 3.

A securable pedestrian only gate and footpath link is provided from the farmhouse giving direct access to the 'third yard' within the farm which is the least busy – especially in relation to the scale and nature of daily agricultural operations and vehicle movements here.

Looking toward third yard and bard 3



Reasoning behind the current proposal

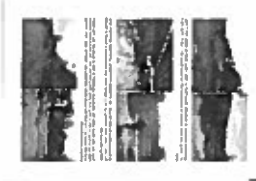
The Governments Health and Safety Executive (HSE) have an ongoing and very active campaign to continuously improve safety on farms with special attention being paid to trying to reduce the incidences of accidents involving children.

A copy of the very recent HSE publication of June 2013 in this regard entitled 'Preventing accidents to Children on Farms' is attached in full as Appendix 4 to this report. This document confirms that; *"Agriculture has one of the highest fatal injury rates of any industry in Great Britain, but is the only high-risk industry that has to deal with the constant presence of children"*. Page 3 of the document under the heading of "Manage the Risks" confirms that children should be *"kept away from farming activities and work traffic wherever possible"*.

A further leaflet publicising these risk issues and produced by the HSE and NFU in conjunction with many other partners entitled "Farms are not playgrounds" is attached as Appendix 5 to this report. Of the 'Top Ten' dangers on farms listed, Bushnells Green Farm currently has all but no.3 (a slurry lagoon).

The applicants presently have 2 young children aged 1 and 3 and therefore these health and safety matters (not just for them but for their friends / visitors / associates and indeed for future generations who will be resident here) are clearly a key consideration in determining the most appropriate siting for the new house.

The approved siting (under 13/00331) locates the new permanent farmhouse within just 20m of the principle and busiest 'first yard' which also acts as the main site entrance and turning area, giving access to the first and second barns / yards and the farms silo. It is the first and second barns and yards that accommodate most of the farm's daily activity.





The current proposal seeks permission to locate the new farmhouse some 50m further from the site entrance and main yard albeit still near and well related enough to visually form part of the 'group' of existing farm buildings within the landscape and also to allow an appropriate and acceptable level of control and supervision.

This separation offers genuine advantages in relation to keeping residential occupiers and most notably children secure and well away from the most dangerous areas of daily farming activity, especially those involving the turning, loading and unloading of tractors trailers and other vehicles.

In addition the proposed move also offers considerable and genuine environmental health benefits over the approved siting. The applicants, whilst resident in the existing temporary chalet, have first hand experience of disturbances to their living conditions from noise of vehicles and agricultural machinery operating in yard 1, and from smell and pest ingress from cattle in the yards and from the casualty stock awaiting collection from yard 1. The applicants are not allowed to bury dead stock and they have to await collection for disposal. This can take several days.

The move as proposed offers beneficial separation in this connection.



Landscape Impact

In order to properly assess the environmental and landscape impact of the proposed move the applicants have commissioned 'Floyd Matcham' Landscape Architects to undertake a study and report on the characteristics of the current site and its surroundings and to consider the consequences of the current proposals on matters of recognised / acknowledged importance.

Their report is attached in full as Appendix 3 to this report. It concludes that the current proposal will have no more materially adverse impact upon the landscape character or natural environment of this part of the North Wessex Downs AONB than the approved scheme.

Historical Precedent:

Although of little direct relevance to the subject application it is nonetheless of some interest and worthy of note that there is also historical precedent for a farmhouse to be located further into the site at Bushnells Green Farm.

Up until the 1950's there is evidence that the farm was supported by a farmhouse and related buildings, (of which some evidence can still be found on site) located much further into the site than the current proposal.

Copies of historical maps to substantiate this finding are attached as Appendix 6 to this report.

This evidence confirms that it is not unusual or inappropriate from a historical or landscape character perspective for this part of the North Wessex Downs Area of Outstanding Natural Beauty, to accommodate permanent farm buildings (including a farmhouse) further into the site than that adopted by the approved or current proposal. Indeed the former farmhouse here was located considerably further into the site than the current proposal seeks.

It is acknowledged however that any new development here should be well related to existing structures on the farm and that because the approved dwelling is larger than the existing temporary dwelling it replaces, the adopted design needs to continue to ensure that its impact within the rural environment is minimised. Accordingly the approved details such as the size and design of the farmhouse (featuring dormer windows and rooms in the roof which help to reduce the height of the proposed development) are all retained as part of the current proposal and its new siting (being fairly central to the existing group of barns) remains appropriate.

In April this year the Council concluded that whilst it felt that some harm resulted from the proposed built form, it was not on balance harmful enough to warrant refusal on these grounds. It is our contention that the same conclusion can be drawn for the subject proposal.

Other matters

The acceptability of the principle of development was established by the approval earlier this year under ref:13/00331/FULD. This principle was assessed against government guidance set out in the NPPF and relevant development plan policies.

The NPPF sets out a presumption in favour of sustainable development and in terms of rural workers dwellings para 55 of the NPPF, as referred to in the agricultural assessment, advises that, to promote sustainable development in rural areas housing should be *carefully located*, essential and sustainable.

The proposed move which retains the farmhouse in close proximity to associated built development in the existing farmyard, offers significant health and safety, and environmental health benefits over the approved siting and maintains its landscape impact to an appropriate and acceptable level.

Also it is not an inappropriate siting from a historical or operational point of view and for reasons as given in Floyd Matcham's landscape assessment and report it is clear that the impact on the AONB, or upon on neighbouring amenity, is not considered to be any more materially adverse from that previously accepted by the Council..

