

# Notice of Meeting



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## Eastern Area Planning Committee

**Wednesday 27 February 2019 at 6.30pm**

**in the Calcot Centre, Highview (off Royal Avenue), Calcot**

### 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, 19 February 2019

### FURTHER INFORMATION FOR MEMBERS OF THE PUBLIC

**Note:** The Council broadcasts some of its meetings on the internet, known as webcasting. If this meeting is webcast, please note that any speakers addressing this meeting could be filmed. If you are speaking at a meeting and do not wish to be filmed, please notify the Chairman before the meeting takes place. Please note however that you will be audio-recorded. Those taking part in Public Speaking are reminded that speakers in each representation category are grouped and each group will have a maximum of 5 minutes to present its case.

Plans relating to the Planning Applications to be considered at the meeting can be viewed in the Calcot Centre between 5.30pm and 6.30pm on the day of the meeting.

No new information may be produced to Committee on the night (this does not prevent applicants or objectors raising new points verbally). If objectors or applicants wish to introduce new additional material they must provide such material to planning officers at least 5 clear working days before the meeting (in line with the Local Authorities (Access to Meetings and Documents) (Period of Notice) (England) Order 2002).

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: [planapps@westberks.gov.uk](mailto:planapps@westberks.gov.uk)

Further information, Planning Applications and Minutes are also available on the Council's website at [www.westberks.gov.uk](http://www.westberks.gov.uk)



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 27 February 2019**  
*(continued)*

Any queries relating to the Committee should be directed to Stephen Chard on (01635) 519462  
Email: [stephen.chard@westberks.gov.uk](mailto:stephen.chard@westberks.gov.uk)

**Agenda - Eastern Area Planning Committee to be held on Wednesday, 27 February 2019**  
(continued)

**To:** Councillors Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chairman), Alan Macro, Tim Metcalfe, Graham Pask (Chairman), Richard Somner and Emma Webster

**Substitutes:** Councillors Rob Denton-Powell, Lee Dillon, Sheila Ellison, Tony Linden, Mollie Lock and Quentin Webb

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# Agenda

## Part I

**Page No.**

1. **Apologies**  
To receive apologies for inability to attend the meeting.
  2. **Minutes** 5 - 16  
To approve as a correct record the Minutes of the meeting of this Committee held on 6 February 2019.
  3. **Declarations of Interest**  
To remind Members of the need to record the existence and nature of any personal, disclosable pecuniary or other registrable interests in items on the agenda, in accordance with the Members' [Code of Conduct](#).
  4. **Schedule of Planning Applications**  
(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications.)
- (1) **Application No. & Parish: 18/01470/FULD - Bushnells Green Farmhouse, Chapel Row** 17 - 90
- Proposal:** Retention of existing timber lodge as farm worker accommodation. Supported by new and additional evidence. Non compliance with condition 12 of approved 13/03014/FUL.
- Location:** Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire, RG7 6DW
- Applicant:** Mr and Mrs J Plank
- Recommendation:** To **DELEGATE** to the Head of Development & Planning to **REFUSE PLANNING PERMISSION**.



**Agenda - Eastern Area Planning Committee to be held on Wednesday, 27 February 2019**  
(continued)

**Items for Information**

5. **Appeal Decisions relating to Eastern Area Planning** 91 - 92  
*Purpose: To inform Members of the results of recent appeal decisions relating to the Eastern Area Planning Committee.*

**Background Papers**

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

Andy Day  
Head of Strategic Support

If you require this information in a different format or translation, please contact  
Moira Fraser on telephone (01635) 519045.



# Agenda Item 2.

## DRAFT

Note: These Minutes will remain DRAFT until approved at the next meeting of the Committee

### **EASTERN AREA PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON WEDNESDAY, 6 FEBRUARY 2019**

**Councillors Present:** Peter Argyle, Pamela Bale, Graham Bridgman, Keith Chopping, Richard Crumly, Marigold Jaques, Alan Law (Vice-Chair, in the Chair), Tony Linden (Substitute) (In place of Emma Webster), Tim Metcalfe, Richard Somner and Quentin Webb (Substitute) (In place of Graham Pask)

**Also Present:** Gareth Dowding (Senior Engineer), David Pearson (Development Control Team Leader), Jo Reeves (Principal Policy Officer) and Donna Toms (Planning Officer)

**Apologies for inability to attend the meeting:** Councillor Alan Macro, Councillor Graham Pask and Councillor Emma Webster

#### **PART I**

##### **50. Minutes**

Councillor Alan Law opened the meeting by announcing that Jean Gardner, Chairman of Tilehurst Parish Council and a former District Councillor, had suddenly passed away earlier that week. He advised that a minute's silence would be held at the upcoming Full Council meeting and he wished to recognise the big contribution that Jean had made to the community.

The Minutes of the meeting held on 16 January 2019 were approved as a true and correct record and signed by the Chairman, subject to the following amendments:

**Item 47 (1), Page 12, fifth bullet point:** to be amended to read "Councillor Law questioned the lack of a detailed discussion on the viability appraisal."

**Item 47 (1), Page 12, third paragraph:** to be amended to read "Councillor Bridgman asked whether or not the repairs and restoration works proposed would meet the listed building requirements. Cheryl Willett answered in the affirmative."

##### **51. Declarations of Interest**

Councillor Richard Crumly declared an interest in Agenda Item (1) and Councillor Tim Metcalfe declared an interest in Agenda Item (2), but reported that, as their interests were a personal or an other registrable interest, but not a disclosable pecuniary interest, they determined to remain to take part in the debate and vote on the matter.

##### **52. Schedule of Planning Applications**

###### **(1) Application No. & Parish: 18/02866/HOUSE - 8 Alexander Road, Thatcham**

*Councillor Richard Crumly declared a personal interest in Agenda Item 4(1) by virtue of the fact that he was a Member of Thatcham Town Council and the Planning and Highways Committee. He had been present when the application was discussed, but would consider the application afresh. As his interest was personal and not an other*

## **EASTERN AREA PLANNING COMMITTEE - 6 FEBRUARY 2019 - MINUTES**

*registrable or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter.*

The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 18/02866/HOUSE in respect of a retrospective application for the erection of a two storey side extension at 8 Alexander Road, Thatcham.

David Pearson introduced the report and update sheet to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justified. He recommended that the tense of the wording of the proposed condition one be amended to recognise that the application was retrospective. Officers recommended the Committee grant conditional planning permission.

In accordance with the Council's Constitution, Ms Emma Tompkins, applicant, addressed the Committee on this application.

### **Applicant/ agent Representation**

Ms Tompkins in addressing the Committee raised the following points:

- The Town Council had expressed concern regarding the devaluation of property in the area. This was not her intention as it made no economic sense. Property values were not a planning issue.
- There were also concerns expressed regarding a terracing effect. Ms Tompkins reported that there was previously a single storey extension with a flat roof on the site which ended 30cm from the boundary on her property and on her neighbour's property. Planning permission for the two storey extension was sought prior to moving into the property. When she employed an architect to draw plans, he recommended using existing foundations closer to the boundary line.
- A precedent for small gaps between properties had already been set by other houses on the road.

### **Questions from Members**

Councillor Pamela Bale asked whether the Planning Authority had been consulted prior to construction. Ms Tompkins stated that she had been badly advised; she originally thought that the extension had been built as described in the planning permission. It was only when neighbours raised the issue that she realised it had not. The builder had not been aware of the issue as he had only seen the building plans prepared by the architect and not the plans submitted as part of the planning application.

Councillor Graham Bridgman noted that plan 102b showed a small wall between Ms Tompkins' property and her neighbour. He enquired what had happened to that wall. Ms Tompkins could not confirm but believed it was now part of the garage.

Councillor Keith Chopping asked if an objection had been submitted by the neighbour whose property abutted the applicant's. Ms Tompkins confirmed it had not.

Councillor Richard Crumly raised a query regarding the neighbour's extension. Ms Tompkins advised that there had already been a single storey garage on the site and an additional storey had been added.

Councillor Marigold Jacques asked whether the applicant had been aware of the neighbour's extension when they purchased the property. Ms Tompkins advised she had not been aware however when she informed the neighbour of her intention to extend they agreed to build their extensions at the same time.

## EASTERN AREA PLANNING COMMITTEE - 6 FEBRUARY 2019 - MINUTES

### Member questions to Officers

Councillor Bridgman enquired whether there was anything the Committee should consider in relation to the retrospective application for the extension next door to the site. Dave Pearson advised that each application was capable of separate determination.

### Debate

Councillor Quentin Webb expressed the opinion that the extension did not create a terracing effect as the ridge heights were different and one house was stepped back from the other. He stated that he saw no reason not to allow planning permission and proposed that the Committee accept the officers' recommendation. The proposal was seconded by Councillor Chopping.

Councillor Crumly commented that he had considered the application afresh and accepted Councillor Webb's view on the possible terracing effect to an extent but maintained his objection to the application.

Councillor Chopping confirmed that he had no issues with the application, but expressed the view that it was disappointing to see that 29 identical letters of objection were submitted regarding a relatively minor matter.

Councillor Bridgman stated that he had considered the impact of the extension on the street scene and considered that there was still subservience between properties.

The Chairman invited the Committee to vote on the proposal of Councillor Webb as seconded by Councillor Chopping to approve planning permission. At the vote the motion was carried.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

### Conditions

1. The development hereby permitted shall be completed in accordance with amended plans relating to the rear gable end (to be provided).

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

2. Within two months of the date of this permission, the parking and/or turning space on site shall be provided in accordance with the approved plans and shall thereafter be kept available for parking.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### Informatives:

1. This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

## EASTERN AREA PLANNING COMMITTEE - 6 FEBRUARY 2019 - MINUTES

2. This planning permission is granted in accordance with Section 73A of the Town and Country Planning Act 1990.

### (2) **Application No. & Parish: 18/02930/HOUSE - Purley Lodge Cottage, Purley on Thames, Reading**

*(Councillor Tim Metcalfe declared a personal interest in Agenda item 4(2) by virtue of the fact that he owned farmland adjacent to the site but he considered that the application had no bearing on his property. As his interest was personal and not an other registrable or a disclosable pecuniary interest he determined to take part in the debate and vote on the matter).*

The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 18/02930/HOUSE in respect of a proposed part single storey, part two storey rear extension to the existing single family dwelling house at Purley Lodge Cottage, Purley Lane, Purley.

David Pearson introduced the report and update sheet to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was unsatisfactory and a conditional approval was not justifiable. Officers recommended the Committee refuse planning permission.

In accordance with the Council's Constitution, Mr Fred Guttfeld, applicant/ agent, addressed the Committee on this application.

#### **Applicant/ agent Representation**

Mr Guttfeld in addressing the Committee raised the following points:

- The extension had been sensitively designed to convert an unattractive outbuilding.
- The house was not in a conservation area, a listed building or in the Area of Outstanding Natural Beauty.
- No objections had been raised by neighbours or statutory consultees. There had been three letters of support.
- The applicant had grown up in Purley.
- The extension would be subservient to the main house as it had a lower ridge height and was set back; Mr Guttfeld refuted that the proposal was dominant and bulky.
- Extensions had been permitted in the area which has more of an impact.
- Materials would be used which reflected the edge of village location.
- The officers' recommendation contradicted pre-application advice provided by the Planning Authority.

#### **Questions from Members**

Councillor Richard Crumly asked why timber cladding was proposed to create a barn like appearance when in his view brick would be more attractive. Mr Guttfeld advised that different materials would reflect the edge of village location and similar nearby properties.

Councillor Keith Chopping asked if the roof pitch would be the same as the main house. Mr Guttfeld advised that they were similar but heights had been restricted as far as possible and it had been sought to tie in eaves with the existing house.

Councillor Graham Bridgman questioned the statement that the extension would replace an unattractive outbuilding given that it could not be seen from the road at present but the extension would be visible.



## **EASTERN AREA PLANNING COMMITTEE - 6 FEBRUARY 2019 - MINUTES**

### **Ward Member representation**

Councillor Tim Metcalfe in addressing the Committee raised the following points:

- His fellow Ward Member, Councillor Rick Jones, had sent apologies because he lived adjacent to the site and therefore had a prejudicial interest.
- No objections had been raised with Councillor Metcalfe directly.
- The applicant had queried why the recommendation differed from the pre application advice and officers had advised that they could not account for other parts of the Council raising objections.
- The proposed extension was at an angle and if it had been square to the road the impact might not have been so detrimental.
- The extension would improve the house, was of a fun design and would enable the kitchen to be relocated.

### **Questions from Members**

Councillor Alan Law sought clarification on who had called the application to the Committee. Councillor Metcalfe confirmed that it was himself due to the unusual circumstances of the application.

### **Member questions to Officers**

Councillor Chopping asked if preservation of views was a planning matter. Dave Pearson advised that the Committee will have been advised in the past that there was no right to a view from a house but impact on amenity and the character of the area was a material consideration.

The Chairman invited Dave Pearson to make a comment regarding the pre-application advice. Dave Pearson explained that officers had given a positive response in their pre-application advice but this did not mean that planning permission was granted. In this case, the case officer had taken a different view. He confirmed that the officers put forward a strong recommendation to refuse planning permission.

### **Debate**

Councillor Webb stated that he had known the former resident of the property and knew the area well. He had some reservations about the application and while he could see the need for the extension, he was not satisfied with the proposal.

Councillor Crumly noted that the house next door had a large extension which might be judged to be incongruous. He understood why the owner sought to extend the property and was not certain that the Committee should block this legitimate aspiration. The situation with the pre-application advice demonstrated that it was a balanced situation. In conclusion he was prepared to support the application.

Councillor Bridgman had likewise considered the extension of the house next door. It might have been possible to extend straight out the back of the house to offer continuity. He supported Councillor Webb's views.

Councillor Marigold Jacques expressed the view that the applicant was a hostage to fortune in that they had complied with advice but resulted in a recommendation to refuse. She advised that so long as the bridleway was not impacted she would support the application.

Councillor Tony Linden stated that a balanced view must be taken and he considered that the harm of the extension on local amenity was marginal.

## EASTERN AREA PLANNING COMMITTEE - 6 FEBRUARY 2019 - MINUTES

Councillor Pamela Bale noted that an application to extend the house was refused in 2018. Dave Pearson clarified that the pre-application advice was sought in respect of that application.

Councillor Chopping stated that he did not like the proposed cladding and he thought the roof pitch was unbalanced but neither point was a reason for refusal. There had been no objections from neighbours and three letters of support which was telling. He did not agree that the proposal was bulky or dominant and proposed that the Committee decline the officers' recommendation and grant planning permission. Councillor Crumly seconded the proposal.

Councillors Chopping and Crumly accepted conditions recommended by Dave Pearson in respect of the commencement of the development, materials, provision of the parking spaces, hours of work and a construction management plan.

The Chairman invited the Committee to vote on the proposal which at the vote was carried with one abstention.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

### Conditions

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

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

2. The development hereby permitted shall be carried out in accordance with the approved drawings and other documents listed below:

- (i) Drawing No 051 P SL received on 5th November 2018;
- (ii) Drawing No 051 P SP received on 5th November 2018;
- (iii) Drawing No 051 P 02 received on 5th November 2018;
- (iv) Drawing No 051 P EL 1 2 received on 5th November 2018;
- (v) Drawing No 051 P EL 3 4 received on 5th November 2018;
- (vi) Drawing No 051 P EL 5 received on 5th November 2018;
- (vii) Drawing No 051 P 00 Rev A received on 5th November 2018;
- (viii) Drawing NO 051 P 01 received on 5th November 2018;
- (ix) Householder Planning Application Design and Access Statement October 2018 prepared by Gutfeld Architecture received on 5th November 2018;

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

3. No development shall take place above ground level until samples, and an accompanying schedule, of the materials to be used in the construction of the external surfaces of the extension) and hard surfaced areas hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials are visually attractive and respond to local character. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006), and the Supplementary Planning Guidance 04/2 House Extensions (July 2004).

## EASTERN AREA PLANNING COMMITTEE - 6 FEBRUARY 2019 - MINUTES

4. The extension hereby approved shall not be occupied until the parking spaces shown on Drawing No 051 P 00 Rev A received on 5th November 2018 have been provided. The parking and turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities, in order to reduce the likelihood of roadside parking that would adversely affect road safety and the flow of traffic, and to prevent parking on the adjacent bridleway. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy P1 of the Housing Site Allocations DPD (2006-2016).

5. No demolition or construction works shall take place outside the following hours:

7:30am to 6:00pm Mondays to Fridays;

8:30am to 1:00pm Saturdays;

nor at any time on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining land uses and occupiers. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policy CS14 of the West Berkshire Core Strategy (2006-2026) and Policy OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

6. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

(a) The parking of vehicles of site operatives and visitors;

(b) Loading and unloading of plant and materials;

(c) Storage of plant and materials used in constructing the development;

(d) A scheme for recycling/disposing of waste resulting from demolition and construction works;

Thereafter the demolition and construction works shall incorporate and be undertaken in accordance with the approved statement.

Reason: To safeguard the amenity of adjoining land uses and occupiers, and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (July 2018), Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policies OVS5 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007), and the Supplementary Planning Document Quality Design (June 2006). The decision to grant Planning Permission has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan 2006-2026, West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, Supplementary Planning Document; and in particular guidance notes and policies:

ADPP1 ADPP4 CS13 CS14 CS16 CS17 CS18 CS19 C1 P1

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

## EASTERN AREA PLANNING COMMITTEE - 6 FEBRUARY 2019 - MINUTES

### INFORMATIVES:

1 The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.

2 The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met. A fee is required for an application to discharge conditions.

3 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

4 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

5 The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

6 The applicant is advised that this planning permission does not in any way allow the Public Right of Way to be obstructed at any time during the course of the development.

### **(3) Application No. & Parish: 18/02628/LBC2 - Bere Court, Pangbourne,**

The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 18/02628/LBC2 in respect of an application to facilitate the safe and permanent removal of the extensive asbestos that exists in the ground and first floors and to enable access to the 15th/16th century vaults below the ground floor. It was proposed to replace the existing wood veneer floor in the drawing room with new oak floorboards and to improve the appearance of the interiors of the dining room and study, the relatively new existing pine floorboards would be replaced with new solid oak boards. The address of the application was at Bere Court, Pangbourne.

David Pearson introduced the report to Members, which took account of all the relevant policy considerations and other material considerations. In conclusion the report detailed that the proposal was acceptable and a conditional approval was justified. Officers recommended the Committee grant conditional planning permission.

In accordance with the Council's Constitution, Mr Peter McHugh de Clare and Mr James Mackintosh, applicant/ agent, addressed the Committee on this application.

### **Applicant/ agent Representation**

Mr McHugh de Clare and Mr Mackintosh in addressing the Committee raised the following points:

- The house had a tremendous history and it was intended to restore and repair, not remodel or extend.

## **EASTERN AREA PLANNING COMMITTEE - 6 FEBRUARY 2019 - MINUTES**

- There was asbestos in the basement and specialist firms had advised that it was not possible to remove it without removing the floor.
- The house would not be suitable for occupation without the removal of the asbestos.
- Studies had confirmed that the floor was late 19<sup>th</sup> Century and of poor veneer which had been damaged by sanding and water in the past.

