

Notice of Meeting



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Western Area Planning Committee Wednesday 21 May 2025 at 6.30 pm in the Council Chamber, Council Offices, Market Street, Newbury

This meeting will be streamed live here: [Link to Western Area Planning Committee broadcasts](#)

You can view all streamed Council meetings here: [Link to West Berkshire Council - Public Meetings](#)

If members of the public wish to make representations to the Committee on any of the planning applications being considered at this meeting, they can do so either remotely or in person. Members of the public who wish to make representations must notify the Planning Team by no later than 4.00pm on 20 May 2025 by emailing planningcommittee@westberks.gov.uk.

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 13 May 2025

Further information for members of the public

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

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

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

Any queries relating to the Committee should be directed to the Democratic Services Team by emailing executivecycle@westberks.gov.uk.



WestBerkshire
C O U N C I L

Agenda - Western Area Planning Committee to be held on Wednesday 21 May 2025
(continued)

To: Councillors Phil Barnett (Chairman), Clive Hooker (Vice-Chairman),
Adrian Abbs, Antony Amirtharaj, Paul Dick, Nigel Foot, Denise Gaines,
Tony Vickers and Howard Woollaston

Substitutes: Councillors Dennis Benneyworth, Martin Colston, Carolyn Culver,
Billy Drummond and Stuart Gourley

Agenda

Part I

Page No.

1. **Apologies for absence**
To receive apologies for inability to attend the meeting (if any).
 2. **Minutes** 5 - 14
To approve as a correct record the Minutes of the meeting of this Committee held on 23 April 2025.
 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).
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- | | | |
|-----|--|---------|
| (1) | 25/00233/HOUSE - Trapps Hill Cottage, Trapps Hill, Inkpen, Hungerford | 15 - 32 |
| | Proposal: Demolition of existing rear extensions, garage and home office. New two storey rear extension and single storey side extension with new open porch. New garage with store over. New landscaping work. | |
| | Location: Trapps Hill Cottage, Trapps Hill, Inkpen, Hungerford | |
| | Applicant: Mr and Mrs Davies | |
| | Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in the report. | |
| (2) | 24/01999/FUL - Mount Pleasant Farm, Enborne | 33 - 62 |
| | Proposal: Change of use of land to gypsy and traveller site – 1 pitch. | |



Agenda - Western Area Planning Committee to be held on Wednesday 21 May 2025
(continued)

Location: Mount Pleasant Farm, Enborne
Applicant: Lance Hamblyn
Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in the report

(3) **24/02080/FUL - Hungerford Park**

63 - 74

Proposal: Part retrospective external alterations to barns
Location: Hungerford Park
Applicant: Mr Toby Hunter
Recommendation: To delegate to the Development Manager to GRANT PLANNING PERMISSION subject to the conditions listed in the report.

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.

Sarah Clarke.

Sarah Clarke
Interim Executive Director - Resources
West Berkshire District Council

If you require this information in a different format or translation, please contact Thomas Radbourne on (01635) 519502.

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DRAFT

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

WESTERN AREA PLANNING COMMITTEE**MINUTES OF THE MEETING HELD ON
WEDNESDAY 23 APRIL 2025**

Councillors Present: Phil Barnett (Chairman), Clive Hooker (Vice-Chairman), Adrian Abbs, Antony Amirtharaj, Nigel Foot, Denise Gaines, Tony Vickers and Howard Woollaston

Also Present: Sam Chiverton, Gareth Dowding, Lauren Hill, Debra Inston, Sarah House, Thomas Radbourne, Matthew Shepherd

Apologies for inability to attend the meeting: Councillor Paul Dick

PART I**1. Minutes**

The minutes of the previous meeting 19 March 2025 were approved as a true and accurate record and were signed by the Chairman

2. Declarations of Interest

Councillor Tony Vickers declared a personal interest in Agenda Items 4(1), 4(2), 4(3) by virtue of the fact that he was the Vice Chair of North Wessex Downs National Landscape. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

Councillor Adrian Abbs declared that he had been lobbied on Agenda Item 4(3) by the Ward Member.

Councillor Denise Gaines declared that she had been lobbied on Agenda Item 4(2) by Boxford Parish Councillors.

Councillor Clive Hooker declared a personal interest in Agenda item 4(3), by virtue of the fact that he knew the applicant in a professional capacity as she was the clerk to East Ilsley Parish Council when he was district councillor. As his interest was personal and not prejudicial or a disclosable pecuniary interest, he determined to remain to take part in the debate and vote on the matter.

3. Schedule of Planning Applications**(1) 24/00657/FUL - Land at Tudor Avenue, Chieveley**

1. The Committee considered a report (Agenda Item 4(1)) concerning Planning Application 24/00657/FUL in respect of Erection of single dwelling, double garage and associated works, Land at Tudor Avenue Chieveley Newbury RG20 8RW.
2. Mr Matthew Shepherd introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

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3. In accordance with the Council's Constitution, Mr Michael Parker and Mr Alan Alewood, objectors, Mr Andy Callow and Mr Robert James, applicant/agent, addressed the Committee on this application.

Objector Representation

4. Mr Parker and Mr Alewood addressed the Committee. The following points were raised:
 - Local residents had been provided with very little notice of the of the recommendation to approve the application.
 - They felt as though officers' recommendation was undemocratic and contravened the Council's own policies.
 - They had presented photos demonstrating the area's propensity to flood.

Member Questions to the Objector

5. Members asked questions of clarification and were given the following responses:
 - The site had previously been designated as agricultural land and was denoted as such in the Land Registry.
 - The flooding near the site was mainly surface water, but was also through water that came up through Thames Water's sewer network when it could not cope with the rainfall.
 - The development site sat on higher ground and could contribute to increased flooding on lower ground, which already flooded. The pumping station would need to be improved to prevent flooding when there was excess rainwater.
 - The development would add to the burden on the pumping station, which was unable to cope with the current demand.

Applicant/Agent Representation

6. Mr Callow and Mr James addressed the Committee. The representation can be viewed here: [Western Area Planning Committee – Recording](#)
7. The main items highlighted by the applicant were as follows:
 - The development was under Callow Construction, but was owned by the applicant and his wife, with a view to building a family home.
 - The applicant had contacted all neighbours in the near vicinity to allay any concerns prior to and during the application.
 - The application and the Council's consultants had answered all objections raised by neighbours.
 - The applicant was sympathetic to the concerns raised by the objectors, but concerns raised were not felt to be relevant to the application as shown by the surface and foul water strategies commissioned by the applicant.
 - A lack of maintenance may have contributed to the flooding issues.
 - As owners of the Tudor Avenue access road, which would not be adopted by West Berkshire Council, the applicant would investigate the issues moving forward and would look into a communal laydown area for bin collection.
 - Regarding nutrient neutrality concerns, the applicant had agreed with Officers the amount and the location of the offsite mitigation which would be secured with a

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Section 106 legal agreement. The area to the northwest of the dwelling would be planted as a wildflower meadow and utilised for any future biodiversity enhancement measures required.

- No objections had been raised through the Council's technical consultation.
- The development was considered to be in line with Planning Policy C1, as the plot naturally formed a completion on Tudor Avenue, and the plot size and space was similar to the adjacent properties and respected the rural character of the locality.
- The site area was distinct from the wider agricultural landscape, and would have no adverse impact on the landscape, environment, ecology or highway safety.
- The application would help diminish the impact of the Council's five year deliverable housing sites shortage and would contribute to the local community.
- If the application was approved, it would be implemented without delay subject to planning conditions and would create further opportunities for other viable developments.

Member Questions to the Applicant/Agent

8. Members asked questions of clarification and were given the following responses:
- There had been a lack of maintenance of the two gullies along Tudor Avenue, which filled with leaves and needed to be cleaned out regularly. If this was not carried out, the surface water entered the pumping station, which was unable to manage the excess water
 - If the surface water issue was mitigated, then it would alleviate the issues faced by the Thames Water Pumping station.
 - Bin collection was an issue, there was no current designated place for bins. The applicant would be willing to have hardstanding on their site, which had a drain to remove surface water.
 - The applicant took ownership of the site 3 years ago and had submitted a previous application that was refused in 2023.
 - The road was unadopted, and there was no clear responsible party for the drains. The applicant would be willing to come to an agreement with highways, Thames Water, and other residents to put a maintenance plan in place.
 - The applicant was uncertain if the land was agricultural.

Ward Member Representation

9. Councillor Heather Codling addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Recording](#)

Member Questions to the Ward Member

10. Members did not have any questions of clarification.

Member Questions to Officers

11. Members asked questions of clarification and were given the following responses:
- Paddocks were generally considered to be agricultural land and could be used for grazing livestock. Officers treated the site as agricultural land.
 - Planning applications were not required if used for grazing livestock related to agriculture. If the use was changed to a paddock for equestrian use, then there may be a requirement.

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- The Council could not stipulate improvements to Thames Water's network, and Officers stated they were content that the development would not add to any of the outstanding drainage issues.
- Thames Water had confirmed that there was sufficient capacity in the area for foul water.
- The proposed soakaway to the northwest of the site, to which all water that ran off from the gutters would be directed into, had been checked using trial pits. This strategy had been accepted by the SuDS officer.
- In terms of surface water, Officers they were satisfied that it would be moving away from the area of surface water flooding.
- There were alternative methods and strategies that the SuDS Officer could employ in terms of package treatment plants.
- It was confirmed that the application involved a change of land use from agricultural to residential.
- It was confirmed that the application was not in Flood Zones 2 or 3, and there was no surface water flooding on the site itself across the dwelling, therefore the local authority had not asked for a flood risk assessment (FRA). Officers noted that an FRA could show the depth of surface water flooding of the access. The SuDS Officer was content that the flooding would not prevent access and egress in a car.
- Officers were content to proceed without an FRA and noted that it could have formulated part of the drainage strategy, but it was not essential.
- The highway boundary was around the outside of the turning head area, and everything further up the road was private.
- The application was not a house of exceptional design and had not been presented as such. Officers were content that the design was acceptable and met CS14 and would not harm the character of the area through its design.
- In terms of sustainability principles, nothing had been put forward in relation to this application. It would have to meet building regulations, but there was no requirement in planning policies for a single dwelling to exceed building regulations.
- The new duty that local authorities have to conserve and enhance the National Landscape had been taken into account. The harm would be limited and localised to a small area, and officers considered that they would be carrying out their duty to recommend approving the application.

Debate

12. Councillor Anthony Amirtharaj opened the debate. He noted the flooding issues and was surprised that an application outside the settlement boundary was supported by Officers for approval when it would normally be refused. He noted that the development was for a family home and would not harm the National Landscape and the applicant would be willing to work with neighbours to mitigate any issues.
13. Councillor Adrian Abbs noted that the only reason the development was being brought forward to committee was because the council did not have a five-year housing supply. He stated that the Committee should be policy led. He was not supportive of the application and noted the previous refusals for applications on the site, as well as highlighting the fact that the five-year housing supply would likely be solved in the near future and the development would not enhance the National Landscape.

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14. Councillor Tony Vickers highlighted a similar application in Hungerford but noted the need for the organic growth of small sites in towns and villages. He supported Officer's recommendation for approval. He considered that the harm to the AONB would be minimal, and that the current use of the land was not of high quality. He indicated that he would be comfortable to vote for the application but noted that it was finely balanced.
15. Councillor Clive Hooker noted the increase in applications because of the shortage of land supply but indicated that land supply issues would likely come to an end in June. He noted that it was the Committee's responsibility to make decision based on policy and questioned whether Members were content that the application was tilted in favour of approval, due to the five-year housing supply shortage.
16. Councillor Abbs noted that other Councillors referred to the land as scruffy and questioned what the land should look like without being cultivated. He noted that policy C1 was a core policy, which would require a key reason to go against, and considered that a key reason had not been identified to the Committee.
17. Councillor Denise Gaines noted the challenging nature of the application with the tilted balance and the lack of a five-year housing supply. She noted that the NPPF overrode the Local Plan as it was a national policy, which recommended that the Committee support approval of the application as there was a five-year housing shortage.
18. Councillor Abbs agreed that the NPPF overrode all local plans, but noted that it stated a weighted balance, and that it did not recommend approval.
19. Councillor Gaines noted that section 7.3 of the NPPF stated that there should be a presumption of favour of sustainable development means, and listed reasons why an application could be refused. She considered that none of the listed reasons were valid for this application.
20. Councillor Anthony Amirtharaj proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Tony Vickers.

Officers advised that a condition should be included to ensure that the outbuilding remained ancillary to the main property and would not become a separate residential unit. However, a condition could not be added to prohibit further development outside of the application site.

21. The Chairman invited Members of the Committee to vote on the proposal by Councillor Anthony Amirtharaj, seconded by Councillor Tony Vickers to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions listed in the main report and update report.

