Notice of Meeting

District Planning Committee

Wednesday 21 August 2019 at 6.30pm



Scan here to access the public documents for this meeting

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, 13 August 2019

FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

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

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the 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: <u>planapps@westberks.gov.uk</u>

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

Any queries relating to the Committee should be directed to Linda Pye on 01635 519052 Email: <u>linda.pye@westberks.gov.uk</u>



Agenda - District Planning Committee to be held on Wednesday, 21 August 2019 (continued)

- To: Councillors Phil Barnett, Hilary Cole, Carolyne Culver, Clive Hooker (Vice-Chairman), Alan Law (Chairman), Royce Longton, Alan Macro, Graham Pask, Tony Vickers and Andrew Williamson
- Substitutes: Councillors Adrian Abbs, Peter Argyle, Jeff Beck, Jeremy Cottam, Gareth Hurley, David Marsh, Steve Masters, Geoff Mayes, Andy Moore and Garth Simpson

Agenda

| Par | t I | | Page No. |
|--------------|--|---|----------|
| 1. | Apologies To receive apologies f | for inability to attend the meeting (if any). | |
| 2. | Minutes To approve as a correct record the Minutes of the meetings of this Committee held on 17 April 2019 and 21 May 2019. | | 5 - 20 |
| 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' <u>Code of Conduct</u> . | | |
| 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) Items | Application No. & Parish: 18/03398/HOUSE - Winterley House, Kintbury, Hungerford, RG17 9SY Proposal:Proposal:Extension of existing property with part single and part two storey extensionLocation:Winterley House, Kintbury, Hungerford, RG17 9SY Mr and Mrs McNallyRecommendation:For the District Planning Committee to determine the application.ns for InformationKintbury | | 21 - 46 |
| | | | 47 - 54 |
| 5. | Plans and Drawings | | 47 - 54 |

Sarah Clarke Head of Legal and Strategic Support

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





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Agenda Item 2.

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, 17 APRIL 2019

Councillors Present: Jeff Beck, Paul Bryant, Richard Crumly, Marigold Jaques (Substitute) (In place of Alan Law), Tim Metcalfe (Substitute) (In place of Pamela Bale), Graham Pask, Anthony Pick and Garth Simpson

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

Apologies: Councillor Pamela Bale, Councillor Keith Chopping, Councillor Hilary Cole, Councillor Clive Hooker, Councillor Alan Law and Councillor Alan Macro

PART I

6. Minutes

In the absence of both the Chairman and Vice-Chairman, who had tendered their apologies for the meeting, Sharon Armour opened the meeting and sought nominations for Chairman for this meeting. Councillor Paul Bryant was duly elected Chairman for this meeting of the District Planning Committee.

The Minutes of the meeting held on 11 July 2018 were approved as a true and correct record and signed by the Chairman, subject to the following amendment:

Item 5 (1) – 18/00837/FULEXT – Land at Station Yard, Hungerford

Applicant representation, sixth bullet point:

Neither Network Rail or Great Western Railway had never sought to purchase the land in question;

7. Declarations of Interest

Councillors Richard Crumly, Marigold Jaques, Tim Metcalfe and Graham Pask 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.

Councillor Anthony Pick reported that while he was unable to attend the site visit, he did visit the site independently.

8. Schedule of Planning Applications

(1) Application No. & Parish: 18/01470/FULD - Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire, RG7 6DW

(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, Dr 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.)

(Councillor Graham Pask declared a personal interest in Agenda Item 4(1) by virtue of the fact that he knew many of the members of the public who would be addressing the Committee. 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 Richard Crumly, Marigold Jaques, Tim Metcalfe and Graham Pask declared a personal interest in Agenda Item 4(1) by virtue of the fact that they had considered the application at the Eastern Area Planning Committee on 27 February 2019. However, they were in attendance at this meeting with an open mind and would consider the matter afresh. 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.)

(Councillor Anthony Pick reported that while he was unable to attend the site visit, he did visit the site independently.)

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.

David Pearson (Development Control Team Leader) introduced the report. He explained that on 27 February 2019 the Eastern Area Planning Committee considered and approved this full planning application for the retention of the existing timber lodge (previously allowed as temporary accommodation) as farm worker accommodation.

The resolution of the Eastern Area Planning Committee was contained within the committee report as well as its reasoning for the decision. The Eastern Area Planning Committee concluded that the lodge accommodation could be restricted to the shepherdess/shepherd and the application could therefore be approved as an exceptional case for the district and would not set a precedent.

Members resolved that the application could be approved in accordance with Policy C5 of the Housing Site Allocations Development Plan Document (HSA DPD) (housing related to rural workers) and subject to the signing of a Section 106 legal agreement. Members sited 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 to grant planning permission for the lodge for the stockperson. Members considered that the S106 legal agreement was the most effective way to ensure that occupation of the lodge was restricted to a stockperson and that the lodge remained linked to the main dwelling. Conditions were also proposed.

Officers had referenced the application to the District Planning Committee due to the conflict of the resolution to approve the application with the criteria within Policy C5 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. In Officers' view there were 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.

The applicant's case had been based on the following factors:

• The applicant had asserted that they were genuine farmers and were seriously committed to farming. This was accepted by Officers.

- That it was difficult to find affordable accommodation for a stockperson either in the local vicinity of the site or the wider district. However, Officers were not convinced on this point and did not feel the applicant had been sufficiently thorough in exploring this. Mr Pearson added that this same argument could be made by other rural enterprises and if the application was granted on this basis then it could result in a high number of dwellings being erected in the countryside and the AONB.
- That there was an essential need for this second dwelling. Mr Pearson explained that the essential need for the main house had been accepted and permission granted. The original application to retain this second dwelling had been refused and then dismissed at appeal by the Planning Inspector who found there to be no essential need. In addition, the Council's independent agricultural consultant, Kernon, had concluded that there was no essential need for the second dwelling.
- Policy C5 of the HSA DPD set a test for acceptability and this solely related to essential need. This was also made clear by the National Planning Policy Framework (NPPF). The test did not consider any other factors, i.e. affordable housing.

Mr Pearson then described the process followed by the applicant throughout the planning process. The necessary procedure was followed for gaining permission for the temporary dwelling and essential need had been proven for the main permanent dwelling as the business was considered financially viable. Therefore permission was granted. This permission included a condition that the temporary building would be removed on completion of the permanent dwelling.

However, this had not been the case. The Local Planning Authority (LPA) had been contacted by a member of the public and informed that the temporary dwelling was being lived in by an agricultural worker and this was found by the LPA to be the case, thereby breaching a condition. Officers considered that removal of the temporary dwelling had always been unlikely and that the applicant had manipulated the planning process.

Mr Pearson then referred to the information contained in the update report. This included a response to the questions raised by Members at the site visit in relation to whether any of the land rented by the applicant had accommodation with it. The applicant had advised that there was no accommodation available on any of the rented land farmed by Mr Plank. In addition, the applicant had provided letters from landowners who anticipated that the renting of this land would continue for the medium to long term (20 to 30 years).

Officers were strongly of the view that approval of this planning application would be significantly contrary to the Council's policies and the NPPF. Approval would result in serious difficulties for the Council in implementing its policies on rural housing. The application was recommended for refusal.

In accordance with the Council's Constitution, Mr Barry Dickens, Parish Council representative, Mr Harry Fullerton, adjacent Parish Council representative, Dr Yann Le Du and Mrs Patricia Barclay, supporters, and Mr Jeremy Plank and Mr Charles Holt, applicant/agent, addressed the Committee on this application.

Parish Council Representation (Bucklebury)

Mr Dickens in addressing the Committee raised the following points:

- Bucklebury Parish Council fully supported the planning application and Mr Dickens drew attention to the supportive comments of the Parish in the Eastern Area Planning Committee minutes.
- He added the Parish Council view that this was an exceptional situation at the farm.