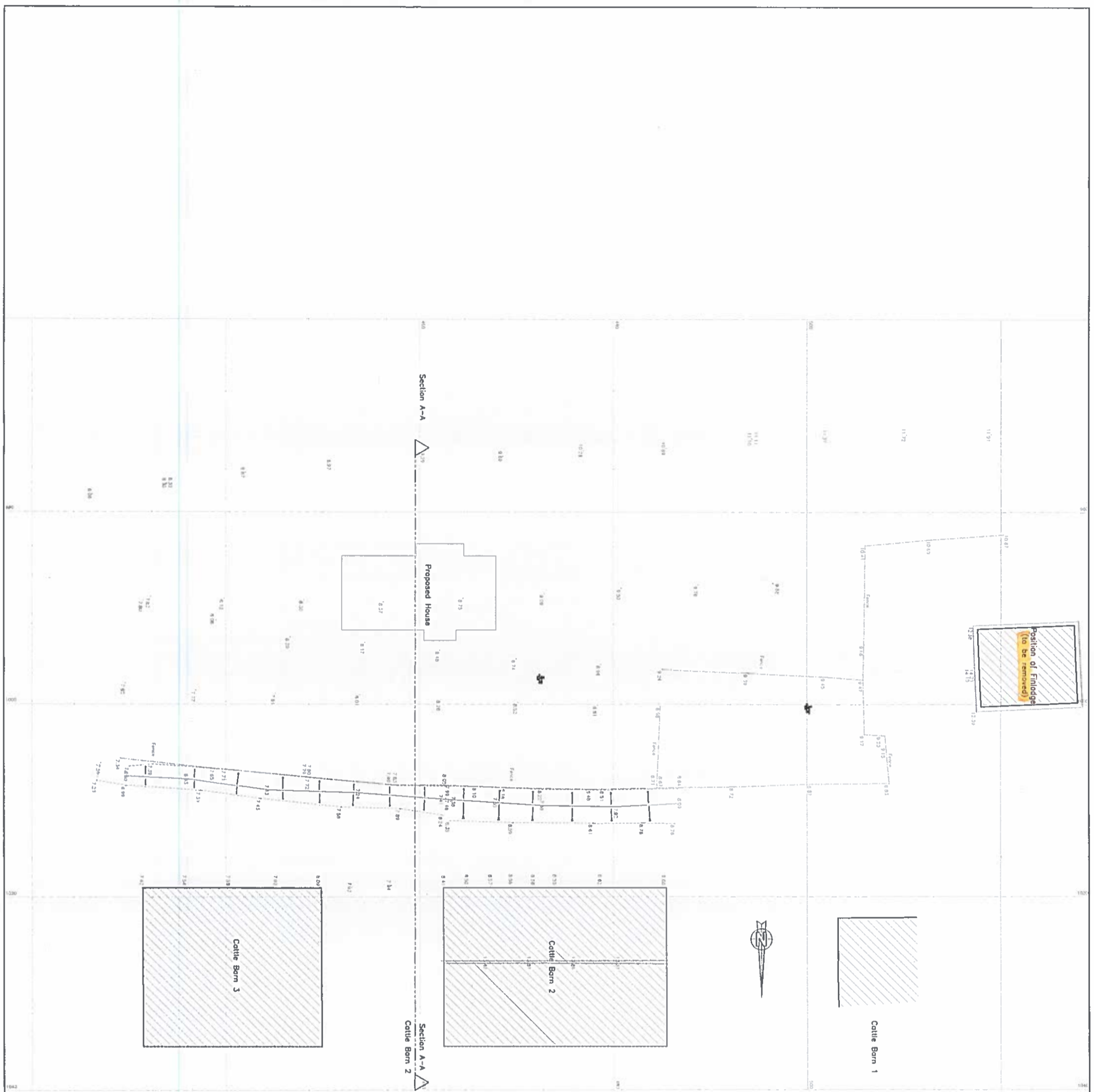
Matters in relation to highway safety, sustainable construction, the impact on local infrastructure and services remain as approved and are unaffected by the current proposal. No representation letters were received as part of the approved scheme.

A pre assessment report has been submitted with this application (see copy attached as appendix 7) to demonstrate that the proposed development can achieve Code for Sustainable Homes level 4 in accordance with Policy CS15 of the West Berkshire Core Strategy 2006-2026,

Conclusion

Having taken account of the previous approval and all other relevant policy and other material considerations, it is contended that the development proposed offer significant and important benefits over the previous siting whilst protecting and preserving the overarching character of the immediate and wider environment and as such should be approved for the reasons set out above.

