

# DRAFT

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## WESTERN AREA PLANNING COMMITTEE

### MINUTES OF THE MEETING HELD ON WEDNESDAY, 9 JUNE 2021

**Councillors Present:** Adrian Abbs, Phil Barnett, Dennis Benneyworth (Chairman), Jeff Cant, Hilary Cole, Carolyn Culver, Clive Hooker, Tony Vickers (Vice-Chairman) and Howard Woollaston

**Also Present:** Sian Cutts (Senior Planning Officer), Gareth Dowding (Principal Engineer (Traffic and Road Safety)), Kim Maher (Legal Officer), Lydia Mather (Principal Planning Officer), Gordon Oliver (Corporate Policy Support) and Linda Pye (Principal Policy Officer)

#### PART I

##### 1. Minutes

The newly elected Chairman thanked the previous Chairmen, Paul Bryant and most recently Clive Hooker, for their excellent stewardship, help and advice. He also sent the Committee's best wishes to Mr Simon Till, the Lead Planning Officer.

The Minutes of the meeting held on 4th May 2021 were then approved as a true and correct record and signed by the Chairman.

##### 2. Declarations of Interest

Councillor Hilary Cole declared an interest in Agenda Item 4(3), but reported that, as her interest was a personal or another registrable interest, but not a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.

Councillor Adrian Abbs declared an interest in Agenda Items 4(1) and 4(2), but reported that, as his interest was a personal or another registrable interest, but not a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

##### 3. Schedule of Planning Applications

###### (1) Application No. and Parish: 20/02026/PACOU, St Gabriels Farm, Cold Ash

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(1) by virtue of the fact that he rented a paddock from the applicant. 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.)*

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 20/02026/PACOU in respect of St Gabriels Farm, Cold Ash. Prior approval was sought for a change of use of agricultural buildings to 5 dwellings.
2. In accordance with the Council's Constitution, Mr Bernard Clark, Cold Ash Council, Mr Christopher Sayers, objector, and Mr Steven Smallman, agent, addressed the Committee on this application.

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3. Mrs Sian Cutts, Senior Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers were recommending that the Head of Planning and Development be authorised to grant prior approval, subject to the conditions outlined in the main report and update report.
4. The Chairman asked Mr Gareth Dowding, Principal Engineer (Traffic and Road Safety), if he had any observations relating to the application. Mr Dowding noted that Highways Officers were content with the proposal.

### **Parish/Town Council Representation**

5. Mr Clark in addressing the Committee raised the following points:
  - He explained that Parish Council's response to the application would be an emotional one. It would also be informed by officer's comments made during the site visit, which had been clear and helpful.
  - The Parish Council considered that there were two issues on which Councillors could object to the application. One was sustainability and the other was environmental issues.
  - In terms of sustainability, the current Class Q buildings were flimsy and unsustainable, unlike farm buildings of the past. The foundations of the brick building seemed non-existent, the brick wall was crumbling, and there was an asbestos/concrete roof. From his examination, the other building had been constructed from flimsy soft wood.
  - He was unsure how a builder would be able to convert what would be left of the buildings. Therefore in terms of sustainability the scheme was laughable.
  - With regards to environmental issues, the fields to the North of Cold Ash were a site of great natural beauty, and traffic from the new access track would diminish these areas. It would be unnecessarily urbanising one of the area's most beautiful places.
  - There was a reasonable access from the ridge. He hoped that there would be a way to persuade the developers to think again, so as not to despoil the area.
  - He queried why anyone would want to drive a wedge through a beautiful field, and reflected that a more suspicious person might conclude that there was a plan to develop the field, and close the gap between Thatcham and Cold Ash.
  - He noted that if Members were minded to refuse the application that the developer may consider the alternative access from the ridge.
  - There was also an issue with regards to the curtilage. The Parish Council were concerned about the application for the change of use of land on the site.
  - The Parish Council felt that there was a better way to design the development, with a more sustainable access and better buildings, and this might be brought forward by the developers if Members were minded to refuse this application.

### **Member Questions to the Parish/Town Council**

6. Councillor Tony Vickers sought clarification on Mr Clark's view on the potential of the existing structures being converted to sound, high quality design units, particularly with regards to building C. Mr Clark explained he thought that the brick building was not underpinned, and the other structure was made of very flimsy wood. In his opinion, based on past experience, the buildings were not substantial enough to simply be converted, and that a demolition and rebuild would be more appropriate.
7. Councillor Phil Barnett referred to Mr Clark's preferred access on the ridge and queried what he suggested should be done with the existing track. Mr Clark

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explained that there would be no need for the track, and felt that as the track was built approximately five years ago and was rarely used for farm traffic, it was laid purely to service the proposed buildings. He was not making any allegations or questioning motives, but it could be described as a “Trojan horse” into the field.

