

Unrestricted Report

ITEM NO: 09

Application No.
20/00249/FUL

Ward:
Winkfield And
Cranbourne

Date Registered:
15 April 2020

Target Decision Date:
10 June 2020

Site Address:

**Tally Ho Farm Shop Crouch Lane Winkfield Windsor
Berkshire SL4 4RZ**

Proposal:

Erection of a single storey building for use as a cafe.

Applicant:

Mrs Julia Thomas

Agent:

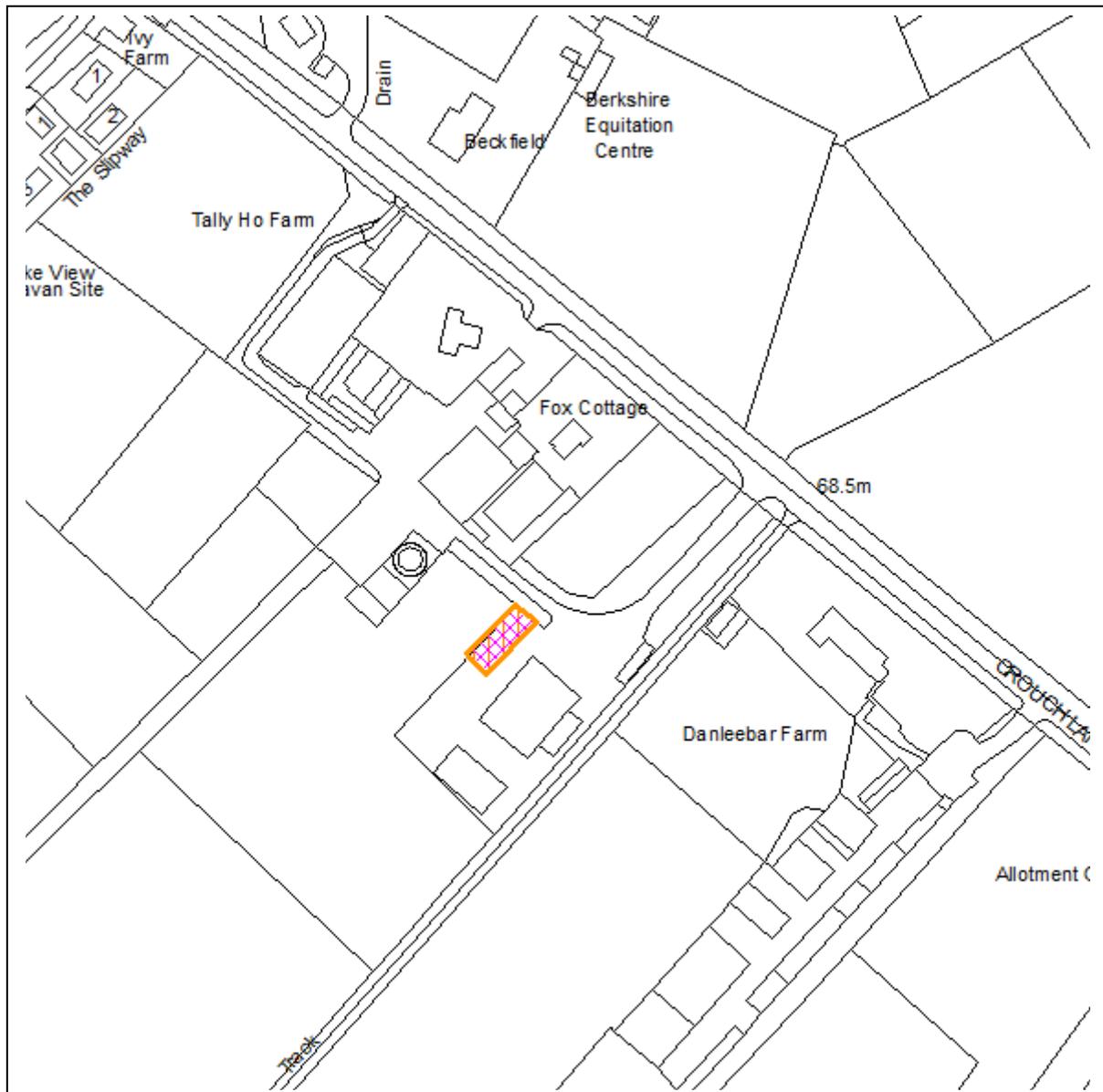
Mrs Fiona Jones

Case Officer:

Sarah Horwood, 01344 352000

Development.control@bracknell-forest.gov.uk

Site Location Plan (for identification purposes only, not to scale)



OFFICER REPORT

1. SUMMARY

1.1 The erection of a new building for use as a café constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It has been suggested by the applicant that the proposal is not inappropriate development, but this case is not accepted. A case has also been put forward with the application that there are very special circumstances. However, the case put forward is not considered to amount to very special circumstances or to outweigh the harm to the Green Belt by inappropriateness.

