

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	19/02517/HOUSE Bucklebury	12 th December 2019	Retrospective in part - Distributary channel with foot bridge; Two storey extension replacing single storey extension; Restoration of Mill Barn; Oak framestore; Partial demolition of outbuilding. River Barn, Marlston Hermitage, Thatcham, Berkshire, RG18 9UX Dr and Mr Mitchell

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=19/02517/HOUSE>

Recommendation Summary: The Head of Development and Planning be authorised to REFUSE planning permission.

Ward Member(s): Councillor Graham Pask

Reason for Committee Determination: Called-in by Councillor Pask

Committee Site Visit: 22nd January 2020

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for a number of proposed developments at River Barn, a residential property in Marlston Hermitage. The proposed developments include:
- Two storey extension to dwelling, replacing an existing single storey extension;
 - Restoration of the mill barn (former mill building, now within curtilage of River Barn);
 - Erection of an oak frame store;
 - Partial demolition of an existing outbuilding;
 - New distributary channel to the River Pang, with footbridge over.
- 1.2 The site is situated in Marlston Hermitage which does not have a defined settlement boundary and is therefore considered to be “open countryside” in terms of policy ADPP1 of the Core Strategy. The site is within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and is visible from footpaths Bucklebury 13/1 and Bucklebury 102/3.
- 1.3 This site is accessed from Brocks Lane. Until recently, the site was screened by vegetation which has since been semi-cleared and a post and rail fence has erected along some of the site boundary. No direct public transport links pass by the site at this present time near the site, however, considering the rural location of the site this is not unusual.
- 1.4 On site is the dwelling known as River Barn, a single storey blockwork outbuilding adjacent to the river, the old timber frame mill barn, a greenhouse and other outbuildings of differing sizes. The old mill barn and River Barn are both considered to be non-designated heritage assets.
- 1.5 A storage building has been erected to the north west of the site behind the old mill barn. The planning department do not have record of a planning application or lawful development certificate for this structure. This building does not form part of this current proposal and has been erected without any formal application to the Council.
- 1.6 The old mill already has planning permission to be restored (reference 19/00907/HOUSE), although the same proposals form part of this application. Members should be aware that water wheel is outside of the red line and therefore cannot be considered as part of this application (the Environment Agency’s position is predicated on this basis). No application or lawful development certificate has been forthcoming in regards to works to the water wheel.
- 1.7 Works have begun on the proposed store building, which was also granted planning permission under application 19/00907/HOUSE.
- 1.8 Work has also begun on distributary channel, and therefore this part of the application is partly retrospective. The relocation of the greenhouse has also already been undertaken and so is retrospective.
- 1.9 A fence and gate have been erected at the entrance of site. A rustic post and rail ‘Sussex’ fence runs along the hedge line boundary to a close boarded fence which secures the new gate. This was covered by application 19/00907/HOUSE.
- 1.10 Close-boarded fencing has been erected to the south east of the site, the planning department do not have record of a planning application or lawful development certificate for this fencing. It would appear that this fence is above 1 metres and is

adjacent to the highway and therefore, requires planning permission. Close board fencing to the south east of the site does not form part of this application.

- 1.11 There has also been the creation of a second vehicle access to the south of the site. It is considered that the works are likely permitted development, however, no lawful development certificate application has been received. The creation of the second vehicular access and hardstanding does not form part of this application.
- 1.12 Permission is also sought for the relocation of a greenhouse and the partial demolition of an outbuilding.
- 1.13 The proposed mill barn at River Barn has been the subject of recent partial roof collapse. The south west end of the proposed mill barn is still standing and has some of original mill equipment in situ. Once restored the mill barn would measure approximately 11.2m x 7m and has a ridge height of approx. 7.3m.
- 1.14 The proposed store will be located on the site of a previous oak framed barn which was removed. The new store will be made from brick and oak with handmade clay tiles. The store is approximately 7.4m by 5.2m and has a ridge height of approximately 4m.
- 1.15 The original dwelling (as defined by the Town and Country Planning (General Permitted Development) (England) Order 2015) is considered to be south-west bay (timber frame) / garage bay, central bay and north-east bay (brickwork). The footprint area of the original dwelling is approximately 81 m². The proposed extension would be approximately 89 m² which would bring the total new proposed footprint to approximately 170 m². The proposed length of the extension from the original dwelling is approximately 15.20 m, and the width of the proposal extension varies from approximately 4 m to 7 m.

