

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(2)	18/01883/FULD East Garston	21 September 2018. Extension of time 11 October 2018.	Conversion of existing stables and storage barn including new linking extension to form a 3 bedroom residential dwelling. Land to the rear of The Sheiling, School Lane, East Garston, RG17 7HR. Mr Davies and Dr Morgan-Jones.

To view the plans and drawings relating to this application click the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01883/FULD>

Recommendation Summary: **The Head of Development and Planning be authorised to refuse planning permission**

Ward Members: Councillor Gordon Lundie
Councillor Graham Jones

Reason for Committee Determination: Ward Member Call In (Cllr Lundie)

Committee Site Visit: 4 October 2018

Contact Officer Details	
Name:	Lydia Mather
Job Title:	Senior Planning Officer
Tel No:	(01635) 519111
E-mail Address:	lydia.mather@westberks.gov.uk

1. Site History

16/03160/FULD, January 2017, Refusal, Conversion of existing stables and storage barn and new linking extension to form a 3 bed residential dwelling.

No other planning history for the agricultural land, only the dwelling of The Sheiling.

2. Publicity of Application

Press Notice Expired: *

Site Notice Expired: 12 September 2018

3. Consultations and Representations

East Garston Parish Council:

Objection. Comments:

Councillors consider that the development of this land is contrary to West Berkshire Development Plan and is contrary to the Parish Council's objective of maintaining the rural character of the community of East Garston, on the following grounds.

- The land is outside of the settlement boundary
- It is considered to be backfilling of a residential property and encroaching onto a rural environment
- The proposed property is directly adjacent to agricultural land on which livestock is kept.
- It would set a precedent contrary to the WBC site allocation plan which restricts sustainable development in East Garston to within the settlement boundary and/or brown field sites.
- There is concern over the future implications of shared access to the Sheiling and the proposed development.
- There is concern regarding the visual impact of this development on a rural site within the Area of Outstanding Natural Beauty

Highways: No objection subject to condition.

**Environmental
Health:** No objection.

Natural England: No objection subject to condition.

Ecology: Awaiting updated phase 1 ecological assessment.

Thames Water: No comments received.

**Environment
Agency:** No comments received.

Land Drainage: No comments received.

Waste Management: No comments received.

Representations: 2 letters of support. 7 letters of objection.

Matters raised in support:

- Proposed conversion is sympathetic and would improve the visual impact of the redundant buildings;
- The Construction Environmental Method statement is sufficient to protect the Site of Special Scientific Interest;
- Building no longer has equine benefit;
- Development is of a limited scale.

Matters raised in objections:

- Access to the site past the property of The Sheiling is unsuitable for additional car movements and deliveries;
- Additional traffic from development along access road which is single lane and used by farm vehicles and race horses using gallops;
- Loss of agricultural land and stables for equestrian rural economy;
- Site next to land where livestock kept;
- Visual impact on Area of Outstanding Natural Beauty and from the Public Right of Way;
- Site is outside the village envelope where development restricted, development here may set a precedent for further development;
- Potential flooding where surrounding land at higher ground level;
- Overlooking by The Beeches and Somerdown House.

4. Policy Considerations

RELEVANT PLANNING POLICIES

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

The statutory development plan comprises:

- The West Berkshire Core Strategy 2006-2026
- Housing Site Allocations Development Plan Document 2006-2026
- The West Berkshire District Local Plan Saved Policies 2007
- The South East Plan 2009 Policy in so far as Policy NRM6 applies
- The Replacement Minerals Local Plan for Berkshire 2001
- The Waste Local Plan for Berkshire 1998

The following Core Strategy policies carry full weight and are relevant to this application:

- National Planning Policy Framework Policy
- Area Delivery Plan Policy 1: Spatial Strategy
- Area Delivery Plan Policy 5: North Wessex Downs Area of Outstanding Natural Beauty
- CS 1: Delivering New Homes and Retaining the Housing Stock
- CS 10: Rural Economy
- CS 13: Transport
- CS 14: Design Principles

- CS 17: Biodiversity and Geodiversity
- CS 18: Green Infrastructure
- CS 19: Historic Environment and Landscape Character

The following Housing Site Allocations policies carry full weight and are relevant to this application:

- C 3: Design of Housing in the Countryside
- C 4: Conversion of Existing Redundant Buildings in the Countryside to Residential Use
- P1: Parking Standards to Residential Development

The saved policies of the West Berkshire District Plan carry due weight according to their degree of conformity with the National Planning Policy Framework. The following saved policies are relevant to this application:

- TRANS.1: Meeting the Transport Needs of New Development
- OVS.5: Environmental Nuisance and Pollution Control

Other material considerations include government guidance, in particular:

- The National Planning Policy Framework 2012
- The Planning Practice Guidance Suite 2014
- Manual for Streets
- Conservation of Habitat and Species Regulations 2010

In addition the following locally and regionally adopted policy documents are material considerations relevant to this application:

- The North Wessex Downs Area of Outstanding Natural Beauty Management Plan 2014-2019
- The North Wessex Downs Area of Outstanding Natural Beauty Position Statements 2012
- East Garston Parish Plan
- Supplementary Planning Document: Quality Design 2006

5. Description of Development

- 5.1 The site is agricultural land with a stable and barn located centrally towards the east boundary. The site is outside of the settlement boundary of East Garston. The site is therefore in the countryside as well as the North Wessex Downs Area of Outstanding Natural Beauty; a national landscape designation. Immediately adjacent to the site to the east and north is a bio-diversity opportunity area and a public right of way.
- 5.2 The application is to convert the stable and barn to a 3 bedroom dwelling with an extension to link the two, and change of use of land from agricultural to residential including an access driveway and private amenity space.
- 5.3 The buildings are single storey and brick built. Including the extension the overall footprint would be 25.4 metres by 4.8 for the converted stable, 4.8 by 10.5 for the converted barn, and 3.4 by 6.4 for the link. The existing buildings are 3.5 metres in height to the ridge. The proposed conversion to the barn would raise the height to 4 metres. There would also be some excavation works to the east of the site to provide level ground.

- 5.4 The external materials are proposed to be clay tile roof, horizontal weatherboarding and render to the walls. The pattern of openings would be similar to the existing buildings, but enlarged, and some additional windows on the north east elevation of the stable building. The whole domestic curtilage, excluding the main part of the driveway access would be approximately 21 by 38 metres with a 1.2 metre post and rail fence.

6. Consideration of the Proposal

PRINCIPLE OF DEVELOPMENT:

- 6.1 Area Delivery Plan Policy 1 of the core strategy directs development to within existing settlement boundaries with consideration to be given to the scale and density of development in relation to the site character and surroundings. The application site is outside the settlement boundary of East Garston. Therefore a new dwelling on this site would normally be unacceptable and contrary to this policy, as well as C1 of the Housing Site Allocations Development Plan Document. However, Policy C4 of the Site Allocations Development Plan Document makes an exception for conversions of buildings to residential use in rural areas. Provided the development meets the criteria of this policy the conversion of the stables and barn may be acceptable in principle.
- 6.2 Policy C4 of the Site Allocations Development Plan Document requires that:
- i. the proposal involves a building that is structurally sound and capable of conversion without substantial rebuilding, extension or alteration.
- 6.3 The stable and barn buildings are brick built and structurally sound. The proposal involves increasing the height of the barn by 0.5 metres, replacing the roofs and cladding the exterior of both barns. The link proposed between the buildings is small in footprint. The pattern of openings to provide windows and doors is similar to those on the existing buildings. The works to convert the buildings are therefore not considered substantial.
- ii. the applicant can prove the building is genuinely redundant and a change to a residential use will not result in a subsequent request for a replacement building.
- 6.4 The planning statement at 4.6 states that “the stable and storage barn are currently and have been redundant and disused for the last 14 years approximately”. An appendix to the planning statement submitted with this application includes a rental agreement dated 19th February 2006 has clause 5 which states the stables/buildings will not be used unless by prior written agreement. It was signed by the hirer on 18th February 2006. The submitted Ecological Assessment undertaken in November 2016 states that the buildings are in constant use as stables. When the officer visited the site as part of the previous application refused in January 2017 the stables were not boarded up, there was horse paraphernalia within the stables and 2 horses were grazing the land immediately to the north and west of the stables.
- 6.5 It cannot be the case that both the stables have been redundant for 14 years at the time of the submission of the application, and at the same time constantly in use at

the end of 2016 / beginning of 2017. It would appear that at some point after the rental agreement was signed there was agreement that the stables could be used and that continued at least until the previous application was refused. Indeed an additional statement from the agent of the previous application advised the horses were stabled, but that this only occurred on cold nights.

6.6 On the site visit for the current application there were no horses grazing the land and the stable building had boards over the openings above the stable doors. It would appear that since the refusal of the previous application, at some point after January 2017 both the agreement for the stables to be used and the use of the fields for grazing has been withdrawn. As such the building and land is currently unoccupied.

6.7 Being unoccupied does not necessarily entail that the buildings are genuinely redundant. The supporting text to policy C4 of the Housing Site Allocations DPD at 4.31 states,

For a building to be considered redundant, it is important that the original use of the building for that purpose no longer exists. If the building is performing an essential function and the conversion will lead to a request that a replacement building be provided elsewhere, now or within the foreseeable future, then the conversion will not be covered by this policy. A subsequent application for a replacement building may well be refused.