1.2 The development would not result in an adverse impact on the amenities of the neighbouring occupants, character of the area or highway safety. However, this does not outweigh the harm to the Green Belt by reason of its inappropriateness.

RECOMMENDATION

Planning permission be refused in line with the reason in Section 11 of this report

2. REASON FOR REPORTING APPLICATION TO COMMITTEE

2.1 The application has been reported to the Planning Committee at the request of Councillor Virgo who is supportive of the proposed rural business.

3. PLANNING STATUS AND SITE DESCRIPTION

PLANNING STATUS

Land within the Green Belt

3.1 The site comprises part of Tally Ho Farm which is sited to the south of the highway on Crouch Lane. The application site comprises a tack shop, a barn and associated parking and turning area.

3.2 Within the wider landholding is a residential dwelling known as Fox Cottage, stables and other associated equestrian paraphernalia and fields.

4. RELEVANT SITE HISTORY

4.1 There is an extensive planning history relating to the wider site, including applications for stables and equestrian development. There is also an existing tack shop operating on site, approved by permission 619619 - retrospective application for relocation of farmshop from building 2 to building 8A.

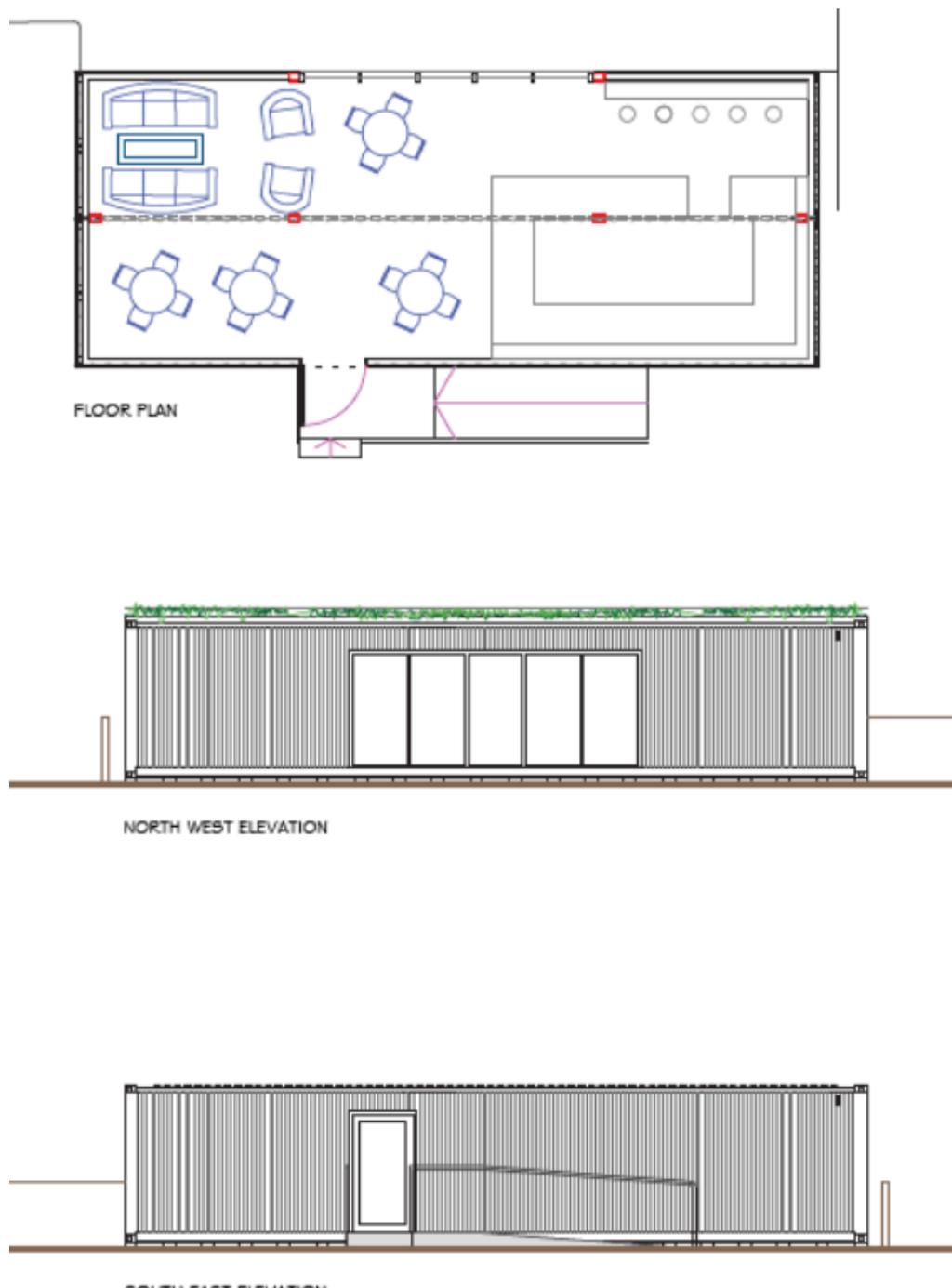
4.2 The most recent application for Tally Ho Farm is: 12/00878/FUL approved for the erection of 43 no. stables/foaling boxes and associated tack room/feed stores, ménage with fencing and hay barn following demolition of existing 51 no. stables, feed stores and hay barn.

