

# **EASTERN AREA PLANNING COMMITTEE**

## **MINUTES OF THE MEETING HELD ON WEDNESDAY, 2 APRIL 2014**

**Councillors Present:** Pamela Bale, Brian Bedwell (Vice-Chairman), Richard Crumly, Sheila Ellison, Alan Law, Tony Linden (Substitute) (In place of Peter Argyle), Royce Longton, Alan Macro, Geoff Mayes, Tim Metcalfe, Graham Pask and Quentin Webb (Chairman)

**Also Present:** Sarah Clarke (Team Leader - Solicitor), Emma Fuller and Charlene Myers (Democratic Services Officer)

**Apologies for inability to attend the meeting:** Councillor Peter Argyle and Councillor Irene Neill

### **PART I**

#### **66. Minutes**

The Minutes of the meeting held on 12 March 2014 were approved as a true and correct record and signed by the Chairman subject to the inclusion of the following statement: decommissioning the solar panels would be the responsibility of the land owner.

#### **67. Declarations of Interest**

There were no declarations of interest received.

#### **68. Schedule of Planning Applications**

##### **68(1) Application No. & Parish: 14/00233/FUL - Little Paddocks, Woolhampton Hill, Woolhampton**

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 14/00233/FUL in respect of an application to remove Class E from condition 4 of approved application 13/02394/HOUSE.

In accordance with the Council's Constitution, Mr Andrew Robinson, applicant, addressed the Committee on this application.

Mr Robinson in addressing the Committee raised the following points:

- He reminded the Committee that application 13/02394/HOUSE considered the development of the dwelling only. Further development onsite was not directly considered.
- The removal of permitted development rights failed to consider the introduction of any modest sized outhouses, the condition should only be included under exceptional circumstances.
- The property was already disproportionate in size when compared to its original state; therefore, ENV24 guidance was not applicable.
- As set out in the National Planning Guidance (NPG) any proposed condition that failed to meet the six tests should not be used.
- The use of restricting Class E development within condition 4 was thought to be neither necessary or fair and unreasonable. It was unlikely that application

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13/01394/HOUSE was approved solely on the basis that it included condition 4; which reinforced the view that it was not necessary.

- It was not fair or reasonable to restrict Class E development of a family home and the opportunity to improve the site.

Councillor Richard Crumly asked whether Mr Robinson had considered appealing the decision made in November 2013 against application 13/01394/HOUSE. Mr Robinson advised that he had not on the basis that he planned to submit the current application instead.

Councillor Alan Law asked what Mr Robinson planned to build if the condition was removed. Mr Robinson advised that he was unsure at this stage; he wanted to have the flexibility to decide without passing each idea through the planning process.

Councillor Graham Pask stated that he had visited the site twice, he sympathised with the applicant as the current development was unattractive and could benefit from improvements.

Councillor Pask acknowledged that the site was unlikely to be overdeveloped under its current ownership; however, he was concerned that if the condition was lifted and the site was sold then it could be open to excessive development.

Councillor Pask supported the Officer's recommendation.

In response, Councillor Law explained that his main concern would not be overdevelopment but rather the appropriateness of any future development. Councillor Law reminded the Committee that the application was refused at first due to concerns regarding the appropriateness of the proposed development. The subsequent application was approved due to the Committees increased confidence on the basis that the application included permitted development rights.

Councillor Law also supported the Officer's recommendation.

Councillor Alan Macro was concerned that a variety of buildings could be allowed on site if the development of Class E buildings was permitted. Councillor Macro was supportive of Officers' recommendations and stated that if the applicant wanted to develop then he would have an opportunity to request permission by submitting a planning application.

Councillor Tony Linden recommended acceptance of Officers' recommendations to refuse planning permission. The recommendation was seconded by Councillor Law.

Councillor Crumly suggested that the applicant should have appealed the decision made in November 2013 rather than delaying the process. He was supportive of the decision to grant planning permission against application 13/01394/HOUSE and felt that it was reasonable to request oversight of any future development onsite.

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

### **Conditions**

Condition 4 of permission 13/02394/HOUSE restricted permitted development rights for projects otherwise permitted by Schedule 2, Part 1, Classes A, B, C and E. The reason was that 'The site is located within the countryside and measures are in place to prevent the overdevelopment of sites and a material increase in visual intrusion in the landscape. As Little Paddocks has already been greatly extended it is appropriate for the Local Planning Authority to examine further proposals for extensions, alterations and outbuildings to assess whether these would be appropriate to the character of the dwelling, the site and to the local area.'

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Little Paddocks is located outside of any defined settlement boundary, in the countryside in planning policy terms. Guidance in the National Planning Policy Framework, Policies CS14 and CS19 of the Core Strategy 2006-2026 requires that applications achieve high quality design appropriate to their setting. Policy ENV24 of the West Berkshire Local Plan 1991-2006 Saved Policies 2007 seeks to prevent the over development of sites in the countryside and a material increase in visual intrusion into the countryside. In determining the application for extensions under 13/02394/HOUSE it was considered appropriate to restrict certain permitted development rights, including those under Schedule 2, Part 1, Class E. Advice in the National Planning Guidance (March 2014) outlines that conditions must meet the six tests for appropriateness.

In considering the removal of Class E from condition 4 the Council have sought to retain control over further extensions, alterations and outbuildings which would otherwise not need permission, to assess whether cumulatively the proposals are appropriate in their context. The cumulative impacts of incremental extensions and outbuildings can have an urbanising impact upon them character of the site and surrounding countryside. Little Paddocks, whilst sitting on a large site, has been greatly extended since it was first built, and further uncontrolled development could result in a change to the spacious character of the site, which is set in an attractive part of the countryside and visible from an adjacent public right of way and open views from the south. This is supported by the appeal decision APP/W0340/D/11/2160600 which noted that a distinctive characteristic of the site is the spaciousness of the plot and its contribution to the open character of the area and landscape. Policy ENV24 of West Berkshire Local Plan 1991-2006 Saved Policies 2007 seeks to prevent the overdevelopment of sites in the countryside and a material increase in visual intrusion into the countryside. Given this aim and the extent of projects which could otherwise be undertaken by virtue of Class E the restriction of permitted development rights is considered wholly reasonable and necessary, and to meet the six tests of appropriateness as outlined in the National Planning Guidance (March 2014).

The proposal therefore fails to comply with guidance contained within the National Planning Policy Framework (March 2012), National Planning Guidance (March 2014), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Policy ENV24 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), West Berkshire Council's Supplementary Planning Document Quality Design (Part 2) (June 2006), West Berkshire Council's Supplementary Planning Guidance notes 'House Extensions' and 'Replacement Dwellings and Extensions to Dwellings in THE Countryside' (July 2004)

### **69. Appeal Decisions relating to Eastern Area Planning**

Members noted the outcome of appeal decisions relating to the Eastern Area.

### **70. Site Visits**

A date of 16 April March 2014 at 9.30am was agreed for site visits if necessary. This was in advance of the next Eastern Area Planning Committee scheduled for 24 April 2014.

*(The meeting commenced at 6.30 pm and closed at 7.05 pm)*

**CHAIRMAN** .....

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