- There were no redundant buildings on the site that could be converted for accommodation.
- The farm business had been financially stable for many years and had grown threefold since 2013. This was the third generation of the Plank family to farm in the area. These were just two of the reasons why the application was supported.
- The lifespan of the lodge was anticipated to be 70 years and therefore it would not need replacing for many years. It would be economically efficient to continue to use the lodge.
- There was essential need for the lodge, in particular during the lambing season which was generally between late February and early May, but could cover a much longer period if there was more than one flock of sheep, as with the three flocks at Bushnells Green Farm (as described by Dr Le Du at the Eastern Area Planning Committee).
- For the farm business to remain competitive and to retain staff, it was necessary to provide on-site accommodation. This was the case for many businesses in rural areas.
- The relationship between the stockperson and their working dog was crucial. They needed to live together and, in the high majority of cases, landlords would not permit sheepdogs in their accommodation.
- In terms of housing affordability, local properties sold or were put on sale for a minimum of £200k and this was not affordable to a stockperson. The cost of renting a property was also not affordable.
- In the event that accommodation could be found in the relatively local area, then the average travel time was estimated at 22 minutes. This could be more in difficult conditions. However, on site accommodation meant the stockperson would be immediately available to respond to a need on the farm.
- A finding of West Berkshire Council's consultant, Kernon, was that there was no suitable and affordable accommodation locally.
- Neither the Planning Inspector nor Kernon disputed the need for a second dwelling on the site during lambing between four and five months of the year.
- Point 46 of the Kernon report gave the opinion that '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'.
- Bucklebury Parish Council considered that the points on which the Planning Inspector had dismissed the appeal had all been addressed and felt that the application should be approved in line with the recommendation of the Eastern Area Planning Committee.

Member Questions

Councillor Graham Pask asked for further detail on how the business had grown threefold as described. Mr Dickens explained that since 2013, the farm had taken on extra beef cattle and a considerable number of extra ewes. This had clearly added to the workload of the farm.

Adjacent Parish Council Representation (Stanford Dingley)

Mr Fullerton in addressing the Committee raised the following points:

- Bushnells Green Farm was located on the edge of the Stanford Dingley boundary and the farm operation was closely linked to another farm in Stanford Dingley.
- The top priority of the Parish Council was to support farming. The farm business supported the local economy and helped to conserve the local area.
- The Planks were a young farming family who had been working hard to create a successful business. They should be supported when Brexit created much uncertainty for farmers.
- The concerns of the District Council were understood. Careful consideration was needed on planning applications in the area. The Parish agreed with the importance of preserving the nature and character of the village in the AONB. However, this application had received overwhelming support from villagers and the Parish Council. No objections had been submitted.
- Planning guidelines and procedures needed to be adhered to, however the Parish Council felt that common sense should prevail in these exceptional circumstances and the application be approved. Approval was supported by the evidence provided to the Planning Committee.
- The circumstances of the farm had changed since the previous appeal was rejected as had been already described. The farm had grown considerably.
- Stanford Dingley was a very desirable area to live in, making it very difficult to either rent or buy locally. The lodge needed to be retained to accommodate the stockperson.
- This was a genuine application. The farm was important for Stanford Dingley and this application needed to be approved to ensure the farm continued to prosper.

Member Questions

In response to a question from Councillor Anthony Pick, Mr Fullerton explained that the farm had needed to expand so that it could continue to make money and ensure its stability via greater economies of scale.

Mr Fullerton, in responding to Councillor Paul Bryant, explained that Mr Plank's father had a separate farm.

Supporter Representation

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

- The role of mixed farming was key in shaping the Pangbourne Valley and helped to conserve the AONB.
- However, the nature and character of the AONB was being threatened by the loss of livestock farms and it was therefore important to safeguard mixed livestock farms for biodiversity to continue. Livestock farming needed to be maintained and farming not limited solely to arable farming.
- The farm had a viable business model, but this could only be maintained with experienced stock people and a shepherdess/shepherd with their sheepdog. Sheepdogs needed to live in close proximity to their shepherdess/shepherd. This special case was recognised by Councillor Alan Law at the Eastern Area Planning Committee.
- Dr Le Du estimated that it would be necessary to sell around 600 lambs to meet the high cost of renting alternative equivalent accommodation, i.e. a nearby cottage, for the stockperson.

- Dr Le Du reiterated that the business was not in doubt, but it could be put at risk if the shepherdess left and could not be replaced. The Council's consultant, Kernon/Verity Drewett, concurred with that point.
- Dr Le Du was hopeful that the application would be approved so that the business could continue to thrive and the farm could be passed on to the fourth generation of the Plank family.

Mrs Barclay in addressing the Committee raised the following points:

- She was a neighbour of the Planks and felt that the lodge should be retained as a residence for a stockperson. Mrs Barclay considered that the lodge had a significantly lower impact than some developments that had taken place in the Pangbourne Valley.
- This local business was needed and Mrs Barclay felt that this application warranted a departure from planning rules and for permission to be granted, which would be in the public interest.

Member Questions

Councillor Pask asked Dr Le Du to explain his farming background. Dr Le Du advised that he had been a farmer for 35 years with experience of grazing/livestock systems such as that operated by the Planks. He had also worked at the Institute for Animal Health.

Councillor Metcalfe queried the permanence of available land for grazing. Dr Le Du explained that a rotational system was in place to ensure that there was always fresh grassland for grazing livestock by the different tenant farmers. This also helped to establish a balance between arable and livestock farming.

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.
- The farm was financially viable and proof was available from the accounts. On average, the farm turned a profit of £67k per annum. The Planning Inspector had concluded that the farm was financially viable and that the lodge was not harmful to the AONB.
- The land leased by the applicant totalled 270 acres and was on a secure three year tenancy. The landlords had given assurance on this security and so there was minimal risk to the business in this respect.
- Kernon had found there to be no suitable alternative accommodation and stated that accommodation was needed for two stock people for at least four months of the year. However, there was then the question of where the second stockperson would live for the remainder of the year. It would be difficult to attract an employee who would have to live in two different places.
- Mr Plank had approached his bank manager but he was advised that the bank could not loan the money to the business to purchase a property for the shepherdess.
- There was also the issue of landlords not willing for dogs to be kept in their properties and, as already explained, the shepherdess needed to reside with her dog. This could continue to be achieved in the lodge. Kernon gave the view that the lodge should be retained on this basis and was the only viable solution.

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 a farm and he had worked hard to build up the business which he hoped to pass on to his own children in time.
- He had invested in the farm's infrastructure and increased the number of sheep and cattle. At the end of the lambing period there were 4,000 sheep covering 2,000 acres of land.
- The business was sound and had increased significantly over the past eight years, but to continue as a livestock farm it was key to have the shepherdess on site. She needed to live on the land in order to carry out everyday tasks throughout the year and to respond to emergency situations.
- Mr Plank was heartened by the level of local support, including from the parish councils and professionals. He hoped that this helped to demonstrate how essential it was to retain the lodge so that the business could continue to make progress.

Member Questions

Councillor Pick reiterated that he was unable to attend the site visit and therefore asked a number of questions, starting with the number of staff employed on the farm. In response, Mr Plank explained that two people were employed full time to work on the farm – himself and the shepherdess. Temporary workers were employed to help during lambing.

Councillor Pick's questioning then referred to the need for the shepherdess to live on site and specifically asked how the process worked in an emergency when considering that the farm covered a considerable area. Mr Plank explained that livestock was scattered across the farm in the winter months and animals were constrained by electric fencing. If, for example, a sheep was in difficulty then telephone numbers were placed along local footpaths and members of the public could report any difficulties. Mr Plank added that there had been incidents caused by people and from dog attacks.

Councillor Pick acknowledged the point that the shepherdess was needing on the farm during the lambing period but queried whether in fact she was needed on site throughout the year. Mr Plank confirmed this was the case.

Councillor Richard Crumly stated that it was usual for an application to be received for a temporary dwelling in order to allow time to establish a business. He queried however why a relatively large temporary lodge had been erected. Mr Plank explained that he had held discussions with farm colleagues on the length of time a temporary dwelling should be retained and it was the common view that this could be for a period of up to ten years. A smaller caravan would therefore not be suitable as accommodation for this length of time.

Councillor Crumly noted that the shepherdess would only be required on site for lambing for a period of approximately 2.5 months per year and he therefore queried why she could not reside in a caravan for that time period. Mr Plank clarified that this time period was more in the region of three to four months. However, it would be very difficult to retain staff if they were expected to live in a caravan for part of the year and then live in a separate home for the remainder of the year.

Mr Plank added that he valued the opportunity to take time off work to be with his family and this was only made possible by having the shepherdess living on site. This gave another reason in support of retaining the lodge.