2. Planning History

- 2.1 The table below outlines the relevant planning history of the application site.

Application	Proposal	Decision / Date
19/02018/COND1	Application for approval of details reserved by Condition (5) Heritage Condition - detailed method, (6) Heritage Condition - samples and schedule (7) Heritage Condition - sample area of brick , (8) Heritage Condition - weatherboarding reuse and (9) Written scheme of investigation of previous application 19/00907/HOUSE: Oak frame and brick store to replace similar building burnt down many years ago. Restoration of partially collapsed mill barn. Gates and fencing.	Approved and Discharged 2019
19/01307/HOUSE	Two storey side extension replacing single storey extension. Relocation of greenhouse and partial demolition of outbuilding.	Withdrawn 2019
19/00907/HOUSE	Oak frame and brick store to replace similar building burnt down may years ago. Restoration of partially collapsed mill barn. Gates and fencing.	Approved 2019

2.2 Under 19/02018/COND1 all pre-commencement conditions have been discharged.

3. Procedural Matters

- 3.1 **EIA:** Given the nature and scale of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Site notices were displayed on 30.10.2019 at entrance to River Barn and by the beginning of footpath Bucklebury 13/1 on Brocks Lane. The deadline for representations expired on 20.11.2019.
- 3.3 **CIL:** Community Infrastructure Levy (CIL) is a levy charged on most new development to pay for new infrastructure required as a result of the new development. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). Initial assessment, based on the CIL PAIR form, indicates that the CIL liability for this development will be CIL liable. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Bucklebury Parish Council:	No objection – It was agreed that the issues concerning glazing, raised in application 19/01307/HOUSE (which was withdrawn) have been addressed, in this application, to the satisfaction of Bucklebury Parish Council.
Highways Authority:	No comments.
Conservation Officer:	<p>Objection – This application (which is retrospective in part) is for a distributary channel with foot bridge; two storey extension replacing single storey extension; restoration of Mill Barn; and a replacement oak framestore.</p> <p>The restoration of Mill Barn, and the replacement oak framestore have already been granted permission under application 19/00907/HOUSE (Replacement oak frame and brick store and restoration of partially collapsed mill barn). I therefore have no further comments to make on these aspects.</p> <p>I understand that this application has been submitted as the applicant would like the heritage benefits that the</p>

	<p>restoration of the unlisted Mill Barn will bring to be weighed against the harm caused by the proposed extension (which I note was subject to a recently withdrawn application – 19/01307/HOUSE).</p> <p>The restoration of the dilapidated non-listed mill barn will bring about heritage benefits, however, the amount of weight that can be attached to this is not as great as it would be if the building were listed. The proposed extension would create a wing that would be out of proportion with the scale and character of this modest dwelling. Forming a visually dominant, rather than subservient, addition to the building, which would not only harm the character of the dwelling, but also the rural character of the AONB.</p>
CPRE:	<p>Supports – The setting of this somewhat historic building with its associated Water Mill barn in the AONB is very important. The proposed plans have been carefully worked out to preserve this setting with the to be restored Mill barn. The proposed extension to the south will have no impact on this setting and has been carefully scaled to have little impact on the landscape, as indicated in the sketch picture. Removal of the large blockwork workshop in between beside the river as proposed is essential in this regard and should be made a condition, by the time of sign off/permanent occupation of the dwelling.</p>
River Thames Society:	<p>No comment.</p>
North Wessex Downs AONB:	<p>No objection to outbuilding removal but objection to dwelling extension.</p> <p>The AONB unit would object to the proposed changes to the house which would see only a third of the current building retain and a massive extension proposed that would more than triple the size of the original. The character of the building would be lost. The extension would run parallel with the road frontage which would appear bulky and overbearing to users of the highway, thus suburbanise this rural intimate lane to the detriment of the scenic and natural beauty of the AONB.</p> <p>Core policy CS14 states Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. The proposed development would fail to comply with this core thread in addition to policy CS19 (b) in particular). The multiple new windows in particular the large double height opening on the altered south west elevation would result in considerable light spill into what is a dark environment. Dark skies are a special quality of the AONB and should be conserved by avoiding new external lighting and additional light spill from windows. Tinting the glass would take the</p>

