

# Agenda Item 11.

Application Number	Expiry Date	Parish	Ward
220359	16.05.2022	Remenham,	Remenham, Wargrave and Ruscombe;

<b>Applicant</b>	Mr John Bateman
<b>Site Address</b>	Brick Barn White Hill Remenham Hill Wokingham RG9 3HN
<b>Proposal</b>	Full application for the proposed (retrospective) erection of six ancillary residential outbuildings and conversion of the existing Brick Barn.
<b>Type</b>	Full
<b>Officer</b>	Helen Maynard
<b>Reason for determination by committee</b>	Listed by Councillor Halsall

<b>FOR CONSIDERATION BY</b>	Planning Committee on Wednesday, 8 June 2022
<b>REPORT PREPARED BY</b>	Assistant Director – Place

## SUMMARY

This is a full planning application for:

1. The erection of six ancillary residential outbuildings
2. The conversion of part of the existing barn (to extend the existing living accommodation within the dwellinghouse).

The works have been completed and the application is submitted retrospectively.

Two separate planning applications have been submitted alongside this application for the same site. These are also being considered by this Committee.

- 220321: Full application for the proposed Use of Land as Garden (Retrospective) and;
- 220332: Full application for the proposed access drive to single dwelling, with associated water permeable gravel parking areas, and paths within garden (Retrospective)

The application site consists of an open area of parkland within the Grade II\* Listed Registered Park and Garden – Park Place and Templecombe. The site is located within Countryside and within the Metropolitan Green Belt.

The proposal is considered to be inappropriate development within the Green Belt that fails to preserve its openness, it has a detrimental impact on the character and appearance of the Countryside and the Landscape character of the area. The proposal also has a harmful impact on the significance of the Grade II\* Registered Park and Garden and the setting of Grade II Listed Noble Barn and the non-designated heritage asset of Brick Barns. Additionally, the proposal fails to consider protected species.

The application has been listed for Committee by Cllr Halsall on the basis that there will no detrimental impact on the Green Belt as a result of the proposed development.

## PLANNING STATUS

- Listed Building
- Contaminated Land Consultation Zone
- Local Authorities
- Heathrow Aerodrome Consultation Zone
- Affordable Housing Thresholds
- Bat Roost Habitat Suitability
- Borough Parishes
- Scale and Location of Development Proposals
- GC Newt Consultation Zone
- Green Belt
- Ground Water Zones
- Local Wildlife Site
- National Historic Parks and Gardens
- Nuclear Consultation Zone
- Borough Wards
- Radon Affected Area
- Landscape Character Assessment Area
- SSSI Impact Risk Zones
- Local Wildlife Sites Consultation Zone

## RECOMMENDATION

**That the committee authorise the REFUSE TO GRANT OF PLANNING PERMISSION for the following reasons:**

### **A. Inappropriate development in the Green Belt**

The proposed erection of six detached outbuildings and the conversion of part of the barn to residential accommodation is does not fall within any exceptions set out in the NPPF. The proposal is considered to be inappropriate development within the Green Belt and by definition, would be detrimental to the openness of the Green Belt and the purposes of including land within it. The proposal has failed to demonstrate that any very special circumstances exist to outweigh the harm to the Green Belt contrary to policies CP1, CP3, CP12 of the Wokingham Borough Core Strategy, policy TB01 of the Managing Development Delivery Local Plan and National Planning Policy Framework 2021.

### **B. Harm to character and appearance of Countryside**

The proposed six detached outbuildings, by virtue of their location outside the residential curtilage of the dwellinghouse and the cumulative excessive scale, massing, footprint, along with the facilities to be provided would result in significant detrimental impact to the character and appearance of the area and overdevelopment/over-intensification of the site. Moreover, there would be unacceptable impact to the living conditions of adjoining occupiers in terms of noise and disturbance. In particular, Outbuilding 2 comprises kitchen, living area and bathroom, for which there is no robust justification for the proposed use, and would also have no functional or physical dependency on Brick Barn and therefore be considered tantamount to a new dwelling in the countryside.. The proposal would

be contrary the NPPF, Core Strategy Policies CP1 and CP3, MDD Local Plan Policy TB06 and the principles contained in Section 4 of the Borough Design Guide.

### **C. Harm to the Landscape Character**

The proposed development is out of keeping with the agricultural and parkland landscape character of the surrounding area. The development will have a detrimental impact on the intrinsic rural character and thus harmful to the visual amenity of the area. The additional built form would result in an urbanising impact within undeveloped parts of the site. The development is inappropriate in this location and detrimental to the established pastoral and tranquil and valued landscape character. It has not demonstrated that special justification exists to outweigh the identified harm. As such it is contrary to the National Planning Policy Framework, Policies CP1, CP3 and CP11 of the Core Strategy and policies CCO1, CC03, CP1, CP3, CP11 and TB21 of the Managing Development Delivery Local Plan.

### **D. Harm to the Grade II\* Registered Park and Gardens + Insufficient Heritage Information**

The proposed development and intensification of use would result in harm to the significance of a Grade II\* Listed Park and Gardens. No public benefits have been presented to outweigh such harm. As such, the proposal would be contrary to the NPPF and Policy TB24 of the Managing Development Delivery Document.

By virtue of lack of details and the absence of specialist input, the proposed development have not satisfactorily demonstrated no negative impact of the proposal to the significance of the setting of Grade II Listed Noble Barn or the undesignated Heritage asset of Brick Barn nor the significance of the Grade II\* Listed Registered Park and Garden. The proposal would be therefore contrary to Policy CP3 of the Core Strategy and Policy TB24 of the Managing Development Delivery Local Plan and the NPPF (2021)

### **E. Insufficient Information on Biodiversity**

By virtue of the lack of ecological information submitted, it has not been demonstrated that the proposed development has taken into account protected species (Bats and Great Crested Newts) on being on the site and how the impact of the development could be mitigated nor how the development conforms to the Integrated Estate Management Plan for Park Place in terms of biodiversity. The proposal is contrary to the National Planning Policy Framework (2021), Paragraphs 98 and 99 of Circular 06/2005, Policies CP3 and CP7 of the Adopted Core Strategy 2010, and Policy TB23 of the Adopted Managing Development Delivery Local Plan 2014.