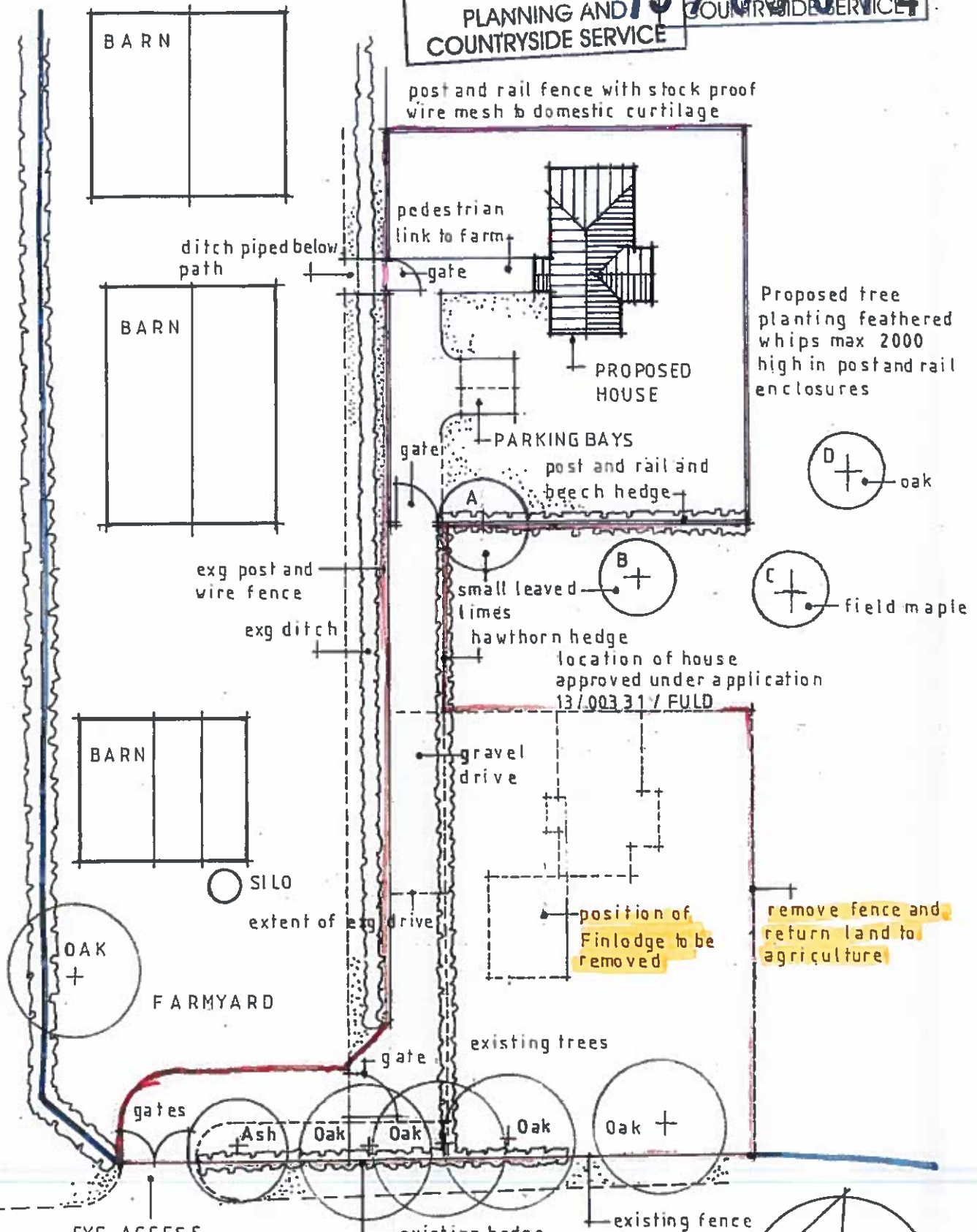




Robert C.J. Boles LAND & WATER SURVEYING ASSOCIATES Professional Corporation 10000 Highway 100, Suite 100 Stanford, Dingley, BC V1A 2S8 Tel: (604) 885-2222, Fax: (604) 885-2223 Email: robert.boles@landwater.ca	
Client MR and MRS J PLANK	
Project BUSHNELLS GREEN FARM STANFORD DINGLEY	
Drawing Title SITE PLAN	
Scale 1:200	Date DEC 2013
Survey Notes The North Point is indicated with an 'N' and grid is within 1m. All levels are referred to English Level unless otherwise indicated to verify all dimensions.	
Drawing No 1322-02	Revision XXX
Drawn ACD	Operator RCJB
Plotted HPC/D	Issued XY/Z/AA

WEST BERKSHIRE
COUNCIL
-3 JAN 2014
PLANNING AND
COUNTRYSIDE SERVICE

WEST BERKSHIRE
COUNCIL
13/0301
-2 DEC 2013
PLANNING AND
COUNTRYSIDE SERVICE



BUSHNELLS GREEN FARM. CHAPEL ROW.
Site layout.
SCALE 1:500
OCTOBER 2013
DRG No. CS/JP2/07A

TOWN AND COUNTRY PLANNING ACT 1990

**Heritage South West Ltd
Robert McLennan
26 Beauclerk Green
Winchfield
HOOK
Hants
RG27 8BF**

**Applicant:
Jeremy Plank**

PART I - DETAILS OF APPLICATION

Date of Application

12th December 2013

Application No.

13/03014/FULD

THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:

Erection of new agricultural workers dwelling on an alternative siting from that approved by planning consent ref 13/00331/FULD dated April 2013, and removal of existing temporary timber chalet.

Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire

PART II - DECISION

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council **GRANTS** planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-

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); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. The development hereby permitted shall be carried out in accordance with drawing numbers LOCATION PLAN 1:1250; SITE LAYOUT CS.JP2.07A; SITE PLAN 1322-02; SECTION A-A 1322-02 and PROPOSED PLANS AND ELEVATIONS CS/JP.2/01D received on 2nd December 2014

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority as part of a formal application to discharge this condition - the materials should be available to view on site. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials are of a quality appropriate to the nature of the development, the site and its surroundings within the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed to comply with Policies CS14 and CS19 of the West Berkshire Core Strategy 2012.

4. The occupation of the dwelling shall be limited to a person solely or mainly working, in the locality in agriculture or in forestry, or a dependant of such a person residing with that person, on the land identified in this planning permission. The dwelling shall not be sold, leased, rented or otherwise disposed of separately from the agricultural holding described in the approved application documents and plans.

Reason: The Local Planning Authority are concerned to ensure that the dwelling remains available for agricultural use in accordance with the principle of the NPPF and Policy ADPP1 of the West Berkshire Core Strategy 2012 and that there is not pressure for a further dwelling on this sensitive site within the North Wessex Downs Area of Outstanding Natural Beauty due to the separate disposal of the building hereby approved from the agricultural holding it is intended to serve.

5. The dwelling shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). The dwelling shall not be occupied until a final Code Certificate relevant to it, certifying that Code Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

6. No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority as part of a formal application to discharge this condition. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14

and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the AONB Management Plan

7. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy July 2012.

8. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of West Berkshire Core Strategy July 2012.

9. No development shall take place until details of all fencing and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority as part of a formal application to discharge this condition. Such details shall include a schedule of materials and drawings demonstrating the layout and appearance of the fencing and other means of enclosure. The dwelling hereby permitted shall not be occupied until the fencing and other means of enclosure have been erected in accordance with the approved details.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policy CS14 and CS19 of the West Berkshire Core Strategy 2012,

10. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without

modification), no additions or extensions to the dwelling shall be built, and no ancillary buildings or structures shall be erected within the curtilage of the dwelling, unless permission has been granted in writing by the Local Planning Authority in respect of a planning application made for the purpose.

Reason: To prevent the overdevelopment of the site, in accordance with Policies ADPP1 and CS19 of the West Berkshire Core Strategy 2012 and the AONB Management Plan.

11. No development shall take place until details of the external hard surfaced areas of the development have been submitted to and approved in writing by the Local Planning Authority as part of a formal application to discharge this condition. Such details shall include a schedule of materials, means of treatment, and drawings demonstrating the layout of the hard surfaced areas. The dwelling hereby permitted shall not be occupied until the hard surfaced areas have been constructed in accordance with the approved details.

Reason: In the interests of visual amenity and surface water drainage, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2012,

12. The temporary agricultural dwelling on the site approved under application 11/02731 must be removed within 2 months of first occupation of the dwelling hereby approved. All associated plant, materials and equipment associated with or resulting from its removal shall be removed from the site within 3 months from first occupation of the dwelling hereby approved. The site shall thereafter be landscaped in accordance with the landscaping scheme to be submitted and approved.

Reason: In accordance with the NPPF and Policy ADPP1 of the West Berkshire Core Strategy 2012

The decision to grant This decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan Regional Spatial Strategy for the south east of England 2009 West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

INFORMATIVE:

1. The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.

2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met.

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

4 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 which improves the economic, social and environmental conditions of the area.

5 This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the 24th February 2014. You are advised to ensure that you have all the necessary documents before development starts on site.

6 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.