(2) 24/02784/PIP - Laburnum Cottages, Westbrook, Boxford

22. The Committee considered a report (Agenda Item 4(2)) concerning Planning Application 24/02784/PIP in respect of Application for Permission in Principle for residential development for a new detached dwelling, Laburnum Cottages, Westbrook, Newbury RG20 8DN.
23. Ms Lauren Hill introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms

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and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main report.

24. In accordance with the Council's Constitution, Mr Mark Hayes Newington, Parish/Town Council representative, Mr Michael Webb, objector, and Mr Gareth Johns, agent, addressed the Committee on this application.

Parish/Town Council Representation

25. Mr Hayes Newington addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Recording](#)

Member Questions to the Parish/Town Council

26. Members did not have any questions of clarification.

Objector Representation

27. Mr Webb addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Recording](#)

Member Questions to the Objector

28. Members asked questions of clarification and were given the following responses:
- The land stopped being used as allotments in the 1960s and had since been used as agricultural land for chickens and other animals.

Agent Representation

29. Mr Johns addressed the Committee. The full representation can be viewed here: [Western Area Planning Committee - Recording](#)

Member Questions to the Applicant/Agent

30. Members asked questions of clarification and were given the following responses:
- The development was put before the committee as an in principal planning application due to costs for the landowner.

Member Questions to Officers

31. Members asked questions of clarification and were given the following responses:
- It was explained that traffic concerns were not in scope for an in principal planning application but would be asked for at the technical detail stage application.
 - An in principal planning application was the first step of a two-stage planning permission.
 - Refusal of the principal planning application would not prevent the applicant from submitting another application.
 - Approval of the application would mean the applicant would have three years to have the technical details stage agreed. This could be brought by members to the committee.
 - In principal planning applications could be taken to appeal, and approval would mean that the land would be classified as suitable for development. The approval would only be for one dwelling, and any additions would require another application.
 - An in principal application was similar to an outline application, with all matters reserved. But the validation requirements were a lot less. Applicants only had to submit limited information in terms of a location plan. If the decision was granted, the use of the land would not change until the application was complete.

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- The application was put forward by the applicant to be included within the settlement boundary, and the Parish Council had been consulted on that basis as rounding off the existing settlement, and based on the objection of the Parish Council, the site had not been included in the settlement boundary of the new Local Plan. The Parish Council wanted to keep the rural character of the area as it stood, by not permitting further development within this location.
- If members approved the application, the technical details stage could not be refused after the new local plan was agreed.
- The land was graded as agricultural land, but it was not categorised as the highest quality, and the restrictive covenants on the site were a civil matter and would not be a planning matter.

Debate

32. Councillor Howard Woollaston opened the debate by noting the level of traffic on the road, and questioned whether Highways Officers would have objections.
33. Councillor Adrian Abbs noted that the boundary review did not include the site. He was not supportive of a decision in principle which allowed the development of a home on the site. He suggested that in the absence of an appeal decision, the Committee was guessing regarding interpretation of the NPPF. He noted that a Section 106 Agreement could not be applied to the application for a decision in principle. He did not consider the site appropriate for a home and indicated that he was minded to go against the Officer's recommendation.
34. Councillor Tony Vickers noted that the settlement boundary did not include the site and indicated that he was uneasy about approving an application which went against the Parish Council and West Berkshire Council as the local planning authority. He noted that there was a 20mph speed limit on the road around the site, and that there was ample space for parking off-site. He felt that Officers and Members were confused by how a decision in principle was dealt with and noted that he was not in favour of decisions in principle. Councillor Vickers questioned why nutrient neutrality could not be reviewed later in the process similar to traffic concerns. He indicated that he was not supportive of the application, but noted that an appeal would most likely be upheld. He noted that the visual impact to the national landscape was minimal. Councillor Vickers indicated that he was inclined to vote against Officers recommendations.
35. Councillor Denise Gaines noted the lack of information regarding the highways issues and highlighted that it would be difficult to approve the application without additional information.
36. Councillor Anthony Amirtharaj agreed with most of the points raised by the other Councillors and indicated that he would be uncomfortable to approve the decision in principle. Although he was supportive in principle of looking for plots for single detached properties but would be supportive of a decision to refuse the application.
37. Councillor Clive Hooker indicated that his decision was swayed by the tilted balance because of the land supply. He noted that if the application was approved, it would be unlikely for the applicant to get a full application or outline planning permission in before the Local Plan was resolved.
38. Councillor Vickers stated that he would not be supportive of building a house on the site.

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39. Officers stated that it would be difficult to sustain a reason for refusal based on nutrient neutrality, as there had been no objections raised by the Council's ecologist. The PPG for permission in principle stated that if the development would cause significant harm to a protected habitat such as the SAC then mitigation measures need to be put in place. Planning inspectors have accepted the only way to secure that at PIP stage was via a unilateral undertaking, and the applicant had accepted that.
40. Councillor Nigel Foot questioned whether Officers could reinvestigate why the settlement boundary was drawn in its current location which excluded the site under consideration, and whether it could be included in any reasoning for refusal. Councillor Foot noted that the Parish Council as to drawing where the settlement boundary was.
41. Officers stated that the site was excluded from the settlement boundary in order to prevent the loss of the soft transition of the landscape, but it was possible for Officers to investigate why the settlement boundary was drawn in its current location.
42. Officers indicated that the committee could delegate to officers to write the refusal, and to articulate the reasons for damage to the NDL.
43. Councillor Adrain Abbs proposed to reject Officer's recommendation and refuse planning permission due to the harm the proposal presented to the North Wessex Downs Landscape and the principle of the development being contrary to the spatial strategies in the local plan. This was seconded by Councillor Clive Hooker.
44. The Chairman invited Members of the Committee to vote on the proposal by Councillor Adrian Abbs, seconded by Councillor Clive Hooker to refuse planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to refuse planning permission subject for the following reasons:

- The harm presented to the North Wessex Downs Landscape
- The Principle of the development being contrary to the spatial strategies in the local plan.

(3) 25/00128/HOUSE - Swimbrels, Newbury Hill, Hampstead Norreys

45. The Committee considered a report (Agenda Item 4(3)) concerning Planning Application 25/00128/HOUSE in respect of proposed single storey rear extension, new first floor rear dormer windows and replacement paving to front steps with new handrails, Swimbrels, Newbury Hill, Hampstead Norreys, Thatcham, RG18 0TR.
46. Ms Lauren Hill introduced the report to Members, which took account of all the relevant policy considerations and other material planning considerations. In conclusion the report detailed that the proposal was acceptable in planning terms and officers recommended that the Development Manager be authorised to grant planning permission subject to the conditions outlined in the main and update reports.

Member Questions to Officers

47. Members did not have any questions of clarification.

Debate

48. Members did not consider that the application required any debate.

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49. Councillor Howard Woollaston proposed to accept Officer's recommendation and grant planning permission subject to the conditions listed in the main report and update report. This was seconded by Councillor Denise Gaines
50. The Chairman invited Members of the Committee to vote on the proposal by Councillor Howard Woollaston, seconded by Councillor Denise Gaines to grant planning permission. At the vote the motion was carried.

RESOLVED that the Development Manager be authorised to grant planning permission subject to the conditions listed in the main report and update report:

(The meeting commenced at Time Not Specified and closed at Time Not Specified)

CHAIRMAN

Date of Signature

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Agenda Item 4.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	25/00233/HOUSE Inkpen	06/04/25	Demolition of existing rear extensions, garage and home office. New two storey rear extension and single storey side extension with new open porch. New garage with store over. New landscaping work. Trapps Hill Cottage, Trapps Hill, Inkpen, Hungerford Mr and Mrs Davies

The application can be viewed on the Council's website at the following link:
<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SR9APARD0OX00>

Recommendation Summary:

The Development Control Manager be authorised to GRANT conditional permission.

Ward Member(s):

Councillor Gaines
Councillor Benneyworth
Councillor Vickers

Reason for Committee Determination:

Ward Member Call-in

Committee Site Visit:

15th May 2025

Contact Officer Details

Name: Isabel Oettinger
Job Title: Planning Officer
Tel No: 01635 519111
Email: Isabel.Oettinger@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 Permission is sought for a two-storey rear extension with a single storey side extension, a relocated front entrance, a new garage with a store over and new landscaping works at Trapps Hill Cottage, Inkpen.
- 1.3 The application site lies in the open countryside in policy terms and within the North Wessex Downs National Designated Landscape (NWDNL, previously NWDAONB).

2. Planning History

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

Application	Proposal	Decision / Date
24/00871/HOUSE	Demolition of existing rear extensions, garage and home office. New two storey rear and side extension with new open porch. New garage with store over. New landscaping work.	Withdrawn due to identification of house as a non-designated heritage asset and required review.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on the 3rd March 2025 on the road fronting the site. A deadline for representations of the 24th March 2025 was posted. Notification in the Newbury Weekly News was posted 13th February 2025
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms.

It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	3.4
New Homes Bonus	No	No	3.5
Affordable Housing	No	No	N/A
Public Open Space or Play Areas	No	No	N/A
Developer Contributions (S106)	No	No	N/A
Job Creation	No	No	N/A

3.4 Community Infrastructure Levy (CIL): Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy> CIL is not relevant to the application as no additional floorspace is involved.

3.5 New Homes Bonus (NHB): New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.

3.6 Public Sector Equality Duty (PSED): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.12 Section 85 of the Countryside and Rights of Way (CRoW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding

natural beauty).” AONBs have been rebranded to be known as National Landscapes, although their legal AONB status continues. The Committee will need to take this matter into account when considering this application.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council’s website, using the link at the start of this report.

Inkpen Parish Council.	Objection. Due to the scale of the proposed development
Adj. Parish Council West Woodhay	No objections.
Highways:	No objections raised. No conditions proposed.
Council Archaeologist	<p>Thank you for your consultation of 07/02/2025 on the above planning application, following the withdrawal of an earlier proposal at this cottage, 24/00871/HOUSE. This application will involve significant works to a building regarded as a non-designated heritage asset, once listed at the old Grade III.</p> <p>The applicants have commissioned a built heritage statement which is welcome, and is in line with recommendations made previously. The assessment and accompanying photographs indicate that there is much of interest within this building, which is why it is rather surprising that the Executive Summary says, Trapps Hill Cottage is of low local significance and has a low level of historic and aesthetic value. I do not agree with this conclusion, but I also note that p16 of the statement has a different sentence with added brackets, Trapps Hill Cottage is a heritage asset of low (local) significance only, and says that its significance is primarily derived from its architectural and historic interest as a seventeenth/eighteenth century rural workers cottage with later nineteenth and twentieth century alterations. This is a more accurate summary. I accept that Trapps Hill Cottage is not of national heritage significance, and that many changes have been made to it, but a surprisingly good amount of information about the buildings likely origins and features has been noted by the statements author.</p> <p>The statement has highlighted several aspects of the buildings fabric and evolution, including a flint south facing</p>

	<p>façade; the thatched roof, still surviving under a later roof covering; a timber frame, some original doors and a catslide roof of two different pitches. It is suggested that the cottage may have originally been a single dwelling of one and a half storey; the report considers that the bulk of the original property has remained largely intact.</p> <p>The designs submitted with the previous application were slightly different, but the current proposal is still for a greatly enlarged dwelling which will alter the character of this vernacular estate cottage. The heritage statement considers that there will be some degree of harm, and I believe the design and alterations that are proposed ideally require Conservation input. This might be provided through a statutory amenity society. However, I accept that some change will be required to Trapps Hill Cottage, as with all historic buildings, to ensure its future survival.</p> <p>If the demolition, extension and alteration of this building is felt to be appropriate, then I think it is important that the works do not contribute to a significant loss of character or to the loss of historic information. The author of the heritage statement noted that the survey of the property was entirely non-invasive, and I believe that opening up the building is likely to reveal more information about its evolution and date.</p> <p>Should planning approval be likely then I would advise that a condition should be appended to any permission to ensure that the structure is adequately recorded, and that historic information is not destroyed as part of the development process without record</p>
Ecology	<p>We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided.</p> <p>If planning permission is granted, we advise conditions securing ecological avoidance and mitigation measures are attached.</p>
Tree Team	No objections, informative or condition suggested.

Public representations

4.2 No public representations have been received.

5. Planning Policy

5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS10, CS13, CS14, CS19, of the West Berkshire Core Strategy 2006-2026.
- Policies SP1, SP2, SP7, SP8, SP9, DM11 of the Local Plan Review Examination 2025.

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)

Emerging local plan

5.3 The Local Plan Review (2023-2041) is now at an advanced stages of preparation following the publication of the Examination Inspector's report on April 2025. Whilst they do not currently have full weight, regard has been given to the emerging policies in the Local Plan Review, in accordance with paragraph 49 of the NPPF. To the extent that they relate to this application, the emerging policies are generally consistent with the current development plan policies, and therefore do not materially alter the recommendation of this householder application prior to adoption of the LPR.

