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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.)

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(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 cited that Paragraph 4.39 of Policy C5 stated that 'there may be cases where the nature and demands of the worker's role require them to live at or very close to the work place' and this was felt to provide the necessary justification 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.

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- 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.

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- 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:

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- 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.

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- 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.

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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.

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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:

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- 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.

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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.

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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

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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.

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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