

# DRAFT

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

## EASTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 12 APRIL 2017

**Councillors Present:** Peter Argyle, Graham Bridgman, Keith Chopping (Vice-Chairman), Richard Crumly, Marigold Jaques, Alan Law, Mollie Lock (Substitute) (In place of Alan Macro), Tim Metcalfe, Graham Pask (Chairman) and Richard Somner

**Also Present:** Sarah Clarke (Acting Head of Legal Services), Jenny Legge (Principal Policy Officer), David Pearson (Development Control Team Leader) and Cheryl Willett (Senior Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Pamela Bale, Councillor Alan Macro and Councillor Emma Webster

#### PART I

#### 86. Minutes

The Minutes of the meeting held on 22 March 2017 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

**Item 1, page 7, 5<sup>th</sup> paragraph after the bullet points:** change 'a double garage' to 'outbuilding'

**Item 1, page 7, 3<sup>rd</sup> and 5<sup>th</sup> paragraphs after the bullet points:** change 'garage' to 'outbuilding'.

#### 87. Declarations of Interest

Councillors Keith Chopping, Graham Pask and Marigold Jaques declared an interest in Agenda Item 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.

#### 88. Schedule of Planning Applications

**(1) Application No. & Parish: 17/00351/FULD - Barn south of Butlers Farm, Back Lane, Beenham**

*(Councillors Keith Chopping and Marigold Jaques declared a personal interest in Agenda Item 4 (1) by virtue of the fact that they knew the applicant. 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.)*

*(Councillors Keith Chopping and Graham Pask declared a personal interest in Agenda Item 4 (1) by virtue of the fact that they knew a speaker, through Council business. 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.)*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 17/00351/FULD in respect of the conversion of an existing barn into a residential dwelling with ancillary parking and amenity space.

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In accordance with the Council's Constitution, Peter Alder, Michael Collins and Cordelia Middleton, supporters, Susannah Palmer and Mrs Palmer, applicant, addressed the Committee on this application.

Cheryl Willett introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was unsatisfactory and a conditional approval was not justifiable. Officers strongly recommended the Committee refuse planning permission.

Mr Alder in addressing the Committee raised the following points:

- He had lived in the Beenham for 48 years.
- Many years ago the barn had become dilapidated and had since been repaired and much improved into a modern barn.
- The Palmer farm was one of the oldest in the parish and they had improved the site greatly by planting and maintaining trees and hedges.
- He felt the conversion would be beneficial, as having the building occupied would give a level of security to the nearby allotments.

Mr Collins in addressing the Committee raised the following points:

- He had moved to the area three years ago and also worked there.
- He felt that providing a house was a sensible idea.
- There was one local pub and it relied on local people for its custom. He believed that an extra family would benefit the local economy.

Ms Middleton in addressing the Committee raised the following points:

- Her house was almost opposite the barn and she didn't see anything wrong with the proposed conversion. She had spoken with her neighbours, who concurred.

Councillor Alan Law asked for clarification on the siting of the allotments, as he had not noticed them on the site visit. Mr Alder explained that they were near to the sewage works. There were 24 allotments that were approximately 200 yards from the barn. People working in the allotments could see the barn.

Mrs Palmer in addressing the Committee raised the following points:

- She was the co-owner of the farm and ran the UK Wolf Conservation Trust (UKWCT) on the land. The trustees of the charity were investigating ways of increasing the charity's income and had noticed two barn conversions had been completed to the east of the farm.
- The barn had been renovated during 2008 to 2009, as it was beginning to become dilapidated. The late Mr Palmer had intended to use the barn for sheep, however he passed away before this took place. Due to the conflict of walking wolves and farming sheep on the same land, the barn had never been used for its original purpose. However, it had been used for a time by a local farmer to store hay and was currently used for storing farm machinery and straw.
- Mrs Palmer had spoken with neighbours and the Council about converting the barn. She proposed minimal external alterations and wanted to limit the impact of the change on the surrounding properties. She would follow any guidance and would conform with policy.
- She understood that the application was supported by her neighbours and that there had been no objection from the Parish Council or the North Wessex Downs

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Area of Outstanding Natural Beauty Board (NWD AONB). As with any proposal, she would conform with policy, keeping the existing character and style of the barn.

