

Notice of Meeting



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Western Area Planning Committee Wednesday, 9 June 2021 at 6.30pm in the Council Chamber Council Offices Market Street Newbury

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Members Interests

Note: If you consider you may have an interest in any Planning Application included on this agenda then please seek early advice from the appropriate officers.

Date of despatch of Agenda: Tuesday, 1 June 2021

Further information for members of the public

Plans and photographs relating to the Planning Applications to be considered at the meeting can be viewed by clicking on the link on the front page of the relevant report.

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact the Planning Team on (01635) 519148
Email: planningcommittee@westberks.gov.uk

Further information, Planning Applications and Minutes are also available on the Council's website at www.westberks.gov.uk

Any queries relating to the Committee should be directed to Jenny Legge on (01635) 503043 Email: jenny.legge@westberks.gov.uk



Agenda - Western Area Planning Committee to be held on Wednesday, 9 June 2021
(continued)

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

Substitutes: Councillors Jeff Beck, Lynne Doherty, David Marsh, Steve Masters, Andy Moore, Erik Pattenden, Garth Simpson and Martha Vickers

Agenda

Part I

Page No.

- | | | |
|-----|---|--------|
| (1) | Application No. and Parish: 20/02026/PACOU, St Gabriels Farm, Cold Ash | 7 - 22 |
| | Proposal: Prior approval of change of use of agricultural buildings to 5 dwellings. | |
| | Location: St Gabriels Farm, The Ridge, Cold Ash | |
| | Applicant: Rivar Limited | |
| | Recommendation: To delegate to the Head of Development and Planning to GRANT PRIOR APPROVAL subject to conditions. | |



Agenda - Western Area Planning Committee to be held on Wednesday, 9 June 2021
(continued)

- (2) **Application No. and Parish: 20/02062/COMIND, St Gabriels Farm, Cold Ash** 23 - 24

Proposal: A full planning application (submitted in parallel with the submission of a Class Q Prior Approval application) to facilitate limited works to: Establish an access way (including a turning head) which links the driveways of the new dwellings created under the parallel Class Q Prior approval application, to the existing approved driveway and access track at the St Gabriels Farm site. Regularise improved site parking arrangements. Achieve proportionate extensions to some of the limited residential curtilages established for the new dwellings being approved under the Class Q Prior Approval application. Add additional drainpipes to the dwellings being approved under the Class Q Prior Approval application. Site landscaping improvements. Demolition of a barn redundant following approval of the parallel Class Q Prior application. Creation of a paddock in place of the redundant barn being demolished. Filling in of three slurry pits ew0073.

Location: St Gabriels Farm, The Ridge, Cold Ash

Applicant: Rivar Ltd

Recommendation: To delegate to the Head of Development and Planning to GRANT PLANNING PERMISSION subject to conditions

- (3) **Application No. and Parish: 21/00412/FUL, Hazelhanger Farm, North Heath, Chieveley** 25 - 26

Proposal: Change of use of Hazelhanger Farm from a guesthouse (use class C1) to a dwellinghouse (use class C3)

Location: Hazelhanger Farm, North Heath, Chieveley

Applicant: Mr and Mrs Abbott

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

Background Papers

- (a) The West Berkshire Core Strategy 2006-2026.
(b) The West Berkshire District Local Plan (Saved Policies September 2007), the

Agenda - Western Area Planning Committee to be held on Wednesday, 9 June 2021
(continued)

Replacement Minerals Local Plan for Berkshire, the Waste Local Plan for Berkshire and relevant Supplementary Planning Guidance and Documents.

- (c) Any previous planning applications for the site, together with correspondence and report(s) on those applications.
- (d) The case file for the current application comprising plans, application forms, correspondence and case officer's notes.
- (e) The Human Rights Act.

Sarah Clarke

Service Director (Strategy and Governance)

If you require this information in a different format or translation, please contact
Stephen Chard on (01635) 519462.



**WESTERN AREA PLANNING COMMITTEE
DATED 9th June 2021**

UPDATE REPORT

This report sets out the running order for tonight's Committee meeting. It indicates the order in which the applications will be heard, the officer presenting and anyone who has registered to speak either in favour or against the application.

Those people attending to take part in the pre-arranged Public Speaking sections are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Any additional information that has been received since the main agenda was printed will be contained in this report. It may for instance make reference to amended plans and further letters of support or objection. This report must therefore be read in conjunction with the main agenda.

