

Item No.	Application No. and Parish	Statutory Target Date	Proposal, Location, Applicant
(3)	20/02062/COMIND Cold Ash	9 <sup>th</sup> December 2021 <sup>1</sup>	<p>A full planning application (submitted in parallel with the submission of a Class Q Prior Approval application) to facilitate limited works to: Establish an access way (including a turning head) which links the driveways of the new dwellings created under the parallel Class Q Prior approval application, to the existing approved driveway and access track at the St Gabriels Farm site. Regularise improved site parking arrangements. Achieve proportionate extensions to some of the limited residential curtilages established for the new dwellings being approved under the Class Q Prior Approval application. Add additional drainpipes to the dwellings being approved under the Class Q Prior Approval application. Site landscaping improvements. Demolition of a barn redundant following approval of the parallel Class Q Prior application. Creation of a paddock in place of the redundant barn being demolished. Filling in of three slurry pits ew0073</p> <p>St Gabriels Farm</p> <p>Rivar Ltd</p>
<sup>1</sup> Extension of time agreed with applicant until 2 <sup>nd</sup> July 2021			

The application can be viewed on the Council's website at the following link:  
<http://planning.westberks.gov.uk/rpp/index.asp?caseref=20/02062/COMIND>

<b>Recommendation Summary:</b>	To delegate to the Service Director – Development and Regulation to advise the Inspector that had the Council had the opportunity to determine the application it would be <b>REFUSED</b>
<b>Ward Member(s):</b>	Councillor Garth Simpson Councillor Hilary Cole
<b>Reason for Committee Determination:</b>	More than 10 Letters of Objection, and previously deferred by the Committee, and a non-determination appeal submitted.
<b>Committee Site Visit:</b>	3 <sup>rd</sup> June 2021

## Contact Officer Details

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## 1. Introduction

- 1.1 This application seeks planning permission for works associated with a parallel application for prior approval (20/02026/PACOU) for the conversion of agricultural buildings to 5 dwellings. That application was refused, and an appeal has been submitted. This application is proposing an access way and turning head to link the driveways of the dwellings created in the prior approval application, to the access track; to create larger curtilages for the approved dwellings; to add drainpipes to the buildings; landscaping improvements; demolish a barn and reinstate a paddock, and to infill slurry pits.
- 1.2 This application was brought to the Western Area Planning Committee for determination on 9<sup>th</sup> June 2021, where the application was recommended for approval. However, following the Committee resolution to refuse the prior approval application 20/02026/PACOU, consideration of the current application was deferred, because the two applications were dependent upon each other, and to give the applicant the opportunity to respond. An appeal has been submitted against the refusal of 20/02026/PACOU, and a connected appeal has been submitted against the non-determination of this application, and so a resolution is sought on what decision Members would have reached if they had the opportunity to determine the application.
- 1.3 The site is located adjacent to but outside of the Cold Ash settlement boundary, to its south and therefore within the countryside. The site forms part of the open, rural setting to Cold Ash and the site and other surrounding land separates the village from Thatcham to the south. The site falls outside of but contributes to the setting of the North Wessex Downs AONB which lies to the east. The site is part of a farm yard, with a barn, open barn, old dairy, sludge/slurry lagoons and concrete hard surface with soil bund around and open farmland. An existing dwelling The Bungalow lies to the southeast. This dwelling along with Cedar Haven to the north are accessed via a farm track from The Ridge. The application site is accessed off The Ridge partly along an existing PROW (Bridleway COLD20/1), and from an agricultural access to the south west to Cold Ash Hill.
- 1.4 The former uses on site as a dairy farm and for heifer breeding have ceased. The buildings are currently used for limited agricultural storage.
- 1.5 The application has been submitted in association with the application for prior approval for the change of use of the buildings. This application seeks approval for works associated with those dwellings, to infill slurry pits, and provide larger residential curtilages, and to provide drainpipes for the building. The application also includes the demolition of a barn, and reinstatement of the land to a paddock, and landscaping around the site. The vehicular access to the site is via the existing track from Cold Ash Hill, with a pedestrian link to the north-east towards The Ridge.