6.8 The planning statement at 6.2 II states that “the grazing land and fields can continue to be in use alongside the proposal”. It would appear that the intention is for horses to return to graze the adjacent land. It can be reasonably expected that such horses would be provided with over-night shelter, for which there is none on site currently. It is not conclusive that there would be no subsequent request for a replacement stabling building, and therefore not conclusive that the building is genuinely redundant and meets criteria ii. of policy C4.

iii. the environment is suitable for residential use and gives a satisfactory level of amenity for occupants.

6.9 The proposal meets the Quality Design Guidance for providing a minimum of 100m² garden area. The internal area and height meet the DCLG Housing Standards – Nationally Described Space Standard. The level of amenity for the occupants of the converted dwelling is considered satisfactory. Some of the representations made on the proposal note that the dwelling would be in close proximity to agricultural uses. Environmental Health have been consulted on the application and raise no objections to the conversion to residential. It is therefore considered that the environment is suitable for residential use. The impact of the development on the amenity of adjacent land uses is considered in a separate section below.

iv. it has no adverse impact on; does not affect rural character and the creation of the residential curtilage would not be visually intrusive, have a harmful effect on the rural character of the site, or its setting in the wider landscape.

6.10 The site is not considered well related to the settlement of East Garston. The settlement boundary is to the south, the other side of the railway embankment. All

of the existing properties to the north of this are within the countryside. They are also set more immediately off School Lane, particularly on the east side. The introduction of a residential curtilage set further off School Lane and more removed from existing dwellings is considered harmful in terms of the wider landscape setting. Notwithstanding the proposed curtilage has been kept to a minimum, and the boundary treatments would be relatively open with post and rail fencing of 1.2 metres in height, the introduction of a residential use and curtilage in this location is nevertheless considered to detract from the wider rural setting and Area of Outstanding Natural Beauty.

v. the conversion retains the character, fabric and historic interest of the building and uses matching materials where those materials are an essential part of the character of the building and locality.

6.11 The proposed conversion would alter the existing external appearance in terms of materials. However, the overall form and fabric would be retained and the proposed external materials sufficiently rural in character.

vi. the impact on any protected species is assessed and measures proposed to mitigate such impacts.

6.12 The submitted Ecological Assessment concluded that there was no evidence of protected species on site in November 2016. Given that the stable building at that time was considered by the ecologist to be in constant use as stables therefore had a low bat roost potential, where the building is now boarded an up to date ecological assessment needs to be undertaken. It cannot therefore at this time be concluded that vi. can be met by the proposal.

DESIGN AND IMPACT ON THE CHARACTER OF THE AREA:

6.13 Policy CS 14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. It further states that development shall contribute positively to local distinctiveness and sense of place.

6.14 Policy CS 19 seeks to conserve and enhance the functional components of the landscape character and environment. Particular regard will be given to the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character. Area Delivery Plan Policy 5 seeks to preserve local distinctiveness, sense of place and setting of the Area of Outstanding Natural Beauty.

6.15 As outlined in the previous section the works to convert the stables and barns are considered sympathetic in design and to maintain their existing character. It is the introduction of a domestic curtilage and residential use in this rural location that makes the location of the development unacceptable with regard to the existing settlement pattern and character. The position statements by the North Wessex Downs Area of Outstanding Natural Beauty discuss the domesticating impact of residential uses in the countryside.

- 6.16 The proposed additional landscaping is not considered sufficient to mitigate this impact. It is the case that the site is set at a lower ground level and would not be visually prominent in the landscape from further afield. There is the railway embankment in closer proximity to the site. Otherwise the buildings proposed to be converted are set towards open fields rather than towards the residential houses more immediately off the road. When viewed from the more immediate surrounding fields and public right of way the site and surrounding fields to the north and east are characterised by openness and limited soft landscaping. It is not considered that additional soft landscaping is appropriate given these characteristics.
- 6.17 Furthermore, where the red line of the location plan has been reduced from the previous application to be the north elevation of the stable building the majority of additional landscaping and the fence would not be within the domestic curtilage of the proposed dwelling. There is also concern that the conversion would result in future demand for replacement stables as part of maintaining the remaining paddock land which would increase the built form on the wider site.

IMPACT ON QUALITY OF LIFE:

- 6.18 Planning Policies CS 14 and CS 19 of the West Berkshire Core Strategy are of importance with regard to the potential impact upon neighbouring amenity. Policy CS 14 requires new development to make a positive contribution to the quality of life in West Berkshire.
- 6.19 The separation distance between the proposed dwelling and Somerdowns and The Sheiling is greater than 21 metres identified in supplementary planning guidance under which direct overlooking may occur with directly facing windows. Whilst the properties would be in view of each other there would not be direct overlooking into the properties themselves. Environmental Health have not raised any concerns regarding the change of use to residential in terms of proximity to agricultural land.
- 6.20 The proposed access and driveway would be directly alongside the dwelling of The Sheiling. There would be an impact on the amenity of the occupants of The Sheiling with regard to vehicles and at certain times of day/year their lights passing the property. It is likely the driveway area for The Sheiling would also be used as a passing place where occupants might on occasion be entering or exiting at the same time. However, as the access would only serve one dwelling the number of vehicle movements to and from the site would be low as would vehicle speeds. The impact is therefore not so harmful as to warrant refusal.