#### *Informative:*

- 1) Refused plans This decision is in respect of the plans numbered X11; X30; X31; X32; X33; received by the Local Planning Authority on 7 February 2022. X10 received by the Local Planning Authority on 24 March 2022.

- 2) The Council would like to draw the Applicant's attention to the fact that only photographs have been submitted of buildings 5, 6 and 7. No floorplans or elevations have been submitted for buildings 5, 6 and 7. Plans providing accurate and adequate information to assess the application are required for an approval, appeal or any subsequent application.

<b>PLANNING HISTORY</b>		
<p>The wider Park Place site has a long and complicated planning history. Part of the planning history below covers this wider Park Place Estate in which Brick Barn sits. A number of the below applications do not relate directly to Brick Barn (otherwise known as The Bungalow) but include it within their red line.</p> <p>In addition to the listed below, also of relevance are planning permission 200972 (and associated Listed Building Consent 200973) for the adjoining property Noble Barn "<i>Full planning application for change of use from a barn to a dwelling (use class C3), including external alterations to the eastern elevation, insertion of eleven flush mounted skylights, insertion of twelve flues / extracts, changes to the fenestration and formation of new vehicle access and new boundary treatments (Retrospective)</i>" approved 21 December 2021</p>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
220321	Full application for the proposed Use of Land as Garden (Retrospective)	Pending Consideration
220332	Full application for the proposed access drive to single dwelling, with associated water permeable gravel parking areas, and paths within garden (Retrospective)	Pending Consideration
160204	Householder application for proposed refurbishment and erection of a single storey rear extension, conversion of open cart shed to create habitable accommodation to dwelling, plus the installation of rear roof lights and front wood burner flue.	Withdrawn 10 November 2016
140994	Application for refurbishment of existing converted barn including removal of a previous extension and erection of a new barn-style extension with conversion of a Grade II listed barn to provide ancillary parking, storage and workshop, with change of use of an area of former golf course to provide additional residential curtilage.	12 November 2014 Withdrawn
RM/2010/1243	Reserved Matters application on outline consent O/2008/1353 for the erection of one dwelling (Aspect West- New Dairy Farm) Reserved Matters to be considered for the siting, design (including floorspace, height massing, internal layout & external appearance), access and landscaping.	Approve 04 August 2010
O/2008/1353	Outline application for the demolition of 8 dwellings and erection of 5 new dwellings. Change of use of 3 dwellings to form 2 boathouses and guest accommodation. Conversion of 2 dwellings to form	Approve 09 December 2008

	1 dwelling. Alterations to the barns and the bungalow to form a single residential unit plus alterations and extensions to existing buildings	
041618	Application for a screening opinion prior to an application for restoration and redevelopment of Park Place.	14 January 2005 EIA Development

### SUMMARY INFORMATION

#### For Residential

Site Area - 8588sqm  
Existing units – Single dwellinghouse (111sqm)  
Proposed units – 6 outbuildings & residential extension (183sqm & 45sqm)

### CONSULTATION RESPONSES

WBC Drainage	There will be increase in impermeable area and we would have no objection to the principle of the development but as Drainage details have not been provided and the existing drainage details has not been mentioned, we would recommend a condition.
WBC Environmental Health WBC Ecology	No comments to make No ecological survey report has been submitted with this application; unable to assess impact on protected species (Bats and Great Crested Newts). Recent development (since 2008) within the Park Place registered park and garden has been designed and implemented in accordance with an Integrated Estate Management Plan which aimed to restore historic features and improve biodiversity across the site; not clear how this development works alongside the implementation of the management plan and is not detrimental to the biodiversity objectives.
WBC Highways	No objection; ancillary condition required in interests of highway safety
WBC Heritage & Conservation	Insufficient information contrary to NPPF (2021) paragraph 194. Impact on the appearance and character of the parkland Less than substantial harm to heritage assets
WBC Tree & Landscape	Objection: Landsacpe impact. No supporting landscape statement submitted. Proposal contrary to TB21 & TB24 & NPPF 174(a)

Gardens Trust	Objection: No account is taken within the applicant's Planning Statements of the fact that this site lies centrally within the Grade II* Registered Park or to refer to the relevant policies in NPPF or the Local Plan. Concerns about the scale and nature of the changes to the grounds of Brick Barn.
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**REPRESENTATIONS**

**Town/Parish Council:** The Parish summarise the three submitted applications at Brick Barn. The advise that this application should be left to the Planning Officer to determine.

**Local Members:**

Cllr John Halsall

I do not feel that:

- . Change of use to a garden
- . Creation of a drive and parking
- . Construction of outbuildings including garden sheds and conversion of the barn

Are in contravention of the Green belt rules as defined in the NPPF

**Neighbours:**

Objections:

Noble Barn

- Impact on Grade II\* Park and Garden
- Impact on Green Belt
- Impact on Landscape Character
- Impact on Biodiversity

**APPLICANTS POINTS**

- Brick barn has been a dwelling for many years, known previously as "The Bungalow".
- The planning history of the estate, including the occupation of this dwelling and the use of surrounding land previous occupants is complex
- No clear evidence of harm on the openness of the Green Belt and purposes of including land within it
- Unique location and context of site
- The provision of outbuildings for private dwellings is accommodated within the General Permitted Development Order. In this location the general scale, proportions, height and location of domestic outbuildings are controlled within the stipulations of Schedule 2 Part One Class E.2.

**PLANNING POLICY**

National Policy	<b>NPPF</b>	National Planning Policy Framework
Adopted Core Strategy DPD 2010	<b>CP1</b>	Sustainable Development
	<b>CP2</b>	Inclusive Communities
	<b>CP3</b>	General Principles for Development
	<b>CP7</b>	Biodiversity
	<b>CP9</b>	Scale and Location of Development Proposals

	<b>CP11</b>	Proposals outside development limits (including countryside)
	<b>CP12</b>	Green Belt
	<b>CP13</b>	Town Centres and Shopping
Adopted Managing Development Delivery Local Plan 2014	<b>CC01</b>	Presumption in Favour of Sustainable Development
	<b>CC02</b>	Development Limits
	<b>CC03</b>	Green Infrastructure, Trees and Landscaping
	<b>CC04</b>	Sustainable Design and Construction
	<b>CC06</b>	Noise
	<b>CC07</b>	Parking
	<b>CC09</b>	Development and Flood Risk (from all sources)
	<b>CC10</b>	Sustainable Drainage
	<b>TB01</b>	Development within the Green Belt
	<b>TB06</b>	Development of private residential gardens
	<b>TB07</b>	Internal Space standards
	<b>TB21</b>	Landscape Character
	<b>TB23</b>	Biodiversity and Development
	<b>TB24</b>	Designated Heritage Assets
Supplementary Planning Documents (SPD)	<b>BDG</b>	Borough Design Guide
		DCLG – National Internal Space Standards

## PLANNING ISSUES

### Site Description:

1. The application relates to Brick Barn, which was previously known as The Bungalow with the Park Place Estate.
2. The site is located within Park Place and Temple Combe Grade II\* Historic Park and Gardens. Within Historic Park and Garden there are a number of listed building and structures as well as non-designated heritage assets including the former buildings of Park Place Farm which include Brick Barn.
3. This application is submitted retrospectively.

