

Item No	Application and Parish	No.	8/13 week date	Proposal, Location and Applicant
(2)	19/00713/COMIND  Pangbourne		18 July 2019	Section 73A: Variation of condition 2: approved plans, of planning permission 16/01419/COMIND  Bere Court Farm Bungalow Bere Court Pangbourne Reading Berkshire RG8 8HT  Mr Rehman Mohammed

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/00713/COMIND>

**Recommendation Summary:** To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (section 8.2).

**Ward Member(s):** Councillor Gareth Hurley

**Reason for Committee determination:** Call in by Councillor Pamela Bale (Former Ward Member): So that members can see the building which has been constructed, and compare it with the original application for a single storey structure.

**Committee Site Visit:** 10 July 2019

Contact Officer Details	
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## 1. PLANNING HISTORY

1.1 Below is a summary of the relevant and recent planning history of the application site.

1.1.1 Approved application 16/01419/COMIND - Demolition of an existing stable block and farm machinery store and replacement with a new stable block and farm machinery store on the same site. A temporary PVC farm tent has been erected to house the machinery and equipment that was stored in the collapsed stable block. The replacement stable block will be in keeping with the surrounding buildings, the frame will be made out of Oak which will be clad in Oak weather board and handmade reclaimed clay tiles will be used for the roofing.

1.1.2 Refused: 18/01314/COMIND - Retrospective planning for the demolition of an existing stable block and farm machinery store and replacement with a new oak framed barn, farm machinery/tool store and workshop on the same site.

## 2. PUBLICITY

2.1 A site notice was displayed on 23rd March 2019 and expired on 12<sup>th</sup> April 2019.

2.2 The authority has therefore discharged the statutory requirement to publicise applications in accordance with the Development Management Procedure Order.

## 3. CONSULTATIONS AND REPRESENTATIONS

### 3.1 Consultations

#### **Pangbourne**

#### **Parish Council:**

Objection: This application is for the variation of Condition 2, Approved Plans of permission 16/01419/COMIND", however the property has already been built (not in accordance with the approved plans) and the permissions sought are in fact retrospective.

Furthermore, the Council believe that the existing building on site as it stands today has a number of significant differences to those shown on this application (19/00713/COMIND) or as shown as part of the original planning application (16/01419/COMIND). We believe that there are windows, doors and entrances not shown on this plan and it is unclear whether the internal layout matches the plan. A second floor has previously been installed which again is not showing on the plan for this application and the Council feel that this application is unclear. It is felt that the height of the current structure (built higher than the original approved application) is too high for a single storey building. It should also be noted that the building

sits in a visible position in its plot and is not screened from neighbouring properties.

There is no mention of or consideration in this application of recent planning application 18/01314/COMIND which was refused on 18th September 2018.

The Parish Council would request that a site visit is undertaken by officers at West Berkshire Council to assess what has been built before this application is decided.

**Highways:** No highway objections.

**Natural England:** No comment to make on the variation of condition 2.

### 3.2 Representations

3.2.1 No letters of representation have been received.

## 4. PLANNING POLICY

4.1 The statutory Development Plan comprises:

- West Berkshire Core Strategy (2006-2026) (WBCS)
- West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) (WBDLP)
- Housing Site Allocations Development Plan Document (May 2017) (HSA DPD).

4.2 Other material considerations include government guidance, in particular:

- The National Planning Policy Framework (NPPF)
- The Planning Practice Guidance (March 2014) (PPG).
- The Ministerial Statement Planning for Growth (23 March 2011)
- Manual for Streets (DCLG/DfT)

4.3 The WBCS was adopted on 16 July 2012 and carries full weight in decision-making as a development plan document adopted since the publication of the NPPF. The following policies from the WBCS are relevant to this application:

- NPPF Policy
- ADPP1: Spatial Strategy
- ADPP5: North Wessex Downs Area of Outstanding Natural Beauty (AONB)
- CS12: Equestrian/Racehorse Industry
- CS13: Transport
- CS14: Design Principles
- CS 17: Biodiversity and Geodiversity
- CS 19: Historic Environment and Landscape Character

4.4 The saved policies of the West Berkshire District Local Plan carry due weight according to their degree of conformity with the NPPF. A number of policies in the Local Plan have been superseded by policies in the WBCS. The following saved policy from the Local Plan are relevant to this application:

- TRANS.1: Meeting the Transport Needs of New Development
- ENV29: Development involving Accommodation for Horses

4.5 In addition, the following locally adopted policy document is relevant to this application:

- Supplementary Planning Document Quality Design (June 2006)

## 5. DESCRIPTION OF DEVELOPMENT

5.1 The application seeks permission for the varying of condition 2 – approved plans of planning permission 16/01419/COMIND.