8. The Chairman called on Mrs Kim Maher, (Legal Officer), to ascertain the relevance of this point. Mrs Maher reminded the Committee that they had to consider the application before them. Mrs Cutts confirmed that the existing track had planning permission.
9. Mr Clark continued by explaining that if the track were removed, then so would the feeling of urbanisation, with cars going up and down the field. If the access were sited on the ridge to the north, he believed it would have a huge positive impact on how local people regarded the proposal.
10. Councillor Adrian Abbs queried the Parish Councils view that the buildings would be an eyesore, as they would not be visible from the populated properties nearby. Mr Clark noted that the people that lived along where the track was going would have that opinion. However, he remarked that it was more the overall sense that an agricultural field was being changed into a suburban field, with increased traffic and light pollution from headlights. He further explained that the development would be seen from Cold Ash Hill.
11. Councillor Clive Hooker referred to Mr Clark’s point about the difficulties a builder might confront in converting the buildings, and commented that this was not a planning matter, but a risk that the developer was prepared to undertake. Mr Clark understood the point, but felt that the buildings would almost certainly fall down as a result of the works suggested.

### **Objector Representation**

12. Mr Christopher Sayer in addressing the Committee raised the following points:
  - He was a Cold Ash resident who would be directly affected by the proposed development as his road looked across the track leading to the buildings. From his property, he had a clear view of all the buildings and has knowledge of the amount of traffic that used the track.
  - He apologised if his comments strayed into things relevant to related application to be considered as Agenda item (4)2.
  - He considered that this application was a repeat of the one submitted and rejected on appeal in 2016. The Planning Inspectorate rejected the application due to its impact on the character and appearance of the area, and the natural beauty of the adjacent Area of Outstanding Natural Beauty (AONB); the impact on protected species, and lack of sustainability. All of these objections were still relevant to the application and had not been invalidated by the revision to change of use, as opposed to new build.
  - Although mitigation measures for some areas were proposed, the new application failed to substantively address the previous reasons for refusal.
  - The current proposal sought to convert the current agricultural buildings into dwellings. These were not old wooden or brick barns, but industrial units made of steel or timber frames, with metal or asbestos-based corrugated sheeting for roofs on basic concrete agricultural slabs. They were not capable of functioning as dwellings without substantial demolition and reworking of the structures and foundations. The amount of work to convert them would be similar to constructing new builds, and thus would fall outside Class Q acceptance which required that buildings were suitable for conversion.

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- Mr Sayer described the requirements of CS14 and CS19, as set out in the officer's report point 6.3. The designs were not in keeping with any other housing in the area. The proposed houses would be converted industrial units of steel or timber frame with metal roofs and timber cladding. The only local supporter of the application described the current buildings as a bit of an eyesore. Mr Sayer saw no reason why this description would not be used for the new buildings too.
- With regards to sustainability, the officer's report implied that sustainability was no longer an issue. However, West Berkshire Council declared a Climate Emergency on 2 July 2019, the development of agricultural buildings that relied of vehicles to make a journey of over 1km (500m there and back) to connect to the existing road system is nonsense.
- The 2016 planning inspectorate report said that taking into account the additional length of steep access road the future occupiers would be effectively isolated from the village, and would be likely to use their car to access most of their daily services. This development was not sustainable.
- The transportation analysis supporting the application was misleading. The agricultural track was built in 2017 and had seen no agricultural use since. Any traffic generated on the track would be substantially more that the local residents and road network currently experience.

### **Member Questions to the Objector**

13. Members did not have any questions of clarification.

### **Applicant/Agent Representation**

14. Mr Steven Smallman in addressing the Committee raised the following points:

- He fully supported the officer's report and recommendations. He wished to respond to some of the issues raised by Members at the site visit, and the concerns that had been expressed by the Parish Council.
- In terms of the planning history, the previous scheme, dismissed at appeal in 2016, was very different from the current proposal. It was for complete demolition of all the buildings on the site, and the erection of four large detached houses. In dismissing the appeal, the Planning Inspectorate raised concern about landscape and visual impact of those new buildings as well as of the access road, which at that time had not been constructed. He also questioned whether this was a suitable location for new housing. By contrast, the current scheme simply converted the existing buildings, and secured the removal of a number of the old buildings. Overall, there was therefore a significant reduction in the amount of built form on the site.
- The access road had been lawfully constructed. The judgement as to whether the location was suitable for residential use should now be considered in the context of permitted development rights.
- He wanted to stress that the scope for considering whether this was a suitable location for housing was limited by the General Permitted Development Order (GPDO), which in principal allowed for the conversion of agricultural buildings, which were very often in unsustainable locations. In addition, the siting of the proposed buildings was not harmful to the rural landscape or the setting of the AONB.
- To clarify the query regarding demolition or conversion, he advised that the majority of the demolition works were included in the planning application, not the prior approval submission. The prior approval submission was unquestionably for the conversion of the existing buildings, with only very limited associated

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demolition works. In theory, some of the existing buildings could be converted without demolition work.

