

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	21/00412/FUL Chieveley Parish	20 th April 2021 ¹	Change of use of Hazelhanger Farm from a guesthouse (use class C1) to a dwellinghouse (use class C3) Hazelhanger Farm, North Heath, Chieveley Mr and Mrs Abbott
¹ Extension of time agreed with applicant until 14 th June 2021			

The application can be viewed on the Council's website at the following link:
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=21/00412/FUL>

Recommendation Summary: To **DELEGATE** to the Head of Development and Planning to **GRANT PLANNING PERMISSION** subject to conditions

Ward Member(s): Councillor Hilary Cole
Councillor Garth Simpson

Reason for Committee Determination: Called in by Councillor Cole as it is considered that this is a damaging abuse of agricultural permitted development rights.

Committee Site Visit: 3rd June 2021

Contact Officer Details

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1. Introduction

- 1.1 This application seeks planning permission for the change of use of Hazelhanger Farm from a guesthouse (use class C1) to a dwellinghouse (use class C3).
- 1.2 The application site is located within a small cluster of buildings which are situated outside of any defined settlement boundary and within the North Wessex Downs Area of Outstanding Natural Beauty. It consists of a building which currently benefits from a C1 use with a bike store, paved area and gravel parking area. The site is accessed from a public right of way, Chieveley Byway 12/2
- 1.3 This application seeks consent for a change of use of the building to a single dwellinghouse. No internal or external alterations would be required in order to accommodate the new use and the bedrooms that were previously allocated as guest bedrooms would now become bedrooms within the private dwelling.
- 1.4 The newly created dwelling would consist of a large open-plan sitting room and dining area, with separate kitchen and living room, utility room, WC, office and two bedrooms, (both with en-suite bathrooms). At first floor level, there would be two further bedrooms both with en-suite bathrooms and dressing rooms and plant and store areas. Outdoor space for the new dwelling would be provided within the covered terrace which surrounds the building and on the balcony which is accessible from the two first floor bedrooms. Cycle storage would be within the existing cycle store and parking on the existing gravelled parking area.

2. Planning History

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

Application	Proposal	Decision / Date
07/02084/FUL	Temporary change of use from agricultural storage to storage of aluminium frame buildings.	Withdrawn 19.2.08
16/02651/PACOU	Application to determine if prior approval is required for the change of use of an existing agricultural building to form a guest house accommodation.	Approved 30.11.16
17/00991/FULD	Associated development in line with Prior Approval (Ref: 16/02651/PACOU) consisting of windows, external doors, cladding materials, cycle storage and recycling storage.	Approved 25.8.17

3. Procedural Matters

- 3.1 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 A site notice was displayed at the site on 8th March 2021; the deadline for representations expired on 29th March 2021.
- 3.3 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). This application seeks consent for the creation of a new dwelling and it would therefore seem likely that the scheme would 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.

Chieveley Parish Council:	<p>Following Chieveley Parish Council Meeting on the 9th March 2021. The Councillors Object to this planning application on the grounds that this dwelling is in an unsustainable location and is outside the settlement boundary.</p> <p>Further to note, there is a good need for a guest house to promote tourism in the area and provide a wider range of accommodation options. This has not been market tested as yet, it would be good to see evidence that this is promoted.</p>
Adjacent Parish - Winterbourne Parish Meeting:	No objections.
WBC Highways:	In the interests of encouraging travel by sustainable modes can we request an electric vehicle charging point please – minimum of 7kw.
Archaeology:	Thank you for the consultation. There are no archaeological implications to this proposal to change the use of a modern building, already converted from an agricultural function. However it does lie within a historic farmstead with a listed barn.
Conservation Officer:	<p>Existing building in the AONB. Change of use from B&B (17/00991/FUL refers) to dwelling sought. No changes to the building itself are proposed. The nearest heritage asset is the grade II listed Hazelhanger Barn on the opposite side of 1 and 2 Hazelhanger Cottages to the west of the site, all buildings part of the historic former Hazelhanger Farm complex. The setting of the listed building is not affected by the proposed change of use.</p> <p>Accordingly, notwithstanding any other Development Control Case Officer considerations, and as no changes are proposed for</p>

	<p>the building, no objections are raised to the change of use from a building conservation point of view.</p> <p>A resultant purely residential use might however attract additional residential paraphernalia, in terms of buildings and domestic equipment, such that if permitted, the change of use should be subject to condition(s) ensure that (further) development on the site is limited by the removal of p.d. rights to extend, alter, or build within the site, although this is already somewhat curtailed by its situation within the AONB.</p>
Waste Management:	No response received.
SuDS:	No response received.
Public Rights of Way:	No response received.
Ramblers Association:	No response received.
North Wessex Downs AONB Board:	No response received.

