

Notice of Meeting



Scan here to access the public documents for this meeting

Western Area Planning Committee Tuesday 16 July 2024 at 2.00pm

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 attend the meeting they can do so either remotely or in person. Members of the public who wish to attend must notify the Planning Team by no later than 4.00pm on Monday 15 July 2024 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: Monday 8 July 2024

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.



Agenda - Western Area Planning Committee to be held on Tuesday, 16 July 2024
(continued)

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

Substitutes: Councillors Dennis Benneyworth, Martin Colston, Carlyne 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. **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](#).

3. **Schedule of Planning Applications**

(Note: The Chairman, with the consent of the Committee, reserves the right to alter the order of business on this agenda based on public interest and participation in individual applications).

(1) **Application No. and Parish: 23/01492/FUL - Land approximately 400 metres west of Dark Lane and South Of Denford Lane, Upper Denford** 5 - 22

Proposal: Erection of equestrian workers dwelling; with associated parking, turning, landscaping, private amenity space and access

Location: Land Approximately 400 Metres West Of Dark Lane and South Of Denford Lane, Upper Denford

Applicant: Mr Mark Pettitt of Fowler Architecture and Planning Limited

Recommendation: Delegate to the Development Manager to grant planning permission subject to conditions.

(2) **Application No. and Parish: 22/02538/FUL - Site of Former Cope Hall, Skinners Green, Enborne** 23 - 48

Proposal: Proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall

Agenda - Western Area Planning Committee to be held on Tuesday, 16 July 2024
(continued)

residence.

Location: Site of Former Cope Hall, Skinners Green, Enborne, Newbury.

Applicant: Mr S Woodward.

Recommendation: To **DELEGATE** to the **Development Manager** to **REFUSE PLANNING PERMISSION** for the reasons set out at Section 8 of the report.

(3) **Application No. and Parish: 23/02586/FUL - land adjacent to 123 Strongrove Hill, Hungerford** 49 - 72

Proposal: Erection of a single detached three bedroom house (125 Strongrove Hill) and associated works

Location: Land Adjacent to 123 Strongrove Hill, Hungerford

Applicant: David Withers

Recommendation: To delegate to the Development Manager to **REFUSE PLANNING PERMISSION**

(4) **Application No. and Parish: 23/02591/HOUSE & 23/02592/LBC - Little Hidden Farm, Wantage Road, Newtown, Hungerford** 73 - 88

Proposal: Two storey rear extension, new bathroom in existing roof space and replacement roof coverings.

Location: Little Hidden Farm, Wantage Road, Newtown, Hungerford

Applicant: Mrs Susan Acworth

Recommendation: To delegate to the Development Manager to **REFUSE PLANNING PERMISSION**

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,



Agenda - Western Area Planning Committee to be held on Tuesday, 16 July 2024
(continued)

- correspondence and case officer's notes.
(e) The Human Rights Act.

Sarah Clarke.

Sarah Clarke
Service Director – Strategy & Governance
West Berkshire District Council

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



Agenda Item 3.(1)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(1)	23/01492/FUL Hungerford	2 nd August 2023	Erection of equestrian workers dwelling; with associated parking, turning, landscaping, private amenity space and access Land Approximately 400 Metres West Of Dark Lane and South Of Denford Lane, Upper Denford Mr Mark Pettitt of Fowler Architecture and Planning Limited

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/01492/FUL>

and <https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=externalDocuments&keyVal=RWPC8WRD0MNOO>

Recommendation Summary: Delegate to the Development Manager to grant planning permission subject to conditions.

Ward Member(s): Councillors Benneyworth, Gaines and Vickers

Reason for Committee Determination: Call in by Ward Member regardless of recommendation. Reason: if approved, this building would be outside of the settlement boundary; this has to be weighed-up against providing accommodation to a rural worker and supporting rural business.

Committee Site Visit: 10th July 2024

Contact Officer Details

Name: Isabel Oettinger
Job Title: Planning Officer
Tel No: 01635 519683
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 This application seeks planning permission for a permanent dwelling to serve the mares and foaling side of the enterprise of Denford Stud Ltd. Denford Stud Ltd is a private equestrian stud that has operated as part of the Denford Park Estate since 2009.
- 1.3 The site is part of the Denford Park Estate running from south of Denford Lane to the boundary with the A4 to the south. This part of the estate is separated from the main pasture, stables and dwellings of Denford Stud.
- 1.4 The site is accessed off Denford Lane with established visibility splays, gates and equestrian stud fencing. Public footpath HUNG/15/1 runs across the top north west corner of the fields adjacent to the proposed dwelling site.
- 1.5 Permission is sought for the erection of a small, single storey 2 bedroom dwelling to be occupied by an equestrian worker in association with the existing stud. The design is proposed in a gate lodge style and positioned to provide security from Denford Lane and quick access to the fields and foaling barn on the south and west side of the dwelling.

2. Planning History

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

Application	Proposal	Decision / Date
19/02717/COMIND	Retrospective application for change of use from agricultural land to equestrian use (paddocks with associated post and rail fencing), relocation of existing field access and construction of brood mare and foaling barn.	Approved 18.05.2020

3. There is an extensive planning history relating to the development of the wider site of Denford Estate however this is the first application in relation to a dwelling on this part of the site.

4. Legal and Procedural Matters

- 4.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore "Schedule 2 development" within the meaning of the Regulations.

- 4.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered “EIA development” within the meaning of the Regulations. An Environmental Statement is not required.
- 4.3 **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 13th July 2023 on the site entrance fence/gates on Denford Lane with a deadline for representations of 3rd August 2023. No neighbour notification letters were sent.
- 4.4 **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. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	4.5
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	

- 4.5 **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).
- 4.6 The development is CIL liable and chargeable as residential development. More information is available at www.westberks.gov.uk/cil
- 4.7 **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.

- 4.8 **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.
- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 All new buildings within the development will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 4.13 **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.
- 4.14 It is acknowledged in the report that the proposal will have minimal impact on any neighbouring properties due to the separation distances involved. Any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of equestrian care and employment.

- 4.15 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.
- 4.16 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. The main dwelling at Denford Estate is Denford House, a Grade II Listed Building.

5. Consultation

Statutory and non-statutory consultation

- 5.1 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:	HTC wish to amend their previous comments (which were submitted on the 11th July). The correct comment on this application should read: " HTC propose objection to the application because it sits outside the settlement boundary and does not meet the rural working criteria. Additional clarity is also required on animal welfare vs value of livestock and that the applicant could consider alternative security measures. Request to call this in"
WBC Highways:	The access was approved on planning application 19/02717/COMIND. The proposal will result in a small increase in vehicle movements. This is not a sustainable location and so residents will be required to travel to all amenities etc. Adequate car parking is proposed. An electric vehicle charging point should be provided, minimum of 7kw.
Ecology:	I have reviewed the PEA and associated documents for this proposal and I am happy with the mitigation options identified, working methods etc are in compliance with the relative legislation. The only thing I would like the applicant to provide is a lighting plan which their ecologist has mentioned will be required in S4.5. As this is part of their mitigation strategy, we would need this before being able to sign off on this matter. <u>Additional information</u> Lighting strategy submitted 22/05/2024. Ecology officer accepts lighting scheme. No further comments.
Trees:	<u>Original comments</u> The application is accompanied by a Preliminary Ecological Appraisal, proposed site plan showing new landscaping and a new fence line within the scrub and tree line on the north boundary. The design and access statement indicates that a

	<p>condition to secure landscaping would be acceptable. The statement also confirms no vegetation to be removed.</p> <p>These details are acknowledged however the existing shrub layer would be compromised by the insertion of new fencing and would appear to be then incorporated into a new domestic garden with pressures for removal which could be detrimental to the identified ecological value of the area.</p> <p>I could see no analysis of other sites within this large site which could accommodate the proposed accommodation without compromising the rural character and existing landscape and vegetation in this locality.</p> <p>Overall, objection raised to the potential impact on the trees and vegetation which would be compromised with a new domestic addition in this location which forms an important part of the NWDAONB landscape.</p> <p><u>Amended plans</u> In response: amended site layout submitted 20/09/2023 adjusting site further into field to remove conflict with boundary hedge/trees. No further objections.</p>
<p>Lead Local Flood Authority:</p>	<p>We would hope that consideration would be given to the use of SuDS features that provide a control of rainfall at source. This would include features such as water butts and raised planters where a small volume of runoff would be contained for use in local irrigation of garden plants.</p> <p>For more information on SuDS features, reference should be made to Policy CS16 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Sustainable Drainage Systems (2018). Reference should also be made to the Environment Agency Standing Advice. Further information regarding SuDS can be found in C753 The SuDS Manual which is available for free online.</p> <p>We do not advise infiltration devices in areas where Clay is the underlying geology. To establish the underlying bedrock geology, reference should be made to the British Geological Survey (BGS) website. Where soakaways are to be used please carry out an infiltration test prior to construction and always ensure there is an alternative to discharge surface water runoff from the site (i.e. connection to a watercourse, or surface water sewer) when conceptualising the proposal.</p>

Public representations

- 5.2 Representations have been received from 3 objectors to the proposal.
- 5.3 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:

- Genuine equestrian related need not demonstrated
- Should be a temporary dwelling, not permanent
- There could be suitable housing available
- Overdevelopment in the AONB
- 3rd application for a dwelling within the whole site
- The security lodge at North Lodge has not yet been built
- Isolated dwelling in the countryside visible from wider views
- Wrong siting for the dwelling, should be close to the A4

6. Planning Policy

6.1 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, CS12, CS13, CS14, CS17, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C5 and P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).

6.2 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 2019-2024
- WBC Quality Design SPD (2006)
- Planning Obligations SPD (2015)

7. Appraisal

7.1 The main issues for consideration in this application are:

- Principle of development
- Equestrian need for a new dwelling
- Character and appearance
- Impact on Setting of Listed Building
- Impact on neighbouring amenity
- Ecology and trees
- Highways

Principle of development

7.2 The most important policies for determining whether the principle of development is acceptable are Policies ADPP1, ADPP5 and CS1 of the Core Strategy, and Policies C1 and C5 of the Housing Site Allocations DPD. The Core Strategy includes a Spatial Strategy (ADPP1 and ADPP5) that provides a broad indication of the overall scale of development in the district, applying the principles of sustainable development, and based on defined spatial areas and a settlement hierarchy. Policies CS1, C1 and C5 relate specifically to housing.

- 7.3 According to Policy ADPP1, most development will be within or adjacent to the settlements in the hierarchy and related to their transport accessibility and level of services. The urban areas will be the focus for most development. The scale and density of development will be related to the site's accessibility, character and surroundings. Only appropriate limited development in the countryside (outside of the defined settlement boundaries) will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
- 7.4 Policy ADPP5 is the spatial strategy for the North Wessex Downs Area of Outstanding Natural Beauty (AONB), now known as a National Landscape. Relatively limited housing growth is planned within this protected landscape. Recognising the area as a national landscape designation, the policy envisions that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty.
- 7.5 According to Policy CS1, new homes will be located in accordance with the Spatial Strategy and Area Delivery Plan Policies. New homes will be primarily located on suitable land within settlement boundaries, and other land allocated for development within the Local Plan.
- 7.6 In this context, Policy C1 of the HSA DPD gives a presumption against new residential development outside of the settlement boundaries. Exceptions to this are limited to some forms of development listed in the policy. One of these listed exceptions is housing to accommodate rural workers, to which Policy C5 applies.
- 7.7 According to Policy C5, new dwellings in the countryside related to, and located at or near, a rural enterprise will be permitted where:
- i. It is proven as essential to the continuing use of land and buildings for agriculture, forestry or a rural enterprise;
 - ii. Detailed evidence is submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the housing is required for a full time worker in that location;
 - iii. It is demonstrated that there are no suitable alternative dwellings available or that could be made available in that location to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion.
 - iv. It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries;
 - v. The financial viability of the business is demonstrated to justify temporary or permanent accommodation;
 - vi. The size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise; and well related to existing farm buildings or associated dwellings;
 - vii. The development has no adverse impact on the rural character and heritage assets of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the landscape will be the overriding consideration;

- viii. No dwelling serving or associated with the rural enterprise has been either sold or converted from a residential use or otherwise separated from the holding within the last 10 years. The act of severance may override the evidence of need.
- 7.8 Where a new dwelling is essential to support a new rural enterprise, temporary accommodation will normally be sought for the first 3 years. Any permission will be subject to a condition restricting the use of the property to persons employed within the rural enterprise.
- 7.9 Agricultural occupancy conditions will be retained unless demonstrated there is no continuing need, that appropriate marketing has been undertaken and that it cannot meet an existing local housing need.

7.10 Equestrian need for a new dwelling

- 7.11 The applicants have submitted a justification statement setting out the need for a permanent equine workers dwelling.
- 7.12 The statement confirms that the stud has 35 to 40 racehorses on site at any one time, ranging in value from five thousand pounds to three million pounds.
- 7.13 As part of an expansion of the existing enterprise, a stock barn was constructed at Folly Dog Field (the wider parcel of land in which the application site is located) in 2021, following the grant of planning permission under Application No 19/02717/COMIND.
- 7.14 The justification statement argues that as a result of the business expansion into Folly Dog Field there is now a need for a permanent on-site presence, to ensure that the 24-hour animal welfare and security requirements of the horses at Folly Dog Field can be met.
- 7.15 Turning to the assessment criteria set out in Policy C5, the equestrian need for a new dwelling is assessed as follows:

- I. *It is proven as essential to the continuing use of land and buildings for agriculture, forestry or a rural enterprise:*

The information submitted with the application indicates that the existing Denford Stud enterprise has been in operation and has been growing since 2009. The justification statement confirms that the enterprise has reached a ceiling for expansion within its existing resources, and that their long-term strategy is to expand and develop the facilities further. Your officer is satisfied that the enterprise is viable and with every prospect of remaining so, in view of the quality and value of the stock being raised.

- II. *Detailed evidence is submitted showing the relationship between the proposed housing and the existing or proposed rural enterprise and demonstrating why the housing is required for a full time worker in that location:*

The justification statement demonstrates why on-site, close supervision is essential for the welfare and security of the broodmares on site who spend the majority of their time in the fields, together with their foals. The statement sets out the vulnerability of the broodmares and foals in terms of their unpredictable and highly strung nature, and the potential for getting infections and other medical conditions relating to pregnancies etc. It argues that there is a need for a worker to live close to the horses so that they are able to see them grazing from their dwelling. This will allow them to monitor the horses on a constant basis, so that they can detect emergencies by observing any behavioural changes.

It is argued that whilst CCTV cameras are a useful management tool for monitoring foaling mares at the time of foaling, they are not a realistic alternative to on-site supervision in this case, as it is not possible to monitor every horse in every box, plus horses in paddocks and all areas around the site for security. The proposed dwelling has been carefully positioned to provide security from Denford Lane, views across the fields towards the stables and quick access to the fields and foaling barn on the south and west side of the dwelling.

- III. *It is demonstrated that there are no suitable alternative dwellings available or that could be made available in that location to meet the need. This includes those being used as tourist or temporary accommodation or existing buildings suitable for residential conversion:*

Supporting information demonstrates there are no other suitable alternative dwellings which could serve this part of the business given the close supervision required.

- IV. *It must be shown why the housing need cannot be met by existing or proposed provision within existing settlement boundaries:*

The nature of thoroughbred mares and foals requires close supervision especially as the animals are predominantly outdoors. The key worker needs to be readily available on site (as opposed to in a nearby village) to meet the functional need for close supervision. This is in case animals require essential care at short notice and to deal quickly with emergencies that could otherwise cause serious loss. There are no settlements close by that would offer the close proximity required.

- V. *The financial viability of the business is demonstrated to justify temporary or permanent accommodation:*

Denford Stud has been in operation since 2009. Information on each horse on site and the future breeding program has been made available and is considered to demonstrate financial viability of the enterprise.

- VI. *The size, location and nature of the proposed dwelling is commensurate with the needs of the enterprise; and well related to existing farm buildings or associated dwellings:*

The proposed dwelling has been carefully located to allow close supervision of the entire field and stables. It has been designed to a modest scale and reflects the design of the previously approved North Lodge to the east of the application site.

- VII. *The development has no adverse impact on the rural character and heritage assets of the area and its setting within the wider landscape. Where it affects the AONB the impact on its special qualities and natural beauty of the landscape will be the overriding consideration:*

By virtue of the modest vernacular design, traditional materials and the existing equestrian fencing and estate fencing, the proposal is not considered to adversely impact on the wider landscape of the NWDNL or the setting of Denford House.

VIII. *No dwelling serving or associated with the rural enterprise has been either sold or converted from a residential use or otherwise separated from the holding within the last 10 years. The act of severance may override the evidence of need:*

No suitable building has been sold or converted on the site which could provide the required accommodation.

- 7.16 Policy C5 states that where a new dwelling is essential to support a new rural enterprise, temporary accommodation will normally be sought for the first 3 years. The supporting text to Policy C5 provides further clarification and recommends that a period of three years allows time for a new business to establish and justify the development of a permanent dwelling to meet an essential need. Established since 2009 Denford Stud Limited is not a new business and although it does not operate as a 'business' in terms of the requirement to be financially viable, it has been established for well over a decade, and has built up over the years in terms of the provision of specialist buildings and fixed equipment, and staff and horse numbers. Your officer is satisfied that the enterprise is viable and with every prospect of remaining so, particularly in view of the quality, number and value of the stock being raised.
- 7.17 The proposal for a permanent, well-designed and modest structure which reflects the local vernacular is therefore considered to be acceptable and in accordance with Policy C5.
- 7.18 It is considered that the justification submitted with the application sufficiently demonstrates that there is a functional need for around the clock, on-site presence in this case, particularly considering the quality and value of the horses, and the implications to the business should a loss arise as a result of an incident not dealt with promptly. On this basis it is therefore accepted that there is an essential need for an equestrian worker to be resident on site to ensure the welfare needs of the horses are not compromised, as workers living off site are unable to provide the necessary and essential level of care and scrutiny.
- 7.19 Therefore, on balance, the criteria for the essential need for accommodation in this location to serve this equestrian rural enterprise is considered to be met.