- In answer to queries regarding the future of the farm and the redundancy of the buildings, Class Q did not require evidence that the buildings were redundant, however once implemented the farmer had no permitted development rights for the erection of new agricultural buildings on the holding for ten years. The buildings ceased being used as a dairy in 1988, and the intensity of farming operations had steadily reduced. The farm land was used for grassland production and grazing sheep and none of the dairy buildings were required to support the current farming enterprise. Therefore, there was a question mark hanging over the buildings and the applicant and agent regarded the scheme as a low-key development, which secured significant planning benefits and the best possible use for the site.
- He considered the access from the ridge to be very poor and restricted.
- The buildings had been structurally assessed and a scheme of conversion had been drawn up to confirm that they were suitable for conversion.

### **Member Questions to the Applicant/Agent**

15. Councillor Vickers wished to discuss the permitted development. The structural engineer's conclusion about buildings suitability were based on a visual assessment, therefore how confident was the applicant that these buildings were capable of being converted structurally without major, unreasonable, necessary building operations. He was concerned that the buildings were to be converted to permanent, quality dwellings. Mr Smallman explained that in the last few years, he had had a lot of experience converting farm buildings, all of which were not originally designed for residential use. Class Q was clear about what work that could be carried out. There had been a lot of case law, on when a farm building was converted, and when it had to be rebuilt. He considered that the buildings could be converted, and the works required would not be tantamount to a rebuilding, however he recognised that there was a lot of work to be done.
16. Councillor Hilary Cole queried how the developer had reached the conclusion that there would not be a lot of rebuilding, when the alternations needed for building C would leave just an open-framed building with a roof on. Mr Smallman stated that the works proposed, while extensive, were allowed under the limits of Class Q, for example the replacement of windows, doors and exterior walls. He acknowledged that it was a matter of judgement as to what was allowed and the drawings were quite clear as to what work was being proposed. He also noted that if the developer were mistaken and the buildings did have to be demolished and rebuilt, then they did not have the permission to do so.
17. Councillor Carolyne Culver asked for clarification as to how the building would be insulated and the expected energy grading that would be achieved. Mr Smallman did not know the expected energy grade, but stated that the insulation would be attached to the internal elevations, which would be dry-lined, and the underside of the roof. The nature of the buildings meant that they would not be carbon zero, but the insulation would be sufficient to comply with building regulations.

### **Ward Member Representation**

18. Councillor Garth Simpson in addressing the Committee raised the following points:
  - Prior approval was necessary for homes to be permitted onto open farmland in the setting of the AONB. Otherwise, many of the concerns would still surface, as for a new build.

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- He had issues with the proposed design and siting, as emphasised in policies C14, C19 and C4. In using GDPO Class Q, these houses would be locked into a low-grade, utilitarian barn shed design in perpetuity. There would be no disguising their origins or question of charm in their layout or a conscious integration with the surrounding vegetation. The parking arrangement and turning head add a congested urban element. He doubted whether high quality doors, windows and skylights and would soften the image. Point 6.14 of the officer's report stated that using GDPO and recycling material was beneficial, however there would not be much material left to reuse.
- The fundamental issue was the build rather than the standard environmental issues. Even if it were feasible the existing state of the barns might breach NPPF guidance. The barns were approximately 44 years old and were likely constructed from low cost construction materials, and composite structures became problematic as they aged. Barn C had an asbestos roof, and barn A had structural integrity problems for the very necessary gable ends. Buildings of this age had shallow foundations and building regulations had moved on.
- The site was below the ridge line and subject to very strong winds.
- Both barns had heavy layers of scree flooring to take farm machinery and heavy animals. The floors were very often cracked due to being set on Thames Valley clay. The barns had only been partially used and the fields have been grazed for 33 years, they had been patched up but not adequately maintained.
- The structural report was just a visual check without exposure of the foundations and roofs were not checked beyond using a 3m ladder. The recommendation was for a full structural report and the use of specialist timber technology firms, and asbestos removal to create a believable schedule of works. The report conclusion was that there was a reasonable expectation that further defects might be revealed.
- In the GDPO, the National Planning Policy Framework (NPPF) was clear that replacement works, such as roofs, windows and doors, exterior walls, water, sewage and power must be reasonably necessary. Class Q locks in and perpetuates ugly design and urbanisation. The barns were built to a low standard with a poor state of maintenance whilst materials do not warrant the expense of recover, let alone recycling.
- As an ex civil engineer, Councillor Simpson he doubted that barn C could be recovered and did not know how it could be rebuilt with the timber-framed structure. He recommended that the Committee refuse the application on the grounds of quality of design and sheer unsustainability of build, however if Members were minded to approve he asked that the paddock should be given an S106.