HIGHWAYS:

- 6.21 Policies CS 13 of the Core Strategy and TRANS.1 of the Saved Policies of the Local Plan relate to highways considerations. The Council's Highways were consulted on the application and raise no objections. The proposed parking and turning area is sufficient for the size of dwelling and the access width adequate.
- 6.22 Representations were received that the access from the highway before the driveway is jointly owned. No evidence was submitted on this point to confirm whether or not this was the case. Certificate A was completed with the application indicating the whole of the land within the red line to which the application relates was in the sole ownership of the applicant. Were this not to be the case the

application would be invalid for incorrect certificate of ownership and failing to serve notice on all owners of any part of the land to which the application relates.

- 6.23 Waste Management were consulted on the application. They did not comment on this application but previously advised that the bins for the proposed dwelling would need to be taken to the edge of the carriageway for collection.

GREEN INFRASTRUCTURE:

- 6.24 Policy CS 18 of the Core Strategy requires green infrastructure such as tree protection orders and public rights of way to be conserved by development. No comments were received from the Council's Public Rights of Way but they previously had no objection to the proposal.
- 6.25 Some of the objections to the application note that there is an existing access point off the public right of way to the north from the field to the north of the application site. Any works to install a domestic driveway in this location would require planning permission for change of use of land and operational development.

BIODIVERSITY AND GEODIVERSITY:

- 6.26 Policy CS 17 of the Core Strategy requires development to conserve biodiversity. An ecological assessment was submitted with the application but as previously discussed requires to be undertaken afresh given the change in circumstances in the use of the stable building. At present the proposal does not satisfy the requirements of policy CS17.
- 6.27 Natural England have been consulted on the application as the site is just under 170m from the River Lambourn which is a Site of Special Scientific Interest (SSSI) and a Special Area of Conservation (SAC). This is within the SSSI Impact Risk Zone. A Construction Environmental Construction Plan was submitted with the application. Natural England have no objection to the proposal subject to the requirement that the foul sewerage is connected to the mains sewer and not the proposed package treatment plant.

7. Conclusion

- 7.1 The proposed conversion to a dwelling is not considered acceptable in principle where, from the submitted documents with this application and the previous application which is a material consideration, it is not conclusive that the buildings are genuinely redundant and will not result in a subsequent request for replacement stabling. Furthermore, an up to date ecological assessment is required as the building is no longer in constant use as stabling. Where the building is now boarded there is a greater potential for protected species on site. As such the proposal is contrary to policy C4 of the Housing Site Allocations DPD.
- 7.2 The additional landscaping proposed is not considered to mitigate the domesticating impact of the change of use of the building and associated domestic curtilage on the rural character of the area and the AONB.
- 7.3 The ecological impact of the development is only acceptable to Natural England if the foul sewage is connected to the mains and not the proposed package treatment

plant. The impact of the development on highways, waste collection. Public Rights of Way and quality of life are considered acceptable under development plan policies, subject to a condition on parking and turning being provided as per the plans.

8. Full Recommendation

The Head of Development and Planning be authorised to refuse planning permission.

REASONS

- 8.1 Whilst the stables and land are currently unoccupied or used the application fails to demonstrate that the buildings are genuinely redundant and there will not be a subsequent request for replacement stables within the blue line of the location plan. As such the proposed conversion to residential use is contrary to the requirements of Policy C4 of the Housing Site Allocations Development Plan Document.
- 8.2 The proposed residential curtilage would be visually intrusive and have a harmful effect on the rural character of the area and its setting within the wider landscape. The site is further east than the existing pattern of residential development off School Lane and not well related to it. It is set within agricultural land and open to the north and east to the North Wessex Downs Area of Outstanding Natural Beauty. The proposed residential curtilage would introduce a formal garden area and associated domestic paraphernalia into this rural setting, contrary to Policy C4 of the Housing Site Allocations Development Plan Document, and Policies ADPP5 and CS 19 of the West Berkshire Core Strategy 2006-2026.
- 8.3 Insufficient information has been submitted with the application to assess the ecological impact of the proposed change of use and conversion works to the buildings on site to residential use. There may be protected species on site which would be impacted upon by the proposed development. As such the proposed development is contrary to Policy C4 of the Housing Site Allocations Development Plan Document, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.

DC