7.14 Character and appearance

- 7.15 According to Policy CS14, new development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area, and makes a positive contribution to the quality of life in West Berkshire.
- 7.16 Policy CS19 states that particular regard will be given to (a) the sensitivity of the area to change, (b) ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character, and (c) the conservation and, where appropriate, enhancement of heritage assets and their settings (including listed buildings).
- 7.17 Policy ADPP5 seeks to ensure that development conserves and enhances the local distinctiveness, sense of place and setting of the AONB (now National Landscape) whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty
- 7.18 The dwelling has been proposed with a similar design to other dwellings within the estate, notably the North Lodge. The proposed dwelling is a modest single storey L shaped unit with materials and architectural detailing reflective of the local vernacular.

7.19 The site includes a modest private amenity space with minimal views from the road. The new access would be off the existing access into the site off the road. Landscaping suitable for the area has been proposed.

7.20 It is your Officer's opinion that the proposal would not cause any harm to the character or appearance of the area.

7.21 Impact on Setting of Listed Building

7.22 The Listed Building within the Denford estate is Grade II Listed Denford House. Whilst the new dwelling is within the wider estate, there is a significant physical and visual separation from the main entrance and Grade II listed house. The proposed design and materials of the new dwelling are similar to the previously approved North Lodge and reflect the local vernacular. The quality and appearance of the materials can be secured by condition.

7.23 As such, it is considered that the proposed development complies with the aforementioned policies.

7.24 Impact on Neighbouring Amenity

7.25 According to Policy CS14, new development must demonstrate high quality and sustainable design that makes a positive contribution to the quality of life in West Berkshire. The NPPF states planning decisions should ensure that developments create places with a high standard of amenity for existing and future users. Consequently, all development should be designed in a way to avoid any unacceptable harm to neighbouring living conditions. Applications will typically be assessed in terms of any significant loss of light, overlooking of neighbouring buildings or land, and whether the proposal would result in any undue sense of enclosure, overbearing impact, or harmful loss of outlook to neighbouring properties.

7.26 The proposed site lies in an isolated part of Upper Denford with the closest dwellings at Upper Cottages approximately 500 metres away. The proposal is not considered to impact the amenities currently enjoyed by occupiers of nearby residential dwellings given the distances involved.

7.27 As such, the proposed development complies with the aforementioned policies.

7.28 Ecology and trees

7.29 The impact of the proposed dwelling has been assessed by the Tree Officer and Ecology Officer. Further information and mitigation measures are considered to have provided satisfactory evidence that the development would result in minimal impact on the local environment.

7.30 Highways

7.31 The highways officer has not raised any concerns with regards to highways safety. They note that the access was approved on planning application 19/02717/COMIND.

7.32 They have confirmed that adequate car parking is proposed.

7.33 Conditions are recommended requiring the provision of an electric vehicle charging point, and parking and turning to be in accordance with the approved plans.

7.34 Town Council representations

7.35 Hungerford Town Council has objected to the scheme based on a new, unjustified dwelling in the countryside. In response to the objection, further justification has been submitted by the agent and considered in the sections above.

8. Planning Balance and Conclusion

8.1 Whilst there is a general presumption against new residential development in the open countryside, the proposal is considered an exception as it complies with the policy for rural workers dwellings. The application has been carefully assessed to ensure that the proposal is appropriate in scale, design and essential need whilst taking into consideration the impact on the character and appearance of the area.

8.2 For the reasons given above it is considered that the proposal does accord with the National Planning Policy Framework and development plan policies and is therefore recommended for approval.

9. Full Recommendation

9.1 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:

- Revised Site Plan ref: 220545-07rev.B received 20.09.2023
- Revised site, block, elevations and floor plan ref: 220545-07rev.B received 20.09.2023

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

3. **Materials**

Irrespective of the submitted documentation, the above ground construction of the dwelling hereby approved shall not take place until a schedule of the materials to be used in the construction of the external surfaces of the buildings and hard surfaced areas hereby permitted, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved materials.

Reason: To ensure that the external materials respond to local character. This information is required before construction because insufficient detail has been submitted with the application. This condition is applied in accordance with the

4. **Equestrian Occupancy Restriction**

The occupation of the dwelling hereby permitted shall be limited to a person (together with their spouse or partner, children and dependents) solely or mainly employed in the equestrian operation of Folly Dog Field (as identified by the red site line of approved application 19/02717/COMIND), in connection with the Denford Stud Ltd. The dwelling hereby approved shall not be let, sold, occupied or disposed of separately from Denford Stud Ltd.

Reason: To ensure the dwelling remains available to provide accommodation to support the equestrian activities carried out on Folly Dog Field in connection with the equestrian enterprise Denford Stud Ltd. This condition is imposed in accordance with the National Planning Policy Framework, Policies ADPP1, ADPP5 and CS1 of the West Berkshire Core Strategy 2006-2026, and Policies C1 and C5 of the West Berkshire Housing Site Allocations Development Plan Document (2006 - 2026).

5. **Ecology**

The recommendations in the PEA strategy ref: 2351 by All Ecology dated 24/04/2024 shall be implemented in full and works carried out in accordance with the details provided. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority.

Reason; To ensure the protection of the natural environment at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

6. **Lighting**

No external lighting shall be installed except in accordance with plan ref: external lighting plan received 22.05.2024 and plan ref: external lighting supporting information received 22/05/2024. The details shall be implemented in full and works carried out in accordance with the details provided. No changes shall be made to the works unless amendments have been submitted to and approved in writing by the Local Planning Authority.

Reason; To ensure the protection of the natural environment at the site in accordance with the objectives of the NPPF and Policies CS14, CS18 and CS19 of the West Berkshire Core Strategy 2006-2026.

Informatives

1. **Proactive Statement**

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 worked proactively with the applicant to secure and accept what is considered to be a development which improves the economic, social and environmental conditions of the area.

2. **CIL**

The development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and thus a requirement to make payments to the Council as part of the Community

Infrastructure Levy (CIL) procedure. A Liability Notice setting out further details, and including the amount of CIL payable, if applicable, will be sent out separately from this Decision Notice. It is your responsibility to contact the CIL Team as soon as possible to confirm whether the development is CIL liable. If subsequently confirmed as CIL liable, you are advised to read the Liability Notice and ensure that a Commencement Notice is submitted to the authority prior to the commencement of the development. Failure to submit a Commencement Notice will affect any exemptions claimed, including the loss of any right to pay by instalments, and additional costs to you in the form of surcharges. For further details see the website at www.westberks.gov.uk/cil

3. Protected Species

Prior to the commencement of this proposal you are reminded that if there is any evidence of Protected Species on the site you must consider the implications of the Wildlife and Countryside Act 1981, the Habitats Regulations 1994 and the Countryside and Rights of Way Act 2000 and comply with any necessary additional regulations and licences. For example, you must avoid taking, damaging or destroying the nest built or being used or egg of any wild bird as this would be an offence (with certain exceptions). You must also not intentionally or recklessly damage, destroy or block access to any habitat used by a protected species, such as bats, dormice, reptiles or any other species as listed in The Conservation of Habitats and Species Regulations 2010, Schedule 2 European Protected Species of Animals. Any licensing requirements are in addition to the requirements for planning permission and subject to a separate process. The following website gives further advice on this matter www.gov.uk/guidance/wildlife-licences

4. Pre-commencement conditions

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

5. Public Right of Way

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

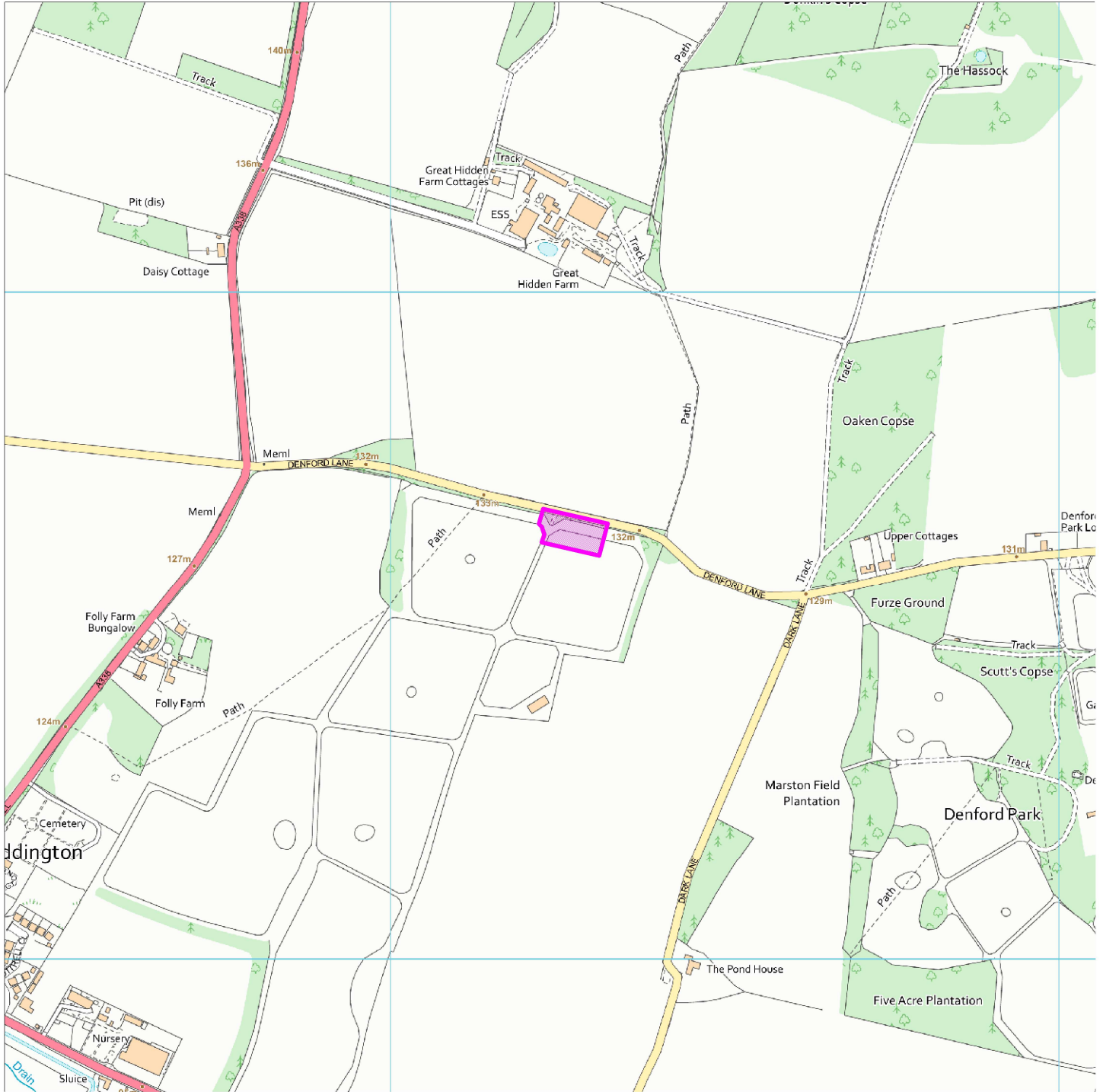
6. Damage to Highways

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.

7. Extraordinary Traffic

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

This page is intentionally left blank



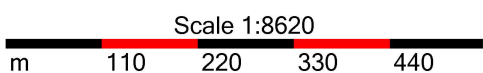
Map Centre Coordinates :

Scale : 1:8619

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

Organisation	West Berkshire Council
Department	Not Set
Comments	Not Set
Date	01 July 2024
SLA Number	0100024151



This page is intentionally left blank

Agenda Item 3.(2)

Item No.	Application and Parish	No.	Statutory Target Date	Proposal, Location, Applicant
(2)	22/02538/FUL		13 th December 2022*	Proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.
	Enborne Parish Council			Site Of Former Cope Hall Skinners Green Enborne Newbury. Mr S Woodward.

*Extension of time agreed until 19 July 2024.

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=22/02538/FUL>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RJXXK6RD0S100>

Recommendation Summary:

To **DELEGATE** to the **Development Manager** to **REFUSE PLANNING PERMISSION** for the reasons set out at Section 8 of the report.

Ward Members:

Councillor Dennis Benneyworth
Councillor Denise Gaines
Councillor Tony Vickers

Reason for Committee determination:

Call in by Ward Member (Former Ward Member) due to the potential archaeological and heritage implications. The proposed development challenges policy in terms of design and impact on the surrounding area but also highlights modern approaches to eco-friendly design and build to accommodate, and be sympathetic to, the immediate surrounding environment

Committee Site Visit:

10 July 2024.

Contact Officer Details

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

1. Introduction

- 1.1 This application is submitted as seeking full planning permission for the construction of a new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping.
- 1.2 The application is a resubmission of refused planning application reference: 22/01295/FULD. The refused application was subsequently dismissed at Appeal under Appeal reference: APP/W0340/W/22/3309191 on the 4th April 2023. It is important to note that this application is almost identical to the application dismissed at appeal and that it was submitted prior to the appeal decision being issued. The only differences between this application and the appeal scheme are the reduction in the size of the red site line, and the submission of additional ecological information. A copy of the Appeal decision is included at Appendix 1.
- 1.3 The proposal is for a detached 3-bedroom dwelling of modern design located on stilts with associated access, parking and landscaping works.
- 1.4 The proposal includes provision of living accommodation at first floor level to include, an open plan kitchen, dining and living room, utility room, larder, storage and WC, storage room, and three bedrooms – all with individual en-suites. The main bedroom will benefit from a terrace area. A communal terrace is also proposed and accessed adjacent to the first-floor plant room.
- 1.5 The development would utilise the existing accesses into the site from Cope Hall Lane and Skinners Green Lane. The two would be linked by a driveway with circulating space in front of the house.
- 1.6 Three car parking spaces and a turning space would be provided.
- 1.7 The application site is located on the junction of Cope Hall Lane and Skinners Green Lane in Skinners Green, a small hamlet located west of Newbury and east of the A34 in the parish of Enborne.
- 1.8 The application site is located outside the settlement boundary of Newbury therefore the site is open countryside for planning purposes. The application site was formerly occupied by Cope Hall and associated outbuildings, which were demolished in the 1960's. Therefore, the site has no development on it, however the vehicular accesses remain onto Skinners Green Lane and Cope Hall Lane. The application site is located within a registered battlefield site.
- 1.9 The application has been significantly delayed as the applicant has sought to address the Council's Ecology objection before the application could be referred to the Western Area Planning Committee. The additional Ecology Report, Biodiversity Net Gain Metric, Biodiversity Net Gain area and an amendment to the Location Plan were submitted on 12th June 2024.

2. Relevant Planning History

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

Application	Proposal	Decision / Date
22/01295/FULD	Proposed new self-build, net zero carbon	Refused / 26

	dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.	May 2022 – Dismissed at Appeal
--	---	-----------------------------------

3. Legal and Procedural Matters

3.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore “Schedule 2 development” within the meaning of the Regulations.

3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered “EIA development” within the meaning of the Regulations. An Environmental Statement is not required.

3.3 **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 15th November 2022 and the deadline for representations expired on 06th December 2022.

3.4 **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. The table below identifies the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.4
New Homes Bonus	Yes	No	3.7
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

3.5 **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).

3.6 The development is CIL liable and chargeable as residential development. More information is available at www.westberks.gov.uk/cil

3.7 **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.

3.8 **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.

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.

3.9 **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 acknowledged in the report that the proposal will have minimal impact on any neighbouring properties due to the separation distances involved. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a

democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of one dwelling.

- 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 **Amended Plans:** The location plan has been amended to reduce the application red line area with the rest of the site in the same ownership outlined with a blue line. The applicant has also submitted additional Biodiversity information in response to comments from the Council's Ecologist.

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	No comments received
WBC Highway Authority:	No Objections
WBC Ecology Officer	Original submission: Object – impact on Priority Habitat. Additional Ecological Information: Object – the ecologist concurs with the conclusions of the original ecological officer for the following reasons: impact on Priority Habitat; light spill from first floor accommodation; the proposed garden for the dwelling will lead to more loss of woodland space and will increase disturbance through usage.
WBC Archaeology Officer	No Objection, subject to condition
WBC Tree Officer	No Objection
WBC Local Lead Flood Authority	No Objections
WBC Environmental Health	No comments received
WBC Conservation:	No comments received
Environment Agency:	No comments to make with advice response received.

Historic England:	No Objection
Natural England	No comments to make with advice response received.
Canal and River Trust	No comments to make response received.

Public representations

4.2 Representations have been received from 7 contributors:

- Objections = 1
- Support = 6

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 planning related points have been raised:

- site is not located within a settlement
- the site is in an isolated location.
- proposed lighting levels are not acceptable
- development would greatly enhance the neighbourhood.
- the design is in keeping with all the strategies to reduce carbon emissions.
- wildlife will be provided for by retaining the present pond and copious trees.
- developer has considered local inhabitants, flora, fauna and environment.
- development would resolve anti-social behaviour and fly tipping

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, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Housing Site Allocations Development Plan Document (HSA DPD): Policies: C1, C3, P1.
- Policies OVS.5, OVS.6, TRANS.1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Quality Design SPG (2006)
- Sustainable Drainage SPD (2018)
- Planning Obligations SPD (2015)

- Conservation of Habitats and Species Regulations 2017
- West Berkshire CIL Charging Schedule
- Manual for Streets
- West Berkshire Council Landscape Character Assessment 2019
- West Berkshire Cycle and Motorcycle Advice and Standards for New Development 2014

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Design, function, character and appearance of the area
- Impact on neighbouring amenity and quality
- On-site amenity and facilities
- Highways safety
- Trees and Landscaping
- Flooding and drainage
- Biodiversity
- Sustainable construction
- Representations
- Planning Balance and Conclusion

Principle of development

6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused. It states that most development will be within or adjacent to the settlements included in the settlement hierarchy within the policy, that is 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. Policy ADPP1 also states that the majority of development will take place on previously developed land.