## 2. Planning History

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

Application	Proposal	Decision / Date
74/00179/ADD	Temporary mobile home for agricultural worker	Approved 04.02.1974
79/10699/ADD	House and feed unit for 120 dairy cows and slurry store agricultural use	Approved 06.06.1979
02/00666/FUL	To provide a new access to serve the farm to replace the existing.	Approved 11/09/2002
16/00051/FULMAJ	Demolition of existing farm buildings and the erection of 4 new dwellings with garages, landscaping and associated works.	Refused 05/04/2016  Appeal Dismissed 22/12/2016
19/02334/AGRIC	Proposed new road	Application not required 24/10/2019
20/02026/PACOU	Prior approval of change of use of agricultural buildings to 5 dwellings.	Refused 14/06/2021  Appeal Submitted

## 3. Procedural Matters

- 3.1 Given the nature and scale 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 Site notice displayed on 25th September 2020 at gate entrance on Cold Ash Hill; the deadline for representations expired on 19th October 2020.
- 3.3 The change of use of the buildings to dwellings is being dealt with under 20/02026/PACOU and so the liability for the payment of the Community Infrastructure Levy (CIL) is being confirmed through that appeal

## 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.

<b>Cold Ash Parish Council:</b>	<p>Object. Size of Development, and extension to residential curtilage</p> <p>Farm track being changed to a residential road. The farm track floods, further improvements would change the rural nature of the picturesque fields on the lower slopes</p> <p>Excessive parking spaces</p> <p>Paddock should not be developed in the future</p> <p>The proposed entrance on Cold Ash Hill has minimal use, it crosses a WBC verge and queries the right to use it, this was built after 2013 despite the submission statement.</p> <p>Outside the settlement boundary.</p> <p>Negative impact on wildlife</p> <p>Loss of agricultural land</p> <p>Negative impact on neighbouring residents</p> <p>Impact on flooding, alterations to paving will affect flooding</p> <p>Style and appearance of buildings out of keeping with the area</p>
<b>WBC Highways:</b>	<p>No objection, am content with the site layout and parking provision, request if cycle storage and electric vehicle charging points can be provided</p>
<b>West Berkshire Spokes:</b>	<p>No comments to make</p>
<b>WBC Housing:</b>	<p>No comments to make</p>
<b>WBC Archaeology:</b>	<p>There are no archaeological implications to this proposal.</p>
<b>WBC Trees:</b>	<p>Additional information is required about hedgerow remediation. Landscaping proposal would need to include trees and hedges planted either side of the access road, and details of tree protection should be provided.</p> <p>No objections subject to conditions</p>
<b>Lead Local Flood Authority:</b>	<p>1st Response: Requested a drainage strategy.</p>

	<p>2nd Response: Foul and surface water can be dealt with as a pre-commencement condition.</p> <p>3rd Response: Having reviewed the Additional Drainage Information Technical Note (Glanville Consultants report reference: 006_8200125_SH_Additional_Drainage_Info_TN), we are content with the revised drainage layout and calculations, and recommend a condition ensuring these measures are provided.</p>
<b>WBC Ecology:</b>	Recommend conditions
<b>Environment Agency:</b>	No response received
<b>Environmental Health:</b>	A Phase 1 Geo-environmental study has been submitted which I have reviewed. The conclusion recommends an intrusive investigation into potential contaminative sources on site. I agree with this recommendation, and suggest conditions.
<b>Access Officer:</b>	No response received
<b>Thames Water Utilities:</b>	No response received

### ***Public representations***

4.2 Representations have been received from 37 contributors, 1 of which support, and 36 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:

4.4 In support of the application

- The old barns are an eyesore and are unusable, and the buildings will be an improvement
- It will enable people to stay in the village
- The road is well thought of, taking traffic out of the village

4.5 Objections to the application

- Increase in traffic, 20 additional vehicle movements a day and a material change in the type of traffic, congestion on Cold Ash Hill, poor visibility.
- Danger to pedestrians and cyclist as the road is not suitable for street lighting
- Presence of speed cameras on Cold Ash Hill indicates the view of the police that speeding is a safety issue on this road
- Lack of enforcement of speed controls
- There will be an increase in noise to neighbouring residences from traffic on the track
- Access should be from The Ridge
- The previous appeal was dismissed in 2016 due to unacceptable impacts on the character and appearance of the area; access to services;

protected species; waste collection; sustainability. Little has changed since then

- Previous application was for four large houses, new application is for two large and three small barn conversion dwellings of horrendous appearance
- Appearance of the development, and impact on the AONB, the buildings can be seen from Cold Ash Hill, and the open setting should be protected.
- Impact on wildlife and protected species, pets using the field and horses, close to breeding grounds for newts
- Impact on privacy from the track
- Loss of sleep from vehicle lights shining into bedrooms
- Impact on drainage from the access track, disruption to natural drainage, increased flood risk
- The existing track is not used, there is an existing access from The Ridge
- The track crossing several fields making it harder to contain livestock, affecting the agricultural use
- The track was approved as an agricultural access
- The track is not suitable for saloon cars
- Excessive number of parking spaces
- The hedgerow bordering Cold Ash Hill should be cut, for nearby residents to have better views
- The buildings are not suitable for conversion
- Design is not in keeping with other housing in the area, building A would be steel framed with metal roofs, and building C would be timber framed with metal roofs and timber cladding
- The buildings may be structurally sound enough to be converted, but they are not suitable.
- Outside the settlement boundary
- Impact the gap between Cold Ash and Thatcham, and impact rural appearance of the village, could open it up for development
- Over development in Cold Ash in recent years
- Increase in noise, air and light pollution
- The site is in an elevated position and can be seen from many locations
- Not a sustainable location
- Loss of views
- Impact on local services and infrastructure
- Lack of affordable housing
- Previous objections from the fire service and refuse service
- Is contrary to policies ENV19 and ENV20, the NPPF, West Berkshire Core Strategy and policies and the Cold Ash and Ashmore Green Village Design Statement
- Similarities to dismissed appeal at Pound Cottage, Cold Ash Hill
- Impacts on archaeology