The report is divided into four main parts:

- Part 1 - relates to items not being considered at the meeting,
- Part 2 - any applications that have been deferred,
- Part 3 - applications where members of the public wish to speak,
- Part 4 - applications that have not attracted public speaking.

Part 1	Item (4) 21/00429/HOUSE White Lodge, Donnington	Page no. 85 – 99
Part 2	N/A	
Part 3	Item (1) 20/02026/PACOU St Gabriels Farm, Cold Ash Item (2) 20/02062/COMIND St Gabriels Farm, Cold Ash	Page no. 9 - 45 Page no. 47 - 83
Part 4	Item (3) 21/00412/FUL Hazelhanger Farm, Chieveley	Page no. 101 - 114

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**WESTERN AREA PLANNING COMMITTEE
9TH JUNE 2021**

UPDATE REPORT

Item No: 1 **Application No:** 20/02026/PACOU **Page No.** 9-45

Site: St Gabriels Farm, The Ridge, Cold Ash

Planning Officer Presenting: Sian Cutts

Member Presenting: N/A

Parish Representative speaking: Councillor Bernard Clark (Zoom)

Objector(s) speaking: Christopher Sayer (Zoom)

Supporter(s) speaking: N/A

Applicant/Agent speaking: Steven Smallman (Zoom)

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

1. Additional Consultation Responses

No additional formal consultation responses have been received. However, an email was received which highlighted an error in identifying the houses which can be viewed from the track. The photograph on page 66 instead of being view from track to houses in Corner Mead, it should be titled view from track to houses in Collaroy Road. The photograph on page 67 shows houses on Cold Ash Hill (as identified) and also Corner Mead.

2. Procedural Matters

This application is seeking prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GDPO), which grants permission for the change of use of agricultural buildings, and land within its curtilage to dwellinghouse (Class C3), and includes the building operations reasonably necessary to convert the building to a dwelling. The first stage in assessing the application is to confirm that the proposal can be considered under this process as the proposal constitutes permitted development, and then if those matters are satisfactory, as a matter of fact, then the Planning Authority can consider the prior approval matters.

In order for the conversion to be permitted development there are criteria which have to be met, and the legislation sets out the matters for which prior approval may be required, and if they are required, whether they are approved or not.

Paragraphs 6.2-6.5 of the Officer's report summarise the conditions for permitted development, and the Planning Statement submitted with the application also included information on how these requirements are met. The conditions of Class Q and how the proposal meets these requirements is set out below

Part 3, Class Q Paragraph Q.1	How the Requirement is Met
<p>(a) the site was not used solely for an agricultural use as part of an established agricultural unit—</p> <p>(i) on 20th March 2013, or</p> <p>(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or</p> <p>(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;</p>	<p>The site was used solely for an agricultural use as part of an agricultural unit on 20th March 2013</p>
<p>b) in the case of—</p> <p>(i) a larger dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or</p> <p>(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;</p>	<p>The application does not propose more than three larger dwellinghouses within the agricultural unit and the cumulative number of separate larger dwellinghouses proposed under Class Q will not exceed 465 sq. metres.</p> <p>Three larger dwellinghouses are proposed:</p> <p>1 @ 149.5 sq. metres 1 @ 149.5 sq. metres 1 @ 166 sq. metres</p> <p>Cumulative total 465 sq. metres</p>
<p>(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;</p>	<p>No individual dwelling exceed 456 sq. metres</p>
<p>(c) in the case of—</p> <p>(i) a smaller dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or</p>	<p>The number of smaller dwellings proposed does not exceed 5.</p> <p>The two smaller dwellings proposed are</p> <p>2 @ 100 sq. metres each</p> <p>Cumulative total 200 sq. metres</p>

<p>(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;</p>	
<p>(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—</p> <p>(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;</p> <p>(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;</p>	<p>(i) No dwelling will exceed 465 sq. metres and the cumulative floor space of the larger dwellings does not exceed 465 sq. metres.</p> <p>(ii) The cumulative number of dwellings does not exceed 5</p>
<p>(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p>	<p>The site is not occupied by an agricultural tenancy</p>
<p>(f) less than 1 year before the date development begins—</p> <p>(i) an agricultural tenancy over the site has been terminated, and</p> <p>(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;</p>	<p>The site is not occupied by an agricultural tenancy</p>
<p>(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—</p> <p>(i) since 20th March 2013; or</p> <p>(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;</p>	<p>No agricultural buildings or operations have been carried out since March 2013.</p> <p>An agricultural road was approved in 2019, and not implemented, (19/02334/AGRIC) this was approved under Class A (b) of Part 6.</p>