6.3 Under the settlement hierarchy, the appeal site would fall within open countryside where only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.

6.4 Policy CS1 places a presumption against new residential development outside settlement boundaries, unless the proposal falls within one of the exceptions set out in the policy. The exceptions are limited to rural exception housing schemes, conversion 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. Officers consider that this proposal does not fall under one of the exceptions listed.

6.5 Policy C1 goes on to state that in settlements in the countryside with no defined settlement boundary (such as Enborne), limited infill development may be considered only where:

- it is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
- the scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built-up frontage; and
- it does not extend the existing frontage; and
- the plot size and spacing between dwellings is like adjacent properties and respects the rural character and street scene of the locality.

- 6.6 It is considered that the development fails to comply with bullet points 1, 2, 3 and 4.
- 6.7 The proposed scheme does not achieve all the above criteria; it is not within a closely knit cluster of 10 or more dwellings, it is not an infill development, the plot spacing is not similar to adjacent properties and it does extend the existing frontage into an area away from the existing built form. The dwellings along this area have smaller plots with semi-detached and detached buildings with small open spaces between them.
- 6.8 The proposed development conflicts with Policy and is therefore not an appropriate form of limited infill development within the countryside, conflicting with the Council's development plan. The development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle.
- 6.9 The applicant claims that the site is brownfield. The Local Planning Authority does not agree with this assertion as the former Cope Hall was demolished in 1960 and the site has been left to revert to a natural state over more than 60 years. Notwithstanding, the status of the site would not be relevant as there is no dwelling on the site as acknowledged by the Planning Inspector under Appeal Ref: APP/W0340/W/22/3309191 who confirmed that the proposal would not constitute limited infill development.
- 6.10 Under refused application 22/01295/FULD, and the dismissed Appeal Ref: APP/W0340/W/22/3309191, the Planning Inspector outlined at paragraphs 13 to 15 how the proposed residential development on this site is contrary to Policy C1:

“13. In accordance with these policies, HDPD Policy C1 contains a presumption against new residential development in locations outside of defined settlement boundaries, as here. However, rather than imposing a blanket restriction, it permits some development including limited infill. Amongst other things, the policy requires sites to be within a closely knit cluster of 10+ dwellings, fronting a highway. Skinners Green Farm and Cottages all front onto Skinners Green Lane, with a footpath also linking them. Together they consist of more than 10 houses, and they all share a postcode with the site.

14. Even so, the large gap between Skinners Green Farm and Skinners Green Cottages means that the pattern of development is loose knit rather than being particularly close. Furthermore, physically, the appeal site sits apart, being separated from these other dwellings by the roads and fields. Whilst a few of the other dwellings would be visible from the proposal, its distance from them and the surrounding tree coverage means that such visual linkages would be limited.

15. In respect of the other requirements of HDPD Policy C1, the proposal is for a detached dwelling on a large and irregular-shaped plot. As such, it would not be commensurate with the other dwellings locally, which are smaller, have somewhat more regular plot sizes and a more traditional character. Given its separation from the existing properties, the proposal would not form part of their built-up frontage, but this further demonstrates the weak connection with them. I have already found that the proposal would not respect the character of the locality. For these reasons, even if I were to accept the appellant's assertion that the site constitutes previously developed land, which the Council disputes, the proposal would not constitute limited infill development."

- 6.11 Policy C3 of the HSADPD also sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard will be had to the sensitivity of the landscape to the development being proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.
- 6.12 Policy CS4 Housing Type and Mix outlines that residential development will be expected to contribute to the delivery of an appropriate mix of dwelling types and sizes to meet the housing needs of all sectors of the community, including those with specialist requirements. The mix on an individual site should have regard to the character of the surrounding area, the accessibility of the location and availability of existing and proposed local services, facilities and infrastructure. A three-bedroom dwelling would positively add to the housing type and mix within the area.
- 6.13 The applicant's Planning Statement makes inaccurate claims that the Council cannot demonstrate a 5-year housing land supply. The applicant states that the Council has overestimated in the preceding years with the target housing numbers missed. There is no basis to these claims by the applicant and the Council can demonstrate a sufficient 5-year housing land supply that is up to date.
- 6.14 The Council published an updated housing land supply position on 18 January 2024. However, a revised version was then published on 14 February 2024 to reflect changes made to the Planning Practice Guidance on housing land supply. The Council can demonstrate a 6 (six) years' supply of deliverable housing sites, using a five-year housing land supply against a five-year housing land requirement.
- 6.15 A new dwelling on this site which is outside of any defined settlement boundary would not be considered acceptable in terms of the principle of the development plan as it would be contrary to Policies C1 and C3 of the Housing Site Allocation DPD and Policy ADPP1 of the Core Strategy.

Design, function, character and appearance of the area

- 6.16 The site is located within a rural location, the proposal has been considered in terms of its potential impact and harm on the character and visual attractiveness of the area. This assessment has been based on the existing built form and the level of harm, if any, from the proposed development.
- 6.17 Core Strategy Policy CS14 states that new development must demonstrate a high quality and sustainable design that respects and enhances the character and

appearance of the area and makes a positive contribution to the quality of life in West Berkshire. It further states that design and layout must be informed by the wider context, having regard not just to the immediate area, but to the wider locality.

6.18 Core Strategy Policy CS19 outlines that to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced, the natural, cultural, and functional components of its character will be considered as a whole. In adopting this holistic approach, particular regard has been given to the sensitivity of the area to change and ensuring that the new development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.

6.19 Policy C3 of the HSADPD states that new 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.

Exceptional Design criteria

6.20 Section 4.17 of Policy C1 states that "*There may be a special circumstance, where a new home of truly outstanding design standards, reflecting the highest standards of architecture is proposed. These will be considered on their individual merits.*"

6.21 The proposal is promoted specifically as meeting the requirements of paragraph 84 of the NPPF (2023), in that the dwelling is an exceptional design. At Paragraph 84(e) the NPPF states that the design is required to be of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

6.22 The NPPF further focuses on achieving well-designed places that when determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. In this instance the proposed design is not considered to be outstanding or innovative. The proposed dwelling does not provide high levels of sustainability given the impact of the dwelling in this location from an environmental sustainability perspective.

6.23 Under the dismissed Appeal Ref: APP/W0340/W/22/3309191, the Planning Inspector outlined at paragraphs 19 and 20 how the proposed residential development would fail to meet the "exceptional design" threshold within the NPPF:

"19. The appellant was entitled not to submit the proposal to the Council's Design Review Panel. However, little substantive evidence has been provided to demonstrate that the design of the proposal would be of exceptional quality or truly outstanding to justify an exception to the Council's spatial strategy. Furthermore, I have found that it would not be sensitive to the defining characteristics of the local area.

20. For these reasons, the proposal would conflict with the Framework, including at paragraph 80(e). Dwellings previously existed on the site, but none have done so for a considerable number of years. Local Plan policies for a replacement dwelling do not therefore apply to the proposal.”

6.24 Officers consider that the Planning Inspector’s conclusion remains a significant material consideration, as the resubmitted dwelling is identical to the one at appeal in terms of the design, features and appearance.

6.25 High quality design is not exclusive to build form but also encompasses the natural environment and how it functions. The design process adopted by the applicant indicates that in technological terms the use of passive design features including air tightness, solar gain, air source heat pumps, photovoltaic panels, battery storage, and rainwater harvesting may not be groundbreaking. In fact, these measures are now very prevalent and required as standard provision for all residential development and as part of Building control regulations. This was recognised by the Planning Inspector at paragraph 31 of the dismissed Appeal Ref: APP/W0340/W/22/3309191, in which he concludes:

“31. The proposal would be zero carbon, with a Dwelling Emission Rate of over a 100% reduction. It would also have high thermal and water efficiency, exceeding current standards. However, in light of the Government’s emphasis on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards. As such, I give limited weight to these benefits.”

6.26 It is therefore considered that the proposed design will not provide any new and innovative techniques to help others to understand such construction techniques.

6.27 The design is a simple boxed structure set on stilts which as mimicking flood area stilt home designs would not be considered groundbreaking. The architecture and distribution of the internal layout is conventional and can be considered as common with new dwellings. There is no overall design justification for the stilts design in this area given the ground area is not within a flooding zone and the fact that the undercroft will include hard surfaced and paved areas.

6.28 It is acknowledged that the chosen design concept, materials and aspects of the massing, and distribution of that massing, have been designed with a unique aesthetic resembling a modest charred timber cladding, which is also a common feature in rural buildings. However, in the Planning Inspector’s assessment of the design merits of the proposal, they concluded that whilst the use of timber boarding and a minimalist ‘light-touch’ design would reflect its woodland location, *“its large, rectangular, block-like form, together with its raised position, would harmfully contrast with the soft, unbuilt-up and rural nature of the site and its surroundings”* (paragraph 6).

6.29 The Planning Inspector also found that whilst the limited gazing to the front and side elevations had been carefully designed so that it would not appear overtly suburban, the same was not true of the rear with its extensive glazing, together with the proposed balconies on several sides of the building, which would appear overly domestic in appearance. The Planning Inspector also noted on the domesticating impact of the widened accesses, together with the re-used driveways, cars and other paraphernalia

associated with the proposal. They concluded that together, these features would detract from the current rural and largely undeveloped appearance of the site. The Case Officer fully concurs with this conclusion.

- 6.30 The applicant has failed to substantiate that the design is exceptional to outweigh the development plan policies. It is for the applicant to substantiate their submitted application, including a submission to a design panel.
- 6.31 The design of the proposed dwelling would detract from the character and openness of the area, resulting in visual harm and conflict with policies CS14, CS19, C3 and the NPPF.
- 6.32 Under the dismissed Appeal Reference: APP/W0340/W/22/3309191, the Planning Inspector outlines at paragraph 9 how the proposed dwelling would impact the character of the area from within the street scenes.:

“9. public views of the proposal and its effects would be obtainable from the Skinners Green Lane entrance to the site (viewpoint 1). Furthermore, although landscaping would help to minimise its visual effects over time, I saw that the proposal would also be publicly visible from Cope Hall Lane through the trees (viewpoint 2), at least in the short-term. Therefore, although fairly localised, the proposal would have a negative visual impact on the landscape.”

- 6.33 The addition of a dwelling on this site would be out of character with the surrounding natural and undeveloped character of the area. It would not add to the overall visual quality of the area and will significantly harm the naturalised rural character and appearance of the area. The development would not adequately conserve or enhance the area and its character and a dwelling in this location would not respond well to the local character and context. The siting of the proposed dwelling is out of keeping with character and appearance of the area and will have a detrimental impact upon its character and appearance and how it functions.

Heritage

- 6.34 The application site is located within a registered battlefield site. The site is inside the western edge of the Registered Battlefield of the First Battle of Newbury in 1643. The Conservation Officer has not provided any comments. Historic England has registered no objections. The Archaeology Officer has reviewed the submitted Heritage Statement and concluded that there are no known archaeological features within the site, and that the archaeological potential would not be high. As such no further archaeological work is required.
- 6.35 Overall and as discussed above, the proposal therefore fails to comply with Policies ADPP1, ADPP2, CS14 and CS19 of the West Berkshire Core Strategy 2006-2026. The proposal also complies with the West Berkshire Supplementary Planning Document Series: Quality Design, and the Housing Site Allocations Development Plan Document's Policies GS1, C1 and C3

Impact on neighbouring amenity and quality of life

- 6.36 Planning Policies CS14 and CS19 of the West Berkshire Core Strategy are of importance regarding the potential impact upon neighbouring amenity.
- 6.37 The nearest dwellings are located to the north and northwest of the site. The proposed dwelling will be located of sufficient distance from neighbouring dwellings to not cause a significant impact on neighbouring amenity.
- 6.38 Overall, the impact on neighbouring amenity from the proposed development is considered minimal and would not have a materially harmful impact on nearby residents such that the proposal accords with CS14 and the SPD on Quality Design.

On-site amenity and facilities for future occupiers

- 6.39 The Council's Supplementary Planning Document "Quality Design" Part 2 suggests a minimum garden size of 100 square metres for houses with 3 or more bedrooms. The plot will have a garden area of more than sufficient size to deliver adequate private amenity spaces.

Highway safety

- 6.40 Road safety in West Berkshire is a key consideration for all development in accordance with Core Strategy Policy CS13.
- 6.41 The planning application has been submitted with a Transport Statement (TS). It is proposed that there would be two vehicular accesses into the proposed site. The access via Skinner's Green Lane at the north-west boundary of the site would be repositioned slightly to the south of the existing access to ensure drivers are able to join the highway from a perpendicular position. The second access via Cope Hall Lane to the south of the site would be modified to accommodate courier vans. The TS has been reviewed by the Highway Officer, who raise no objections to the application.
- 6.42 Overall, it is considered that the proposed development would not have a material impact on highway safety. The application is therefore considered to comply with Core Strategy Policy CS13 and TRANS.1 of the Saved Policies of the Local Plan.

Trees and Landscaping

- 6.43 Policy CS19 of the WBCS concerns the historic environment and landscape character. It seeks to ensure that the diversity and local distinctiveness of the landscape character of the district is conserved and enhanced. Regard is given to the conservation and, where appropriate enhancement of landscape assets.
- 6.44 The Tree Officer has stated that there are several trees on site, some quite mature and exotic. The Tree Officer has indicated that the new dwelling's stilts will be within the Root Protection Areas of a significant number of mature trees. It is therefore established from the Tree Officer's assessment that there will be several tree losses on the site, however the Tree Officer considers that a Landscaping condition could be recommended and this could offset the proposed tree losses.

6.45 It is therefore considered that the proposed development would comply with the NPPF, and Policy CS19 of the WBCS.

Flooding and drainage

6.46 Core Strategy Policy CS16 (Flooding) applies across the district and highlights the cumulative impacts of development on flooding within the district.

6.47 The application site is located within Flood Zone 1, which is appropriate for new residential development.

6.48 Policy CS16 states that on all development sites, surface water will be managed in a sustainable manner through the implementation of Sustainable Drainage Methods (SuDS).

6.49 The Lead Local Flood Authority have accepted the Flood Risk Assessment and accompanying drainage strategy for the scale of development. They have indicated that there are some further details that would be required, and these could be secured by condition.

6.50 It is therefore considered that the proposed development could comply with Policy CS16 of the WBCS.

Biodiversity

6.51 Core Strategy Policy CS17 (Biodiversity and geodiversity) states that, in order to conserve and enhance the environmental capacity of the District, all new development should maximise opportunities to achieve net gains in biodiversity and geodiversity in accordance with the Berkshire Biodiversity Action Plan and the Berkshire Local Geodiversity Action Plan.

6.52 An Ecological and Biodiversity Assessment has been submitted and assessed by the council ecologist.

6.53 The Council's Ecologist has assessed the applicant's Ecology reports (including the amended reports, and additional information submitted from GS Ecology on 12th June 2024) and maintains their objection on the basis that the current pre-development biodiversity value of the woodland (the application site) has been significantly underestimated. The Council's Ecologist has stated that the proposed residential development is within a mixed woodland (mainly broadleaved woodland) habitat that is identified as deciduous woodland priority habitat. The Council's Ecologist has indicated that the site is within a Habitat of Principal Importance (HPI) for the purposes of the duties on all public authorities under Section 41 of the Natural Environment and Rural Communities Act, 2006.

6.54 There has been no residential use of the application site for 60 years and the woodland that now covers the site has had that length of time to become well established. The Council's Ecologist states that the proposed development would have significant impacts on the deciduous woodland priority habitat and the biodiversity

losses that will result from the submitted application. In addition, the proposed residential use of the woodland site would result in disturbance to wildlife.

- 6.55 It is therefore considered that the proposed development would not comply with Policy CS17 of the WBCS.

Sustainable construction

- 6.56 According to Core Strategy Policy CS15, major development shall achieve minimum reductions in total carbon emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development if a direct physical connection is used, unless it can be demonstrated that such provision is not technically or economically viable.
- 6.57 The percentage reductions in carbon emissions should be based on the estimated carbon emissions of the development after the installation of energy efficiency measures related to the residential use or equivalent method has been applied.
- 6.58 A Code for Sustainable Homes Statement has been submitted. The statement states that the dwelling will be fuelled by Low-carbon and renewables for secondary heating fuel, Wood logs and Photovoltaic array. The Code for Sustainable Homes was an environmental assessment method for rating and certifying the performance of new homes. The Code for Sustainable Homes was withdrawn by Written Ministerial Statement on 22 April 2015 and the technical requirements were replaced by new standards under Building Regulations. The Code for Sustainable Homes is therefore no longer National Policy.
- 6.59 The applicant states that the dwelling has also been designed to be of the highest standards in energy efficiency being zero carbon, achieving a Dwelling Emission Rate of over 100% reduction. The applicant's claims are contradictory as achieving 100% reduction is questionable with the use of low-carbon and renewables for secondary heating fuel, wood logs and Photovoltaic array as these are carbon emitting solutions. The development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle. The applicant's submission fails to substantiate the percentage minimum reductions in total carbon emissions (regulated and unregulated energy use) from renewable energy or low/zero carbon energy generation on site or in the locality of the development.
- 6.60 It is considered that the proposed sustainability details fail to fully achieve zero carbon and no minimum reductions have been assessed and quantified. The proposed development fails to comply with the principles of Core Strategy Policy CS15.

Representations

- 6.61 Members of the public have raised representations in support of the proposed development. Many of the matters raised have been addressed within the sections of the committee report.

7. Planning Balance and Conclusion

- 7.1 Planning applications must result in sustainable development with consideration being given to the economic, social and environmental sustainability aspects of the

proposal. Officers consider that the proposal will contribute to the economic dimensions of sustainable development and will support provision of new housing. Regarding the environmental role of fundamentally contributing to protecting and enhancing our natural, built and historic environment, the impact on the character and appearance of the surrounding area has been fully assessed. The failure of the proposal to be in keeping with the overall form, character and layout of its surroundings is an overriding consideration as visual and environmental harm would be caused through the building's location, size and form.