	edge off but would not alter the impact of the large opening in open countryside.
Archaeological Officer:	No objection if condition accepted.
Rights of Way Officer:	No comments received.
West Berks Ramblers:	No comments received.
Environment Agency:	No objection.
British Gas:	No comments received.
Lead Local Flood Authority:	No comments.
Canal and River Trust:	No comments.
Natural England:	No comments.
Environmental Health:	No comments received.
Ecological Officer:	Objection – No phase one ecology survey presented.
Tree Officer:	Objection – No tree protection measures have been provided for the existing trees and hedges within the site to protect from new construction works. Details of the existing trees in close proximity to Mill Barn, tree protection and any remedial works to the nearest trees have not been provided. Object to the distributary channel and extensive clearing of riverbank vegetation, trees and shrubs. The clearance of this section could have long term effects and disturbance to the balance of water flow in the locality and within the designated NWDAONB which are not adequately addressed in the ‘additional environmental aspects’ statement.

Public representations

- 4.2 Representations have been received from 15 contributors, 15 of which support, and 0 of which object to the proposal.
- 4.3 The full responses may be viewed with the application documents on the Council’s website, using the link at the start of this report. In summary, the following issues/points have been raised:
- Sympathetically respects the historic building on the site.
 - Concern if proposal is not approval there will be a loss of a heritage asset.
 - Making the site fit for habitation.
 - The restoration of Mill Barn and its waterwheel will in be a benefit for the whole community in that a crumbling historic structure which would otherwise disappear will be brought back to working condition.

- The house either needs knocking down and starting again or a complete makeover. The plan to do this and extend it makes sense to make it habitable for the 21st Century and can only improve the area. The extension will allow the existing structure to remain, which is an old-style wood framed build, allow much needed light into the house with better sized rooms and improve the visual appearance of the premises.
- Creation of a new wildlife habitats and other ecology benefits.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C6 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5 and TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2014-19
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- WBC Sustainable Drainage Systems SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of proposed extensions
- Principle of new distributary channel
- Character, appearance, and conservation of the AONB
- Trees and landscape
- Heritage
- Permitted development removal and fall-back position.
- Ecology
- Flood risk

Principle of proposed extensions

6.2 River Barn is located outside of, and remote from, any defined settlement boundary and is located within the “open countryside” in terms of Core Strategy Policy ADPP1. The site is also within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP1 states that only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Recognising the area as a national landscape designation, Policy ADPP5

states that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty.

- 6.3 In this context of restraint, Policy C1 from Housing Site Allocations DPD gives a presumption against new residential development outside of the settlement boundaries. This presumption against development is subject to a number of exceptions, one of which is the extension of existing dwellings in the countryside where the proposal complies with the criteria of policy C6.
- 6.4 Policy C6 states that there is a presumption in favour of proposals for the extension of existing permanent dwellings. An extension or alteration will be permitted providing that:
- i. the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
 - ii. it has no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
 - iii. the use of materials is appropriate within the local architectural context; and
 - iv. there is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.
- 6.5 An in-depth consideration has been given to this proposed development and it is considered not to be compliant with policy C6 because the proposed does not meet criteria (i) and (ii). Consequently, the development conflicts with the aforementioned policies of the development plan (ADPP1, ADPP5, C1 and C6) as a whole.

Principle of new distributary channel

- 6.6 Whilst there are no specific policies in the development plan that relate to the creation of a distributary channel to a river, the above policy of restraint also applies to other development in this location, and policy CS18 of the West Berkshire Core Strategy states that the district's green infrastructure will be protected and enhanced (the definition of "green infrastructure" includes waterways). As such, the principle of creating a new distributary channel is considered acceptable provided it demonstrably complies with policy CS18, as well as respects the character and appearance of the area (policies CS14 and CS19), does not have adverse effects on flood risk, and does not adversely affect conserves and/or enhances local ecology (policy CS17).