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, Character and Appearance
- Impact on neighbouring amenity
- Highways
- Ecology

Principle of development

6.2 The application site is located outside the settlement boundary, within the North Wessex Downs National Landscape (formally AONB). The dwelling is a non-designated heritage asset within a large plot with agricultural land to the rear. The car parking and access are located to the north-east. A public footpath runs from the east to the south of the application site. The dwelling is located along Rooksnest Lane a classified road.

6.3 Policy ADPP1 of the West Berkshire Core Strategy states that West Berkshire's main urban areas will be the focus for most development and that in the open

countryside only appropriate limited development will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Most development will be within or adjacent to the settlements included in the settlement hierarchy and related to the transport accessibility of the settlements (especially by public transport, cycling and walking) their level of services and the availability of suitable sites for development.

- 6.4 Policy CS1 Delivering New Homes and Retaining the Housing Stock of the West Berkshire Core Strategy states that new homes will be located in accordance with the settlement hierarchy outlined in the spatial strategy and area delivery plan policies as indicated above.
- 6.5 Policy C1 Location of New Housing in the Countryside of West Berkshire Council's Housing Site Allocation DPD states that there is a presumption against new residential development outside of the settlement boundary. Exceptions to this are limited to rural exception housing schemes, conversions of redundant buildings, housing to accommodate rural workers, extension to or replacement of existing residential units and limited infill in settlements in the countryside with no defined settlement boundary.
- 6.6 Policy C6 of the West Berkshire Council Housing Site Allocations Development Plan Document (2006-2026) (DPD) allows for the construction of extensions to existing permanent dwellings subject to certain criteria.
- 6.7 Therefore, the principle of extension to an existing dwelling within the countryside is acceptable.

Design, Character and Appearance

- 6.8 Development should be designed having regard to the character of the area in which it is located taking account of the local settlement and building character. It should also have regard to 'Quality Design' – West Berkshire Supplementary Planning Document, Conservation Area Appraisals, and community planning documents such as Parish Plans and Town and Village Design Statements, the design principles on the rural environment.
- 6.9 The NPPF is clear that good design is indivisible from good planning; it attaches great importance to the design of the built environment. Policy CS14 Design principles state how proposals should demonstrate a high-quality design that respects and enhances the area and makes a positive contribution to the quality of life in West Berkshire. It should respond positively to the wider context it is placed in, not just the immediate area. CS19 Historic Environment and Landscape Character seeks proposals to respond appropriately in terms of location, scale and design reflecting a holistic approach to the local distinctiveness, sensitivity, and diversity of locations.
- 6.10 Policy C6 of the Housing Site Allocations Development Plan Document states that there is a presumption in favour of proposals for the extension of existing permanent dwellings, provided that the scale of the enlargement is subservient to the original dwelling and designed to be in character with the existing dwelling.

6.11 Policy C6 relates to extension of existing dwellings within the countryside and seeks to prevent the over development of sites in the countryside and requires certain criteria to be met; these include;

- the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling; and
- it has no adverse impact on the setting, the space occupied within the plot boundary, on local rural character, the historic interest of the building and its setting within the wider landscape; and
- the use of materials is appropriate within the local architectural context; and
- there is no significant harm on the living conditions currently enjoyed by residents of neighbouring properties.

6.12 Whilst the proposal does seek to significantly increase the overall footprint of the dwelling and is not necessarily considered to be subservient to the original dwelling this is balanced against the design which takes influence from the historic character and appearance of the non-designated heritage asset. In addition, it helps ensure the retention of a significant amount of original fabric whilst allowing the building to extend and adapt to modern day living. The alternative would be for its demolition and replacement which would result in the total loss of this non-designated heritage asset.

6.13 Whilst the proposal would be larger it is well designed with key features and materials retained and the overall view from the road remaining almost as existing. Whilst it is a shame to remove the characteristics of the cat slide roof, the reference to it is to remain via the design of the proposed extension and porch to the new access to the dwelling.

6.14 The removal of the outbuilding to the western side of the existing dwelling would result in the footprint being absorbed within the proposed extensions. The proposed garage building on balance is acceptable as it is well designed in a traditional rural character and is considered to be proportionate for the proposed scale of the dwelling.

6.15 Following the previous withdrawn application and guidance from the pre-application enquiry, this application is accompanied by a comprehensive Built Heritage Assessment which provides details of internal and external works and assesses the proposed changes as having a neutral impact on the significance of the building. Your officers concur with this assessment.

Neighbouring Amenity

6.16 Policy CS14 notes that development must have respect and enhance the character and appearance of the site area and make a positive contribution to quality of life in West Berkshire. Neighbouring amenity impact is assessed through looking at whether the development would overbear, overshadow, overlook or have an unacceptable impact on living conditions or sunlight and daylight received.

6.17 The nearest dwelling is Trapps Hill House, approximately 80 metres away. The proposal is not considered to result in a significant impact on neighbouring

amenity due to the distance of the neighbouring dwelling. No letters of representation have been received.

Highways

- 6.18 The Highways officer has not raised any concerns over the proposal and has not proposed specific conditions as there is sufficient parking within the site.
- 6.19 It is considered that the application accords with the advice in policy CS13 in the WBCS and the application should not be refused on any access/highways grounds.

Ecology

- 6.20 The ecological officer has reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. Conditions have been requested ensuring compliance with submitted ecological information ecological enhancements and the submission of a copy of the EPS Licence.

7. Planning Balance and Conclusion

- 7.1 The current scheme is supported by your planning officer and is considered to be acceptable in design and appearance with no highways implications to resolve. The proposal complies with policy and will ensure the property reflects the existing character of the locality with no demonstrable harm to the visual character of the NWDNL if approved.
- 7.2 For the reasons given above it is considered that the proposal does accord with the criteria of the National Planning Policy Framework and development plan policies and is therefore recommended for APPROVAL

8. Full Recommendation

- 8.1 To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below.

Conditions

1.	Commencement of development 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.	Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below:

	<p>Proposed Plans, Elevations and Sections ref: 1326/AG(0)01 rev B received 04.02.2025</p> <p>Proposed Site Plan, Garage Plans, Elevations and Sections ref: 1326/AG(0)03 received 04.02.2025</p> <p>Built Heritage Statement by rpsgroup v1 received 04.02.2025</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Ecological measures</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment & Bat Survey Report (November 2024, Windrush Ecology Limited), as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006- 2026.</p>
4	<p>Ecological Enhancements</p> <p>All the ecological enhancement recommendations in the Ecological Impact Assessment & Bat Survey Report (November 2024, Windrush Ecology Limited), the enhancements should be evidenced by means of photographs of the features in-situ submitted to the local planning authority.</p> <p>Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026 and to ensure compliance with the condition.</p>
5	<p>Submission of a copy of the EPS licence</p> <p>The works at Trapps Hill Cottage shall not in any circumstances commence unless the Local Planning Authority has been provided with a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified activity/development to go ahead.</p> <p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026. This strict protection condition helps to ensure that a developer will apply for an EPS licence and, if they do not, can be prevented in advance from undertaking the activities that might jeopardize the protected species, before the species is harmed. The use of planning conditions for this purpose has been established through case law and is also recommended in government.</p>

6	<p>Materials</p> <p>The materials to be used in the development hereby permitted shall be as specified on the plans, supporting information and application forms. Where stated that materials shall match the existing, those materials shall match those on the existing development in colour, size and texture.</p> <p>Reason: To ensure that the external materials respect the character and appearance of the area. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Supplementary Planning Guidance 04/2 House Extensions (July 2004), and Supplementary Planning Document Quality Design (June 2006).</p>
7	<p>Tree protection</p> <p>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.</p> <p>Such a scheme shall include:</p> <ul style="list-style-type: none"> - a plan showing the location and type of the protective fencing. <p>All such fencing shall be erected prior to any development works. At least 2 working days notice shall be given to the Local Planning Authority that it has been erected.</p> <p>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.</p> <p>No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.</p> <p>Note 1: The protective fencing should be as specified in the BS5837:2012 at Chapter 6 and detailed in figure 2.</p> <p>Note 2: Ground Protection shall be as paragraph 6.2.3.3. of the same British Standard.</p> <p>A pre-commencement condition is necessary because insufficient detailed information accompanies the application; tree protection installation measures may be required to be undertaken throughout the construction phase and so it is necessary to approve these details before any development takes place.</p> <p>Reason: Required to safeguard and to enhance its setting within the immediate locality to ensure the protection and retention of existing trees and natural features during the construction phase in accordance with the NPPF</p>

	and Policies ADPP1, (ADPP5 if within NWD National Landscape), CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.
8	<p>Building recording</p> <p>No demolition/ site works/ development shall take place within the application area 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.</p> <p>Reason: To ensure that an adequate record is made of this building of architectural, historical and archaeological interest.</p>

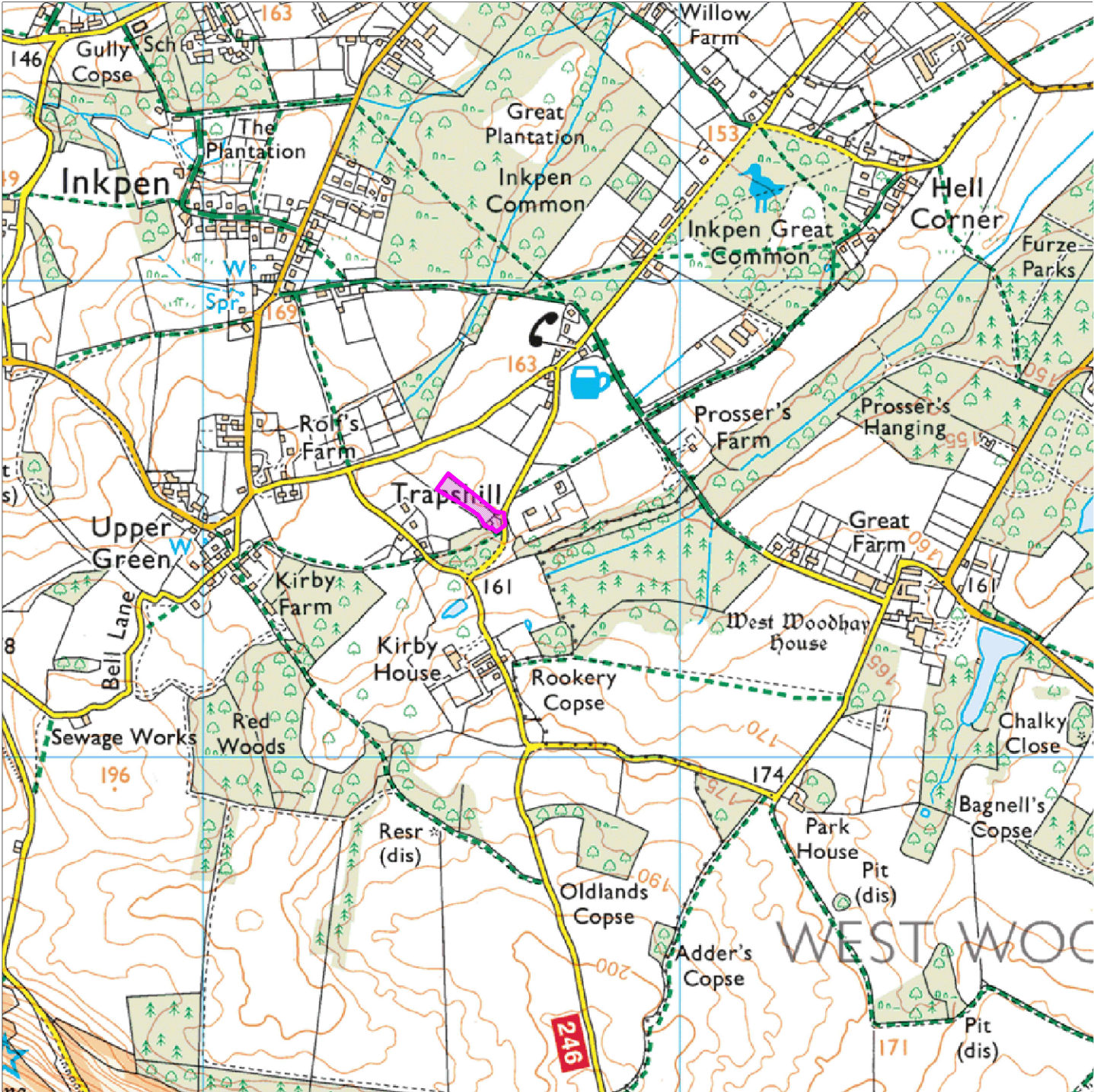
Informatives

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.
2.	<p>BNG – Not required</p> <p>BIODIVERSITY NET GAIN</p> <p>The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:</p> <p>(a) a Biodiversity Gain Plan has been submitted to the planning authority, and</p> <p>(b) the planning authority has approved the plan.</p> <p>The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council.</p> <p>There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.</p> <p>Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply.</p> <p>EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS</p> <p>The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition.</p> <p>1. The application for planning permission was made before 12 February 2024.</p>

<p>2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.</p> <p>3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and</p> <p>(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or</p> <p>(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.</p> <p>4. The permission which has been granted is for development which is exempt being:</p> <p>4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:</p> <p>i) the application for planning permission was made before 2 April 2024;</p> <p>ii) planning permission is granted which has effect before 2 April 2024; or</p> <p>iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).</p> <p>4.2 Development below the de minimis threshold, meaning development which:</p> <p>i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and</p> <p>ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).</p> <p>4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.</p> <p>4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).</p> <p>4.5 Self and Custom Build Development, meaning development which:</p> <p>i) consists of no more than 9 dwellings;</p> <p>ii) is carried out on a site which has an area no larger than 0.5 hectares; and</p> <p>iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).</p> <p>4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.</p>

<p>* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.</p> <p>APPLICABLE EXEMPTION</p> <p>The exemption that is considered to apply to this application is: Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.</p> <p>IRREPLACEABLE HABITAT</p> <p>If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.</p> <p>The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.</p> <p>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</p> <p>If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <ul style="list-style-type: none"> i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan. <p>PHASED DEVELOPMENT</p> <p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity</p>
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	<p>gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
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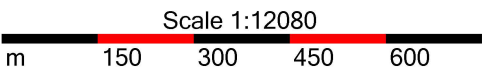


Map Centre Coordinates :

Scale : 1:12079

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 May 2025
SLA Number	0100024151

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Agenda Item 4.(2)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(2)	24/01999/FUL Enborne Parish	29/11/24	Change of use of land to gypsy and traveller site – 1 pitch. Mount Pleasant Farm, Enborne Lance Hamblyn
¹ Extension of time agreed with applicant until 30 th May 2025			

The application can be viewed on the Council's website at the following link:

<https://publicaccess.westberks.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Recommendation Summary:

The Development Control Manager be authorised to GRANT conditional planning permission.