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;	No extensions to the dimensions of the building are proposed
(i) the development under Class Q(b) would consist of building operations other than— The works proposed (i) the installation or replacement of— (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);	A structural survey was submitted with the application which indicated that the works could take place without significant restructuring. The proposal includes demolitions to enable the proposed dwellings to meet the size limitations for permitted development. The application includes new window, and doors and exterior wall where partial demolition is proposed
(j) the site is on article 2(3) land;	The site is not within a Conservation Area or the North Wessex Downs Area of Outstanding Natural Beauty.
(k) the site is, or forms part of— (i) a site of special scientific interest; (ii) a safety hazard area; (iii) a military explosives storage area;	The site is not in any of these areas
(l) the site is, or contains, a scheduled monument; or	The site is not, and does not contain a scheduled monument
(m) the building is a listed building.	The building is not a listed building

Class Q requires that where these requirements are met that an application must be made for a determination of whether prior approval of the planning authority will be required for the following matters

- a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) Flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

The prior approval of these matters is required and the assessment of them is included within the Officer's report within the appraisal contained in section 6. However the application can only be determined in the accordance with these matters, and the development plan policies which apply to the individual considerations.

It is to be noted that dwellings granted permission under this legislation do not benefit from any permitted development rights relating to dwellinghouses.

3. Planning History

The planning history of the site has been set out in Table 2.1 within the report. Attached to this sheet is a copy of the appeal decision for application 16/00051/FULMAJ which set out the reasons for dismissing the appeal for the demolition of the farm buildings and the erection of 4 new dwellings with garages, landscaping and associated works.

That application could not have been considered under these permitted development rights, as that application proposed a redevelopment of the site including the demolition of the buildings, and the construction of new dwellings. In addition there have been amendments to the GDPO in 2018 and 2019 to include reasonably necessary building operations, and to increase the number and cumulative size of the buildings proposed to be converted to residential use.

In addition the access road across the field connecting the site to Cold Ash Hill was been constructed since the 2016 appeal. This took place through fully implementing the 2002 permission (02/00666/FUL) for a new farm access which had been partially implemented through the creation of the gate access onto Cold Ash Hill. The Inspector was particularly concerned about the particular design and layout of the new dwellings which were proposed on the site and the increase bulk and forward positioning of the house on the high convex contour line which would impact the open landscape of the area, as well as the access road.

The development plan has also changed since 2016, and a number of policies referred to from the West Berkshire District Local Plan (Saved Policies) 2007 have been replaced by the Housing Site Allocations DPD.

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Appeal Decision

Site visit made on 22 November 2016

by Jacqueline Wilkinson Reg. Architect IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2016

Appeal Ref: APP/W0340/W/16/3154466

St Gabriels Farm, Cold Ash Hill, Cold Ash. Thatcham West Berkshire RG18 9PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Rivar Ltd against the decision of West Berkshire Council.
 - The application Ref 16/00051/FULMAJ, dated 23 December 2015, was refused by notice dated 5 April 2016.
 - The development proposed is demolition of existing farm buildings and the erection of 4 new dwellings with garages, landscaping and associated works.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The Council has put before me an appeal decision for the erection of 6 detached dwellings on land south of Pound Cottage¹, which includes part of this appeal site adjacent to Cold Ash Hill at the proposed access point. The appeal, was dismissed on 5 October 2016. Whilst other interested parties would not have had an opportunity to comment on the relevance of that appeal decision to this appeal, the appellants have had a fair opportunity to comment in full at the final comments stage, so I have had regard to this appeal decision in my assessment of this appeal.

Main Issues

3. The main issues are i) the effect on the character and appearance of the area and the natural beauty of the adjacent North Wessex Downs Area of Outstanding Natural Beauty (AONB), ii) the effect on protected species and iii) whether the development would be sustainable development.

Reasons

Policy Framework

4. The appellants maintain that the Council cannot demonstrate that it has a 5 year supply of housing land. They have referred to two appeals². The most recent appeal, Pound Cottage, Cold Ash Hill was a Hearing but the Inspector could not reach a firm conclusion on the evidence available whether the

¹ APP/W0340/W/16/3143521 Pound Cottage, Cold Ash Hill

² APP/W0340/A/14/2228089 (Firlands Farm), APP/W0340/W/15/3136883 (Little Mallards)

Council's policies for the supply of housing were out-of-date or not. I have no further evidence on this point, so I have taken a precautionary approach and assessed this appeal on the basis that a 5 year supply has not been clearly demonstrated.