Character, appearance and conservation of the AONB

- 6.7 Part of current proposal includes an extension to the existing dwelling. The footprint area of the original dwelling is approximately 81 m². The proposed extension would be approximately 89 m² which would bring the total new proposed footprint to approximately 170 m². The proposed length of the extension from the original dwelling is approximately 15.20 m, and the width of the proposal extension varies from approximately 4 m to 7 m.
- 6.8 Whilst it is noted a residential link has been proposed in an attempt to give the appearance of subservience, officers disagree that the residential link between the original dwelling and extension addresses the issues of subservience because the design of the proposed extension as a whole is not subservient to the original dwelling, fundamentally owing to its considerable size. The original dwelling has a volume of 474 m³ and the proposed extension would increase the volume of the dwelling to 1003 m³.

This is a significant increase in built form and effectively gives the appearance of a second dwelling.

- 6.9 Policy C6 (i) states that the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling. Notwithstanding attempts to articulate the extension, its considerable size is such it is considered the proposed extension is not subservient to the original (or existing) dwelling. The length of the proposed extension unbalances the original dwellings design. The proposed extension would create a large wing that would be out of proportion with the scale and character of this modest dwelling and would be visually dominant within the North Wessex Downs AONB. The proposal therefore conflicts with policy C6 (i).
- 6.10 The existing modest dwelling sits comfortably within a generous plot. This has historically meant that the dwelling is relatively inconspicuous amongst the garden vegetation and surrounding trees. The proposal would change this relationship between the dwelling and the plot.
- 6.11 Policy C6 (ii) states the development should have no adverse impact on: the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape. It is clear from Google Street View, and previous case officer's site photographs from Summer 2019, that the curtilage was previously heavily vegetated and there was no access to the south of the site except for a small overgrown pedestrian gate. There has recently been a significant amount of vegetation clearance and the creation of a new vehicular access and hard surfacing. Whilst these works appear to either be not 'development' or be permitted development, together with the proposed extension they would result in a substantial change to the character of the site that would significantly urbanise the vicinity, and therefore detract from the rural character of the area. The impact on views along Brocks Lane are localised to the stretch of road alongside the property, but within this stretch the impact is substantial because of the length and height of the extension alongside the road.
- 6.12 There are also long-distance views of the site from west and south-west, including on two public footpaths (Bucklebury 13/1 and Bucklebury 102/3). As rural public rights of way, these are highly sensitive receptors for any views. From these views, the current house and mill barn are relatively inconspicuous and in keeping within the landscape. Although it is agreed that the outbuilding is not a positive feature, its height and form is such that it remain relatively inconspicuous within the landscape. From these views, the length of the proposed extension would be highly visible, conspicuous and its scale out of keeping. The partial demolition of the outbuilding is a small benefit, although the benefit is not as great as the harm from the proposed extension, particularly given that it is single storey.
- 6.13 The AONB Partnership object on essentially these grounds. They continue to raise concerns with the potential light spill from the proposed glazing and the adverse impact on the AONB's characteristic dark night skies. Overall, they consider the proposed development does not conserve or enhance the AONB. It is recognised that the level of glazing has been reduced from the withdrawn scheme, but there would still be a significant impact under the current proposals.
- 6.14 Therefore, the scale of the proposal is not subservient to the original dwelling (or even the existing extended dwelling) in terms of its volume, length and footprint. It is essentially doubling the size of the existing house. It is noted that the design rationale seeks to use a barn-style form, with modern materials to contrast with the age of the original property. However, this does not overcome the substantial harm associated with the scale and prominence of the proposed extension.