### Background Information:

4. There is no evidence within the planning history that Brick Barn benefits from either planning permission or a Certificate of Lawfulness for the use as a dwellinghouse but part of the building is understood to have been in this use for some considerable time.

The Applicant states that the use of the building as a dwellinghouse ‘predates planning’. No evidence is submitted to support this statement nor has any Certificate been applied for.

5. Outline application O/2008/1353 relates to significant development the wider site but the works relating to Brick Barns is for “Alterations to the barns and the bungalow to form a single residential unit plus alterations and extensions to existing building”. This has clearly not been implemented as Noble Barn and Brick Barn are two separate dwellings.
6. More recent applications at Brick Barns relating to householder development have all been withdrawn, however there is no record of the reason for such withdrawals.

**Proposal:**

7. This application proposes the erection of 6<sup>1</sup> ‘ancillary’ residential outbuildings and the conversion of a cart shed to form an extension to the existing dwelling at Brick Barn. The outbuildings are annotated 2 – 7 on the submitted drawings and this report reflects that numbering.
  - a) Conversion of cart shed and extension existing dwelling: The development comprises 45sqm residential floorspace and enclosure of open sided cart shed with the insertion of 6no. rooflights on the roofslope. No existing elevations or floorplans have been provided therefore it is not clear how far the building has been extended. The fenestration has been altered on the porch/elevation. A flue has been inserted on the south elevation. With the limited information provided it is difficult to understand the alterations to the building. No existing plans have been submitted with the application, however, the building is understood to have looked like the below image prior to the conversion:



In addition to this, a number of flues and rooflights have been installed in the roofslope of the existing dwellinghouse.

- b) Outbuilding 2: The erection of a timber clad outbuilding (15.5m x 4.5m) with a dual pitched tile hung roof 2.5m in height to eaves and 4m in height to ridge. The building has three sets of patio doors on the east elevation and 3no. rooflights on the west roofslope. A pergola (18sqm) and terrace and sleeper retaining wall is proposed to the south of the building. The buildings comprises WC and kitchen facilities. The

<sup>1</sup> The outbuilding numbers below are referred to as labelled on the plans.

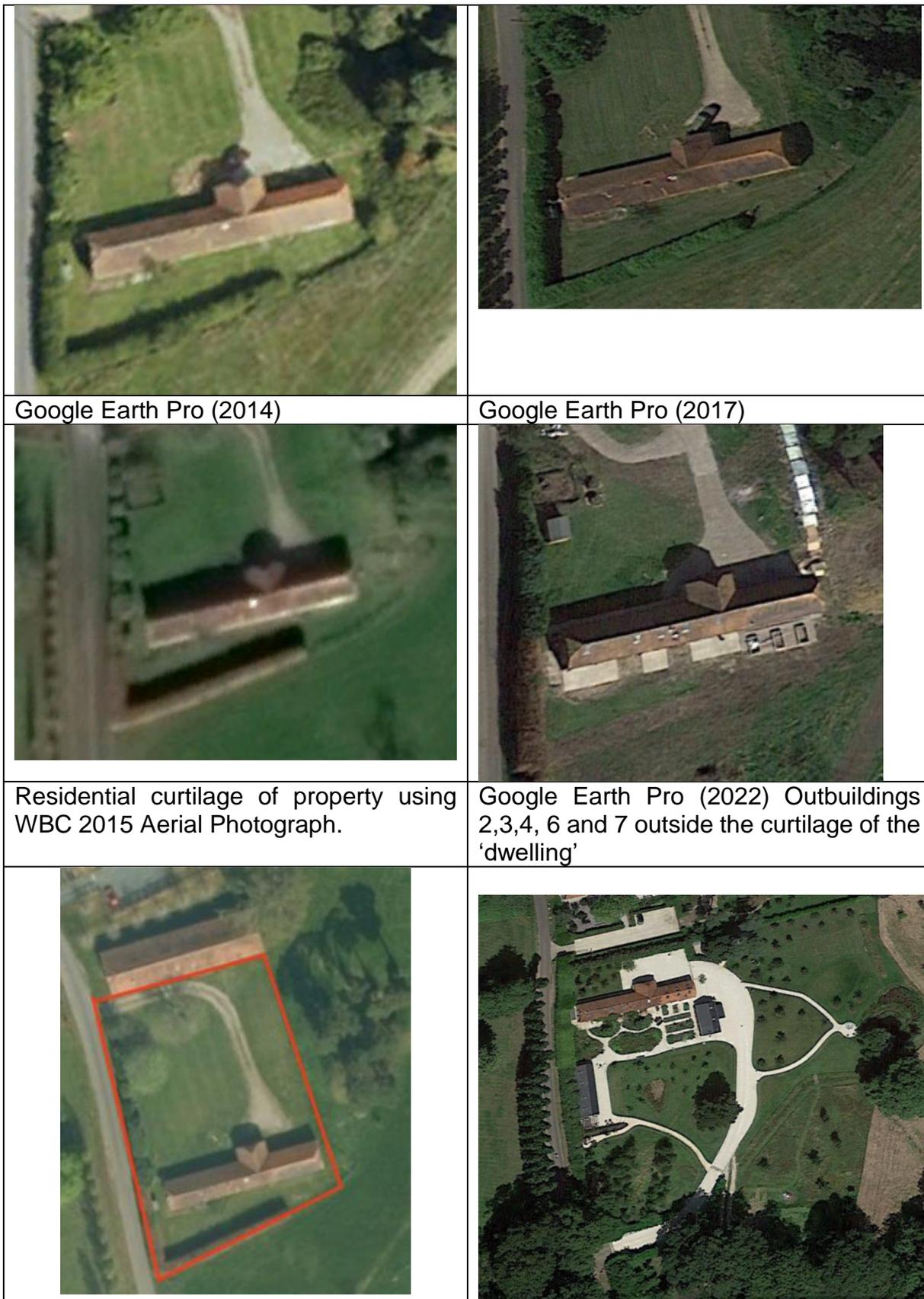
Applicant states that it is in use as a home office/gym. No site levels have been provided but the provision of a retaining wall indicates that an engineering operation has taken place to level the land. Further information is required to assess this aspect of the development.