- 7.2 The proposed development conflicts with Policy C1 and is therefore not an appropriate form of limited infill development within the countryside, conflicting with the Council's development plan. The development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle. The small contribution to housing stock in this unsustainable location does not outweigh the conflict with the development plan.
- 7.3 Officers consider that the development fails to sufficiently preserve and enhance the existing natural environment on the site. Officers consider that the proposal fails to make a significant contribution to the wider social dimensions of sustainable development through the loss of the visual qualities of the site and its benefits in terms of the environment. Officers therefore consider that the proposed development is not supported by the presumption in favour of sustainable development.
- 7.4 There are no other considerations such as the quality of the design or the proposed level of innovation that would outweigh the harm identified above and the development plan policies restraining residential development in the countryside.
- 7.5 Having taken account of all the relevant development plan policy considerations and the other material considerations referred to in this report and the expert consultation provided, officers consider that the development proposed is not compliant with the development plan and is recommended to members for refusal.
- 7.6 This decision has been considered using the relevant policies related to the proposal as outlined in the report. The proposal conflicts National Planning Policy Framework and Policies ADPP1, CS1, CS14, CS17 and CS19 the West Berkshire Core Strategy (2006-2026), Policies C1 and C3 of the West Berkshire HSA DPD (2006-2006), and the Quality Design Supplementary Planning Document (2006).

8. Full Recommendation

- 8.1 To **DELEGATE** to the **Development Manager** to **REFUSE PLANNING PERMISSION** for the reasons set out at Section 8.2 of the report.

8.2

1	<p>Principle of development</p> <p>The Housing Site Allocation Development Plan Development (HSADPD) was adopted by the Council on 9th May 2017 and is part of the development plan for the District. The HSADPD sets out policies for managing housing development in the countryside. This includes policy C1, which outlines that there is a presumption</p>
---	---

	<p>against new residential development outside of the settlement boundaries and lists some exceptions to this. The proposal dwelling does not fall under one of the exceptions listed.</p> <p>Policy C1 states that in settlements in the countryside with no defined settlement boundary (such as Enborne), limited infill development may be considered subject to a set criteria. It is considered that the development fails to comply with all the bullet points of Policy C1. The dwellings along this area have open spaces between the dwellings, as such the dwellings cannot be viewed as a closely knit cluster of 10 or more existing dwellings.</p> <p>Policy C3 sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard has been taken on the sensitivity of the landscape to the development being proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.</p> <p>The proposed new dwelling would be contrary to the National Planning Policy Framework and Policies ADPP1, CS1, CS14, CS17 and CS19 the West Berkshire Core Strategy (2006-2026), Policies C1 and C3 of the West Berkshire HSA DPD (2006-2006), and the Quality Design Supplementary Planning Document (2006).</p>
2	<p>Design and character of the area</p> <p>The proposed development would result in the suburbanising effect on the open countryside. The introduction of a new built form which is overtly residential would result in a jarring relationship with the open countryside. The design of the development is not considered exceptional quality or innovative under the NPPF. The proposed dwelling is considered inappropriate in terms of the location, scale and design in the context of the character of the area.</p> <p>The proposal scheme is contrary to the National Planning Policy Framework and Policies CS14 and CS19 of West Berkshire Councils Core Strategy 2006 -2026, policy C3 of West Berkshire Councils Housing Site Allocation DPD, West Berkshire Councils Quality Design SPD.</p>
3	<p>Impact on Biodiversity</p> <p>The proposed development would have significant impacts on the deciduous woodland priority habitat and the biodiversity losses that will result from the submitted application. In addition, the proposed residential use of the woodland site would result in disturbance to wildlife.</p> <p>The proposed development would fail to comply with the NPPF and Policy CS17 of the WBCS and the Natural Environment and Rural Communities Act, 2006.</p>

Informatives

1.	<p>Proactive</p> <p>In attempting to determine the application in a way that can foster the delivery of</p>
----	---

	<p>sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.</p>
2.	<p>CIL</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>



Appeal Decision

Site visit made on 7 March 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th April 2023.

Appeal Ref: APP/W0340/W/22/3309191

Land of Former Cope Hall, Skinners Green, Enborne, Newbury RG14 6RE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Woodward against the decision of West Berkshire District Council.
 - The application Ref 22/01295/FULD, dated 24 May 2022, was refused by notice dated 19 August 2022.
 - The development proposed is proposed new self-build, net zero carbon dwelling, improvement of 2no. existing accesses and associated landscaping on site of former Cope Hall residence.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has provided amended plans showing changes to the proposed landscaping and the removal of proposed external lighting. Given the small changes involved, I consider that no party would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal and application for planning permission based on the amended plans.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area,
 - whether the proposal accords with the Council's strategy for the distribution of development, having regard to access to services and facilities, and
 - the effect of the proposal on ecology, in particular with regard to bats and dormice.

Reasons

Character and Appearance

4. The site is located at the junction of Skinners Green Lane and Cope Hall Lane. There are a handful of dwellings on these roads, including those converted from agricultural buildings at Skinners Green Farm, and others at Skinners Green Cottages and at Round Hill. However, the site is separated from these properties by fields and is surrounded by gently undulating countryside.

5. The site was once occupied by a substantial dwelling, Cope Hall, together with Cope Hall Cottage, both demolished many years ago. Parts of the boundary wall around the site still exist, as does a pond and other features associated with the Hall, such as the cellar. However, the site is overgrown and wooded, and the remains of the permanent structure of the Hall and its Cottage have now largely blended into the landscape.
6. The proposal would have a contemporary, minimalist and 'light touch' design with its single storey being elevated on columns to first floor level. It would use timber boarding, reflecting its woodland location. However, its large, rectangular, block-like form, together with its raised position, would harmfully contrast with the soft, unbuilt-up and rural nature of the site and its surroundings.
7. The glazing to the front and side elevations of the proposed building have been carefully designed so that it would not appear overtly suburban. Even so, the extensive glazing to the rear, together with the proposed balconies on several sides of the building, mean that the proposal would be residential in appearance. The widened accesses, together with the re-used driveways, cars and other paraphernalia associated with the proposal would also add to its domestic effects. Together, these features would detract from the current rural and largely undeveloped appearance of the site.
8. The appellant's Landscape and Visual Impact Assessment (LVIA) identifies that the landscape hereabouts is best reflected by the Enborne Woodland Lowland Landscape Character Area (LCA). The site and its surroundings have no particular landscape designation and are affected by the noisy and busy A34. However, they have a gently undulating landform and therefore a medium level of sensitivity. The site is at the base of a hill and, as such, the strong horizontal lines and elevated position of the proposal would not reflect the small-scale, rolling topography of the LCA's landscape, thus undermining its sensitivity.
9. From wider viewpoints identified in the LVIA, such as points A, B and C or numbers 3, 4 and 5, views of the proposal would be negligible or non-existent. However, public views of the proposal and its effects would be obtainable from the Skinners Green Lane entrance to the site (viewpoint 1). Furthermore, although landscaping would help to minimise its visual effects over time, I saw that the proposal would also be publicly visible from Cope Hall Lane through the trees (viewpoint 2), at least in the short-term. Therefore, although fairly localised, the proposal would have a negative visual impact on the landscape.
10. For the reasons given above, the proposal would harm the character and appearance of the area. As such, it would be contrary to policies CS14 and CS19 of the West Berkshire Core Strategy, adopted July 2012 (WBCS) and the Council's Supplementary Planning Document 'Quality Design – West Berkshire', adopted 2006. These require that new development respects and enhances the character and appearance of its surroundings and landscape, and is appropriate in terms of its location, scale and design.
11. The proposal would also conflict with Policy C3 of the West Berkshire Housing Site Allocation Development Plan Document (HDPD), adopted May 2017. This policy, whilst not preventing outstanding examples of modern design, requires new housing in the countryside to have regard to landscape and local building character. The proposal would also conflict with the similar requirements of the

National Planning Policy Framework (the Framework). As such, I give this conflict significant weight.

Distribution of Development

12. WBCS Policy CS1 seeks to provide for at least 10,500 net additional dwellings to 2026, with new homes being primarily developed on land within settlement boundaries or on allocated sites. WBCS Policy ADPP1 requires that development will be permitted within or adjacent to specific settlements identified in relation to their transport accessibility, including Newbury, and that only appropriate limited development will be allowed in the countryside.
13. In accordance with these policies, HDPD Policy C1 contains a presumption against new residential development in locations outside of defined settlement boundaries, as here. However, rather than imposing a blanket restriction, it permits some development including limited infill. Amongst other things, the policy requires sites to be within a closely knit cluster of 10+ dwellings, fronting a highway. Skinners Green Farm and Cottages all front onto Skinners Green Lane, with a footpath also linking them. Together they consist of more than 10 houses, and they all share a postcode with the site.
14. Even so, the large gap between Skinners Green Farm and Skinners Green Cottages means that the pattern of development is loose knit rather than being particularly close. Furthermore, physically, the appeal site sits apart, being separated from these other dwellings by the roads and fields. Whilst a few of the other dwellings would be visible from the proposal, its distance from them and the surrounding tree coverage means that such visual linkages would be limited.
15. In respect of the other requirements of HDPD Policy C1, the proposal is for a detached dwelling on a large and irregular-shaped plot. As such, it would not be commensurate with the other dwellings locally, which are smaller, have somewhat more regular plot sizes and a more traditional character. Given its separation from the existing properties, the proposal would not form part of their built-up frontage, but this further demonstrates the weak connection with them. I have already found that the proposal would not respect the character of the locality. For these reasons, even if I were to accept the appellant's assertion that the site constitutes previously developed land, which the Council disputes, the proposal would not constitute limited infill development.
16. The Framework seeks to generally avoid isolated dwellings in the countryside. In terms of whether the site is 'isolated', Cope Hall Lane leads to Wash Common, on the outskirts of Newbury. The Lane provides access to facilities including bus stops, a local centre, a supermarket and schools. The Lane is lightly trafficked with low speeds and is often used by walkers and cyclists, being recognised by the Council as a Recreational Route.
17. However, the site is separated from Wash Common by open countryside. Furthermore, Cope Hall Lane is unlit, narrow and has no pedestrian footway, so it would not be an attractive means of travel at night, in inclement weather, or for those with limited mobility. Mindful of the Braintree court decision¹, I find that the site is physically separate and remote from a settlement, and so the proposal would be isolated.

¹ Braintree DC v SSCLG [2018] EWCA Civ. 610

18. As such, future occupiers of the proposal would be likely to use private vehicles to access most services and facilities, as would visitors and deliveries. Furthermore, census data shows that most residents locally travelled to work in a car or van. The location of the proposal would not contribute to a cumulative reduction in harmful greenhouse gas emissions, or to an improvement in air quality or public health, and so would ultimately cause environmental harm.
19. The Framework only permits isolated homes in the countryside in limited circumstances, one being at paragraph 80(e) where the design of the proposal is of exceptional quality. The appellant was entitled not to submit the proposal to the Council's Design Review Panel. However, little substantive evidence has been provided to demonstrate that the design of the proposal would be of exceptional quality or truly outstanding to justify an exception to the Council's spatial strategy. Furthermore, I have found that it would not be sensitive to the defining characteristics of the local area.
20. For these reasons, the proposal would conflict with the Framework, including at paragraph 80(e). Dwellings previously existed on the site, but none have done so for a considerable number of years. Local Plan policies for a replacement dwelling do not therefore apply to the proposal.
21. For the reasons given above, the proposal would not accord with the Council's strategy for the distribution of development, having regard to access to services and facilities. It would therefore be contrary to WBCS policies ADPP1 and CS1, and HDPD Policy C1. For the reasons already identified, the proposal would also conflict with the Framework. As such, I give this conflict significant weight.

Ecology

22. The proposal considered by the Council included external bollard and undercroft lighting. The Council were concerned that this lighting could affect the commuting and feeding of bats and other nocturnal fauna. As noted above, this external lighting has now been removed from the scheme.
23. Establishing a dwelling in the rural location of the site means that some external lighting is always likely to be necessary for safe access at night. The appellant and their ecologist refer to the provision of sensor lighting, that would not necessarily affect bats or other species. The Council does not comment on this, and I see no reason why the provision and use of such lighting could not be controlled by way of a planning condition to ensure that the interests of bats and other species would not be harmed.
24. The appellant has provided an Ecological Appraisal with further survey information regarding dormice. This found no evidence of dormouse activity. In light of this evidence, which the Council does not dispute, this part of the third reason for refusal has been overcome. The proposal would also result in minor ecological enhancements, including boxes for bats and birds, and from on-site arboricultural care.
25. For the reasons given above, the proposal would have an acceptable effect on ecology, in particular with regard to bats and dormice. As such, it would comply with WBCS Policy CS17, which requires the conservation and enhancement of biodiversity assets. It would also comply with the similar advice in the

Framework. As such, I give this issue limited positive weight in favour of the proposal.

Other Considerations

26. Having regard to Framework paragraph 11(d), the appellant questions whether the Council can demonstrate a five-year supply of deliverable housing sites, considering the Council's projected delivery compared to previous years, and current economic and environmental constraints on housing supply. The Council maintains that it has a housing supply that exceeds five years.
27. However, even if there is such a shortfall, and by consequence the most important policies for determining the proposal should be considered out-of-date, the proposal is for only one dwelling. As such, it would make little additional contribution to the supply of housing in the District. Similarly, as a self-build dwelling, it would only make a small contribution to any shortfall of these types of property. I therefore give these benefits only limited weight.
28. Skinners Green Farm and its barns are 19th century brick-built structures, identified as a non-designated heritage asset². Their significance derives from their archaeological, architectural, and historic interest. I have already found that visual linkages of the proposal to the asset would be limited. Therefore, whilst the asset would not be harmed by the proposal, reinstating the historic residential use of the site and its entrances would be of little benefit to the asset, to which I give limited weight.
29. Part of the site lies within a Registered Battlefield and an Area of Higher Archaeological Potential. It is common ground that no harm would be caused to these or any other heritage assets by the proposal. Although a dwelling may have been at the site for most of the time since the 1st Battle of Newbury in 1643, this provides little positive reason to erect a dwelling at the site now.
30. However, the proposal would result in a reduction in anti-social behaviour and vandalism at the site, which would be a small benefit to which I give limited weight. The proposal would similarly make a small but positive economic contribution to the area during construction, as would its occupants, both socially and economically, to which I also give limited weight. I have already found that the ecological benefits similarly carry limited weight.
31. The proposal would be zero carbon, with a Dwelling Emission Rate of over a 100% reduction. It would also have high thermal and water efficiency, exceeding current standards. However, in light of the Government's emphasis on using natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for new dwellings to be designed to high environmental standards. As such, I give limited weight to these benefits.

Planning Balance and Conclusion

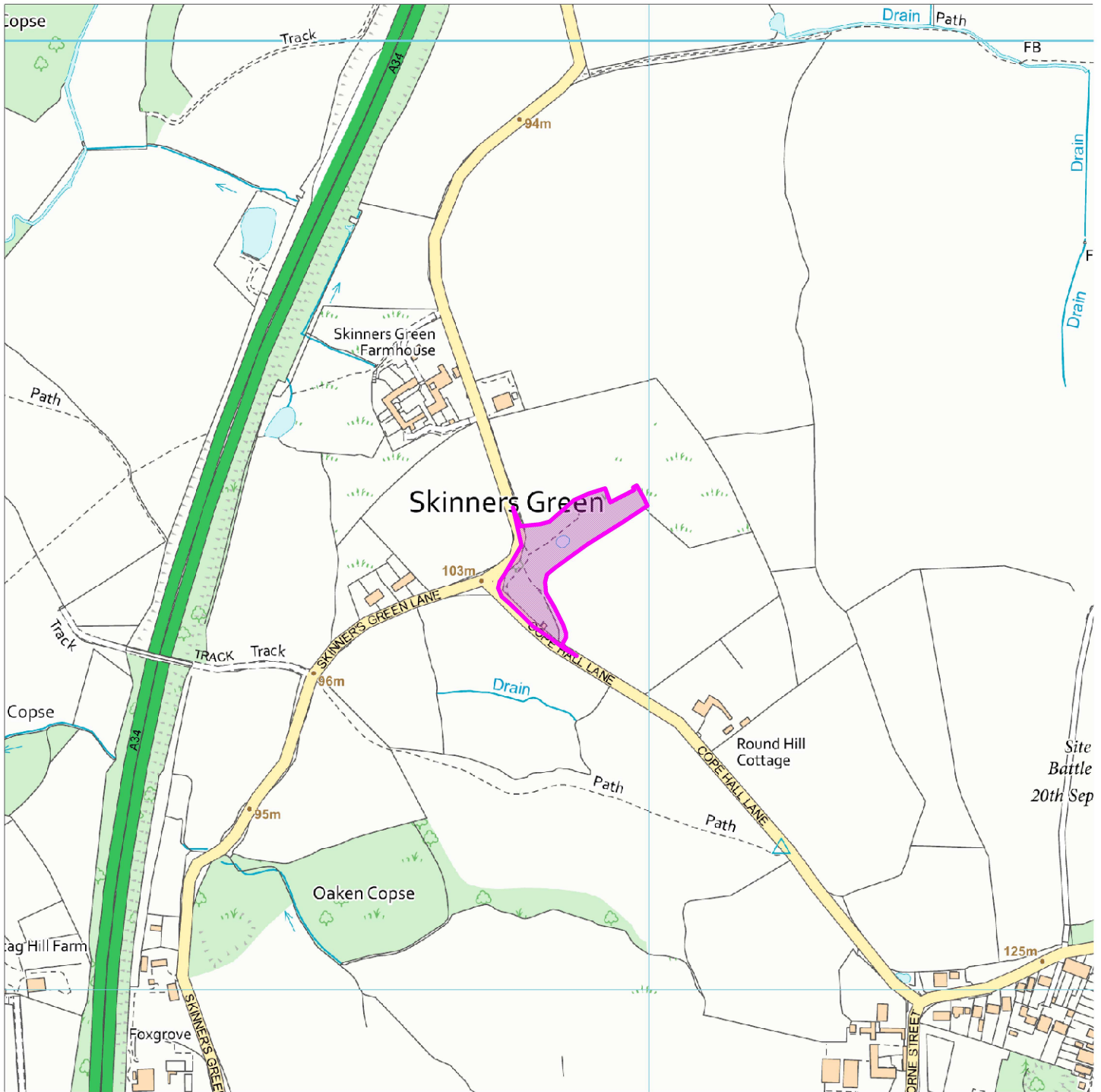
32. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise.