- 6.15 The proposed mill barn restoration and new store would remain subservient to the original dwelling in isolation of other developments. Both the mill barn and store have been designed to be in character with the existing dwelling. The existing dwelling is reflective of a farm cottage. Historically, River Barn has been a farm and there have been outbuildings on the site since 1878. However, at the present time many of these buildings have fallen into disrepair and fallen down. Restoring the mill barn would strengthen River Barn's historic character and re-establish its past milling culture. The proposed store would also be considered to be in keeping with the character of River Barn because it is rustic in appearance and the materials match the proposed mill barn. Both proposed buildings share similar materials to the original dwelling house.
- 6.16 It should be noted that that the mill barn and proposed store would not be overly visible in the wider context of the AONB landscape because there is vegetation screening to the west of the site. Under application 19/00907/HOUSE, it was found that the store would lead to an increase in built form in the countryside which would be marginally harmful to the AONB landscape. However, the restoring of the old mill building is considered positive and the proposed store is needed to dry panels for the restoration of the old mill barn. Therefore, it is considered in these circumstances an increase in built form would only be marginally harmful to the wider countryside but have a direct enabling effect on the restoration of the mill barn. However, under the current application the considerable additional increase of built form is considered to be majorly harmful to the character and appearance of the area, and by extension fail to conserve the special qualities of the North Wessex Downs AONB.
- 6.17 Significant clearing has taken place to create the retrospective distributary channel with footbridge. This has effectively opened up the site and made urban features more visible from public viewpoints. No landscaping scheme has been submitted therefore no comment can be made on how the site will recover from the clearance.
- 6.18 For the reasons detailed above, the proposal will cause significant harm to the character and appearance of the area, and thereby fail to conserve the North Wessex Downs AONB. Therefore, the proposal is considered not to be compliant with policies C1, C3 or C6 of the Housing Site Allocations DPD (2006-2026) and policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).
- 6.19 NPPF paragraph 172 states great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited.
- 6.20 According to the North Wessex Downs AONB Management Plan 2019-2024, key issues with the potential to have significant influence on the AONB's Development Special Qualities include (amongst others):
- New large free-standing dwellings as replacement dwellings in the open countryside. [Although the proposal is for an extension rather than a replacement dwelling, the principle is considered relevant]
 - The loss of rural character through suburbanising influences from new development (new fencing, lighting, signage, parking areas, paved footpaths, loss of native hedgerows and creation of new garden areas).
 - Impact on dark skies and tranquillity of high-powered external lighting, especially where poorly directed or in an exposed location (not usually subject to planning control).
- 6.21 The proposed extension would cause significant harm to the AONB open countryside for the above reasons and because of the conflict with the above key issues. Great weight is given to significant harm the proposal would cause to the AONB landscape.

Trees and landscape

- 6.22 A significant amount of vegetation clearance has taken place. Whilst this does not need planning permission, it has changed the character of the site, and made any new proposed development more conspicuous in the landscape. Core Strategy Policy CS14 states 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. Considerations of design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality. Development shall contribute positively to local distinctiveness and sense of place. Development proposals will be expected to make efficient use of land whilst respecting the density, character, landscape and biodiversity of the surrounding area. The landscaping of the site as part of this application is therefore a relevant planning consideration.
- 6.23 As set out above, the scale of the development is not considered to be subservient which has led to an unacceptable visual impact. Soft landscaping would not be sufficient to overcome this fundamental concern.

Heritage

- 6.24 It is noted from the letters of support that the mill barn is of local importance. It should be recognised as a non-designated heritage asset. In 19/00907/HOUSE, the conservation officer originally raised concerns in regards to brick work and elm weatherboarding ratio. During that application, amended drawings were received to address these concerns. These are the same amended drawings which have been submitted with the current application. The restoration of the mill barn would bring some heritage benefits. However, the weight attached to this benefit needs to be weighed with other material considerations.
- 6.25 In addition, the cottage at River Barn is also considered to be a non-designated heritage asset. The conservation officer found that the proposed extension would create a wing that would be out of proportion with the scale and character of this modest dwelling. Forming a visually dominant, rather than subservient, addition to the building, which would not only harm the character of the dwelling, but also the rural character of the AONB.
- 6.26 While it is noted that mill barn and the cottage are of local importance they do not benefit from being listed and therefore do not benefit from the same statutory protections or legislation as heritage assets with listed status. Both non-designated heritage assets fall within the scope of policy CS19 of the Core Strategy and specifically paragraph 197 of the NPPF.
- 6.27 Paragraph 197 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 6.28 It is considered that some weight could be given to the benefit of restoring the mill barn. However, it should be noted that the proposed restoration has planning permission which has been implemented, and critically is not dependent of the proposed extension. The store building is considered to be nearly completed. However, it should be noted that the Council's photos show that the mill barn structure has not been secured and has partially collapsed since planning permission was granted. It is therefore not appropriate to justify a harmful extension based on the benefits of the restoration.