## 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, ADPP3, CS1, CS4, CS13, CS14, CS16, CS17, CS18, CS19 of the West Berkshire Core Strategy 2006-2026 (WBCS).

- Policies C1, C3, C4, C8, 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)
- WBC Quality Design SPD (2006)
- Sustainable Drainage Systems SPD (2018)
- Cold Ash and Ashmore Green Village Design Statement (2002)
- WBC Cycle and Motorcycle Advice and Standards for New Development (2014)

## 6. Appraisal

6.1 The main issues for consideration in this application are:

- The principle of the development
- Impact on the character and appearance of the area
- Highway safety
- Flood Risk
- Ecology

### *Principle of development*

6.2 The principle of the proposed conversion of the agricultural buildings to residential use, was considered through the prior approval application 20/02026/PACOU. This was refused as the proposal was not considered to be permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 Part 3 Class Q. This application is proposing an access way for the residential dwellings, parking areas, extensions to the residential curtilages, drainpipes to the buildings, landscaping improvements, demolition of a barn, reinstatement of land and the infilling of slurry pits. The principle of the conversion under this procedure has not been accepted, and is the subject of an appeal.

6.3 Policy C1 has a presumption against residential development in the countryside other than for specified exceptions. This list does not include new parking areas and new residential curtilages. Policy C8 provides criteria for permitting extensions to existing residential curtilages, where an existing residential curtilage is proposed to be extended this is only permitted if it is required to provide parking and/or to realign a garden boundary or extend a garden to achieve a similar level of provision to other dwellings on the immediate area. Given that there is no planning permission by virtue of a planning application or under permitted development rights, there is no existing residential curtilage to be extended. In addition the creation of additional parking areas and turning head to serve a use which has not been given permission would not fall within the circumstances for permitting an extension to the residential curtilage. Given that there is no authorised residential use of the site, the proposed residential curtilages are not considered to be permitted under policies C1 and C8 of the Housing Site Allocations DPD.

6.4 The proposed demolition of the barn could be dealt with through a separate application for prior approval. The infilling of the slurry pits, alterations such as the drainpipes and

the landscaping improvements should be considered in accordance with the following matters.

### ***Character and appearance***

- 6.5 Policies CS14 and CS19 require new development to demonstrate a high standard of design that respects and enhances the character of the area, and that particular regard will be given to the sensitivity of the area to change and ensuring that development is appropriate in terms of the location, scale and design in the context of the existing settlement form, pattern and character. Policy C8 says that in the circumstances where extensions to existing residential curtilages are considered, they will only be permitted where it can be shown that there is no adverse impact on the character and local distinctiveness of the rural area, or the setting of the property in the wider landscape.
- 6.6 The application as referred to above is proposing residential curtilages where there is no residential use, and as such the proposed use would have an adverse impact on the setting and appearance of the agricultural buildings within the wider countryside setting. In addition there would be a suburbanising of the appearance of the site through the creation of a formal parking area, in an area which is designed for and used by larger agricultural vehicles. This would be detrimental to the overall appearance of the site, and would not be visually sensitive or appropriate to the agricultural appearance of the site and would not enhance the character of the area.
- 6.7 This application includes proposal for the infilling of the slurry pits to the north of Building C on the site layout plans. This infilling of the slurry pits in themselves would not be harmful to the character and appearance of the site, however the use of the land as residential curtilage, without a residential use of the building would be harmful as already discussed.
- 6.8 The previous application on the site, which proposed the redevelopment of the farm buildings for dwellings also proposed an access across the field from the access gate on Cold Ash Hill. The Inspector also dismissed the appeal due to the visual impact of that track. However since that appeal was dismissed the track has now been completed through fully implementing the 2002 permission (02/00666/FUL). This application does not include any proposals to widen or resurface the track, and so there will be no further visual impacts as a result of these proposals on the appearance of the fields between Cold Ash Hill and the site. However the Tree Officer has recommended that a landscaping scheme is submitted for approval which included additional planting along the route of the track.
- 6.9 The application also proposes the creation of new landscaping in the form of wildflower planting and hedges, to the west of the site. This is considered to be an appropriate location for such planting, and would create a visual buffer between the farm complex and the open fields to the south of the site. Subject to a condition with regards to a detailed landscaping scheme, this would be a visual enhancement to the appearance of the site.