Councillor Pask sought to reaffirm the points made in relation to how the farm had changed since the Planning Inspector's appeal decision to dismiss the appeal and how the workload had increased. Mr Holt reiterated the workload had increased threefold since 2013. Mr Plank added that this incorporated an increase in land and in stock numbers.

Councillor Pask then queried if the shepherdess looked after cattle as well as sheep. Mr Plank confirmed this was the case, the shepherdess would more accurately be described as a stockperson. Councillor Pask followed this by querying the duties of the stockperson outside of the lambing season. Mr Plank explained that the role of stockperson covered the entire year and carried a significant workload. Calving took place at a different time of year to lambing, and both processes required a great deal of care and took up a significant amount of time.

Councillor Metcalfe queried whether a lodge was considered as temporary accommodation in the same way as a caravan was. Mr Holt confirmed that a lodge met the definition of temporary dwelling.

Councillor Garth Simpson asked whether there were plans to further expand the farm over the next 10 years or so. Mr Plank confirmed this was the case, over this time period he was hopeful of farming an additional 500 acres and up to 2,000 more ewes. He explained the necessity of continuing to expand where possible to maintain the business into the future.

Councillor Marigold Jaques raised a question from the planning history section of the report. She noted that the permanent dwelling included accommodation for a student and the farm office. She therefore sought to clarify that the farm office was not located in the lodge. Mr Plank confirmed that the office was located in the main house. The area previously assigned in the lodge was instead used for storage. He added that students/an apprentice resided at the farm during lambing.

Councillor Jaques then queried arrangements for housing the working dogs. Mr Plank explained that working dogs were not pets and could not live in his house. They needed to stay with the shepherdess and slept in a kennel.

Councillor Crumly referred to the reasons for refusal proposed in the Officer's report. This highlighted that the main dwelling had a bedsit/annex on the ground level for accommodating an additional rural worker when required and he queried how this was used. Mr Plank advised that this was used as accommodation for college students/ apprentices during lambing. It was important to be able to offer such work experience. The shepherdess however needed her own space in live in and therefore she resided in and needed to continue residing in the lodge.

In response to Councillor Crumly's next query, Mr Plank explained that there were no plans to replace the lodge with a house.

Councillor Paul Bryant stated that exceptional circumstances would be needed to approve this planning application and he queried what these were. Mr Holt explained that there was no other affordable or suitable housing provision open to the shepherdess. This included in nearby villages which were also too distant from the farm. The shepherdess needed to live in sight and sound of the farm, a point highlighted at the appeal. The onsite accommodation enabled the shepherdess to respond to situations, which could occur at any time of the day or night, quickly. The ability to do so was essential.

Ward Member Representation

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

- Officers' recommendation had been formed based on the requirements of Policy and 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. Supporters felt there was strong merit to retain the lodge.
- There had been a significant increase in farming activity by the applicant and this should be applauded.
- He felt there was a proven need to house the stockperson on site. There was no suitable alternative accommodation in the vicinity and the on-site lodge was essential. As already explained working dogs needed to live with the shepherdess and this could continue in the lodge.
- The student accommodation in the farmhouse was only suitable as guest accommodation, it could not serve as a permanent dwelling.
- The retention of the lodge in the AONB was not felt by the Planning Inspector to be detrimental to the area.
- Councillor Webb was hopeful that the District Planning Committee would grant planning permission as recommended by the Eastern Area Planning Committee.

Member Questions to Officers

Councillor Pick made reference to the Kernon report and queried whether it actually supported the Officer viewpoint. The Kernon report stated that there was no alternative accommodation and gave the opinion that the business could only continue operating at the current level if the lodge was retained. However, this was not referred to in the Officer introduction to the item.

Mr Pearson explained that the only test to consider in either the NPPF or C5 of the Council's policy was in relation to essential need. Kernon had concluded that there was no essential need for the second dwelling. Kernon had not been asked to comment on alternative accommodation and that was outside of their brief. Alternative accommodation did not feature in either the NPPF or the Council's policy test. This was therefore irrelevant when determining the application. Councillor Pick felt that it held relevance.

Councillor Crumly queried if there was potential for the lodge to become a more substantial permanent dwelling. Mr Pearson advised that the applicant could seek permission for a replacement dwelling with something more significant. Such an application could align with the Council's policy for replacement dwellings in the countryside.

Councillor Bryant noted that the lodge needed to meet an essential need and be considered as exceptional. He therefore queried how this was defined in local and national policy. Mr Pearson explained that in both cases, essential need had to be proven to justify a new dwelling in the countryside. This essential need case was met for the first dwelling, the Farmhouse, and this would ensure that someone was always on site. However, he was not aware of any other cases where a second essential need dwelling was being sought and Mr Pearson considered this to be the only exception with this case. A risk in approving this application was the potential result that similar requests could be made with future applications in rural areas that also had unaffordable accommodation.

Councillor Jaques queried if the application was to make the lodge permanent. Mr Pearson advised that the Committee had the option of a further temporary permission.

Councillor Metcalfe pointed out that the lodge was tied to the main dwelling and queried if it could remain so. Mr Pearson explained that this could change if the farm became arable. He did however add that a condition of approval could be the removal of the lodge if it was no longer used for agricultural purposes.

Debate

Councillor Pask opened the debate by stating the importance of protecting the countryside, particularly in West Berkshire where 70% of the area was within the AONB. He also stated that he was proud to be part of a plan led authority. For these reasons he was also cautious in going against the Council's agreed policies. However, he felt it was for Members to consider a different interpretation to Policy in exceptional circumstances, such as this case.

He felt that Officer concerns over setting a precedent could be prevented by imposing strong conditions.

Councillor Pask accepted the point that the level of support or objection to a planning application were not determining factors, however it was the case that no objections had been lodged and the application was supported by Parishes and local residents.

Councillor Pask also made the point that the applicant was a custodian of the countryside as farmers helped to maintain the landscape.

Councillor Pask then referred to the debate held on a separate planning application at Eastern Area Planning Committee on 20 March 2019 for a change of use to an equestrian establishment. While all applications needed to be judge on its own merits, the Case Officer at that meeting gave the pragmatic view that it would not be sensible to reject the retrospective application for staff accommodation as the accommodation would be lost with no alternative affordable housing available.

There had been changes made to the farming operation since the appeal was dismissed by the Planning Inspector. It would not be reasonable for the large increase in workload to fall solely on Mr Plank 24/7 if it became the case that the stockperson could not reside on site all through the year. Mrs Plank was fully occupied in looking after the family's young children and running the household.

The point had been made that the shepherdess only needed to fulfil that role for around four months of the year, but her actual role of stockperson was multi-faceted as she worked with cattle and other livestock. Councillor Pask felt a full time need had been established for the stockperson and it was essential for the business for them to live on site.

The Eastern Area Planning Committee had been sympathetic to these points and were minded to approve planning permission with a robust S106 legal agreement in place.

Councillor Pask concluded by repeating a quote from the Kernon report: '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'.

Mr Pearson responded to the points made around the equestrian planning application. He stated that this was an entirely different set of circumstances. The equestrian use and associated housing had been long established and was making use of otherwise redundant rural buildings. It was in the AONB, but had been used for residential purposes for approximately ten years and had become eligible over this timeframe.

Councillor Beck then informed the Committee that he had some experience of working on a livestock farm. In many cases farms had tied houses that could be used by stock workers. However, Bushnells Green Farmhouse had no such on-site buildings that could be used and there were no alternative accommodation options. The report provided by the Council's agricultural consultant, in particular paragraphs 46 and 47, gave a strong recommendation that conditional permission be granted to retain the lodge for a livestock worker. This was endorsed by all speakers.

Councillor Beck referred back to the point made by Mr Fullerton that common sense should prevail for this application. Councillor Beck agreed with that and proposed that conditional planning permission be granted as recommended by the Eastern Area Planning Committee and contrary to the Officer recommendation.

Prior to seeking a seconder, Councillor Bryant questioned the potential conditions. Mr Pearson advised that conditions and/or the content of the S106 agreement would be as outlined in the Eastern Area Planning Committee minutes and as follows:

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

Mr Pearson then asked Councillor Beck as proposer if he wished the S106/conditions to include removal of the lodge if the agricultural need was to cease and, if the granting of the lodge on a permanent basis was a concern, if his preference was for a further temporary period. Councillor Beck confirmed his proposal to approve planning permission was for the lodge to be retained permanently regardless of whether the land continued to be used for agriculture or not.