Decision Date :- 27th February 2014



Gary Lugg
Head of Planning & Countryside

TOWN AND COUNTRY PLANNING ACT 1990

Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions

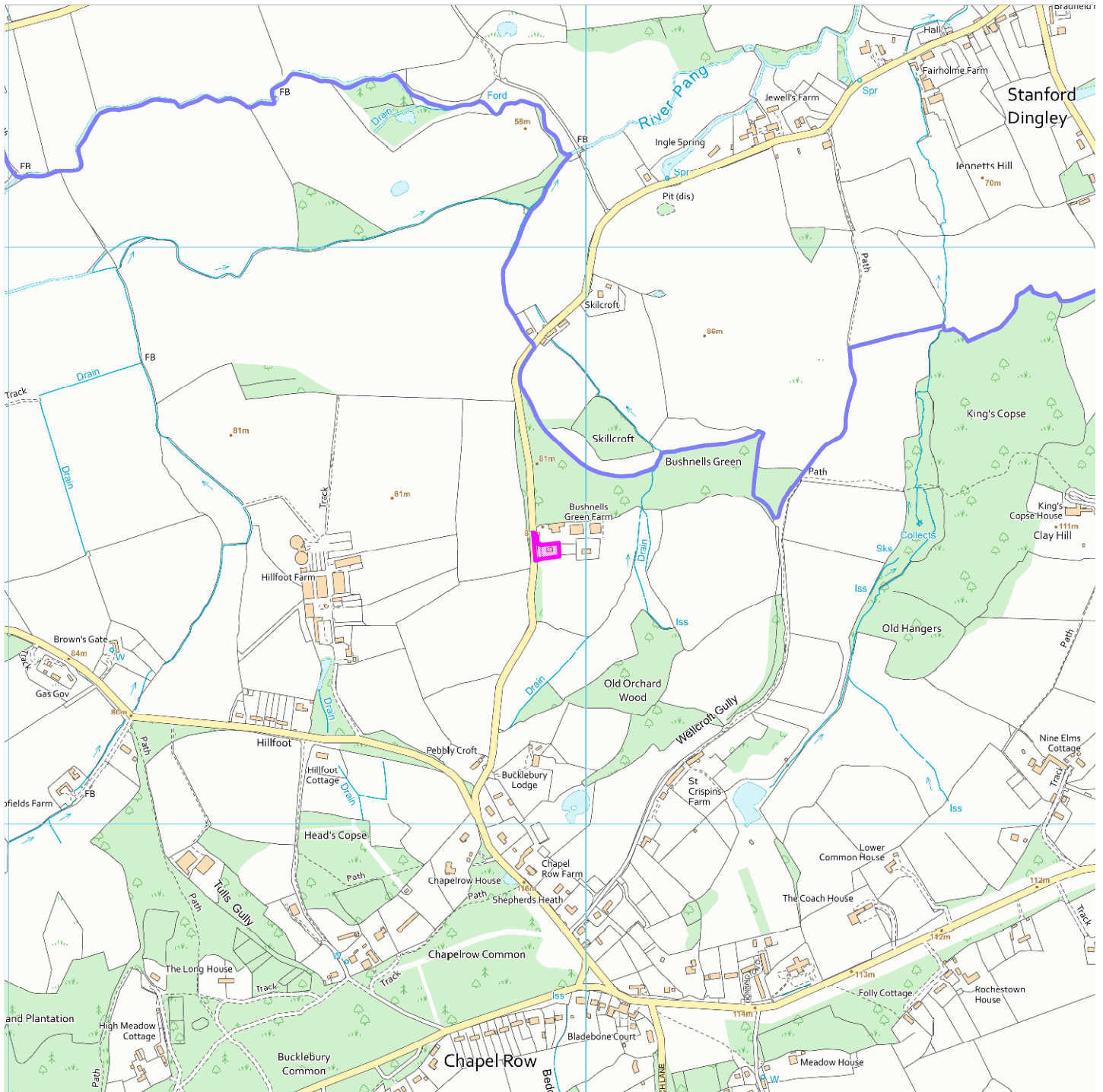
Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

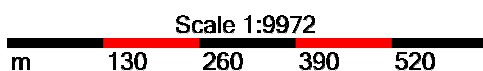


Map Centre Coordinates :

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	25 January 2019
SLA Number	0100024151

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**EASTERN AREA PLANNING COMMITTEE
ON 27 FEBRUARY 2019**

UPDATE REPORT

Item No: (1) **Application No:** 18/01470/FULD **Page No.** 17-90

Site: Bushnells Green Farmhouse, Chapel Row

Planning Officer Presenting: Masie Masiwa

Member Presenting:

Parish Representative speaking: Councillor John Brims

Adjacent Parish Stanford Dingley: Councillor Chris Dent

Objector(s) speaking: N/A

Support(s) speaking: Ms Patricia Barclay
Yann Le Du

Applicant/Agent speaking: Mr Jeremy Plank
Mr Charles Holt

Ward Member(s): Cllr. Quentin Webb
Cllr. Graham Pask

Update Information:

1. REPRESENTATIONS AND CONSULTATION RESPONSES

1.1 There are no additional letters of representation or consultation responses that have been received since the publication of the Committee report.

2. ADDITIONAL INFORMATION

1.2 During the committee site visit, members enquired if a temporary permission can be granted for the lodge. Having considered this point Officers would advise members that the lodge has already been granted

temporary permission in 2008 under application 08/01628/FULD for a period of three years and this temporary permission was renewed for an additional three year period in 2011 under application 11/02731/FULD. As indicated within the committee report a permanent rural worker's dwelling has been approved for the farm enterprise and this has now been completed. As such the latest application seeks the retention of the temporary lodge building as a second permanent rural worker's dwelling. Officers would therefore recommend that the application is considered by the committee as submitted by the applicant.

- 1.3 On page 76 of the committee agenda there is an error with the page from the design and access statement (listed at Appendix 5). The relevant page has been scaled down and is not legible. The page has been included below, however Officers can confirm that this page has not been referred to within the report



Operations carried on at Bushnells Green Farm include indoor lambing during April & May, calf rearing and stock housing all year round with the barns being also used to store hay & straw.



All these activities involve the daily use of tractors and trailers, Land Rover and cattle boxes. The stock pens need cleaning out on a regular basis and that involves a tractor or tractors loading trailers all day.

There are also times when the contracting equipment is kept at Bushnells and that means there are several tractors coming and going throughout the day. The Bovine stock includes cows with calves and two bulls during the winter and steers and heifers all year, none of these activities are child friendly



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

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

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

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

- 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.

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.

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

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.
- 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:

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

- 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.

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.

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

- 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.

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.

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

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 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

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

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.

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.

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

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 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.

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

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:

- 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.

EASTERN AREA PLANNING COMMITTEE - 27 FEBRUARY 2019 - MINUTES

- 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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Plans and drawings relevant to reports submitted to Eastern Area Planning Committee

Wednesday 27th February 2019 at 6.30pm

**at the Calcot Centre, Highview (off Royal
Avenue), Calcot.**

[to be read in conjunction with the main agenda]

Please note:

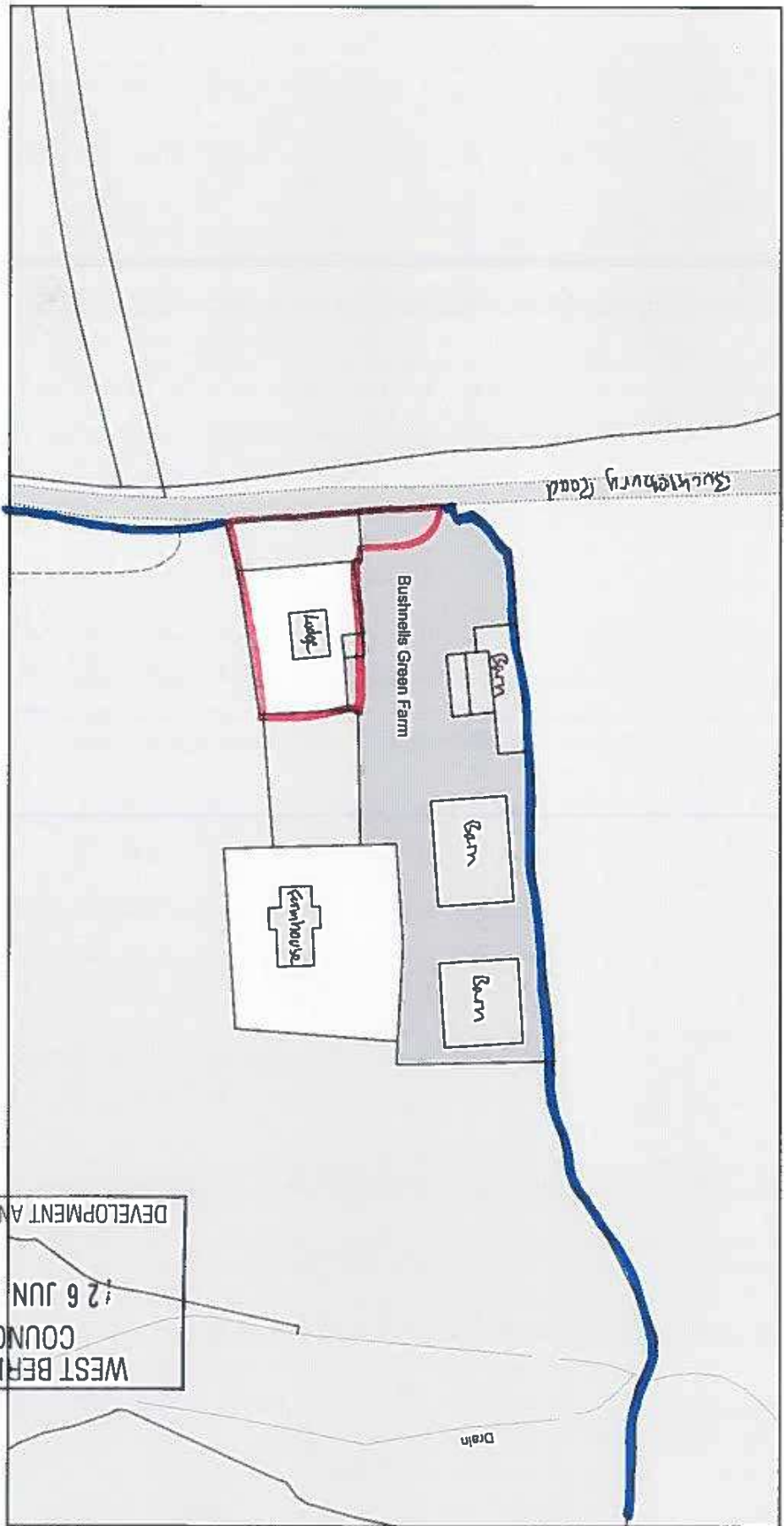
- *All drawings are copied at A4 and consequently are not scalable*
- *Most relevant plans have been included – however, in some cases, it may be necessary for the case officer to make a selection*
- *All drawings are available to view at www.westberks.gov.uk*
- *The application files will be available for half an hour before the meeting*



18/01470/FULD
Bushnells Green
Farmhouse
Chapel Row
Reading
Berkshire
RG7 6DW

Bushnell's Green Farm Location

18/01470



Plan Produced for: Mr & Mrs Plank

Date Produced: 21 Jun 2018

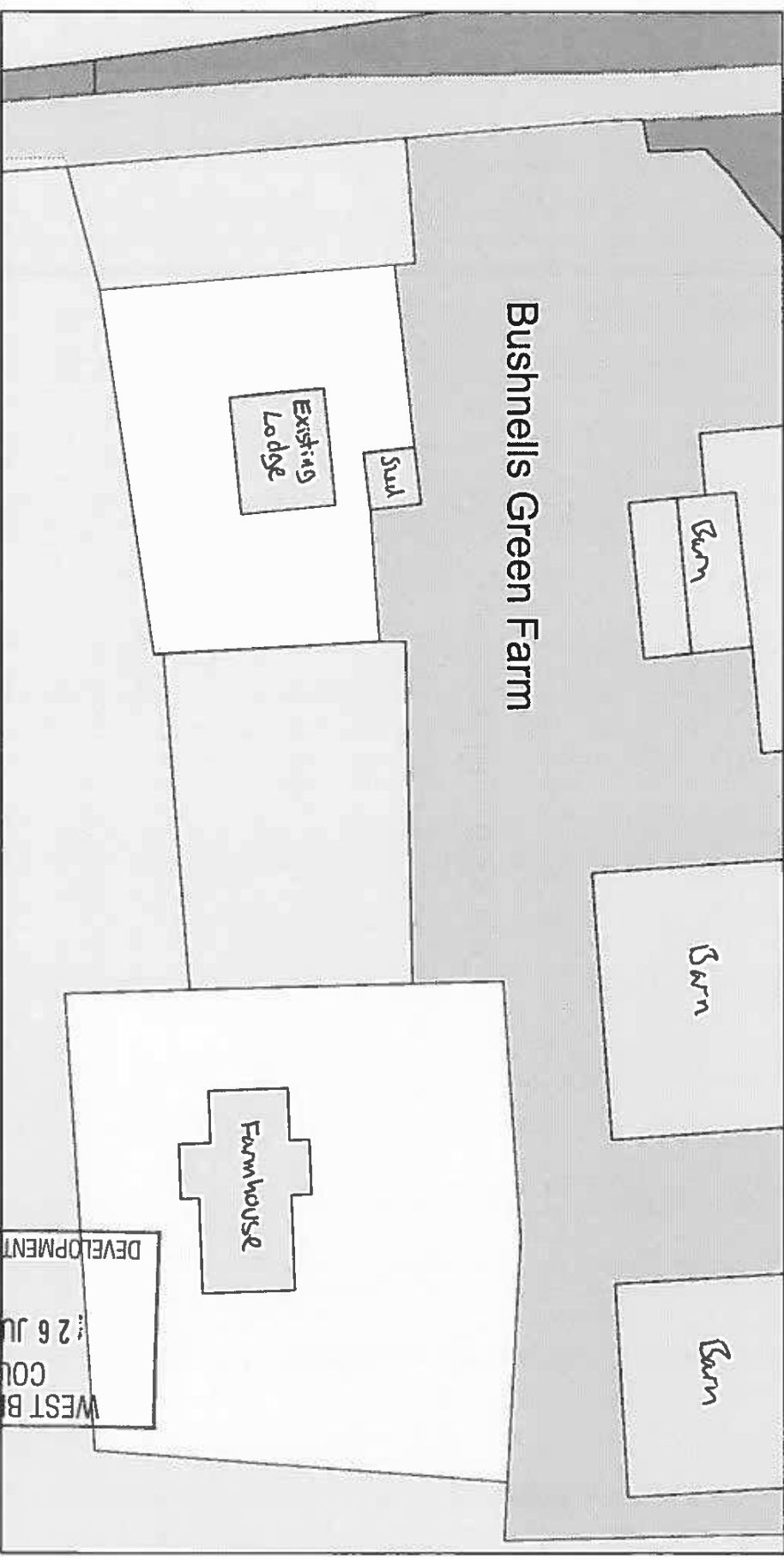
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Bushnell's Farm Block Plan