### **Member Questions to the Ward Member**

19. Members did not have any questions of clarification.

### **Member Questions to Officers**

20. Councillor Hilary Cole questioned Mrs Cutts' mention of the Housing Sites Allocation Development Plan Document (HSADPD), as this site had not been identified as a developable site. She queried whether it was in reference to a specific policy and if so, which one. Mrs Cutts explained that she was referring to C3 and the conversion of redundant buildings in the countryside, however for this application she had been obliged to follow the GDPO rather than West Berkshire Council policy.

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21. Councillor Hilary Cole further queried what had changed since 2016 when the Planning Inspectorate had deemed the site to be unsustainable, for it to now be considered sustainable. Ms Lydia Mather (Principal Planning Officer) had checked the planning guidance and explained that the current policy recognised that by their nature, agricultural buildings were often in isolated locations, and so lack of easy access to services was inevitable. Therefore, no test of sustainability was applied.
22. Councillor Culver asked for clarity on point 1.4 of the officer's report that mentioned building C, where it should have been building B. Mrs Cutts confirmed that this was an error.
23. Councillor Culver queried whether a bat survey would be undertaken, bearing in mind these were agricultural barns and there was a high chance that there would be bats present. She further queried point 6.12 in the officer's report where flooding on the access road was mentioned as being outside the application site and would be addressed in the separate application, however on page 54, point 6.10 it was stated that the risk of flooding to the access road would be addressed in the first application. She therefore queried, whether the flooding would be considered in this application or the following item.
24. Mrs Cutts explained that there was a protected species survey undertaken, however as a matter of policy these were not made public as they identified sensitive sites. The Ecology Officer was satisfied with the outcome of the survey for both applications associated with this site. As the Local authority had a duty of care towards protected species, she had included a condition to limit external lighting.
25. With regards to flooding, Mrs Cutts clarified that the application site for prior approval was confined to the buildings themselves and the area around them, which was not at risk of flooding. The flood risk details considered were around drainage on site. The following application had a larger red line that included the access track, and a flood risk assessment had been undertaken.
26. Councillor Jeff Cant congratulated Mrs Cutts on a thorough report. He asked her to clarify three points:
  - I. The access already granted was subject to the existing consent.
  - II. Regarding the discussion around the feasibility of conversion. Would Mrs Cutts please confirm:
    - a. The build would be subject to building regulations and building control inspection
    - b. Should the conversion works be more than expected then the works would cease and a new application be required.
  - III. The objections were not particularly significant beyond the standard considerations.
27. In answering Councillor Cant's questions, Mrs Cutts confirmed:
  - I. The access was lawfully implemented from the 2002 permission. The gates and the access were constructed within the time limit for commencing the development, and was completed in approximately 2017.
  - II. With regards to construction feasibility, a survey was submitted. GDPO requirements did not set the bar as high as a planning application for conversion. The GDPO allows for replacement of roofs and walls, whereas for a planning application this would have been a step too far under the Council's policies.
  - III. Mrs Cutts was unable to confirm that it would be subject to building regulations approval, as she was not a building inspector.

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- IV. If it wasn't possible for the building to be converted, then the site would not constitute permitted development, and a new full application would need to be made.
  - V. The objections were fairly standard, however Mrs Cutts concluded that a decision had to be based on the stated criteria, and therefore some of the objections could not be taken into consideration when deliberating the application.
28. Councillor Vickers referred to the limits of what alterations could be made to buildings under Class Q, and felt that it was unclear. There had been doubts expressed as to whether the proposal passed the first hurdle. However, if the hurdle had been overcome, he questioned what sort of dwelling would be delivered. In point 6.14 of the officer's report it stated that the dwelling still had to comply with CS14 and CS15. He had no doubt it would comply with building regulations, but was unclear as to whether a Class Q had to comply with CS14. He was also concerned what would happen if works started and it became apparent that the building could not stand conversion and would need to be demolished.
29. Mrs Cutts reiterated that the bar was not set as high under Class Q, as for a conversion planning application. The requirement for a zero carbon could not be conditioned on this development. The list of matters that could be considered do not include the standard level of policies.
30. In terms of should the building not be strong enough to take the works, it was the developer's responsibility to ensure that they could carry out the development and meet building regulations requirement. If the developer discovered that the scheme could not be completed and wanted to demolish the buildings and rebuild, they would have to submit a new application. Ms Mather clarified further by quoting from the Planning Practice Guidance document:
31. "Only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right".
32. Councillor Vickers asked for more details about the Hibbett case, if it were considered relevant. The Chairman agreed to a short adjournment, but would allow the rest of Committee's questions to the officers to be taken before doing so.
33. Councillor Abbs sought clarification on the timeline of events. In 2002, permission was granted to replace an existing track, however he was unclear as to when it had to be constructed by. In 2013, the track was not used for agricultural use any longer. In 2016, the previous application was refused in 2017 the track was completed. Mrs Cutts explained that development had to commence within a certain period of time. In 2002 it may have been within three or five years. Currently, development had to commence within three years, but there is no time limit as to when it has been completed. There was evidence within the planning files on the 2016 permission that the gate and the access had been put in place. Councillor Abbs requested that officers find the exact date for the construction of the gate.
34. Councillor Phil Barnett asked the Highways Officer for more information on the vehicle use of the track and visibility. Mr Gareth Dowding, Principal Engineer (Traffic and Road Safety), explained that the track already had permission and therefore visibility and its usage had been determined. He considered that traffic movements associated with a farm of that size, if it was in use, would be equal to the traffic associated with any possible development.
35. The Committee agreed to a short adjournment to get details of the Hibbett case to see its relevance to this application.



