

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=RWPC8WRD0MN00>

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

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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.