- c) Outbuilding 3: The erection of a timber clad outbuilding (5m x 10m) with lean to extension (3m x 5m) with a dual pitched tile hung roof 2.5m in height to eaves and 4.5m in height to ridge. 3no rooflights are proposed on the east roofslope and 1no. rooflight on the west rooflight. A woodburner flue has been installed on the east roofslope. There are glazed doors on the east elevation which are covered by timber shutters. The Applicant states the building is used as a bedroom and bathroom.
- d) Outbuilding 4: The erection of a (6.25m x 5m) timber clad building with a monopitch roof 2.4m in height at the highest point and 2.1m to eaves. The building has timber double garage doors on the east elevation. The Applicant states the building is used for maintenance.
- e) Outbuilding 5: No elevational drawings have been provided therefore no dimensions can accurately be assessed. Elevations would be required for any approval to form part of a standard plans condition. This building is a timber shed with a felt dual pitch roof. The site indicates the building is 9sqm.
- f) Outbuilding 6: No elevational drawings have been provided therefore no dimensions can accurately be assessed. Elevations would be required for any approval to form part of a standard plans condition. This building is a timber building with a dual pitch tiled roof. Part of the building is open sided. The site indicates the building is 10sqm.
- g) Outbuilding 7: No elevational drawings have been provided therefore no dimensions can accurately be assessed. Elevations would be required for any approval to form part of a standard plans condition. This building is a timber shed with a felt dual pitch roof. Elevations would be required for any approval to form part of a standard plans condition. The site plan indicates the building is 4sqm.

#### **Established residential curtilage and garden:**

- 8. It is noted that an application reference 220321 for *“the proposed Use of Land as Garden (Retrospective)”* has been submitted alongside this application 220321 indicates that the property currently does not have any residential garden and that the change of use of Land is for the same red line as the application subject of this report. The application subject of this report does not include any change of use of Land.
- 9. Notwithstanding the use of the building as a dwellinghouse, the garden of the dwelling is clearly disputed. The Applicant confirms by way of application 220321 they consider there is no garden associated with the building.
- 10. The curtilage and lawful “garden” of the building is indicated by the hedgerow in the below images, although it is acknowledged that this hedgerow has since been removed:

Google Earth Pro (2012)	Google Earth Pro (2014)
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11. As can be seen from the above, the lawful residential curtilage and garden of Brick Barns does not include any additional garden to the south and east of the property. Consequently it is considered that the proposed outbuildings (with the exception of outbuilding 5), subject of this retrospective application are located outside the

residential curtilage of Brick Barns and therefore cannot be considered either incidental or ancillary to the main residential use.

12. The residential use of the site is clearly demarcated by the high hedgerow to the west and south, manicured lawn to the west and driveway to the north. The red line submitted with the current application includes a much larger area and no planning history can establish any extension to the residential garden into established countryside land. Consequently, the application also represents a change of use of land from agricultural to residential which has not been included in the description of development.

#### **Incidental or Ancillary:**

13. The description of development refers to ancillary buildings however the Planning Statement submitted with the Application states that the buildings are for purposes incidental to the dwellinghouse. It further states that they consider the development to fall within Schedule 2 Part 1 Class E of the Town and Country Planning (General Permitted Development Order)(England) 2015 (as amended). However no Certificate of Proposed Use application supports this.
14. There is significant case law examining ancillary and incidental buildings in relation to dwellinghouses in basic terms, ancillary requires planning permission and generally relates to anything a person can do in a standard house e.g. eat, sleep, shower etc. and incidental would be permitted development and would include uses such as storage, gym or swimming pool.
15. It is not clear which of these the Applicant wishes to apply for. Primary living accommodation such as that provided in Outbuildings 2 and 3 would not normally be expected to be incidental to the enjoyment of a dwellinghouse.
16. Each building proposed clearly has a different intended use and given the nature of some of these buildings they may not all be considered as ancillary.
17. It must also be noted that none of the buildings benefit from the abovementioned permitted development right as they are located outside the residential curtilage of the dwellinghouse.
18. The application is assessed on the basis of the description of development provided by the Applicant. The full assessment is set out in the forthcoming report.

#### **Principle of Development:**

19. The National Planning Policy Framework has an underlying presumption in favour of sustainable development which is carried through to the local Development Plan. The Managing Development Delivery Local Plan Policy CC01 states that planning applications that accord with the policies in the Development Plan for Wokingham Borough will be approved without delay, unless material considerations indicate otherwise.
20. The site is located outside any defined settlement limits and is located within the Metropolitan Green Belt and Countryside. Paragraph 147 of the NPPF establishes that inappropriate development is, by definition, harmful to the Green Belt and should not

be approved except in very special circumstances. Paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt unless it meets certain exceptions.

21. Policy CP12 of the Core Strategy and Policy TB01 of the MDD Local Plan provide guidelines for development within the Green Belt. Whilst Policy CP12 predates the NPPF, it is consistent with the national planning policy in prohibiting development that would be inappropriate in the Green Belt. Inappropriate development includes development that would harm the open character of the area.
22. This is reinforced by policy TB01 of the MDD which states that development must maintain the openness of Green Belt. Policy TB01 further clarifies the position regarding development within Green Belt and states that “Within the Green Belt, development for the purposes set out in the National Planning Policy Framework will only be permitted where they maintain the openness of, and do not conflict with the purposes of including land in, the Green Belt. The alteration and/or extension of a dwelling and the construction, alteration or extension of buildings ancillary to a dwelling in Green Belt over and above the size of the original building(s) shall be limited in scale”.
23. The supporting text for this policy goes on to say “Proposals shall be assessed against the original building as defined in the NPPF”. In accordance with Annex 2 of the NPPF, the original building is defined as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally. With regard to the definition of limited, this is set out in Policy TB01 as a “cumulative increase of generally no more than a 35% increase in volume over and above the original dwelling.” Though this policy is designed for residential extensions, this nonetheless provides a guideline for all forms of development within the Green Belt, and any development resulting in more than 35% volume increase is considered inappropriate development by definition within the Green Belt.