5. The appellants make the case that the site has an urban/rural fringe setting. The site may look close to the edge of the village on a map, but the rolling topography to the west and the steep wooded slopes behind it up to The Ridge give it a distinctly separate rural setting. The proposal is therefore a redevelopment of existing buildings within the rural area.
6. The West Berkshire Local Plan 2007 (Saved Local Plan) saved policy ENV.18 *Control of development in the countryside*, links to saved policy ENV.20 *Redevelopment of buildings in the countryside*. Policy ENV.20 allows for the redevelopment of existing buildings in the countryside where the proposal is in a sustainable location and subject to a number of other criteria being satisfied. This policy is not relevant to the supply of housing so is not out-of-date. Moreover, although not quoted in the Council's reasons for refusal, this is the key policy for the purposes of assessing this appeal.
7. Saved policy HSG1 of the West Berkshire Local Plan 2007 (Saved Local Plan) is a policy which is relevant to the supply of housing and is therefore out-of-date for the purposes of this appeal. West Berkshire Core Strategy 2012 policy ADPP 1 sets out the *Spatial Strategy for the District* states that infill and minor development adjacent to the settlement boundary may be accommodated, but as this is a relevant housing policy, it is also out-of-date. Policy CS 1 *Delivering new homes and retaining the housing stock* is a policy relevant to housing and so is out of date. However, as I have explained above, these policies are not the key policy for the assessment of this appeal.
8. Policies CS 13 *Transport*, CS 14 *Design principles* and CS 19 *Historic environment and landscape character* of the Core Strategy are not policies relevant to housing, so are up-to-date.
9. The National Planning Policy Framework (the Framework) in paragraph 55 sets the special circumstances for allowing isolated new homes in the countryside, one of which is that the development would re-use redundant or dis-used buildings and (my underlining) lead to an enhancement to the immediate setting.

Character and appearance, AONB

10. St Gabriels Farm buildings are a cluster of now mostly empty or lightly used 20th century farm buildings located on steeply rising ground below the road known as The Ridge, named for the obvious reason that it follows the line of the long ridge above the appeal site and along which the AONB commences. These buildings comprise one large brick built building, a part open, part enclosed cattle shed and a set of low open cattle shelters, all at different levels with a fall of approximately 3-4m across the site from front to back.
11. The appellants' Landscape and Visual Impact Assessment³ (LVIA) explains that the appeal site is just within the "Plateau Edge Transitional Matrix Character Area" as identified in the Newbury District Wide Landscape Character Assessment. This is clearly evident when looking at the appeal site, which sits

³ The Landscape and Visual Impact Assessment Pro-Vision December 2015.

just below the plateau edge above open farmland. The convex rounded slope profile of the lower slopes referred to as a general characteristic of this type of landscape, is found at the appeal site and plays an important role in the visibility of the proposed development and its visual separation from the village.

12. The existing buildings can be clearly seen from the access gate on Cold Ash Road (Viewpoint 1 of the LVIA). I accept that from other viewpoints identified in the LVIA the appeal site is not especially prominent, due to the topography. However, Viewpoint 1 is a key view, as this is the open landscape setting for the village when approaching from more built up areas to the south along Cold Ash Road. The LVIA points out that the proposed dwellings would be seen below the treed backdrop and would be lower than the existing ridge line and concludes that there would be a "localised minor adverse significance of effect".
13. Two of the proposed houses (plots 1 and 4) would be sited well to fore of the existing farm buildings, as shown on plan 30A. They would be significantly more prominent than the relatively low existing buildings, as shown on the submitted cross sections AA and BB. Plots 1 and 2 would also be significantly higher than the low shed they replace. This is shown on sections CC and DD. Moreover, there would be four large detached garages with dormered roof accommodation over and a new turning head well to the fore of all these proposed houses.
14. The Planning Statement describes these houses as being grouped in a traditional courtyard style typical of a vernacular group of rural buildings, taking as a reference the typical form of a traditional farmstead. However the proposed design has little in common with true vernacular architecture or farmstead groupings, and would be more akin to a cul-de-sac of large suburban houses. The two bungalows either side of the farmyard are low lying and small. Whilst there are large suburban houses within the village and some culs-de-sac, the design and layout of the proposed houses would be significantly at odds with their rural setting. The cumulative impact of the increased bulk and the forward position of these large houses on this high convex contour line would have a significantly adverse impact on the wider open landscape character of the area.
15. The proposed houses would be reached along a long road with an access gate off Cold Ash Road. A farm access track following the same route was approved⁴ in 2002 and the gate and splays have been built. I have not been told if the pre-commencement conditions were discharged. However, the farm has ceased operation and it would be very unlikely that this track would be completed. Whilst it follows the same route, the proposed access road would be materially different to the approved track. It would be 8.8m wide, with a 4.8m carriageway, compared to the approved track which would be a total of 3.5m wide with passing bays at every 100m. Moreover, the farm track would not have been sealed and it did not include a turning head at the top in front of the farm buildings.
16. The proposed access road would be surfaced with tarmac and the Highway Authority states that it would be built to adoptable standards. The appellants refer to it being built to current highway standards, wide enough for refuse vehicles. There are no further details, but as it would cross farmland in