18/01470



Plan Produced for: Mr & Mrs Plank

Date Produced: 21 Jun 2018

Plan Reference Number: TORQM18172104830762

Scale: 1:500 @ A4

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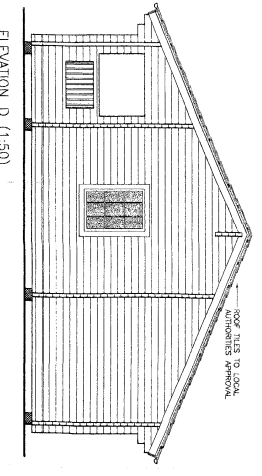
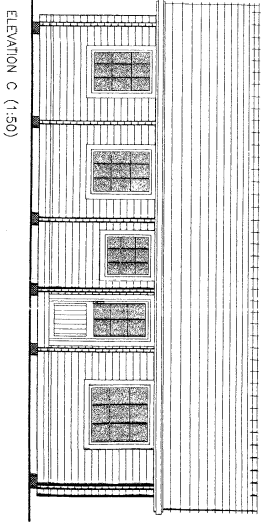
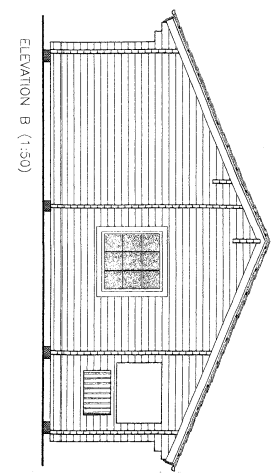
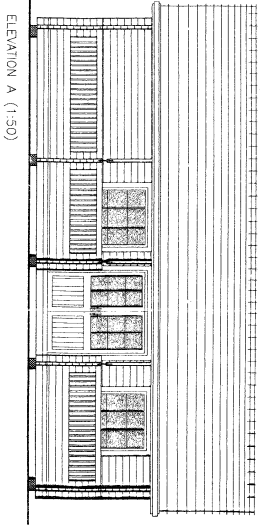
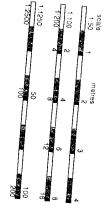
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COUNCIL
26 JUN 2018
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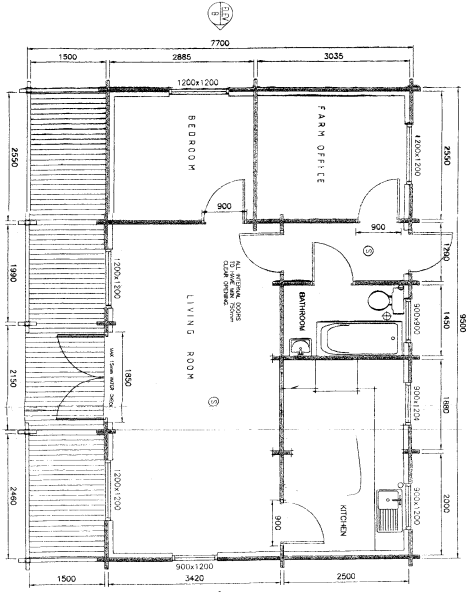
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GROUND FLOOR PLAN (1:50)



306

<p>Paul Wate Associates Consulting Civil & Structural Engineers</p>		<p>Scandinavian Systems 1 St. George Street Edinburgh EH3 5AA Tel: (0131) 225 1889 Fax: (0131) 225 2878</p>	
<p>STANDARD FINLUDGE 5</p>		<p>PLANS AND ELEVATIONS SCALE 5/16 FINLUDGE 5</p>	
<p>DATE: JULY 2008</p>		<p>SCALE: 5/16</p>	
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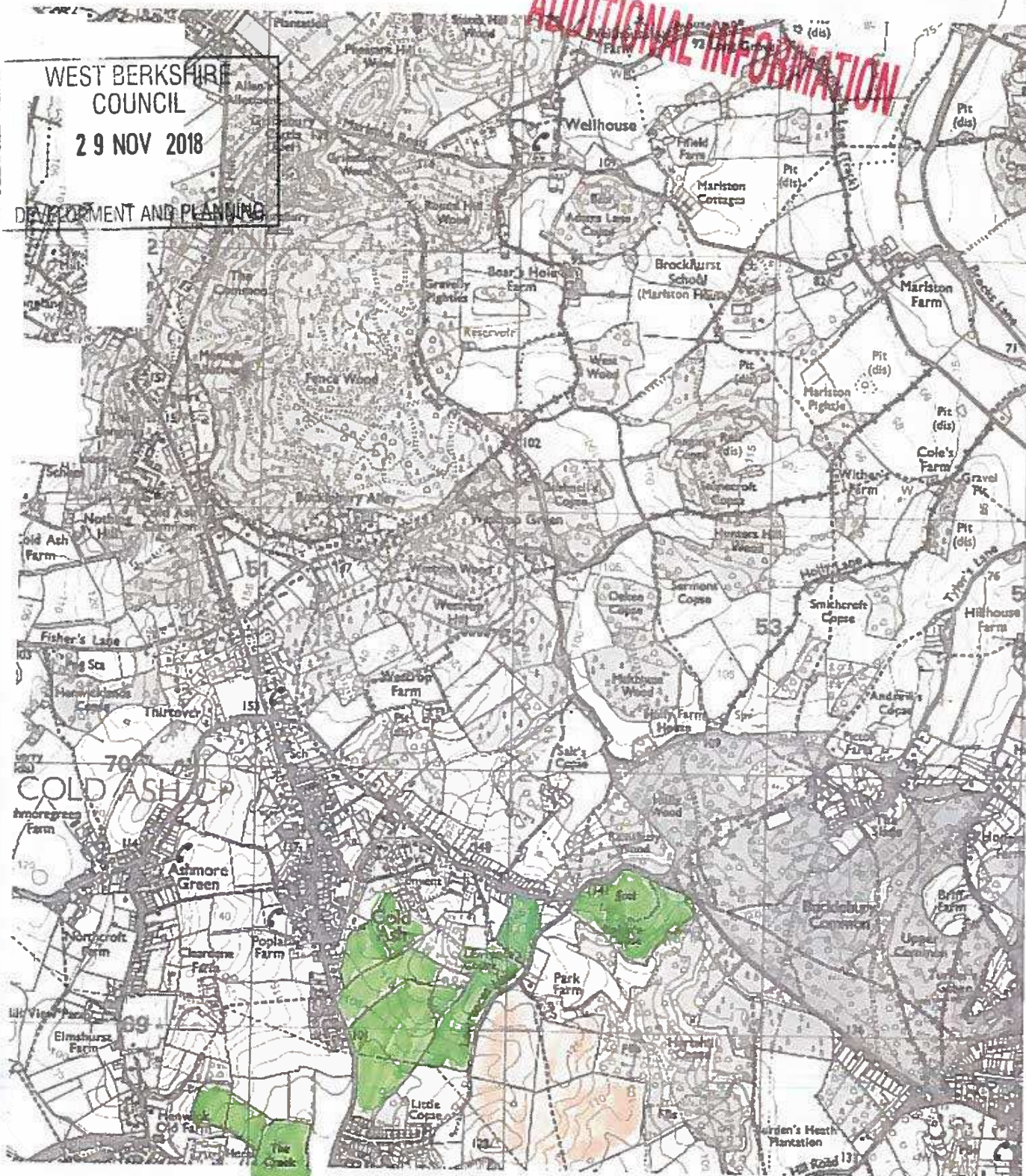