*Inappropriate Development:*

24. The proposal is for retrospective erection of six outbuildings and extension to a dwellinghouse.
25. The NPPF paragraph 149 states that the construction of new buildings is inappropriate in the Green Belt unless the fit into the listed exceptions. The NPPF is clear that the inclusion of a building within an exception does not automatically mean that planning permission will be given.
26. In terms of domestic extensions and outbuildings, an assessment needs to be made on the proposal's effect on, amongst other matters the open, rural and undeveloped character of the Green Belt.
27. The proposal does not fall within any of the exceptions listed in paragraph 145 of the NPPF.
28. Policy CP12 of the Core Strategy states that planning permission will not be granted for inappropriate development within the Metropolitan Green Belt.

29. The proposed development is considered inappropriate development within the Green Belt.

*Openness:*

30. The planning statement interprets policy TB01 of the Managing Development Delivery Local Plan, stating that:

*“the Council’s guidance states that the 35% increase should be used in the consideration of extensions. In relation to outbuildings, the guidance at paragraph 3.5 (quoted in full above) states that “changes should not result in disproportionate additions to the original building(s) or cause a detrimental alteration to the scale of the dwelling or to the scale of the development on the site” which is consistent to the policy wording. No reference is made to the 35% in relation to outbuildings.”*  
*(Paragraph 5.17)*

31. The wording of paragraph 3.4 supporting policy TB01 is as follows: *“with regard to the alteration and/or extension of a dwelling and the construction, alteration or extension of building ancillary to a dwelling, proposals will be assessed against the original building[...] only limited extensions to a dwelling will generally be permitted. Limited means a cumulative increase of generally no more than 35% increase in volume over and above the original dwelling.”*

32. Paragraph 3.5 reads: *“For the purposes of clarity, any assessment of increase in volume of a dwelling will not include any other buildings on the site. With regard to the construction, alteration or extension of buildings ancillary to a dwelling, changes should not result in disproportionate additions to the original building(s) or cause a detrimental alteration to the scale of the dwelling or to the scale of development on the site.”*

33. The wording of paragraph 3.4 clearly outlines that the 35% recommendation includes the volumetric total of proposed outbuildings. This means despite the 35% volume recommendation not being mentioned in paragraph 3.5 with regards to outbuildings, it is still largely relevant. Although this quantitative figure is valuable guidance, a holistic assessment of the overall harm must also be taken into account.

34. As advised in the forgoing, the Local Planning Authority has limited records relating to the original dwellinghouse, however it appears to be the dwelling without the extension (forming part of this application).

Gross Floor Area of original dwellinghouse (measured from floorplan)	111sqm
Gros Floor Area of proposed outbuildings	
Extension	45sqm
Outbuilding 2	69.75sqm
Outbuilding 3	59sqm
Outbuilding 4	31.25sqm
Outbuilding 5	9sqm
Outbuilding 6	10sqm
Outbuilding 7	4sqm
Total	228sqm
Percentage Increase in Floor Area from Original	105%

35. The proposed development would result in an increase of the property's floor area by approximately 105% from the original dwellinghouse (as defined by the NPPF). This figure clearly and significantly exceeded the 35% mentioned in policy TB01. The proposed development is considered disproportionate over and above the size of the original building. As such, the proposal would represent inappropriate development in the Green Belt and would be considered contrary to TB01 and the NPPF this domestic development cannot be considered limited in scale.
36. It is noted that the extension to the property is predominantly within existing built form and as a stand-alone extension, may be considered appropriate given its nature; however it has been included within this application with numerous large outbuildings. The application therefore must be assessed as a whole.
37. It is also noted there is evidence on site of an engineering operation by way of a retaining wall, changes of levels of land and associated works that have not been detailed in this application or any of the associated applications being considered by this Committee 220321 or 220332.
38. The proposed development would increase the volume of built form; and create significant additional floorspace. This would lead to a total volume increase of 491 cubic metres. These outbuildings are considered to result in disproportionate additions to the original dwelling and as such constitute inappropriate development which by definition is harmful to the Green Belt. The development would increase both the footprint, height and volume of built form at Brick Barn resulting in a reduction in the openness of the Green Belt.
39. The Applicant does not refer to planning policy within their submitted Planning Statement nor indicate which exception to the Green Belt policy they consider the development to fall within.
40. Openness is an essential characteristic of the Green Belt, and it is clear that openness should not only be viewed in its visual context, but also its spatial context. The presence of permanent built form where there was none previously is contrary to the intention of Green Belt policy, and therefore is harmful to the Green Belt. This view is supported by various High Court judgements.
41. The fact that the buildings are single storey and of an appropriate design does not negate the fact that the openness of the Green Belt would be significantly adversely impacted by the proposed development.
42. The proposed development will harm the openness of the Green Belt.

*Very special Circumstances*

43. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
44. No very special circumstances or other material considerations have been put forward by the Applicant to justify the development. Limited weight can be given to the desires of the Applicants to create a more space for their day-to-day needs. The Applicant states that

*“These are all single-story outbuildings of the kind often found in the gardens of large dwellings throughout the countryside, and as such they are in no way out of keeping in the context of this wider estate”.*

45. This modest two-bedroom bungalow with a small garden can by no means be compared to a large stately home in the Countryside. This is not considered to be an exceptional circumstance to justify departure from policy.
46. Consequently, the very special circumstances necessary to justify the proposal do not exist. The proposal conflicts with the Green Belt aims of both National and Local Policy and there are no other considerations to outweigh this policy conflict