The proposal was seconded by Councillor Pick.

Sharon Armour then gave her view on whether the Committee should seek a S106 agreement or conditions, if it was minded to grant planning permission. She advised that normally conditions were preferred, however felt that greater security could be established with a S106 agreement, the restrictions of which could go beyond use of land and could cover points such as ownership of the land.

David Pearson added that there was scope to set conditions and form the S106. However, he made the point that conditions could be instantly appealed, whereas a S106 agreement could not be challenged for five years. This was why the Eastern Area Planning Committee favoured a S106 agreement. Councillor Beck therefore clarified his proposal for approval would be subject to the agreement of a S106 legal agreement.

Councillor Garth Simpson supported approval of the planning application. He felt it essential for the stockperson to live on site to sustain the business into the future, particularly when the farming area was widely dispersed and could be extended. There was also a heavy workload to undertake.

Councillor Pick stated that the AONB was a cultivated landscape and successful farmers were needed to achieve this. The business needed to expand if it was to continue to succeed and should be supported to enable it to develop.

Councillor Pick added that it was only made clear to him at this meeting that two people worked on the farm fulltime, with additional employees at busy times, i.e. lambing. It

would not be sensible for only Mr Plank to be available 24/7 and the stockperson was needed on site for the business to operate.

In terms of the precedent point, Councillor Pick pointed out that each case had to be determined on its own merits. Approval of this application would not necessarily be followed by automatic approval for other applications that came forward for new dwellings in the countryside.

Councillor Crumly's view was that the applicant should have followed the conditions established for the temporary lodge. This constituted a retrospective application for a permanent dwelling. Officers had presented a strong recommendation for refusal as the application went contrary to local and national policy. This was robustly explained in the conclusions of the Officer report.

The all year on site requirement for the shepherdess was not proven. This was only necessary during lambing. Councillor Crumly supported the Officer/experts recommendation.

Councillor Jaques felt that very sound reasons were needed if the application was approved against Officers' recommendation.

Councillor Metcalfe expressed sympathy with the Officer viewpoint as the applicant had not followed the original conditions. It was also the case that the pragmatic view taken by Kernon did not align with Officers. However, he stated that sheep were difficult animals to manage. The essential need for a stockperson to be on site 24/7 during lambing had been established, but this need remained throughout the year, particularly when considering that the stockperson had responsibility for all the farm's livestock.

West Berkshire was a plan led Council and Council policy stated that there should be no additional housing in the countryside unless essential use could be proven. Councillor Metcalfe felt that sufficient evidence was available and in this case an exception could be made to policy and permission granted on the basis that the lodge be occupied by a stockperson – essential use. The specifics of this role went well beyond the duties of a more general rural worker and the role of stockperson should be separately specified in the Council's policies.

Before proceeding to the vote, Mr Pearson stated that should approval be granted, subject to a S106 agreement, then he proposed that a three month period be established for the completion of the legal agreement. Or, if the S106 agreement was not completed in the three month timeframe then the alternative recommendation would be 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 was agreed by Members.

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 three months. This would need to include the following points:

- Occupation of the timber lodge to be restricted to a stockperson 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.

and the following condition:

• Permitted development rights would be removed for any extensions and for future outbuildings for residential purposes.

Or, if the Section 106 legal agreement was not completed within three months, 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.

Prior to the closure of the meeting, Councillor Beck took the opportunity to highlight that this was Councillor Bryant's last Planning Committee as a District Councillor and gave thanks for all his work over many years. Councillor Beck felt that West Berkshire Council and West Berkshire's residents owed much to Councillor Bryant for his input, particularly on planning.

Councillor Bryant gave thanks for those comments. He stated that he was pleased to have served the residents of West Berkshire. He had thoroughly enjoyed his time on the Western Area Planning Committee and District Planning Committee and he would miss it.

(The meeting commenced at 6.30pm and closed at 8.16pm)

| CHAIRMAN | |
|-------------------|--|
| Date of Signature | |

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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 TUESDAY, 21 MAY 2019

Councillors Present: Phil Barnett, Hilary Cole, Carolyne Culver, Clive Hooker, Alan Law, Royce Longton, Alan Macro, Graham Pask, Tony Vickers and Andrew Williamson

PART I

1. Election of Chairman

RESOLVED that Councillor Alan Law be elected Chairman of the District Planning Committee for the 2019/20 Municipal Year.

2. Appointment of Vice-Chairman

RESOLVED that Councillor Clive Hooker be appointed Vice-Chairman of the District Planning Committee for the 2019/20 Municipal Year.

(The meeting commenced at 8.45 pm and closed at 8.48 pm)

CHAIRMAN

Date of Signature

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| Item (1) Title of Report: | 18/03398/HOUSE |
|-------------------------------|---|
| | Winterley House, Kintbury, Hungerford, RG17 9SY |
| | Extension of existing property with part single and part two storey extension |
| Report to be considered by: | District Planning Committee |
| Date of Meeting: | 21 st August 2019 |
| Forward Plan Ref: | N/A |

To view the plans and drawings relating to this application click the following link: <u>http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03398/HOUSE</u>

| Purpose of Report: | For the District Planning Committee to determine the application. |
|----------------------------------|---|
| Recommended Action: | The Western Planning Committee recommended that the application be referred to the District Planning Committee for determination. |
| Reason for decision to be taken: | The application, if approved, would be contrary to adopted National and Local Planning Policy |
| Key background documentation: | Western Area Planning Committee Agenda Report of 10 th July 2019 |
| Key aims N/A | |

| 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: | Derek Carnegie |
| Job Title: | Team Leader (West) |
| Tel. No.: | 01635 519111 |
| E-mail Address: | Derek.Carnegie@westberks.gov.uk |

Implications

| Policy: | The proposal conflicts with the NPPF, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C3 and C6 of the Housing Site Allocations DPD 2006-2026, the North Wessex Downs AONB Management Plan 2014-19, the Council's House Extensions SPG, and the Council's Quality Design West Berkshire SPD (Part 2). |
|----------------------------------|--|
| 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 10th July 2019, the Western Area Planning Committee considered the Agenda and Update Report for this full application for the extension of Winterley House, Kintbury following a previous Committee decision to delay a decision on the application until a Planning Appeal decision from the Planning Inspectorate had been issued. The report to the Committee and the Appeal Decision referred to are attached.
- 1.2 As Members will note from both the Officers' Report to the Western Area Planning Committee and the Appeal Inspector's clear decision to refuse the previous application, the adopted planning policy position both under national and local planning policies is quite clear.

2. CONCLUSION

2.1 Members of the Western Area Planning Committee were minded to approve the application contrary to the Recommendation of the Officers and hence, given the significance of such a decision to approve the application following a recent Appeal Decision, the application should be determined by the District Planning Committee.

3. **RECOMMENDATION**

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

Winterley House is a former Grade III listed building until being delisted in the 1980s review. Whilst the building is no longer a designed heritage asset, nor do the works affect the setting of any designated heritage asset, the host property is regarded as a non-designated heritage asset to which paragraph 197 of the National Planning Policy Framework (NPPF) applies. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). This status of the building and area increases the sensitivity of the building to inappropriate extensions.

Notwithstanding the changes from the refused proposal (application 18/01506/HOUSE), the proposed two storey extension would upset the basic symmetry of the main building, which is a key feature of most Georgian buildings, and this impact would be exacerbated by the additional single storey extension. Overall, the extensions would result in a dominant and bulky addition to the host building, which fails to be subservient and significantly harms the existing character and appearance of the building. The building is visible from public viewpoints and also from neighbouring dwellings to the east, which further exacerbates these impacts, and also thereby fails to conserve the special qualities of the AONB.

Accordingly, the proposal conflicts with the NPPF, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C3 and C6 of the Housing Site Allocations DPD 2006-2026, the North Wessex Downs AONB Management Plan 2014-19, the Council's House Extensions SPG, and the Council's Quality Design West Berkshire SPD (Part 2).

Appendices

- 1. WAP Committee Report and Appendices of 10th July 2019.
- 2. Update Report of WAP on 10th July 2019.
- 3. Minutes of Meeting held on 10th July 2019.