### **Questions from Members**

Councillor Graham Bridgman noted a request in a letter of objection to replace the floor with a similar material, whilst the case officer's report recommended that the floor be replaced with oak floorboards to resemble the original floor. He asked what flooring would have been in the house originally. Mr Mackintosh advised that a wider oak plank floor would have been the original flooring and it was proposed to use a straight grained oak through several floors. This material was consistent with materials used in houses of similar age and status.

Councillor Bridgman enquired upon the width of the proposed floorboards. Mr Mackintosh advised that he had spent a year contacting timber suppliers and it was difficult to find a product that was of an appropriate quality. Around 80% of the oak would be rift cut with 20% quartersawn. The maximum width that could be achieved was 230mm wide, this would be used in the 18<sup>th</sup> Century parts of the house. Narrower boards at between 120mm and 130mm would be used in more modern parts of the house.

### **Ward Member representation**

Councillor Pamela Bale in addressing the Committee raised the following points:

- Bere Court was the only Grade 1 listed building in Pangbourne and local residents had been concerned that there might be an impact on its listed status.
- There had been queries regarding the age of the floor and more information was now available.
- Priority must be given to removing the asbestos rather than retaining the floor.
- The floor was not included in the listing and there was no evidence that the floors should be protected.
- Reassurance had now been offered regarding the building's listed status and she had no objections.

Councillor Tim Metcalfe praised the applicant for his commitment to preserve the house. While the floor was attractive it was not part of the original house. He proposed the Committee accept the officers' recommendation. The proposal was seconded by Councillor Crumly. At the vote the motion was passed unanimously.

**RESOLVED that** the Head of Development and Planning be authorised to grant planning permission subject to the following conditions:

### **Conditions**

#### **1) Commencement of works**

The development hereby permitted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **EASTERN AREA PLANNING COMMITTEE - 6 FEBRUARY 2019 - MINUTES**

### **2) Approved Plans/Documents**

This listed building consent relates only to work described on the drawings/and/or/in the documents identified below:

Drawing number 00101/201 received on 9<sup>th</sup> October 2018

The works shall be carried out in strict conformity with the approved plans and associated approved submitted professional reports, subject to any necessary minor variations which fall within the scope of this consent arising from specialist input during the course of works, following subsequent discussions with, and the written agreement of, the Local Planning Authority.

Reason: To clarify what has been approved under this consent in order to protect the special architectural or historic interest of the building.

### **3) Schedule of Works**

No development (including preparatory or demolition work), shall take place until a detailed schedule of works has been submitted to and approved in writing by the Local Planning Authority. This shall include all work required to meet Building Regulations. Thereafter the development shall incorporate and be undertaken in accordance with the approved details.

Reason: To protect the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **4) Details of floorboards**

No flooring shall be laid until details of the floorboards, including grade of oak, dimensions, and finish, have been submitted to and approved in writing by the Local Planning Authority. All materials incorporated in the work shall match the approved samples.

Reason: To ensure that the materials are appropriate to the special architectural or historic interest of the building. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

### **5) Building recording**

No development shall take place within the application site until the applicant has secured the implementation of a programme of building recording, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall incorporate and be undertaken in accordance with the approved statement. This work will provide a record of the building fabric that is to be removed as part of this application. A copy of the results of the building recording shall be submitted to the Local Planning Authority within three months of the completion of the works.

Reason: To ensure that an adequate record is made of the building. This condition is imposed in accordance with National Planning Policy Framework (March 2012) and Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026).

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

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

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*(The meeting commenced at 6.30pm and closed at 7.42pm)*

**CHAIRMAN** .....

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

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# Agenda Item 4.(1)

Item No	Application No. and Parish	8/13 week date	Proposal, Location and Applicant
(1)	18/01470/FULD Bucklebury Parish Council	27 February 2019	Retention of existing timber lodge as farm worker accommodation. Supported by new and additional evidence. Non compliance with condition 12 of approved 13/03014/FUL.  Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire, RG7 6DW  Mr and Mrs J Plank

To view the plans and drawings relating to this application click the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=18/01470/FULD>

**Recommendation Summary:** To **DELEGATE** to the Head of Development & Planning to **REFUSE PLANNING PERMISSION**.

**Ward Members:** Councillor Graham Pask  
Councillor Quentin Webb

**Reason for Committee determination:** Called in by Councillor Pask to allow Members the opportunity to consider the need for a dwelling.

**Committee Site Visit:** 30 January 2019

## Contact Officer Details

**Name:** Masie Masiwa  
**Job Title:** Senior Planning Officer  
**Tel No:** (01635) 519111  
**Email:** Masie.Masiwa@westberks.gov.uk

## **APPENDICES**

Please note the following documents have been attached as appendices to this report:

**Appendix 1:** Appeal Decision from the Planning Inspectorate on application 16/01784/FULD.

**Appendix 2:** Assessment of need report by Kernon Consultants.

**Appendix 3:** Approved permanent dwelling plans and elevations under approved application 13/03014/FULD showing bedsit for temporary worker/student.

**Appendix 4:** Design and Access Statement under approved application 13/00331/FULD outlining bedsit with ensuite will be used for temporary worker/student.

**Appendix 5:** Design and Access Statement under approved application 13/03014/FULD outlining timber lodge will be removed and land restored to agriculture.

**Appendix 6:** Approved block plan 1 under approved application 13/03014/FULD shows that timber lodge will be removed.

**Appendix 7:** Approved block plan 2 under approved application 13/03014/FULD shows that timber lodge and fencing will be removed.

**Appendix 8:** Approved decision notice description under approved application 13/03014/FULD showing that timber lodge will be removed and condition 12.

## **1. PLANNING HISTORY**

- 1.1** Application not required on Prior Notification: 07/02456/AGRIC: Building for housing cattle after Christmas and turkeys before Christmas
- 1.2** Approved application: 08/01628/FULD: Agricultural workers dwelling (temporary permission).
- 1.3** Approved application: 09/01244/FUL: Section 73 - Application for removal or variation of condition 4 of planning permission 08/01628/FULD
- 1.4** Application Required on Prior Notification: 11/02444/AGRIC: Pole Barn.
- 1.5** Approved Application 11/02731/FULD: Agricultural worker dwelling for temporary period. (request for additional temporary period)
- 1.6** Refused Application 12/02025/FULD New agricultural workers dwelling to replace existing temporary dwelling.
- 1.7** Approved Application: 13/00331/FULD: New agricultural workers dwelling to replace existing temporary dwelling.
- 1.8** Approved Application: 13/03014/FULD: Erection of new agricultural workers dwelling on an alternative siting from that approved by planning consent ref 13/00331/FULD dated April 2013, and removal of existing temporary timber chalet.
- 1.9** Application Required: 16/01116/AGRIC: Agricultural barn
- 1.10** Refused Application 16/01784/FUL: Retention of existing timber lodge as farm worker accommodation. Noncompliance with condition 12 of approved 13/03014/FUL. Dismissed at Appeal following an Appeal Hearing.
- 1.11** Local Planning Authority declined to determine application 18/00643/FULD: Retention of existing timber lodge as farm worker accommodation. Supported by new and additional evidence. Non-compliance with condition 12 of approved 13/03014/FUL.

## **2. PUBLICITY**

- 2.1** A site notice was displayed on 17<sup>th</sup> July 2018 and expired on 07<sup>th</sup> August 2018. The Council has therefore complied with the publicity requirements of the Town and Country (Development Management Procedure) Order 2015 and the Council's Statement of Community Involvement.

## 2.2 CONSULTATION

### **Bucklebury**

#### **Parish Council: Summary recommendation**

Bucklebury Parish Council has taken the unusual step of supporting this application. BPC feels that the research supports the evidence submitted by Mr Plank and his agents, and find it difficult to see or propose any alternative solution. BPC believes the reasons for the inspector's refusal in 2016 have been addressed and therefore can see no reason for refusal to this application. Any approval must be subject to there being a continuing agricultural need.

### **Stanford Dingley Parish Council**

(Conclusion): Stanford Dingley Parish Council believes that there is a strong commercial justification to retain the Finlodge indefinitely because of the need for another experienced person to live on the farm site and because of the lack of alternative accommodation in the immediate vicinity. The viability of the business is fragile, and Jeremy Plank has worked very hard to grow the business in order to maintain its viability. Livestock farming has significantly reduced in this area, and the countryside will be a very much poorer place if it reduces further. All livestock farmers have had to scale up to survive, and those that have not have generally gone out of the business. Jeremy Plank's business was a start-up venture 12 years ago and requires support to sustain its early success in what has become a tougher business environment driven by low farm gate prices, higher operating costs and the uncertainties for livestock farming following the 'Brexit' vote.

The demolition of the Finlodge would be very hard to justify, and a highly unpopular move, given the absence of affordable and alternative accommodation in the immediate area. The resultant loss of an experienced worker on site could put the farming operation in jeopardy through having to downsize its operations to a level that may not be viable.

### **Highways**

No Objection: Adequate parking is provided and vehicle movements would be relatively low

### **Natural England**

No Objection

## 2.3 Representations

Total: 25

Object: 0

Support: 25

The representations received provided the following points:

- a) The scale and nature of the enterprise ,with the numbers of breeding animals involved and the nature of the available “rapid response “make it essential for a stock-person to live on-site.
- b) If permission is refused then the present occupier is likely to successfully seek employment elsewhere, with on-farm accommodation
- c) Essential for shepherdess to be on site and available for long days, early mornings and the need to be on hand for emergencies.
- d) Mr Plank would find it impossible to source a competent replacement in the absence of housing on the farm.
- e) Surrounding farm land is grazed under licence by the Plank brothers
- f) Shepherdess requires accommodation provided for her in the immediate vicinity of the farm.
- g) Shepherdess is often called out to attend to problems with sheep during unsociable hours
- h) Very little affordable accommodation to buy or rent in Stanford Dingley or surrounding parishes
- i) A refusal is an obstacle in the path of a small but important rural business
- j) The Council is actively blocking the ability to sustain a local rural economy.
- k) Retention of the cottage is integral to the business success and to remain viable.
- l) There is no adverse visual effect made by the wood cabin/lodge.
- m) Promotes a strong rural economy, high standards of husbandry and environmentally sound farming practice.
- n) The future of agriculture is of particular importance to the Parish, as a landscape supported by viable agriculture.
- o) Applicant demonstrated essential need for the provision of accommodation for this key rural worker.

## 3. ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

3.1 The application has been considered under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as

amended). The proposed development is not EIA development and therefore an Environmental Statement is not required.

#### **4. PLANNING POLICY**

**4.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of any planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

**4.2** The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and who these are expected to be applied. It is a material consideration in planning decisions. The NPPF is supported by the Planning Practice Guidance (PPG).

**4.3** According to paragraph 213 of the revised NPPF, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the NPPF, the greater the weight that may be given).

**4.4** The West Berkshire Core Strategy (2006-2026) is the first development plan document (DPD) within the new West Berkshire Local Plan. It sets out a long term vision for West Berkshire to 2026 and translates this into spatial terms, setting out proposals for where development will go, and how this development will be built. The following policies from the Core Strategy are relevant to this development:

- NPPF Policy
- ADPP1: Spatial Strategy
- ADPP5: North Wessex Downs Area of Outstanding Natural Beauty (AONB)
- Policy CS1: Delivering New Homes and Retaining the Housing Stock
- Policy CS4: Housing Type and Mix
- Policy CS10: Rural Economy
- Policy CS13: Transport
- Policy CS14: Design Principles
- Policy CS15: Sustainable Construction and Energy Efficiency
- Policy CS 17 Biodiversity and Geodiversity
- Policy CS 18 Green Infrastructure
- Policy CS19: Historic Environment and Landscape Character

**4.5** The Housing Site Allocations Development Plan Document (HSA DPD) is the second DPD of the new West Berkshire Local Plan. It allocates non-strategic housing sites and sites for gypsies, travellers and travelling show people, and provides updated residential parking standards and a set of policies to guide housing in the countryside. The following policies from the HSA DPD are relevant to this development:

- GS1: General site policy
- C1: Location of new housing in the countryside
- C3: Design of housing in the countryside
- C5: Housing related to rural workers

- P1: Residential parking for new development

**4.6** A number of policies from the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007) remain part of the development plan following the publication of the Core Strategy. The following saved policy from the Local Plan is relevant to this development:

- TRANS.1: Meeting the Transport Needs of New Development

**4.7** The following local policy documents adopted by the Council are material considerations relevant to the development:

- West Berkshire Supplementary Planning Document Series: Quality Design (SPDQD), (adopted June 2006)
  - Part 1 Achieving Quality Design
  - Part 2 Residential Development
  - Part 4 Sustainable Design Techniques
- West Berkshire Supplementary Planning Document Planning Obligations SPD
- West Berkshire Supplementary Planning Document Delivering Investment from Sustainable Development
- National Planning Practice Guidance (Use of Planning Conditions)
- North Wessex Downs AONB Management Plan (2014-2019)

## **5. DESCRIPTION OF DEVELOPMENT AND THE SITE**

**5.1** The application seeks permission for the retention of the existing temporary timber lodge or log cabin as a permanent farm worker accommodation at Bushnells Green Farm, Chapel Row. By retaining the lodge, the proposal seeks for non compliance with condition 12 of approved application 13/03014/FUL.

**5.2** The condition required that the temporary agricultural dwelling on the site approved under application 11/02731/FUL (approved 20 March 2012) must be removed within 2 months of first occupation of the permanent worker's dwelling (application 13/03014/FUL). Condition 12 further requires that all associated plant, materials and equipment associated with or resulting from the removal of the temporary dwelling shall be removed from the site within 3 months from first occupation of the permanent agricultural worker's dwelling. Lastly the condition also requires that the site shall thereafter be landscaped.

**5.3** The temporary timber lodge has a chalet design and is situated at the access of the existing farmyard. The dwelling is a single storey timber construction and the accommodation is made up of one bedroom, living space, farm office, balcony and rear enclosed garden area. A shed has been added to the timber lodge's garden area.

## **6. APPRAISAL**

The main issues for consideration in the determination of this application are:

- 6.1 Principle of the development – essential need assessment.
- 6.2 The impact on the character and appearance of the North Wessex Downs AONB.
- 6.3 The impact on neighbour amenity
- 6.4 On-site amenity and facilities for future occupiers
- 6.5 The impact on highway safety
- 6.6 Impact on Flooding and Drainage
- 6.7 Other matters

Community infrastructure levy  
The presumption in favour of sustainable development

## 6.1 The principle of development.

### Proposal for consideration.

6.1.1 In an email dated 25 July 2018 the agent explained that the resubmitted application is based on the essential need and is based on providing permanent and affordable accommodation for the shepherdess. The email stated that:

6.1.2 *"The essential need element pertains to providing permanent and affordable housing for the farm's shepherd and the associated provision needed for her working sheep dogs necessary to handle animal welfare issues. This requirement cannot be met locally in alternative premises near enough to the farm yard to be effective. This is expanded upon in Charles Holt's report.*

*"I note that within the Government's revised NPPF published yesterday it says at para 77. "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs" and at para 79. "Planning policies and decisions should avoid the development of isolated homes in the countryside unless .....there is an essential need for a rural worker,....., to live permanently at or near their place of work in the countryside.*

6.1.3 The Council received an additional statement from the applicant submitted on 27 November 2018 which stated that the retention of the timber log cabin would provide for health and safety and animal welfare provisions as the applicant cannot find suitable affordable accommodation for the employee within the local area. In the statement the applicant's consultant stated that the farm business has a requirement that a worker is readily available day and night. The letter goes on to say that the welfare of any livestock is always paramount and emphasises clearly that the principle of sight and sound is the core justification for this latest proposal. Officers fully agree that a worker is required at the site day and night, however as will be explained in this report, the Council consider that these needs are being



sufficiently met by the completed main dwelling on the site, which was approved by the Council for this purpose.

- 6.1.4 Bushnells Green Farm is a beef and sheep farm, which has been established for approximately ten years. The principle of the proposed development must be assessed against government guidance set out in the NPPF and relevant development plan policies.

#### **Planning History:**

- 6.1.5 In 2008, the Council approved a temporary agricultural worker's dwelling (the lodge) under application 08/01628/FULD (**Proposal Description: Agricultural workers dwelling (temporary permission).**)
- 6.1.6 In 2013, the Council approved the first permanent replacement agricultural worker's dwelling to replace the temporary lodge under application 13/00331/FULD (**Proposal Description: New agricultural workers dwelling to replace existing temporary dwelling.**)
- 6.1.7 In 2014, the Council approved a resubmitted application for a replacement agricultural worker's dwelling to replace the temporary lodge under application 13/03014/FULD (**Proposal Description: Erection of new agricultural workers dwelling on an alternative siting from that approved by planning consent ref 13/00331/FULD dated April 2013, and removal of existing temporary timber chalet.**) This application included supporting design and access statement and approved plans that confirmed that the temporary timber lodge would be removed and the land restored to agriculture. These documents are attached as appendices and it is confirmed that this is the implemented scheme.
- 6.1.8 On the 21<sup>st</sup> January 2016, the Council received a complaint that the "log cabin in the grounds was meant to come down after the occupiers moved into the main property" The complainant confirmed that the occupants had moved into the main property in August 2015, and that there was now somebody else living in the log cabin.
- 6.1.9 In 2016, the Council refused an application for the permanent retention of the temporary lodge under application 16/01782/FULD, the decision was appealed and the appeal was dismissed on 16 May 2017 after an Appeal Hearing. (**Proposal Description: Retention of existing timber lodge as farm worker accommodation. Non-compliance with condition 12 of approved 13/03014/FUL.**)
- 6.1.10 The applicant resubmitted the same proposal on 15 March 2018 under reference: 18/00643/FULD. However as the proposal was similar to that dismissed at appeal on 16 May 2017 and since the new application was received within two years of the relevant appeal decision, the Council declined to determine the resubmitted application by a letter dated 23 March 2018. This decision to decline to determine the application was made under the provisions of Section 70A and 70C of the Town and Country Planning Act 1990.

- 6.1.11 The current submission is accompanied by a legal opinion from Counsel appointed by the applicant. The legal opinion provides that the Council should not refuse to determine the current application as additional information has been submitted, summarised as an increase in stock levels and the acquisition of additional farmland on rental/tenancy agreements. The Council's Development Manager (Gary Rayner) has resolved that the Council should accordingly consider and determine the current application, which is now before the Planning Committee.
- 6.1.12 The revised NPPF was published on 24 July 2018. Whilst the new NPPF includes additional content, the matter of rural housing remains materially the same, albeit the paragraph numbers have changed.
- 6.1.13 Paragraph 77 – 79 outlines the revised NPPF's national policy guidance on rural housing.
- 6.1.14 Paragraph 78 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Plans should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
- 6.1.15 Paragraph 79 states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- a) there is an **essential** need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) the development would involve the subdivision of an existing residential property; or
  - e) the design is of exceptional quality, in that it:
    - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
    - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.
- 6.1.16 Policy ADPP1 of the West Berkshire Core Strategy 2006-2026 identifies the District Settlement Hierarchy where new development will be focused, primarily on previously developed land. The HSADPD has revised some of the settlements and their boundaries within which new housing would normally be permitted. The application site lies outside a defined settlement

boundary, within the context of planning the site is classified as being located within the open countryside.