Ward Member(s):

Cllr Vickers
Cllr Benneyworth
Cllr Gaines

Reason for Committee Determination:

The Council has received in excess of 10 objections and the officer recommendation is to approve.

Committee Site Visit:

15th May 2025.

Contact Officer Details

Name: Michael Butler
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Michael.butler@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks planning permission for the improvement of an existing access off Bell Hill in Enborne to serve the “Mount Pleasant” site a very small holding in the woodland off Bell Hill. This improved access in turn is to serve a new pitch for a mobile home for the occupation by a member of the gypsy and traveller community, with the siting in addition of one touring caravan, plus parking for 2 vehicles on site. If permission is granted it is proposed by the applicant to landscape the site in accordance with a scheme which has been submitted on the file.
- 1.3 The application site is presently a small holding. The Committee site visit will have shown that it comprises an ad hoc array of pens, small outbuildings for poultry and pigs etc. It is located in woodland which has a TPO around the site. There is an existing [but unused] access to be put back into use from the adjacent highway to the north i.e. Bell Hill. The application site lies in the countryside i.e. it lies outside any defined settlement boundary. A public right of way runs adjacent the site immediately to the south of the application site. There are no dwellings nearby.

Caravan legislation

- 1.4 Section 29(1) of the Caravan Sites and Control of Development Act 1960 (as amended) sets out that a caravan means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted. Section 13(1) of the Caravan Sites Act 1968 (as amended) defines a twin-unit caravan as a structure designed or adapted for human habitation which is, (a) composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and (b) when assembled it is physically capable of being moved by road from one place to another. Touring caravans, static caravan and various mobile homes constitute 'caravans' under the above legislation.
- 1.5 Caravans are not normally regarded as buildings or operational development under the Planning Acts. The application proposes the redevelopment of the site comprising a use which would enable the siting of caravans on plots. For this reason, it is not necessary to provide plans of individual caravans, and in assessing this application it must be recognised that different caravans may come and go over time.

2. Planning History

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

Application	Proposal	Decision / Date
02/00268/ful	3 buildings for agricultural use	Approved 2003.
03/02055/ful	Toilet block and rest room.	Refused 2003.
04/00260/ful	Hay store and pig house	Refused 2004
22/02400/ful	Change of use of site to gypsy and traveller pitch.	Refused 2023.

2.2 The site has some additional planning history prior to 2000 in addition.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Consideration has been given to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does not fall within any of the categories of development listed in Schedule 1, and is therefore not automatically EIA development in this respect. Development listed in Schedule 2 of the Regulations only requires screening if it meets/exceeds the relevant threshold or is located within a 'sensitive area' as defined by the Regulations. Paragraph 10(b) relates to 'urban development projects', and Paragraph 12(e) relates to "permanent camp sites and caravan sites". Under either paragraph, the relevant threshold for EIA screening is 1 hectare. The application site measures less than 1 hectare, and it is not located within a 'sensitive area'. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. Site notice was displayed on the site with an expiry on the 5th November 2024. A public notice was displayed in the NWN on the 17th October 2024. In addition an amended plans [additional information] site notice was erected on the 2nd April 2025 with an expiry date of the 23rd April 2025. The Parish was also reconsulted.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body. See below.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	No	No	
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.4 **Community Infrastructure Levy (CIL):** CIL is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. This can include roads and transport facilities, schools and education facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. CIL will be charged on residential (C3 and C4) and retail (A1 - A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of net floorspace (including extensions) or when a new dwelling is created (even if it is less than 100 square metres).
- 3.5 **New Homes Bonus (NHB):** New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.
- 3.6 **Public Sector Equality Duty (PSED):** In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives. In this case the Committee is required to take into account the protected characteristic of the Gypsy and Traveller community in arriving at a decision on the application.

3.9 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.

3.10 It is not considered by officers that should the Committee approve the application any external human rights would be interfered with, by dint of e.g. potential noise and disturbance and e.g. overlooking.

3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

4. Consultation

Statutory and non-statutory consultation

4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Enborne Parish Council:	<p>Strong objection to the application. The Parish already has enough gypsy and traveller sites, future potential expansion of the site, impact on character of the site, loss of trees, poor access. Lack of onsite facilities in addition, no need for an additional pitch on the application site, impact on prow. Future external lighting problems, poor drainage of the site, it is in an isolated location in addition.</p> <p>No response to further consultation on additional information supplied.</p>
Tree officer.	Conditional approval -conditions required to protect the woodland TPO on the application site. In addition has examined the submitted LVIA and is content with the details although recommends additional conditions .
PROW	<p>No objections – recommend informatives</p> <p>Enborne Footpath 9/3 runs through the site. The plans correctly show the Definitive (legal) line of the footpath, and the ‘walked’ line, which is different, possibly as a result of obstructions to the Definitive route.</p> <p>The Definitive line of the path should either remain or become unobstructed by these proposals, and must be suitable for public use. The path should be treated as 2 metres in width, and proposed site plan appears to accommodate both the line and width adequately.</p> <p>There should be no new structures erected along the footpath (e.g gates) without the prior consent of the Rights of Way Officer.</p>
Council ecologist	Conditional permission is recommended.
WBC Highways:	Conditional permission is recommended.
SUDS	Conditional approval.
Planning policy	The addition of one pitch would be beneficial in meeting the District need for further additional pitches in the new local plan period. However it is noted that at the present time with the approval of the single pitch recently at Abbotswood, there is still an assessed need for an additional 17 pitches to 2038. If this application is approved the need would then be reduced to 16 pitches.

Public representations

- 4.2 Representations have been received from 30 contributors, all of whom object to the scheme. 4 of these objections were received following the additional information consultation.
- 4.3 The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report. In summary, the following issues/points have been raised:
- the application should not be approved
 - the site will expand if permitted
 - the access is poor and unsafe
 - the site has a history of anti-social behaviour
 - long planning history
 - impact on ecology and trees and the grow
 - very poor drainage of the site
 - no need for a pitch at this isolated location
 - local facilities on site are very poor
 - will lead to the further degradation of a pleasant site
 - too many gypsy plots already approved in the Parish, will be disruptive to the local community
 - Out of character with the area
 - Visual impact
 - Impact on trees in addition
 - Impact on local infrastructure
 - will set a further precedent for future development creep
 - Lack of on-site facilities

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.
- Policies CS7, CS13, CS17 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
 - Policy TS3 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- 5.2 The following material considerations are relevant to the consideration of this application:
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - PPTS of December 2024

Local Plan Review

- 5.3 The Local Plan Review (2023-2041) is now at an advanced stages of preparation following the publication of the Examination Inspector's report on April 2025. Whilst they do not currently have full weight, regard has been given to the emerging policies in the Local Plan Review, in accordance with paragraph 49 of the NPPF. To the extent that they relate to this application, the emerging policies are generally consistent with the current development plan policies, and therefore do not materially alter the recommendation of this application prior to adoption of the LPR.
- 5.4 The following policies within the LPR are relevant to this application:
- Policies DM1, DM2, DM20 (this combines policy CS7 in the WBCS and policy TS3 in the HSADPD) and SP8.

6. Appraisal

- 6.1 The main issues for consideration in this application are:

- Principle of the development
- Need and supply
- Character and appearance
- Highways
- Public Rights of Way

Principle of development

- 6.2 The Government has published an updated version of the PPTS in December 2024 as an adjunct to the revised NPPF. See para 5.8 below for an analysis of this in relation to need and supply. The Committee will need to be aware that the policies in the PPTS are generally permissive of new sites in the countryside if the location is not isolated and it does not lie in either the Green Belt or a National Designated Landscape, although they can still be permitted in these locations. The application site lies in neither of these designations.
- 6.3 In para 24 of the PPTS it is noted that in determining applications, local planning authorities should have regard to a number of criteria. The first is the existing level of provision. Whilst there are permitted sites in Enborne parish these are all occupied. Personal circumstances of the applicant have been requested by the officers and this information has been submitted. The Council officer is satisfied that the applicant is from the gypsy and traveller community. The next criterion refers to locally specific policies in the Council local plan and these are identified below in this report. It is concluded that the application complies with both policies CS7 and TS3. Finally, Councils should consider traveller applications from any Gypsy's, not just those with purely local links. It is not known if the applicant is local, but this clearly does not "matter" having regard to this policy criterion. In addition, if permission is granted the officers are not recommending a personal permission in any event.

6.4 Para 25 of the PPTS notes that local planning authorities should very strictly limit traveller sites in open countryside that are away from existing settlements. Clearly in this case the site is close to the settlement of Newbury the principal town in the District. Para 26 notes that local planning authorities should attach weight to the following issues when determining applications: effective use of brown field land. It is not accepted that the site is brownfield-it remains greenfield as it is in quasi agricultural use. This mitigates against the scheme. Secondly the site needs to be positively planned having regard to soft landscaping. This is possible on site with good natural screening already on the site which can be enhanced. Thirdly, healthy lifestyles should be promoted if possible-no play area is identified on the site but given the proximity to the woodland this is not considered a difficulty at all. Finally, the site should not be so enclosed as to give an impression of isolation from the local community. This is a neutral matter for the Committee to consider.

6.5 Policy CS7 (Gypsies, Travellers and Travelling Showpeople) is the principal development management policy for this proposed development. It reads as follows (bullet points have been replaced by letters for ease of reference):

'To meet the identified need for Gypsies, Travellers and Travelling Showpeople pitches within the District, the Council will make appropriate provision through the identification of sites within the Site Allocations and Delivery DPD. The requirement for transit sites will be addressed through the same DPD.

In allocating sites, and for the purpose of considering planning applications relating to sites not identified in the relevant DPD, the following criteria will need to be satisfied for sites outside settlement boundaries:

a) Safe and easy access to major roads and public transport services;

b) Easy access to local services including a bus route, shops, schools and health services;

6.6 Whilst there is no bus stop immediately outside the application site, it is noted that the site is well located within walking/cycling distance of local shopping facilities at Wash Common, in addition there are nearby schools [800m away or less]

c) Located outside areas of high flooding risk;

6.7 The site is also located outside a site of high flood risk. The LLFA have raised no objections subject to a condition requiring details of sustainable drainage.

d) Provision for adequate on site facilities for parking, storage, play and residential amenity;

6.8 There is sufficient space on site for parking and a child's play area if required.

e) The possibility of the integrated co-existence between the site and the settled community, including adequate levels of privacy and residential amenity both within the site and with neighbouring occupiers;

6.9 Adequate levels of privacy and residential amenity are achievable.

f) *Opportunities for an element of authorised mixed uses;*

6.10 No mixed/commercial uses are proposed, which is considered appropriate in this location.

g) *The compatibility of the use with the surrounding land use, including potential disturbance from vehicular movements, and on site business activities;*

6.11 With regards to the compatibility of the use in relation to its surroundings the officers consider that the introduction of the one mobile home here would not be harmful to character of the area in visual terms or through potential disturbance from vehicular movements, and on site business activities. Commercial uses will not be permitted in this location.

h) *Will not materially harm the physical and visual character of the area;*

6.12 The application site is not in an isolated or exposed location but will be well screened by existing mature vegetation, which in turn will be enhanced by the proposed landscaping scheme.