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| ltem No. | Application No. and Parish | 8 Week Date | Proposal, Location, Applicant |
|-------------|-------------------------------|-----------------------|---|
| (3) | 18/03398/HOUSE | 6th March 2019* | Two storey and single storey extensions |
| | Newbury Town Council | | Winterley House, Kintbury |
| | | | Mr and Mrs McNally |
| * Defei | rred from Committee M | leeting of 03.07.2019 | |

To view the plans and drawings relating to this application click the following link:

http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/03398/HOUSE

| Recommendation Summary: | The Head of Development and Planning be authorised to REFUSE planning permission. |
|-------------------------------------|--|
| Ward Member(s): | Councillor Claire Rowles Councillor James Cole Councillor Dennis Benneyworth |
| Reason for Committee determination: | Requested by Cllr Stansfeld initially. Then re-presented following appeal decision and further re-present following second site visit. |
| Committee Site Visit: | 27 th June 2019 |
| Contact Officer Details | |

| Name: | Isabel Oettinger |
|-----------------|-----------------------------------|
| Job Title: | Planning Officer |
| Tel No: | (01635) 519111 |
| E-mail Address: | isabel.oettinger@westberks.gov.uk |

1. Site History

86/2783/ADD conversion of grooms cottage and stables into private dwelling and new garage. Approved 05.01.1987

10/00852/FUL Change of Use of land to form new entrance, construct new sections of brick boundary wall to Back Lane and Kintbury Road and new entrance gates to the drive. Approved 20.07.10

10/01186/HOUSE Extension to south west corner and 1st floor bedroom, reconstruct west elevation brick work facing garden and realign fenestration to suit wider elevation. Approved 15.07.10

18/01506/HOUSE Demolition of existing ancillary outbuilding and erection of two storey and single storey extensions. Refused 17.10.18 (

Dismissed at appeal 08/05/19 Inspectors report attached

2. Publicity of Application

Site Notice Expired: 21.02.19

3. Consultations and Representations

| objections. |
|-------------|
| |

| Highways: | No objections. |
|-----------|----------------|
| | |

Conservation Officer: Refusal of application 18/01506/HOUSE and notification of valid appeal against refusal noted.

Whilst arguments have been made by the applicants about the age of the property, there does not appear to be a denial of its heritage value, and the main issue in terms of extending the property has as much to do with the scale of the extensions proposed in house extension as well as heritage impact terms.

The house as it currently exists clearly possesses a symmetry its main (south) elevation, which should be respected in devising any extensions to it. Such "respect" would be best achieved in subservient extensions, with a set back and set down from the existing house. Although an attempt has been made to reduce the impact of the extensions by setting down the ridge heights of the two storey elements (which goes a little way to preserving the symmetry of the main building), no set back is proposed, nor is the footprint of the extensions reduced. Accordingly, the previously made comments are still considered to apply. NB. On a small point of detail, there appears to be a discrepancy between the submitted proposed elevation and floor plan

between the submitted proposed elevation and floor plan drawings in respect of the window layout for the curved rear twostorey element.

- Natural England: No comments.
- Public: No representations received.

The following consultation responses from 18/01506/HOUSE are also relevant to the consideration of this application:

Conservation: Original: The two storey part of the extension arguably upsets the basic symmetry of the main building, and the further single storey extension exacerbates this, which is arguably contrary to SPG advice on house extensions, particularly in terms of subservience.

Whilst the building is not a designated heritage asset, nor do the works affect the setting of any designated heritage assets, the host property could be described as a non-designated heritage asset, where paragraph 197 of the NPPF 2018 applies. A Heritage Impact Assessment might therefore be appropriate in this case to justify (the impact of) the proposed works. It might also be appropriate at this stage for the Council's Archaeologist to be consulted on the application for an opinion and whether there is any information in the Historic Environment Record.

<u>Follow-up</u>: I am happy to stand by my original comments of 24th August 2018, that notwithstanding any heritage issues, the proposals, particularly the two storey element, upset the basic symmetry of this albeit historically much altered building, and are not subservient to the main building, arguably contrary to SPG advice on House Extensions and part i of DPD C6 referred to in the Agents e-mail dated 7th September 2018.

Further, there can be little doubt, on the basis of evidence provided by the Councils Archaeologist, that Winterley House should be considered as a non-designated heritage asset, on which basis paragraph 197 of the NPPF 2018 applies.

Archaeology: <u>Original</u>: Winterley House I am fairly certain that it was a listed building from c1950 up until the 1980s review, though the old description only said C.18. Altered which makes it hard to be certain which element of Mount Pleasant was referred to. This was the previous name until the late 1980s, and it was listed at Grade III, a level which was then phased out (being replaced by Grade II). I do not know why it was de-listed - perhaps due to the alterations. The HER entry for the house is provided. Mapping evidence supports an 18th century (or older) date for the building, as a small country house with subservient outbuildings / staff accommodation.

> The house appears to have had roughly the same footprint for c 125 years, i.e. nearly square, though from aerial photographs the roof structures are of more than one period. I see a previous application for а small extension was approved in 10/01186/HOUSE. The D & A statement with this app says the house dates back to c 1780, but there were alterations and extension in 1987. There are other planning references in Uniform under the old name, i.e. 80/12600/ADD and 81/15938/ADD which also mention alterations and extensions.

> My advice for 18/01506/HOUSE would therefore be the same as [Conservation], i.e. that Winterley House aka Mount Pleasant

should be considered as a non-designated heritage asset, and a bit more information about its origins, development and existing fabric should be provided to justify this larger extension. Symmetry is a key feature of most Georgian buildings but I leave the comments about design to the Conservation Officers. I do not believe I would request any below ground archaeological investigations should this extension be approved, as any possible post-medieval features (e.g. rubbish dumps) are unlikely to be very significant. The garage doesn't appear to be an old building.

<u>Follow-up</u>: Thank you for forwarding on the Design, Access and Heritage Statement on Winterley House. I do not have any further comments to make as regards the planning proposals and would not be requesting an archaeological condition.

4. Planning Policy

- 4.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The statutory development plan includes the West Berkshire Core Strategy 2006-2026 (WBCS) and the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- 4.2 The following policies from the WBCS are relevant to this application:
 - ADPP1: Spatial Strategy
 - ADPP5: North Wessex Downs Area of Outstanding Natural Beauty (AONB)
 - CS13: Transport
 - CS14: Design Principles
 - CS19: Historic Environment and Landscape Character
- 4.3 The following policies from the HSA DPD are relevant to this application:
 - C1: Location of New Housing in the Countryside
 - C3: Design of Housing in the Countryside
 - C6: Extension of Existing Dwellings within the Countryside
 - P1: Residential Parking for New Development
- 4.4 The following are relevant material considerations:
 - The National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Quality Design SPD (2006)
 - House Extensions SPG (2004)

5. Description of Development

- 5.1. The application site is located outside of any defined settlement boundary. There is a single dwelling to the south east (Mount Pleasant Cottage) and the converted stables dwelling to the north east. The site lies in the North Wessex Downs AONB. The existing property is a large, detached dwelling set within established gardens with a single pitched roof garage/outbuilding on the east side.
- 5.2 The existing dwelling has had several historical additions over time, detailed in the Design, Access and Heritage Statement. The most recent of which was a two storey extension in 2010 which effectively squared-off the south-west corner of the dwelling.

- 5.3 Amended proposed floorplans and elevations have been provided in response to the consultation received from the conservation officer which have set the two-storey elements of the extension in by approximately 100mm and adjusted the window proposed on the curved element.
- 5.4 The current scheme is a re-submission of the previously refused application (18/01506/HOUSE) with the amendment of a set-down in the ridge line of the second storey extensions and additional information submitted as part of a heritage statement.
- 5.5 The two storey element would add an additional hall, 4 metres wide, and add on to the existing kitchen at ground floor level. It would also provide an additional bedroom and bathroom at first floor level. There are now set down ridge lines and eaves line at approximately 6.5 metres in height. The single storey of the orangery and office would extend to a ridge height of 5 metres with a new chimney reaching 6.5 metres high.