² West Berkshire Historic Environment Record monument number MWB17369

33. I have identified harm to the character and appearance of the area and conflict with the Council's strategy for the distribution of development having regard to access to services and facilities. Weighed against the cumulative advantages of the proposal, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
34. For the reasons given, I have found conflict with the Development Plan as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR



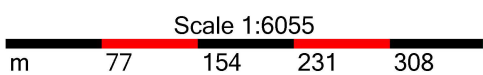
Map Centre Coordinates :

Scale : 1:6055

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

Organisation	West Berkshire Council
Department	
Comments	Not Set
Date	01 July 2024
SLA Number	0100024151



This page is intentionally left blank

Agenda Item 3.(3)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	23/02586/FUL Hungerford	19 th January 2024	Erection of a single detached three bedroom house (125 Strongrove Hill) and associated works Land Adjacent to 123 Strongrove Hill Hungerford David Withers

¹ Extension of time agreed with applicant until 8th March 2024

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

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02586/FUL>

and

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=makeComment&keyVal=S4459DRD0MN00>

Recommendation Summary:	To delegate to the Development Manager to REFUSE PLANNING PERMISSION
Ward Member(s):	Councillor Denise Gaines Councillor Tony Vickers Councillor Dennis Benneyworth
Reason for Committee Determination:	Called-in by Ward Member. Reason: This application has the support of Hungerford Town Council and has garnered some local support.
Committee Site Visit:	10 th July 2024

Contact Officer Details

Name:	Sian Cutts
Job Title:	Senior Planning Officer
Tel No:	01635 519111
Email:	Sian.cutts@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 The application site is situated to the south of the A4 Strongrove Hill along a footpath (HUNG/33/2) which provides access to 6 other houses, and there is a seventh house within this group of houses which is accessed directly from the A4.
- 1.3 A pair of semi-detached houses stood on the site historically, but were removed in the first half of the 20th century, possibly before 1939. The site is now overgrown and wooded, and there are no remains of the semi-detached houses. The site has been left to revert to a natural state for more than 80 years, so can no longer be considered as previously developed land.
- 1.4 To the south of the site is the River Dun and Freeman's Marsh a SSSI.
- 1.5 This application seeks planning permission for the erection of a 3 bedroom detached house. The accommodation is proposed over two floors, with the first floor utilising the roof space. A traditional pitched roof with dormer windows is proposed on the south (front) elevation, whilst the rear comprises a two-storey flat roof addition. A first floor balcony is proposed which can be seen on the south and east elevations. It is proposed to level the site to construct the house.
- 1.6 A 2 metre high acoustic fence and replacement fence is proposed along the boundary with the A4. The site plan indicated parking to serve three cars, with an electric vehicle charging point, a green roof, and a rainwater catchment tank and sewage treatment plant. The development is proposed to be served by a private water supply.
- 1.7 It is proposed to widen the vehicular access to the A4, and a bonded surface of 4.6 metres wide for a length of 6 metres is proposed.
- 1.8 The house is proposed to be built using an insulating concrete framework, and the exterior clad with brick on the ground floor and a clad or coloured finish at first floor. The south elevation of the roof is proposed to be slate tiles with a photovoltaic solar panel, the flat roof section is proposed to be rubber, with a sedum covering.
- 1.9 The applicant has requested that the application is considered as a design of exceptional quality in accordance with paragraph 84 of the NPPF.

2. Planning History

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

Application	Proposal	Decision / Date
77/07181/ADD	One Dwellinghouse	Refused 18/01/1978 Appeal Dismissed

		15/06/1978
80/012966/ADD	One dwelling house	Refused 04/06/1980
80/13937/ADD	One Dwelling	Refused 05/11/1980 Appeal dismissed 17/09/1981
85/24272/ADD	Dwelling Naturalists study home	Refused 24/07/1985
21/00185/FULD	Erection of 2 no detached 3 bedroom dwellings (nos. 124 and 125) and associated works	Refused 26.11.2021 Appeal Dismissed 21/07/2023

3. Legal and Procedural Matters

- 3.1 **Environmental Impact Assessments (EIA):** The proposed development falls within the column 1 description at paragraph 10(b) (urban development projects) of Schedule 2. Although it does not meet/exceed the relevant threshold in column 2, it is located in a sensitive area, namely the North Wessex Downs Area of Outstanding Natural Beauty. The proposal is therefore “Schedule 2 development” within the meaning of the Regulations.
- 3.2 However, taking into account the selection criteria in Schedule 3, it is not considered that the proposal is likely to have significant effects on the environment. Accordingly, the proposal is NOT considered “EIA development” within the meaning of the Regulations. An Environmental Statement is not required.
- 3.3 **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 6th December 2023 at the access to the site, with a deadline for representations of 29th December 2023. A public notice was displayed in the Newbury Weekly News on 7th December 2023; with a deadline for representations of 21st December 2023.
- 3.4 **Neighbour Notification:** One neighbouring property was notified of the application.
- 3.5 **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. The table below identified the relevant local financial considerations for this proposal.

Consideration	Applicable to proposal	Material to decision	Refer to paragraph(s)
Community Infrastructure Levy (CIL)	Yes	No	3.6
New Homes Bonus	Yes	No	3.8
Affordable Housing	No	No	
Public Open Space or Play Areas	No	No	
Developer Contributions (S106)	No	No	
Job Creation	No	No	

- 3.6 **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).
- 3.7 Based on the CIL PAIR form, it appears that the CIL liability for this development will be in the region of £50,625 and indexed. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil.
- 3.8 **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.
- 3.9 **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.

- 3.10 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.
- 3.11 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.
- 3.12 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.
- 3.13 **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.
- 3.14 It is acknowledged that there are certain properties where they may be some impact (this can be mitigated by conditions – if relevant). However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of one dwelling.
- 3.15 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.

Hungerford Town Council:	No objections
WBC Highways:	Approval subject to conditions
Lead Local Flood Authority:	1 st Response: Require evidence of infiltration testing compliant with BRE365 standards, and further drainage details are required. 2 nd Response: No objection
Environmental Health:	No objection, recommend informative about use of private water supply.
Trees:	No objection subject to compliance with the Arboricultural Method Statement and Arboricultural Impact Assessment
Environment Agency:	No comment
AONB Board:	No response received
Archaeology:	No objections
Public Rights of Way:	No response received
Ramblers Association:	No response received
Thames Water:	No response received
Waste Management:	No response received
Natural England:	No response received
Ecology:	Object: Insufficient information detail and evidence of any survey being conducted in line with any relevant guidance.
Conservation & Design Officer	The design of this development is not considered to be of exceptional quality, in line with the NPPF (2023, para. 84).
Environment Team:	No response received

Public representations

- 4.2 Representations have been received from nine contributors, eight of which support, and one of which object to the proposal.
- 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 as objections:

- There has not been a house on the site for more than 100 years.
- The road to the houses is the responsibility of the residents, it is a footpath.
- The previous house was closer to 126.
- Alterations made to the ground.
- Previous refusal on the site

4.4 The following issues/points have been raised in support:

- Improvements to the road access and from Strongrove Hill to the A4, making it safer and more accessible.
- Make a positive and sensitive enhancement to the area.
- Previously had a building on the site.
- The town is in need of more houses.
- Enhance the rural community.

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, CS1, CS4, CS5, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, P1 of the Housing Site Allocations Development Plan Document 2006-2026 (HSA DPD).
- Policies OVS5, OVS6 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

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)
- WBC Sustainable Drainage Systems SPD (2018)
- Cycle and Motorcycle Advice and Standards for New Development

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of the development.
- Impact on the character and appearance of the area
- Sustainability of the design
- Trees
- Highway Safety and PROW
- Drainage
- Ecology
- Neighbouring Amenities

Principle of development

- 6.2 Policy ADPP1 identifies the District Settlement Hierarchy where new development will be focused. It states that most development will be within or adjacent to the settlements included in the settlement hierarchy within the policy, that is 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. Policy ADPP1 also states that the majority of development will take place on previously developed land.
- 6.3 Under the settlement hierarchy, the appeal site would fall within open countryside where only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy. Furthermore, it would not be considered as previously developed land as the site has returned to its natural form following the demolition of the previous pair of semi-detached dwellings more than 80 years ago.
- 6.4 Policy CS1, places a presumption against new residential development outside settlement boundaries, unless the proposal falls within one of the exceptions set out in the policy. The exceptions are limited to rural exception housing schemes, conversion 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. Officers consider that this proposal does not fall under one of the exceptions listed.
- 6.5 Policy C1 goes on to state that in settlements in the countryside with no defined settlement boundary limited infill development may be considered only where:
- it is within a closely knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; and
 - the scale of development consists of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built-up frontage; and
 - it does not extend the existing frontage; and
 - the plot size and spacing between dwellings is like adjacent properties and respects the rural character and street scene of the locality.
- 6.6 It is considered that the development fails to comply with the above criteria.
- 6.7 It is important to note that the previous application on the site for two dwellings (21/00185/FULD) was dismissed as the Inspector concluded that residential development on this site was contrary to Policy C1. A copy of the Appeal decision is included at Appendix 1. He concluded that the group of houses south of the A4 at Strongrove Hill consist of a group of 7 dwellings and not 10 as required by the policy, and that the separation between the terraced and detached dwellings, and the separation caused by the access, would not be a closely-knit cluster of 10 or more dwellings, concluding that:
- 6.8 *“7. ...within this group of existing dwellings, the plot sizes are varied in shape and size but given the lack of close-knit clustering, the development would not be within an otherwise built-up frontage. The development would not be infill given the number and spacing of dwellings within this hamlet, and therefore, there would be conflict with HSA Policy C1 and CS Policy ADPP1.”*

- 6.9 The proposed development conflicts with HSADPD Policy C1 as it is not an appropriate form of limited infill development within the countryside. Furthermore, the development would add a single dwelling in an unsustainable location removed from any local amenities, which means that the development would be heavily reliant on private motor vehicle. The proposal is contrary to Policy C1 and Policy ADPP1 as it does not accord with the spatial strategy set out within the development plan policies.
- 6.10 During the consideration of this application, the applicant requested that the proposals were considered in the light of exceptional design considerations. Paragraph 4.17 of the HSADPD in the supporting text to Policy C1 says, “*there may be a special circumstance, where a new home of truly outstanding design standards, reflecting the highest standards of architecture is proposed. These will be considered on their individual merits.*”
- 6.11 The NPPF paragraph 84 advises that the development of isolated homes in the countryside should be avoided unless in specified exceptions which includes that,
- “e) the design is of exceptional quality, in that it:*
- *Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.”*
- 6.12 To assess whether the proposal meets the test set out in the NPPF of ‘design of exceptional quality’ the following material considerations need to be taken into account.

Impact on the character and appearance of the area

- 6.13 Policy ADPP5 is the spatial strategy for the North Wessex Downs Area of Outstanding Natural Beauty (AONB), now known as a National Landscape. Relatively limited housing growth is planned within this protected landscape. Recognising the area as a national landscape designation, the policy envisions that development will conserve and enhance the local distinctiveness, sense of place and setting of the AONB whilst preserving the strong sense of remoteness, tranquillity and dark night skies, particularly on the open downland. Development will respond positively to the local context, and respect identified landscape features and components of natural beauty.
- 6.14 Policy CS14 says that development must demonstrate high quality and sustainable design that respects and enhances the character and appearance of the area. The policy highlights that good design also refers to the way it functions and that the wider context should be considered not just the immediate area.
- 6.15 Policy CS19 says that to conserve and enhance the diversity and landscape character of the area particular regard will be given to the sensitivity of the area to change, and ensuring that development is appropriate in terms of location, scale and design in the context of the existing settlement form, pattern and character.
- 6.16 Policy C3 of the HSADPD also sets out that the design of housing in the countryside must have regard to the impact individually and collectively on the landscape character of the area and its sensitivity to change. In assessing the potential impact on local character particular regard will be had to the sensitivity of the landscape to the development being proposed and the capacity of that landscape to be able to accommodate that type of development without significant effects on its overall landscape character.

- 6.17 This application is also seeking to meet the NPPF test of a design of exceptional quality set out at paragraph 84 of the NPPF.
- 6.18 The proposed dwelling would be sited adjacent to a group of existing dwellings, with the houses to the far west of the lane of mid-19th century origin and a modern brick cottage with thatched roof adjacent to the site, with a pair of semi-detached houses to the east of the site also of mid-19th century origins. The application has referred to these dwellings in a descriptive way, but has not analysed the local vernacular or character by reference to material, composition, articulation, fenestration, roof forms and does not provide a landscape visual impact analysis to allow consideration of the property or its setting through views within the National Landscape.
- 6.19 The proposed dwelling has a traditional front elevation with a pitched roof, low eaves and dormer windows. However, to the rear and right-hand side it comprises a large, bulky and cumbersome two storey flat roof element. The result is an incoherent mix of different forms, creating an odd, bulky dwelling. The rear elevations have no visual interest in materiality, detailing and articulation and the mix of the traditional and modern features result in a visual clash. In addition, there is a lack of horizontal and vertical alignment in the features and openings.
- 6.20 The proposed dwelling is larger in scale than the neighbouring dwellings, with a footprint similar to the combined footprint of 122-123 Strongrove Hill. The dwelling is proposed to be sited closer to the footpath than the other dwellings, with a separation distance averaging at 4m from the PROW, and further forward than the other properties fronting the PROW. Whilst the dwelling has the appearance of 1½ storeys to the front it is 2 storeys at the rear and the side, and the rectilinear forms of the side extension increases the visual perceptions of the bulk of the house.
- 6.21 In dismissing the previous appeal on the site, the Inspector referred to the dominance of the dwellings, due to the restricted depths of the plots and proximity of the dwellings to the PROW (the eastern house was situated 3.5 m to 1.75 metres from the PROW, with the eastern house set further back than the dwelling now proposed). It is considered that given the Inspector's conclusions on that proposal, the dwelling now proposed would also be visually dominant within the group of dwellings on Strongrove Hill, given its size and proximity to the PROW.
- 6.22 The proposed materials are render to the Insulated Concrete Formwork system, with brick slips at ground floor level, the roofing material is photovoltaic roof slates to the front with a rubber cover planted with sedum for the flat roof sections. The materials for the window frames have not been identified at this stage. Whilst conditions seeking details of materials can normally be imposed on schemes for new residential development, this is not appropriate for applications seeking consent for houses of 'exceptional' design quality. All matters of design, including materials, should be considered holistically at the outset.
- 6.23 Whilst the applicant has provided a rebuttal to the design consultation response which has been provided, this has mainly referred to the details that have already been provided about the context of the site and justification for the design. However, the response does not overcome the previously stated assessment that the proposal would not represent a design which would significantly enhance the immediate setting and be sensitive to defining characteristics of the local area. The supporting evidence to Policy C3 sets out the list of verifiable evidence to support their proposals, which includes an assessment of the landscape and visual effects of the proposal. No such Landscape and Visual Impact Assessment (LVIA) has been submitted with this application to demonstrate that the proposal would enhance the setting and be sensitive to the defining characteristic of the local area which is within the National Landscape. It is normal practice for an LVIA to be submitted with an application

seeking consent for a dwelling seeking consideration under paragraph 84 of the NPPF. The landscape information submitted with the application should also demonstrate that the design and location of the proposed dwelling has been fully informed by its immediate and wider landscape context.

- 6.24 The proposed dwelling would result in a dominant feature within the group of dwellings on Strongrove Hill, and whilst this could be softened through some landscaping, the bulk and appearance of the rectangular elements of the flat roof section would be evident to the west, and the overall massing and bulk would be prominent in the lane. It is not considered that this design would enhance its immediate setting. Given the mixture of discordant design features and the position of the dwelling in the site it would be a prominent feature within the streetscene, resulting in harm to the National Landscape.
- 6.25 Overall, it is not considered that the proposal represents high quality design, let alone the very high bar of 'exceptional' design quality required by paragraph 84 of the NPPF.

Sustainability of the Design

- 6.26 Policy CS14 requires development proposals to seek to minimise carbon dioxide emissions through sustainable design and construction, energy efficiency and incorporation of renewable energy. The case for the exceptional design of the dwelling includes the sustainability features of the development. The applicant claims that the building is being designed to Passivhaus principles. It is proposed to use air source heat pumps, photovoltaic panels, triple glazed windows, so the construction is proposed to be thermal bridge free (which improves insulation), and a mechanical ventilation with heat recovery system. This includes an Insulated Concrete Formwork for the buildings which provides a high degree of insulation, suitable for low energy homes. The proposal states that water will be provided via a borehole, and waste water will be dealt with through the provision of a grey water, a rainwater collection and storage system, as well as a package plant.
- 6.27 Whilst the proposal is incorporating these sustainability features, some of the evidence submitted with the application refers to outdated documents and policies such as EN8, OVS9, OVS10 PPS22 and 2005 BRE Eco home standard, which have now been superseded. The proposal also refers to Passivhaus standards but does not provide any evidence that the initial design is to be certified to this standard.
- 6.28 The proposal does not refer to the regulated and unregulated energy or the embodied energy contained within the fabric of the building and there is no reference to how these measures will meet or exceed what is required by Building Regulations. The NPPF definition of exceptional quality refers to reflecting the highest standards in architecture which would help to raise the standard of design more generally in rural areas. Whilst these proposed sustainability measures are beneficial, there is no evidence that the measures meet or exceed the highest standards in design, as required by paragraph 84 of the NPPF. Indeed, many of the measures that are proposed to be incorporated are now very prevalent and required as standard provision for all residential development and as part of Building Control regulations.
- 6.29 It is therefore considered that the proposed design will not provide any new and innovative techniques to help others to understand such construction techniques. It therefore fails to comply with the very high design standards expected by paragraph 84 of the NPPF.