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36. Ms Mather explained that in the Hibbett case, the building was effectively just a roof, all four walls had to be constructed. The ruling was that there was no clear line between conversion and rebuild, and that it was a matter of planning judgement. If rebuilding was required then the permitted development right would not apply. Having reviewed the structural report, and as the buildings had roofs and walls, officers considered that this application was a conversion rather than a rebuild.
37. Councillor Vickers thanked the officers for clarifying the Hibbett ruling. In his opinion, the proposal had passed the Class Q test and Members were considering character and appearance. He further questioned officers as to point 6.14 of the report, it was stated that the proposal needed to be of high quality design, however as it was not a major development where CS14 referenced CS15, the renewable energy part of CS15 did not apply. Therefore, Members could not demand any renewable energy standards. Ms Mather confirmed that this was the case.
38. Councillor Hilary Cole referred to page 40 of the agenda, where it was stated that the two wings of building C were to be demolished. She considered this to be a major rebuild. Ms Mather confirmed that officers judged that this was not a rebuild. Councillor Hilary Cole noted that it was possible for the Committee to have a contrary opinion to officers. Ms Mather concurred.
39. Councillor Abbs asked for officer's advice on the energy standard. He was at an appeal where the appellants Queen's Counsel (QC) argued that the Local Authorities could apply their own standards. He wondered why officers were advising that this could not be applied. Mrs Cutts explained that as this was not a major development CS15 could not be applied, and it was not a matter within the list of conditions that could be applied. Class Q developments would never be major developments due to the size limitations.
40. Ms Mather further explained that this application was made under permitted development rights, however for major applications that were under a full application, where planning policies were the starting point for the decision making, they could be applied.
41. In response to Councillor Abbs query as to when the gate was installed, Mrs Cutts confirmed that the visibility splays were constructed in 2004, and the track was constructed in 2017.

### **Debate**

42. Councillor Cant opened the debate by expressing his concern about how the existing buildings could be made in to quality housing without substantial rebuilding. He understood the motivation of the farmer to invest in the farm, however the scheme did not seem feasible.
43. Councillor Abbs stated that the information the Hibbett case had convinced him that the Committee could make a judgement as to whether they considered this was a feasible development. He concluded that this was not and was ready to come forward with a proposal to go against officer's recommendation and refuse permission, should the Chairman be content to close the debate. The Chairman was happy for the debate to continue.
44. Councillor Vickers noted that he would be happy to second such a proposal, as he was unable to see how converting the buildings could meet any quality of design, other than being less intrusive in the landscape. However, it had little in common with true vernacular architecture. He could not see how a metal roof could be of quality of design. He accepted that it passed the tests for Class Q, but recognised that the

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Committee could refuse permission as the scheme did not satisfy the expectations of design and external appearance.