6. Consideration of the Proposal

The main issues raised by this development are:

- 6.1. The principle of development;
- 6.2. The impact on the character and appearance of the building and area;
- 6.3. The impact on the living conditions of the neighbouring properties.
- 6.1. The principle of development
- 6.1.1 Core Strategy Policy ADPP1 provides a hierarchy of settlements within the district to ensure development follows the existing settlement pattern and delivers the spatial vision and objectives for West Berkshire. The hierarchy comprises defined urban areas, rural service centres, and service villages. New development will be considered commensurate to its position within the hierarchy. Below the settlement hierarchy, smaller villages with settlement boundaries are suitable only for limited infill development subject to the character and form of the settlement. Beyond defined settlement boundaries, only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 6.1.2 The application site is located outside of any defined settlement boundary and is therefore regarded as "open countryside" under Core Strategy Policy ADPP1. The site is also located within the AONB where great weight must be given to conserving and enhancing landscape and scenic beauty. Policy ADPP5 states that, recognising the area as a national landscape designation, development will conserve and enhance local distinctiveness.
- 6.1.3 In the context of this general policy of restraint in the countryside, Policy C6 of the HSA DPD gives a presumption in favour of proposals for the extension of existing permanent dwellings. An extension or alteration will be permitted providing that:
 - i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
 - ii. it has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
 - iii. the use of materials is appropriate within the local architectural context; and
 - iv. There is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.
- 6.1.4 As detailed below, it is considered that, despite the set down of the ridge and eaves, the proposal fails to comply with points i and ii. Overall, therefore, the proposal fails to comply

with the aforementioned policies, and is not appropriate limited development in the AONB countryside.

- 6.2. The design and impact on the character of the area
- 6.2.1 Through the provisions of the NPPF the government outlines the importance of the design of the built environment and proposals affecting heritage assets. Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.2.2 Policy CS14 of the Core Strategy states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. According to Policy CS19, particular regard will be given to: (a) the sensitivity of the area to change, (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and (c) the conservation and, where appropriate, enhancement of heritage assets and their settings.
- 6.2.3 The site is located within the AONB. The NPPF provides AONBs the highest level of protection in terms of landscape and scenic beauty. Policy ADPP5 of the core strategy states that 'development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB'. Moreover, development will respect and respond to the historic environment of the AONB.
- 6.2.4 Policy C6 of the HSADPD seeks to ensure any enlargement remains subservient to the original dwelling and in character with the existing dwelling. This reflects design guidance in the Council's Quality Design SPD and House Extensions SPG, as well as the site-specific advice from the conservation officer in terms of conserving the significance of this non-designated heritage asset.
- 6.2.5 For this application the two storey extensions have had the ridgeline dropped by approximately 0.5 metre. However, the bulk, depth, and scale of the extensions at two storey and single storey remain as previously. Therefore the previous assessment remains that overall, the scheme is not subservient to the main dwelling. Furthermore, it is still considered that the resultant dwelling would appear unbalanced and lose its current architectural identity. The single storey elements represent a poorly related add-on to the existing well defined dwelling character, to the detriment to the visual quality and character of this sensitive building in a sensitive location.
- 6.2.6 The proposed extensions would appear intrusive within the streetscene when viewed from Back Lane, and cumulative would provide substantially greater bulk and roofscape of the orangery and office. This would be incongrouous to the character of the immediate area and would impact on its setting in the wider landscape. The two neighbouring dwellings on the east side would also have clear views of the new extensions.
- 6.2.7 Overall, it is considered that the new extensions would fail to achieve a high standard of design that respects the character and appearance of the area, and is appropriate in scale and design. Moreover, the extensions would harm the significance of the building as a non-designated heritage asset. The harm would be exacerbated by the impact on the street scene. The proposal would fail to comply with the aforementioned policies.

- 6.3 The impact on the amenities of the neighbouring properties
- 6.3.1 Core Strategy Policy CS14 requires new development to make a positive contribution to the quality of life in West Berkshire. The Quality Design SPD and House Extensions SPG outline the factors to consider with regard to impact on neighbouring properties.
- 6.3.2 The two neighbouring dwellings on the east side would have clear views of the new extensions. The existing pitched roof garage is a slightly incongruous feature within the existing garden area. This would be considerably exacerbated by the addition of a linear, linked extension. This concern is raised above in relation to the impact on the character and appearance of the area, but given the separation distance to neighbouring properties the proposed extension is not considered to result in material harm to the living conditions of the neighbouring properties.
- 6.4 The impact on highways and parking
- 6.4.1 The proposed application does not impact on available parking within the site as the garage/outbuilding is not accessible for parking.
- 6.5 Other matters
- 6.5.1 The previous application received a consultation response from the Council's Archaeological Officer providing historical background context for the dwelling and detailing its previous listed status. The current application is very similar to the previous scheme, a further consultation response has been sought but not received at this stage.
- 6.5.2 The current application is accompanied by further information in the Design, Access and Heritage Statement. This has been assessed afresh for the current application, together with the external alterations to the scheme, namely the reduction of the ridge height by approximately 0.5 metre and the setting in of the two storey elevations from the existing building by approximately 0.1 metre.

7. Conclusion

- 7.1 The dwelling is located in open countryside within the North Wessex Downs AONB, a statutory designation which is afforded the highest level of protection for landscape and scenic beauty. The existing building was also previously a listed building, and is therefore regarded as a non-designated heritage asset. The proposal would add dominant and incongruous extensions to the detriment of the existing character of the dwelling and the local area. They would harm the significance of this non-designated heritage asset.
- 7.2 The proposed extensions are not considered an acceptable design, bulk or scale for the reasons given above. Having taken account all of the relevant policies and the other material considerations referred to above, it is considered that there are clear reasons to refuse the proposal.
- 7.3 The committee resolution for the application on 13th March was for the deferment of the application pending the appeal decision. The appeal was dismissed by the Planning Inspectorate on 08.05.19. The application was discussed again at the Western Area Committee on 12th June 2019. The scheme was deferred pending a second committee site visit.

8. Full Recommendation

- 8.1 Following the appeal decision, the recommendation of the application remains for Refusal.
- 8.2 It is recommended that the Head of Development and Planning be authorised to **REFUSE** permission for the following reason:

Winterley House is a former Grade III listed building until being delisted in the 1980s review. Whilst the building is no longer a designed heritage asset, nor do the works affect the setting of any designated heritage asset, the host property is regarded as a non-designated heritage asset to which paragraph 197 of the National Planning Policy Framework (NPPF) applies. The site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). This status of the building and area increases the sensitivity of the building to inappropriate extensions.

Notwithstanding the changes from the refused proposal (application 18/01506/HOUSE), the proposed two storey extension would upset the basic symmetry of the main building, which is a key feature of most Georgian buildings, and this impact would be exacerbated by the additional single storey extension. Overall, the extensions would result in a dominant and bulky addition to the host building, which fails to be subservient and significantly harms the existing character and appearance of the building. The building is visible from public viewpoints and also from neighbouring dwellings to the east, which further exacerbates these impacts, and also thereby fails to conserve the special qualities of the AONB.

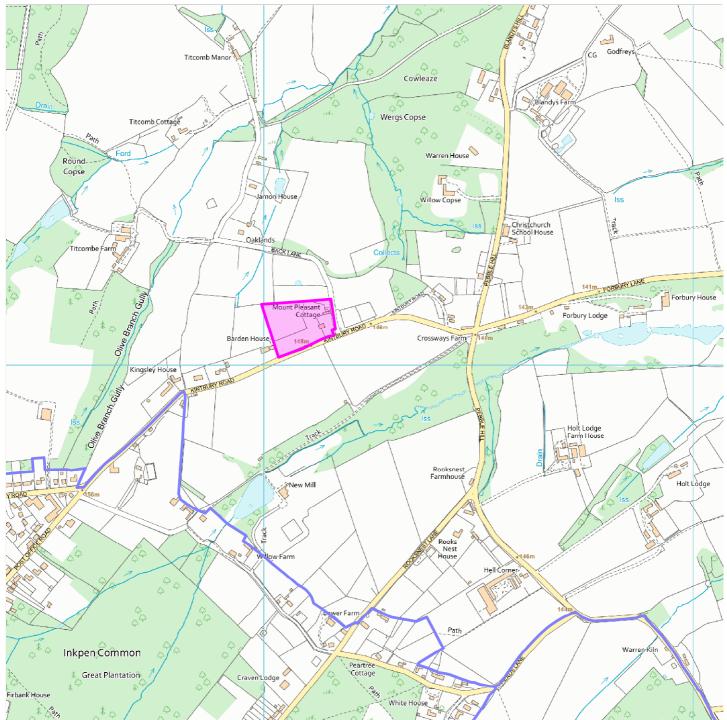
Accordingly, the proposal conflicts with the NPPF, Policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026, Policies C3 and C6 of the Housing Site Allocations DPD 2006-2026, the North Wessex Downs AONB Management Plan 2014-19, the Council's House Extensions SPG, and the Council's Quality Design West Berkshire SPD (Part 2).