6.13 It is accordingly concluded that the scheme largely but not wholly, complies with policy CS7. This latter issue has effectively been confirmed by the submission of the LVIA which both the case officer and tree officer have examined in detail- both are content that with appropriate conditions the blanket TPO on site will not be harmed and any landscape harm arising can be satisfactorily mitigated.

6.14 To give clarity on the supporting information expected from development proposals a detailed planning considerations policy is included within the Housing Site Allocations DPD. Policy TS3 (Detailed Planning Considerations for Travellers Sites) reads as follows (bullet points have been replaced by letters for ease of reference):

'Proposals for development will be expected to comply with policies within the West Berkshire Development Plan and have regard to guidance outlined in the Government's good practice guide on Designing Gypsy and Traveller Sites where appropriate. In addition proposals will:

(a) Provide an integrated water supply and drainage strategy in advance of development to ensure the provision of adequate and appropriate infrastructure for water supply and waste water, both on and off site. Development will be occupied in line with this strategy. All sites that are not connected to the mains sewerage system will ensure there are no deleterious effects to Special Area of Conservation (SACs) and river and wetland Site of Special Scientific Interest (SSSIs).

6.15 This has not been provided as yet but can be conditioned as noted in the response from the LLFA. It is noted that the additional level of hardstanding proposed will be minor for the one mobile home and touring van -the car park can be a permeable surface.

b) *Incorporate appropriate vehicle access and turning space.*

6.16 Appropriate vehicle and turning space is provided on site.

- c) *Include appropriate landscaping proposals, retaining and incorporating key elements of landscape character into the site design.*
- 6.17 The site is already contained by natural screening. The applicant has submitted an acceptable outline landscape scheme with the proposal, full details of landscaping can be conditioned. It is noted that the tree officer has raised no objections subject to a several conditions.
- d) *Be well designed and laid out with shelter and amenity buildings which are appropriately located and constructed of sympathetic materials suited for the purpose.*
- 6.18 The site is well designed with the necessary shelter and amenity buildings.
- e) *Provide a mix of residential and business use where appropriate.*
- 6.19 No businesses uses are proposed, and this will be conditioned to ensure protection of local amenity.
- f) *Provide a Flood Risk Assessment in accordance with Policy CS16 of the adopted Core Strategy.*
- g) *Demonstrate that surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).*
- 6.20 No flood risk assessment has been submitted as this is not required for such a small site area as the site lies in flood zone 1 and is less than 1ha.
- h) *Include measures to improve accessibility by, and encourage use of, non-car transport modes. These measures should be set out in a Travel Plan for the site.*
- 6.21 As regards a travel plan it is not believed that this is a necessary requirement for one family on the site.
- i) *Identify internal walking routes and show how they will be linked to existing routes including the Public Rights of Way network. They will also take advantage of the landscape features of value within the site. Opportunities to improve external routes to services and facilities will be sought.*
- 6.22 As regards walking routes there is a public right of way within a few metres of the site, and moving into Newbury footways about 200m distant.
- j) *Identify measures to be provided to mitigate the impact of development on the local road network as identified by a site specific Transport Assessment or Transport Statement.*
- 6.23 The highways officer has confirmed that there are no highways /transport objections to the application.
- k) *Identify appropriate green space/green infrastructure in line with the Council's adopted standards as set out in Policy RL1 of the Local Plan 1991 – 2006 (Saved Policies 2007).*

6.24 Although a number of objections correspond to the lack of facilities and infrastructure in the area, it is not considered that the introduction of one family will seriously impact such facilities.

m) Provide a Landscape and Visual Impact Assessment (LVIA) in accordance with the Landscape Institute Guidelines for Landscape and Visual impact Assessment 3rd ed. 2013. This will inform the development design and layout of the site and requirements for green infrastructure.

6.25 An LVIA has been submitted with the application, and this notes that the mobile home will be well screened by existing mature vegetation, which will be enhanced by the proposed landscape scheme. It also notes that any wider visual impact arising from the scheme will be limited.

n) Provide an extended phase 1 habitat survey together with further detailed surveys arising from that as necessary. Appropriate avoidance and mitigation measures will need to be implemented, to ensure any protected species are not adversely affected.

o) Provide appropriate mitigation to offset impact on key species and habitats through appropriate buffering, on-site mitigation and off-site compensation measures.

6.26 As regards the ecological aspects of the scheme, a BNG assessment has been submitted and the Council ecologist is recommending conditional permission. It is noted that the application site whilst having a group TPO on the woodland is not a SSSI.

p) Provide a design, layout and siting plan for the development.'

6.27 Finally, an acceptable design and layout plan has been provided with the application submission.

Emerging policies

6.28 As the Committee Members will know the Inspector into the **Local Plan Review** has recently found it to be sound. The NPPF says the following in terms of giving weight to emerging plans in decision making:

49. Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

6.29 Up until now, the weight officers have been able to give to policies in the emerging plan has generally been limited. Officers are now at a stage where increasing weight may be applied since the Inspector's report essentially

resolves outstanding objections (subject to recommended modifications) and reaffirms that the new policies are consistent with the NPPF. As such, the Committee can now apply the emerging policies significant weight.

- 6.30 The LPR includes Policy DM20 (Gypsies, Travellers and Travelling Showpeople), which would replace and consolidate Policies CS7 and TS3. It should be noted that the general approach remains consistent with current policies and existing allocations in the HSA DPD are proposed to be carried forward. Policy DM20 notes [inter alia] that permanent gypsy and traveller sites will be developed (c) on sites either in or well related to existing settlements, and (d) When in rural settings, ensuring the scale of the site(s) do not dominate the nearest settled community, whether singly or cumulatively with any other Gypsy and Traveller, and Travelling Showpeople sites. It goes on to state that isolated locations in the countryside should be avoided. Policy DM20 also reiterates the criteria contained in Policy TS3.
- 6.31 It is noted that the addition of one gypsy pitch will not dominate the nearest settled community and the site is just 200m away from the settlement boundary of Newbury, so the site is not considered to be in an isolated location.
- 6.32 Policy DM1 also applies, which sets out all the exceptions permissible for new residential development in the rural areas, this includes gypsy and traveller sites (criterion b).
- 6.33 Policy DM2 seeks to ensure the separation of settlements around Newbury and Thatcham and the maintenance of the separate identities of particular settlements around Newbury and Thatcham. The application site falls within the identified gap site between Newbury and Enborne Row/Wash Water. Policy DM2 states that development which would detract from the open or rural character of these gaps will not be permitted. In these areas development will only be permitted where it:
- i. Would not diminish the clear physical and visual separation between distinct settlements; and*
 - ii. Would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development.*
- 6.34 The supporting text to Policy DM2 notes that the identified gaps have not been specifically defined to protect landscape character, importantly they are not a local landscape designation. Rather they are a tool to prevent the coalescence of settlements in order to maintain their separate identity.
- 6.35 Officers consider that the proposed introduction of one caravan and pitch on this application site will not diminish the clear physical and visual separation between Newbury and Enborne Row/Wash Water. This is due to the enclosed and well screened nature of the site and the low-key scale of the proposal. To conclude the application complies with emerging policy DM2.

Need and Supply

- 6.36 The PPTS 2024 seeks to ensure sites are provided for the Gypsy and Traveller community, through a more inclusive definition change and by applying the tilted balance where the local planning authority cannot demonstrate an up-to-date 5

year supply of deliverable sites. The definition of Gypsies and Travellers has been amended in Annex 1 (insertion underlined) which is more inclusive, reflecting the accommodation needs of the travelling community:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

- 6.37 According to the PPTS, the local planning authority should consider the existing level of local provision and need for sites. The Council has a legal duty to plan for adequate accommodation for the Gypsy and Traveller community. A Gypsy and Traveller Accommodation Assessment (GTAA) was last undertaken in 2021 to assess the level of need of the traveller community.
- 6.38 The submission version of the Local Plan Review (LPR) was submitted to the Secretary of State on 31st March 2023. The examination is complete, and the Local Plan Inspector's Report written. The Inspector was satisfied that the GTAA is proportionate, up to date and relevant. The Inspector, at paragraph 246 of the Report, has considered that the Plan does not identify sufficient sites to meet the full identified need, but is satisfied that there is a reasonable prospect of those needs being met from sites that have planning permission or others that will come forward as windfalls in the context of policy DM20.
- 6.39 The following table outlines the overall pitch requirement between 2021 and 2038, the pitches with planning permission, and the residual need to be met up to 2038.

Table 7 Gypsy and Traveller accommodation

Additional permanent pitches required 1 April 2021 to 31 March 2038	30
Additional permanent pitches provided 1 April 2021 to 31 March 2025	
<ul style="list-style-type: none"> New Stocks Farm, <u>Paices Hill</u>, Aldermaston 	8
<ul style="list-style-type: none"> Four Houses Corner, Padworth¹ 	1
<ul style="list-style-type: none"> Ermin Street, Lambourn Woodlands 	1
<ul style="list-style-type: none"> Land at Wash Water, Enborne Row 	2
<ul style="list-style-type: none"> Land south of <u>Abbottswood</u>, Newtown Road, Newbury 	1
Total pitches provided between 1 April 2021 and 1 st April 2025 <u>2025</u>	13
Permanent pitches required 1 April 2025 to 31 March 2038	17

¹ 1 pitch in addition to the 16 pitches already accounted for in the existing supply in the GTAA

- 6.40 This table does not break the need down further to the 5 year (short term) period (between 2021 and 2026) or the longer term period (between 2026 and 2038). The pitch requirement in the short term is 13 pitches, and 13 pitches have

planning permission. Thus, there is no shortfall in the short term, and the Council can demonstrate a 5 year supply of sites.

- 6.41 The outstanding requirement is 17 pitches up to 2038. There are no new sites identified in the Local Plan Review, aside from the site at New Stocks Farm, Paices Hill, Aldermaston which has been carried forward from the Housing Sites Allocation Development Plan Document and has planning permission (as outlined in the above table). For context there is a current appeal under consideration for 5 pitches on land south of Sandhill, Hermitage. The addition of one pitch, whilst small, would be of benefit in meeting the local identified need.
- 6.42 The GTAA will be updated further following the redevelopment of Four Houses Corner, to understand the current situation on need and supply, also taking into account the updated definition. This is an important evidence piece for the next Local Plan and for future windfall planning applications.
- 6.43 As the Council can demonstrate an up-to-date 5 year supply (the 5 year period is between 2021 and 2026) the provisions of paragraph 11d of the NPPF (i.e. the tilted balance) does not apply.

Landscape character and appearance

- 6.44 Policy CS19 in the WBCS seeks to ensure that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.45 The application site does not lie in any nationally designated or protected landscape such as the NWDNDL (formerly AONB). It does however form part of the landscape local designation Woodland and Heathland Mosaic (WH1), as identified in the West Berkshire Landscape Character Assessment of 2019.
- 6.46 WH1 covers Inkpen, Lower Green, Hamstead Marshall, Enborne and towards Enborne Row, skirting the western edge of Wash Common, Newbury. The LCA notes that the 'landscape has a coherent character, with a consistent framework provided by the strong structure of woodlands, hedgerows and trees. This creates a small scale, enclosed and intimate rural character. The tranquillity is enhanced by a lack of intrusion of modern life into the majority of the area'. There are a tight network of rural lanes and footpaths within this character area. Buildings are generally well integrated into their landscape context, due to the combination of wooded land cover and gently undulating landform.
- 6.47 This typifies the nature of the area around the application site, which forms an important visual buffer to the south western edge of Newbury town and the A34 bypass to the west. It is necessary therefore to conserve this inherent character where possible from inappropriate development.
- 6.48 In this case the level of new development is considered to be minimal and low key in the local context, with the siting of one mobile home plus one touring van. It is not in an isolated or exposed location but will be well screened by existing mature vegetation, which in turn will be enhanced by the proposed landscaping scheme to be conditioned if the scheme is approved. Clearly there will be a small degree of visual impact in the local street scene, given the opening up of the access as on the plans, and glimpsed views of the site through the trees

particularly during the winter months. But all the development is at single storey level (mobile homes are no more than 3.4m in height by statute).

- 6.49 In accordance with the requirements of Policy TS3 (and also Policy SP8 in the LPR), the application is supported by a well prepared and comprehensive LVIA. This LVIA concludes that proposal will not harm the wider landscape nature and value of the area nor the wider southern visual setting of Newbury at its southwest point. The case officer agrees with this conclusion as does the tree officer. Officers did not consider it necessary to appoint an independent landscape consultant to further assess this LVIA given that the application is for one pitch only and it is very well screened.