45. Councillor Barnett, having visited the site, felt that the buildings were not suitable and a new build would be a more achievable option. After listening to the presentations, he had deliberated and felt that it could be undertaken, however he was doubtful. He concluded that he would support a proposal for refusal.
46. Councillor Hooker informed the Members that he had seen well-made barn conversions with metal roofs that were attractive. He was concerned that if a metal roof were to be used, then it would need to be dulled as it would be a large reflective surface in a prominent position.
47. Councillor Hooker noted that there had been discussion on whether the design was good enough and that design was subjective. In his opinion, he was reminded of 1950's military barracks accommodation, however this development was driven by policy, and the developers had to convert what was already there. If the buildings had been in good fettle and required little treatment, the design could not be substantially changed as policy demanded that the applicant must renovate what was existing. He recognised that the design might not be to the Committee's taste, however other people might find it attractive. The properties would be expensive, due to the work that would be required to make them habitable. The scheme would improve the look of the farm overall, with the removal of other buildings, and the design was sympathetic to the surroundings. He had not yet made his decision. A new build application had been rejected, so all the applicant could do was tidy up what was already in place.
48. The Chairman commented that the case law stated that there did not need to be much left of the original building to be able to make something else of it. He also noted that there was a very expensive converted grain store in the west of the district, which was sold for six or seven figures.
49. Councillor Hilary Cole felt the decision hinged on whether the works proposed went beyond Class Q and permitted development and whether it was suitable for conversion, particularly for the building C. It was a planning judgement, and in her view, Members could have a different views to officers. She quoted from paragraph 124 of the framework stating that the planning process should achieve good design, and she felt that the design left a lot to be desired. In her view the works went beyond a Class Q and permitted development.
50. Councillor Cant concurred with Councillor Hilary Cole. He felt that what had been missing from the discussion was information on whether the development strayed beyond the Hibbett case and went beyond conversion into redevelopment. If the agent had described more fully what would have been changed and how it would have been achieved, then Members would have been in a better place to make a decision in their favour. He was inclined to vote against the application on the grounds of insufficient information to convince the Committee that a conversion was feasible.
51. Councillor Abbs referred to Councillor Hooker's comment and pointed out that the developer did have other options, apart from building a house for profit. He suggested that the buildings could be demolished and land returned to agricultural use.
52. Councillor Vickers withdrew his proposed seconding of Councillor Abbs earlier proposal as he was persuaded by officers that the scheme did pass the Class Q test, which was contrary to Councillor Abbs view.

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53. Councillor Abbs proposed to reject officer's recommendation and refuse planning permission for the reason that application failed to pass the Class Q test. This was seconded by Councillor Cant.
54. The Chairman invited Members of the Committee to vote on the proposal by Councillor Abbs, seconded by Councillor Cant, to refuse planning permission. At the vote the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

**Reasons** The application failed to pass the Class Q test.

The application is seeking prior approval under Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development )(England) Order 2015 for the change of use of agricultural buildings to 5 dwellings. The works proposed as set out within the Structural Report prepared by Marbas Project No 01702 Rev A indicate that new independent internal structures will be required to support ceilings, internal walls and insulation, and that further intrusive surveys and full structural analysis are required for both buildings to demonstrate that the building structures are structurally strong enough to take the additional loading required. The rebuilding required following demolition indicated on the submitted floor plans and elevations, indicates new gable walls to serve dwellings A 1 and A2, and rebuilding of the eastern gable end for dwellings C1, and both gable ends for dwellings C2 and C3. The extent of the building operations proposed goes beyond that which is reasonably necessary to convert the buildings to a C3 use and will include new structural elements for the building. The buildings have not been demonstrated to be already suitable for conversion to residential use. As such the proposal is contrary to the advice within the Planning Practice Guidance and does not constitute permitted development under Schedule 2, Part 3 Class Q of the Town and Country Planning (General Permitted Development )(England) Order 2015.

### **(2) Application No. and Parish: 20/02062/COMIND, St Gabriels Farm, Cold Ash**

*(Councillor Adrian Abbs declared a personal interest in Agenda Item 4(2) by virtue of the fact that he rented a paddock from the applicant. 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.)*

1. Councillor Hilary Cole sought clarification on whether it was necessary to discuss this application, as the Committee had already refused the associated application and the two were interdependent.
2. Councillor Howard Woollaston suggested that the Committee move on to the Mrs Kim Maher, Legal Officer, asked for a short adjournment to confirm that this was the case. Councillor Howard Woollaston suggested that the Committee move on to Item 3 of the agenda, whilst Mrs Maher clarified the legal position. The Chairman, with the consent of the Committee, altered the order of business to consider Item 3 of the agenda.
3. Following the decision on Agenda Item (4)3, Mrs Maher recommended that the Agenda Item (4)2 be deferred pending the applicant's response to the Committee's refusal of application 20/02026/PACOU.
4. Councillor Tony Vickers queried whether a timeframe needed to be put on the deferral. Mrs Maher confirmed at this point it should be indefinite, dependant on the applicant's actions.

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5. Councillor Vickers proposed to defer consideration of this application pending the applicant's response to the decision to refuse permission for application 20/02026/PACOU. This was seconded by Councillor Hilary Cole.
6. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Hilary Cole to defer consideration. At the vote the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to defer consideration for the following reasons:

**Reasons** The associated application 20/02026/PACOU was refused and, as the two are dependent on each other, any decision should wait until the applicant has had an opportunity to respond.