ADDITIONAL INFORMATION

WEST BERKSHIRE
COUNCIL

29 NOV 2018

DEVELOPMENT AND PLANNING



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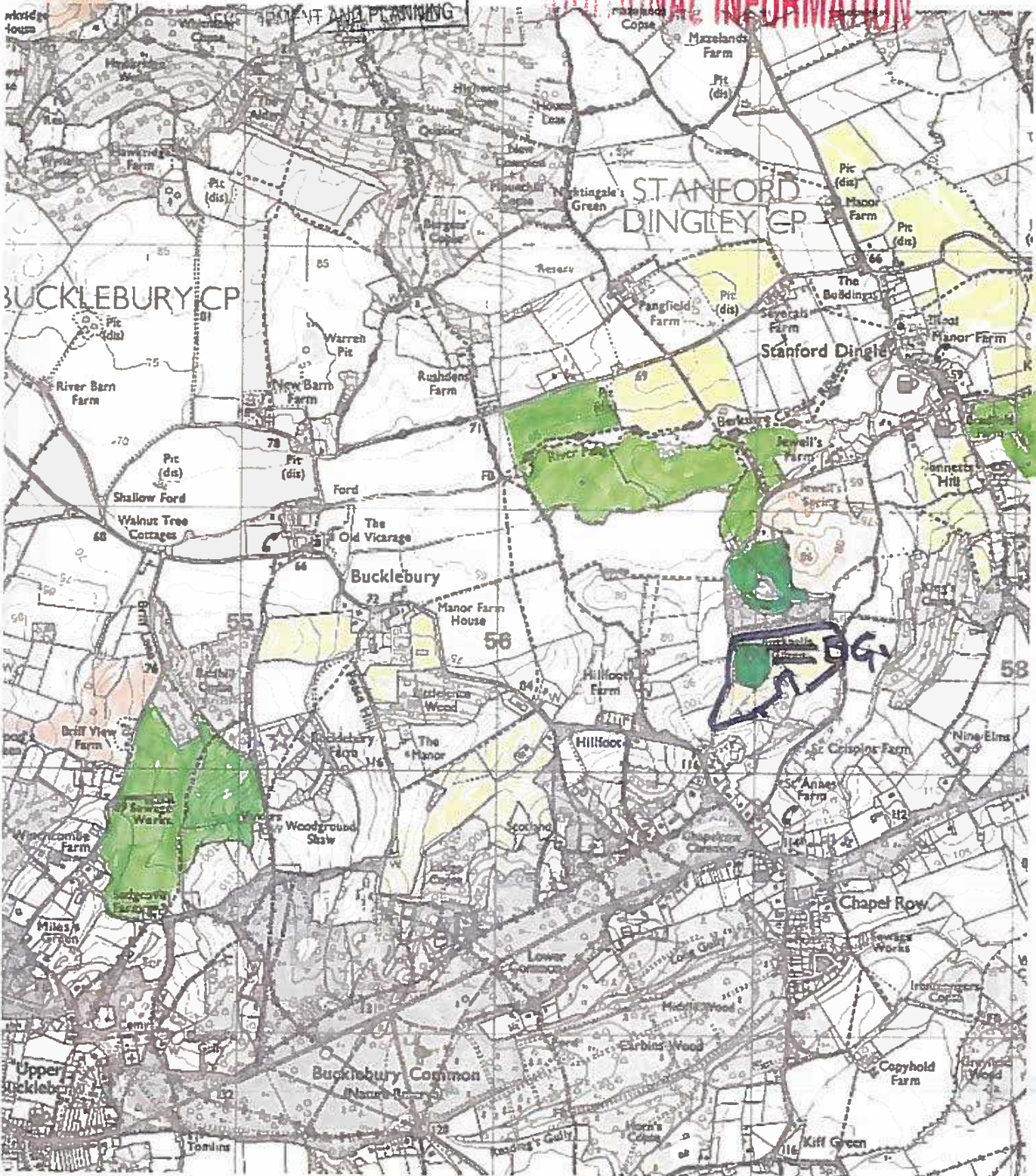