Public representations

4.2 Representations have been received from 3 contributors, 2 of which support, and 1 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 have been raised in the letter of objection:

- The property should remain as a guesthouse.
- It is appreciated that the last 12 months has had an impact on the holiday booking businesses but the future is more assured now and the guest house and self-catering holiday industry is seeing an unprecedented increase in bookings in this country.
- The applicant has been living in the property since the end of last summer but Hazelhanger Guest House has not been marketed on the internet.
- Whilst a business plan may not have allowed for a pandemic, it should have allowed for a period of starting up and marketing profile raising to get the business established.
- This application seems premature.
- A guest house in this area would encourage local tourism and support the local economy.

4.4 In summary, the following matters have been raised in the letters of support:

- A reduction in traffic will be very beneficial to a nearby young family and numerous walkers and horse riders that use the lane.

- Adjacent property is fully supportive on the grounds that it will result in a lower level of traffic on Gidley Lane.

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, CS1, CS5, CS13, CS14 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

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 Quality Design SPD (2006)

6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of development
- Character and appearance
- Neighbouring amenity
- Highway matters

Principle of development

6.2 This application seeks consent for the change of use of Hazelhanger Farm to a single dwellinghouse. The property currently has a permitted use as a guesthouse under use class C1 but was originally an agricultural building which formed part of the historic farmstead of Hazelhanger Farm. In October 2016 an application was made to the Council to establish whether prior approval would be required for the change of use of the existing agricultural building to form a guesthouse. In November 2016 it was determined that prior approval was required and was granted. A further application, approved in August 2017, allowed for the associated development required in order to change the use of the building, including windows, doors, cladding materials and cycle and waste storage. The use of the building as a guesthouse was commenced in June 2020 and it was ready for guests to visit in September 2020.

6.3 The applicant contends that with the issues faced as a result of the Covid-19 pandemic, the guesthouse has become unviable and the applicant cannot see a future for the business going forward. However, no justification or supporting information has been submitted to substantiate the claim of the lack of viability of the business. It is therefore considered that this application for a change from C1 use to a C3 use cannot be considered directly in relation to policy C4 of the Housing Site Allocations DPD, which allows for the conversion of existing redundant buildings in the countryside to residential

use as it has not been proven that this building is genuinely redundant from its current use.

6.4 Notwithstanding the above, it is considered that the principle of the change of use of the building to residential could be acceptable.

6.5 Policy C4 of the Housing Site Allocations DPD allows for the conversion of existing redundant buildings providing that:

- i. the proposal involves a building that is structurally sound and capable of conversion without substantial rebuilding, extension or alteration; and
- ii. the applicant can prove that the building is genuinely redundant and a change to a residential use would not result in a subsequent request for a replacement building; and
- iii. the environment is suitable for residential use and gives a satisfactory level of amenity for occupants; and
- iv. it has no adverse impact on/does not affect rural character; and
- v. the creation of the residential curtilage would not be visually intrusive, have a harmful effect on the rural character of the site, or its setting in the wider landscape; and
- vi. the conversion retains the character, fabric and historic interest of the building and uses matching materials where those materials are an essential part of the character of the building and locality; and
- vii. the impact on any protected species is assessed and measures proposed to mitigate such impacts.

6.6 Whilst the change of use of the building was originally permitted as part of a prior approval application under the provisions of the GPDO, had the change of use been considered as part of a full planning application to allow its use as a dwellinghouse, it is likely that it would have been in accordance in policy C4 of the Housing Site Allocations DPD. The approval of the change of use under Class R of the GPDO indicates that the building was structurally sound and capable of conversion without substantial rebuilding, extension or alteration. Therefore, part (i) is satisfied.