- 6.1.17 Policy ADPP1 states that only appropriate limited development will be allowed, with a focus on addressing identified needs and maintaining a strong rural economy. The policy also encourages the maximum use of land and infrastructure. The principle of an agricultural worker's accommodation on the holding is in accordance with Policy ADPP1 in terms of promoting a strong rural economy, but fails in being appropriate limited development within the same Policy ADPP1.
- 6.1.18 Policy ADPP5 of the WBCS further provides for the limiting of development within the countryside. It sets out the criteria for the principle of development within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). Policy ADPP5 permits development within AONB providing its impact on the surrounding environment is acceptable. It seeks to conserve and enhance the character of the AONB, ensuring that any development responds positively to the local context. The development is designed as a temporary chalet structure which was previously approved on a temporary basis until the completion of the main dwelling, as such it is not considered to accord with the context of the surrounding area and permanent vernacular architecture in terms of design, size and appearance. The timber lodge is of a design and appearance which can be described as functional but is certainly not of high quality or standard worth of retention in the AONB.
- 6.1.19 Policy C 5 of the HSA DPD (Housing related to Rural Workers) states that new dwellings in the countryside related to, and located at or near, a rural enterprise will be permitted where:
- i. It is proven as **essential** to the continuing use of land and buildings for agriculture, forestry or a rural enterprise;
  - ii. Detailed evidence is submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the housing is required for a full time worker in that location;
  - iii. It is demonstrated that there are no suitable alternative dwellings available or that could be made available in that location to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion.
  - iv. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries;
  - v. The financial viability of the business is demonstrated to justify temporary or permanent accommodation;

- vi. The size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise; and well related to existing farm buildings or associated dwellings;
- vii. The development has no adverse impact on the rural character and heritage assets of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the landscape will be the overriding consideration;
- viii. No dwelling serving or associated with the rural enterprise has been either sold or converted from a residential use or otherwise separated from the holding within the last 10 years. The act of severance may override the evidence of need.

**HSA DPD Policy C5 assessment:**

- 6.1.20 (i). It has not been proven that the timber cabin is essential to the continuing use of land and buildings for agriculture or the rural enterprise in this location at Bushnells' Farm. The approved permanent dwelling on the site already fulfils this essential need in accordance with policy. When dismissing the appeal against refusal of application 16/01782/FULD to retain the log cabin on the site, the planning inspector states "*I conclude that while there is a need for a second rural worker to be permanently present on the site for part of the year, I do not consider the need essential at other times. Furthermore, I am satisfied that this need can be sufficiently met by other alternative accommodation either on site or the wider area. Accordingly, I find the special circumstances by paragraph 55 of the Framework are not present and the second permanent dwelling on the site is not essential. It would also fail to satisfy the requirement of emerging Policy C5 of the HSADPD*". In reviewing the current application the Council's agricultural consultant Kernon reaches the following conclusion "*Although in my opinion there is no doubt that the enterprise provides full time employment for two workers, indeed more during the busy lambing season, there is only a need for one of these workers to readily available at most times, with the exception being the short period when ewes are lambing indoors (2/3 months when the need can be met by temporary accommodation such as a mobile home). There is in my opinion no requirement for both workers to live on site.*"
- 6.1.21 (ii). detailed evidence has not been submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the second rural worker dwelling is required for a full time worker in that location at Bushnells Farm. Both the Inspector and Kernon Consultant concluded that the temporary need for a second permanent rural worker's dwelling could be met by a temporary mobile home or other accommodation on site. It is noted that other farms in the district often place small touring caravans in or near fields where lambing is taking place in order to provide temporary accommodation for workers during this period. The placing and removing of these caravans for a short period each year does not require planning permission.

- 6.1.22 (iii). It is not demonstrated that there are no suitable alternative dwellings available or that could be made available in the locality to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries. In addition the approved and completed dwelling had provision for an annex for a student, which has not been included in the building as constructed. This area consisted of a bedroom, shower and WC and was shown on the approved plans as having its own separate external door. No indication has been given as to why it could not be adopted for use by the shepherdess during the two and half months per year when a secondary worker on the site would be essential.
- 6.1.23 (iv). As indicated in some detail elsewhere the financial viability of the business is open to question as insufficient evidence has been submitted to demonstrate the long term financial viability of the enterprise.
- 6.1.24 (v). The size, location and nature of the temporary dwelling is not commensurate with the needs of the enterprise and is not well related to existing farm buildings or associated dwellings. The lodge is located away from the main farm buildings when compared to the main dwelling.
- 6.1.25 (vi). The permanent retention of the cabin will not have an adverse impact on the wider rural character of the area and its setting within the landscape, but does add to the intensification of built form within this sensitive site.
- 6.1.26 (vii). No dwelling serving or closely associated with the rural enterprise has recently been sold or changed from a residential use or otherwise separated from the holding within the last 10 years of the application for a new dwelling or converted from a residential use.
- 6.1.27 The essential need test has not been demonstrated, as such Policy C5 has not been complied with. This will be explored in more detail in this report.
- 6.1.28 Policy C 5 provides supporting text which gives an explanation of the aims and objectives of the policy, whilst providing clarity on the approach to be taken.
- 6.1.29 At paragraph 4.37 the supporting text states that the rural economy plays an important role in the District, in providing employment and in managing the rural landscape. The Council encourages viable agricultural, forestry and other rural enterprises that support the delivery of a wide range of public benefits and sees them as essential to the maintenance of a thriving rural economy.
- 6.1.30 At paragraph 4.39 the supporting text states that the Council's preference for rural workers' accommodation is for such provision to be located in nearby towns or villages or in existing properties near to their place of work, which would avoid the need for new dwellings in the countryside. The Council accepts however, that there may be cases where the nature and demands of the worker's role require them to live at or very close to the

work place. Such instances will be judged on the needs of the workplace and not the personal preferences of the specific individuals.

- 6.1.31 At paragraph 4.43, the supporting text states that the many people work in rural areas in offices, workshops, garages and garden centres but it is unlikely that they will have an essential need to live permanently at or near their place of work. Being, employed in a rural location is not sufficient to qualify as a rural worker with an essential housing need. As clearly explained, the Officers therefore consider that the need for providing accommodation for an additional employee as is in this instance is not itself a functional requirement that indicates an essential need that justifies a second rural worker's dwelling on the site.
- 6.1.32 At paragraph 4.45, the supporting text states that suitable alternative buildings that should be considered before creating a new dwelling unit, are existing vacant residential buildings or buildings suitable for conversion to residential use. Where an agricultural occupancy condition has been applied this will not be relaxed unless it is clear that there is no longer a continuing need for the accommodation in the local area by the persons employed or last employed in the agricultural sector. Appropriate marketing will need to have been undertaken and it will need to be shown that the property cannot meet another local housing need.

**Dismissal of Appeal under refused application 16/01782/FULD at the same site.**

- 6.1.33 As indicated above, the same proposal has been previously considered by a Planning Inspector following an appeal under application reference; 16/01782/FULD. The appeal was dismissed on 16 May 2017 after an Appeal Hearing. The Inspector's assessment and conclusions are key material considerations of significant weight in the interpretation of National and Local planning policies for this specific site and holding. The key outcomes are also explored below.
- 6.1.34 In its Appeal Statement of Case, the Council referred to numerous Appeal Decisions when Planning Inspectors had dismissed appeals for a second rural worker's dwelling, specifically when the essential needs of the rural enterprise are being sufficiently met by an existing dwelling. This is considered the case in this instance.
- 6.1.35 The relevant appeal decision is attached as Appendix 1.

**Further West Berkshire policy assessment**

- 6.1.36 It is considered that the HSA DPD policies remain consistent with policies in the new NPPF revised in 2018. Paragraph 79 of the NPPF outlines that isolated homes in the countryside should be avoided, unless there are circumstances such as the essential need for rural workers; making the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings and lead to the enhancement to the

immediate setting; and where the design is of exceptional quality or innovative nature.

- 6.1.37 Section 4.9 of the HSA DPD generally outlines that 'in the wider countryside, residential development will be restricted to the provision of rural workers accommodation, or the conversion or replacement of an existing dwelling. This is consistent with the NPPF.
- 6.1.38 Policy C1 of the HSA DPD states that there will be a presumption against new residential development outside of the settlement boundaries, with the settlements of Thatcham, Upper Bucklebury, Bucklebury, Woolhampton and Beenham being the nearest identified settlements where new housing will be located.
- 6.1.39 The proposal does not meet Policy C2: Rural Housing Exception Policy as extensions to settlement boundaries and district wide housing supply are being provided through the allocated housing sites within the HSA DPD.
- 6.1.40 Officers consider that the principle of a second separate residential unit on this site remains unacceptable in accordance with the development plan and to prevent the slow encroachment of built form and new dwellings within the countryside and the AONB. This consideration fully supported the attachment of Condition 12 in granting permission for a permanent rural worker's dwelling under application 13/03014/FULD. Indeed the applicant was fully aware of this requirement and acknowledged acceptance of it as evidenced by their statement that the lodge would be removed when the permanent dwelling was constructed. Owing to its location outside of any existing settlement boundary, the proposal fails to comply with the up-to-date framework for housing supply provided by Core Strategy Policies ADPP1, ADPP5 and CS1, and Policy C1 of the HSA DPD, which includes the revised settlement boundaries and the allocation of rural sites for additional housing.

#### **Essential need assessment.**

- 6.1.41 Based on information set out in the Charles Holt Addendum the applicant is now farming of the order of 775 hectares (1915 acres), this is an increase of 85 hectares. However with the exception of the land outlined above and 2.8 hectares which is stated to be rented on a "permanent" farm business tenancy (FBT) all of this land is farmed on short-term rental arrangements, with:

- 107 hectares (264 acres) occupied on three year FBT's;
- 138 hectares on annual FBT's; and
- 513 hectares on occupied for part of the year on annual licences.

- 6.1.42 Stock numbers have also increased and as at 4<sup>th</sup> March 2018 comprised of:

- 65 Suckler Cows;
- 44 young stock;
- 2 Bulls;

- 76 purchased in dairy bred calves;
- 1600 Ewes;
- 30 Tups (Rams); and
- 1450 lambs.

6.1.43 In summary the Suckler Cow enterprise has increased by 8 cows and the number of ewes lambing has increased by 100, since 2017.

6.1.44 Under the previously refused application, as of March 2016, the enterprise had 52 cows with calves at foot, achieving the calving of some 50 cows per annum.

6.1.45 Full-time labour continues to be provided by the applicant, who works full-time with the livestock enterprise working full-time in the contracting part of the business for the rest of the year. However he does spend odd days during this period helping with the livestock enterprises when needed i.e. shearing, Tb testing, administering vaccinations, sorting sheep to go to market etc. full time labour is also provided by the shepherdess, who currently lives in the log cabin the subject of this application. The applicant's brother is also employed full-time by the business but his workload is primarily focused on the arable and grassland contracting element of the business, which is not included in this assessment.

6.1.46 Following a request by the Council the applicant's Agricultural Consultant provided a response letter dated 27<sup>th</sup> November 2018, outlining the following key points explaining the needs of the enterprise:

- Applicant considered properties to rent within 3 miles of Stanford Dingley. In the addendum report of 12th March 2018 the applicant considered properties to buy or to rent within 0.5 miles of RG7 60W.
- Applicant did not considered properties at a greater distance (e.g. 5 - 10 miles) distance from the farm, as they do not consider these to be appropriate for a shepherdess on this farm to be able to fulfil their role consistent with good animal husbandry and in accordance with animal welfare legislation.
- Application is based on the availability of properties 'within sight and sound' of the emergencies and eventualities that will occur from time to time on the farm, that will give rise to the need for a further member of staff to live at the farm.
- Applicant states that only properties within 0.5 mile of the farm would satisfy welfare requirements.
- Applicant states that agricultural processes require essential care or attention at short notice and to deal quickly with emergencies that could otherwise cause serious loss.

#### **Essential need assessment.**

6.1.47 Based on the above submissions, the Council, has formed its assessment of the proposal.



6.1.48 The present site is located near to other settlements and villages within a 5 - 10 mile radius and less than 15 minute car journey times. Theale to Chapel Row is approximately 5.88 miles (approximately 10 minute car journey) and Burghfield to Chapel Row is approximately 7.9 miles (approximately 15 minute car journey). In addition other settlements include Stanford Dingley, Upper Bucklebury and the town of Thatcham, with the responsible Veterinary Surgery based in Newbury, which is approximately 8 miles away. If an emergency Veterinary can respond from approximately 8 miles away (20 minutes), it is reasonable to consider that an employee can live approximately 10 miles away, which equates to an approximately 20 minute drive.

6.1.49 Policy C5 of the DPD concerns housing related to rural workers. It permits agricultural workers dwellings providing it is essential to the continuing use of land and buildings for agriculture or a rural enterprise. In line with planning practice the Council commissioned an agricultural consultant (Kernon Consultants) to analyse and review the applicant's agricultural justification case, albeit the final decision would rest with the Council and in accordance with the Councils adopted development plan policies. The report's findings are shown below.

6.1.50 At paragraph 18 - 19 of the report by Kernon Consultants, it is stated that:

*"This application is for a second on-site dwelling. As per my original appraisal (which was based on very similar livestock numbers) although I am satisfied that there is an essential need for one-full-time worker to live on site, I am not satisfied that there is a functional requirement for two on-site workers to be readily available at most times i.e. two dwellings. It remains my opinion that the only period during which there is a need for two on-site workers is during the indoor lambing period which runs from the end of February through to the end of April / early May i.e. a period of at most 2 ½ months. During this period the volume of lambings (indicated by the applicant at an average of 25 a day/night when in full swing) and calvings cannot be covered by only one on-site worker.*

*It also remains my opinion that the later lambing period (May / early June) does not warrant an on-site worker as the ewes are lambed outdoors and away from the farm buildings / dwellings (albeit less than ¼ mile). The applicant made it clear to me that during the outdoor lambing periods checks are made as it gets dusk and as soon as it is light. As the worker has to travel to the fields on a quad bike the starting point is less important i.e. it could be done from a nearby dwelling. It is not the same as when ewes are lambing in the shed on the farm and a worker can make frequent inspections throughout the night returning to bed in between."*

6.1.51 At paragraph 20 - 21 the report by Kernon Consultants also states that:

*"No information has been submitted to indicate that this is no longer the case and on that basis it remains my opinion that the only period when it is essential for a second worker to reside on site is for a maximum period of two - three months then in my opinion this could be met by some form of*

*short-term accommodation, such as a mobile home. Indeed such a provision is allowed for under Part 5 of General Permitted Development Order.*

*The Addendum report sets out at paragraph 7.9 – 7.14 and Appendix 1 circumstances where situations have occurred which “necessitate two people to attend” between 1<sup>st</sup> January 2018 and 10<sup>th</sup> March 2018. There were a total of 10. Of these 10 incidents two related to sheep that were away from the main farm and therefore both workers had to travel to attend to them. Therefore as set out above could have been dealt with regardless of how many workers were living on site.”*

6.1.52 At paragraph 22 the report by Kernon Consultants states that:

*“With regards the other issues, these primarily relate to incidents where cattle needed to be handled, albeit in emergency situations, out of normal working hours. I have no doubt that all of these situations required two workers (if not more) to be able to be adequately dealt with. However when considering whether there is a need to live on Site in connection with livestock, particularly cattle who as highlighted in the addendum report, from a safety perspective generally need to be handled by two workers, it is generally accepted that the on-site worker will be able to identify the problem and then if necessary call for additional help, whether that be in the form of the Vet, an off-site worker or in cases where there is only one member of staff a neighbour who can come and help.”*

6.1.53 At paragraph 23 -24 the report by Kernon Consultants states that

*“if you were to work on Mr Holt’s theory then every cattle farm that warranted an on-site worker would actually require two on-site workers as any out-of-hours problems would have to be immediately attended to by two members of staff. Clearly this is not what actually occurs and on the majority of farms which have Suckler Cow Herds of this size there would only be one on-site worker who would then have to call for help if and when a problem which necessitated the assistance of two workers arose.”*

*The case relating to the sheep dog was not in my opinion a case that warranted two on-site workers. The applicant was still on hand to identify any problems that could have occurred and then if a dog was needed on-site (it does not appear that any were identified) the applicant could have called Sophie and her dog in. “*

6.1.54 At paragraph 26 - 28 the report by Kernon Consultants states that:

*“The applicant has also submitted copies of Sophie’s timesheets which indicate that she clearly works long hours, however these are representative of most livestock workers, many of whom may live off-site. However I have no reason to doubt her commitment to the business, but that in itself isn’t part of the permanent dwelling test.*

*Another point raised in Appendix 1 of the Addendum report is that “Sophie is 25, works long hours, often in wet and difficult circumstances, in the 4*

*months that WBC allow her to be on Site she does not want to come back to a mobile home / caravan with restricted facilities. No bath, no central heating, nowhere to dry and wash clothes etc". I would comment that given the long hours and the nature of the work which creates wet and dirty clothes it would not be unreasonable for a washing / drying facility (for clothes) to be provided on the farm. I would also comment that many farm workers spend 3 years in a mobile home whilst they demonstrate financial viability.*

*In summary it remains my opinion, due to the set-up of the business i.e. 50 % of the ewes lambing outdoors away from the main farm buildings i.e. not within sight and sound of the resident workers that **there is only a need for one on-site permanent worker a view shared by the Inspector.** However as per my earlier appraisal I do recognise the problems of attracting good staff if you can't offer accommodation."*

- 6.1.55 It is clear from the review by Kernon Consultants that there is no essential need for a second worker to be at the site day and night. The Planning Inspector's conclusions also reaffirm that there is no essential need for a second worker to be at the site day and night. At paragraph 9 of the appeal decision the Planning Inspector states that:

*"The Council accepts that the appellants are operating an established agricultural business. It also accepts that the farm is financially viable. However, it disputes the appellants' contention that there is an essential need for two rural workers to be permanently present on the site. In assessing the question of essential need, it is first necessary to consider whether there is a physical need for a worker to be present at most times of the day and night. It is clear that the farm has a need for an on-site presence. However, it is, in the first instance met by the Farmhouse. In order to demonstrate that the special circumstances required by Paragraph 55 of the Framework exist, the appellants need to show that there is an essential need for a second worker to be permanently present on site."*

*The appellants' written evidence refers to the number of Standard Man Days (SMD's) required to operate the farm efficiently and indicates that the labour needs of the holding have increased considerably over recent years, in line with the increased number of animals. Furthermore, during the hearing, I heard evidence from both the appellants and other interested parties regarding the welfare needs of those animals and the amount of labour required to operate a sheep and beef farm of this size. However, while the parties agree that the number of lambs being born between late February and early May would require a second worker to be permanently present on site, between May and June most lambing occurs outdoors and away from the farm buildings. With checks being made at dusk and dawn, coupled with the wide geographical area covered, **I am not persuaded that there is an essential need for a second worker to be permanently present on site during this latter period on animal welfare grounds."***

- 6.1.56 The Kernon suggestion that due to high local accommodation costs separate permanent accommodation for an employee on an agricultural enterprise as part of their employment package in order to ensure the

retention of the worker introduces a new test which would override the established test of essential need. The planning inspector clarified that this approach cannot be part of the consideration. This is confirmed within the supporting text of policy C5 of the HSADPD at paragraph 4.43, which states that being employed in a rural location is not sufficient to qualify as a rural worker with an essential housing need. During the appeal and again in this instance the Council does not agree with the Kernon assessment that retaining rural workers is impossible unless on site accommodation is provided. It is worth noting that the Council disagreed with Kernon consultants on this point during the previous refused application and during the appeal hearing. This disagreement is also acknowledged by the planning inspector in dismissing the appeal. It would then be pertinent to consider where the hundreds of rural workers would reside across the district. In concluding that the business would be likely to fail if the second dwelling were not retained because it is unlikely that suitable, affordable accommodation (either to rent or buy) would introduce an additional test which falls outside of those tests contained in Policy C5 of the HSADPD and the NPPF. The Council consider that if this were to be allowed every agricultural, equestrian or other rural business in the district that requires an additional worker would be able to justify an additional permanent dwelling on the holding even though there is no essential functional need for these workers to live on site. This is contrary to Policy C5 of the HSADPD and the requirements of the NPPF. In addition the Council are concerned that allowing the current proposal would indicate that if the business continues to grow and further staff were to be recruited the applicant may be looking at further dwellings at Bushnells Green Farm.