5.2 Planning application 16/01419/COMIND was approved by the Council for the:

*“Demolition of an existing stable block and farm machinery store and replacement with a new stable block and farm machinery store on the same site. A temporary PVC farm tent has been erected to house the machinery and equipment that was stored in the collapsed stable block. The replacement stable block will be in keeping with the surrounding buildings, the frame will be made out of Oak which will be clad in Oak weather board and hand made reclaimed clay tiles will be used for the roofing”*

5.3 As the proposal seeks to amend the approved plans that were attached to the approved application, the full condition is shown below for reference:

*The development hereby approved shall be carried out in accordance with drawing nos. 760/PL-01, 760/PL-02, 760/PL-03, and 760/PL-04 received 20th May 2016.*

*Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.*

5.4 The approved building has not been constructed in accordance with the above approved plans and has been built higher than the approved building with the length and width also increased. The breach of planning control was referred to the Planning Enforcement team and investigated accordingly by Officers. Following the planning enforcement enquiry and a site visit on 15 March 2018, it was established that the building had been constructed and fitted as a dwelling including a staircase, first floor living space and 4No roof lights.

5.5 An application to regularise this breach of planning control, was submitted under application 18/01314/COMIND and it was confirmed by the applicant that the building would no longer be used for the keeping of horses, but as a farm machinery/tool store and workshop/commercial purpose as part of a jam making and educational facility. The

proposal also included the planting of an apple orchard within the paddocks. It was also noted that the building had been constructed with glazing to the southern first floor gable, 4No roof lights to the western elevation roof pitch and the addition of a first floor. The application was refused by your Officers under delegated powers.

5.6 The comparisons of the approved building, the building now constructed and the building now proposed as part of his application is addressed in section 6.2.

5.7 The applicant is now seeking to regularize the constructed building by removing some of the unauthorised development to a level that could be acceptable to the Council. To achieve this the Section 73A application seeks to substitute drawing No's 760/PL02 (Site Plan), 760/PL- 03, and 760/PL-04 to allow for the following changes:

- a) A small increase in height of building;
- b) Removal of timber supports to southern elevation (inside);
- c) Increase in door size to southern elevation (inside);
- d) Changes to the internal layout.

## **6. APPRAISAL**

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

- Principle of the development
- The Impact upon the character and appearance of the site and the AONB area - design and appearance
- The impact on the highways (safety and use);
- Other matters
- Community Infrastructure Levy
- The assessment of sustainable development

### **6.1 Principle of the development**

6.1.1 The main considerations relate to whether the varying of condition 2 (approved plans) with regard to the listed changes in Section 5.8 and with reference to the submission of the amended plans should be allowed.

6.1.2 The principle of a replacement private/recreational equestrian stable block has already been established by the grant of planning permission under planning application reference 16/01419/COMIND.

6.1.3 In approving planning application reference 16/01419/COMIND, the application was considered against the relevant planning policies.

6.1.4 Policy CS12 of the WBDLP concerns equestrian development. It states that proposals for equestrian use will be acceptable providing the scale, form, impact, character, siting, and level of activity is in keeping with its location. Policy ENV29 of the WBLP recognises that the local horse riding activities contribute to a diverse

rural economy and that equestrian activities are seen as part of the rural character of the area. It permits the erection of stabling where the proposed building has been designed to blend in with the rural surroundings, and the scale and location of such buildings and their use would not cause a material loss of amenity for the occupants of adjoining properties or other users of the countryside, and there is sufficient space provided the ancillary storage of food, bedding, tack and related equipment on a scale appropriate to the number of horses being accommodated. Sufficient land should also be provided with the stable to accommodate the number of horses. Furthermore, access to and from the highway should be in a location and form which would prevent any hazard to drivers and other users of the highway.

- 6.1.5 The submitted proposed layout is for three stables and a foaling box, this is similar provision as approved under application 16/01419/COMIND.
- 6.1.6 The area of land for the proposed change of use is considered adequate for the three proposed horses. There will also be sufficient storage for the hay and food within the stable. The building has also been revised to reflect a typical stable structure found within the open countryside.
- 6.1.7 In view of the above the principle of development is therefore acceptable.

