

WESTERN AREA PLANNING COMMITTEE

9TH JUNE 2021

UPDATE REPORT

Item No: 1 **Application No:** 20/02026/PACOU **Page No.** 9-45

Site: St Gabriels Farm, The Ridge, Cold Ash

Planning Officer Presenting: Sian Cutts

Member Presenting: N/A

Parish Representative speaking: Councillor Bernard Clark (Zoom)

Objector(s) speaking: Christopher Sayer (Zoom)

Supporter(s) speaking: N/A

Applicant/Agent speaking: Steven Smallman (Zoom)

Ward Member(s): Councillor Hilary Cole
Councillor Garth Simpson

1. Additional Consultation Responses

No additional formal consultation responses have been received. However, an email was received which highlighted an error in identifying the houses which can be viewed from the track. The photograph on page 66 instead of being view from track to houses in Corner Mead, it should be titled view from track to houses in Collaroy Road. The photograph on page 67 shows houses on Cold Ash Hill (as identified) and also Corner Mead.

2. Procedural Matters

This application is seeking prior approval under Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (GDPO), which grants permission for the change of use of agricultural buildings, and land within its curtilage to dwellinghouse (Class C3), and includes the building operations reasonably necessary to convert the building to a dwelling. The first stage in assessing the application is to confirm that the proposal can be considered under this process as the proposal constitutes permitted development, and then if those matters are satisfactory, as a matter of fact, then the Planning Authority can consider the prior approval matters.

In order for the conversion to be permitted development there are criteria which have to be met, and the legislation sets out the matters for which prior approval may be required, and if they are required, whether they are approved or not.

Paragraphs 6.2-6.5 of the Officer's report summarise the conditions for permitted development, and the Planning Statement submitted with the application also included information on how these requirements are met. The conditions of Class Q and how the proposal meets these requirements is set out below

Part 3, Class Q Paragraph Q.1	How the Requirement is Met
<p>(a) the site was not used solely for an agricultural use as part of an established agricultural unit—</p> <p>(i) on 20th March 2013, or</p> <p>(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or</p> <p>(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;</p>	<p>The site was used solely for an agricultural use as part of an agricultural unit on 20th March 2013</p>
<p>b) in the case of—</p> <p>(i) a larger dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or</p> <p>(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;</p>	<p>The application does not propose more than three larger dwellinghouses within the agricultural unit and the cumulative number of separate larger dwellinghouses proposed under Class Q will not exceed 465 sq. metres.</p> <p>Three larger dwellinghouses are proposed:</p> <p>1 @ 149.5 sq. metres 1 @ 149.5 sq. metres 1 @ 166 sq. metres</p> <p>Cumulative total 465 sq. metres</p>
<p>(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;</p>	<p>No individual dwelling exceed 456 sq. metres</p>
<p>(c) in the case of—</p> <p>(i) a smaller dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or</p>	<p>The number of smaller dwellings proposed does not exceed 5.</p> <p>The two smaller dwellings proposed are</p> <p>2 @ 100 sq. metres each</p> <p>Cumulative total 200 sq. metres</p>

<p>(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;</p>	
<p>(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—</p> <ul style="list-style-type: none"> (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5; 	<ul style="list-style-type: none"> (i) No dwelling will exceed 465 sq. metres and the cumulative floor space of the larger dwellings does not exceed 465 sq. metres. (ii) The cumulative number of dwellings does not exceed 5
<p>(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p>	<p>The site is not occupied by an agricultural tenancy</p>
<p>(f) less than 1 year before the date development begins—</p> <ul style="list-style-type: none"> (i) an agricultural tenancy over the site has been terminated, and (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use; 	<p>The site is not occupied by an agricultural tenancy</p>
<p>(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—</p> <ul style="list-style-type: none"> (i) since 20th March 2013; or (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins; 	<p>No agricultural buildings or operations have been carried out since March 2013.</p> <p>An agricultural road was approved in 2019, and not implemented, (19/02334/AGRIC) this was approved under Class A (b) of Part 6.</p>

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;	No extensions to the dimensions of the building are proposed
(i) the development under Class Q(b) would consist of building operations other than— The works proposed (i) the installation or replacement of— (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);	A structural survey was submitted with the application which indicated that the works could take place without significant restructuring. The proposal includes demolitions to enable the proposed dwellings to meet the size limitations for permitted development. The application includes new window, and doors and exterior wall where partial demolition is proposed
(j) the site is on article 2(3) land;	The site is not within a Conservation Area or the North Wessex Downs Area of Outstanding Natural Beauty.
(k) the site is, or forms part of— (i) a site of special scientific interest; (ii) a safety hazard area; (iii) a military explosives storage area;	The site is not in any of these areas
(l) the site is, or contains, a scheduled monument; or	The site is not, and does not contain a scheduled monument
(m) the building is a listed building.	The building is not a listed building

Class Q requires that where these requirements are met that an application must be made for a determination of whether prior approval of the planning authority will be required for the following matters

- a) transport and highways impacts of the development,
- (b) noise impacts of the development,
- (c) contamination risks on the site,
- (d) Flooding risks on the site,
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
- (f) the design or external appearance of the building, and
- (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses

The prior approval of these matters is required and the assessment of them is included within the Officer's report within the appraisal contained in section 6. However the application can only be determined in the accordance with these matters, and the development plan policies which apply to the individual considerations.

It is to be noted that dwellings granted permission under this legislation do not benefit from any permitted development rights relating to dwellinghouses.

3. Planning History

The planning history of the site has been set out in Table 2.1 within the report. Attached to this sheet is a copy of the appeal decision for application 16/00051/FULMAJ which set out the reasons for dismissing the appeal for the demolition of the farm buildings and the erection of 4 new dwellings with garages, landscaping and associated works.

That application could not have been considered under these permitted development rights, as that application proposed a redevelopment of the site including the demolition of the buildings, and the construction of new dwellings. In addition there have been amendments to the GDPO in 2018 and 2019 to include reasonably necessary building operations, and to increase the number and cumulative size of the buildings proposed to be converted to residential use.

In addition the access road across the field connecting the site to Cold Ash Hill was been constructed since the 2016 appeal. This took place through fully implementing the 2002 permission (02/00666/FUL) for a new farm access which had been partially implemented through the creation of the gate access onto Cold Ash Hill. The Inspector was particularly concerned about the particular design and layout of the new dwellings which were proposed on the site and the increase bulk and forward positioning of the house on the high convex contour line which would impact the open landscape of the area, as well as the access road.

The development plan has also changed since 2016, and a number of policies referred to from the West Berkshire District Local Plan (Saved Policies) 2007 have been replaced by the Housing Site Allocations DPD.