Highways

- 6.50 The existing access into the site to the west is proposed to be used. The Highways officer has examined the submitted plans and is familiar with the site and the Enborne Road itself. To the east in the vision splay there is a slight rise in road levels whilst to the west the road slopes down. The visibility splays and the width of the access are all considered to be satisfactory for the projected level of highways movements from and to the site. Accordingly, it is considered that the scheme fully complies with policy CS13 of the WBCS.
- 6.51 In addition, parking on site needs to be taken into account, in order to ensure that there are no increased pressures on roadside parking which would be detrimental to local safety. It is clear from the block plan as submitted there is sufficient space on site to accommodate at least 2 parking spaces plus a turning area, which can all be conditioned along with one EV charging point. The scheme accordingly complies with policy P1 in the HSADPD of 2017.

Public Rights of Way

- 6.52 A footpath runs adjacent the application site to the south. This is Enborne 9/3. However, the legal definitive line runs through the application site. This has not been formally diverted. Accordingly, the rights of way officer, whilst raising no objections to the proposal, has noted that if the application is approved no physical obstructions must be placed across the definitive route. At present the submitted plan shows no such obstruction. A condition is accordingly recommended to ensure this occurs. This is in accordance with the advice in policy CS18 which seeks to protect [inter alia] public rights of way.

Other matters

- 6.53 Officers believe it to be necessary in this case which has proved controversial locally to note a number of the conditions recommended in order to ensure that if the application is approved it will be strictly controlled. For clarity the permission will only relate to gypsy accommodation, it will be limited to one pitch only and no commercial use will be permitted. In addition, the footpath crossing the site will be protected, and so will ecological matters. A condition is recommended removing permitted development rights for fencing and other enclosures. These are all in addition to the other standard conditions to be applied.

7. Planning Balance and Conclusion

- 7.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 7.2 The principle of redeveloping the site is in accordance with the Development Plan and national policy.
- 7.3 The landscape and visual impacts are considered to be acceptable. Technical considerations, such as access, parking, traffic, highway safety, ecology, and drainage have all been assessed as acceptable by the relevant technical experts.
- 7.4 The concerns of the local objectors in relation to the potential for uncontrolled spread of new development in the countryside, setting a possible harmful precedent, are acknowledged. However, in this case it is recognised that the policies relating to gypsy and traveller sites are permissive ones so in principle the scheme is acceptable.
- 7.5 Overall, having regard to the relevant development plan policies and material considerations it is concluded that the reasons for granting planning permission outweigh any potential adverse impacts in planning terms. A suite of conditions is recommended that will ensure that the development is carried out in a way that is acceptable in planning terms.
- 7.6 The application is recommended for **conditional approval**.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below.

Conditions

1.	Commencement of development 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.	Approved plans The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: TDA.2796.01, 02 and 03. Reason: For the avoidance of doubt and in the interest of proper planning.
3	Pitch restriction

	<p>No more than 1 pitch at any one time shall be laid out on the application site consisting of no more than one touring caravan, one mobile home, and one utility /day room.</p> <p>Reason: To prevent the overdevelopment of the site and maintain good amenity for occupants. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS7, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026 and Policy TS3 of the Housing Site Allocations DPD (2006-2026)</p>
4	<p>No commercial use</p> <p>At no time shall any form of business/commercial use operate on the application site.</p> <p>Reason. To protect local amenity in accord with the advice in policy OVS6 in the WBDLP of 1991 to 2006 and policy CS14 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
5	<p>Occupation restriction</p> <p>The site hereby permitted shall not be occupied at any time other than by Gypsies and Travellers, as defined in the revised Planning Policy for Traveller Sites of December 2024.</p> <p>Reason: To comply with policy CS7 in the West Berkshire Core Strategy 2006-2026, and to maintain a supply of pitches.</p>
6	<p>Parking</p> <p>Prior to occupation no fewer than 2 vehicle parking spaces shall be laid out on the site and retained in perpetuity during the occupation of this site as permitted.</p> <p>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 applied in accordance with the National Planning Policy Framework, Policy CS13 of the West Berkshire Core Strategy 2006-2026, and Policy P1 of the Housing Site Allocations DPD 2006-2026.</p>
7	<p>Trees</p> <p>No development or other operations shall commence on site until an arboricultural method statement has been submitted to and approved in writing by the Local Planning Authority and shall include details of the implementation, supervision and monitoring of:</p> <p>all temporary tree protection (including ground protection) and any special construction works within any defined tree protection area.</p>

	<p>Reason: To ensure the retention and protection of trees identified at the site in accordance with the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
8	<p>SUDS</p> <p>No development shall commence until the applicant has submitted a scheme which -</p> <p>a) Incorporates the implementation of Sustainable Drainage methods (SuDS) in accordance with the Non-Statutory Technical Standards for SuDS (March 2015), the SuDS Manual C753 (2015) and the WBC SuDS Supplementary Planning Document December 2018 with particular emphasis on Green SuDS and water re-use. The above sustainable drainage measures shall be implemented in accordance with the approved details before the use hereby permitted is commenced in accordance with a timetable to be submitted and agreed in writing with the Local Planning Authority as part of the details submitted for this condition. The sustainable drainage measures shall be maintained in the approved condition thereafter.</p> <p>Reason: To ensure that surface water will be managed in a sustainable manner; to prevent the increased risk of flooding; to improve and protect water quality, habitat and amenity and ensure future maintenance of the surface water drainage system can be, and is carried out in an appropriate and efficient manner. This condition is applied in accordance with the National Planning Policy Framework, Policy CS16 of the West Berkshire Core Strategy (2006-2026), Part 4 of Supplementary Planning Document Quality Design (June 2006) and SuDS Supplementary Planning Document (Dec 2018).</p>
9	<p>EV point</p> <p>The new pitch shall not be occupied until details an of electric vehicle charging point has been submitted to and approved in writing by the Local Planning Authority. The mobile home shall not be occupied until an electric vehicle charging point has been provided in accordance with the approved drawings. The charging point shall thereafter be retained and kept available for the potential use of an electric car.</p> <p>Reason: To promote the use of electric vehicles. This condition is imposed in accordance with the National Planning Policy Framework, Policies CS13 and CS14 of the West Berkshire Core Strategy (2006-2026), Policy P1 of the Housing Site Allocation DPD and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).</p>
10	<p>Gates</p>

	<p>Any gates to be provided at the access where vehicles will enter or leave the site, shall open away from the adjoining highway and be set back a distance of at least 5.0 metres from the edge of the highway.</p> <p>Reason: In the interest of road safety and to ensure that vehicles can be driven off the highway before the gates are opened. This condition is imposed in accordance with the National Planning Policy Framework and Policy CS13 of the West Berkshire Core Strategy (2006-2026).</p>
11	<p>Hard landscaping and boundary treatments</p> <p>Notwithstanding the details shown any submitted drawings, the unit hereby permitted shall not be first occupied until the hard landscaping of the site has been completed in accordance with a hard landscaping scheme that has first been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include details of any boundary treatments (e.g. walls, fences) and hard surfaced areas (e.g. driveways, paths, patios, decking) to be provided as part of the development.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
12	<p>Soft Landscaping</p> <p>Notwithstanding the details shown any submitted drawings, the unit hereby permitted shall not be first occupied until a detailed soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall include detailed plans, planting and retention schedule, programme of works, and any other supporting information. All soft landscaping works shall be completed in accordance with the approved soft landscaping scheme within the first planting season following completion of building operations / first occupation of the new dwelling (whichever occurs first). Any trees, shrubs, plants or hedges planted in accordance with the approved scheme which are removed, die, or become diseased or become seriously damaged within five years of completion of this completion of the approved soft landscaping scheme shall be replaced within the next planting season by trees, shrubs or hedges of a similar size and species to that originally approved.</p> <p>Reason: Landscaping is an integral element of achieving high quality design. This condition is applied in accordance with the National Planning Policy Framework, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), and the Quality Design SPD.</p>
13	<p>Ecology</p> <p>All ecological measures and/or works shall be carried out in accordance with the details contained in 'Biodiversity net gain assessment' (July 2024, Pro Vision) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.</p>

	<p>Reason: To ensure the adequate safeguarding of protected species in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
14	<p>Invasive species</p> <p>No development shall take place until an invasive non-native species protocol has been submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of the undisclosed invasive species on site. The measures shall be carried out strictly in accordance with the approved scheme.</p> <p>Reason: It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991. The submission of a method statement, to be agreed in writing with the local planning authority by condition, is to ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features. This condition is applied in accordance with the National Planning Policy Framework and Policy CS17 of the West Berkshire Core Strategy 2006-2026. A pre-commencement condition is required because measures may need to take place throughout the construction phase.</p>
15	<p>Lighting strategy</p> <p>Prior to occupation, a “lighting design strategy for biodiversity” for the ‘gypsy and traveller caravan site’ shall be submitted to and approved in writing by the local planning authority. The strategy shall:</p> <ul style="list-style-type: none"> a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate Isolux lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. <p>All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.</p>

	Reason: Bats and badgers are sensitive to light pollution. The introduction of artificial light might mean such species are disturbed and/or discouraged from using their breeding and resting places, established flyways or foraging areas. Such disturbance can constitute an offence under relevant wildlife legislation. This condition is applied in accordance with the National Planning Policy Framework, and Policy CS17 of the West Berkshire Core Strategy 2006-2026
16	<p>Habitat Management and Monitoring Plan in accordance with Biodiversity Gain Plan</p> <p>The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan (BGP) has been submitted to and approved in writing by the Local Planning Authority. The HMMP shall be prepared to accompany the Biodiversity Gain Plan, and shall be submitted for approval alongside or after the submission the BGP.</p> <p>(NOTE: In accordance with Paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990, this planning permission is subject to the condition (“the biodiversity gain condition”) that the development may not be begun unless (a) a biodiversity gain plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. This is deemed to be applied by Schedule 7A of the Town and Country Planning Act 1990, and is not replicated on this decision notice. Full details are set out in the informative below.)</p> <p>The HMMP shall include:</p> <p>The HMMP shall include:</p> <ol style="list-style-type: none"> (1) a non-technical summary; (2) the roles and responsibilities of the people or organisation(s) delivering the HMMP; (3) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan; (4) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and (5) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, <p>The details provided in relation to point (5) shall ensure that, as a minimum, monitoring takes place in 2 years, 5 years, 10 years, 15 years, 20 years, 25 years, 30 years following completion of the development. For the purposes of this condition, completion of development shall be taken as the ‘completion of gypsy and traveller caravan site’.</p> <p>No occupation shall take place until:</p> <ol style="list-style-type: none"> (6) the habitat creation and enhancement works set out in the approved HMMP have been completed; and (7) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

	<p>Notice in writing shall be given to the Council when the:</p> <p>(8) HMMP has been implemented; and</p> <p>(9) habitat creation and enhancement works as set out in the HMMP have been completed.</p> <p>The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.</p> <p>Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.</p> <p>Where monitoring identifies the required habitat condition is not being maintained in accordance with the Biodiversity Gain Plan, the submission to the Local Planning Authority shall include any necessary remedial measures, and thereafter any such measures shall be carried out within a timescale agreed with the Local Planning Authority. Supplemental reports may be required pursuant to this condition where necessary.</p> <p>Where monitoring identifies the required habitat condition is not being maintained in accordance with the Biodiversity Gain Plan, the submission to the Local Planning Authority shall include any necessary remedial measures, and thereafter any such measures shall be carried out within a timescale agreed with the Local Planning Authority. Supplemental reports may be required pursuant to this condition where necessary.</p> <p>Reason: To ensure biodiversity on the site is improved in accord with policy CS17 of the West Berkshire Core Strategy 2006-2026.</p>
17	<p>Woodland Management Plan</p> <p>Prior to the first occupation of the development hereby approved, whichever is the sooner; a woodland management plan shall be submitted to, and approved in writing by, the Local Planning Authority. The management plan should be prepared by a qualified and experienced forestry or arboricultural consultant and should include the following elements:</p> <p>a) A statement of the overall design vision for the woodland and for individual trees retained as part of the development – including amenity classification, nature conservation value and accessibility.</p> <p>b) Type and frequency of management operations to achieve and sustain canopy, understorey and ground cover, and to provide reinstatement including planting where tree loss or vandalism occurs.</p> <p>c) Frequency of safety inspections, which should be at least three yearly in areas of high risk, less often in lower risk areas</p> <p>d) Confirmation that the tree pruning work is carried out by suitably qualified and insured tree contractors to British Standard 3998 (2010).</p> <p>e) Special measures relating to Protected Species or habitats, e.g. intensive operations to avoid March - June nesting season or flowering period.</p> <p>f) Inspection for pests, vermin and diseases and proposed remedial measures.</p>