⁴ Ref 02/00666/FUL.

- separate ownership and bisect a hedge, fencing and gates would be likely to be needed. The proposed access road would have a significantly greater prominence than a farm track and would be an alien suburban feature arbitrarily crossing the existing field pattern.
17. Whilst the fencing and gates could be the subject of a condition, landscaping would not in this case be appropriate as it would add to the incongruous relationship of this road to the field pattern. It is therefore unlikely that the effect of the hard surfaces would be able to be softened to any significant degree and the night time tranquillity and natural darkness of the countryside will be interrupted by the comings and goings along the road.
 18. I therefore conclude that the proposed access road would have a significantly harmful impact on the open farmland landscape character of the area.
 19. I note the words of the Inspector in the recent appeal decision at Pound Cottage, Cold Ash Hill in paragraph 22, who drew attention to the "surrounding agricultural land, which provides a significant and pleasant gap between the built up areas of Cold Ash and Thatcham, contributing to the rural character of the area". Part of this surrounding agricultural land is within this appeal site and I have come to similar conclusions about the importance of this landscape to the setting of the village.
 20. The proposal would therefore be contrary to the requirements of policies CS 14 *Design principles* and CS 19 *Historic environment and landscape character* of the West Berkshire District Local Plan Core Strategy, July 2012. These policies require that development respects the character of the surrounding area. It would also fail the tests of Saved Local Plan policy ENV.20, which requires that (a) the redevelopment has no greater impact than the existing development, (b) is appropriate in design, form, character and siting to its rural location and that it would not be visually intrusive, (c) respects local building styles and materials, and (e) the extent of the curtilage is not visually intrusive. It would also fail the requirement of paragraph 55 of the Framework to enhance the immediate setting.
 21. The proposed development would be well screened by the prevailing woodland and linear development at higher levels along The Ridge, which is the AONB boundary. I am satisfied that the natural landscape beauty of the area would not be harmed. The requirement to protect nationally designated landscapes set out in paragraph 115 of the Framework would therefore be met.

Access to services

22. Policy ENV20 requires that the proposal should be in a sustainable location, which minimises the need for travel and which would be accessible by alternative means of transport other than the private car. Whilst the appeal site is located adjacent to the settlement as seen on a map, the 500m long steeply rising unlit access road would be a significant physical and psychological barrier to walking or cycling, especially at night and in poor weather. There are bus stops at the bottom of the access road, but the village facilities, such as the school and the playing fields, are stretched out over some distance along the steeply rising Cold Ash Road. Paragraph 5.12 of the Highways and Accessibility Statement states that the distances are measured "as the crow flies" so they do not take the length and steepness of the access road into account. Taking into account the additional length of steep access

road, the future occupiers of the proposed dwellings would be effectively isolated from the village, so would be likely to use the private motor car to access most of their daily services.

23. The appellants state that pedestrian access would be retained along the existing access to connect with bus services and schools along The Ridge. However, no pedestrian connection up to The Ridge is shown on the submitted plans and the application red line specifically excludes a new linking road shown on the plans to the south of the proposed dwellings. Access across land not in the appellants' ownership would be required. This could be the subject of a condition, but I have nothing before me that indicates that this would be deliverable and the layout does not appear to have been designed to facilitate the use of this route into the proposed development. The purpose of the extension to the access road is unclear, but as it is not within the appeal site it cannot be taken into account.
24. I therefore conclude that the criteria set for a sustainable location as set out in the last paragraph of ENV.20, which reflect the criteria set out in the Framework for sustainable development, would not be satisfied.