### ***Highway Safety***

- 6.10 Policy CS13 refers to development which has an impact on the highway network, and policy P1 sets out the parking requirements for new residential development. There have been objections raised to the traffic which would be generated from this development, and the use of the access on Cold Ash Hill. These are matters of the principle of the development and are dealt with in the concurrent prior approval application. This application includes details of a turning head within the site, and parking provision for the dwellings. The Highways Officer is satisfied with the layout which is proposed, and the number of parking spaces accords with policy P1. Whilst

the principle of the need for the parking spaces has not been established, the space which has been proposed accords with the relevant policies.

### ***Ecology***

- 6.11 Policy CS17 requires the biodiversity and geodiversity assets across the District to be conserved and enhanced. The site has the potential for some use by bats, and replacement bat boxes can be sought through conditions. The application also includes biodiversity enhancements through the wildflower meadow planting and the retention of a pond in the north-east of the site. The Ecologist has reviewed the application, and is satisfied with the proposals, however conditions with regards to the submission of a Landscape Environment Management Plan, and a Construction Environmental Management Plan are sought. A condition requiring the water quality tests from the package sewage treatment plant is also sought to monitor levels of nitrate, phosphate and biological oxygen being discharged, and to protect the soil and water courses. Through the implementation of these measures the proposal is considered to be in accord with policy CS17.

### ***Other Matters***

- 6.12 The objections which have been raised to the application have also included concerns about the impact on the privacy of the dwellings from the use of the track, and additional noise which will be generated, and other impacts on the living conditions of those properties. These matters relate to the conversion of the buildings to residential use which are dealt with in the prior approval appeal, and do not refer to the matters under consideration within this application.
- 6.13 The Environmental Health Officer has also suggested conditions with regards to potential land contamination. However these are matters which are dealt with in the prior approval appeal.

## **7. Planning Balance and Conclusion**

- 7.1 The principle of the conversion of the buildings to residential use is being established through the appeal against the refusal of the prior approval application. This application proposes the infilling of slurry pits, the installation of guttering, and the provision of residential amenity space and the demolition of a barn and reinstatement to a paddock and the additional landscaping around the site. Whilst the infilling of the slurry pits will not have a negative impact on the surrounding countryside, the creation of additional parking spaces and a residential curtilage, where there are no residential dwellings, would not accord with the provision of policy C1 which only allows for residential development in limited circumstances, or policy C8 which only allows for the extension of an existing residential curtilage. Whilst the proposal includes the demolition of an agricultural barn, and restoration of the land to agricultural use, these could also be achieved through utilisation of permitted development rights. Whilst the infilling of the slurry pits, would not be harmful to the rural character of the site, the creation of a residential curtilage and additional parking will result in a development which is unconnected to the associated agricultural buildings, which would be harmful to the rural and agricultural character of the site, this does not outweigh the visual benefits of the infilling of the slurry pit, the wildflower planting, or the demolition of the barn. It is considered that the developments which are proposed without the benefit of a permission for residential use, would result in developments which are unconnected to the use of the agricultural buildings, and would have an adverse suburbanising impact on the setting and appearance of the agricultural buildings within the wider countryside setting and would be contrary to policies CS14, CS19, of the Core Strategy and policies C1 and C8 of the Housing Site Allocations DPD.

## 8. Full Recommendation

- 8.1 To delegate to the Service Director – Development and Regulation to advise the Inspector that had the Council had the opportunity to determine the application it would be REFUSED for the reason listed below.

### ***Refusal Reasons***

1.	<p><b>Impact on the Character and Appearance of the Area</b></p> <p>The application is proposing the provision of residential amenity space and parking and turning areas on a site where there is no authorised residential use. This is contrary to policies C1 and C8 of the Housing Site Allocations DPD (2006-2026), which set out the limited exceptions for residential development in the open countryside, and the permitted circumstances for extended residential curtilages. The proposed use of the land for residential purposes and parking will result in residential curtilages and parking area and turning heads which are unconnected to the use of the agricultural buildings, and would have an adverse suburbanising impact on the setting and appearance of the agricultural buildings within the wider countryside setting and would be contrary to policies CS14, CS19, of the Core Strategy (2006-2026) and policies C1 and C8 of the Housing Site Allocations DPD (2006-2026).</p>
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