### **Character of the Area/Countryside**

47. The site is also located in the countryside and is therefore subject to Policy CP11 of the Core Strategy, which seeks to maintain the high quality of the rural environment as well as to protect the separate identity of settlements. The higher test is considered to be the impact on the Green Belt, but some consideration of local plan policy is necessary. CP11 states: in the case of residential extensions, does not result in inappropriate increases in the scale, form or footprint of the original building.
48. Paragraph 170(b) of the NPPF requires that planning applications enhance the natural and local environment by ‘recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.’
49. The site lies within the countryside towards the top of Remenham Hill and to the east of Henley-on-Thames. They are located to the south of the A4130 and within the 240 ha Registered Park And Garden.
50. The residential development in this location predominantly comprises a cluster of buildings set in modest plots adjoining the wider, open parkland. The residential plots are clearly defined by parkland fencing.
51. It has already been established that due to the large scale of the development and significant distance from Brick Barn (outside the residential curtilage), that the proposal would lead to excessive expansion and encroachment into the rural open Countryside.
52. Whilst the proposed building would be sufficiently in keeping with the design of buildings in the area, the proposed development is clearly contrary to the character of the area due to the encroachment of development away from this main cluster of buildings and Brick Barns itself.
53. Rather than enhancing or retaining the spacious, verdant character of this rural parkland setting and the plots situated within it, the introduction of 6 new buildings randomly placed across the land with no functional connection to the main dwelling would be at odds with the prevailing character and instead would appear contrived and introduces residential development across a large area of Countryside. The additional built development would overly urbanise the land and negatively impact the spacious and open rural parkland character. The proposal would not maintain or enhance the quality of environment contrary to policies CP1, CP3 and CP11 of Core Strategy, core

planning principles of the NPPF and recommendations contained in the Borough Design Guide.

54. The proposed development is considered contrary to CP11.

*Independent Dwelling/Ancillary Accommodation – Outbuildings 2 and 3?*

55. Paragraph 78 of the NPPF aims to promote sustainable development in rural areas, with housing located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

56. Paragraph 79 of the NPPF seeks to avoid new isolated homes in the countryside unless there are special circumstances such as a rural worker's dwelling, optimal viable use of a heritage asset, reuse of redundant or disused buildings, and subdivision of an existing building or if the building is of exceptional design.

57. The proposed outbuildings 2 and 3 contain substantial accommodation. Outbuilding 3 clearly contains all internal facilities (three rooms, kitchen, bathroom) and appears to be self contained. It is accepted that Outbuilding 3 does not contain a shower, however it is clearly connected to mains water and has the ability to afford to those who use it the facilities required for day-to day domestic existence. The absence of a shower alone does not in itself exclude the building from being an independent dwellinghouse. The building has the appearance of a dwellinghouse and is a similar size of a single storey 2 bed, 2 person property (Technical housing standards – nationally described space standards 2015).

58. Although the building has been described as 'ancillary or incidental' accommodation, it has been acknowledged by Inspector's that the description of a building does not determine its lawful use. In similar appeal decisions in the past, including the Inspector determining Planning Appeal Ref. APP/L3815/C/15/3141285 (Annexe 47 Wellington Gardens, West Sussex, PO20 0RF, enforcement ref. SY/15/00074/CONHH) for erection of an outbuilding, who stated that: "Irrespective of whether the term "annex" is used to describe the building, the fact remains that if the building were to provide all the normal facilities for self-contained day to day living, it would be a dwelling for the purposes of planning law."

59. Outbuildings 2 and 3 are located outside the curtilage of any dwellinghouse and therefore no functional or physical link to the main dwelling can be found. Outbuilding 3 is capable of independent use and is tantamount to a new dwelling; it has its own separate outdoor space by way of a pergola and hardstanding.

60. The two bedroom bungalow is modest in size and Outbuildings 2 and 3, both separately and cumulatively are of substantial size. Each building is over 50% of the floorspace of the original dwelling.

61. Furthermore, it is not clear why so many large buildings (outbuildings 4, 5, 6 and 7 and the lean to of Outbuilding 3) are required for gardening activities given the limited size of the dwellinghouse and its associated curtilage and the surrounding land.

62. In this instance, due to the degree of separation from the main dwelling, and the significant facilities provided in both outbuildings 2 and 3, the proposal displays a high level of independence for which the Applicant has not provided any adequate supporting evidence or reason to justify the erection of such large outbuildings.
63. On the basis that outbuilding 3 is not considered ancillary to the main dwelling, they are considered tantamount to the erection of a new dwelling. The construction of a new dwelling within the Countryside and within Green Belt land does not fall into any exceptions in paragraph 149 of the NPPF nor those listed in Policy CP11 and is therefore unacceptable in principle. Overall, proposal would fail to respect the intrinsic beauty of rural locations and would fail to conserve the countryside and the rural area.

#### **Trees and Landscape Character:**

64. The Wokingham Borough Landscape Character Assessment (WBLCA) dated November 2019 identifies the site as being within Landscape Character Area E1: Remenham Arable Chalk Slopes.
65. A draft Valued Landscapes Topic Paper dated January 2020 has been produced to support the Local Plan Update. The Valued Landscapes Topic Paper identifies eleven Valued Landscapes throughout the Borough, one of which is the Chiltern Chalk Valued Landscape within which the application site is located. Now that this study has been undertaken to identify the various Valued Landscapes within the Borough, Paragraph 174(a) of the NPPF is relevant to this site and states that; *development should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).*
66. Over recent years extensive improvements have been made to the wider parkland landscape of Park Place, and Conway Park to the east, with substantial planting of mature trees, hedgerows and woodlands which have contributed in a very positive way to the character of the landscape in this area.
67. This is a sensitive landscape and the combined effect of the proposed development within the site impacts the wider landscape character and Registered Park and Garden. MDD Local Plan Policy TB21 requires all proposed development within the countryside to address the requirements of the WBLCA with a submission of a Landscape and Visual Impact Assessment. Although this is a retrospective application, no supporting landscape statement has been provided to support the changes within the site or to discuss possible mitigation proposals.
68. The conversion of part of the barn to residential use is not significant. However, the erection of six additional outbuildings, two of which are fairly substantial, does increase the built elements within the site and in combination with the extensive drive and parking area, footpaths and new fencing, all these elements add to the residential paraphernalia within the site increasing the intensity of use which is not in accordance with wider parkland character. The WBLCA has a number of guidelines for each landscape character area and those related to E1 and relevant to the site are:

- *Conserve the open and rural qualities of the landscape.*

- *Conserve and enhance the historic parkland landscapes, and plan for the next generation of parkland trees.*
- *Enhance sense of place through careful design (including siting, massing, scale, materials and landscape – and sensitive lighting to retain dark skies at night.)*
- *Conserve and protect the historic parkland landscape and resist further the additions of buildings/ barns and/or intensification of use.*

69. Policy TB21 requires that proposals shall retain or enhance the condition, character and features that contribute the landscape character area as described in the WBLCA and the proposed development fails to contribute to this sensitive landscape character and fails to conserve and enhance its condition. The retrospective proposal is therefore considered contrary to policy TB21 and TB24 and well as not in accordance with NPPF Paragraph 174(a).