- 6.1.57 Officers therefore consider that the occupancy condition recommended by Kernon Consultants would fail the planning condition tests within the Planning Practice Guidance, as the condition would not be related to planning requirements of policy, will not be precise and enforceable. In addition the Council do not have the resources to routinely check that any information supplied on sheep and livestock numbers is accurate, it is unreasonable to expect the Council to be able to monitor the sheep numbers on an agricultural enterprise and enforce accordingly.
- 6.1.58 It has been established in case law, that the objective of the NPPF policy is to prevent multiple permanent rural workers' dwellings on rural enterprise sites. Great weight is applied to the essential need test, in accordance with the NPPF and case law. As such the essential need is the definitive test to be applied.
- 6.1.59 Although the log cabin is not isolated from other buildings and dwellings, it is isolated from day to day services such as schools, shops, and transport links. The occupant would not have to travel to her work base but it would be isolated for anyone else who lived with her, it is likely that anyone who lived there would be dependent on a motor vehicle.
- 6.1.60 Officers agree that there is a physical need for someone to be on the site at most times to be within sight and sound to respond to emergencies. This fact is argued by the applicant's agricultural statement and additional information submitted. However Officers, the appeal inspector and Kernon

consider that this physical need is sufficiently met by the approved permanent rural worker's dwelling occupied by Mr Plank, who remains a full time worker on the farm. If Mr Plank cannot perform the physical needs of "sight and sound" then it would be required that the completed dwelling is made available for the worker to perform these functional needs.

- 6.1.61 In the High Court judgement: *Embleton PC v Northumberland CC [2013] EM/NC 361 (Admin)* the Judge noted that *"the NPPF test simply requires a judgement of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there. This legal authority assists in establishing the approach to be adopted in determining whether an essential need exists."* The significant judgement is the determination that a single worker would need to live on the site to meet the essential needs of the enterprise, with regard to health and safety requirements, ensure security maintenance and to raise alarm as required. In this instance the worker would have to be a full time worker.
- 6.1.62 The essential need test also relates to the labour requirements and where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker. In this instance a dwelling to meet this test is existing and is tied to the Bushnells Farm enterprise to meet these needs for a full time worker to reside on the farm.
- 6.1.63 The applicant must therefore demonstrate sufficiently that there is an essential need for a second rural worker to live on or near their place of work, being employed by the enterprise will not suffice. As discussed above another aspect of essential need is a functional requirement for a worker to be readily available at most times day or night to check on the welfare of the stock assets and to raise alarm in emergencies and to resolve minor emergencies requiring no additional assistance.
- 6.1.64 National planning policy recognises the need for additional employees for rural enterprises during busy times such as lambing or harvesting. These busy periods are temporary and are adequately accommodated by provisions within the Town and Country Planning General Permitted Development Order (2015) which allow for the temporary stationing of mobile homes for the accommodation of additional employees as required during these periods. This point was again emphasised clearly by the planning inspector in dismissing the previous appeal.
- 6.1.65 Having considered the NPPF guidance and Policy C5 Officers consider that the size, location and nature of the timber chalet cabin is not commensurate with the essential needs of the enterprise, as these essential needs are being sufficiently met by the permanent agricultural worker's dwelling on the site. The large permanent agricultural worker's dwelling provides farm security, supervision and accommodation as evidenced by the statement and confirmed by the appeal decision. Whilst it may be desirable for an additional farm worker to stay on the site, this is not essential. As such the retention of the temporary lodge is not essential for the continued operation of the farm unit. The proposal would create a proliferation of houses in the countryside and an additional dwelling, together with the approved

permanent agricultural worker's dwelling would not be sympathetic to the open landscape of the AONB area.

### **Financial sustainability.**

6.1.66 The Inspector who determined Appeal reference: APP/M0655/A/14/2216149 (emphasis added) was of the view that *"in order to determine whether a need is both essential and permanent it is necessary to establish whether there is a physical need for someone to be on the site at most times (e.g. to care for animals) and that the operation itself has reasonable long term prospects such that it can be regarded as permanent.*

6.1.67 The HAS DPD further outlines that evidence must prove that the business is financially viable. The unit and the agricultural activity concerned have been established for at least three years. As part of the previous planning application and during the appeal, the enterprise appeared profitable (based on the tables within the previous statement). The holding remains reliant on unsecured land and the unverified financial information submitted with this current application which includes a letter from the applicant's Bank Manager indicating that the business cannot afford to provide accommodation. The financial details fail to demonstrate financial viability and sustainability of the farm business and as such the proposed development does not comply with the objectives of the NPPF as should the business fail it would result in two isolated dwellings in a sensitive location within the North Wessex Downs AONB.

6.1.68 The report by Kernon Consultants outlines that :

*"The addendum report states at paragraph 10.5 that "the latest accounts for year ended 31<sup>st</sup> December 2016 were included in the previous appraisal and that the accounts showed a profit of £53,886 for Year Ending 31<sup>st</sup> December 2016". I would comment that I have never seen the 2016 accounts, my 2017 appraisal referred to accounts for "the 9 month period from 1<sup>st</sup> April – Dec 2014 and 1<sup>st</sup> Jan – 31<sup>st</sup> December 2015. I understand that these relate purely to the livestock element of the business with the contracting business being separately accounted for. The accounts show a profit in 2015 of just over £20,000 and for the 9 month period in 2014 of just under £20,000 this is after all paid labour i.e. The Shepherdess and lambing assistants and in 2015 includes a Director's salary of £4,000." Further having reviewed the appeal decision it does not appear that the Year End 2016 accounts were submitted at the appeal.*

6.1.69 At paragraph 31 the report by Kernon Consultants also states that the accounts submitted are now 2 and half years old and more recent accounts would be required to be able to conclude whether or not the business was still financially sound.

6.1.70 Officers agree that there is a physical need for someone to be on the site at most times to be within sight and to respond to emergencies. This fact is argued by the applicant's agricultural statement. However officers wholly consider that this physical need is sufficiently met by the permanent rural

worker's dwelling occupied by Mr Plank, who remains a full time worker on the farm.

- 6.1.71 It is considered that the financial and sustainability of the enterprise has not been demonstrated to be sound enough to support two permanent dwellings on the site. The business' whole justification is on affordability, it is therefore questionable whether or not the enterprise will be profitable in the long term. This is evidenced as the enterprise is unable to afford provision of staff accommodation requirements through wages or through provision of purchased or rented accommodation as part of an employee benefit. If the business were to fail then two isolated dwellings would remain outside the district's settlements and indeed isolated within the North Wessex Downs AONB countryside.
- 6.1.72 The applicants fail to demonstrate that they have actually actively sought to try and find suitable accommodation to buy or rent over a reasonable period and search area. They only assert nothing suitable is available without providing the robust evidence to support this view that the inspector felt was necessary in paragraph 16 of the appeal decision letter. The only areas where such accommodation may be found are quoted as Reading and Newbury, with no mention of Thatcham, Theale, Mortimer or Burghfield. The additional information shows that most of the land being farmed by the business is scattered about the district and at some distance from Bushnells Farm and in this instance land as far away as Aldermaston Village. This suggests that the case for a functional need for a second farmworker's dwelling at Bushnell's farm is even more tenuous. In addition to the above, the fact that much of the land is farmed on short term tenancies and some of it appears to be in arable use makes it unclear what labour needs are likely to be in the short or long term and what type of labour is needed on each parcel of land. Kernon also assert that there is further difficulty in finding accommodation for the shepherdess and that it would be very difficult to find a property where keeping a quad bike and sheep dog would be allowed. However no explanation has been given as to why the quad bike and dogs could not be kept on the holding when not being used, particularly if the shepherdess lived in reasonably close proximity.
- 6.1.73 At paragraph 16 - 19 of the appeal decision the Planning Inspector reviewed this point extensively stating that:

*"the options considered by the appellants relate to the costs of renting or purchasing a property from the worker's perspective. While I accept that this may be beyond the means of a worker on a typical agricultural wage, little consideration appears to have been given to whether the Farm itself is in a financial position to meet the need identified. I note that the farm has net assets in the region of £1.546m and have seen no robust evidence which would indicate that it would not be economically viable for the business to purchase or rent accommodation to meet that need.*

*Furthermore, in view of the limited periods in which two persons would be required to be on site, I see no reason that other temporary accommodation could not be utilised for which permitted development rights already exist. While I accept that this may have a greater impact on the AONB during the*

*times which it would be on site, by its very nature such harm would be temporary. I do not therefore consider the limited harm to the AONB that would arise from a temporary structure would justify granting planning permission for a permanent rural workers dwelling in the countryside.*

*Consequently, I conclude that while there is a need for a second rural worker to be permanently present on site for part of the year, I do not consider that need to be essential at other times. Furthermore, I am satisfied that this need can be sufficiently met by other alternative accommodation either on site or within the wider rural area. Accordingly, I find the special circumstances required by Paragraph 55 of the Framework are not present and a second permanent dwelling on the site is not essential. It would also fail to satisfy the requirements of emerging Policy C5 of the HSADPD.”*

6.1.74 At paragraph 12 - 14 of the appeal decision the Planning Inspector also states that:

*“It was clear from the site visit conducted that the farm operates over a considerable area. However, travel to these fields in the case of emergencies will mostly be made by vehicle and so the starting point is less important. While it was clear that there will be instances where it might be necessary to transport equipment from the appeal site to an off-site emergency, no robust reason has been provided as to why this could not be performed by the occupant of the existing dwelling. Furthermore, there is no evidence that would indicate that these situations were so numerous that they would require the on-site presence of 2 workers.*

*While I accept that the number of animals has increased considerably and with it the amount of labour required, it is only where it is essential for a rural worker to be present that the special circumstances set out in Paragraph 55 are present. Prior to the erection of the Farmhouse, the current occupant of the Lodge resided off-site. The appellants have not provided any information which would indicate that this arrangement impacted negatively on either animal welfare or the efficient running of the farm. Likewise, although I note the practical difficulties that arise in having a shepherd live off-site, I am not persuaded that these are so great that they make it essential for a second worker to be based permanently on the site. As such, I do not consider that they would provide the special circumstances required to justify a grant of planning permission for a new isolated dwelling in the countryside.*

*Accordingly, based on the evidence before me, while I accept that there may at times be a physical need for a second person to be present, I am not persuaded that it is essential that they be permanently based at or near the site. In this instance, I concur with the Council that the essential need for a second permanent on-site presence has not been demonstrated.”*

6.1.75 The retention of the temporary rural worker's dwelling as a permanent second rural worker's dwelling in addition to the completed permanent rural worker's dwelling on the site is not acceptable in principle policy terms when



considered against National and Local policies as outlined above. The essential needs of the agricultural enterprise are being met by the approved and completed rural worker's dwelling in terms of the health and safety of the animals at the site (site and sound) and security. As the current enterprise operates from a vast area, there is no reason why any additional workers cannot be accommodated within the numerous of towns and villages within a 5 to 10 mile radius. Indeed the Inspector considered that the starting point for the shepherdess is not essential, this remains the case as the nature of a shepherdess' work does not require permanent presence on the site day and night. Furthermore, as noted above, it has not been explained by the applicant why the separate "student" accommodation on the ground floor cannot be adopted for use by the shepherdess during the two and half months per year when her presence on site is essential. Notwithstanding that the principle of development has been considered unacceptable, the relevant material considerations are further considered below.

## **6.2 Impact upon the character and appearance of the site and the AONB area.**

- 6.2.1 The Government attaches great importance to the design of the built environment, and securing high quality design is one of the core planning principles of the NPPF.
- 6.2.2 The site is located within a sensitive location within countryside forming part of the AONB, as such the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any from the proposed development.
- 6.2.3 The log cabin is located as the first building at the entrance to the site and next to the farmyard. It is located alongside a number of other buildings and is visible from the western street scene, the southern and the eastern boundaries of the site. The northern part of the site is set to woodland. The site benefited from an openness prior to the construction of the additional farm buildings, the temporary cabin and the permanent dwelling. Condition 12 remains sound under the new guidelines for attaching conditions set within the PPG. The removal of the log cabin would restore the landscape to an acceptable state of conserving and enhancing the character of the AONB. The two dwellings in situ along with the associated development of fencing, gates, sheds and garden paraphernalia have a significant material impact upon the character and appearance of the AONB.
- 6.2.4 Under Refused application 12/02025/FULD for a New agricultural workers dwelling to replace the existing temporary dwelling - the AONB Board commented that (emphasis added):
- 6.2.5 *"Should the Council come to conclusion that the need tests have been fulfilled, planning conditions are requested to ensure the dwelling is tied to the blue line land of the whole farm and limited to agricultural and forestry workers use only. The existing temporary dwelling should also be removed on occupation of the new dwelling and suitable materials and landscaping*

*should be secured also by condition: To ensure the character and qualities of the AONB are suitably protected.*

6.2.6 It is considered that as the building is temporary, there are no long term impacts on the character of the AONB area, however this would not be the case if it were permanently retained.

### **6.3 Impact upon neighbouring amenity**

6.3.1 Securing a good standard of amenity for all existing and future occupants of land and buildings is one of the core planning principles of the NPPF. Core Strategy Policy CS14 further states that new development must make a positive contribution to the quality of life in West Berkshire. The Council's Supplementary Planning Document 'Quality Design' and Supplementary Planning Guidance House Extensions provide guidance on the impacts of development on neighbouring living conditions.

6.3.2 Given the existing residential context and relationship with the existing farmhouse, the log cabin is not considered to have a sufficient detrimental impact upon the residential amenity of existing neighbouring properties to warrant refusal of the application on these grounds.

### **6.4 On-site amenity and facilities for future occupiers**

6.4.1 According to Part 2 of the Council's Supplementary Planning Document "Quality Design (SPDQD), the Council considers it essential for the living conditions of future residents that suitable outdoor amenity space (e.g. private gardens) is provided in most new residential development.

6.4.2 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 70 square metres for houses with a single bedroom. The lodge will have a garden area of more than sufficient size to deliver the required number of dwellings to comply with the guidance within the SPDQD.

### **6.5 Impact on Highways (safety and use)**

6.5.1 Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.

6.5.2 Policy CS13 states that development generating a transport impact will be required to; reduce the need to travel, improve and promote opportunities for healthy and safe travel, mitigate the impact on the local transport network and the strategic road network, and prepare transport assessments to support planning proposals in accordance with national guidance.

6.5.3 Policy P1 of the HSA DPD states the parking standards for new residential development. The layout and design of parking spaces should follow the

parking design guidance from the Building for Life Partnership, 2012 and principles contained in the Manual for Streets in order that good quality homes and neighbourhoods are created.

6.5.4 The site is in Zone 3 of the parking standards and the Council's Highways Service has reviewed the proposed plans raising no objections, as adequate access and parking is available. It is considered that the proposed development will comply with the criteria contained within Policy CS13 of the WBCS, Policy P1 of the HSA DPD, and the NPPF.

## **6.6 Impact on Flooding and Drainage**

6.6.1 The application site is located within Flood Zone 1, which is appropriate for new residential development. Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

## **6.7 Other matters**

### **Support**

6.7.1 Two Parish Councils and 25 individual supporters have written to the Council in support of the application. The matters raised by the supporters and the Parish Council have been considered and addressed within this report.

### **Breach of planning legislation**

6.7.2 It is also worth noting that the initial planning enforcement query was raised with the Council anonymously. The current application is in clear breach of a planning condition the appropriateness of which was subsequently supported by the Inspector's appeal decision. In clearly indicating that the temporary dwelling would be removed when the permanent dwelling was constructed and occupied and then allowing it to be permanently occupied and in continuing to do so after the appeal to retain the building for the purpose was dismissed, Officers take the view that the applicant has demonstrated a deliberate intent to mislead the Council and to flout planning regulations.

### **Community Infrastructure Levy**

6.7.3 Planning Policy CS5 of the WBCS states that the Council will work with infrastructure providers and stakeholders to identify requirements for infrastructure provision and services for new development and will seek to co-ordinate infrastructure delivery. The Council has implemented its Community Infrastructure Levy (CIL).

6.7.4 Under the Community Infrastructure Levy Charging Schedule adopted by West Berkshire Council and the government Community Infrastructure Levy Regulations, residential development of 100m<sup>2</sup> or more will be liable to pay the Community Infrastructure Levy.

- 6.7.5 The proposal's new gross internal floor space area (GIA) 70.2 square metres, which equates to £12285 (£175 rate in the AONB).
- 6.7.6 As such this application is CIL Liable and the Community Infrastructure Levy liability notice detailing the chargeable amount is to be sent under separate cover. Applicants may claim an exemption (subject to meeting the criteria) from the charge where the required forms for the Assumption of Liability, Exemption request and supporting documentation have been provided to the local authority.

### **The assessment of sustainable development**

- 6.7.7 The NPPF sets out the Government's economic, environment social planning policies for England, with the presumption in favour of sustainable development. The NPPF identifies three dimensions to sustainable development: economic, social and environmental. The policies of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system and emphasises that a presumption in favour of sustainable development should be the basis for every plan, and every decision. Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the proposal.
- 6.7.8 Economic Dimension: It is considered that future residents of the lodge will make a limited contribution to the local economy. There are no wider economic benefits that result from the proposal.
- 6.7.9 Environmental dimension: With regard to the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact of an isolated dwelling within the open countryside within the AONB has been assessed as part of this application. It is considered that the proposal will result in an isolated dwelling within open countryside, which is contrary to national and local planning policy and will serve to intensify the amount of built form in this sensitive site.
- 6.7.10 Social dimension: It is considered that the proposal makes no contribution to the wider social dimension of sustainable development
- 6.7.11 For the above reasons, it is considered that the proposed development is not supported by the presumption in favour of sustainable development.