6.7 In regards to part (ii), there is no requirement for the applicant to prove that the building is genuinely redundant for its current use in order to allow for a change of use under permitted development. However, the planning statement which accompanies the application states "The applicant can prove the building is genuinely redundant and a change to a residential use will not result in a subsequent request for a replacement building". Since the approval of the prior approval application in 2016, the case officer can find no evidence of any planning applications or agricultural notification applications submitted which seek permission for a new agricultural building to be constructed within the Hazelhanger Farm holding. This indicates that the use of the building for agricultural purposes was genuinely no longer required when the use was changed to a guesthouse.

6.8 The property lies in a small cluster of buildings, most of which are residential dwellings and it is therefore considered that the environment is suitable for residential use. The resulting dwelling would be a good sized property which benefits from a sufficient level of outdoor amenity space, provided within the covered terrace which surrounds the building and on the balcony which can be accessed from the first floor bedrooms. It is not considered that the conversion of the building would significantly affect the rural character of the surrounding area and the creation of the residential curtilage is not

considered to be visually intrusive or have a harmful impact on the rural character of the site or its setting. Whilst the site is located within the North Wessex Downs AONB, it is not considered that the conversion would have any significant adverse impact. The general form and size of the building remained unchanged and the provision of the outdoor space within the existing building envelope ensured that the residential curtilage does not extend much beyond the existing building and does not significantly encroach into the wider, open countryside. Moreover, the site lies close to other residential dwellings and the addition of a further residence is not considered to have any significant wider impact on the rural setting.

- 6.9 In relation to part (vi) the works required to convert the building to a guesthouse were considered under application ref.17/00991/FULD and were found to be acceptable. The general form and character of the building was retained. Moreover, the Council's Conservation Officer reviewed this current application and stated that the setting of the nearby listed building is not affected by the proposed change of use.
- 6.10 Given that the conversion of the building has already been undertaken, part (vii) can no longer be assessed. However, if there were issues relating to ecology, this should have been considered during the course of the previous application for the works to the building.
- 6.11 It should also be noted that there is provision within the General Permitted Development Order for the change of use of agricultural buildings to residential. Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) allows for the conversion of agricultural buildings to dwellinghouses. The provisions of Class Q are similar to those set out in Class R, which was the class which allowed for the original change of use from an agricultural building to a guesthouse. Where these two classes differ is that Class Q does not allow for the change of use under permitted development where the site lies within an Area of Outstanding Natural Beauty (AONB). The application site lies within the North Wessex Downs AONB and therefore does not benefit from Class Q permitted development rights. However, it is considered that the GPDO is generally supportive of the change of use of agricultural buildings to residential and therefore, it is the overall impact of the use of the building on the AONB that must be assessed. In this instance, it has been determined that the use of this building for residential purposes would not have a significant adverse impact on the AONB setting. Moreover, it is worthy to note that Class R permitted development rights would have allowed for the use of the building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution) or Class D2 (assembly and leisure). It is considered that many of the above uses would have a significantly greater impact on the wider setting of the AONB than the proposed use of the building as a dwellinghouse.
- 6.12 In addition to the above, the proposed change of use can be assessed as having minimal impact. As it stands, the property is set up as a guesthouse, which consists of living quarters for the applicant which include a bedroom with en-suite bathroom, kitchen and living room. This sits alongside 3 guest bedrooms and a guest living room and dining space. As part of the current use, the operator of the guesthouse would live permanently on-site. This change of use would see the loss of the guesthouse accommodation and the use of the building as a single dwelling with no external or major internal works being undertaken. Therefore, it cannot be argued that this change of use would have any significant impact on the wider rural setting or AONB location of this property.
- 6.13 Whilst the loss of the guesthouse and its potential rural tourism gains is regrettable, it is not considered that this would be a sufficient reason to recommend refusal of the application. Policy CS10 of the West Berkshire Core Strategy seeks to support the rural economy and states that "Existing small and medium sized enterprises within the rural

areas will be supported in order to provide local job opportunities and maintain the vitality of smaller rural settlements. Proposals seeking the loss of such existing sites and premises must demonstrate that the proposal does not negatively impact upon the local economy, and the vitality and viability of the surrounding rural area.” Given that the guesthouse never became operational, it did not contribute anything to the rural economy and therefore, it is not considered that its loss could have any negative impact on the local economy or the vitality and viability of its surroundings. The change of use was carried out but the applicant has found that this would no longer suit their needs and therefore, a further change of use to a dwellinghouse is now sought. As set out above, the case officer considers that had the change of use to a dwellinghouse from an agricultural building been considered as part of a full planning application originally, it is likely that it would have been in accordance with policy C4 of the Housing Site Allocations DPD. No consideration of the impact on the rural economy would have been undertaken place as part of such an application.