### **Historic Environment:**

70. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on Local Planning Authorities to have special regard to the desirability of preserving listed buildings, their setting or any features of special architectural or historic interest which it possesses. This is supported by Section 16 of the NPPF (2021).

#### *Grade II\* Registered Park and Garden*

71. 'Registration is a material consideration in planning terms so, following an application for development which would affect a registered park or garden, local planning authorities must take into account the historic interest of the site when determining whether to grant permission. To make sure that local planning authorities have the appropriate professional advice when considering such applications, they are required to consult us where the application affects a Grade I or II\* registered site, and the Gardens Trust on all applications affecting registered sites, regardless of the grade of the site.'

72. Registered parks and gardens are key components of the historic environment. These irreplaceable, distinctive and much cherished parts of our inheritance are a fragile resource that can be easily damaged beyond repair. Grade II\* parks and gardens are particularly important sites and of more than special interest. The Berkshire Gardens Trust (BGT) have previously confirmed that Park Place is one of the very few Grade II\* Registered Parks and Gardens in Berkshire. The Majority of Registered Park and Gardens hold Grad II listed status (62% of all RPG on the register).

73. The significance of the RPG at Park Place is derived mainly from the 18th and 19th century gardens and pleasure grounds that surround the listed country house, as well as the extensive landscaped park that was laid out during the later 18th century by General Conway and the tree planting by Robert Marnock in the late 19th century. The open parkland and trees, including belts of trees, boundary trees and woodland, as well as its largely tranquil character, are integral to an appreciation and understanding of this designed landscape and the intentions of the designers and those who employed them. These features make an important contribution to the historic interest of this RPG.

74. Over time, there have been numerous changes to this RPG. These include the erection of a number of buildings and the construction of two golf courses. (The golf course in the north eastern part of the park has since been replaced by polo/equine facilities.)

Some of these changes, such as the removal of golf course bunkers and other inappropriate works, have assisted in restoring parts of the parkland. However, in all likelihood, most of the buildings that have been constructed in the north eastern part of the RPG since the latter part of the 20th century would have had some adverse effects upon its open parkland character.

75. The Gardens Trust object to the proposal; they state that the number and scale of the buildings which are scattered well beyond the 2013 limits of the barn curtilage are not in keeping with a parkland character. Buildings 3 and 5 are less of a concern as they relate more closely to the barn. Buildings 2 and 4 are set well away from the house and into the former parkland eroding the openness and character of the park. They state that the proposed development has resulted in a fragmentation and suburbanisation of the Registered Park and Garden and erode the physical character of the parkland contrary to Historic England Guidance and the requirements of the NPPF.
76. Similarly to the Applicant, The Garden Trust compare the development to the garden at Noble Barn to the North but state that this application encroaches on a much larger area of Land from the parkland and is more intensively developed through the erection of buildings and therefore has a materially different impact on the Registered Park and Gardens.

*Impact on Grade II Listed Noble Barn and Non designated Heritage Assets (Brick Barn)*

77. Brick Barns is one of a pair of elongated brick built former farm buildings, which the historic OS maps show were built sometime between 1883 and 1900 editions of the maps. These buildings being situated immediately to the SSE of the main body of buildings marked on the OS maps as Park Place Farm, which they were built to serve.
78. These two farm buildings are positioned roughly parallel (and originally facing each other) being 36 metre away from each other, with their narrower westerly ends pointing towards the nearby park estate road. The northerly of these farm buildings, now known as Noble Barn, is a Grade II listed building that was recently converted into a dwelling. The southernly of the two elongated farm buildings, now called Brick Barn being an earlier residential conversion and is not listed but is considered to be a non-designated heritage asset due to its age, former function and in that architecturally it has elements in common with Noble Barn.
79. Prior to the development, the area of land between the two former barn buildings had an open yard with no dividing boundaries which retained the open agrarian setting and the land directly east merged with the parkland beyond. Whilst it is noted there are other dwellings within the park that have large and formal gardens to them, these properties are often to be purpose-built dwellings and rather than residential conversion of traditional agrarian structures, that prior to being made into dwelling had no curtilage /gardens to them. The buildings never benefited from having any original domestic features no domestic curtilage to them.
80. Paragraph 194 of the NPPF (2021), requires applications for development that would affect any heritage assets for the applicant to 'describe the significance of any heritage assets affected, including any contribution made by their setting' and that 'the level of detail should be proportionate to the assets' importance and no more than is sufficient

to understand the potential impact of the proposal on their significance.' With 'the heritage assets assessed using appropriate expertise where necessary.

81. No information has been submitted accompanying these applications and there is no meaningful assessment of any heritage assets affected by the proposed development. the proposal is therefore considered contrary to the NPPF. However, the proposal is considered to amount harm to the character of the Grade II\* Registered Park and Garden due to the suburbanisation of the land by the erection of six buildings and the non-designated heritage asset of Brick Barn due to the domestication of the site and loss of the agrarian nature and the relationship with Noble Barn. This harm is considered to be less than substantial.
82. The NPPF states that where a development proposal will lead to less than substantial harm to the significance of the heritage Asset. This harm should be weighed against the public benefits of the proposal.
83. It has not been demonstrated that the harm is outweighed by any public benefits of exceptional circumstances such as delivery of economic, social or environmental objectives of the NPPF. No clear and convincing justification has been provided; the proposal is for the private benefit of the applicants only and does not seek to secure the future of the designated heritage assets on the site.
84. On this basis, the proposal is contrary to TB24 and Section 15 of the NPPF.

