

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

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

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

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

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

Committee Site Visit: 15th May 2025

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

2. Planning History

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

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

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

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

3. Legal and Procedural Matters

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

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

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

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

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

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

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

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

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

4. Consultation

Statutory and non-statutory consultation

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

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

Public representations

- 4.2 No public representations have been received.

5. Planning Policy

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

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

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

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

Local Plan Review

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

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

- Policies SP1, SP2, SP7, DM35, DM36

6. Appraisal

6.1 The main issues for consideration in this application are:

- Principle of development
- Character and Appearance
- Highways

Principle of development

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

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

Character and appearance

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

Highways Issues

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

Other issues

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

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

7. Planning Balance and Conclusion

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

8. Full Recommendation

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

Conditions

1.	<p>Commencement of development</p> <p>The development hereby permitted shall be begun before the expiration of three years from the date of this permission. This only relates to the additional fenestration proposed in Barn B.</p> <p>Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).</p>
2.	<p>Approved plans</p> <p>The development hereby permitted shall be carried out in accordance with the approved plans and documents listed below: all job number 4757 by Rural Solutions. 001-to 008 inclusive plus 101 and 102.</p> <p>Reason: For the avoidance of doubt and in the interest of proper planning.</p>
3	<p>Times of use</p> <p>The buildings the subject of this application shall only be used between 8am and 6pm weekdays and 9am to 1pm on Saturdays. No commercial use shall operate on Sundays and Bank Holidays.</p> <p>Reason. To ensure no over intensification of the commercial use in the rural area and to protect dark skies in accord with policy ADPP5 in the WBCS and policy SP2 in the LPR.</p>