Trees

- 6.30 Policy CS18 seeks to ensure that the green infrastructure will be protected and enhanced. Whilst the site has become overgrown there are some mature trees within

the site. The application has been submitted with an Arboricultural Method Statement and an Arboricultural Impact Assessment which indicates that the trees including those along the boundary with the A4 are proposed to be removed, and replacement planting is proposed, although no details are provided. The Tree Officer has not raised any objections to the proposal, with conditions to ensure that the recommendations within the report are implemented and with conditions to secure a landscaping scheme, the development will not be harmful to the trees.

Highway Safety and PROW

- 6.31 Policy CS13 refers to any development that has an impact on the highway network, and Policy P1 requires parking to be provided for new residential development. The site is accessed via an existing track which serves the residents of Strongrove Hill, this track is also Footpath HUNG/33/2. It is proposed to modify the entrance to the A4 so that the access is widened to 5 metres and laid with a bonded surface for a 6 metre length. The Highways Officer has not raised any objections to the proposal, and details of the material to be used can be secured through conditions. The parking and cycle storage which is proposed can also be secured through conditions. The Highways Officer has also requested a condition requiring the submission of a Construction Method Statement for the construction phase of the development. With the use of appropriate conditions the proposal accords with the relevant policies.

Drainage

- 6.32 Policy CS16 requires that development proposals do not increase the flood risk elsewhere. The application site is close to the River Dun and is situated within Flood Zone 1. The previous application for two dwellings, included land to the south of the access track within the application site, which is within Flood Zones 2 and 3, and the proposed SuDS which was routed within that area, and Freeman's Marsh which is a SSSI. The Inspector dismissed the appeal as insufficient information had been provided about that drainage proposal and a Flood Risk Assessment was required. The current application has a different red line area, which is wholly within Flood Zone 1. A sustainable drainage strategy has been provided within this application, which includes infiltration testing, the proposals are considered to provide a sustainable drainage system which will not increase flood risk within Freeman's Marsh.

Ecology

- 6.33 Policy CS17 requires that biodiversity assets across the District will be conserved and enhanced. The policy also requires that all new development should maximise opportunities to achieve net gains in biodiversity. The policy says that opportunities for biodiversity improvement will be actively pursued within Biodiversity Opportunity Areas, which includes the adjacent Freeman's Marsh. The ecological survey which has been submitted with the application has been assessed by the Council's Ecologist. They have concluded that the information submitted does not present any evidence of an ecological appraisal conducted by a suitably qualified ecologist, and the documents which have been submitted lack sufficient detail of assessments, such as the scope of the works, details of the methodology, timings of the survey and weather conditions, results of the survey, and discussion of the survey results and conclusions on the local ecology and details of avoidance, mitigation and ecological enhancements for the proposal. The proposal therefore fails to provide evidence that biodiversity on the site will be conserved and enhanced, and so is contrary to Policy CS17.

6.34 Neighbouring Amenity

Policy CS14 also requires that new development makes apposite contribution to the quality of life in West Berkshire, and The Quality Design SPD sets out guidance for assessing the impact on living conditions of adjoining occupiers. The proposed

dwelling is sited within the plot at sufficient separation distance from 126 Strongrove Hill that there will not be significant loss of sunlight and daylight to that property. The proposed house has been designed with the window of bedroom 2 facing towards the garden of 126 Strongrove Hill with a separation distance of 4 metres. This will result in overlooking to that garden. However, a condition can be imposed which requires the window to be obscure glazed, to prevent overlooking and a loss of privacy to that dwelling.

Town Council representations

6.35 Hungerford Town Council have confirmed that they have no objections to the proposal.

7. Planning Balance and Conclusion

- 7.1 This application is proposing a new dwelling in the countryside outside of any settlement boundaries. The site is not previously developed land as defined by the NPPF. It does not constitute a form of development which is permitted by policy C1, as Strongrove Hill does not constitute a closely knit cluster of 10 or more dwellings adjacent to or fronting an existing highway, and so is contrary to the spatial policies set out in the development plan.
- 7.2 The application has failed to demonstrate that the proposal will not be harmful to biodiversity assets, as a preliminary ecological appraisal carried out by a suitably qualified ecologist has not been carried out, and so the Council does not have sufficient information to demonstrate that the proposal will not be harmful to biodiversity or protected species.
- 7.3 The applicant has requested that the proposal is considered as a design of exceptional quality, which is truly outstanding, reflecting the highest standards in architecture and raises the standards of design more generally in rural areas. The proposed materials for the dwelling are considered to be appropriate in the context of the surrounding development, however due to its massing, position within the plots, and mixture of design elements the proposed dwelling will not enhance the immediate setting of the site within the National Landscape, and so raise the standard of design.
- 7.4 The applicant has indicated that the design of the house to use low energy fabric, with high levels of insulation supplemented by air source heat pumps, photovoltaic panels and an Insulated Concrete Formwork (which the applicant has indicated has received some interest from Newbury College as training examples for students). The application claims that the dwelling will be built to highest environmental standards as a low energy home, however this has not been substantiated in terms of the standards that it will meet, and it has not been fully demonstrated that the sustainability of the build will reflect the highest standards. Whilst there has been some interest in the project from Newbury College, it is not clear that what is proposed is truly outstanding in terms of the standards of energy efficiency which are proposed. There is no evidence that the proposal has been designed by a qualified architect in demonstrating that the proposals reflect the highest standards in architecture. The developer was also invited to submit the details of the application to the Design Review Panel for an independent assessment of the proposals with regards to whether or not it meets the tests set out in paragraph 84 of the NPPF. The developer declined this opportunity.
- 7.5 The application as submitted has not fully demonstrated that the design is of an exceptional quality that is truly outstanding and reflects the highest standards in architecture and raises standards more generally in the rural area, and the proposal does not significantly enhance the immediate setting. Whilst the proposal will provide one additional dwelling, which would make a relatively small contribution to the overall

housing land supply, and provide a dwelling for self-build, it is not considered that the proposal would overcome policies C1 and ADPP1 as the design is not of an exceptional quality, and so the proposal is not in accordance with the development plan policies or the guidance contained within the NPPF.

8. Full Recommendation

- 8.1 To delegate to the Development Control Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

1.	<p>Principle of development</p> <p>The proposed new dwelling is to be sited on land which is situated outside of any defined settlement boundary.</p> <p>Policy ADPP1 of the West Berkshire Core Strategy (2006-2026) states that most development will be within or adjacent to the settlements included in the settlement hierarchy within the policy. Under the settlement hierarchy, the site would fall within open countryside where only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.</p> <p>Policy C1 of the West Berkshire HSA DPD (2006-2006) places a presumption against new residential development outside settlement boundaries, unless the proposal falls within an exception, such as limited infill in settlements in the open countryside, subject to criteria being met. It states that in settlements in the countryside with no defined settlement boundary, limited infill development may be considered subject to a set criteria. It is considered that the development fails to comply with the exception criteria of Policy C1 as the application site is not within a closely knit cluster of 10 or more dwellings, the development would not be within an otherwise built-up frontage, and would not be infill given the number and spacing of dwellings within this hamlet.</p> <p>The application therefore conflicts with Policies ADPP1 and C1 of the Housing Sites Allocation DPD (2006-2026).</p>
2.	<p>Not a dwelling of exceptional design</p> <p>The proposed dwelling will result in a prominent form of development within Strongrove Hill which due to its scale, massing and appearance would not enhance its immediate setting and be sensitive to the defining characteristics of the local area. The design of the dwelling has not been demonstrated to be truly outstanding, in terms of its appearance, materiality or relationship to the surrounding landscape. The variety of pitches of roofs and dormers and mixture of modern and traditional features result in a visually discordant appearance. In addition, the information submitted with the application fails to demonstrate that the sustainability measures meet the highest standards for sustainable construction and energy reduction.</p> <p>The proposed dwelling is considered inappropriate in terms of the location, scale and design in the context of the character of the area. The proposal fails to demonstrate that it is a design of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture. It is contrary to paragraph 84 of the</p>

	NPPF, and Policies CS14, CS19 of the West Berkshire Core Strategy (2006-2026) and Policy C1 of the Housing Sites Allocation DPD (2006-2026)
3.	<p>Harm to character of area and lack of LVIA</p> <p>The proposed dwelling would be visually dominant within the group of dwellings on Strongrove Hill, given its size and proximity to the Public Right of Way. Therefore, although fairly localised, the proposal would have a negative visual impact on the landscape. The addition of a dwelling on this site would be out of character with the surrounding natural and undeveloped character of the area. It would not add to the overall visual quality of the area and will significantly harm the naturalised rural character and appearance of the area. The development would not adequately conserve or enhance the area and its character and a dwelling in this location would not respond well to the local character and context.</p> <p>Furthermore, the application has not been accompanied by an industry standard Landscape and Visual Impact Appraisal to demonstrate that the proposal would enhance the setting and be sensitive to the defining characteristic of the local area which is within the National Landscape. The proposal fails to demonstrate that it will conserve and enhance the local distinctiveness, sense of place and setting of the North Wessex Downs National Landscape.</p> <p>The application is therefore contrary to the NPPF, Policies ADPP5 and CS19 of the West Berkshire Core Strategy (2006-2026) and Policy C3 of the Housing Sites Allocation DPD (2006-2026)</p>
4.	<p>Insufficient ecology survey</p> <p>The submitted ecological documents do not present any evidence of an ecological appraisal conducted by a suitably qualified ecologist and the presented documents lack sufficient detail of assessments and appraisals in accordance with the latest guidance. There is insufficient ecological information to inform the proposals and to allow for the Local Planning Authority to make an appropriate judgment of the impact of the development on protected species and habitats, and so is contrary to Policy CS17 West Berkshire Core Strategy (2006-2026) and the advice contained within the NPPF.</p>

Informatives

1.	<p>Proactive</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.</p>
2.	<p>CIL</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the</p>

	development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.
3.	<p>Refused Plans</p> <p>The following plans/documents have been considered in the determination of this application:</p> <p>Location Plan received 23rd November 2023 Block Plan Revision Ver: 1.1 received 15th January 2024 Proposed Ground Floor Plan revision 1.2 received 15th January 2024 Proposed North & South Elevations Revision 1.2 received 15th January 2024 Proposed East and West Elevation Revision 1.2 received 15th January 2024 General Plan Revision ver 1.1 received 15th January 2024 Section through location Revision Ver 1.1 received 15th January 2024 Land Survey received 15th January 2024 Ecological Survey received 9th November 2023 Construction Management & Design document received 9th November 2023 Highways Statement received 9th November 2023 BS 5837 Trees in Relation to Desing Demolition & Construction Recommendations Report received 9th November 2023 Mechanical Ventilation with Heat Recovery document received 9th November 2023 Beco Wallform document received 9th November 2023 BioAir document received 9th November 2023 Design Statement received 9th November 2023 Beco Wallform ICF System Insulated Concrete Formwork Agreement received 9th November 2023 Evidence for an Exceptional Home received 5th March 2023 Sustainable Drainage Strategy received 15th January 2023 Supplementary to an Exceptional Home received 8th April 2024</p>



Appeal Decision

Site visit made on 11 May 2023

by Jonathon Parsons MSc BSc DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/W0430/W/22/3295345

Land adjacent 123 Strongrove Hill, Bath Road, Hungerford RG17 05J

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms Belinda Spanswick against the decision of West Berkshire Council.
 - The application Ref 21/00185/FULD, dated 5 February 2021, was refused by notice dated 26 November 2021.
 - The development proposed is the erection of 2 detached 3 bedroom houses and associated works.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Natural England have confirmed that the appeal site is not within the catchment of the River Lambourn SAC and nor does it have any connection with the River Lambourn either in terms of a foul wastewater connection or a land drainage connection. Therefore, the proposed development would not be likely to have any significant effect on the River Lambourn SAC.

Main Issues

3. The main issues are (a) whether the proposal would be appropriately located, having regard to the spatial strategy and settlement hierarchy under the development plan and landscape and visual appearance, (b) flood risk and surface drainage.

Reasons

Location

4. The appeal site comprises land between an access track alongside Freemans Marsh and a major highway, the A4, leading out of Hungerford. The application site is situated in the open countryside as defined by Policy ADPP1 of West Berkshire Core Strategy (CS) 2006-2026 Development Plan Document, 2012, and Policy C1 of the Housing Site Allocations (HAS) Development Plan Document 2006-2026, 2017.

5. CS Policy ADPP1 states that most development will be within or adjacent to the settlements included in the settlement hierarchy within the policy, that is 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. Under the settlement hierarchy, the appeal site would fall within open countryside where only appropriate limited development in the countryside will be allowed, focused on addressing identified needs and maintaining a strong rural economy.
6. HSA Policy C1 places a presumption against new residential development outside settlement boundaries, unless the proposal falls within an exception, such as limited infill in settlements in the open countryside, subject to criteria being met. Amongst these, the development must be within a closely-knit cluster of 10 or more existing dwellings adjacent to, or fronting an existing highway; the scale of development must consist of infilling a small undeveloped plot commensurate with the scale and character of existing dwellings within an otherwise built up frontage; and the plot size and spacing between dwellings must be similar to adjacent properties and respecting of the rural character and streetscene of the locality.
7. In this regard, the appeal site lies within a group of 7 dwellings, consisting of 4 terraced, 2 semi-detached and 1 detached. There is significant separation between the terraced and detached dwellings, and the detached dwelling and the semi-detached dwellings. The later separation comprises the appeal site and an access serving most of the dwellings. As such, the appeal site would not be within a closely-knit cluster of 10 or more dwellings. Within this group of existing dwellings, the plot sizes are varied in shape and size but given the lack of close-knit clustering, the development would not be within an otherwise built-up frontage. The development would not be infill given the number and spacing of dwellings within this hamlet, and therefore, there would be conflict with HSA Policy C1 and CS Policy ADPP1.
8. The appeal site lies within the North Wessex Downs Area of Outstanding Natural Beauty (AONB). The surrounding AONB has a varied undulating patchwork of fields, woodlands, and water features, marsh and river. The site is heavily overgrown with vegetation but, although sandwiched between the A4 and access track, it has a landscaped quality contributing to the rural attractiveness of the area and AONB.
9. CS Policy ADPP5 states new development should conserve and enhance the local distinctiveness and sense of place of the AONB. CS Policy CS14 requires new development to demonstrate sustainable and high quality design that respects and enhances the character and appearance of the area. CS Policy CS19 seeks to conserve and enhance the diversity and local distinctiveness of the landscape character, with particular regard to, the sensitivity of the area to change, and ensuring that new development is appropriate in terms of location, scale and design in the context of the existing settlement, form, pattern and character.
10. Paragraph 176 of the National Planning Policy Framework (the Framework) states great weight should be given to conserving and enhancing the landscape and scenic beauty in AONBs which have the highest status of protection.
11. The design of the dwellings would be in keeping with those within the hamlet and there would be lowered finished ground levels on this sloping site. There

would be amenity space separating the dwellings. Behind the site, there would be the main A4 highway on higher ground whilst beyond the access track, there is a Freemans marsh. Due to topography and vegetation, the site is well-screened and there would be limited wider landscape views of the development. However, the dwellings would be dominant given their height, proximity to the access track, restricted depth of the plots and hard surfaced dominated frontages. In particular, the end dwelling, closest to the access leading up to the main road, would be tightly positioned on its plot given its narrowness and depth of building. Such overdevelopment would be noticeable from the public right of way (PROW) routed along the access track.

12. Two previous houses on the site were burnt down. The Council's planning history indicates that the site was vacant and overgrown in 1977. There is still some doubt when the houses ceased on the site. However, they do not exist on the site now and based on my site inspection, have not done so for some significant period of time. The Council did permit the replacement of a burnt down dwelling at 126 Strongrove Hill but there is no evidence that this occurred after a lengthy period of time. Therefore, this previous use of site has limited relevance and significance.
13. For all these reasons, the location of the housing would conflict with the spatial strategy and settlement hierarchy, based on sustainable principles of the development plan, and although localised, there would be harm to the landscape and scenic beauty of the AONB. Accordingly, the proposal would be contrary to Policies ADPP1, ADPP5, CS14 and CS19 of the CS and Policy C1 of the HSA and paragraph 176 of the Framework.

Flood Risk and surface water drainage

14. The application site plan shows the housing part of the site to be within the Environment Agency (EA) Flood Zone 1 but the part of the site beyond the access track up to and including the back of the River Dun is within Flood Risk 2 and 3. The Council have also indicated it includes a small part of the functional flood plain. The appellant has indicated a Sustainable Urban Drainage System (SuDs) would be used, with run-off managed and routed towards the marsh.
15. CS Policy CS16 states where development has to be located in flood risk areas, it should not increase flood risk elsewhere and reduce that risk where possible. It requires Flood Risk Assessments (FRAs) for sites within Flood Risk 2 or 3. Development will only be permitted, if amongst other matters, it would not have a detrimental impact on the flow of fluvial flood water, surface water or obstruct the run-off of water due to high levels of groundwater. The policy further states, surface water will be managed in a sustainable manner through the implementation of SuDS in accordance with best practice and national standards and to provide attenuation at greenfield run-off rates.
16. The development would generate surface water run-off, including from roofs, hard surfaced areas and amenity areas, if waterlogged/hardened due to weather conditions. Additionally, there would be water discharge from the sewage treatment plant for each of the dwellings.