5. THE PROPOSAL

5.1 Full permission is sought for the erection of a single storey building at Tally Ho Farm for use as a café selling hot drinks and cold food.

5.2 The proposed building would be 12m wide x 5m long, with a height of 2.9m. It would take the form of a green metal structure with a sedum roof and would be sited on an area of existing hardstanding. The proposed building would comprise doors and glazing, with the addition of an access ramp and step on the front elevation.

Floor plan and some of the elevations showing the sedum roof, access ramp and steps



5.3 According to the planning statement submitted with the application, the proposed café would support local agricultural workers, equestrians, polo players, grooms, local residents and shoppers who visit Tally Ho tack shop. It would provide a 'grab and go' service for local workers to eat off-site. The proposed café would operate between 09.00 hours and 17.00 hours Monday to Saturday and 10.00 hours and 16.00 hours Sundays, employing 3 full-time and 2 part-time staff.

5.4 The application form states that the proposed café would constitute an A1 use. The proposed floor plan shows the building would have seating areas with tables and chairs for people to have the option to eat at the premises and there is also a counter assumed to be for the serving of sandwiches and hot and cold drinks. The floor layout submitted shows that the majority of the floorspace would be given over to seating areas for consumption on the premises, although it is noted that the applicant refers to the café providing a 'grab and go' service. The building could be classed as a mixed A1/A3 use, or more an A3 use based on the floorspace given over to tables and chairs to encourage people to eat at the premises.

5.5 For clarification, the application as applied for is for the erection of a new, permanent building. Case law has established that structures can be buildings as opposed to chattels (simply placed on the land) based on three primary factors: size, permanence and degree of attachment to the ground. Whilst the building may have some element of the appearance of a shipping container when viewed side on, the front and rear elevations would comprise glazing, along with the addition of an access ramp and steps on the front elevation. A sedum green roof is also proposed. These factors would all indicate permanence and that the building could not be moved around the site without having to demolish or remove the access ramp and steps and remove all connected utilities (indicating physical attachment). Due to these factors, along with the size of the structure (it would be 12m x 5m), and its sheer weight due to its size, these factors all indicate the structure is a building. Accordingly, the application will be assessed as such.

6. REPRESENTATIONS RECEIVED

Winkfield Parish Council

6.1 The Parish Council made the following observation on the application: WPC supports rural business growth and has no objection to the application provided it is in compliance with Green Belt legislation.

Other representations

6.2 58no. letters of support received (some from the same postal addresses). In summary, the comments support the provision of a café on site.

7. SUMMARY OF CONSULTATION RESPONSES

Highways Officer

7.1 No objection subject to conditions.

8. MAIN POLICIES AND OTHER DOCUMENTS RELEVANT TO THE DECISION

8.1 The primary strategic planning considerations applying to the site and associated policies are:

	Development Plan	NPPF
General policies	CS1 and CS2 of CSDPD	Consistent
Design	CS7 of CSDPD, Saved policy EN20 of BFBLP	Consistent
Green Belt	CS9 of CSDPD, Saved Policy GB1 of the BFBLP	Consistent
Residential amenity	EN20 and EN25 of BFBLP.	Consistent
Parking	Saved policy M9 of BFBLP	Consistent NPPF refers to LAs setting their own parking standards for residential development, this policy is considered to be consistent.
Transport	CS23 and CS24 of CSDPD	Consistent
Supplementary Planning Documents (SPD)		
Design SPD		
Parking standards SPD		
Other publications		
National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG)		
CIL Charging Schedule		