	<p>g) Recommendations relating to how trees within the immediate vicinity of properties or within private areas are to be protected, such that these are retained without the loss of their canopy or value as habitat.</p> <p>h) Confirmation of cyclical management plan assessments and revisions to evaluate the plan's success and identification of any proposed actions.</p> <p>Reason: Required to ensure that woodland areas are satisfactorily safeguarded, managed and maintained in the long term in perpetuity in the interest of nature conservation and the visual amenity of the area and to accord with policies the NPPF and Policies ADPP1, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.</p>
18	<p>No obstruction of definitive right of way across the site</p> <p>At no time shall Enborne Footpath 9/3 on its definitive legal route be physically obstructed by any structure on the application site in perpetuity.</p> <p>Reason. To ensure the legal route is not obstructed in accord with policy CS18 of the West Berkshire Core Strategy 2006-2026.</p>
19	<p>Removal of permitted development rights – enclosures</p> <p>Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking, re-enacting or modifying that Order with or without modification), no gates, fences, walls or other means of enclosure which would otherwise be permitted by Schedule 2, Part 2, Class A of that Order shall be erected, constructed, or materially altered without planning permission being granted by the Local Planning Authority on an application made for that purpose. This restriction excludes any development expressly permitted by this permission and does not prevent repairs or replacements (in full or in part) that do not materially affect the external appearance of any gate, fence, wall or other means of enclosure.</p> <p>Reason: To prevent the erection of such development which may have an adverse impact on the rural character and appearance of the area, or fail to conserve the open landscape of the AONB. This condition</p> <p>is applied in accordance with the National Planning Policy Framework, Policies ADPP5, CS14 and CS19 of the West Berkshire Core Strategy (2006-2026), Quality Design SPD (June 2006).</p>

Informatives

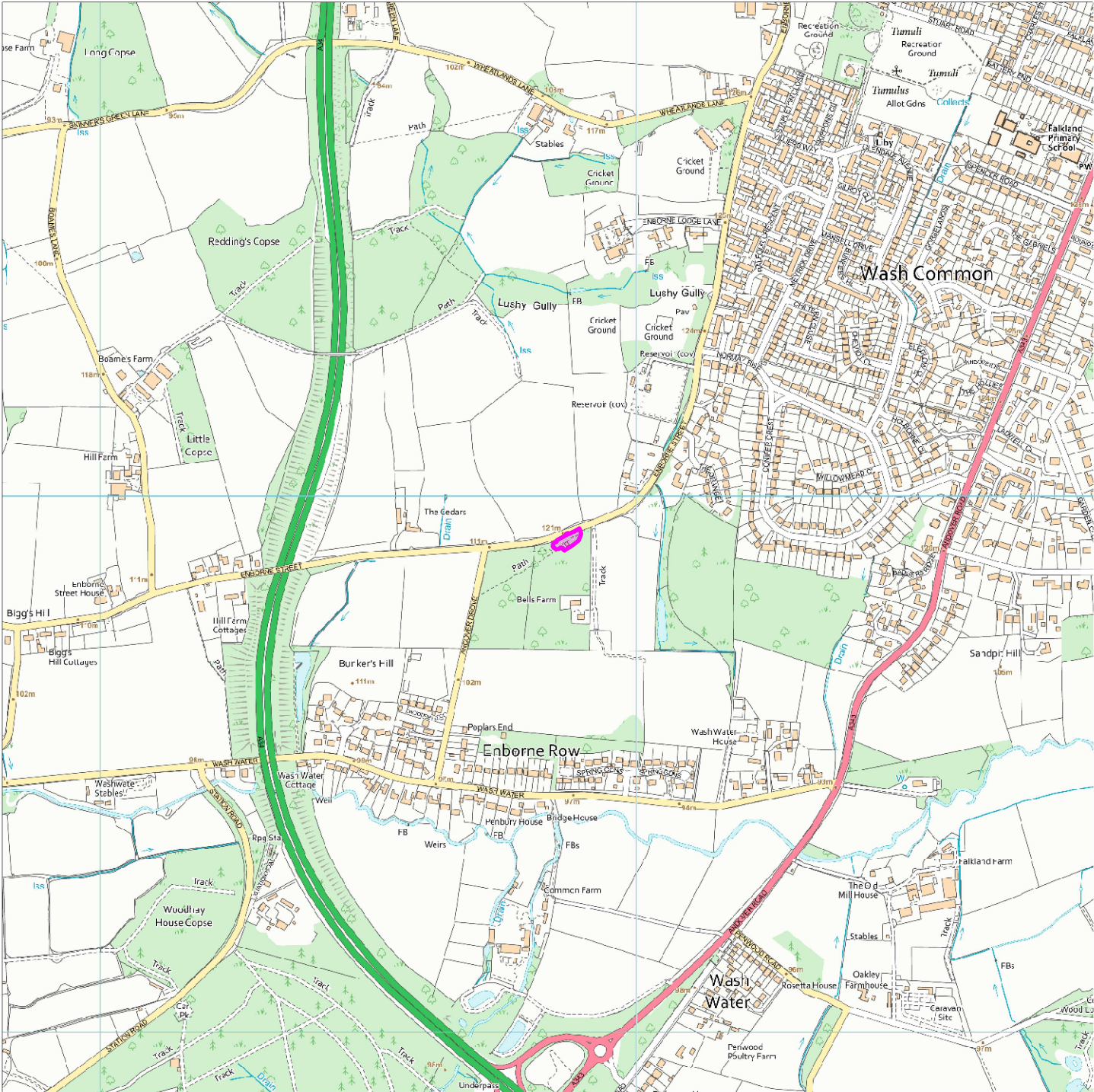
1.	Proactive
2.	CIL
3.	HI 3 Damage to footways, cycleways and verges

	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.
4.	HI 4 Damage to the carriageway The attention of the applicant is drawn to the Highways Act, 1980, which enables the Highway Authority to recover expenses due to extraordinary traffic.
5.	Official Postal Address Please complete and online street naming and numbering application form at https://www.westberks.gov.uk/snn to obtain an official postal address(s) once development has started on site. Applying for an official address promptly at the beginning of development will be beneficial for obtaining services. Street naming and numbering is a statutory function of the local authority.
6.	Not Required (Predates Mandatory BNG) The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless: (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan. The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be West Berkshire District Council. There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below. Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements in the list below is/are considered to apply. EXEMPTIONS AND TRANSITIONAL ARRANGEMENTS The following are the statutory exemptions and transitional arrangements in respect of the biodiversity gain condition. 1. The application for planning permission was made before 12 February 2024. 2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies. 3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

	<p>(ii)the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.</p> <p>4. The permission which has been granted is for development which is exempt being:</p> <p>4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:</p> <ul style="list-style-type: none"> i) the application for planning permission was made before 2 April 2024; ii) planning permission is granted which has effect before 2 April 2024; or iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii). <p>4.2 Development below the de minimis threshold, meaning development which:</p> <ul style="list-style-type: none"> i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric). <p>4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A "householder application" means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.</p> <p>4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).</p> <p>4.5 Self and Custom Build Development, meaning development which:</p> <ul style="list-style-type: none"> i) consists of no more than 9 dwellings; ii) is carried out on a site which has an area no larger than 0.5 hectares; and iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015). <p>4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.</p>
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	<p>* "original planning permission means the permission to which the section 73 planning permission relates" means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.</p> <p>APPLICABLE EXEMPTION</p> <p>The exemption that is considered to apply to this application is: The application for planning permission was made before 12 February 2024.</p> <p>IRREPLACEABLE HABITAT</p> <p>If the onsite habitat includes irreplaceable habitat (within the meaning of the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024) there are additional requirements for the content and approval of Biodiversity Gain Plans.</p> <p>The Biodiversity Gain Plan must include, in addition to information about steps taken or to be taken to minimise any adverse effect of the development on the habitat, information on arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat.</p> <p>The planning authority can only approve a Biodiversity Gain Plan if satisfied that the adverse effect of the development on the biodiversity of the irreplaceable habitat is minimised and appropriate arrangements have been made for the purpose of compensating for any impact which do not include the use of biodiversity credits.</p> <p>THE EFFECT OF SECTION 73D OF THE TOWN AND COUNTRY PLANNING ACT 1990</p> <p>If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission ("the earlier Biodiversity Gain Plan") there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.</p> <p>Those circumstances are that the conditions subject to which the section 73 permission is granted:</p> <ul style="list-style-type: none"> i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan. <p>PHASED DEVELOPMENT</p>
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	<p>If the permission which has been granted has the effect of requiring or permitting the development to proceed in phases, the modifications in respect of the biodiversity gain condition which are set out in Part 2 of the Biodiversity Gain (Town and Country Planning) (Modifications and Amendments) (England) Regulations 2024 would apply if the permission were subject to the biodiversity gain condition.</p> <p>In summary: Biodiversity gain plans would be required to be submitted to, and approved by, the planning authority before development may be begun (the overall plan), and before each phase of development may be begun (phase plans).</p>
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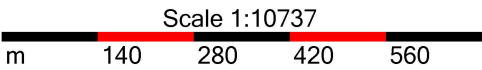


Map Centre Coordinates :

Scale : 1:10737

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 May 2025
SLA Number	0100024151

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Agenda Item 4.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	24/02080/FUL Hungerford	16/01/25	Part retrospective external alterations to barns Hungerford Park Mr Toby Hunter
¹ Extension of time agreed with applicant until 30/05/25			

The application can be viewed on the Council's website at the following link:
<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SKTS5FRD0S100>

Recommendation Summary: The Development Control Manager be authorised to GRANT conditional permission.

Ward Member(s): Councillor Gaines
Councillor Benneyworth
Councillor Vickers

Reason for Committee Determination: Councillor Vickers called the application to Committee on the basis of poor access onto the Inkpen Road and development creep, past unauthorised works.

Committee Site Visit: 15th May 2025

Contact Officer Details

Name: Michael Butler
Job Title: Principal Planning Officer
Tel No: 01635 519111
Email: Michael.butler@westberks.gov.uk

1. Introduction

- 1.1 The purpose of this report is for the Committee to consider the proposed development against the policies of the development plan and the relevant material considerations, and to make a decision as to whether to approve or refuse the application.
- 1.2 This application seeks retrospective planning permission [in part] for the external alterations to two former agricultural barns now in a variety of commercial uses – the number of commercial units within the buildings remains unchanged. The external alterations are as follows:
- Barn A: Originally an open-fronted barn with enclosed sides and rear. In March 2022, the front was enclosed with metal cladding matching the sides and rear, and various doors, windows, and skylights were added. Three commercial units remain within the building.
 - Barn B: Roof lights have been added plus a number of new doors. There is also a fire escape staircase constructed to the side of the barn. In addition if this application is approved an array of new windows are proposed on the front elevation to provide additional light and ventilation at the mezzanine floor level. Five commercial units remain within the building.
- 1.3 No change of use is proposed since the barns already have permitted commercial uses under Class R in the GPDO of 2015 as amended.
- 1.4 The application site lies within Hungerford Park. It is also outside of any settlement boundary and within the North Wessex Downs National Designated Landscape (NWDNDL). The existing access is off the Inkpen Road to the south of the application site.

2. Planning History

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

Application	Proposal	Decision / Date
05/01325/agric	Agricultural hay barn.	No objections. 2005.
05/02898/ful	Demolition of redundant agricultural barns and replace with new.	Approved March 2006.
05/02899/ful	Relocation of agricultural barns, demolition of existing, creation of new farm track.	Approved 2/06/2006.
06/02931/ful	Removal of agricultural track, and new one constructed.	Approval. 26/02/2007.

13/02003/pacou.	Construction of mezzanine floor and change of use to farm shop with ancillary accommodation.	Refused 9/10/13
13/03247/classm	Notification of use of ground floor of Barn B under Class M .	Noted - 16/01/14
15/01540/certp	Use of part of Barn B [288m2] for cider production.	Approved. 20/07/15.
24/02027/ful.	Retrospective application for stationing of a rail carriage and storage containers on site for business purposes.	Approved April 2025.

- 2.2 It is noted that under Class R of the GPDO of 2015 agricultural barns which were in use prior to the 3rd July 2012 and subject to a range of other criteria are permitted to change to a range of commercial uses such as Class E and B uses [e.g. business and storage] subject to there being no highways implications, contamination problems, flooding issues or noise matters.
- 2.3 In the summer of 2024, the Council's planning enforcement officer undertook a comprehensive examination of all the barns in question and concluded that the buildings meet the requirements under the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class R, for agricultural buildings to flexible commercial use. No action was therefore required regarding the use of the buildings.
- 2.4 However, a planning application was requested to address external alterations made to the buildings, leading to the submission of this part retrospective application.

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** Given the nature, scale and location of this development, it is not considered to fall within the description of any development listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, EIA screening is not required.
- 3.2 **Publicity:** Publicity has been undertaken in accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's Statement of Community Involvement. A site notice was displayed on the 16th December 2024 at the Inkpen access. A deadline for representations of the 9th January 2025 was posted. Notification letters were sent to 3 local occupiers.
- 3.3 **Local Financial Considerations:** Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms.