### **(3) Application No. and Parish: 21/00412/FUL, Hazelhanger Farm, North Heath, Chieveley**

*(Councillor Hilary Cole declared an interest in Agenda Item (4)3, by virtue of the fact that she was a member of Chieveley Parish Council. As her interest was personal and not prejudicial or a disclosable pecuniary interest, she determined to remain to take part in the debate and vote on the matter.)*

1. The Chairman, with the consent of the Committee, reserved the right to alter the order of business on this agenda and resolved to consider this item, prior to Agenda Item (4)2.
2. The Committee considered a report (Agenda Item 4(3)) concerning a planning application for change of use of Hazelhanger Farm from a guesthouse (use class C1) to a dwelling house (use class C3) at Hazelhanger Farm, North Heath, Chieveley.
3. In accordance with the Council's Constitution, representations were invited, however none were forthcoming from the Parish Council, objectors, supporters, or the applicant/agent.
4. Ms Lydia Mather, Principal Planning Officer, introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Head of Planning and Development be authorised to grant planning permission subject to the conditions outlined in the main and update reports.
5. The Chairman asked Mr Gareth Dowding, Principal Engineer (Traffic and Road Safety), if he had any observations relating to the application. Mr Dowding noted that officers had not objections to the proposal.

### **Ward Member Representation**

6. Councillor Hilary Cole in addressing the Committee raised the following points:
  - This agricultural building had been granted prior approval for change to a guest house in 2016, with the full application being subsequently submitted in 2017. The new application for change of use from Class C1 to C3 dwelling house had caused her sufficient concern to call it into committee. Although, the conversion was of an extremely high standard and the dwelling was very attractive, and the applicants had done nothing technically wrong in the approach to conversion, she believed this was a good example of development by stealth.

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- Although the officer's report stated that had the change of use been considered as part of a full application, it was likely that it would have been in accordance with policy C4 of the Housing Sites Allocation Development Plan Document (HSADPD), she contended that this was conjecture and had not been tested at Committee.
- The National Planning Policy Framework (NPPF) was revised in 2019 and set out the government's economic, environment and social planning policies for England, and detailed how they were expected to be applied. Officers had been given firm direction to apply additional weight to this overarching economic objective, which was a material consideration, when determining applications in order to aid the recovery of the local economy post Covid. Although the hospitality industry had been hardest hit by the Covid Pandemic, now that we were emerging from it, it was in the strongest position to recover. UK holiday accommodation was at a premium due to the uncertainty around travelling abroad. However, before the Committee was an application to change a guest house to a domestic dwelling, with no justification from the applicants to substantiate the lack of viability of the business. She was somewhat bemused by the officer recommendation to grant approval, as she felt it was premature. She requested that the Committee refused permission for potentially a two year period, to give the applicant time to build up a viable business. However, if the Committee were minded to approve the application, she requested that the following additional conditions be applied:
  1. Low level external lighting only to be used. The current external floodlight on the western elevation which could be seen from the Public Right of Way and was intrusive in the dark skies area of the Area of Outstanding Natural Beauty (AONB).
  2. The gravel driveway from the western elevation to public footpath 15 be removed. It was not included in the red-lined area of curtilage, and was never used as the farm entrance.
  3. The barn, shown on the block plan, but included in the curtilage, to only be used for storage to prevent further development on the site.

### **Member Questions to the Ward Member**

7. Councillor Tony Vickers was unclear why the Ward Member felt that the proposal was unsustainable, given the great changes that had occurred during Covid, with people potentially no longer having to make a daily commute. Councillor Hilary Cole explained that the issue was not sustainability, but that the applicants were claiming that the guesthouse was no longer a viable business due to their experiences during Covid. She pointed out that the country was now coming out of Covid, and the applicants had not tested the business, as they had been granted a change to C1 but never operated it as a guesthouse.
8. Councillor Adrian Abbs queried the constraints requested for the barn on site. Councillor Hilary Cole stated that she had noticed that a window and front door had installed in the barn, and had been told by the owners that the building was only being used for storage. However, if the barn were only to be used for the storage of farm machinery, then she queried why a window would be installed that allowed people to see what was being stored and make it less secure. She was therefore concerned about the future intentions of the owners with regards to the barn. As the barn was outside the curtilage she wanted to draw Members attention to it.