17. The appellant's SuDS statement¹ indicates hardsurfaced areas would be permeable gravel and surface runoff would enter into an infiltration area, comprising a geo-cellular system, underground storage crates, within a buffer area on other side of the access track, with controlled outflow into the marsh area. The treated water from the sewage treatment plant, a mechanical aerated system, would be discharged into a soakaway. The Lead Local Flood Authority and EA have raised no objections on flood risk grounds.
18. However, the drainage proposals are an integral part of the development and would be designed to discharge surface water into the marsh within Flood Zones 2 and 3. FRAs are designed to reduce the potential to increase flooding elsewhere, taking into account climate change and measures to deal with these effects and risks. Taking into account weather events generated by climate change, it has not been demonstrated that the SuDS would ensure acceptable surface water attenuation from the site based on Greenfield rates. There is little detail on surface water flows, hydrological and soil conditions, soil absorption capacity, the size of necessary geo cellular system and practicalities of siting it within the buffer area. Without more comprehensive details, it cannot be certain that the drainage approach would be successful and reinforces the view that an FRA is necessary.
19. Additionally, Natural England has commented on how the drainage proposals could affect the SSSI. The surface water discharge from the sewage treatment plan has been accepted but details are still required regarding control of pollutants and sediment from the outfall of the geo-cellular system into the marsh. For all these reasons, an FRA is necessary and an acceptable drainage system has not been demonstrated for the site. Accordingly, there would be conflict with Policy CS16 of the CS. There would also be conflict with paragraph 167 of the Framework.

Other matters

20. The provision of two dwellings would boost housing supply and increase the variety of land coming forward in accordance with paragraph 60 of the Framework. The development would accord with paragraph 69 of the Framework where it indicates small sites can make an important contribution to meeting the housing requirements of an area, and are often built out relatively quickly. There is no indication that the Council's Year Housing Land Supply (5YHLS) is in deficit, but it is dependent on larger sites and there is a lack of variety of land underpinning it. Given much of West Berkshire is covered by AONB, opportunities to develop small sites are restricted.
21. The construction of the dwellings would result in employment and use of local businesses, whilst the financial spend of new residents would similarly bring about economic benefits. Hungerford town centre is within a 10 minute walk time along a footway on the A4. The town has a railway station with regular services to London, Reading and other settlements. A network of PROWs provide access to the surrounding countryside, features and villages. Residents of the development would be sustainably located, having regard to facilities and services. The housing, financial and sustainable nature of the location are considerations weighing in favour of granting planning permission for development.

¹ Reference for SUDS and Environmental Planning (Natural England) , undated.

22. The Framework defines previously developed land as land which is or was occupied by a permanent structure including the curtilage of the developed land. However, the definition excludes land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape. Here, the former dwellings have been salvaged from the site and remaining brick structures have blended into the landscape. For these reasons, the site is not previously developed.
23. Blanket planning policies restricting development should be avoided. However, HSA Policy C1 does not fall within that category in that it does permit development outside settlement boundaries and in the interests of the plan's sustainability spatial strategy and settlement hierarchy, sets out criteria for acceptability. CS Policy ADPP5 places an emphasis on further opportunities being available for infill development and on previously developed land but for the reasons indicated, the appeal site is not previously developed land and would not be infill development within HSA Policy C1.
24. There have been two previous dwellings on the appeal site but given the considerable period of time that has lapsed, the new dwellings cannot be considered as replacement. By reason of this time that has lapsed, the former establishment of two dwellings has reduced importance and only small weight can be given to this consideration.
25. In an appeal at Hamstead Marshall, an Inspector considered whether undeveloped plots could come within the ambit of the HSA Policy C1, with regard to infill. I do not disagree and even though the appeal site is not previously developed, this does not exclude consideration of this appeal site under this policy. However, the current appeal proposal before me does not comply with policy criteria in terms of size of hamlet, number of dwellings, and spatial characteristics.
26. In an appeal at Upper Inglesham, an Inspector gave greater weight to policies boosting housing supply in allowing residential development. However, in this decision, the Council had no 5YHLS, there was no harm to the character and appearance of the area and AONB was not an issue. In the Hamstead appeal, the Inspector found the appeal site to be within a close-knit cluster of 10 dwellings. Therefore, there are significant differences between these appeal decisions and the appeal proposal before me and they demonstrate that every appeal has to be considered on its particular planning merits. Accordingly, negligible weight is given to these appeal decisions.

Planning Balance

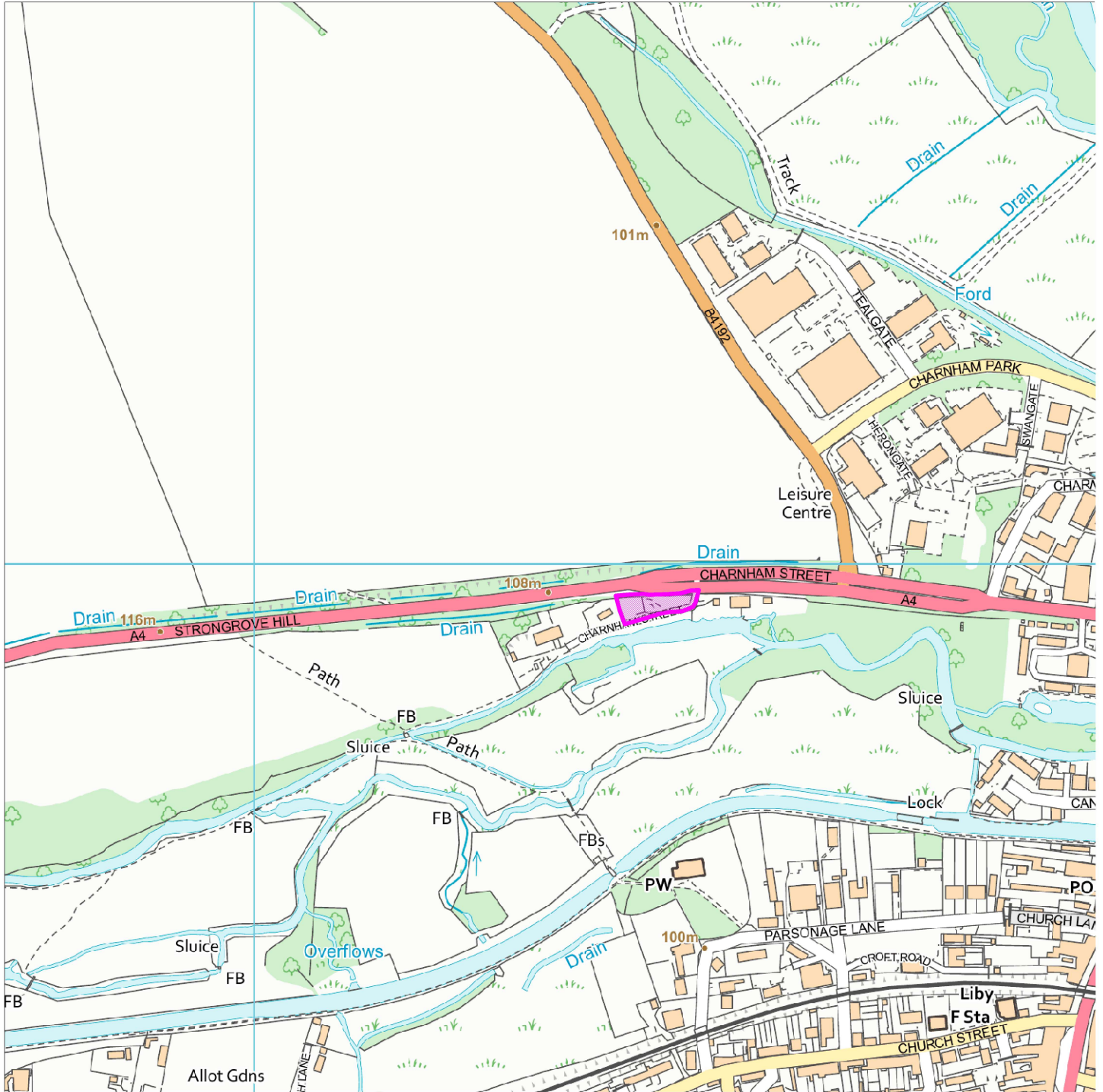
27. The proposal would result in the addition of housing, in a sustainable location, having regard to non-private vehicle modes of transport. There would be economic benefits derived from the construction of the dwellings and financial spend of residents. However, there would be harm to the Council's spatial strategy and settlement hierarchy for development, AONB and flood risk, in conflict with ADPP1, ADPP5, CS14, CS16 and CS19 of the CS and Policy C1 of the HSA. Such harms would be substantial and determinative, and therefore, there would be conflict with the development plan taken as a whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan.

Conclusion

28. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal is dismissed.

Jonathon Parsons

INSPECTOR



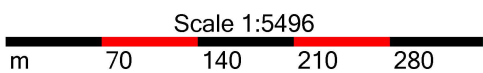
Map Centre Coordinates :

Scale : 1:5495

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2003.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings .

Organisation	West Berkshire Council
Department	Not Set
Comments	Not Set
Date	01 July 2024
SLA Number	0100024151



This page is intentionally left blank

Agenda Item 3.(4)

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(4)	23/02591/HOUSE & 23/02592/LBC Hungerford	11 th January 2024 ¹	Two storey rear extension, new bathroom in existing roof space and replacement roof coverings. Little Hidden Farm, Wantage Road, Newtown, Hungerford Mrs Susan Acworth

¹ Extension of time agreed with applicant until 22nd July 2024

The applications can be viewed on the Council's website at the following links:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02591/HOUSE>

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S44ECRRD00X00>

And

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=23/02592/LBC>

<https://publicaccess.westberks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S44ED8RD00X00>

Recommendation Summary: To delegate to the Development Manager to REFUSE PLANNING PERMISSION

Ward Member(s): Councillor Denise Gaines
Councillor Tony Vickers
Councillor Dennis Benneyworth

Reason for Committee Determination: Called-in by Ward Member
Reason: Although the extension is to the rear of the main building and not prominent from any direction as an intrusion in the landscape, there is a possibility that it is enabling a division of the property into two dwellings. At this stage, there is no Conservation comment.

Committee Site Visit: 10th July 2024

Contact Officer Details

Name: Sian Cutts
Job Title: Senior Planning Officer
Tel No: 01635 519111
Email: Sian.cutts@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 and listed building consent for a two storey rear extension, new bathroom in existing roof space and replacement roof coverings.
- 1.3 The application site is a grade II listed farmhouse of 17th century origins set within the complex of farm buildings which serve the active farm and riding school. The building is an attractive 2 storey vernacular building in flint with brickwork dressings, a catslide roof to the rear (which was probably added to the house in the 18th century) and a half hipped tiled roof. There were additional extensions in the 19th and 20th century, the most recent being an extension to the north of the house, which is residential on the ground floor, and on the first floor is self-contained office space.
- 1.4 The site is situated within the open countryside and within the North Wessex Downs National Landscape (formerly known as the Area of Outstanding Natural Beauty) Footpath HUNG/10/2 runs along the access track to the Little Hidden Farm, and around the farm buildings.
- 1.5 The application has been amended following the initial consultation exercise, and the application proposes the construction of a two storey rear extension to the rear of the house, which is proposed to be connected to the existing house by a single storey boot room link. The extension is proposed to provide accommodation for three generations of the applicant's family on a long-term basis. The extension is proposed to provide two bedrooms and a shower room on the first floor, and an open plan living, dining kitchen space, with a separate utility and shower room area on the ground floor. The first floor accommodation is contained within the roof space of the proposed extension, with rooflight and a small dormer to serve one of the bedrooms. It is proposed to install a bathroom under the eaves of the catslide roof on the first floor and install a conservation style roof light. The application is also proposed the replacement of the roof coverings, with the removal of the existing clay tiles on the main part of the house and replacing with a mixture of retained tiles and new handmade clay tiles. The slates over the northern part of the house are proposed to be removed, sorted and replaced, with any new slates being provided from a store of identical slates held on the farm. It is proposed to replace the lead roll covering to the hip edges with matching bonnet tiles. The roof works also propose the introduction of a new roof insulation material, which is fitted externally.

2. Planning History

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

Application	Proposal	Decision / Date
81/14772/ADD	Additions and alterations to existing house	Approved 07/04/1981
82/18322/ADD	Additions and alterations to existing house	Approved 14/12/1982

99/55417/LBC	Underpinning and masonry reinforcement to repair damage by subsidence (retrospective)	Approved 09/11/1999
--------------	---	------------------------

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. Site notices were displayed on 14th December 2023 at the entrance to the farm, with a deadline for representations of 8th January 2024. A public notice was displayed in the /Newbury Weekly News on 23rd November 2023; with a deadline for representations of 7th December 2023.
- 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. The table below identified the relevant local financial considerations for this proposal.

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 Based on the CIL PAIR form, it appears that the CIL liability for this development will be in the region of £19,534 and indexed. However, CIL liability will be formally confirmed by the CIL Charging Authority under separate cover following the grant of any permission. More information is available at www.westberks.gov.uk/cil. The CIL form includes an intention to apply for a exemption for a residential extension.
- 3.6 **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.
- 3.7 **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.
- 3.8 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.
- 3.9 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.
- 3.10 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.
- 3.11 The proposed extensions will be required to comply with Building Regulations which have their own criteria to apply for the design of buildings which also has due regard to the Act.
- 3.12 **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.

- 3.13 It is acknowledged in the report that the proposal will have minimal impact on any neighbouring properties due to the separation distances involved. However, any interference with the right to a private and family life and home arising from the scheme as a result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the district and wider area and is proportionate given the overall benefits of the scheme in terms of provision of an extended home.
- 3.14 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.
- 3.15 **Listed building setting:** Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 16(2) has the same requirement for proposals for listed building consent. Little Hidden Farm is a Grade II listed building, and the impact of the proposal on this building will be assessed below.
- 3.16 **Conservation areas:** Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The application site is not within a conservation area.

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:	Support
WBC Highways:	No objection
WBC PROW	Recommend informatives
LLFA:	Recommend informatives
WBC Archaeology:	No objection subject to a condition requiring a programmes of building work. An informative note is also recommended should artefacts of particular interest be found during groundworks
WBC: Conservation	1 st Response: A number of concerns, the application in its current form is not supported.

	2 nd Response: The proposed extension will impact the character and appearance of the rear of the building. The extension will result in less than substantial harm to the significance of the listed building. Full comments can be found on the application file.
WBC: Ecology	Sufficient information has been provided and recommend conditions for protection, and mitigation.
AONB Board	No response received
Ramblers Association	No response received

Public representations

4.2 One email in support of the application was sent directly to Members and Hungerford Town Council has been received in support of the application. The comments can be summarised as follows

- The 1982 permission for a dormer the length of the catslide roof is not being implemented
- A rooflight which less obtrusive is proposed
- The volume of the extension has been kept to a minimum
- The rooms within the original farmhouse will be used flexibly across the generations
- Happy to agree the use of timber cladding and for this to be conditioned
- The extension is to the rear so invisible to visitors and people using the footpath
- Have amended the deign to remove dormers and reduce volume at roof level
- Ensured the link does not impact the ring beam of the original building and minimal impact on catslide roof
- Matched the half hips and roof pitch to keep roof ridge significantly below the existing roof.
- Need a family member on site to look after independent elderly mother
- Ned to provide accommodation and employment for daughter who has special needs
- Need to live on site to manage the farm and successfully continue Local Nature Recovery Strategy, Biodiversity Net Gain plan to provide Biodiversity Bank, and Soil Association Exchange

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, CS1, CS14, CS13, CS16, CS17, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).
- Policies C1, C3, C6, P1 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)
- North Wessex Downs AONB Management Plan 2019-24
- WBC House Extensions SPG (2004)
- WBC Quality Design SPD (2006)
- WBC Sustainable Drainage Systems SPD (2018)

6. Appraisal

6.1 The main issues for consideration in this application are:

- Impact on the character and appearance of the dwelling
- Impact on the listed building
- Ecology

Principle of development

6.2 The application site is situated within the open countryside and within the National Landscape, where policy ADPP1, only allows appropriate limited development. Policy C1 includes the extension of existing dwellings in the countryside as an exception to the presumption against residential development outside settlement boundaries. The development is considered to be acceptable in principle, subject to the following material considerations.

Character and appearance of the dwelling

6.3 Policy C6 sets out the criteria for permitting extensions to existing dwellings in the countryside. It requires that the scale of the enlargement is subservient to the original dwelling and is designed to be in character with the existing dwelling, and that there is no adverse impact on the setting, the space occupied by the plot, or on the rural character of the area. The policy requirements of C3, CS14 and CS19 for a high quality design which respects the character and appearance of the area, the rural landscape, and the sensitivity of the area to change also apply.

6.4 The proposed extension will extend to the rear of the house by a depth of 11.7 metres. Whilst the half-hipped roof matches the roof of the original house, it has a ridge height of 7 metres, which is more than 1 metres higher than the existing extension to the north off the house. The depth of the extension is greater than the depth of the main part of the house. The proposed extension will be read as a significant addition and enlargement to the rear of the house, which will dominate the western elevation, and be particularly evident in views from the south and north where the extension will be particularly prominent, and have the appearance of a separately occupied building, which (despite the single storey 'link' to the house) will not appear to be subservient to the host building.

6.5 The materials originally proposed for the extension were larch horizontal cladding with handmade clay tiles for the roof. When the plans for the extension were amended following the initial comments from the Conservation Officer, it was then proposed to finish the external walls with a flint finish to match the house. However, the Conservation Officer has reviewed this again, and considers the wood cladding to be more contextually appropriate and would help to differentiate between the original farmhouse

and the extension, also giving the extension a lighter appearance. The applicants have indicated a willingness to this change, which can be secured through conditions.

- 6.6 The proposed extension will have a separation distance of around 5 metres to the boundary of the garden area to the field to the west. There is a more formal enclosed garden area to the south of the house, and the extension will not appear cramped within the boundaries, with plenty of garden area to serve the needs of the occupants of the extended house.
- 6.7 Overall, it is considered that the scale of the proposed extension, in terms of its height and massing, and prominence to the rear of the house will detrimentally harm the appearance and character of the building, particularly through reducing the visual prominence of the catslide roof, contrary to policies CS14, CS19, C3 and C6.