## **7. CONCLUSION**

- 7.1 Being employed as a rural worker does not mean that a worker has to live at their place of work. Many rural enterprises have thrived despite not offering employee accommodation as a benefit. The desire to offer a worker accommodation as part of their employment package is an aspiration which falls outside of and is contrary to the test of essential need contained in Policy C5 of

the HSADPD and the NPPF and should be refused as discussed in this report and for the following reasons:

- The proposed retention of the temporary timber log cabin at Bushnells Green Farm is considered contrary to national and local policy, and to established planning case law which includes the specific appeal decision relating to this site.
- The applicants have failed to provide **up to date financial information**;
- It is expected that a viable agricultural holding would pay sufficient minimum wages for a worker to seek off site accommodation or indeed employ more workers in line with the size of the enterprise. Most of these workers do not need to be based at the site permanently, as is the case on the majority of rural enterprises within the district.
- **The failure of the applicants to demonstrate that they have actually actively sought to try and find suitable accommodation to buy or rent.** The application only asserts that nothing suitable is available without providing the robust evidence to support this view that the inspector felt was necessary in paragraph 16 of the appeal decision letter.
- At paragraph 4.45 of policy C5's supporting text, it is stated that suitable alternative buildings should be considered before creating a new dwelling unit, including existing vacant residential buildings or buildings suitable for conversion to residential use. Where an agricultural occupancy condition has been applied this will not be relaxed unless it is clear that there is no longer a continuing need for the accommodation in the local area by the persons employed or last employed in the agricultural .
- **When the approved dwelling was being constructed the shepherdess lived off site and the applicant occupied the log cabin, there is no reason why the shepherdess cannot live offsite again.**
- Officers note that the only areas where such accommodation may be found are quoted as Reading and Newbury, with no mention of Thatcham, Theale, Mortimer or Burghfield areas.
- The fact that the additional information submitted shows that most of the **land being farmed by the business is scattered about the district at some distance from Bushnells Farm** suggests that the case for a functional need for a second farmworker's dwelling at Bushnell's farm is even more tenuous.
- The fact that much of the **land is farmed on short term tenancies** and some of it appears to be in arable use which makes it unclear what labour needs are likely to be in the short or long term.
- The farm enterprise is still reliant on an increase in stock levels as the benchmark and justification for an additional second dwelling on the site.
- The 4 bedroom dwelling currently accommodates Mr Plank, his wife and 2 small children, therefore **the dwelling has a spare bedroom and the bedsit/annex on ground level for accommodating an additional rural worker when required.**
- **Busy periods are temporary and are adequately accommodated by provisions within the Town and Country Planning General Permitted Development Order (2015)** which allows for the temporary stationing of mobile homes for the accommodation of additional employees as required during these periods. Furthermore the applicant has not explained why the separate student accommodation shown on the plans for the approved

dwelling cannot be for use by the shepherdess, either permanently or during the two and a half months per year when there may be an essential need for two workers to be present on the holding. The bedsit has independent access which would limit any disruption to the other occupants.

- Applicant considered properties to rent within 3 miles of Stanford Dingley. In the addendum report of 12th March 2018, the applicant considered properties to buy or to rent within 0.5 miles of RG7 60W.
- **Applicant did not considered properties at a greater distance (e.g. 5 - 10 miles) distance from the farm, as they do not consider these to be appropriate for a shepherdess on this farm to be able to fulfil their role** consistent with good animal husbandry and in accordance with animal welfare legislation.
- The applicant's justification for a second rule worker's dwelling squarely remains the same and the application is considered contrived. The increase in livestock numbers increases the need for additional workers but does not justify a second agricultural worker's dwelling at Bushnells Farm.

**7.2** Having regard to the relevant development plan policies, the other material considerations referred to above, it is considered that the retention of the temporary log cabin is not justified and is contrary to national and local policy and should be refused. Officers are strongly of the view that the grant of permission for this proposal would seriously undermine the strategic objectives of the development plan and the NPPF relating to development in the countryside and the AONB.

**7.3** This decision has been considered using the relevant policies related to the proposal. These are; ADPP1, ADPP5, CS1, CS4, CS5, CS6, CS10, CS13, CS14, CS15, CS16, CS17, CS18 and CS19 of The West Berkshire Core Strategy 2006 - 2026, Policy OVS5, OVS6 and TRANS1 of the West Berkshire District Local Plan 1991-2006 Saved Policies 2007, Policy GS1, C1, C3, C5 and P1 of the Housing Site Allocations Development Plan Document (May 2017) (DPD), and the National Planning Policy Framework.

## **8. FULL RECOMMENDATION**

**DELEGATE** to the Head of Development & Planning to **REFUSE PLANNING PERMISSION**

### **8.1 Reason:**

1. The NPPF sets out a presumption in favour of sustainable development. In terms of rural workers dwellings the NPPF states that to promote sustainable development in rural areas housing should be carefully located. New isolated dwellings should only be allowed in special circumstances such as the essential need for a rural worker to live permanently at or near their place of

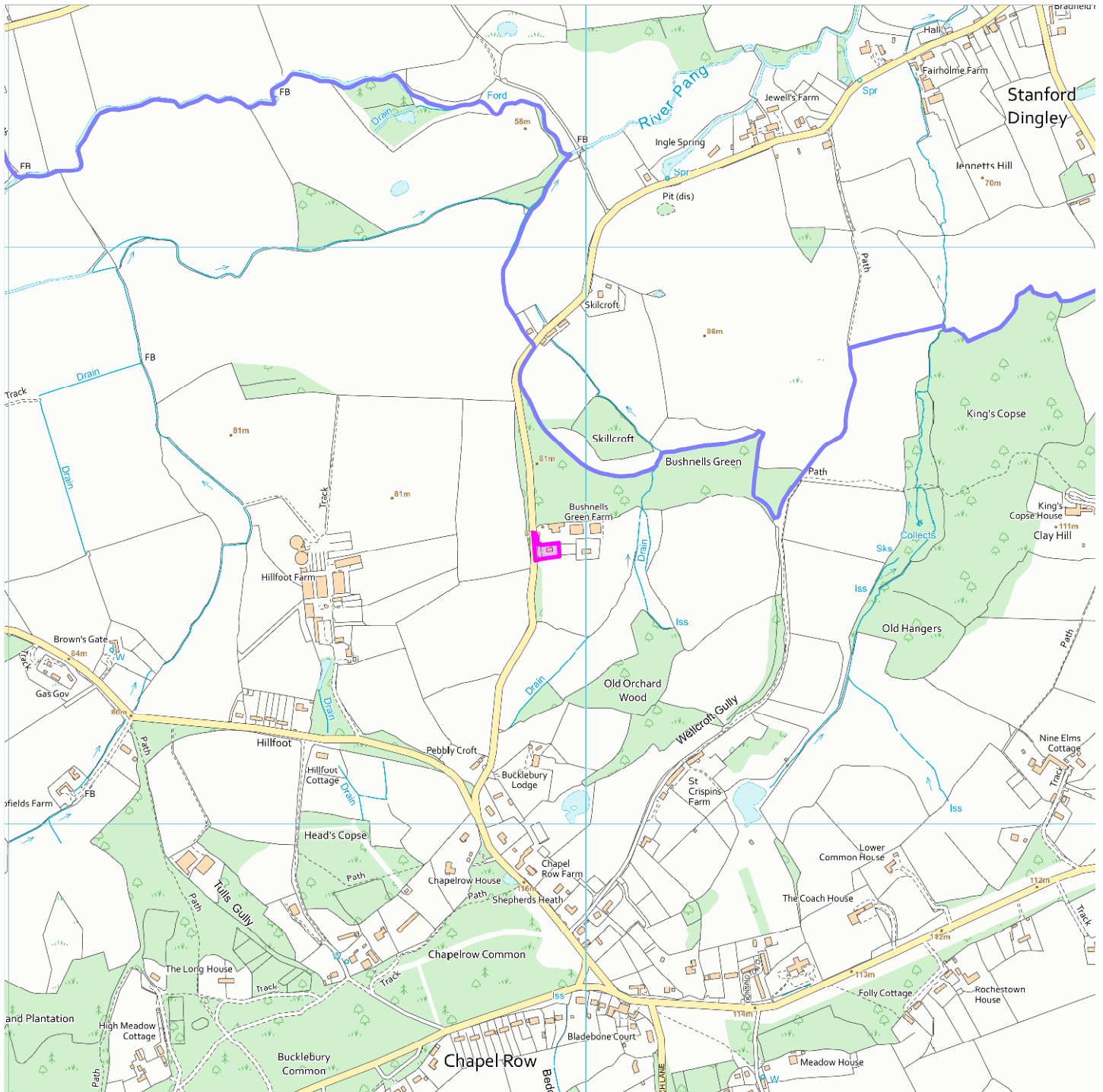
work. As such, a new rural worker's dwelling should be essential and sustainable. The Development Plan states that there is a presumption against new residential development outside of the settlement boundaries and within the countryside. An exception to this is housing to accommodate rural workers. The Council granted planning permission for a permanent agriculture worker's dwelling on 27 February 2014 under application reference: 13/03014/FULD. The dwelling has now been completed is currently occupied and in accordance with the approved plans it consists of four bedrooms, an annex with shower room/WC and a farm office. The completed agricultural worker's dwelling accommodates a full time agricultural worker who lives at the site, as such the permanent agricultural worker's dwelling is considered commensurate with the essential needs of the holding as required by the NPPF. The evidence provided does not indicate that the need for an additional permanent dwelling is essential and therefore justifies overriding the policies seeking to protect the countryside and AONB from inappropriate development. Furthermore it is considered that the site is within a reasonable and practical distance and journey time to neighbouring settlements in the form of towns and villages. As such it has not been clearly demonstrated that no alternative accommodation is available within an acceptable distance to the site or within the permanent dwelling itself. It is considered that the retention of the temporary timber cabin is not essential to the continuing successful operation of the agricultural holding at the site.

In addition no verifiable financial evidence has been submitted to confirm that the agricultural holding is financially sustainable in the short and long term as required by the NPPF.

The proposal is therefore contrary to the NPPF's paragraphs 77 - 79, ADPP1, ADPP5, Policy CS10 and CS14 of the West Berkshire Core Strategy 2006 - 2016 and the Housing Site Allocations Development Plan Document's Policies C1: Location of new housing in the countryside, C3: Design of Housing in the Countryside, C5: Housing related to rural workers and GS1: General site policy.

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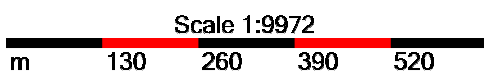


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<b>Organisation</b>	West Berkshire Council
<b>Department</b>	
<b>Comments</b>	Not Set
<b>Date</b>	25 January 2019
<b>SLA Number</b>	0100024151

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## Appeal Decision

Hearing held on 28 March 2017

Site visit made on 28 March 2017

**by Rory Cridland LLB (Hons), Solicitor**

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

**Decision date: 16 May 2017**

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**Appeal Ref: APP/W0340/W/16/3161487**

**Bushnells Green Farmhouse, Manor Farm Road, Chapel Row, Reading RG7 6DW**

- 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 Mr & Mrs J Plank against the decision of West Berkshire Council.
  - The application Ref 16/01782/FULD, dated 24 June 2016, was refused by notice dated 8 September 2016.
  - The development proposed is described as "retention of existing timber lodge as farm worker accommodation. Non-compliance with condition no. 12 of Planning Permission 13/03014/FUL".
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. Planning permission was granted in 2014 for the erection of a permanent rural worker's dwelling on the site under ref 13/03014/FULD ("the 2014 Consent"). That consent contains a condition requiring the removal of the appeal property which currently remains in its original position. As such, I have considered the application on a retrospective basis.

### *Policy context*

3. Policies ADPP1 and ADPP5 of the West Berkshire Core Strategy<sup>1</sup> (CS) set out the Council's spatial strategy for the area and direct development towards the main settlements according to the District Settlement Hierarchy. Outside such areas, only limited development will be permitted and only where it addresses an identified need and helps maintain a strong rural economy. Furthermore, Policy ADPP5 seeks to ensure that development within the North Wessex Downs Area of Outstanding Natural Beauty ("the AONB") conserves and enhances the local distinctiveness, sense of place and setting of the AONB. It also seeks to support small local business to help maintain a strong rural economy.
4. The application seeks planning permission for a second permanent rural worker's dwelling in the countryside. It was agreed at the hearing that the relevant local plan policies referred to by the Council do not directly deal with new rural worker's dwellings in the countryside. However, Paragraph 55 of the National Planning Policy Framework ("the Framework") advises against

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<sup>1</sup> Adopted July 2012.

new isolated homes in the countryside other than in a limited number of special circumstances. These include where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside.

5. Similarly, Policy C5 of the emerging Housing Site Allocations Development Plan Document (HSADPD) permits new dwellings in the countryside related to a rural enterprise provided certain criteria are met. These include where it is essential to the continuing use of land and buildings for agriculture or a rural enterprise and where it is demonstrated that there are no suitable alternative dwellings available, or that could be made available, in the locality to meet the need. The emerging HSADPD is currently at an advanced stage with adoption expected in the near future. I was also at the hearing that there are no significant alterations proposed to Policy C5. As such, in accordance with the advice set out in Paragraph 216 of the Framework, I afford it significant weight.

### **Main Issues**

6. The main issues are:
  - (i) whether there is an essential need for a second dwelling to accommodate a rural worker at the site; and
  - (ii) the effect of the development on the character and appearance of the surrounding area including the AONB.

### **Reasons**

#### *Essential Need*

7. The appeal site is located in the countryside, outside any recognised settlement boundary. It currently consists of a large farmhouse<sup>2</sup> ("the Farmhouse"), together with 3 agricultural buildings and a timber chalet-style lodge ("the Lodge"). A fourth agricultural building has been permitted under reference 16/01784/FUL with the steel frames already present on the site.
8. The appellants currently operate a livestock business from the appeal site specialising in the raising of sheep and cattle. At the time of the hearing the farm consisted of just over 12 hectares with an additional 250 hectares of grazing land being rented on a variety of farm tenancies. In addition, a further area of around 350 hectares is taken on at other points during the year. Stock numbers vary but it is clear from the evidence that there is a steady upward trend with sheep numbers having doubled over the last two years and tripled over the last five.
9. The Council accepts that the appellants are operating an established agricultural business. It also accepts that the farm is financially viable. However, it disputes the appellants' contention that there is an essential need for two rural workers to be permanently present on the site. In assessing the question of essential need, it is first necessary to consider whether there is a physical need for a worker to be present at most times of the day and night. It is clear that the farm has a need for an on-site presence. However, it is, in the first instance met by the Farmhouse. In order to demonstrate that the

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<sup>2</sup> Permitted under the 2014 Consent.

special circumstances required by Paragraph 55 of the Framework exist, the appellants need to show that there is an essential need for a second worker to be permanently present on site.

10. The appellants' written evidence refers to the number of Standard Man Days (SMD's) required to operate the farm efficiently and indicates that the labour needs of the holding have increased considerably over recent years, in line with the increased number of animals. Furthermore, during the hearing, I heard evidence from both the appellants and other interested parties regarding the welfare needs of those animals and the amount of labour required to operate a sheep and beef farm of this size. However, while the parties agree that the number of lambs being born between late February and early May would require a second worker to be permanently present on site, between May and June most lambing occurs outdoors and away from the farm buildings. With checks being made at dusk and dawn, coupled with the wide geographical area covered, I am not persuaded that there is an essential need for a second worker to be permanently present on site during this latter period on animal welfare grounds. While the appellants provided examples at the hearing of the types of situations that might occur on site during other times throughout the year, there is little robust evidence which would demonstrate that these situations are sufficiently numerous or frequent that they would require a permanent on-site presence of two workers.
11. Furthermore, although the timesheets provided by the appellants show that the shepherdess currently works long hours, they nevertheless indicate few night-time call outs. The appellants explained at the hearing that this was due to the way in which hours were recorded and that they do not represent an accurate picture of the actual times worked. However, while I agree that it is unlikely that a shepherdess living on site would not at times be required to attend night time emergencies, in the absence of any detailed evidence to the contrary, it appears that the welfare needs of those animals present on the site are adequately met by the occupant of the Farmhouse.
12. It was clear from the site visit conducted that the farm operates over a considerable area. However, travel to these fields in the case of emergencies will mostly be made by vehicle and so the starting point is less important. While it was clear that there will be instances where it might be necessary to transport equipment from the appeal site to an off-site emergency, no robust reason has been provided as to why this could not be performed by the occupant of the existing dwelling. Furthermore, there is no evidence that would indicate that these situations were so numerous that they would require the on-site presence of 2 workers.
13. While I accept that the number of animals has increased considerably and with it the amount of labour required, it is only where it is essential for a rural worker to be present that the special circumstances set out in Paragraph 55 are present. Prior to the erection of the Farmhouse, the current occupant of the Lodge resided off-site. The appellants have not provided any information which would indicate that this arrangement impacted negatively on either animal welfare or the efficient running of the farm. Likewise, although I note the practical difficulties that arise in having a shepherd live off-site, I am not persuaded that these are so great that they make it essential for a second worker to be based permanently on the site. As such, I do not consider that

- they would provide the special circumstances required to justify a grant of planning permission for a new isolated dwelling in the countryside.
14. Accordingly, based on the evidence before me, while I accept that there may at times be a physical need for a second person to be present, I am not persuaded that it is essential that they be permanently based at or near the site. In this instance, I concur with the Council that the essential need for a second permanent on-site presence has not been demonstrated.
  15. Turning then to other alternative accommodation, the appellants have indicated that there is no other accommodation available either on site or nearby which would be suitable to meet the needs of the additional worker. This is confirmed by the Council's agricultural consultant who concludes it would be very difficult to either buy or rent accommodation in the area on a typical agricultural wage. However, at the hearing the Council disputed these findings and suggested that there were other options which could be explored, although I note that no specifics were provided as to what these might be.
  16. There was some discussion around the fact that the Farmhouse included student accommodation. However, it was clear from my inspection that this related to a spare bedroom. With no separate kitchen, bathroom or other living accommodation, I do not consider it would particularly suitable to accommodate an adult worker. Nevertheless, the options considered by the appellants relate to the costs of renting or purchasing a property from the worker's perspective. While I accept that this may be beyond the means of a worker on a typical agricultural wage, little consideration appears to have been given to whether the Farm itself is in a financial position to meet the need identified. I note that the farm has net assets in the region of £1.546m and have seen no robust evidence which would indicate that it would not be economically viable for the business to purchase or rent accommodation to meet that need.
  17. Furthermore, in view of the limited periods in which two persons would be required to be on site, I see no reason that other temporary accommodation could not be utilised for which permitted development rights already exist. While I accept that this may have a greater impact on the AONB during the times which it would be on site, by its very nature such harm would be temporary. I do not therefore consider the limited harm to the AONB that would arise from a temporary structure would justify granting planning permission for a permanent rural workers dwelling in the countryside.
  18. Consequently, I conclude that while there is a need for a second rural worker to be permanently present on site for part of the year, I do not consider that need to be essential at other times. Furthermore, I am satisfied that this need can be sufficiently met by other alternative accommodation either on site or within the wider rural area. Accordingly, I find the special circumstances required by Paragraph 55 of the Framework are not present and a second permanent dwelling on the site is not essential. It would also fail to satisfy the requirements of emerging Policy C5 of the HSADPD.