### **Member Questions to Officers**

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9. Councillor Carolyn Culver sought clarification on whether it was necessary for an applicant to justify the lack of viability of a business, and whether the consideration of economic factors was part of policy. Ms Mather explained that for public houses there was an updated supplementary policy document that required marketing for six months and viability information, however that did not apply to the guesthouse. However, in the Update Report reference had been made to CS10 on the rural economy, which specifies that, "proposals seeking the loss of existing small enterprises in the rural economy should not negatively impact upon the local economy or the vitality and viability of the surrounding rural area". This was the test under CS10, however it was not set out how that would be achieved, in contrast to the specifications around public houses. In terms of the economic factors, the NPPF required a balanced consideration of environmental, economic and social impacts of development. Officers had been guided by Members that they should give additional weight to economic factors at this time.
10. Councillor Vickers referenced the Update Report and the Community Infrastructure Levy (CIL), which required a demonstration that lawful use of the buildings had occurred for six continuous months in the prior three years. As part of the change of use, they must demonstrate the existing lawful use occurred for six months within the last three years. Ms Mather explained that change of use to a dwelling was CIL liable, however the sum payable may be nil if the building had been in continuous use for 6 months in the last three years (and that could include the previous agricultural use or the guesthouse). The CIL regulations were separate to the planning process.
11. Councillor Abbs referred back to the original request to change the use of the building into a guesthouse and he presumed that a business plan had been presented at that time. It was difficult for him to judge the loss of revenue without sight of the business plan. Ms Mather explained that there was no requirement for a business case at the time, as the change from agricultural use to a guesthouse was made under permitted development rights. The application would have had to comply with the requirements of the general permitted development order and it was one for a flexible use e.g. a shop, restaurant, cinema or guesthouse, therefore officers did not have that information. Ms Mather further explained that officers had requested information on the current guest house use, but none had been provided.
12. Councillor Clive Hooker queried whether the Committee had the power to refuse on the grounds of the business being poorly run. Ms Mather replied that they could not. However, the Committee should consider that if the economic implications are of concern, then the relevant policy was CS10, which stated that loss to the local economy was a consideration for proposals involving the loss of a rural enterprise. Councillor Hooker remarked that a badly run business would make no contribution to the rural economy. Ms Mather noted that the guesthouse was ready to be operational in September 2020, but had not been opened due to the pandemic.

### **Debate**

13. Councillor Abbs opened the debate by expressing that he felt that if the original application had been for a private residence, he would not have voted to approve it had it come to Committee as it would have a precedent. The route this application had taken, whereby it could now have a change of use to become a residential dwelling did not change his mind. He believed there was an absolute need for holiday accommodation, therefore there should be no question about viability under such circumstances. In terms of environmental terms, this was a high quality guesthouse

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that was an attractive place to stay. He felt it could make a valuable contribution to the economy of West Berkshire.

14. Councillor Vickers concurred with Councillor Hilary Cole. People were crying out for staycation premises and believed that if the Committee refused the application and the owner tried to make the business a success they would achieve it. He was inclined to refuse on the grounds that lack of viability had not been demonstrated. He felt that the economic benefit of a guesthouse was greater than a residence due to associated services being required.
15. Councillor Vickers proposed to reject officer's recommendation and refuse planning permission for the grounds that there was not sufficient evidence that the business would fail. He asked if a condition could be added that the applicant could not reapply within two years and at that time would have to prove that they could not make it viable
16. This was seconded by Councillor Cole.
17. Councillor Barnett suggested that he would support the proposal. He noted that many people might like to be able to get away for a short country retreat without travelling far. Further to this Berkshire was currently being promoted as a staycation destination and he was sure this would be a viable proposition.
18. Councillor Hooker concurred with his fellow councillors. He had seen cases in the past where evidence had been expected in terms of demonstrating that a business had been properly marketed at a competitive rate.
19. Ms Mather stated that a condition could not be added to a refusal, however an informative could be added that the Committee felt two years was an appropriate timeframe before any new application could be made. Councillor Vickers withdrew his request for the condition.
20. The Chairman invited Members of the Committee to vote on the proposal by Councillor Vickers, seconded by Councillor Hilary Cole to refuse planning permission. At the vote the motion was carried.

**RESOLVED** that the Head of Development and Planning be authorised to refuse planning permission for the following reasons:

**Reasons** that the lack of viability was not demonstrated to justify the removal of the guesthouse from the local economy.

This application seeks permission for the change of use of a guesthouse (C1 use) to a dwelling house (C3 use) on a site which lies outside of any defined settlement boundary. Policy CS10 of the West Berkshire Core Strategy 2006-2026 seeks to support the rural economy and states "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." Where no supporting information has been provided, the application fails to demonstrate that the guesthouse cannot be retained. Whilst the applicant states that the business is not viable, no information has been submitted to support this claim.

It is considered that this application does not provide sufficient justification for the loss of the guesthouse accommodation as the impact on the rural economy cannot be fully assessed. The application therefore falls contrary to the requirements of the National Planning Policy Framework and Policy CS10 of the West Berkshire Core Strategy 2006-2026.

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**(4) Application No. and Parish: 21/00429/HOUSE, White Lodge,  
Donnington Grove, Shaw Cum Donnington**

Application 21/00429/HOUSE was withdrawn from the agenda as further consultation was required.

*(The meeting commenced at 6.30 pm and closed at 9.20 pm)*

**CHAIRMAN** .....

**Date of Signature** .....