

Agenda Item 13.

Application Number	Expiry Date	Parish	Ward
220332	24.05.2022	Remenham	Remenham, Wargrave and Ruscombe;

Applicant	Mr John Bateman
Site Address	Brick Barn White Hill Remenham Hill Wokingham RG9 3HN
Proposal	Full application for the proposed access drive to single dwelling, with associated water permeable gravel parking areas, and paths within garden (Retrospective)
Type	Full/
Officer	Helen Maynard
Reason for determination by committee	Listed by Councillor Halsall

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

SUMMARY

This is a full application for a proposed access drive, parking area and garden paths. 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 separately by this Committee:

- 220321: Full application for the proposed Use of Land as Garden (Retrospective) and;
- 220359: Full application for the proposed (retrospective) erection of six ancillary residential outbuildings and conversion of the existing Brick Barn.

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.

For the reasons set out in this report, 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 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 formation of hardstanding and vehicular access, outside of the residential curtilage of the dwellinghouse, does not fall within any exceptions 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. n. The proposal has failed to demonstrate very special circumstances that exist to outweigh the harm to the openness of 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 formation of hardstanding and vehicular access, outside the residential curtilage of the dwellinghouse, would result in significant detrimental impact to the character and appearance of the area and overdevelopment/over-intensification of the site. The hardstanding is considered excessive for a 2bedroom property and there is no robust justification for the proposed hardstanding and access. 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 this undeveloped field that 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 Info

The proposed residential driveway and hardstanding outside the residential curtilage of the dwellinghouse, 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 Noble Barn or the undesignated Heritage asset of Brick Barn. 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.

Informatives:

- 1) Refused plans: This decision is in respect of the plans numbered X10 received by the Local Planning Authority on 4 February 2022 and 101 CD-900 A and Site Location Plan received by the Local Planning Authority on 29 March 2022.
- 2) The Council would like to draw the Applicant's attention to the fact that external lighting and fencing has been installed at the site in association with the proposal

and has not been included in the application and that buildings that do not form part of this application area shown on drawing X10.

PLANNING HISTORY		
<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>		
Application Number	Proposal	Decision
220359	Full application for the proposed (retrospective) erection of five ancillary residential outbuildings and conversion of the existing Brick Barn.	Pending Consideration
220321	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	Approve 04 August 2010

	West- New Dairy Farm) Reserved Matters to be considered for the siting, design (including floorspace, height massing, internal layout & external appearance), access and landscaping.	
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 1 dwelling. Alterations to the barns and the bungalow to form a single residential unit plus alterations and extensions to existing buildings	Approve 09 December 2008
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

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	No comments to make
WBC Ecology	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: Landscape 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.

REPRESENTATIONS

Town/Parish Council: The Parish summarise the three submitted applications at Brick Barn. They 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
- Within the large garden there are areas of gravel paths and parking areas. They do not have a material impact upon the openness of the green belt

PLANNING POLICY

National Policy	NPPF	National Planning Policy Framework
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Adopted Core Strategy DPD 2010	CP1	Sustainable Development
	CP2	Inclusive Communities
	CP3	General Principles for Development
	CP7	Biodiversity
	CP8	Thames Basin Heaths Special Protection Area
	CP9	Scale and Location of Development Proposals
	CP10	Improvements to the Strategic Transport Network
	CP11	Proposals outside development limits (including countryside)
	CP12	Green Belt
	CP13	Town Centres and Shopping
Adopted Managing Development Delivery Local Plan 2014	CC01	Presumption in Favour of Sustainable Development
	CC02	Development Limits
	CC03	Green Infrastructure, Trees and Landscaping
	CC04	Sustainable Design and Construction
	CC06	Noise
	CC07	Parking
	CC08	Safeguarding alignments of the Strategic Transport Network & Road Infrastructure
	CC10	Sustainable Drainage
	TB01	Development within the Green Belt
	TB06	Development of private residential gardens
	TB07	Internal Space standards
	TB21	Landscape Character
	TB23	Biodiversity and Development
	TB24	Designated Heritage Assets
Supplementary Planning Documents (SPD)	BDG	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.