- She felt this would make good use of a redundant building and its appearance would not detract from the area. The design would include a few additional windows, but she realised the need for landscaping and minimising light pollution.
- She had consulted with her neighbours and gained their support and she asked that the Committee consider the merits of being able to provide another home in Beenham.

Councillor Richard Crumly wished to clarify the size and the position of the barn from the photographs in the Officer presentation. He conjectured that this conversion would make the barn too prominent in its position on a sensitive site. Mrs Palmer did not agree with Councillor Crumly's opinion and felt that this would be a good way to re-purpose a redundant barn.

Councillor Keith Chopping questioned whether the barn was redundant and asked for reassurance. Mrs Palmer informed the Committee that while the barn had not been cleared for their visit, it was not being used for any particular purpose. The tractor currently in the barn, would usually sit outside all summer and there was a pole barn elsewhere on the farm that would be used to house all the farming equipment.

Councillor Law queried whether the barn could be considered redundant, if it was in use. Mrs Palmer reiterated that it had never been used for its intended purpose, but had been utilised in an ad-hoc way to store equipment, hay and straw.

Councillor Mollie Lock asked whether the wolves lived in an enclosure. Mrs Palmer explained that, on license from West Berkshire Council, the wolves were led by two people for walks on the farm land. Councillor Lock further inquired if this was agricultural land. Mrs Palmer confirmed that it was.

Councillor Graham Bridgman referred to page 22, points 8.1.1 and 8.1.2 of the agenda and asked Mrs Palmer to comment on the Officer's recommendation for refusal:

"The conversion...to residential use would detract from the character and appearance of the character of the area and the AONB" and "Visually the barn stands isolated".

Mrs Palmer commented that there were other barns in the AONB that had been converted. She was not proposing to greatly alter the appearance of the existing building. She had consulted with her neighbours and they had no objection to the scheme.

Councillor Marigold Jaques was concerned that the additional glazing proposed would cause light pollution in the area and inquired if, should the Committee be minded to approve, the applicant would be amenable to supplementary conditions on this aspect of the proposal. Mrs Palmer assured the Committee that she was a country person and would be happy to abide by any such conditions.

Councillor Chopping, as Ward Member, in addressing the Committee raised the following points:

- He asked that Members noted the support of Mrs Palmers' neighbours.
- In the Officer's report, the sustainability of the site had been questioned. He considered that the site was sustainable. It was adjacent to the main road, there was a school, and there was a bus route from within the village and one that could be accessed from the A4.

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- He didn't agree that the site was isolated, as there were residential properties to the side and opposite the barn.
- The redundancy of the building had been raised as an issue by Members. Mrs Palmer had submitted a signed declaration that the barn was not being used for its intended purpose. When faced with Officer opinion and the applicant's signed statement, he preferred the statement.
- He was able to confirm for his colleagues, that on his many visits to Beenham, he had never seen activity at the barn.
- He opined that the Officers' comments on page 19, under point 6.5.4 were subjective and he did not agree with their conclusions.
- On page 21, point 6.9.2, he wished to point out that the building was already in existence.
- As ward member, what mattered to him were the comments from the AONB on page 14 point 3.1 of the agenda. There were no objections and the proposal was described as being 'simple and sympathetic'.
- The building would have the same location, footprint, height and finish, as it was already in place. The proposal would change a redundant barn into a home, which was what was needed in the district.

David Pearson commented that it was clearly established that the number of supporters or objectors to a planning application was not a material planning consideration. The strength of the planning merits of the case, when assessed against development plan policy, government guidance and other material planning considerations, were what counted.