DC.

18/03398/HOUSE

Winterley House, Kintbury, Hungerford RG17 9SY





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| Organisation | West Berkshire Council |
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| Department | |
| Comments | Not Set |
| Date | 08 August 2019 |
| SLA Number | 0100024151 |

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Appeal Decision

Site visit made on 25 March 2019

by Tim Crouch DipUD MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 07 May 2019

Appeal Ref: APP/W0340/D/18/3219372 Winterley House, Kintbury Road, Kintbury, Hungerford RG17 9SY

- 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 and Mrs M McNally against the decision of West Berkshire Council.
- The application Ref 18/01506/HOUSE, dated 30 May 2018, was refused by notice dated 17 October 2018.
- The development proposed is the extension of existing property with part single and part two storey extension.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the existing building, which is a non-designated heritage asset, and the wider North Wessex Downs Area of Outstanding Natural Beauty.

Reasons

- 3. Winterley House is a handsome two storey over basement detached brick building with Georgian origins. It has been extended and remodelled over time during different eras to become a substantial and mostly symmetrical building of square proportions. The existing north, west and south elevations have an attractive regular appearance due to the height, length and depth of the elevations which results in a squareness of built form. This is enhanced by the arrangement of the size, positioning and design of windows and door openings. Whilst not a Listed Building the Council consider the building to be a nondesignated heritage asset.
- 4. The building sits comfortably surrounded by substantial grounds. It is positioned centrally on its north, east and south boundaries which gives it a spacious character and open setting within the enclosed plot. It has an existing single storey ancillary brick building separated and distinct to the east.
- 5. The proposal seeks to add a two storey extension to the east elevation which would also include a significant linear ground floor projection. The proposed two storey extension element seeks to extend along from the existing ridge height and the building line of the historic building. As a result, the scale of the proposed two storey addition would not appear subservient and would have an

unbalancing impact on the appearance of the Heritage Asset. This would be exacerbated by the introduction of a curved element on the northern corner which would be out of keeping with the existing architectural style. The detailing on the southern elevation would also accentuate this harm by introducing a new fenestration pattern which would be at odds with the existing regular window and door arrangement.

- 6. The proposed single storey projection would introduce a strong linear element contrary to the compact, square form of the existing dwelling. This would have a dominating impact given its substantial length, especially when compared with the existing footprint. This would not therefore appear a subservient addition. This length of built form extending to close to the eastern boundary would also erode its spacious setting which complements the Heritage Asset. This harm would be exacerbated by the proposed design, including uncharacteristic features such as an external chimney stack, and its L-shape form, despite quality materials being proposed.
- 7. Whilst wider views are limited, the proposed extension would extend close to the boundary and would be visible from the public domain. The size and scale of the extension would be recognised and it would detract from the appearance of the wider area. The proposal would also therefore fail to conserve the special qualities of the Area of Outstanding Natural Beauty (AONB).
- 8. Therefore, the proposal would harm the character and appearance of the nondesignated Heritage Asset, adversely affecting its significance, and would fail to conserve the special quality of the AONB. Consequently, the proposal conflicts with the National Planning Policy Framework (2019), policies ADPP1, ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) (2012), policies C3 and C6 of the West Berkshire Housing Site Allocations Development Plan Document (2006-2026) (2017), the North Wessex Downs AONB Management Plan 2014-19 (2014), the West Berkshire House Extensions Supplementary Planning Guidance (2004) and the Council's Quality Design West Berkshire Supplementary Planning Document (Part 2) (2006).
- 9. Taken together, these policies require extensions, amongst other objectives, to be subservient to the original dwelling and designed to be in character with it, to have no adverse impact on the historic interest of the host building and to conserve the local distinctiveness of the AONB.

Other Matters

10. My attention has been brought to another two storey extension permitted by the Council. However, limited details have been provided. In any event, the fact that apparently similar development may have been permitted is not a reason, on its own, to allow unacceptable development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above. 11. I note that no objections were received to the proposal from local residents. However, the absence of opposition to this development in circumstances when I have found it would be harmful to a Heritage Asset and the wider AONB does not persuade me that it would be appropriate for me to allow this appeal.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

Tim Crouch

INSPECTOR

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WESTERN AREA PLANNING COMMITTEE ON 10 JULY 2019

UPDATE REPORT

| ltem No: | (3) | Application No: | 18/03398/HOUSE | Page No. | 37-44 | |
|---------------------------------|---------------------------|--|--------------------------|----------|-------|--|
| Site: | Winterley House, Kintbury | | | | | |
| Planning Officer Presenting: | | Derek Carnegie | | | | |
| Member Presenting: | | N/A | | | | |
| Parish Representative speaking: | | N/A | | | | |
| Objector(s) speaking: | | N/A | N/A | | | |
| Supporter(s) speaking: | | N/A | | | | |
| Applicant/Agent speaking: | | Marcus McNall Frank Dowling | y (Applicant) (Agent) | | | |
| Ward Member(s): | | Councillor Dennis Benneyworth Councillor James Cole Councillor Claire Rowles | | | | |

Update information:

The application was deferred from the Western Area Committee dated 03 July. Additional draft amended plans for consideration have been submitted which are shown in the presentation.

The amendment consists of a reduction in the length of the proposed orangery and office of 2 metres. No changes to the overall scale or width of this linear element of the extensions or the two storey extensions.

The alteration is not considered to overcome the principle concerns outlined in the officers' report or the fundamental objections and dismissal of the previous appeal by the Planning Inspectorate which outlined a number of key elements which have not been addressed.

The conservation officer has provided additional comments on the amendment as follows:-

In essence the amendments reduce the length of the extensions from 19.4 metres to 17.4 metres, but otherwise are as originally submitted and are not therefore considered to overcome my previously made building conservation objections.

By way of reference the existing frontage width of the dwelling is some 13 metres scaled from the application drawings.

It is worth referring to comments in the appeal decision letter in respect of the previous application on the site, which refers, inter alia, not only to the scale of the two storey extension not appearing subservient and having an unbalancing impact on the appearance of the existing building on the site, but also the single storey extensions introducing a strong linear element contrary to the compact square form of the existing dwelling, which would have a dominating impact given its substantial length, especially when compared with the existing footprint, and would not therefore appear as a subservient addition.

The appeal decision letter also refers to the length of built form eroding the spacious setting of the site, as well as other design issues exacerbating the impact of the proposals.

DC

DRAFT

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

WESTERN AREA PLANNING COMMITTEE

EXTRACT FROM THE MINUTES OF THE MEETING HELD ON WEDNESDAY, 10 JULY 2019

Councillors Present: Adrian Abbs, Phil Barnett, Jeff Beck (Substitute) (In place of Jeff Cant), Hilary Cole, Carolyne Culver, Clive Hooker (Chairman), Claire Rowles, Martha Vickers (Substitute) (In place of Tony Vickers) and Howard Woollaston

Also Present: Sharon Armour (Solicitor), Jessica Bailiss (Policy Officer (Executive Support)), Derek Carnegie (Team Leader - Development Control), Paul Goddard (Team Leader - Highways Development Control) and Dennis Greenway (Conservation Officer)

Apologies for inability to attend the meeting: Councillor Jeff Cant and Councillor Tony Vickers

PART I

13. Declarations of Interest

Councillors Clive Hooker, Hilary Cole, Jeff Beck, Carolyn Culver, Adrian Abbs and Phil Barnett declared that they had been lobbied on Agenda Item 4(1). Councillors Jeff Beck, Phil Barnett and Adrian Abbs declared that they had been lobbied on Agenda Item 4(2). Councillors Claire Rowles, Jeff Beck and Adrian Abbs declared that they had been lobbied on Agenda Item 4(3). However, they 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.

Councillor Phil Barnett and Jeff Beck declared a personal interest in Agenda Item 4 (1) and 4 (2), 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.

14. Schedule of Planning Applications

(3) Application No. and Parish: 18/03398/HOUSE - Winterley House, Kintbury

(Councillors Jeff Beck, Adrian Abbs and Claire Rowles declared that they had been lobbied on Agenda Item 4(3). 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.)