Background Information:

3. 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.
4. 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.
5. 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:

6. This application proposes a new vehicular access onto a private road (Dairy Lane) and a number of footpaths across the land (approximately 730sqm). The description states that the proposed development is permeable gravel.
7. From the Officer's site visit the surfacing appears as a combination of hardcore and block paving.
8. The land which the access and paths is sited falls outside the curtilage of the dwelling and does not form part of the residential garden of the property.
9. An access gate, estate fencing and external lighting and further hardstanding has been installed across the site but does not appear to form part of this application.
10. This application is submitted retrospectively.

Established residential Curtilage and garden:

11. Notwithstanding the use of the buildings, the curtilage of the dwelling is clearly disputed. The Applicant confirms by way of application 220321 they consider there is no curtilage to the building.
12. The curtilage or 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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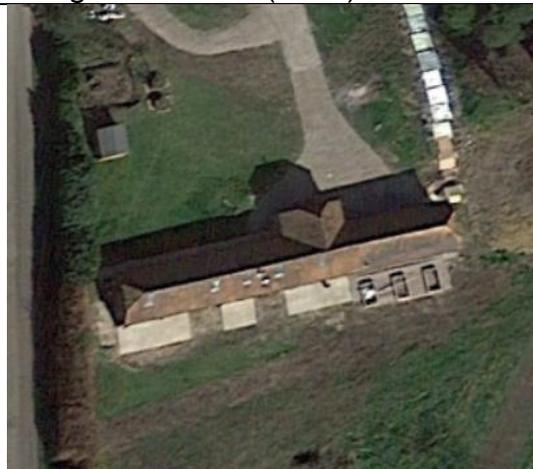
Google Earth Pro (2014)



Google Earth Pro (2017)



Residential curtilage of property using WBC 2015 Aerial Photograph.



Google Earth Pro (2022) Outbuildings 2,3,4, 6 and 7 outside the curtilage of the 'dwelling'



13. As can be seen from the above, the lawful residential curtilage of Brick Barns does not include any additional garden to the south and east of the property.

14. 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 large 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.

Principle of Development:

15. 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.
16. 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.
17. 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.
18. 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”.

Inappropriate Development:

19. The proposal is for hardstanding in association with a residential use of land.
20. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
21. The proposed development does not fall into any exceptions set out in 149 of the NPPF.
22. The application could be considered to fall within exception (e) of paragraph 150 providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Given the sprawl of residential development away

from the lawful garden, there would be a significant harmful impact on the openness of the Green Belt.

23. The proposal would have an adverse effect upon the open, rural and undeveloped character of the Green Belt.
24. The Applicant does not refer to any planning policy within their submitted Planning Statement nor indicate which exception to the Green Belt policy they consider the development to fall within.
25. The proposed development is not inappropriate development within the Green Belt providing it preserves openness of the Green Belt and does not conflict with the purposes of including land within it.

Openness:

26. Notwithstanding the above, the impact on the Green Belt is not restricted to what is visible from public view. 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.
27. It is relevant to consider both visual and spatial aspects of the proposal, although all new development would be at ground level, and may not be wholly perceptible from beyond the site, the mathematical increase in development cannot be readily set aside. The overall quantum of development is a relevant consideration in constraining spread of development in the Green Belt and preventing urban sprawl, even if a proposal cannot be readily seen. This is supported in numerous appeal decisions within Green Belts for developments for example basements. The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, this spatial aspect cannot be set aside and solely the visual aspects of openness considered.
28. The introduction of significant hardstanding outside the residential garden of a property on land which is lawfully agricultural parkland part of the Park Farm Estate which was undeveloped prior to the hardstanding being introduced. The introduction of this hardstanding to access the residential property has led to residential paraphernalia, external lighting, access gates and fencing being introduced which further adds to the urbanising effect of this development.
29. The proposed development will harm the openness of the Green Belt.

Very special Circumstances:

30. 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.
31. No very special circumstances or other material considerations have been put forward by the Applicant to justify the development. Limited weight can be to the desires of the Applicants to create a disproportionately large garden in the context of

this modest dwelling. This is not considered to be an exceptional circumstance to justify departure from policy.