## **6.2 The Impact upon the character and appearance of the site and the area**

- 6.2.1 The North Wessex AONB has a statutory designation under the Countryside and Rights of Way Act 2000. Section 82 Countryside and Rights of Way Act 2000 confirms the primary purpose of the AONB designation is conserving and enhancing the natural beauty of the area. The Countryside and Rights of Way Act 2000 places a general duty on public bodies to have regard to the purpose of conserving and enhancing the natural beauty of the AONB in exercising or performing any functions in relation to, or so as to affect, land in the AONB. West Berkshire's Policy ADPP5 provides this statutory landscape protection
- 6.2.2 The building is located in a central and sensitive open paddock location.
- 6.2.3 Under the previously refused application reference: 18/01314/COMIND, the applicant proposed to use the building for a jam making commercial /business with alternate educational workshops. The documentation provided confirmation from the applicant that they no longer intended to keep horses at the site. In this latest application before the planning committee, the applicant has stated that they now intend to keep horses on the land, as their circumstances have now changed. Policies CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 are relevant in this instance. Policy CS14 states that new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.

- 6.2.4 The criteria contained within the policy states that development shall contribute positively to local distinctiveness and sense of place. This is achieved by making efficient use of land whilst respecting the density, and character of the area.
- 6.2.5 Policy CS19 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. Proposals for development should be informed by and respond to features identified in various settlement character studies including the Quality Design West Berkshire Supplementary Planning Document, and community documents which have been adopted by the Council such as Parish Plans and Town Design Statements.
- 6.2.6 Taking the above policies into account, the revised stable building is considered to accord with the character of the AONB and its surrounding area. It is small in scale, preserving the rural features of the property and its surrounding area. In addition to this the materials are proposed to match with the existing features within the surrounding area.
- 6.2.7 In view of the above the proposed development will be in accordance with the character and appearance of the AONB, and is in compliance with Policy CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **Design and appearance**

- 6.2.8 The NPPF is clear that good design is indivisible from good planning, it attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and should contribute positively to making places better for people. It emphasises the importance to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings.
- 6.2.9 The NPPF also adds that the visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Great weight should be given to outstanding or innovative designs which raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 6.2.10 Policy CS14 of the WBCS states that new development must demonstrate high quality and sustainable design that relates not only to the appearance of a development, but the way in which it functions.
- 6.2.11 The approved replacement stable block was significantly larger than the small modest stable block demolished on the site and was considered to be at the upper limit of what could be allowed on the site within the AONB. The now completed building has not been constructed in accordance with the approved plans and includes glazing, roof lights and a first floor. The completed building measures 22.7 m in length, 15.3 m in width and 5.9 metres in height, an increase of approximately

2.8 metres in height from the original stable block that was demolished. When compared with the approved replacement stable block, the latest revision will result in an increase in height of approximately 0.6 metres.

### **Comparative table**

	Length	Width	Height
Original approved stables 16/01419/COMIND	20.2 metres	14.6 metres	5.3 metres
Constructed building (Unauthorised)	22.7 metres	15.3 metres	5.9 metres
Current amended building 19/00713/COMIND	20.2 metres	14.6 metres	5.9 metres

6.2.12 As indicated in the above table, the current proposal is to reduce the length and width of the completed building to match the approved length and width, albeit the original verandah feature will be enclosed. The main difference will be an increase in the height to approximately 5.9 metres which is a minor increase of approximately 0.6 metres. The design and overall appearance of the proposed building is considered to accord with the context of the site and its surrounding area. The building will be appropriate in appearance, using materials that match with the existing features of the surrounding rural area.

6.2.13 In view of the above the design and appearance of the proposed development is in compliance with the advice contained within the NPPF, and Planning Policy CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026.

### **6.3 The impact on the highways (safety and use);**

6.3.1 Road safety in West Berkshire is a key consideration for all development in accordance with WBCS Policy CS13.

6.3.2 The Council's Highways Officer was consulted and has reviewed the amended plans. The Highways Officer has raised no objection.

6.3.3 Overall, it is considered that the proposed development would not have a material impact on highway safety and would be provided with sufficient parking. The application is therefore considered to comply with WBCS Policy CS13 and the parking standards as set out within the published HSADPD (May 2017).

## 6.4 OTHER MATTERS

- 6.4.1 The Parish has assessed the approved stable building, the constructed building and the latest submitted plans. In their comments the Parish has stated that:

*“We believe that there are windows, doors and entrances not shown on this plan and it is unclear whether the internal layout matches the plan. A second floor has previously been installed which again is not showing on the plan for this application and the Council feel that this application is unclear. “*

- 6.4.2 For clarity, the plans submitted as part of this application represent the final building to be constructed on the site. If committee members were minded to approve this application, the applicant will be required to make the necessary changes to comply with the approved plans.

## 6.5 Community Infrastructure Levy

- 6.5.1 WBCS Policy CS5 (Infrastructure) states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery.