Protected species

25. The application was supported by an Ecological Appraisal Report by SLR Consulting Ltd. This report included a phase 1 habitat survey and a phase 2 dusk bat survey. The report identifies the possibility that great crested newts are present, a bat roost has been identified, which the report assesses as having low conservation value, and reptile surveys were recommended, due to the presence of suitable habitat.
26. The Wildlife Trust⁵ has objected on the basis of lack of information, pointing out that a number of protected species (bats, great crested newts, reptiles) have been identified as potentially present within the appeal site or adjacent to it. The Council's principal Ecologist also supports the view that further surveys should be undertaken.
27. The appellant points out that the Council has, in a similar case, granted permission with a condition attached requiring further survey work. However, Circular 06/2005 *Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning System* advises, 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 the relevant material considerations may not have been addressed in making the decision.
28. As the likely presence of protected species has been identified and there is likelihood that the development would affect them, on the basis of the information before me I cannot conclude that the requirements of the Conservation of Habitats and Species Regulations 2010 (the Habitats Regulations) would be satisfied. This would also bring the proposal into conflict with the objective of Core policy CS17 to conserve biodiversity and it would also fail the requirements of policy ENV20 (h) in terms of the effect on protected species.

⁵ Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust

Other matters

29. A number of respondents have raised the question of waste collection. A waste collection point is shown on the plans at the top of the new access road. However, the Council's waste management officer states that as the road is not to be adopted, collection would have to be from the roadside in sacks. A collection point at Collaroy Road is mentioned, which I have taken to mean The Ridge. Whilst the sacks from the two existing dwellings are taken up to The Ridge, it would be unreasonable to expect the occupiers of the proposed houses to carry all their waste on foot up this steep and poorly surfaced track. However, as I have pointed out, I cannot assume that this route would be available, so the only alternative would be to leave the sacks at the access gates on Cold Ash Hill. Whilst there is no roadside recycling at the moment, it is difficult to see how any future recycling and waste collection point for four large houses could be visually satisfactorily accommodated in the rural setting of this frontage.
30. The unresolved question of waste collection and future re-cycling points indicates that the proposed development would not function well and add to the overall quality of the area not just for the short term but over the lifetime of the development, as required by the Framework, paragraph 58.
31. Concern about highway safety on Cold Ash Hill has been raised, but the Highway Authority has not objected and I saw at my site visit that there would be good visibility in both directions at the access point. I therefore conclude that the safety of highway users would not be put at risk by the proposals.

Sustainable development

32. Sustainable development has three strands – economic, social and environmental – as set out in the Framework.
33. The construction of the houses would generate local economic activity for the duration of their construction, but this would be a short term benefit to which I attribute low weight. The occupiers of four dwellings would add, in small way, to the viability of local services, such as the pubs and the shop. The contribution to the housing supply in the District would be small.
34. I have found that the proposal would not harm the natural beauty of the AONB. However, I have found that the proposal would have a significantly adverse impact on the open rural landscape character that forms the setting to the village, partly due to the scale, design and prominent location of the proposed houses and their garage/annexes and partly due to the visual impact of the access road and turning head itself.
35. I have also found that due to the length and gradient of the proposed access road, the occupiers of the proposed houses would be isolated from daily services and village activities so would not be likely to access them without the use of a car. I have also found that this access road would be a barrier to the effective collection of waste and future efforts to recycle more household waste.
36. I therefore conclude that the proposal would not be sustainable development in all its dimensions.

Conclusions

37. The appellants have sought to demonstrate that the proposed development would be sustainable development in all its dimensions, but I have not found this to be the case. Under the terms of paragraph 14 of the Framework, I am therefore required to balance the adverse effects against the benefits.
38. I attribute significant weight to the objective of taking into account the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside, as set out in the Framework⁶ *Core planning principles*. The proposal would also demonstrably fail this objective and it would also fail the criteria set out in paragraph 55.
39. The economic benefits of the construction of the houses would be short term and small. The occupiers of four dwellings would use local services, such as the pubs and the shop, but the economic benefit of this would be limited. The contribution to the housing supply in the District would also be small.
40. I therefore conclude that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits of the proposed development.
41. For the reasons given above I conclude that the appeal should be dismissed.