He addressed Councillor Chopping's comment that Officer's views were subjective, by explaining that Officers were required to assess applications with the Council's planning policies and government guidance in mind. They did this as objectively as possible giving an explanation of the reasoning for the conclusion they had reached.

He drew attention to the methods used by the AONB Board when commenting on planning applications. The AONB did not visit the site, it was a desktop exercise. He recognised that Members were aware that a proposal that looked acceptable on a plan could be unacceptable when visited in person.

He believed that the applicant's declaration that the barn was redundant was an honest assurance of the situation as it stood.

Councillor Crumly asked for clarification on the position of the settlement boundary from the photographs in the Officer's presentation. It was shown that the barn was outside the settlement boundary.

Councillor Tim Metcalfe queried that the site was not sustainable. Cheryl Willett explained that there were limited facilities, public transport and amenities in the area. David Pearson noted that the Housing Site Allocations Development Planning Document (HSADPD) identified those villages that were sustainable (called service villages) and those that were not, which included Beenham. It was against policy to approve development in an unsustainable village.

Councillor Richard Somner felt that Officer's advice that 'each planning application had to be considered it's own merits' had been applied inconsistently from one meeting to the next. Mr Pearson reflected that this might be due to the difference in how this advice was interpreted by Officers and Members. When considering the merits of an application,

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Officers also took into account the Council's development plan and any relevant government guidance.

Councillor Law commenced the debate by observing that he had never come across a barn with a slate roof before and that it looked like the roof of a house already. He noted that Officers had stated that they strongly recommended the application should be refused, rather than it being a balanced decision. The property was outside the settlement boundary and did not conform to the development plan of the village. He still had questions as to the redundant nature of the barn. He felt it was a difficult decision, but was tending to support Officers.

Councillor Lock acknowledged that the barn was there, but was questioning whether it should be converted. She was concerned how much agricultural land would be lost to make the garden and curtilage for the property and was uneasy about development in an AONB.

Councillor Crumly agreed with Councillor Law's comments. He had considered a lot of planning proposals for barns. He would be looking for redundancy, decay and dilapidation to ensure a site was ripe for development. However, in this case, work had been carried out on the barn in 2009. When viewed from the road, this was a prominent structure which was acceptable as a barn, but would not be so if it were to be converted into a house. He felt it did not reflect the character of the neighbouring houses and was not in a sustainable position. He echoed Councillor Law's view that the Officer's recommendation was valid.

Councillor Bridgman observed that he had less difficulty understanding that the building was redundant, than with the points in the report that he had raised with Mrs Palmer. As he understood it, in accordance with policy, in order for a barn to be converted it had to be of sound construction and could not be in a dilapidated state. In his view, the building was redundant, as it was no longer needed for the purpose it was built for. However, this was an agricultural barn and he speculated whether there would be an adverse impact on the rural character of the area, if it were to be a house. He had not wholly decided one way or the other.

Councillor Tim Metcalfe posited that there were a lot of red herrings being presented. He agreed with Councillor Bridgman. In his own experience, having built a barn to be used as a dairy which was now unused, he understood how the barn was redundant from a business point of view. The development would leave the building looking much the same and he could not see an adverse effect on the neighbours. His concern was over the sustainability of the location and he did not see this as an issue. Planning permission could be given to developments in an AONB on brown field sites, such as this. He wondered if the conversion could be completed under permitted development rights, as the property had been in existence since before 6 April 2014. This proposal reminded him of an application in Bucklebury, that the Committee had refused, which had been granted on appeal. He felt that if Members refused this application, their decision would be overturned at appeal. He fully supported the application.

David Pearson explained that the permitted development rights Councillor Metcalfe referred to did not apply in an AONB. However, there were flexible commercial uses allowed for buildings under a certain floor area and the applicant had taken advantage of this in 2014.