*Character and appearance*

19. The Lodge is located within the AONB and consists of a single storey wooden cabin with a chalet design. It is located adjacent to the site entrance, in close

- proximity to the existing farmyard buildings and is set within its own curtilage, benefitting from its own garden area, fencing and parking provision. The site itself is surrounded by open countryside to the south and west but lies in a substantially enclosed setting surrounded by woodland. A public footpath runs along the boundary on an east west alignment.
20. CS Policies ADPP5 and CS19 seek to ensure that new development conserves and enhances the diversity and local distinctiveness of the landscape character of the District, particularly in areas which are sensitive to change, such as the AONB. This accords with Paragraph 109 of the Framework which advises that the planning system should contribute to and enhance the natural and local environment by amongst other things, protecting and enhancing valued landscapes. In addition, CS Policy CS14 requires new development to demonstrate high quality design that respects and enhances the character and appearance of the area.
  21. The Council is concerned that the development would not be appropriate within the AONB and would negatively impact on the character and appearance of its surroundings. Furthermore, it considers that the design of the Lodge is not well related to the existing farm buildings or the character of the built form in the wider area.
  22. However, views of the site itself are limited and, in general, it is well screened within the wider landscape and from the adjacent public footpath. In the limited number of views that are available<sup>3</sup>, the Lodge is seen within the overall farm complex. Its modest form and natural materials help ensure that it integrates well into both the site itself and the wider landscape. On balance, I do not consider that the Lodge, either in terms of its location or design, would be visually harmful to the appearance of the wider sensitive landscape.
  23. The Council has also raised concerns regarding the additional light pollution which would result from the cabin, directing me towards the AONB management plan and its recognition of the contribution that darkness at night makes towards the characteristics of the AONB. It was also suggested that the addition of a further dwelling in this location would present a significant encroachment and impact on the openness of the site and the AONB area. However, in view of its location within an existing farm complex, together with its limited size and visibility, I am satisfied that the Lodge would have only a marginal effect on both light pollution levels and visual openness. Likewise, in view of its modest size and location within the existing complex, I consider any spatial impact on openness would similarly be limited.
  24. Consequently, I do not consider the development would be harmful to the character and appearance of the surrounding area and I am satisfied that the AONB would be conserved. As such, I find no conflict with CS Policies ADPP5, CS14 and CS19 which together seek to ensure that such harm does not occur.

### **Other matters**

25. The Council has referred to CS Policy CS10 in its reasons for refusal. That policy seeks to support proposals to diversify the rural economy, particularly

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<sup>3</sup> i.e. directly outside the site and on the immediate approach.

where they are located in or adjacent to Rural Service Centres and Service Villages. In view of the appeal site's location, I consider that Policy to be of limited relevance in the determination of this appeal.

26. In reaching my decision I have considered the large amount of local support in favour of the application that was submitted at both the application stage and as part of this appeal. However, while I accept that the impact on the character and appearance of the surrounding area would not be significant, it provides limited support in establishing that there is an essential need for a second rural worker to be permanently present on the site.
27. The Council has also referred me to the comments of the North Wessex Downs AONB Board. However, while I note that the Board may have considerable expertise in the landscape value of the AONB, the Council confirmed at the hearing that the comments relate to a previous, refused application and that the Board has made no comments on the present application. As such, I afford these comments limited weight.

### **Planning Balance and Conclusion**

28. The Lodge would provide workplace accommodation for a rural worker as well as providing support for an existing and expanding rural enterprise. Furthermore, I have found above that it would not be harmful to the character and appearance of the surrounding area. However, I have also found that the evidence provided does not demonstrate that there is an essential need for a rural worker to be permanently based at or near the site. As such, I am not persuaded that the special circumstances required by Paragraph 55 of the Framework are present or that the grant of planning permission for an isolated rural worker's dwelling in the countryside would be justified.
29. For the reasons set out above, I conclude that the appeal should be dismissed.

*Rory Cridland*

INSPECTOR



**APPEARANCES**

FOR THE APPELLANT:

Mr Jeremy Plank	Appellant
Mr Robert McLennan	Planning Agent
Mr Charles Holt	Agricultural Consultant
Dr Yann Le Du PhD	Sheep and Beef Consultant

FOR THE COUNCIL:

Mr Masie Masiwa	Planning Officer
Mr Andy Heron	Senior Planning Officer

INTERESTED PARTIES:

Mr Mark Hawkesworth	Stanford Dingley Parish Council
Mr K Waldie	Local Resident

**DOCUMENTS SUBMITTED AT THE HEARING**

1. Copy of email correspondence between the appellants, Mr Richard Beynon (MP) and the Council dated February and March 2017 (EXB 1).
2. Copy of Appeal Decision APP/W0340/A/10/2134547 (EXB 2).
3. Plan showing the extent of tenanted land and winter grazing (EXB 3)
4. Plans identifying areas of winter grazing, areas of current grazing and resting fields (EXB 4 & 5)
5. Copy of pamphlet issues by National Housing Federation entitled "Home Truths 2016/2017 - The Housing Market in the South East" (EXB 6).

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## Electronic Copy

Mr M Masiwa  
West Berkshire Council  
Market Street  
Newbury  
Berkshire  
RG14 5LD

Our Ref: KCC797/vmd  
Your Ref: 18/01470  
28<sup>th</sup> August 2018

Dear Mr Masiwa

### APPLICATION 18/01470/FULD

### RETENTION OF EXISTING TIMBER LODGE AS FARM WORKER ACCOMMODATION AT BUSHNELLS GREEN FARM, CHAPEL ROW, READING, RG7 6DW

1. Thank you for your consultation dated 26th August 2018, requesting my opinion on the above application. As you will be aware I commented on an earlier application 16/01782/FULD in February 2017. As part of that application I visited the Site and met the applicant.
2. The information considered as part of this appraisal includes:
  - Application forms and application drawings;
  - Addendum Report prepared by Charles Holt dated 12<sup>th</sup> March 2018;
  - Appeal Decision APP/W0340/W/16/3161487 dated 16<sup>th</sup> May 2017; and
  - Legal Opinion provided by Michael Rudd dated 23<sup>rd</sup> April 2018.

### The Proposals / Planning History

3. Planning consent (13/03014/FUL) was granted in 2014 for the erection of a permanent dwelling. This dwelling has been constructed and is now occupied by Mr J Plank, his wife and their two small children. Condition 12 of that consent required **“that the temporary agricultural dwelling must be removed within 2 months of first occupation of the dwelling hereby approved”**. However once Mr Plank and his family moved out of the log cabin, in the Autumn of 2015, the farm’s full-time Shepherdess moved into the log cabin
4. It is the applicant / appellant’s case that there is an essential need for both the shepherdess and Mr Plank to live on the farm and accordingly they wish to retain the log cabin as farm workers accommodation.
5. The same proposal was dismissed at appeal in 2017 with the Inspector concluding that **“the essential need for a second permanent on-site presence has not been demonstrated”**. The Inspector comments in detail on the functional need in paragraphs 10 – 12 of the appeal decision.

*Greenacres Barn, Stoke Common Lane, Purton Stoke, Swindon SN5 4LL*  
T: 01793 771333 Email: [info@kernon.co.uk](mailto:info@kernon.co.uk) Website: [www.kernon.co.uk](http://www.kernon.co.uk)

6. The Inspector also concluded that **“while there is a need for a second rural worker to be permanently present on site for part of the year, I do not consider that need to be essential at other times. Furthermore I am satisfied that this need can be sufficiently met by other alternative accommodations either on site or within the wider rural area”**.

### **The Holding and Enterprises**

7. Since I visited the farm in 2017 additional land has been taken on and livestock numbers have increased, however the amount of land owned by the applicant remains at just over 12 hectares. .
8. Based on information set out in the Charles Holt Addendum the applicant is now farming of the order of 775 hectares (1915 acres), this is an increase of 85 hectares. However with the exception of the land outlined above and 2.8 hectares which is stated to be rented on a “permanent” FBT all of this land is farmed on short-term arrangements, with:
- 107 hectares (264 acres) occupied on three year FBT’s;
  - 138 hectares on annual FBT’s; and
  - 513 hectares on occupied for part of the year on annual licences.
9. Stock numbers have also increased and as at 4<sup>th</sup> March 2018 comprised of:
- 65 Suckler Cows;
  - 44 young stock;
  - 2 Bulls;
  - 76 purchased in dairy bred calves;
  - 1600 Ewes;
  - 30 Tups (Rams); and
  - 1450 lambs.
10. In summary the Suckler Cow enterprise has increased by 8 cows and the number of ewes lambing has increased by 100, since my appraisal in 2017.
11. In my 2017 report I set out in detail the lambing and calving periods and locations as provided to me by the applicant when I visited the Site in February 2017. No reference has been made to these in the Addendum and therefore I assume that they remain broadly the same. For ease of reference I set out this information below, however please note that the stock numbers referred to are those provided in February 2017 not as per this application.

*“Predominately Native Breeds (South Devon, Hereford and Aberdeen Angus Crosses) Suckler Cow herd comprising of 57 cows and off-spring, of which 41 calve indoors in the Spring (mid. Feb – mid. April) and 16 in the Autumn (mid. Nov – beginning of Jan.). Autumn calving off-spring are sold as strong stores at the end of the summer and the Spring calving off-spring are over-wintered on the farm and then sold in the Spring, this was similar to that level of operation operating when the permanent dwelling was permitted;*

- *Calf rearing enterprise rearing around 70-80 calves per year, these are primarily bought from a local dairy farm and sold on to another farmer once weaned at circa 12 weeks of age. Calves tend to come in batches of approx. 20 – 25 from the local dairy farm during the summer / autumn months before the Suckler Cows need to be housed, with a batch coming approximately every 6 weeks. This level of throughput is similar to that operating in 2013;*
- *Flock of approximately 1500 breeding ewes which lamb between late February and early June. This is a significant increase (more than double) on that which was operated at the time when the farmhouse was permitted. Ewes are lambd in a number of flocks / location depending on their age:*

- A flock of **150 ewes** lamb in March, these are housed a week or so prior to lambing. Once lambed the ewes spend circa 12 hours in individual pens with their lambs to ensure bonding and are then moved to a group pen for circa 24 hours before being turned back out to grass away from the farm. At the time of my site visit (22/2) the applicant still had to empty the shed of store cattle before the ewes could come in. However once the new shed is complete the need to move store cattle will not be necessary;
  - A batch of **300** older ewes lamb from the 1<sup>st</sup> week of April, these are also lambed indoors in a similar fashion to those in the early batch;
  - A third batch of **300** ewes are due to lamb from 3<sup>rd</sup> week of April, these are bought to the paddocks around the farm buildings prior to lambing but will lamb outdoors. Once lambed they will be bought inside for circa 12 – 36 hours and penned as with the earlier flocks;
  - From 1<sup>st</sup> May a further flock of **250** ewes will lamb outside on a block of rented land between the farm and Stanford Dingley. Regular day time checks are made on these ewes, with the first being made at dawn and the last at dusk;
  - From 10<sup>th</sup> May onwards **425** ewe lambs will also lamb outside, again on rented land in a similar management fashion to the earlier outdoor lambing flock. The intention is that these will have finished lambing by early June.
  - This year the applicant also has 60 old ewes to lamb, he had intended to sell these as cull ewes last Autumn but the price was so bad that he kept them and put them to the ram, with a view to selling them with lambs at foot; and
  - There are 73 ewes that have been scanned as not in lamb.
- At the time of my visit there were still 1000 lambs on the holding being finished off stubble turnips / grass, these are sold at a rate of approximately 130 per week (lorry full) from January through to March / April”
12. Full-time labour continues to be provided by the applicant, who works full-time with the livestock enterprise from late November through to the end of May, before working full-time in the contracting part of the business for the rest of the year. However he does spend odd days during this period helping with the livestock enterprises when needed i.e. shearing, Tb testing, administering vaccinations, sorting sheep to go to market etc. and the shepherdess, who currently lives in the log cabin the subject of this application. The applicant’s brother is also employed full-time by the business but my understanding is that his workload is primarily focused on the arable and grassland contracting element of the business.

### Policy

13. Since my appraisal in 2017 the NPPF has been updated. Although the paragraph numbers relating to planning policy for rural workers dwellings has changed the actual policy remains unaltered.
14. Paragraphs 77-79 of the July 2018 Framework currently provides guidance regarding rural dwellings. The paragraph advises that, **“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”**. New isolated housing should only be allowed in special circumstances such as where **“there is an essential need for a rural worker, including those taking a majority control of a farm business, to live permanently at or near their place of work in the countryside”**.
15. New rural workers’ dwellings should, therefore, be **“essential”** and **“sustainable”**.
16. Whilst this guidance is very brief, in the six years since the NPPF was published it has become clear that all applications need to be considered carefully against the following criteria:

- whether there is an essential need for a rural worker to live on site;
- whether that need can be met by existing accommodation;
- whether the enterprise is financially viable or sustainable; and
- whether other relevant considerations, such as siting and size, are acceptable.

### Re-Assessment

17. **Essential Need?** Whether or not a worker needs to live on site is a matter of judgement based on factors such as the frequency of out-of-hours problems, the ability of a resident worker to identify and address those problems, the severity of loss if they are not addressed and the potential for notification of problems to a worker living off site (by alarms, for example).
18. This application is for a second on-site dwelling. As per my original appraisal (which was based on very similar livestock numbers) although I am satisfied that there is an essential need for one-full-time worker to live on site, I am not satisfied that there is a functional requirement for two on-site workers to be readily available at most times i.e. two dwellings. It remains my opinion that the only period during which there is a need for two on-site workers is during the indoor lambing period which runs from the end of February through to the end of April / early May i.e. a period of at most 2 ½ months. During this period the volume of lambings (indicated by the applicant at an average of 25 a day/night when in full swing) and calvings cannot be covered by only one on-site worker.
19. It also remains my opinion that the later lambing period (May / early June) does not warrant an on-site worker as the ewes are lambed outdoors and away from the farm buildings / dwellings (albeit less than ¼ mile). The applicant made it clear to me that during the outdoor lambing periods checks are made as it gets dusk and as soon as it is light. As the worker has to travel to the fields on a quad bike the starting point is less important i.e. it could be done from a nearby dwelling. It is not the same as when ewes are lambing in the shed on the farm and a worker can make frequent inspections throughout the night returning to bed in between.
20. No information has been submitted to indicate that this is no longer the case and on that basis it remains my opinion that the only period when it is essential for a second worker to reside on site is for a maximum period of two - three months then in my opinion this could be met by some form of short-term accommodation, such as a mobile home. Indeed such a provision is allowed for under Part 5 of General Permitted Development Order.
21. The Addendum report sets out at paragraph 7.9 – 7.14 and Appendix 1 circumstances where situations have occurred which “**necessitate two people to attend**” between 1<sup>st</sup> January 2018 and 10<sup>th</sup> March 2018. There were a total of 10. Of these 10 incidents two related to sheep that were away from the main farm and therefore both workers had to travel to attend to them. Therefore as set out above could have been dealt with regardless of how many workers were living on Site.
22. With regards the other issues, these primarily relate to incidents where cattle needed to be handled, albeit in emergency situations, out of normal working hours. I have no doubt that all of these situations required two workers (if not more) to be able to be adequately dealt with. However when considering whether there is a need to live on Site in connection with livestock, particularly cattle who as highlighted in the addendum report, from a safety perspective generally need to be handled by two workers, it is generally accepted that the on-site worker will be able to identify the problem and then if necessary call for additional help, whether that be in the form of the vet, an off-site worker or in cases where there is only one member of staff a neighbour who can come and help.

23. If you were to work on Mr Holt's theory then every cattle farm that warranted an on-site worker would actually require two on-site workers as any out-of-hours problems would have to be immediately attended to by two members of staff. Clearly this is not what actually occurs and on the majority of farms which have Suckler Cow Herds of this size there would only be one on-site worker who would then have to call for help if and when a problem which necessitated the assistance of two workers arose.
24. The case relating to the sheep dog was not in my opinion a case that warranted two on-site workers. The applicant was still on hand to identify any problems that could have occurred and then if a dog was needed on-site (it does not appear that any were identified) the applicant could have called Sophie and her dog in.
25. With regards the weather situation although Sophie's assistance would have been invaluable in my opinion in a situation like this the applicant would have been able to defrost pipes etc on his own and move bales to act as wind breaks. The weather this winter was also an extreme event which will hopefully not be repeated.
26. The applicant has also submitted copies of Sophie's timesheets which indicate that she clearly works long hours, however these are representative of most livestock workers, many of whom may live off-site. However I have no reason to doubt her commitment to the business, but that in itself isn't part of the permanent dwelling test.
27. Another point raised in Appendix 1 of the Addendum report is that "**Sophie is 25, works long hours, often in wet and difficult circumstances, in the 4 months that WBC allow her to be on Site she does not want to come back to a mobile home / caravan with restricted facilities. No bath, no central heating, nowhere to dry and wash clothes etc**". I would comment that given the long hours and the nature of the work which creates wet and dirty clothes it would not be unreasonable for a washing / drying facility (for clothes) to be provided on the farm. I would also comment that many farm workers spend 3 years in a mobile home whilst they demonstrate financial viability.
28. In summary it remains my opinion, due to the set-up of the business i.e. 50 % of the ewes lambing outdoors away from the main farm buildings i.e. not within sight and sound of the resident workers that there is only a need for one on-site permanent worker a view shared by the Inspector. However as per my earlier appraisal I do recognise the problems of attracting good staff if you can't offer accommodation
29. **Sustainability considerations?** Although there is no longer a specific test in the Framework regarding profitability in relation to the provision of agricultural workers' dwellings, the Framework only promotes "**sustainable development in rural areas**" (paragraph 77-79, in relation to housing). Economic sustainability and the ability to carry out the proposals as described must be part of this. An applicant therefore still needs to demonstrate economic sustainability.
30. The addendum report states at paragraph 10.5 that "**the latest accounts for year ended 31<sup>st</sup> December 2016 were included in the previous appraisal and that the accounts showed a profit of £53,886 for Year Ending 31<sup>st</sup> December 2016**". I would comment that I have never seen the 2016 accounts, my 2017 appraisal referred to accounts for "**the 9 month period from 1<sup>st</sup> April – Dec 2014 and 1<sup>st</sup> Jan – 31<sup>st</sup> December 2015. I understand that these relate purely to the livestock element of the business with the contracting business being separately accounted for. The accounts show a profit in 2015 of just over £20,000 and for the 9 month period in 2014 of just under £20,000 this is after all paid labour i.e. The Shepherdess and lambing assistants and in 2015 includes a Director's salary of £4,000.**" Further having reviewed the appeal decision it does not appear that the Year End 2016 accounts were submitted at the appeal.

31. Therefore the accounts that I have seen are now 2 ½ years old and I would want to see more recent accounts to be able to conclude whether or not the business was still financially sound.
32. In summary there appears to be some confusion as to what financial information was submitted in relation to the 2016 / 17 appeal and accounts. Given that we are now in August 2018 in order to be satisfied that the business was financially sustainable I would need to see more current accounts than what I was provided with 18 months ago.