Character and appearance

- 6.14 This proposal seeks no external and only very minimal internal alterations in order to accommodate the new use as a single dwellinghouse. It is considered that the proposed change of use would have no significant impact on the character and appearance of the surrounding rural area or the setting of the North Wessex Downs AONB.
- 6.15 The Council’s Conservation Officer reviewed the impact of the proposed change of use on the setting of the nearby listed building. The nearest heritage asset is the Grade II listed Hazelhanger Barn which is on the opposite side of nos. 1 and 2 Hazelhanger Cottages which lie to the west of the site. These buildings all form part of the historic Hazelhanger Farm complex. The setting of the listed building would not be affected by the change of use.

Neighbouring amenity

- 6.16 The use of the building as a dwellinghouse is considered to have a lesser impact on the neighbouring dwellings than the permitted use as a guesthouse.

Highway matters

- 6.17 The Council’s Highways Officer has raised no objections to the change of use of the building to a dwellinghouse. Car parking would remain on the gravelled area and cycle storage is already in place. However, in accordance with the requirements of policy P1 of the HSADPD and in the interests of encouraging travel by sustainable modes, it has been requested that an electric vehicle charging point be added to the site.
- 6.18 The applicant has confirmed that an electric vehicle charging point can be added to the site. It has been requested that the details of the type and location of this charging point be secured by condition and this is considered to be acceptable. However, the use of the building cannot be started until the charging point has been installed. Therefore, these details must be secured and the charging point installed prior to the change of use of the building. The agent for the application confirmed by email on 4th May that a pre-commencement condition would be acceptable.

7. Planning Balance and Conclusion

- 7.1 It is considered that the change of use of the building to a single dwellinghouse would be acceptable and has minimal impact on the rural setting and AONB location of the site. Whilst the loss of the guesthouse is regrettable, it is not considered that this would be sufficient reason to recommend refusal of the application.
- 7.2 The Council's Conservation Officer has suggested that a resultant purely residential use of the site might attract additional residential paraphernalia in terms of buildings and domestic equipment. It is accepted that with the additional bedrooms now proposed, the building is more likely to be used a family dwelling. However, much of the outdoor space is contained within the existing envelope of the building with a curtilage which primarily lies close to the building. Moreover, permitted development rights for dwellings within the AONB are more limited than those locations outside of the AONB. It is therefore considered that the further domestic paraphernalia which could be added to the site under permitted development would be limited to that which has no significant wider impact on the AONB setting.
- 7.3 It is considered necessary to add conditions relating to a time limit for commencement of the change of use and approved plans for the avoidance of doubt. In addition, a condition to ensure that the dwelling is not brought into use until an electric vehicle charging point is installed is considered necessary in order to encourage the use of more sustainable modes of transport. The details of the type and location of this charging point have not yet been submitted. A pre-commencement condition will be necessary as it is considered that the change of use should not occur until the details have been agreed and the charging point installed.

8. Full Recommendation

- 8.1 To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to the conditions listed below.

1. **Commencement of development**

The change of use hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. **Approved plans**

The change of use hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

Drawing titles: Site Location and Block Plan; Plans, Elevations and Section; Car Parking and Bike Store 'as built' received 18th February 2021
Planning Statement received 18th February 2021

Reason: For the avoidance of doubt and in the interest of proper planning.

3. **Electric Vehicle Charging Point**

The change of use shall not occur until an electric vehicle charging point has been provided at the dwelling in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, the charging point shall be maintained, and kept available and operational for electric vehicles at all times.

Reason: To secure the provision of a charging point to encourage the use of electric vehicles. This condition is applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026 and Policy P1 of the Housing Site Allocations DPD 2006-2026.