Jacqueline Wilkinson

INSPECTOR

⁶ Paragraph 17.

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WESTERN AREA PLANNING COMMITTEE 9TH JUNE 2021

UPDATE REPORT

Item No: (2) **Application No:** 20/02062/COMIND **Page No.** 47-83

Site: St Gabriels Farm, Cold Ash

Planning Officer Presenting: Sian Cutts

Member Presenting: N/A

Parish Representative speaking: Councillor Bernard Clark (Zoom)

Objector(s) speaking: Christopher Sayer (Zoom)

Supporter(s) speaking: N/A

Applicant/Agent speaking: Steven Smallman (Zoom)

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

1. Additional Consultation Responses

No additional formal consultation responses have been received. However, an email was received which highlighted an error in identifying the houses which can be viewed from the track. The photograph on page 66 instead of being view from track to houses in Corner Mead, it should be titled view from track to houses in Collaroy Road. The photograph on page 67 shows houses on Cold Ash Hill (as identified) and also Corner Mead.

2. Permitted Development Rights

Dwellings which are granted permission under Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development Order) (GPDO) do not benefit from permitted development rights for hardstandings and outbuildings which are permitted by Class E and Class F of the Schedule 2, Part 1 of the GDPO. Therefore it is not necessary to add a condition restricting these rights.

The permitted development rights for the erection of gates, walls, fences and other means of enclosure would still apply. A condition is recommended to seek approval of those matters before the development is occupied, but does not include an ongoing restriction of additional

fences. The site is in a sensitive rural location, and the soft landscaping which has been indicated includes a transitional zone between the agricultural fields and the residential curtilages thought the wildflower planting, pond and drainage features. In the interests of ensuring that there are no visually inappropriate boundary treatments in the future, it is appropriate to remove the permitted development rights for the erection of gates, fences, walls or other means of enclosure.

3. Updated Recommendation

The recommendation remains as set out in the agenda committee report, subject to the following additional conditions.

11.	<p>Permitted development restriction</p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no gates, fences, walls or other means of enclosure which would otherwise be permitted by Schedule 2, Part 2, Class A of that Order shall be erected, constructed, or materially altered without planning permission being granted by the Local Planning Authority on an application made for that purpose. This restriction excludes any development expressly permitted by this permission, and does not prevent repairs or replacements (in full or in part) that do not materially affect the external appearance of any gate, fence, wall or other means of enclosure.</p> <p>Reason: To prevent the erection of such development which may have an adverse impact on the rural character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and Quality Design SPD (June 2006).</p>
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WESTERN AREA PLANNING COMMITTEE 9TH JUNE 2021

UPDATE REPORT

Item No: 3 **Application No:** 21/00412/FUL **Page No.** 101-114

Site: Hazelhanger Farm, North Heath, Chieveley

Planning Officer Presenting: Lydia Mather

Member Presenting: N/A

Parish Representative speaking: N/A

Objector(s) speaking: N/A

Supporter(s) speaking: N/A

Applicant/Agent speaking: N/A

Ward Members: Councillor Hilary Cole
Councillor Garth Simpson

1. Enforcement action at the site

The case officer is aware of enforcement action that is currently ongoing at the application site. However, it is not considered that this has an impact upon the determination of this application. The curtilage is shown by the red line and is limited to that – the application does not include a proposal to extend the curtilage.

2. Community Infrastructure Levy

The community infrastructure levy applies to changes of use that involve the creation of a dwelling. If it is demonstrated that the lawful use of the building was in use for at least six continuous months of the three years prior to now, and where there is no additional floor space being created, the CIL charge would be nil. If that is not demonstrated then the CIL would be payable.

3. Policy CS10 – Rural Economy

Policy CS10 states that proposals seeking the loss of existing small enterprises in rural areas must demonstrate that it does not negatively impact upon the local economy, vitality and viability of the surrounding rural area.

As the case officer's report outlines no supporting information on the use of the building as a guesthouse has been provided, although it was requested. The applicant outlined that this is due to the business not becoming established due to the pandemic.

Notwithstanding this lack of information officers consider that the impact of the use of the building as a dwelling house is similar to that of a guesthouse. Particularly where the guesthouse was granted under permitted development rights and there are no restrictions on length of stay of guests or season for guests. Use as a dwellinghouse brings its own economic benefit, although it is accepted this could be less than a guesthouse use.