29 NOV 2018



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COUNCIL

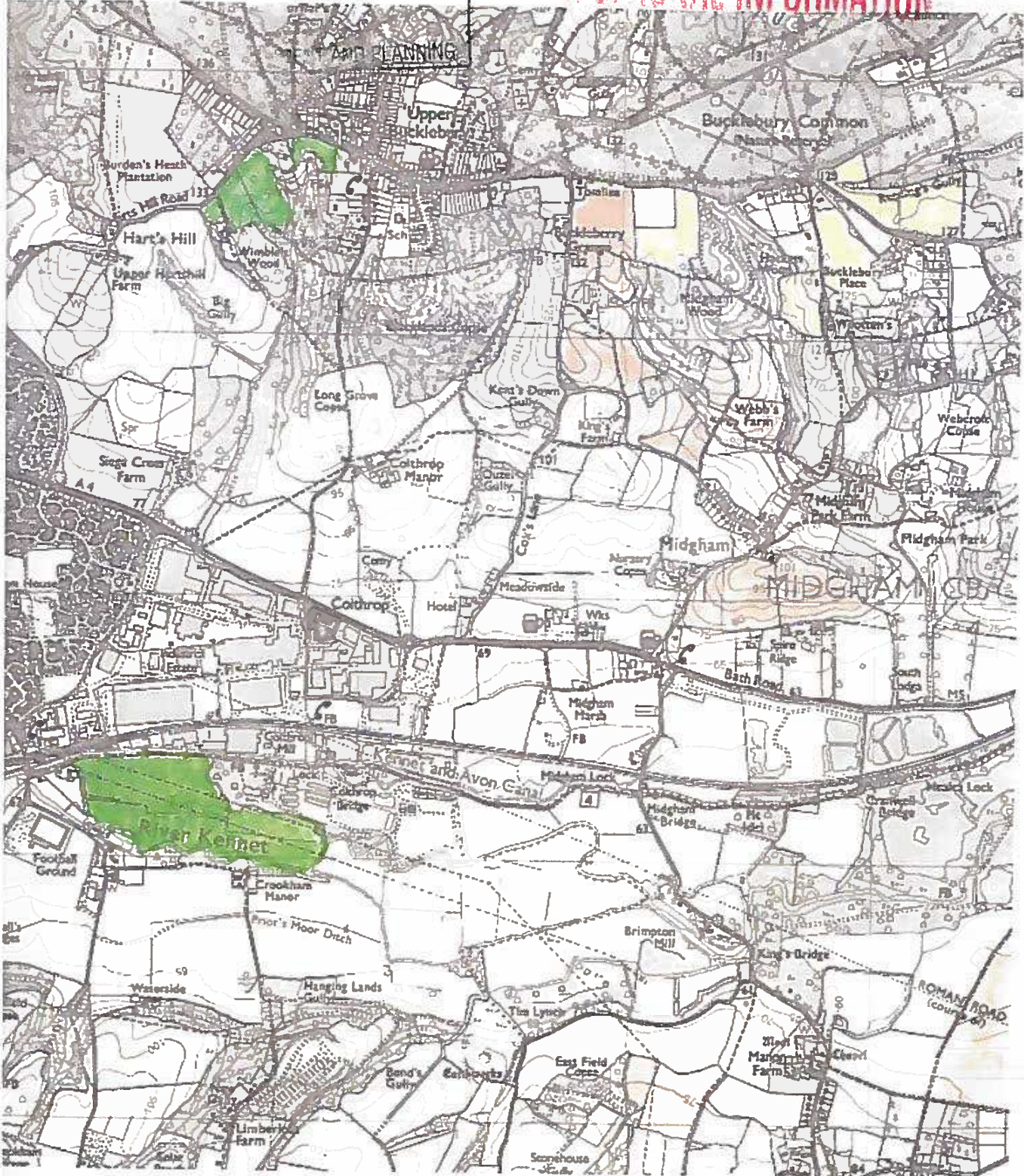
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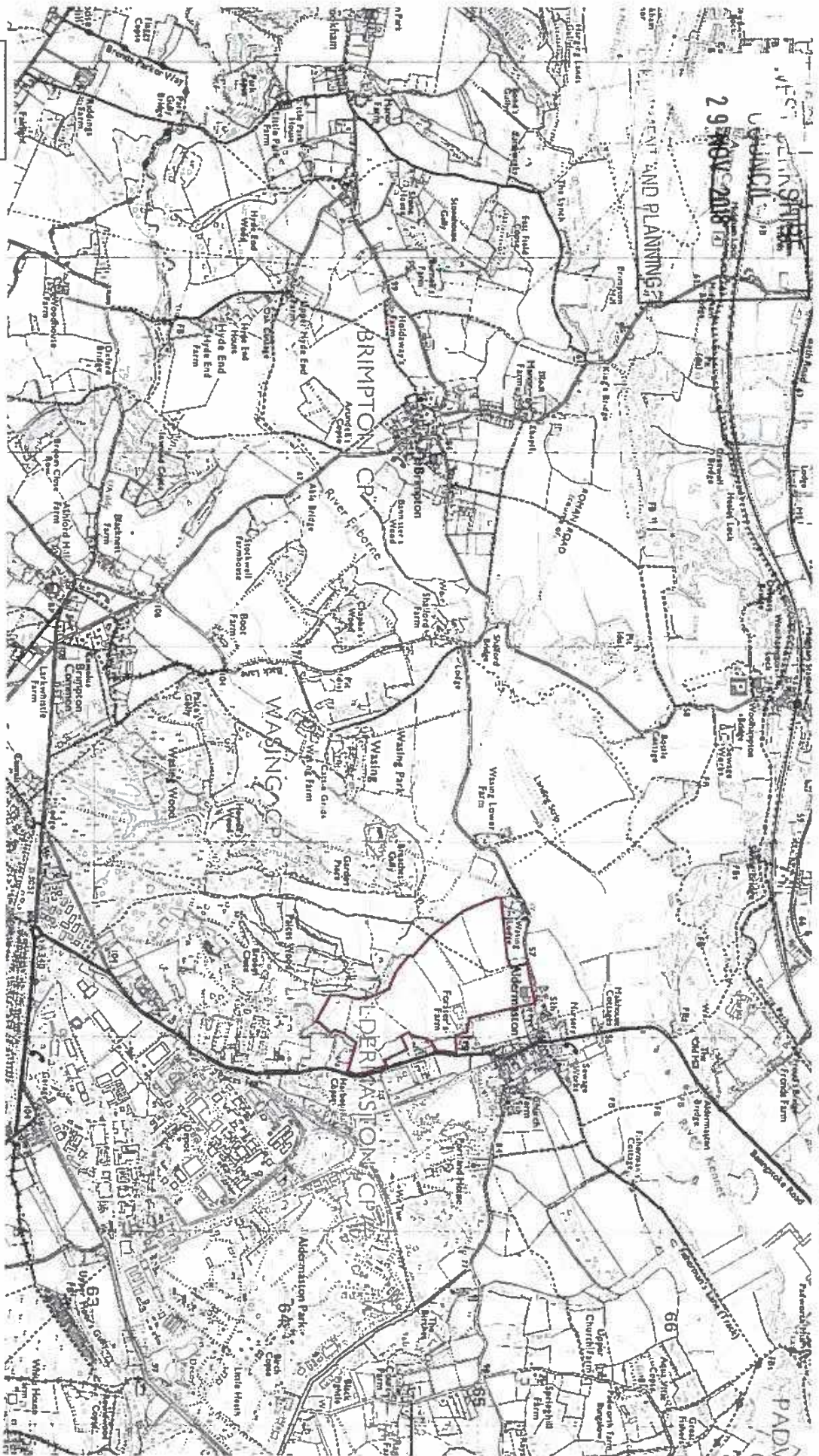
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REAL INFORMATION



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