Impact on the listed building

- 6.8 In considering whether to grant listed building consent for any works the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.9 There is no statutory requirement to have regard to the provisions of the development plan when considering applications to granted listed building consent. However, the development plan is generally regarded to be a material consideration in such circumstances.
- 6.10 In large part the same heritage conservation considerations will apply as with planning applications. The Government's policy for the historic environment on deciding all such consents and permissions is set out in the National Planning Policy Framework (NPPF). The NPPF does not distinguish between the type of application being made. It is the significance of the heritage assets and the impact of the proposals that should determine the decision. Paragraph 205 of the NPPF says when considering the impact of a proposed development on the significance of a designated heritage asset (including conservation areas), great weight should be given to the asset's conservation.
- 6.11 Paragraph 208 of NPPF goes on to say that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 6.12 Consistent with the NPPF, Policy CS19 of the West Berkshire Core Strategy 2006-2026 states that particular regard will be given to the conservation and, where appropriate, enhancement of heritage assets and their setting.
- 6.13 Consequently, the main issue is whether the proposal would preserve the special architectural and historical interest, and therefore significance, of the listed building and its setting.
- 6.14 Following a thorough assessment of the proposal the Conservation Officer has raised objections to the impact of the proposed extension on the significance of the listed building.
- 6.15 The Conservation Officer notes that the farmhouse's significance arises primarily from its architectural/artistic, historic illustrative and evidential values. The building has undergone historic and more recent alterations and extensions, illustrating the building's adaptation to changing living standards and the evolution of the farmstead, described as possibly having 16th century origins in the West Berkshire HER. The list description identifies the oldest part of the farmhouse as the south end and chimney. An extension to the north would have followed, creating a lobby entrance plan. This historic planform

is still legible and has been partly retained. The next alteration would likely have been the catslide extension to the rear (likely 18th century). This is considered to be a sympathetic and attractive alteration that is of historic interest, which has had a positive contribution to the character and appearance of this building. A 19th century side extension was added to the north of the main building; a pitched 1.5 storey form in red brickwork and a slate roof. This was further extended in the 20th century to the north west, with another pitched form, similar to the 19th century extension in form, but appearing to be of lower quality and less sympathetic design. While the existing 19th century and 20th century extensions to the north are subservient to the main building in appearance, in terms of footprint, they amount to over half of the main building.

- 6.16 A number of concerns arise relating to the two storey extension surrounding issues of scale, appearance and cumulative impact. In terms of scale, the proposed roof is large in form with its ridge exceeding that of the existing C19th and C20th extensions to the north. The massing of the proposed extension reads as a significant addition and enlargement of built form. When seen from the north and south, it appears to visually compete with the main building. The form, materiality and detailing of the proposed extension gives it the appearance of being a new dwelling attached to the original, rather than a subservient extension.
- 6.17 Finally, the concern of cumulative impact arises from the further addition of built form to this once modest cottage. The combined volume of the existing side extension and proposed two storey extension approaches that of the volume of the main house, which alters the character and hierarchy of this listed building.
- 6.18 There are other works proposed as part of the application such as the replacement of the roof coverings to the existing house, and the insertion of a rooflight within the catslide roof. The proposal includes the removal of the existing tiles on the main house, many of which have slipped, and are in a poor state, and it is proposed to replace those which are damaged with handmade clay tiles which replicate the original tiles, and where possible re-use the existing tiles, with replacement slates over the northern part of the house. It is also proposed to add insulation to the roof while the works are taking place. The insulation is to be added externally, so that internal ceilings, and their historic fabric are not affected. These works are considered to be appropriate, with conditions to ensure that use of suitable tiles and slates.
- 6.19 There are no concerns with the insertion of the rooflight in the catslide roof to serve the proposed bathroom in the eaves.
- 6.20 The Conservation Officer concludes that the extension incurs a level of less than substantial harm to the significance of this listed farmhouse. This is due to the impact that the proposed two storey extension has on the character and hierarchy of the farmhouse, attributed to its scale, appearance and its cumulative impact alongside the existing C19th and C20th extensions. The NPPF (Para 201) advises that the LPA should look to avoid and minimise any conflict between a heritage asset's conservation and any aspect of the proposal. Additionally, the NPPF (Para 208) advises that any harm should be weighed against the public benefits of this proposal, and that this harm should be clearly and convincingly justified (Para 206). In this case, the benefits that would result from the proposal would be limited to private benefits. Furthermore, it does not appear as though alternative configurations of the extension have been considered, and there may be scope for a proposal that is more in keeping with the character of the listed farmhouse. This could significantly reduce the level of harm to the significance of this building.
- 6.21 The proposed extension will cause harm to the significance of the listed building, and as such is contrary to policies CS14, CS19, C3 and C6 so in accordance with paragraph

208 of the NPPF it will be necessary to weight the harm against the public benefits of the proposed development.

6.22 **Ecology**

- 6.23 Policy CS17 requires that biodiversity assets across the District are conserved and enhanced, and development which may harm habitats or species of principal importance for conservation they will only be permitted where compensation and mitigation measures are provided.
- 6.24 The application was submitted within an ecological survey which indicates the presence of bat roosts within the roof, as well as swifts and sparrow, with other bird species in nearby farm buildings. The survey has set out protection measures which will need to be undertaken by a licensed bat worker and agreed via a European Protected Species License. The survey also indicates mitigation measures for the bats which includes concealed roost units in the walls on the proposed extension, and additional house sparrow boxes and swift boxes to be installed around the house. The council's Ecologist is satisfied with the survey information which has been provided, and the protection and mitigation measures proposed. The protection and mitigation measures, as well as the proposed enhancement measures can be secured through conditions. In addition, a condition controlling external lighting can also be secured.

Town Council representations

- 6.25 Hungerford Town Council have confirmed that they support this application.

7. Planning Balance and Conclusion

- 7.1 The proposed extension by virtue of its size, scale and prominence will harm the appearance and character, and therefore significance of this grade II listed farmhouse. Paragraph 208 of the NPPF says "*where a proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*"
- 7.2 The application has been submitted to provide accommodation for three generations of the family, who have lived in the house for 42 years, and now the farm is being run by a different generation, and for health and social reasons the generations need to live together, and evidence of this has been provided. In addition, there has been information provided about the farm reaching carbon net positive, as they absorb more CO₂ than is emitted, including the equivalent from livestock, through the management of the land, woodlands forestry and agriculture. In addition, the farm has also been exploring opportunities to provide Biodiversity Net Gain projects. It is argued that the extension to the house is required to assist with these wider environmental improvements and support the viability of the farm. Whilst these environmental improvements are noted and welcomed, they are not direct benefits which would be derived from the extension itself. There has not been any information provided about alternative solutions within the farm holding where alternative accommodation could be provided, such as conversion of redundant or underused buildings. The benefits of the proposed extension are limited to the private interests of the applicant and her family.
- 7.3 The assessment has concluded that there will be harm to this grade II listed building which is protected for its special historic and architectural merit and protected in the national interest. In addition, it is considered that the proposal will not be subservient to the existing dwellings, and so is contrary to Policy C6 of the HSA DPD. This is an identified environmental harm. Whilst some environmental enhancements are proposed

in the form of additional bird and bat boxes, these are limited as they also relate to the mitigation which is required as a result on the development. There are environmental improvements as a result of improving the insulation to the roof, however, these have not been considered to be harmful to the listed building and so are given neutral weight. There are limited social benefits to the family of providing the additional accommodation to serve their domestic needs. The proposal also has limited economic benefits beyond the construction phase of the development. Whilst the applicant's son has indicated that the works and will contribute towards the viability of the farm, by making it more efficient to be living on site, there has been no supporting evidence to demonstrate this.

7.4 The proposed extension to the house is considered to be contrary to the relevant development plan policies and the advice contained within the NPPF and is recommended for refusal.

8. Full Recommendation for 23/02591/HOUSE

8.1 To delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

1.	<p>Impact on the character and appearance of the listed house</p> <p>The application is proposing a large two storey extension to the rear of the house known as Little Hidden Farm, which is a grade II listed building. In terms of scale, the proposed roof is large in form with its ridge exceeding that of the existing C19th and C20th extensions to the north. The massing of the proposed extension reads as a significant addition and enlargement of built form. When seen from the north and south, it appears to visually compete with the main building. The scale and form of the proposed extension gives it the appearance of being a new dwelling attached to the original, rather than a subservient extension. The combined volume of the existing side extension and proposed two storey extension approaches that of the volume of the main house, which alters the character and hierarchy of this listed building.</p> <p>The proposal would therefore fail to preserve the special architectural and historic interest of this listed building, contrary to the expectations of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>In finding harm in respect of the significance of heritage assets, paragraph 208 of the NPPF sets out that where a view is taken that the harm to the designated heritage asset would be less than substantial, this harm should be weighed against the public benefits of the proposal. In this instance, the degree of harm would be less than substantial in the context of paragraph 208. However, though less than substantial, there would, nevertheless, be real and serious harm. In this instance, the harm would not be outweighed by any public benefits, as the only benefits offered by the proposal would be entirely private.</p> <p>The proposal therefore conflicts with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990, the NPPF, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) which require that proposals should preserve the heritage significance of listed buildings. The proposed extension is also contrary to Policies ADPP5 of the West Berkshire Core Strategy (2006-2026) and Policies C3 and C6 of the Housing Sites Allocation DPD which seek to ensure that the scale of any enlargement to a dwelling within the countryside</p>
----	--

	is subservient to the original dwelling, has no adverse impact on the historic interest of the building and its setting within the wider landscape.
--	---

Informatives

1.	<p>Proactive</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.</p>
2.	<p>CIL for refused application</p> <p>This application has been considered by West Berkshire Council, and REFUSED. Should the application be granted on appeal there will be a liability to pay Community Infrastructure Levy to West Berkshire Council on commencement of the development. This charge would be levied in accordance with the West Berkshire Council CIL Charging Schedule and Section 211 of the Planning Act 2008.</p>
3.	<p>Refused Plans/Documents</p> <p>The following plans/documents were considered in the determination of the application</p> <p>Site Location & Block Plan Drawing No 21033-100E received 10th November 2023 Existing Plans Sections & Elevations Drawing No 21033-112A received 10th November 2023 Proposed Elevations & Sections Drawing No 21033-114C received 12th March 2024 Proposed Floor & Roof Plans Drawing No 21033-113C received 12th March 2024 Proposed Part Section Through Basement Drawing No 21033-115 received 10th November 2023</p> <p>Heritage Design & Access Statement prepared by Mathewson Waters Architects received 10th November 2023 Bat Survey & Mitigation Report prepared by Aluco Ecology Ltd dated November 2023 received 10th November 2023 Supporting Statement dated November 2023 received 10th November 2023 Existing Elevations Photographs received 10th November 20 Mathewson Waters Architects response to Conservation Officer dated 6th March 2024. Howard Waters email received 25th June 2024 Howard Waters email received 2nd July 2024</p>

9. Full Recommendation for 23/02592/LBC

- 9.1 To delegate to the Development Manager to REFUSE PLANNING PERMISSION for the reasons listed below.

Refusal Reasons

1.	<p>Detrimental Impact on listed building</p> <p>The application is proposing a large two storey extension to the rear of the house known as Little Hidden Farm, which is a grade II listed building. In terms of scale, the proposed roof is large in form with its ridge exceeding that of the existing C19th and C20th extensions to the north. The massing of the proposed extension reads as a significant addition and enlargement of built form. When seen from the north and south, it appears to visually compete with the main building. The scale and form of the proposed extension gives it the appearance of being a new dwelling attached to the original, rather than a subservient extension. The combined volume of the existing side extension and proposed two storey extension approaches that of the volume of the main house, which alters the character and hierarchy of this listed building.</p> <p>The proposal would therefore fail to preserve the special architectural and historic interest of this listed building, contrary to the expectations of the Planning (Listed Buildings and conservation Areas) Act 1990.</p> <p>In finding harm in respect of the significance of heritage assets, paragraph 208 of the NPPF sets out that where a view is taken that the harm to the designated heritage asset would be less than substantial, this harm should be weighed against the public benefits of the proposal. In this instance, the degree of harm would be less than substantial in the context of paragraph 208. However, though less than substantial, there would, nevertheless, be real and serious harm. In this instance, the harm would not be outweighed by any public benefits, as the only benefits offered by the proposal would be entirely private. The proposal therefore conflicts with the statutory requirements of the Planning (Listed Buildings and conservation Areas) Act 1990, the NPPF, Policies CS14 and CS19 of the West Berkshire Core Strategy (2006-2026) which require that proposals should preserve the heritage significance of listed buildings.</p>
----	---

Informatives

1.	<p>Proactive</p> <p>In attempting to determine the application in a way that can foster the delivery of sustainable development, the local planning authority has approached this decision in a positive way having regard to Development Plan policies and available guidance to try to secure high quality appropriate development. In this application there has been a need to balance conflicting considerations, and the local planning authority has also attempted to work proactively with the applicant to find a solution to the problems with the development; however, an acceptable solution to improve the economic, social and environmental conditions of the area could not be found.</p>
2.	<p>Refused Plans/Documents</p> <p>The following plans/documents were considered in the determination of the application</p> <p>Site Location & Block Plan Drawing No 21033-100E received 10th November 2023 Existing Plans Sections & Elevations Drawing No 21033-112A received 10th November 2023 Proposed Elevations & Sections Drawing No 21033-114C received 12th March 2024</p>

Proposed Floor & Roof Plans Drawing No 21033-113C received 12th March 2024
Proposed Part Section Through Basement Drawing No 21033-115 received 10th November 2023

Heritage Design & Access Statement prepared by Mathewson Waters Architects received 10th November 2023

Bat Survey & Mitigation Report prepared by Aluco Ecology Ltd dated November 2023 received 10th November 2023

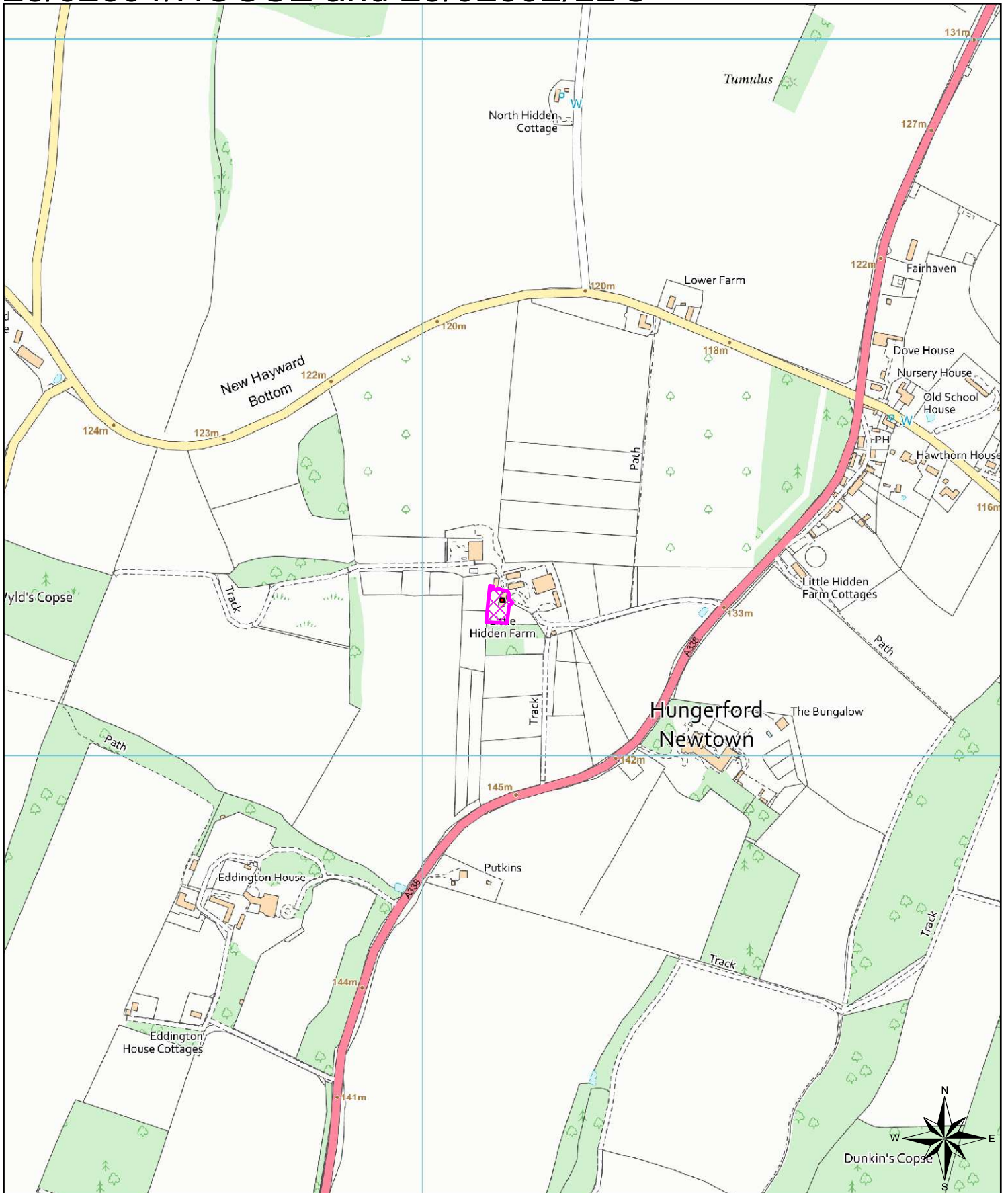
Supporting Statement dated November 2023 received 10th November 2023

Existing Elevations Photographs received 10th November 20

Mathewson Waters Architects response to Conservation Officer dated 6th March 2024.

Howard Waters email received 25th June 2024

Howard Waters email received 2nd July 2024



Tree Preservation
Order No :

Little Hidden Farm, Wantage Road, Hungerford RG17 0PN

Authorised Signature

Authorisation
Stamp

- Legend**
-  Individual Tree
 -  Area of Trees
 -  Woodland
 -  Parkland

Scale: 1:7,096
Date : 08/07/2024

Based upon Ordnance Survey data with the permission of the Controller HMSO (c) Crown Copyright. Unauthorised reproduction infringes copyright and may lead to prosecution or civil proceedings. West Berkshire District Council 100024151

This page is intentionally left blank