32. 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:

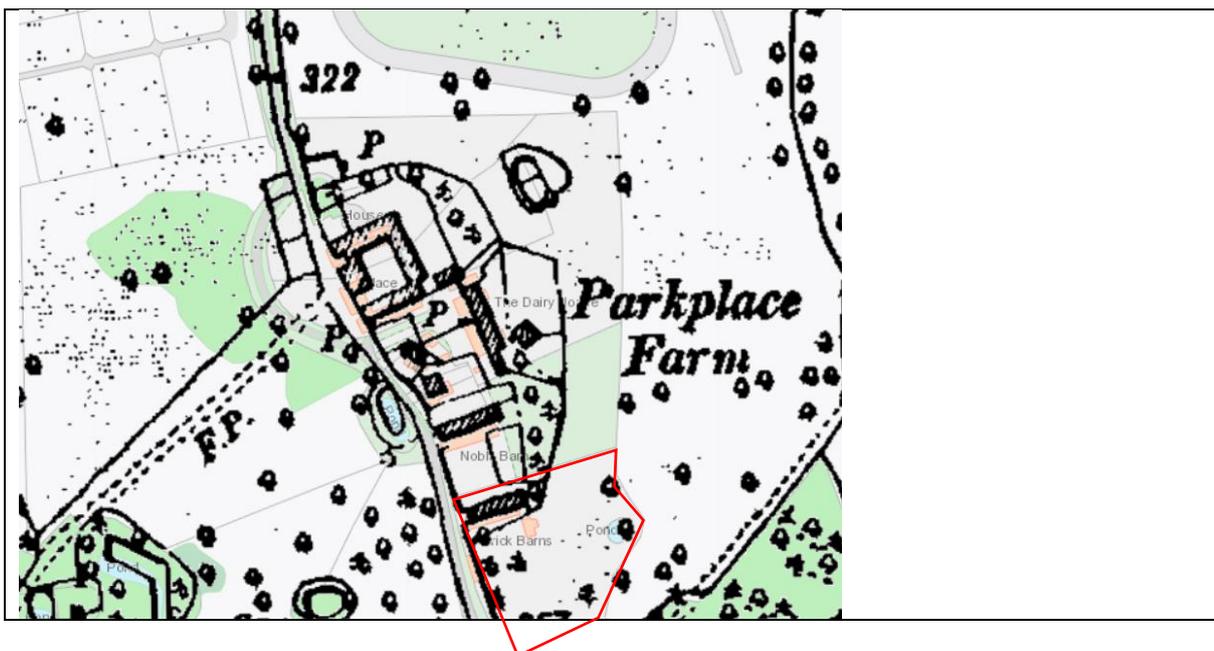
33. The National Planning Policy Framework (NPPF) seeks to ensure that planning policies and decisions recognises the intrinsic character and beauty of the countryside.

34. Policy CP3 of the adopted Wokingham Borough Core Strategy states that planning permission will be granted for proposals that: are of an appropriate to the character of the area and have no detrimental impact upon on the landscape. Policy CP11 states that in order to protect the separate identity of settlements and maintain the quality of the environment, proposals outside of development limits will not normally be permitted except where: it does not lead to excessive encroachment or expansion of development away from the original buildings.

35. The proposal seeks to use designated land within the Countryside for a residential access.

36. The property had an existing access within the residential curtilage of the dwellinghouse until 2018 which was more visually appropriate for the property. It is acknowledged that this no longer exists.

37. This pattern and historical form of development can be seen on the historical 1900 map overlaid on the 2022 WBC Map. The proposal significantly encroaches away from original buildings.



38. Thus, it is considered that the excessive additional hardstanding would have the effect of domesticating this area, resulting in a harmful effect on the character and appearance of this part of countryside. Furthermore, the hardstanding is considered

excessive as it has not been made clear by the Applicant why a 2-bedroom bungalow requires such a large parking area.

39. Existing mature hedging forming part of the character of the parkland has been removed to accommodate part of the hardstanding and this has eroded the established and historical pattern of development on the site giving a clear distinction from the residential properties and the Countryside beyond. The proposed development would therefore be contrary to the NPPF and Policies CP3 and CP11 of the adopted Core Strategy.