#### Availability of Other Dwellings

33. In my opinion this is the key issue with this proposal and in my earlier appraisal I concluded **“that given the high costs of either renting or buying accommodation in a rural area, the only accommodation that a stock person is likely to be able to afford will be in either Newbury or Reading and is highly unlikely to be suitable to meet their needs i.e. there will be no space for parking a quad bike and it will be unsuitable for keeping a sheep dog etc.”**.
34. The Inspector was satisfied that buying or renting a rural property may be beyond the needs of an agricultural worker **“on a typical agricultural wage, little consideration appears to have been given to whether the Farm itself is in a financial position to meet the need identified”** and concluded that he had **“seen no robust evidence to demonstrate that it would not be economically viable for the business to purchase or rent accommodation to meet the need.”** (para 16).
35. The March 2018 Addendum provides more information on this point. In particular a calculation of mortgage re-payments etc. is set out along with a letter from the bank regarding the feasibility of servicing a mortgage. I would comment that the property referred to in Chapel Row is no longer advertised for sale and that in my opinion a member of staff could live 5 miles away. However even when you extend the search to 5 miles away you are looking at a minimum price of £270,000 for a property that could essentially be suitable, i.e. parking, garden etc. Even at this cost you would be looking a mortgage payments of £21,500 per annum which could not be serviced by the accounts which I have seen.
36. Therefore on the basis of the information submitted in relation to housing availability and cost etc, which I have fully reviewed and verified by way of my own search, then I am satisfied that in all probability the only accommodation that a stock person or the farm business / Directors would be likely to be able to afford will be in either Newbury or Reading and will be unsuitable to meet the needs of a stock person i.e. there will be no space for parking a quad bike and it will be unsuitable for keeping a sheep dog etc.
37. Section 9 of the Addendum addresses the potential for renting and I would share the view that many rental properties, even if affordable, would be unsuitable for farm workers (due to many not allowing dogs) and also that Assured Short Hold Tenancies do not provide sufficient security of tenure on which to base business decisions.
38. In summary in my opinion if this business is to continue then the only way that it can do so is by the retention of the log cabin for occupation by the shepherdess as neither the business nor the shepherdess can afford to purchase suitable accommodation to live in.
39. I would comment that the need for the shepherdess is bought about due to a very heavy reliance on short-term rented ground and therefore in my opinion if consent is granted to retain the log cabin it should be conditioned to reflect this, i.e. conditioned so that it can only be occupied by a livestock worker employed in connection with the livestock enterprises operating from Bushnells Green Farm as if the short term land



were to be lost which it could be for a variety of reasons there would no longer be a need for a shepherdess.

40. In your letter dated 26<sup>th</sup> July you have also asked that I consider the possibilities of converting buildings on other farms or renting other agricultural tied dwellings. I would comment that as far as I am aware there are no such properties currently available i.e. on the market that could be utilised.

### **Summary and Conclusions**

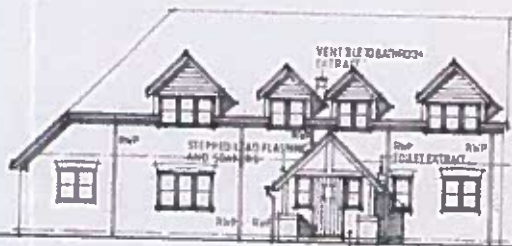
41. This proposal relates to the retention of a log cabin for occupation by an agricultural worker. There is already one dwelling on Site that is occupied by the landowner, who spends the Winter and Spring months fully employed in the livestock enterprise.
42. Although in my opinion there is no doubt that the enterprises provide full-time employment for two workers, indeed more, during the busy lambing season, there is in my opinion only a need for one of these workers to be readily available at most times. With the exception of the short period when ewes are lambing indoors (2 / 3 months when the need can be met by temporary accommodation such as a mobile home) there is in my opinion no requirement for both workers to live on Site.
43. There is some confusion as to what financial information has been submitted and at the current time due to a lack of evidence I am unable to conclude that the business is financially sustainable.
44. In terms of other accommodation given the high costs of either renting or buying accommodation in a rural area, the only accommodation that a stock person is likely to be able to afford will be in either Newbury or Reading and is highly unlikely to be suitable to meet their needs i.e. there will be no space for parking a quad bike and it will be unsuitable for keeping a sheep dog etc.
45. In light of the comments set out in the 2017 appeal decision I am satisfied that the applicant has fully explored the potential of purchasing suitable accommodation for a worker and that it is beyond the means of both the business or any employee
46. Therefore in my opinion the only way that the business will be able to continue operating at the current levels is if accommodation is provided by way of the retention of the log cabin, for the shepherdess.
47. Given that the need for the retention of the log cabin arises due to a heavy reliance on the short-term occupation of rented land I would recommend that the consent is conditioned so that it can only be occupied by a livestock worker employed by the business based at Bushnell Green Farm.
48. I trust this provides you with sufficient information but please do not hesitate to contact us if you require any additional information or wish to discuss the application in more detail.

Yours sincerely



**VERITY DREWETT**

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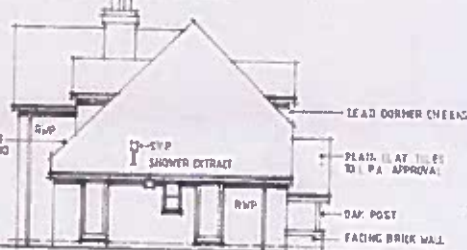
North elevation.



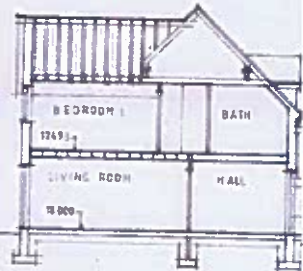
West elevation.



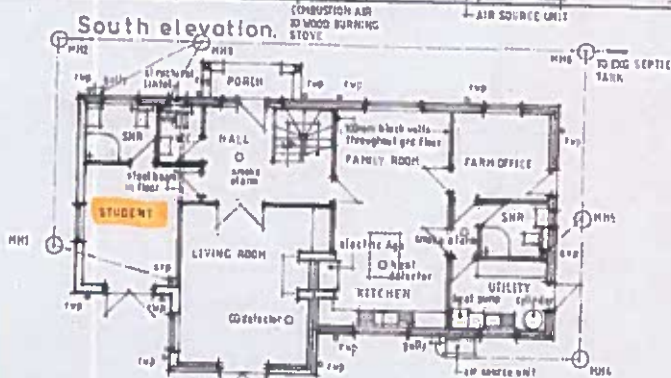
South elevation.



East elevation.

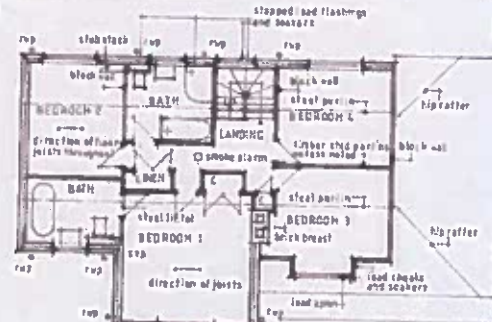


Section



Ground floor plan.

FLOOR AREAS	
HOUSE	156.00
FARM OFFICES	23.75
STUDENT BEDSIT	18.25
TOTAL	198.00



First floor plan.

D. 23 07 2013 CO DETECTOR 10  
REVISION C. 31 05 2013 BUILDING REGS.

**BUSHNELLS GREEN FARM, STANFORD DIN**  
COLIN F.C. SHEPPARD Dip. Arch (Hons) R.I. & A  
ARCHITECT  
PADDOCK VIEW, HADN STREET, WEST ILSLEY, NEWBURY, BERKS, RG20 7AA  
TEL. 01635 281345. EMAIL c.shep345@btinternet.com

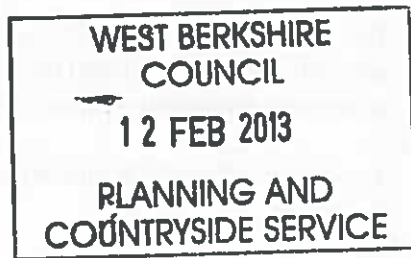
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13/00331

BUSHNELLS GREEN FARM, BUCKLEBURY ROAD, STANFORD DINGLEY, READING, BERKS, RG7 6DW.

PROPOSED AGRICULTURAL WORKERS DWELLING.

DESIGN AND ACCESS STATEMENT.



**HISTORY:**

An application for a temporary dwelling, application number 08/01628/FULD, was approved for a period of three years on 22<sup>nd</sup> October 2008.

To allow time for a detailed design to be prepared, for the application to be approved and sufficient construction time remaining, prior to the temporary dwelling having to be removed, a subsequent application, 11/02731/FULD, supported by an agricultural appraisal, extended the period by a further three years and will expire on 20<sup>th</sup> March 2015.

In approving the application, the case officer's report advised:

- i) The applicant has demonstrated a continued intention and ability to develop and operate a livestock enterprise. We have no reason to assume that this had changed.
- ii) There is a functional need for a worker to be on site at most times.
- iii) We are satisfied that the business remains planned on a sound financial basis but would note that further clarity regarding the apportionment of fixed costs will be required at the permanent dwelling stage and the return on the applicant's labour should cover long hours worked as well as provide remuneration for his wife, at the permanent dwelling stage.
- iv) No other dwelling could meet the need.
- v) The retained siting presents us with no agricultural concerns.

Accordingly we are satisfied that the proposals meet the tests set out in PPS7

Subsequently a detailed planning application, for a permanent agricultural worker's dwelling, was submitted on 7<sup>th</sup> August 2012 (application number 12/02025/FULD) This however was refused permission on 15<sup>th</sup> October 2012, for the following reasons:

1. Financial sustainability.
2. Non completion of Section 106 legal agreement.
3. Pre-assessment report required, to show that the proposed dwelling can be constructed to achieve Code for Sustainable Homes Level 3.

## PROPOSAL:

This application is a re-submission of application number 12/02025/FULD designed to obtain detailed planning approval for a permanent agricultural worker's dwelling, to replace the current temporary timber chalet and includes the following additional information.

1. Further information relating to and justifying the financial sustainability of the agricultural holding.
2. All information required, in respect of the Section 106 Legal Agreement was, forwarded in respect of the earlier application, 12/020265/FULD and the majority of the work already undertaken by West Berkshire Council's legal department. It should therefore be possible to complete the agreement ready for signature well in advance of this application's determination date.
3. Pre assessment report showing that the proposed dwelling can be constructed to achieve Code for Sustainable Homes Level 4.

### Informative:

Since moving into the temporary chalet, which is very confined and has only one bedroom, Mr and Mrs Plank now have a three year old child and a two month old baby.

Additionally, at peak times such as lambing and harvest, temporary staff, shepherdess and agricultural worker/agricultural student, have to be accommodated at the applicant's mother's house at Scotland Corner, as it is essential that 24 hour cover is maintained, especially at lambing time.

### Brief:

A minimum of four bedrooms, one en suite, family bathroom, living room, large kitchen/dining room, farm office with toilet/shower facilities, utility/boot room, ground floor cloakroom and a ground floor room, with en suite facilities, capable of being used as a bed-sit, for use by a temporary agricultural worker/student.

### Pre-application discussions.

Preliminary designs, for a permanent farmhouse and its suggested location, were discussed with Karen Buckingham on 15<sup>th</sup> May 2012.

It was suggested that the new house should be located closer to the road, whilst still being able to retain the existing chalet whilst construction of the new dwelling took place.

Some concern was expressed regarding the overall size of the proposed house, however Mrs Plank advised that she was expecting a second child, due 26<sup>th</sup> December 2012 and that it would be better to construct a house suitable for a growing family, rather than have to apply for an extension at a later date. Additionally, the Architect advised that he would separate out the areas required for the day to day running of the farm and for temporary accommodation at peak farming periods, from the family accommodation.

In view of the above the size, design, access and siting of the proposed dwelling were considered acceptable, when the earlier application (12/02025/FULD) was considered and determined, however we reiterate the following for continuity:

**Floor areas:**

The new dwelling has been designed to provide the following:

Family accommodation: 156.00sq.m

Farm offices: 23.75sq.m

Student accommodation: 18.25sq.m

**Total floor area: 198.00sq.m**

**Location:**

The house will be positioned slightly to the east of the existing temporary chalet to allow the chalet to be occupied throughout the construction period. The domestic curtilage will be extended to incorporate the new house and its extended access driveway and parking area. A walkway will link the house directly to the farm complex. The existing vehicular access from the highway will be retained and both vehicular and pedestrian access will be designed to meet disabled access legislation.

By orientating the building east-west, the building will present its least width to the highway and its location adjacent to the existing farm buildings will optically tend to reduce its overall mass and height. Additionally the proposed location is well screened from the highway by a hedgerow and mature oak trees.

**Design:**

The design incorporates dormer windows at first floor level and a cat slide roof to the single storey area above the farm offices and will be set into the slope, as shown on the cross section, to reduce the overall impact of the new building on the immediate area. The house is of traditional design and will be constructed with facing bricks below a plain clay tile roof. An oak framed porch will accentuate the main entrance and the dormers will be clad with horizontal oak weatherboards. External windows and doors will be standard timber units stained to match the oak framing.

Issue B. 6<sup>th</sup> February 2013.

Colin F.G. Sheppard. Architect.





**Design and Access Statement**  
**& Statement in Support**

of an application for an;

**Amendment to the siting of the farmhouse as**  
**Approved under Planning Application ref: 13/00331/FULD**  
**On 25<sup>th</sup> April 2013**

**At**

**Bushnells Green Farm**  
**Chapel Row**  
**Reading**  
**Berkshire**  
**RG7 6DW**

WEST BERKSHIRE  
COUNCIL  
- 2 DEC 2013  
PLANNING AND  
COUNTRYSIDE SERVICE



**On Behalf of Mr & Mrs J Plank**

Prepared By

R. McLennan  
Heritage South West Ltd

20<sup>th</sup> November 2013

## Introduction.

This Planning Application seeks only to amend the proposed siting of the farmhouse to a location some 50m east from the position as approved under Planning consent ref 13/00331/FULD on 13<sup>th</sup> April this year.

All other matters such as the need for the dwelling, its size, design, elevational treatment, construction specification and materials of the proposed farmhouse remain as previously approved. Only the siting of the house and it's immediate residential curtilage and access thereto are now proposed to be altered.

As this amendment requires construction of the house outside of the approved application site 'red-line' (although still within the 'blue land' under the control and ownership of the applicants) then a full fresh planning application is required. For completeness therefore, a copy of the agricultural case that supported the previous approval is also resubmitted here (attached as Appendix 1).

The applicants also accept that such an amendment will need to be subject to the same or similar conditions and section 106 legal agreement requirements as previously set by the consented scheme earlier this year.

The application is prompted by the very real need to ensure that the new permanent farmhouse is most appropriately sited in relation to the successful running of the farm as a whole, both now and on into the future. This has required full, proper and thorough consideration being given to related health and safety, operational, environmental health and living condition issues and requirements that will affect not just the current family farming this land but others that will continue here in years to come.

In formulating the current proposal due regard has also been paid to the resultant landscape impact of such a move upon the AONB designation which covers this area and to the historical precedent of built form in this vicinity.

To assist with these considerations the help and support has been sought and given from the National Farmers Union (NFU) and from landscape consultants Floyd Matcham. Their respective reports and comments are attached as Appendices 2 and 3 of this report.

## The Proposal

The current application seeks to locate the approved farmhouse which is of traditional design and materials some 50m further east into the site, away from the lane and the site entrance and busiest yards 1 and 2, and onto the more level ground directly opposite the 'third yard' within the farm located between the second and third barns. There is no proposed movement of the house south or north with this proposal.

This allows, (as did the 13/00331 approval), the continued occupation of the temporary timber chalet during the construction of the permanent dwelling and its removal upon first occupation of the new house. The area presently occupied by the temporary chalet will then be restored to its former agricultural use and landscaped accordingly. The original profile of this field will be restored and all existing trees in this vicinity will be protected and preserved.

The new dwelling will be accessed by an extension of the current drive to the chalet, alongside the existing ditch thus separating as far as possible residential traffic and access (whether by car or on foot) from operational farming vehicular movements.

Residential parking bays are again provided within the new residential curtilage, itself defined by post and rail fencing with stock proof wire mesh (as previously approved) and new hedge and tree planting. The overall size of the residential curtilage has been slightly reduced from that approved and more considered landscape proposals are now shown, including some field tree planting proposed within the 'blue land'. For more details of this see Floyd Matcham's Landscape Assessment and Report attached as appendix 3.

A securable pedestrian only gate and footpath link is provided from the farmhouse giving direct access to the 'third yard' within the farm which is the least busy – especially in relation to the scale and nature of daily agricultural operations and vehicle movements here.

Looking toward third yard and bard 3



#### Reasoning behind the current proposal

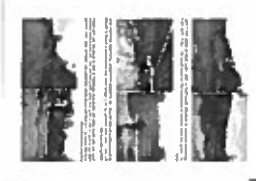
The Governments Health and Safety Executive (HSE) have an ongoing and very active campaign to continuously improve safety on farms with special attention being paid to trying to reduce the incidences of accidents involving children.

A copy of the very recent HSE publication of June 2013 in this regard entitled 'Preventing accidents to Children on Farms' is attached in full as Appendix 4 to this report. This document confirms that; *"Agriculture has one of the highest fatal injury rates of any industry in Great Britain, but is the only high-risk industry that has to deal with the constant presence of children"*. Page 3 of the document under the heading of "Manage the Risks" confirms that children should be *"kept away from farming activities and work traffic wherever possible"*.

A further leaflet publicising these risk issues and produced by the HSE and NFU in conjunction with many other partners entitled "Farms are not playgrounds" is attached as Appendix 5 to this report. Of the 'Top Ten' dangers on farms listed, Bushnells Green Farm currently has all but no.3 (a slurry lagoon).

The applicants presently have 2 young children aged 1 and 3 and therefore these health and safety matters (not just for them but for their friends / visitors / associates and indeed for future generations who will be resident here) are clearly a key consideration in determining the most appropriate siting for the new house.

The approved siting (under 13/00331) locates the new permanent farmhouse within just 20m of the principle and busiest 'first yard' which also acts as the main site entrance and turning area, giving access to the first and second barns / yards and the farms silo. It is the first and second barns and yards that accommodate most of the farm's daily activity.





The current proposal seeks permission to locate the new farmhouse some 50m further from the site entrance and main yard albeit still near and well related enough to visually form part of the 'group' of existing farm buildings within the landscape and also to allow an appropriate and acceptable level of control and supervision.

This separation offers genuine advantages in relation to keeping residential occupiers and most notably children secure and well away from the most dangerous areas of daily farming activity, especially those involving the turning, loading and unloading of tractors trailers and other vehicles.

In addition the proposed move also offers considerable and genuine environmental health benefits over the approved siting. The applicants, whilst resident in the existing temporary chalet, have first hand experience of disturbances to their living conditions from noise of vehicles and agricultural machinery operating in yard 1, and from smell and pest ingress from cattle in the yards and from the casualty stock awaiting collection from yard 1. The applicants are not allowed to bury dead stock and they have to await collection for disposal. This can take several days.

The move as proposed offers beneficial separation in this connection.



### Landscape Impact

In order to properly assess the environmental and landscape impact of the proposed move the applicants have commissioned 'Floyd Matcham' Landscape Architects to undertake a study and report on the characteristics of the current site and its surroundings and to consider the consequences of the current proposals on matters of recognised / acknowledged importance.

Their report is attached in full as Appendix 3 to this report. It concludes that the current proposal will have no more materially adverse impact upon the landscape character or natural environment of this part of the North Wessex Downs AONB than the approved scheme.

### Historical Precedent:

Although of little direct relevance to the subject application it is nonetheless of some interest and worthy of note that there is also historical precedent for a farmhouse to be located further into the site at Bushnells Green Farm.

Up until the 1950's there is evidence that the farm was supported by a farmhouse and related buildings, (of which some evidence can still be found on site) located much further into the site than the current proposal.

Copies of historical maps to substantiate this finding are attached as Appendix 6 to this report.

This evidence confirms that it is not unusual or inappropriate from a historical or landscape character perspective for this part of the North Wessex Downs Area of Outstanding Natural Beauty, to accommodate permanent farm buildings (including a farmhouse) further into the site than that adopted by the approved or current proposal. Indeed the former farmhouse here was located considerably further into the site than the current proposal seeks.