- 6.29 The restoration of the water wheel cannot be considered as part of this application as it is outside of the red line application site. Therefore, there is no planning mechanism which can secure the restoration of the water wheel and it does not form part of the planning balance.
- 6.30 On the other hand, moderate weight could be given to the harm that will be caused to River Barn by the proposed extension, as identified by the conservation officer.
- 6.31 On a separate matter, further plans have been submitted in support of the application which appear to show the historical footprint of farm buildings which were present in 1912. It should be noted the majority of the buildings shown no longer exist on the site. In addition, no information has been provided on the volume and scale of the historical built form. It is considered that the 1966 layout plan does not match the Council's historical maps and aerial photography. On the Council's historical 1962 map, the only buildings shown match those shown in the existing site plan.
- 6.32 Historical development on the site in 1912 are considered to be agricultural buildings which formed part of a farm. Agricultural buildings are generally considered to be sympathetic to the open countryside and AONB as a worked landscape. The current proposal relates to intensification a domestic and residential use which is not considered sympathetic to the open countryside and AONB. The agricultural use and buildings on this site no longer exist and have not existed since 1 July 1948, this being the "appointed day" for the Town and Country Planning Act 1947.
- 6.33 Regardless on the above points, it is a long been establish through planning case law that where the use relied upon a building in order to operate, the use could not survive the destruction of the building. The historical agricultural buildings shown on the 1912 maps have been demolished and with that the use of these building have not survived. The Council's historical 1962 map and aerial photography from 1976, 1989, 1991, 1993, 1996, 1999, 2003 and 2010 demonstrate that the only buildings visible match those shown in the existing site plan (namely mill barn, river barn and outbuilding). They also demonstrate that the site has a long-established character and that there has been minimal domestication / urbanisation of the site and surroundings in over 50 years.
- 6.34 Therefore, the additional information purporting to show the historical footprint of farm buildings is not considered to amount to an overriding material consideration to the current application. Accordingly, little if any weight is given to this additional information. The proposal would result in significant and demonstrable harm and conflict with the development plan, and this information does not alter that conclusion.

Permitted development and fall-back position

- 6.35 Within the planning statement it is stated that '*The existing blockwork outbuilding could be used (subject to Building Regulations only) for domestic residential use at present. In addition Permitted Development rights still exist for the house which would allow a 4m deep rear extension. This would be uncontrolled in terms of appearance. The retention of the outbuilding would offer no relief from its appearance or its impact on the immediate environment.*' This statement is considered to be incorrect for two reasons.
- 6.36 Firstly, under The Town and Country Planning (General Permitted Development) (England) Order 2015, extensions in the AONB are not allowed if (amongst others):
- It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
 - If the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse;

- If the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

6.37 Therefore, the scope for developments in this location would be considerably restricted under permitted development.

6.38 Secondly, under 19/00907/HOUSE it was considered necessary to regulate further development on this site because there is a risk that overdevelopment could occur and this would have a negative impact on the AONB. It was agreed with the applicant that permitted development rights would be removed on this site. Removal of permitted development rights is undertaken in the interests of visual amenity and to avoid the overdevelopment and an unacceptable increase in the level of visual impact of on the North Wessex Downs Area of Outstanding Natural Beauty.

6.39 It was the stated intention of the applicant to hold off implementing 19/00907/HOUSE in order not to trigger the removal of permitted rights. However, all pre-commencement conditions have been discharged under application 19/02018/COND1 and material operations have taken place in relation to the store building consented under 19/00907/HOUSE. The storing building is now near completion. Consequently, application 19/00907/HOUSE has been implemented and therefore PD rights have now been removed for this site.

6.40 Therefore, the site does not benefit from domestic permitted development rights. Consequently, there is no valid fall-back position that should be considered as part of this application. Irrespective of this, the scope for extensions and outbuildings is significantly curtailed within the AONB, so there would have been no permitted significant extensions that could be permitted development and would have altered the above conclusions.

6.41 It has been noted that, in further correspondence, a second fall-back position has been proposed. This concerns the demolition of the old mill barn and River Barn Cottage, and replacement with a new dwelling. Officers are unlikely to support the removal of two non-designated heritage assets because it is likely to be against local and national planning policies. Therefore, this fall-back position is considered not to a practical or realistic. In any event, any such proposal would require planning permission and the policy parameters for replacement dwellings are comparable to those extensions in the countryside.