- 6.5.2 There is no requirement to pay CIL for equestrian development, as such this application is not CIL Liable.

## 6.6 The assessment of sustainable development

- 6.6.1 At the heart of the NPPF is a presumption in favour of sustainable development, the NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision.

- 6.6.2 Social dimension: Social considerations overlap those of environmental in terms of the impact on the visual amenity of the area. As these have been found to be acceptable the development is considered to constitute sustainable development.

- 6.6.3 Economic Dimension: It is considered that the proposal makes no significant contribution to the wider economic dimensions of sustainable development. The broader economic benefit of new equestrian uses is demonstrated.

- 6.6.4 Environmental dimension: With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment the impact on the character and appearance of the surrounding area has been assessed as part of this application. It is considered that the proposed amendments

sufficiently protect and enhance the character and appearance of the AONB area. The environmental considerations have been assessed in terms of amenity and impact on the character and appearance of the area.

6.6.5 For the above reasons it is considered that the proposed development is supported by the NPPF's presumption in favour of sustainable development

## **7. CONCLUSION, PLANNING BALANCE AND RECOMMENDATION**

7.1 The proposed varying of Conditions 2 - approved plans is considered acceptable.

7.2 Having regard to the relevant development plan policy considerations and the other material considerations referred to above, it is considered that the proposed amended stable block will accord with the character and appearance of the area and the landscape protection granted to the AONB. The proposal will not harm the existing character and appearance of the historic farmstead, the surrounding area and how it functions. The proposal will not present a significant impact on existing amenity levels enjoyed by neighbouring occupiers. These considerations carry significant weight and indicate that planning permission should be approved

7.3 This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP5, CS12, CS13, CS14, and CS19 of The West Berkshire Core Strategy 2006 - 2026, Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007) and the National Planning Policy Framework.

## **8. FULL RECOMMENDATION**

8.1 **DELEGATE** to the Head of Development & Planning to **GRANT PLANNING PERMISSION** subject to the schedule of conditions (Section 8.2).

### **8.2 Schedule of conditions**

#### **1. Amendment time limit**

The approved amendments to the constructed stable building hereby permitted shall be carried out within 6 months from the date of this permission.

Reason: To enable the Local Planning Authority to review the desirability of the development against Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006 - 2026 should it not be started within a reasonable time.

#### **2. Approved plans**

The development hereby approved shall be completed in accordance with drawing Nos. 03 and E01 received on 13 March 2019.

Reason: To ensure that the development is carried out in accordance with the submitted details assessed against Policy ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

#### **3. Materials**

The materials to be used in this development shall be as specified on the plans or the application forms. No other materials shall be used unless prior permission in writing has been obtained from the Local Planning Authority in respect of a planning application.

Reason: In the interests of amenity in accordance with the National Planning Policy Framework, Policy CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

#### **4. External lighting**

The external lighting used in the development shall be in accordance with the approved external lighting details approved under discharge of condition application 16/02699/COND1. There shall be no further external lighting to that approved with the permitted condition discharge application unless permission has been granted by the local planning authority in respect of a planning application.

Reason: In the interests of visual amenity and to protect the dark night skies character of the AONB. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP5, CS14, CS17 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006).

## **5. Private recreational equestrian purposes**

Irrespective of the provisions of the Town and Country Planning (Use Classes) Order 2015 (as amended) and any subsequent revision, the application site area and development permitted, shall only be used for private recreational equestrian purposes and shall not be used for any other purpose including commercial riding, liveries, breeding or training or any other non-equestrian use.

Reason: A commercial/business use may not be appropriate for this site. This condition is imposed in accordance with the National Planning Policy Framework and Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

## **6. Spoil removal**

The spoil removal from the site shall be completed in accordance with the approved spoil removal details approved under discharge of condition application 16/02699/COND1. All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that any raising of ground levels on the site will not harm the character and amenity of the area. In accordance with the NPPF and Policies CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.

## **7. No additional floor space including a Mezzanine floor**

Notwithstanding the provisions of either the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that order, with or without modification) and the Town and Country Planning (Use Classes) Order 2015 (as amended) and any subsequent revision, there shall be no internal or external alterations including any mezzanine flooring to increase the floor space, without the permission of the local planning authority in respect of a planning application.

Reason: To retain control over the uses on the site and their intensification, particularly having regard to the limited parking space available and to enable these matters to be assessed against the policies of the development plan. This condition is imposed in accordance with the National Planning Policy Framework Policies CS5, CS13 and CS14 of the West Berkshire Core Strategy (2006- 2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).