- 1. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/03398/HOUSE in respect of a two storey and single storey extension.
- 2. Derek Carnegie introduced the application which was located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and was classed as a nondesignated heritage asset. In Officers' view, if approved the proposal would harm the existence of the non-designated heritage asset. There were no clear reasons to accept the application.

- 3. The Committee resolution for the application on 13th March was for the deferment of the application pending appeal decision. The appeal was subsequently dismissed by the Planning Inspectorate. The application had been considered again at Committee on 12 June 2019 but deferred pending a second Committee site visit, which had since taken place. Mr Carnegie confirmed that the appeal decision was included with the report and emphasised the concerns raised by Officers.
- 4. If Members were minded to approve the application, it would need to be referenced up to the District Planning Committee for final decision.
- 5. In accordance with the Council's Constitution, Markus McNally, applicant, Frank Dowling, agent and Councillor Claire Rowles and Councillor James Cole, Ward Members, addressed the Committee on this application.
- 6. Markus McNally (applicant) and Frank Dowling (agent) in addressing the Committee raised the following points:
 - Mr Dowling stated that Members who had attended the site visit had been shown an artist's impression of the proposal.
 - The building was not listed and was not featured on West Berkshire's list of heritage buildings. The previous application had however, referred to the building as a Heritage Asset.
 - The main building had been altered over the years and had two modern frontages.
 - The current application set the extension down and back and was clearly subservient to the main building.
 - Mr Dowling explained that although the Orangery might look strange, orangeries were long and narrow by nature. The home office was located towards the back of the orangery.
 - The artist's impression of the proposal showed the extension was truly subservient to the existing dwelling.
 - The extension had been reduced by two metres from the previous application and did not protrude further than the existing garage.
 - No objections had been raised by the Parish Council, AONB or neighbouring properties.
 - Consideration to the impact on the existing building was highly subjective.
 - Mr Dowling gave a similar example of a property in Leckhampstead where the Planning Officers had recommended refusal but Members had taken a different view.
 - Mr McNally drew attention to a note in the update sheet which stated there was no change in the overall scale of the development. Mr McNally stated that the proposal had been reduced by two metres and therefore there was a significant change in scale.
 - Mr McNally emphasised that they were very proud of the house and were complimented by the fact that it was considered a heritage asset.
 - 7. Councillor Hilary Cole noted that Mr McNally had stated that there had been a significant change in the proposal and that the extension would be set down and back from what was previously proposed. Councillor Cole asked Mr McNally to clarify this point. Mr McNally confirmed that the ridge height had been reduced by

nearly 500mm. The walled part of the extension had been brought down and set back.

- 8. Councillor Cole referred to Mr Dowling's comment regarding an application in Leckhamstead and asked if he understood that each application was judged on its own merits. Mr Dowling was aware of this point.
- 9. Councillor Claire Rowles asked Mr McNally if he owned the other two dwelling located on the plot and he confirmed that he did.
- 10. Councillor James Cole, in addressing the Committee as Ward Member, raised the following points:
 - In Councillor James Cole's view the house was a mock up and was in fact a very good fake of a house built in a much older period. This was why the house was not a listed building.
 - Councillor James Cole stated that he lived in a modern Georgian style house and the building under consideration was also a property built in modern times.
 - Based on the fact that the building was a mock up, the proposal should be approved. The extension was subservient to and in keeping with the main building.
- 11. Councillor Claire Rowles in addressing the Committee raised the following points:
 - There had been no objections received from nearby residents.
 - There had been no concerns raised regarding the view point from the road.
 - Mr Carnegie had stated that the proposal would be detrimental to the area due its scale however in Councillor Rowles view, considering the size of the plot and considerable garden size this would not be an issue.
 - The size of the proposed extension was very much subservient to the main building.
 - Councillor Rowles did not see how the proposal could be considered a poor design.
- 12. Councillor Adrian Abbs stated that Planning Officers' had looked at an artist's impression of the building and assumed it was built earlier than it was. Councillor Abbs was concerned about the patio area to the right of the proposal and steps down to a seating/garden area, which was in a pleasant setting. Councillor Abbs referred back to plans, where a red line was shown on the diagram and stated that he could not recall seeing a fence in the area. Mr Carnegie stated that discussions had not concluded regarding the accurate size of the plot and this could be deferred until full details of the development had been received. From Officers' point of view, the reductions made to plans since the previous application was not enough to warrant approval.
- 13. The Chairman stated that the garden only extended to the line shown and therefore the area being considered was not overly large. Dennis Greenway, Principal Conservation and Design Officer, stated that the plan did not show the change in size of the proposal, which had been reduced by two metres.
- 14. Councillor Cole noted that the building had been described as a fake. Mr Carnegie confirmed that this could be true however, the building had been listed in the past. Mr Carnegie referred to the Planning Inspector's comments, which emphasised the points made in the Planning Officer's report. The building was not listed however,

was within the sensitive AONB, which should not be harmed by an overly sized extension.

- 15. Councillor Rowles referred back to the size of the plot and asked Mr Carnegie if he agreed that it was a large plot that was being discussed. Mr Carnegie agreed with this point and also that the plot perimeters needed further investigation. Mr Carnegie confirmed that the planning plot was considered to be what had been used for residential purposes/garden area for over 10 years. Councillor Rowles felt that it was difficult to make a decision when the size of the plot needed further investigation.
- 16. Councillor Cole recalled that queries about the plot and garden size had been raised at the site visit. It seemed that agricultural land might have been taken in to the curtilage and if this was the case then investigation was required.
- 17. Councillor Howard Woollaston noted that the plot would not be seen from anywhere nearby. Mr Carnegie stated that if this was the criteria then the application could be deemed acceptable however, the impact on the countryside had to be taken in to consideration.
- 18. The Chairman invited Members to begin a debate on the item.
- 19. Councillor Jeff Beck stated that he had visited the site about three times and since visiting the site the proposal had been reduced in size. Councillor Beck had no objection to the application and proposed Members approve planning permission.
- 20. Councillor Abbs stated that he had visited the site on two occasions. He felt assured that Officers would investigate the plot size. He could however not see a reason to go against the Planning Officer's recommendation for refusal.
- 21. Councillor Cole referred to the size of the proposal. She did not feel that the applicant had addressed the concerns raised in the Planning Inspector's report regarding the size of the extension. Councillor Cole felt that Members would be unwise to approve the application given the advice from Officers and the Planning Inspector regarding the proposal. The site laid within the AONB and therefore there were stricter planning considerations that needed to be taken in to account. Councillor Cole felt that Members were being side tracked by the large plot size and that there had been no objections raised. These were not reasons to approve the application.
- 22. Mr Carnegie reminded Members that if they were minded to approve the application it would be referenced up to the District Planning Permission for decision.
- 23. Councillor Phil Barnet expressed his support for the application and that he could see no reason to refuse it. He felt that the applicant had considered the proposal very carefully. He felt when visiting the site that the proposal would blend in to its surroundings.
- 24. Councillor Rowles referred to the last meeting where the application had been considered and that there had been a discussion around what caused a building to be classed as a Heritage Asset and it had been concluded that there was uncertainly on how to define a heritage piece. Councillor Rowles felt that some aspects of the Planning Inspector's report had marred the application. Councillor Rowles did not feel there were any good enough reasons to refuse the application.
- 25. Councillor Beck repeated his proposal to approve planning permission and this was seconded by Councillor Rowles. The Chairman invited Members of the Committee to vote on the proposal by Councillor Beck, seconded by Councillor Rowles, and at the vote the motion was carried.

RESOLVED that Members agreed that the Head of Development and Planning should be authorised to grant planning permission. As a result the item would be referred to the next District Planning Committee for decision for the following reason:

• In the opinion of the planning officers, the application was clearly contrary to adopted national and local planning policies and had been the subject of a very recent planning appeal decision to refuse.

15. Appeal Decisions relating to Western Area Planning Committee

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

(The meeting commenced at 6.30 pm and closed at 8.34 pm)

CHAIRMAN

Date of Signature

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Agenda Item 5.

Plans and drawings relevant to reports submitted to District Planning Committee

Wednesday 21st August 2019 at 6:30pm

at the Council Chamber, Council Offices, Market Street, Newbury

[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 <u>www.westberks.gov.uk</u>
- The application files will be available for half an hour before the meeting



18/03398/HOUSE Winterley House Kintbury Hungerford Berkshire RG17 9SY