### **Ecology:**

#### *Bats:*

85. All species of bats receive special protection under UK law and it is a criminal offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (The Habitat Regulations), deliberately or recklessly to destroy or damage their roosts, or to disturb, kill or injure them without first having obtained the relevant licence for derogation from the regulations from the Statutory Nature Conservation Organisation (the SNCO - Natural England in England).
86. The licensing process is separate and distinct from planning permission but the Local Planning Authority has statutory obligations under the Habitat Regulations. This means that the Local Planning Authority needs to be satisfied that the proposals are likely to meet the three tests of the Habitat Regulations (see above) and that a licence is likely to be obtained from Natural England before they can issue planning permission [The courts have considered the application of a planning authority's duty under the Habitat Regulations (and therefore the Habitat Directive) in the cases of Woolley vs Cheshire Borough Council (2009) and Morge vs Hampshire County Council (2010). In the Morge vs Hampshire County Council case the supreme court has ruled that it cannot see why planning permission should not be granted unless the proposed development: A) Would be likely to offend the prohibitions in Article 12(1) and B) Would be unlikely to be licensed as a derogation from those provisions.]
87. Policy CP7 of the Core Strategy states that sites designated as of importance for nature conservation at an international or national level will be conserved and enhanced and inappropriate development will be resisted.

88. No ecological report has been submitted with this application.

89. In the absence of bat roosts being retained in the building or the roost destruction being covered by a derogation licence, it is possible that an offence has been committed and the police should be notified.

90. The proposed development fails to maintain the favourable conservation status of protected species and is contrary to local plan policy CP7.

*Great Crested Newts:*

91. The application site is in proximity to ponds previously recorded as supporting Great Crested Newts.

92. A pond has been created on the application site.

93. No information has been provided to determine whether this development will have any impact on Great Crested Newts, however the formation of a pond is likely to be a positive contribution.

*Integrated Estate Management Plan:*

94. The Park Place registered park and garden has been designed and implemented in accordance with an Integrated Estate Management Plan which aimed to restore historic features and improve biodiversity across the site.

95. The proposal fails to demonstrate how this development integrates with the implementation of the Management Plan and has no detrimental impact on its biodiversity objectives.

**Neighbouring Amenity:**

96. There will be no detrimental impact on neighbour amenity in terms of overlooking, loss of light or any overbearing impact due to the sufficient distance between neighbouring properties.

**Flooding and Drainage:**

97. No drainage details have been provided with the application. The Drainage Officer considers that drainage details can form a condition of any approval.

**Other Matters:**

98. Notwithstanding application 220321 (Full application for the proposed Use of Land as Garden (Retrospective)) being considered by Committee. If application 220321 were approved, buildings 2,3,4,6 and 7 are located outside the residential curtilage of the dwellinghouse and therefore continue to require planning permission. Building 5 may benefit from 'permitted development rights' if these rights were not removed by condition on approval of 220321. Any approval of 220321 would change the use of the parkland area to lawful garden but would not alter the assessment of this application.

99. It must be noted that garden and curtilage are two separate and entirely different concepts and one must not be confused with the other. It is important in the planning context not to use the word “curtilage” loosely to refer to the entirety of the surrounding land forming part of a property or planning unit. The actual curtilage of a house may cover only part of any land owned or occupied with the building. The term “curtilage and “domestic garden” are not interchangeable; curtilage defines an area of land in relation to a building and not a use of land.

### **Planning Balance:**

100. The proposal is considered inappropriate development in the Green Belt that would not preserve the openness of the Green Belt in relation to both a visual and spatial dimension. Substantial weight is given to any harm to the Green Belt in the NPPF.

101. Significant weight must also be given to the fact that the proposal would have a harmful impact on the Registered Park and Gardens, although this harm is less considered to be less than substantial. There are no public benefits that outweigh this the harm to the designated heritage assets.

102. The proposals benefit would not clearly outweigh the substantial harm caused by the development.

### **CONCLUSION**

103. The erection of six outbuildings in the Green Belt of substantial size would be inappropriate development within the Green Belt and have a harmful impact on the openness. No very special circumstances exist to outweigh this harm. The proposal is considered to be contrary to policies TB01, CP12 and Green Belt policies of the NPPF.

104. The proposed development fails to acknowledge designated and non-designated heritage assets at the site. On balance, the failure to demonstrate that the overall proposed works will not harm the significance of the building, lack of detail and absence of any specialist input raises considerable concern to enable support to be given to the application. This harm is considered to be serious but likely to be ‘less than substantial’ in terms of the NPPF. The development, does however, require clear and convincing justification and should be given considerable importance and weight in the planning balance. The proposed works are considered to conflict with MDD policy TB24 and the NPPF.

105. The proposal would have a detrimental impact on the Landscape Character of the area; the increased built form across the site would have a detrimental impact on the Remenham Arable Chalk Slopes (Landscape Character Type E1) and fail to contribute to and enhance the natural and local environment. No mitigation has been proposed to mitigate against the impacts of an intensified use of the site, therefore the proposal fails to contribute to the landscape character area in accordance with TB21, TB24 and the NPPF (174(a)).

106. The erection of six outbuildings would result in a significant detrimental impact to the spacious rural character and appearance of the Countryside and subsequently fails to maintain and enhance the quality of environment, contrary to the NPPF, Core Strategy Policies CP1, CP3 and CP11 and the Borough Design Guide. The proposals clearly lead

to excessive encroachment and expansion of development away from original buildings and harm the character of the of the Countryside.

107. The proposed outbuilding 2 and 3 by virtue of their location, combination of its scale and facilities to be provided, including bedrooms, kitchenette, living area and bathrooms, along with the lack of robust justification for the proposed use, is tantamount to a new dwellings with no functional or physical dependency Brick Barn which has a harmful impact on the Countryside.
108. The proposed development fails to assess the impact of the development on Protected Species. No ecological information has been submitted and the application has not demonstrated that the proposed development has taken into account the possibility of bats or great crested news, protected species, being on the site, and how the impact on them could be mitigated Additionally, it fails to take into account the wider biodiversity enhancements across the Park Place Estate within the Integrated Estate Management Plan. The proposal is contrary to CP3, CP7 and TB21 and the NPPF.
109. On the basis of the above, the application is recommended for refusal as set out.

**The Public Sector Equality Duty (Equality Act 2010)**

*In determining this application the Council is required to have due regard to its obligations under the Equality Act 2010. The key equalities protected characteristics include age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief. There is no indication or evidence (including from consultation on the application) that the protected groups 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 upon protected groups as a result of the development.*

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