Ecology

6.42 A phase one ecology survey has been requested by the Council's ecologist. This information has not been provided.

6.43 A bat survey has been provided but the Council's ecologist found that *'The site/existing dwelling has been said to be in the Bat survey report as being low potential for bats, we disagree with this assessment and think that given the quality of the surrounding feeding and commuting habitat and the roosting opportunities offered for bats that a further 2 bat surveys should have been undertaken. Additionally the temperature at the end other the solitary emergence was 11 degrees centigrade which is only 1 degree above what is acceptable (10°C) survey minimum. The implications of this are that the bats that could be based there or use that roost some of the year may not have emerged from hibernation by this point so early into the survey season (survey undertaken on the 4th of May with the survey season starting on May the 1st), meaning that further bat surveys should have been undertaken when all these factors are taken into account.'*

6.44 It is noted the applicant's ecologist suggests the surveys could be conditioned. However, the council disagrees that ecology surveys could be surveyed because in the

Government Circular 06/2005 on Biodiversity and Geological Conservation states in paragraph 99 that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. There are no exceptional circumstances presented with this application to justify surveys being conditioned. It is considered that there is reasonable likelihood of the species being present and affected by the development. Therefore, it is reasonable to request a phase one ecology assessment to be undertaken.

- 6.45 The EA originally raised concerns on the basis of insufficient ecology information, but in a second response they have withdrawn their original objection. The EA found while this is not the optimum time of year to carry out ecological surveys including for water voles, they accept the findings and opinion of the applicant's ecologist and for the issues within their remit they do not consider that a more detailed ecological survey is necessary. However, the Council's Ecologist still insists on the phase one ecology assessment in order to fully assess the ecology matter within the planning remit, which extends beyond the River Pang.
- 6.46 The EA may have granted a permit but this is separate from planning permission. Planning permission and environmental permitting are different legal frameworks. A decision for planning permission and EA permitting may be granted or refused according to their respective legal requirements. They are often sorted in tandem. However, the granting of an EA permit does not necessarily overcome planning concerns or requirements as set out in planning legal and policy framework. The EA remit concerns the River Pang and on the proviso that the water wheel does not form part of this application, they have withdrawn their objection.
- 6.47 The Council's ecologist finds more information is needed from the applicant in regards to the wider ecological habitats on site (other than the bat survey report), given the proximity to the River Kennet SSSI and other strong ecological features ecologists insist on an extended phase one habitat survey undertaken by a suitably experienced and qualified ecologist at the correct time of year. This may lead to further surveys needing to be undertaken depending on the findings before this application can be approved. Policy CS 17 of the West Berkshire Core Strategy gives a policy basis for the above requirement.
- 6.48 Without the forthcoming information, the ecologist upholds their objection as it will not be possible to assess the impact of the proposal on ecology as a whole:
1. Insufficient ecology surveys, including an extended phase one survey, further bat surveys, and likely additional detailed surveys arising from the phase one (such as water vole, reptile, and otter);
 2. Insufficient information to demonstrate how the proposal to achieve net gains in biodiversity, particularly given the recent vegetation clearance that has taken place on the site;
 3. The absence of a Modular River Survey / MoRPh undertaken and subsequent report to gauge whether an acceptable net gain can/has been achieved for the affected stretch of chalk stream watercourse (a priority habitat) that potentially hosts valuable invertebrate species assemblages.
- 6.49 It is noted that the distributary channel with footbridge has been proposed to offer a benefit in the planning balance against the harm caused by proposed extension, but without evidence to support this contention, little if any weight can be given to such benefits. Moreover, implementation of the distributary channel with footbridge is not dependent on the implementation of the proposed extension.

Flood risk

- 6.50 Although the application site is located adjacent to the River Pang, and there are areas of elevated flood risk surrounding the site, the area of development itself lies within EA Flood Zone 1, which has the lowest probability of fluvial (river/coastal) flood risk. Neither the EA nor the Lead Local Flood Authority object on flood risk grounds.

Other Matters

- 6.51 The applicant submitted further photos to the Council on 04.02.2020. The case officer advised these pictures were of development which is not included in the application's description of development and so fall outside the scope of this application. The applicant agreed by email that these photos were not of development which formed part of this application. Therefore, the developments in these photos are not considered a part of this proposal. However, it has been noted that these developments were erected after permitted development rights were removed and so these have been carried out without the required planning permission. These unauthorised developments do not have any bearing on this recommendation.