It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority or other government body.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	No	No	3.4
New Homes Bonus	No	No	3.5
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	Yes	Yes	

3.4 Community Infrastructure Levy (CIL): Community Infrastructure Levy (CIL) is a levy charged on most new development within an authority area. The money is used to pay for new infrastructure, supporting the development of an area by funding the provision, replacement, operation or maintenance of infrastructure. CIL will be used to fund roads and other transport facilities, schools and other educational facilities, flood defences, medical facilities, open spaces, and sports and recreational areas. Subject to the application of any applicable exemptions, CIL will be charged on residential (Use Classes C3 and C4) and retail (former Use Classes A1 – A5) development at a rate per square metre (based on Gross Internal Area) on new development of more than 100 square metres of gross internal area (including extensions) or when a new dwelling is created (even if it is less than 100 square metres). CIL liability, and the application of any exemptions, will be formally confirmed by the CIL Charging Authority under separate cover following any grant of planning permission. More information is available at <https://www.westberks.gov.uk/community-infrastructure-levy> CIL is not relevant to the application as no additional floorspace is involved.

3.5 New Homes Bonus (NHB): New Homes Bonus payments recognise the efforts made by authorities to bring residential development forward. NHB money will be material to the planning application when it is reinvested in the local areas in which the developments generating the money are to be located, or when it is used for specific projects or infrastructure items which are likely to affect the operation or impacts of those developments. NHB is not considered to be a relevant material consideration in this instance, but can be noted for information.

3.6 Public Sector Equality Duty (PSED): In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The Council must have due regard to the need to achieve the following objectives:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3.8 The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. Whilst there is no absolute requirement to fully remove any disadvantage, the duty is to have regard to and remove or minimise disadvantage. In considering the merits of this planning application, due regard has been given to these objectives.
- 3.9 There is no indication or evidence (including from consultation on the application) that persons with protected characteristics as identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application and there would be no significant adverse impacts as a result of the development.
- 3.10 **Human Rights Act:** The development has been assessed against the provisions of the Human Rights Act, including Article 1 of the First Protocol (Protection of property), Article 6 (Right to a fair trial) and Article 8 (Right to respect for private and family life and home) of the Act itself. The consideration of the application in accordance with the Council procedures will ensure that views of all those interested are taken into account. All comments from interested parties have been considered and reported in summary in this report, with full text available via the Council's website.
- 3.11 Any interference with property rights is in the public interest and in accordance with the Town and Country Planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.
- 3.12 Section 85 of the Countryside and Rights of Way (CROW) Act 2000 (as amended) provides a general duty for public bodies: "Any relevant authority exercising or performing any functions in relation to, or so as to effect, land in an area of outstanding natural beauty in England must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty)." AONBs have been rebranded to be known as National Landscapes,

although their legal AONB status continues. The Committee will need to take this matter into account when considering this application.

4. Consultation

Statutory and non-statutory consultation

- 4.1 The table below summarises the consultation responses received during the consideration of the application. The full responses may be viewed with the application documents on the Council's website, using the link at the start of this report.

Hungerford Town Council.	Objections. o Dangerous exit onto Inkpen road. Highways refused an application 13/02003/PACOU due to the dangers on the exit to Inkpen Road and Hungerford Park have increased use of this site. See also 2015 trip generation figures part on 15/01540/CERTP; the 114 daily vehicle movements have significantly increased due to commercial activity. An alternative exit from the site is suggested using the safer North entrance. In addition: o Light pollution from roof lights and security lighting. o Lack of EV charging o Increase in usage of the site from 10 3pm to 8am 6pm. o Lack of plan for the whole estate. There has been a steady incremental increase in the use of the estate and HTC would be grateful if WBC could request a whole estate plan.
Highways:	No objections raised.
Council Archaeologist	No objections
SUDS	No objections raised.

Public representations

- 4.2 No public representations have been received.

5. Planning Policy

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The following policies of the statutory development plan are relevant to the consideration of this application.

- Policies ADPP1, ADPP5, CS10, CS13, and CS14 of the West Berkshire Core Strategy 2006-2026 (WBCS)

5.2 The following material considerations are relevant to the consideration of this application:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- North Wessex Downs AONB Management Plan 2019-24
- WBC Quality Design SPD (2006)

Local Plan Review

5.3 The Local Plan Review (2023-2041) is now at an advanced stages of preparation following the publication of the Examination Inspector's report on April 2025. Whilst they do not currently have full weight, regard has been given to the emerging policies in the Local Plan Review, in accordance with paragraph 49 of the NPPF. To the extent that they relate to this application, the emerging policies are generally consistent with the current development plan policies, and therefore do not materially alter the recommendation of this application prior to adoption of the LPR.

5.4 The following policies within the LPR are relevant to this application:

- Policies SP1, SP2, SP7, DM35, DM36

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and Appearance
- Highways

Principle of development

6.2 The application site although lying outside a defined settlement boundary and originally agricultural so being a greenfield site in policy terms, is now through the evolution of the site a permitted commercial area, now brownfield in policy terms. However, it still remains in the rural area and in the NWDNDL, so appropriate constraints should still apply. Policy CS10 in the WBCS and policy DM35 in the Local Plan Review [which now carries significant weight in the determination of planning applications] both apply to the consideration of this proposal i.e. if permitted it will assist in the promotion of local businesses in the rural area to the benefit of that economy by facilitating physical alterations to the buildings in question.

6.3 It is considered that criteria e, f and h apply to the examination of the scheme under policy DM35, namely relating to design and highways issues as the latter has been the principal concern of Hungerford Parish Council. For the reasons set out below it is considered that the application complies with the policy and so the application is accepted in principle. Members should also recall the last sentence of policy ADPP1 in the WBCS which sets out that in allowing development in the countryside, which should be limited, it will be permitted if [inter alia] it maintains a strong rural economy.

Character and appearance

- 6.4 Policy ADPP5 in the WBCS and Policy SP2 in the LPR both seek to ensure that the NWDNDL is conserved and protected. The application site is well screened by existing mature vegetation/trees. It is located in an area defined as Hungerford Farmed Chalk mosaic [FC1] in the West Berkshire LCA of 2019. This is characterised [inter alia] by belts of woodland in a more open landscape. It is considered that whilst the changes to the elevations to the 2 barns has inevitably made them more commercial in appearance rather than purely agricultural in nature, the actual harm caused to the wider NWDNDL is minimal due to the level of existing screening.
- 6.5 In addition to the changes already made to the 2 barns the applicant is seeking permission for additional fenestration to Barn B as described above and noted on the submitted plans. It is appreciated that this will make the appearance more commercial but again the actual harm is minimal and if approved will improve light and ventilation into the building. It should be noted in this regard that no assets of Heritage value are affected by the scheme. Accordingly, it is considered the proposal complies with policy SP2 in the LPR and policies, ADPP5 and, CS14 in the WBCS, for the above reasons.
- 6.6 It is noted that Hungerford Town Council have raised concerns about the potential for additional light pollution emanating from the site so disrupting the dark skies of the area contrary to the advice in policy ADDP5 and policy SP2 and the AONB management guide. Whilst it is conceivable this could be an issue from the additional roof lights and windows proposed, again the likelihood of actual wider harm being caused by the application is low in the officer view. However, if the Committee approve the application, it would be reasonable to apply a condition to the barns to control times of business and so lighting.

Highways Issues

- 6.7 Hungerford Town Council has raised concerns about the possible increase in traffic generation from the application site should the application be approved. They are worried that the access onto the Inkpen Road to the south is poor and may cause accidents if the traffic increases. However, the Highways officer has raised no objections to the scheme, on the basis that the commercial units are already in operation on the site and permitted by virtue of Class R in the GPDO which allows [subject to criteria] the change of use of agricultural barns to a variety of commercial uses without the need for planning permission. If this application is approved, it will have no impact on local traffic generation.
- 6.8 The Committee should also bear in mind that whilst retrospective applications are made at the applicants risk it is not an offence under planning legislation to submit such applications.
- 6.9 It is considered that the application accords with the advice in policy CS13 in the WBCS and policy DM42 in the LPR.

Other issues

- 6.10 Hungerford Town Council has raised one more issue about the need for a whole Estate plan. This is not a condition that the Planning Authority can legitimately

require in respect of this minor application, which only covers a small element of Hungerford Park. The applicant/owner could of course be encouraged to do so, and other avenues might be sought to achieve this.

7. Planning Balance and Conclusion

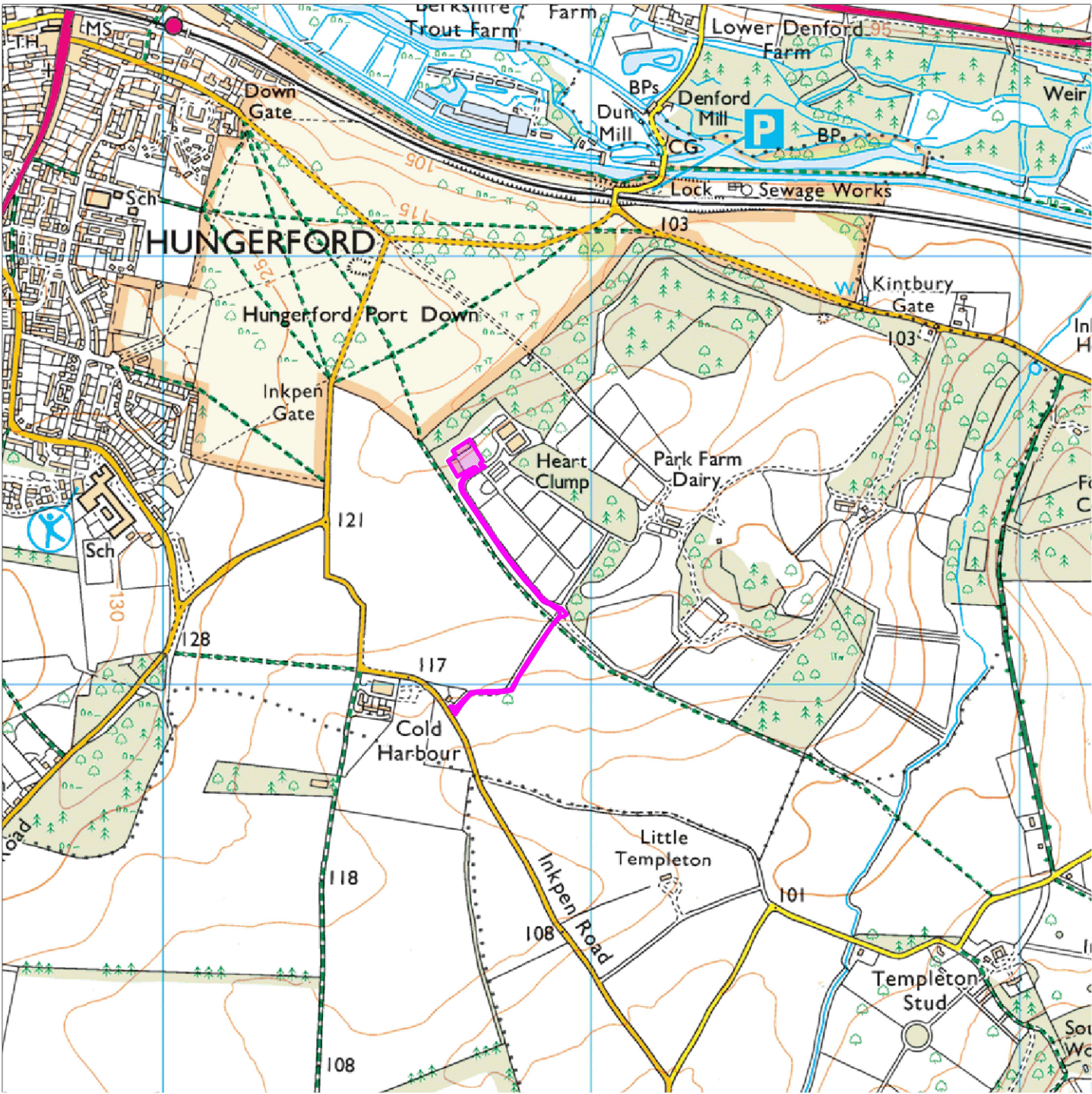
- 7.1 The application is considered to be wholly acceptable in design and appearance plus there are no highways implications to resolve. It complies with policy and will assist the local rural economy and farm diversification if approved. It is acceptable subject to conditions.

8. Full Recommendation

- 8.1 To delegate to the Development Manager to **GRANT PLANNING PERMISSION** subject to the conditions listed below.

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission. This only relates to the additional fenestration proposed in Barn B.</p> <p>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).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: all job number 4757 by Rural Solutions. 001-to 008 inclusive plus 101 and 102.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Times of use</p> <p>The buildings the subject of this application shall only be used between 8am and 6pm weekdays and 9am to 1pm on Saturdays. No commercial use shall operate on Sundays and Bank Holidays.</p> <p>Reason. To ensure no over intensification of the commercial use in the rural area and to protect dark skies in accord with policy ADPP5 in the WBCS and policy SP2 in the LPR.</p>

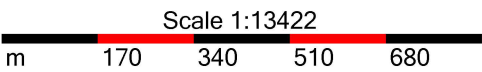


Map Centre Coordinates :

Scale : 1:13421

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Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	08 May 2025
SLA Number	0100024151

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