Councillor Somner had noted that there were sizeable buildings on the way back to the A4. From a commercial perspective, a redundant post was one that was no longer required for the purpose that it was originally intended for. He could understand the infrequent use of a redundant building. In regards to the condition of the barn, it had been

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renovated due to its worsening condition, and at the request of neighbours and the Parish Council.

Councillor Chopping proposed that the application be approved, against Officer's recommendation. The proposal was seconded by Councillor Metcalfe. At the vote, four voted in favour and four, including the Chairman, voted against.

Councillor Crumly proposed that the application be refused, as per Officer's recommendation. The proposal was seconded by Councillor Law. At the vote, four voted in against and three in favour, with the Chairman using his casting vote in favour of the proposal.

The Chairman asserted that he had great sympathy for the desire the applicant had for the barn, however the Council were about to ratify and adopt the HSADPD and he was keen to make decisions in accordance with policy. A planning permission was not granted on the level of support or objection it received. On this occasion he had voted in policy terms, as he felt it was right in this case.

**RESOLVED** that the Head of Planning and Countryside be authorised to **refuse** planning permission for the following reasons:

### Reasons

1. The application site is located within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), visible from public viewpoints including the public footpath to the west BEEN/19/1. The existing agricultural barn is large and utilitarian in appearance. The conversion of the building and surrounding land to residential use would detract from the character and appearance of the character of the area and the AONB, with the introduction of domestic landscaping and domestic paraphernalia. The conversion would retain the existing utilitarian style, of the buildings and the insertion of a significant amount of glazing would degrade the intrinsically dark skies of the AONB. As a result the development will significantly harm rather than conserve the character of the immediate area and of the AONB.

As such the application is contrary to the provisions of Policy ADPP5 of the West Berkshire Core Strategy (2006-2026) July 2012 and section 7 and paragraph 115 of the National Planning Policy Framework which requires good design and seeks to ensure that development in the AONB conserves and enhances its special qualities. The proposal also runs contrary to criteria (a), (e) and (g) of Policy ENV19 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007. The application is contrary to emerging planning policy, specifically Policy C3 of the Housing Site Allocations Development Plan Document (2016) which requires development to be designed having regard to the character of the area in which the site is located; and Policy C4 of the Housing Site Allocations Development Plan Document (2016) which seeks to ensure that conversions of rural buildings to residential use protect the rural character of the application site and its setting in the wider landscape

2. Visually the barn stands in isolation beyond the edge of the settlement, and is distinct in location, scale and massing from the surrounding residential development in Back Lane. There is a clearly defined pattern of development in the locality. The appearance of the barn is in unsympathetic contrast to the bungalows located on the opposite side of Back Lane, and to the modest two storey houses to the east of the site in Back Lane.

As such the application is contrary to the provisions of Policy ADPP5 of the West Berkshire Core Strategy (2006-2026) July 2012 and section 7 and paragraph 115 of the National Planning Policy Framework which requires good design and seeks to ensure that development in the AONB conserves and enhances its special qualities.

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The proposal also runs contrary to criteria (a), (d) and (g) of Policy ENV19 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, and does not accord with points 8 and 13 of the planning guidance outlined in the Beenham Parish Design Statement (2003). The application is contrary to emerging planning policy, specifically Policy C3 of the Housing Site Allocations Development Plan Document (2016) which requires development to be designed having regard to the character of the area in which the site is located; and Policy C4 of the Housing Site Allocations Development Plan Document (2016) which seeks to ensure that conversions of rural buildings to residential use protect the rural character of the site and its setting in the wider landscape.

3. It has not been proven that the barn is genuinely redundant, as even though it is claimed to be surplus to requirements it is still used for the storage of agricultural related equipment. Therefore the proposed conversion is contrary to paragraph 55 of the NPPF and emerging Policy C4 of the Housing Site Allocations DPD.

**89. Appeal Decisions relating to Eastern Area Planning**

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

*(The meeting commenced at 6.30pm and closed at 7.45pm)*

**CHAIRMAN** .....

**Date of Signature** .....