7. Planning Balance and Conclusion

- 7.1 The proposal is not compliant policy C6 because the proposed does meet criteria (i) and (ii). The proposed extension represents a severe conflict with policy C6, and by extension the associated policies which provide for only appropriate limited development in the AONB open countryside. This conflict attracts substantial weight in the planning balance. The failure to respect the character and appearance of the area, and conserve the AONB also attracts great weight. The net impact on the heritage of the site is negative due to the harmful impact of the extension on River Barn.
- 7.2 Whilst not objectional in their own respects, the new tributary and restoration of the old mill are not depended on the proposed extension to the existing dwelling. The weight to be given to the benefits that the tributary and restoration of the old mill would bring are limited by comparison to the identified conflict and harm.
- 7.3 Ecological benefits have been promoted by the applicant as benefits to the proposal that can be weighed in the planning balance. Fundamentally, any ecological benefits that may arise from the works to the River Pang are not dependent upon the proposed extension. Furthermore, whilst there is no objection in principle to these works, insufficient information has been provided to demonstrate any benefits, or indeed that no harm would arise. Without the required ecological surveys, national policy is clear that planning permission should not be granted.
- 7.4 Consequently, these limited benefits are significantly and demonstrably outweighed by the policy conflict and significant harm the proposed extension would cause to the open countryside and AONB. The proposal would lead to an overly urbanised site which would be visible in the wider NWD AONB landscape. Therefore, this application should be recommended for refusal.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

1. Development plan, character and appearance, AONB, heritage

The application site is located in open countryside within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). According to Core Strategy Policy ADPP1, development in West Berkshire will follow the existing settlement pattern, and only appropriate limited development in the countryside will be allowed. Core Strategy Policy ADPP5 recognises the sensitivity of the area as a national landscape designation.

In this context Policy C1 of the Housing Site Allocations (HSA) DPD states that there will be a presumption against new residential development outside of the settlement boundaries. Exceptions to this include extension of existing dwellings within the countryside, and policy C6 provides qualifying criteria for where extension of existing dwellings within the countryside will be permitted. The proposed development fails to comply with Policy C6 for the following reasons:

The size (particularly the scale, length and footprint) of the proposed extension is not subservient to the original (or existing) dwelling and is not considered to be designed in character with the existing dwelling. Therefore, the proposed development fails to comply with criteria (i).

The length and scale of the proposed extension unbalances the appearance of the original dwelling. The proposed extension would create a wing that would be out of proportion with the scale and character of this modest dwelling and would be visually dominant within the North Wessex Downs AONB. Therefore, the proposal has an adverse impact on the setting of the existing building and local rural character. The extension would have adverse impact on the original dwelling which is considered to be of historical interest and a non-designated heritage asset. The proposal would lead to visually dominant built form viewable from nearby public footpaths (Bucklebury 13/1 and Bucklebury 102/3) leading to adverse landscape and visual impacts within the AONB landscape. Therefore, the proposed development fails to comply with criteria (ii).

As the proposal fails to comply with Policy C6, by extension it fails to qualify as appropriate limited development in the countryside, contrary to the aforementioned policies as a whole. Owing to the identified adverse impacts, the proposals also fails to comply with the National Planning Policy Framework, Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026, and Policy C3 of the Housing Site Allocations DPD 2006-2026.

2. Insufficient information on ecology

Insufficient information has been provided with respect to the ecological impacts of the development. Specifically:

- a) Insufficient ecology surveys have been submitted, including an extended phase one survey, further bat surveys, and likely additional detailed surveys arising from the phase one (such as water vole, reptile, and otter);
- b) Insufficient information to demonstrate how the proposal to achieve net gains in biodiversity, particularly given the recent vegetation clearance that has taken place on the site;
- c) The absence of a Modular River Survey / MoRPh undertaken and subsequent report to gauge whether an acceptable net gain can/has been

achieved for the affected stretch of chalk stream watercourse (a priority habitat) that potentially hosts valuable invertebrate species assemblages.

Accordingly, the application is contrary to the National Planning Policy Framework, Policy CS17 of the West Berkshire Core Strategy 2006-2026, Circular 06/2005 on Biodiversity and Geological Conservation, and the Wildlife and Countryside Act 1981.