Neighbouring Amenity

40. Due to the nature and location of the development 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.

Highway Access and Parking Provision:

41. The WBC Highways Officer has no objections to the proposed access in their remit of highways safety.

Flooding and Drainage:

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

Landscape and Trees:

43. The site is located within the countryside designated as Green Belt as well as being within the Park Place Grade II Historic Park & Garden.
44. The Wokingham Borough Landscape Character Assessment (WBLCA) dated November 2019 identifies the site as being within Landscape Character Area E1: Remenham Arable Chalk Slopes.
45. 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).*
46. 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. No supporting landscape statement has been provided to support the changes within the site or to discuss possible mitigation proposals.

47. 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.*

48. The proposed development does not retain or enhance the condition, character and features that contribute to the Landscape Character in this location and is therefore contrary to TB21, TB25 and NPPF 174(a).

Historic Environment:

49. 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*

50. '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.'

51. 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).

52. 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.

53. 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.
54. The Gardens Trust state that the extent, scale and surfacing material of the prominent hardstandings are not in keeping with retaining the open parkland character of this part of Park Place. It is clearly considerably more extensive than at Noble Barn to the immediate north.
55. The erosion of the physical character of the parkland is contrary to the guidance above and does not conserve nor enhance the historic importance of Park Place. If this development is compared to the gardens to Noble Barn to the north, it can be seen that the grounds at Brick Barn have removed a much larger area of land from the parkland and are far more intensively developed through the hardstandings and ancillary buildings. Any hardstanding and outlying tracks should be reduced in scale and surfaced in a more sympathetic material in keeping with this rural location

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

56. 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.
57. 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.
58. 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 garden or domestic curtilage to them. The significant hardstanding, of an inappropriate surface for a parkland location, dilutes the

relationship between Noble Barn and Brick Barns, bringing the approach to the building from the South, this creates a disconnect between these two important and linked buildings physically, visually and architecturally.

59. 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.
60. 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 formation of excessive hardstanding and substantial driveway, and associated gateway, lighting and fencing has not been included in this application. The proposal is also considered to the harm 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.
61. 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.
62. 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.
63. On this basis, the proposal is considered to be contrary to TB24 and Section 15 of the NPPF.

Ecology:

Bats:

64. 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).
65. 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.

66. Given that bats have been recorded using the building on site, other buildings nearby, and will likely be foraging and commuting in the adjacent woodland local wildlife site, it is relevant for the local planning authority to consider whether the external lighting is likely to adversely impact on the conservation status of protected species.

Further detail is required regarding the external lighting and mitigation measures installed to maintain the conservation status of protected species. The proposed development fails to maintain the favourable conservation status of protected species and is contrary to local plan policy CP7.

Integrated Estate Management Plan:

67. 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.

68. 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.

Other Matters:

69. Notwithstanding application 220321 (Full application for the proposed Use of Land as Garden (Retrospective)) being considered by Committee. If application 220321 were approved, the majority of the hardstanding and access is located outside the residential curtilage of the dwellinghouse and therefore would not benefit from any “permitted development right” and would continue to require planning permission. Any approval of 220321 would change the use of the parkland area to lawful garden but would not alter the assessment of this application.

70. 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 sure 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.

71. It is also noted that the previous access to Brick Barn (seen in historic aerial imagery) has been removed and part of this Land now forms Noble Barn. The landowner is aware of the sensitivity of this site given their involvement with numerous historic applications they have submitted and to some extent the landowners are the authors of their own misfortune. The removal of an existing access does not provide justification for a new, unacceptable access.

Planning Balance:

72. 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.

73. 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.

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

CONCLUSION

75. The proposed hardstanding and access and associated development such as lighting, fencing and gateways, outside the residential curtilage of the dwellinghouse will have a harmful impact on the openness of the Green Belt and 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.

76. 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 buildings, 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.

77. The proposal would have a detrimental impact on the Landscape Character of the area; the intensification of the residential use 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)).

78. The change of use of land to garden and associated residential paraphernalia would be considered alien features and therefore harmful to a vulnerable landscape. The proposal 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.

79. No ecological information has been submitted and the application has not demonstrated that the proposed development has taken into account the possibility of bats 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.

80. 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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