It is acknowledged however that any new development here should be well related to existing structures on the farm and that because the approved dwelling is larger than the existing temporary dwelling it replaces, the adopted design needs to continue to ensure that its impact within the rural environment is minimised. Accordingly the approved details such as the size and design of the farmhouse (featuring dormer windows and rooms in the roof which help to reduce the height of the proposed development) are all retained as part of the current proposal and its new siting (being fairly central to the existing group of barns) remains appropriate.

In April this year the Council concluded that whilst it felt that some harm resulted from the proposed built form, it was not on balance harmful enough to warrant refusal on these grounds. It is our contention that the same conclusion can be drawn for the subject proposal.

### Other matters

The acceptability of the principle of development was established by the approval earlier this year under ref:13/00331/FULD. This principle was assessed against government guidance set out in the NPPF and relevant development plan policies.

The NPPF sets out a presumption in favour of sustainable development and in terms of rural workers dwellings para 55 of the NPPF, as referred to in the agricultural assessment, advises that, to promote sustainable development in rural areas housing should be *carefully located*, essential and sustainable.

The proposed move which retains the farmhouse in close proximity to associated built development in the existing farmyard, offers significant health and safety, and environmental health benefits over the approved siting and maintains its landscape impact to an appropriate and acceptable level.

Also it is not an inappropriate siting from a historical or operational point of view and for reasons as given in Floyd Matcham's landscape assessment and report it is clear that the impact on the AONB, or upon on neighbouring amenity, is not considered to be any more materially adverse from that previously accepted by the Council..

Matters in relation to highway safety, sustainable construction, the impact on local infrastructure and services remain as approved and are unaffected by the current proposal. No representation letters were received as part of the approved scheme.

A pre assessment report has been submitted with this application (see copy attached as appendix 7) to demonstrate that the proposed development can achieve Code for Sustainable Homes level 4 in accordance with Policy CS15 of the West Berkshire Core Strategy 2006-2026,

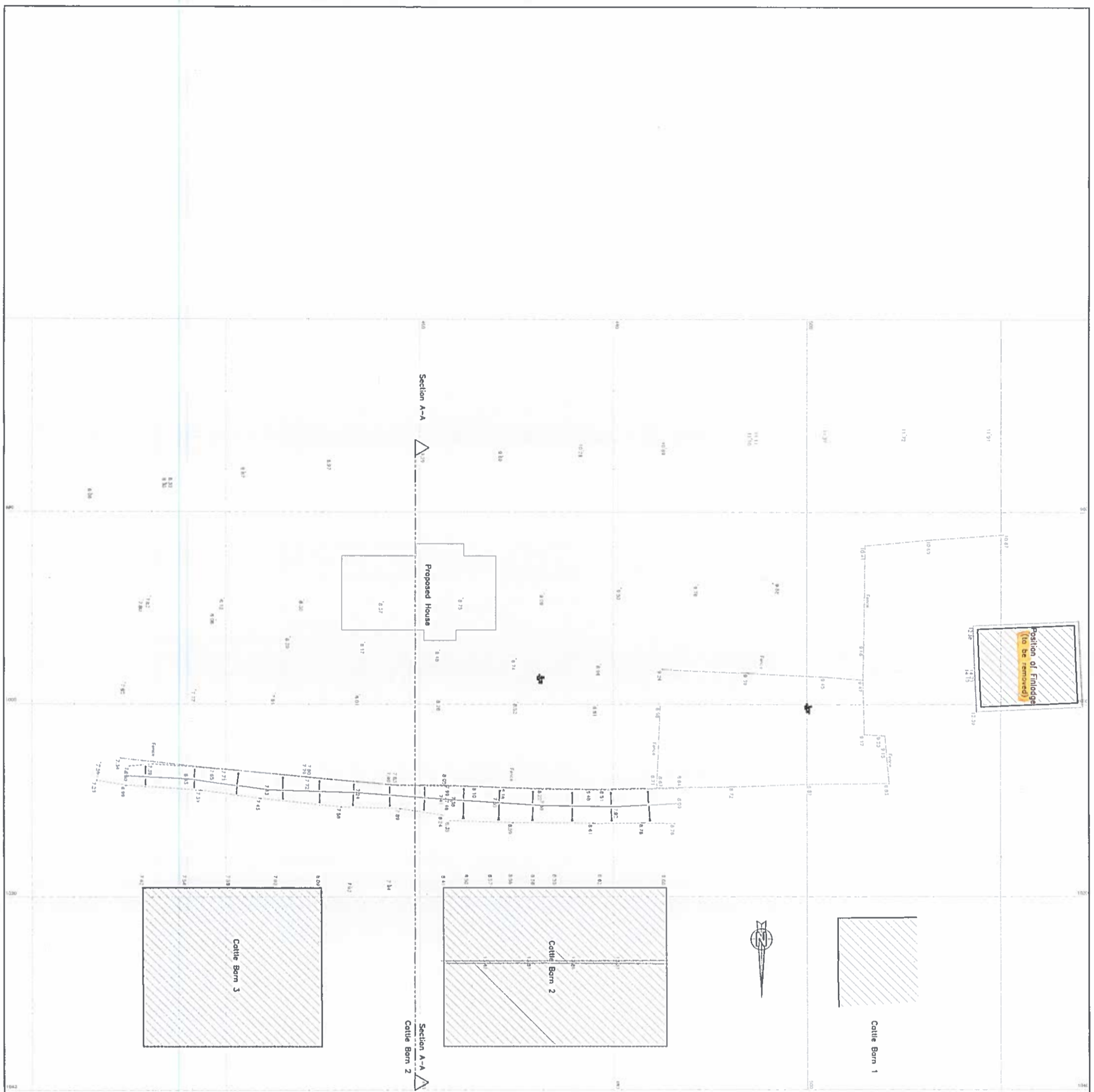
### Conclusion

Having taken account of the previous approval and all other relevant policy and other material considerations, it is contended that the development proposed offer significant and important benefits over the previous siting whilst protecting and preserving the overarching character of the immediate and wider environment and as such should be approved for the reasons set out above.







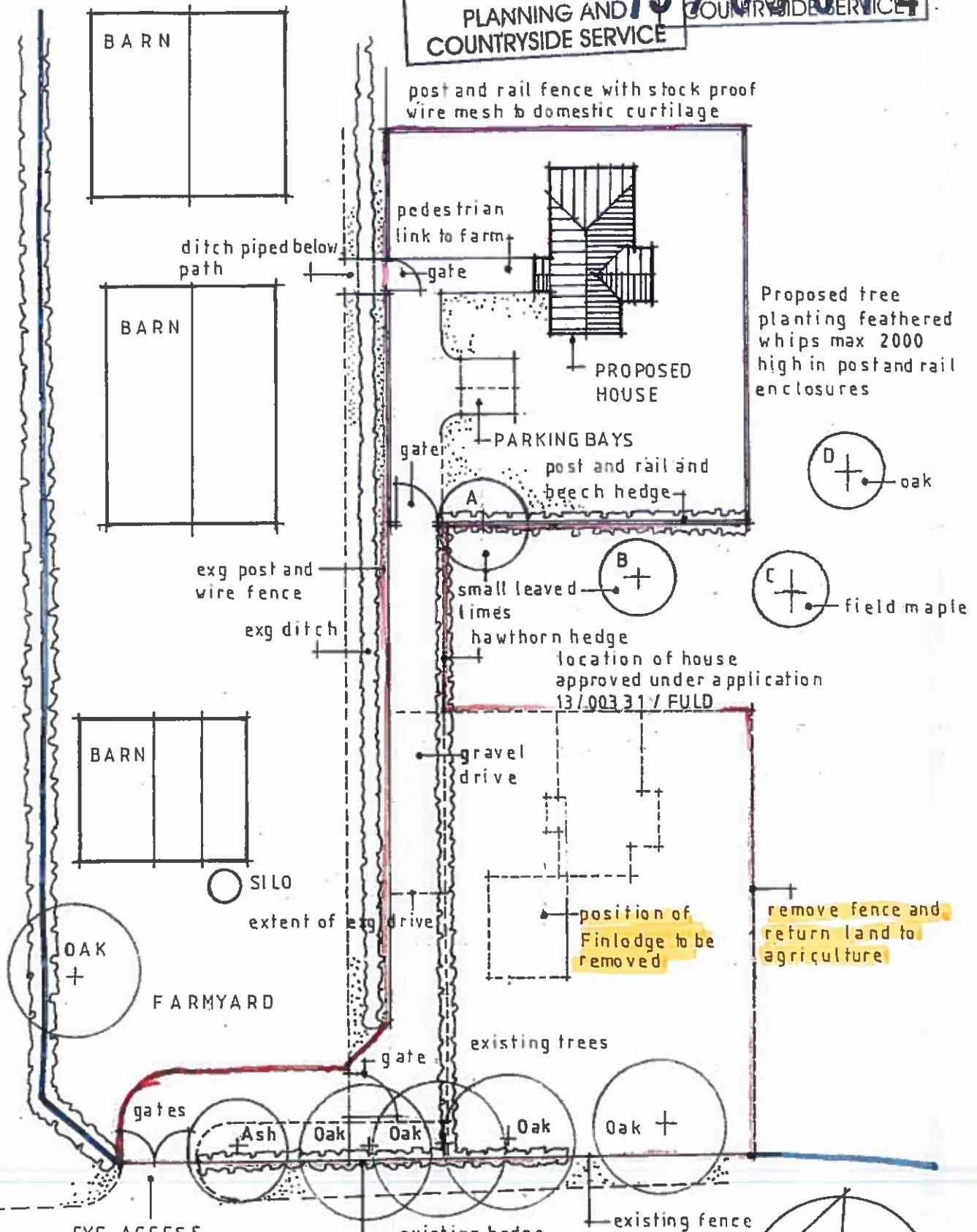


<b>Robert C.J. Boles</b> & Associates LAND & SURVEYING ENGINEERS 10000 Highway 100, Suite 100 Richmond, BC V6V 2G9 Tel: (604) 273-8888, Fax: (604) 273-8889 Email: robert.boles@rcjb.com	
<b>Client</b> MR and MRS J PLANK	
<b>Project</b> BUSHNELL'S GREEN FARM STANFORD DINDLEY	
<b>Drawing Title</b> SITE PLAN	
<b>Scale</b> 1:200	
<b>Date</b> DEC 2013	
<b>Survey Notes</b> The North Point is indicated with an 'N' and 'P' is within 10m of the North Point. All bearings are referred to True North unless otherwise indicated.	
<b>Drawn</b> AC/D	<b>Operator</b> RCLB
<b>Project</b> 1322-02	<b>Revision</b> XXX
<b>Printed</b> HPC/DO	<b>Issued</b> XY/Z/AA



WEST BERKSHIRE  
COUNCIL  
-3 JAN 2014  
PLANNING AND  
COUNTRYSIDE SERVICE

WEST BERKSHIRE  
COUNCIL  
13/0301  
-2 DEC 2013  
PLANNING AND  
COUNTRYSIDE SERVICE



BUSHNELLS GREEN FARM. CHAPEL ROW.  
Site layout.  
SCALE 1:500  
OCTOBER 2013  
DRG No. CS/JP2/07A



## TOWN AND COUNTRY PLANNING ACT 1990

**Heritage South West Ltd  
Robert McLennan  
26 Beauclerk Green  
Winchfield  
HOOK  
Hants  
RG27 8BF**

**Applicant:  
Jeremy Plank**

### **PART I - DETAILS OF APPLICATION**

**Date of Application**

**12th December 2013**

**Application No.**

**13/03014/FULD**

### **THE PROPOSAL AND LOCATION OF THE DEVELOPMENT:**

**Erection of new agricultural workers dwelling on an alternative siting from that approved by planning consent ref 13/00331/FULD dated April 2013, and removal of existing temporary timber chalet.**

**Bushnells Green Farmhouse, Chapel Row, Reading, Berkshire**

### **PART II - DECISION**

In pursuance of its powers under the Town and Country Planning Act 1990, West Berkshire District Council **GRANTS** planning permission for the development referred to in Part I in accordance with the submitted application form and plans, subject to the following condition(s):-

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004); to enable the Local Planning Authority to review the desirability of the development should it not be started within a reasonable time.

2. The development hereby permitted shall be carried out in accordance with drawing numbers LOCATION PLAN 1:1250; SITE LAYOUT CS.JP2.07A; SITE PLAN 1322-02; SECTION A-A 1322-02 and PROPOSED PLANS AND ELEVATIONS CS/JP.2/01D received on 2nd December 2014

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

3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority as part of a formal application to discharge this condition - the materials should be available to view on site. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the materials are of a quality appropriate to the nature of the development, the site and its surroundings within the North Wessex Downs Area of Outstanding Natural Beauty. This condition is imposed to comply with Policies CS14 and CS19 of the West Berkshire Core Strategy 2012.

4. The occupation of the dwelling shall be limited to a person solely or mainly working, in the locality in agriculture or in forestry, or a dependant of such a person residing with that person, on the land identified in this planning permission. The dwelling shall not be sold, leased, rented or otherwise disposed of separately from the agricultural holding described in the approved application documents and plans.

Reason: The Local Planning Authority are concerned to ensure that the dwelling remains available for agricultural use in accordance with the principle of the NPPF and Policy ADPP1 of the West Berkshire Core Strategy 2012 and that there is not pressure for a further dwelling on this sensitive site within the North Wessex Downs Area of Outstanding Natural Beauty due to the separate disposal of the building hereby approved from the agricultural holding it is intended to serve.

5. The dwelling shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). The dwelling shall not be occupied until a final Code Certificate relevant to it, certifying that Code Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

6. No development shall take place until full details of how all spoil arising from the development will be used and/or disposed have been submitted to and approved in writing by the Local Planning Authority as part of a formal application to discharge this condition. These details shall:

- (a) Show where any spoil to remain on the site will be deposited;
- (b) Show the resultant ground levels for spoil deposited on the site (compared to existing ground levels);
- (c) Include measures to remove all spoil (not to be deposited) from the site;
- (d) Include timescales for the depositing/removal of spoil.

All spoil arising from the development shall be used and/or disposed of in accordance with the approved details.

Reason: To ensure appropriate disposal of spoil from the development and to ensure that ground levels are not raised in order to protect the character and amenity of the area. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS14

and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Document Quality Design (June 2006) and the AONB Management Plan

7. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CS18 of the West Berkshire Core Strategy July 2012.

8. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of B.S.5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS18 of West Berkshire Core Strategy July 2012.

9. No development shall take place until details of all fencing and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority as part of a formal application to discharge this condition. Such details shall include a schedule of materials and drawings demonstrating the layout and appearance of the fencing and other means of enclosure. The dwelling hereby permitted shall not be occupied until the fencing and other means of enclosure have been erected in accordance with the approved details.

Reason: The fencing and other means of enclosure are essential elements in the detailed design of this development and the application is not accompanied by sufficient details to enable the Local Planning Authority to give proper consideration to these matters in accordance with Policy CS14 and CS19 of the West Berkshire Core Strategy 2012,

10. Irrespective of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order, with or without

modification), no additions or extensions to the dwelling shall be built, and no ancillary buildings or structures shall be erected within the curtilage of the dwelling, unless permission has been granted in writing by the Local Planning Authority in respect of a planning application made for the purpose.

Reason: To prevent the overdevelopment of the site, in accordance with Policies ADPP1 and CS19 of the West Berkshire Core Strategy 2012 and the AONB Management Plan.

11. No development shall take place until details of the external hard surfaced areas of the development have been submitted to and approved in writing by the Local Planning Authority as part of a formal application to discharge this condition. Such details shall include a schedule of materials, means of treatment, and drawings demonstrating the layout of the hard surfaced areas. The dwelling hereby permitted shall not be occupied until the hard surfaced areas have been constructed in accordance with the approved details.

Reason: In the interests of visual amenity and surface water drainage, in accordance with Policies CS14 and CS19 of the West Berkshire Core Strategy 2012,

12. The temporary agricultural dwelling on the site approved under application 11/02731 must be removed within 2 months of first occupation of the dwelling hereby approved. All associated plant, materials and equipment associated with or resulting from its removal shall be removed from the site within 3 months from first occupation of the dwelling hereby approved. The site shall thereafter be landscaped in accordance with the landscaping scheme to be submitted and approved.

Reason: In accordance with the NPPF and Policy ADPP1 of the West Berkshire Core Strategy 2012

The decision to grant This decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, South East Plan Regional Spatial Strategy for the south east of England 2009 West Berkshire District Local Plan 1991-2006 (WBDLP) Saved Policies 2007, the Waste Local Plan for Berkshire, adopted 1998, the Replacement Minerals Local Plan for Berkshire 1991-2006 (incorporating the alterations adopted in December 1997 and May 2001) and to all other relevant material considerations, including Government guidance, supplementary planning guidance notes; and in particular guidance notes and policies:

The reasoning above is only intended as a summary. If you require further information on this decision please contact the Council via the Customer Call Centre on 01635 519111.

#### **INFORMATIVE:**

1. The applicant's attention is drawn to the fact that above conditions must be complied with in full before any work commences on site, failure to do so may result in enforcement action being instigated.



2. The above Permission may contain pre-conditions, which require specific matters to be approved by the Local Planning Authority before a specified stage in the development occurs. For example, "*Prior to commencement of development written details of the means of enclosure will be submitted to and approved in writing by the Local Planning Authority*". This means that a lawful commencement of the approved development cannot be made until the particular requirements of the pre-condition(s) have been met.

3 The attention of the applicant is drawn to the Highways Act 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.

4 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development which improves the economic, social and environmental conditions of the area.

5 This Decision Notice must be read in conjunction with the terms of a Legal Agreement of the 24th February 2014. You are advised to ensure that you have all the necessary documents before development starts on site.

6 The attention of the applicant is drawn to the Berkshire Act, 1986, Part II, Clause 9, which enables the Highway Authority to recover the costs of repairing damage to the footway, cycleway or grass verge, arising during building operations.

Decision Date :- 27th February 2014



**Gary Lugg**  
Head of Planning & Countryside

## **TOWN AND COUNTRY PLANNING ACT 1990**

### **Notification to be sent to an applicant when a local planning authority refuse planning permission or grant it subject to conditions**

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against the local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals must be made using a form which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

#### **Purchase Notices**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

# Agenda Item 5.

## APPEAL DECISIONS EASTERN AREA-COMMITTEE

Parish and Application No Inspectorate's Ref	Location and Appellant	Proposal	Officer Recommendation	Decision
STRATFIELD MORTIMER 18/01872/HOUSE  PINS Ref: 3217130	23A Stephens Close, Mortimer Common Mr and Mrs R Medhurst	Front extension plus conversion of front and rear hipped end roofs to gable end	Delegated Refusal	Dismissed 29.1.19
UFTON NERVET 18/02188/HOUSE  PINS Ref 3216402	Pincroft Shortheath Lane Sulhamstead Mr and Mrs Edmondson	Erection of side extension and creation of first floor living accommodation by increasing the ridge height.	Delegated Refusal	Allowed 29.1.19
STRATFIELD MORTIMER 18/00249/FULD  PINS Ref 3202647	42 West End Road, Mortimer Common Christian Howell	Erection of single storey bungalow, removal of shed	Delegated Refusal	Dismissed 8.2.19
BRADFIELD 17/03411/OUTMAJ  PINS Ref 3211943	Land North of Stretton Close Bradfield Southend Westbuild Homes	Outline application for the proposed erection of 11 no. new dwellings; layout, means of access and scale to be considered	Approval	Allowed 15.2.19

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