9. PLANNING CONSIDERATIONS

9.1 The key issues for consideration are:

- i. Principle of development
- ii. Impact on residential amenity
- iii. Impact on character and appearance of surrounding area
- iv. Impact on highway safety
- v. Community Infrastructure Levy (CIL)

i. Principle of development

9.1 The site is located in the Green Belt as designated by the Bracknell Forest Policies Maps (2013).

9.2 The following policies are therefore of relevance:

9.3 Section 13 of the NPPF (2019) refers to protecting Green Belt land.

9.4 Para 133 states: The Government attaches great importance to Green Belts. 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.

9.5 Paras 143 and 144 state:

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances...When considering any planning application, local planning authorities should ensure that substantial weight is given to

any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

9.6 Paras 145 and 146 set out what may constitute appropriate development in the Green Belt:

145. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

146. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order.

9.7 Core Strategy Policy CS9: Development on Land Outside Settlements:

"The Council will protect land outside settlements for its own sake, particularly from development that would adversely affect the character, appearance or function of the land; and

i. Protect the defined gaps within or adjoining the Borough from development that would harm the physical and visual separation of settlements either within or adjoining the Borough.

or

ii. Maintain the Green Belt boundaries within Bracknell Forest and protect the Green Belt from inappropriate development"

9.8 Bracknell Forest Borough Local Plan:

Saved Policy GB1: Building in the Green Belt

Sets out approval will not be given, except in very special circumstances, for any new building in the Green Belt unless it is acceptable in scale, form, effect, character and siting, would not cause road safety or traffic generation problems and is for one of the following purposes:

- construction of buildings for agriculture or forestry; or
- construction of buildings essential for outdoor sport and recreation or other uses of land which preserve the openness of the Green Belt; or
- construction of buildings essential for cemeteries; or
- replacement, alteration or limited extension of existing dwellings; or
- construction of domestic outbuildings incidental to the enjoyment of an existing dwelling.

9.9 In addition to the Green Belt policies, paras 83 and 84 of the NPPF refer to supporting a prosperous rural economy.

Para 83 states: Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;

Para 84 goes onto state: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

9.10 As the site is located within the Green Belt, the policy considerations are:

1. Whether the proposed development constitutes appropriate development in the Green Belt;
2. The effect of the proposal on the openness of the Green Belt.

Whether the proposal constitutes appropriate development in the Green Belt

9.11 The proposal would result in the erection of a new building for either a mixed A1/A3 use, or more an A3 use at the site.

9.12 The planning statement submitted with the application states that the café would be associated with the existing tack shop and would be “used in connection with the existing use of land for those involved with outdoor sport (polo) and outdoor recreation (walking, horse riding, cycling) as well as those working on the farm and local farmers and should therefore be considered appropriate development within the Green Belt”. It goes onto state that the café would constitute appropriate development in the Green Belt under para 145 b) of the NPPF as it would provide appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport or outdoor recreation.

9.13 The red line of the application site as shown on the location and block plan submitted with the application encompasses land which includes a vehicular access and access road, the existing tack shop, a parking area and a barn. Within the wider ownership of the site is a dwelling, stables and open fields. There are equestrian uses on the site, along with agricultural uses based on the planning history of the site.

9.14 The proposed café building would not be considered to provide a facility connected to outdoor sport or outdoor recreation (nor cemeteries and burial grounds and allotments) as stated at para 145 b) of the NPPF. The recreational uses referred to in the planning statement are uses which occur outside of the site and not just exclusively within the wider land ownership of this site (where there are lawful agricultural and equestrian uses). The application site depicted by the red line includes the tack shop, a barn and parking and therefore these are not outdoor sport or recreational uses.

9.15 Further, the case of the applicant is that the café would also be associated with the existing tack shop. However, the café would be a physically detached building separate to the existing tack shop. It would also be in a different use class to the existing tack shop with the café classed as either a mixed A1/A3 use or an A3 use. The planning statement refers to the proposed café supporting local agricultural workers, equestrians, polo players, grooms, local residents and shoppers who visit Tally Ho tack shop, so therefore it would not be used exclusively by visitors to the tack shop, but would be aimed at attracting passing trade, local rural workers and local residents. This is corroborated by the significant numbers of letters of support for the application.

9.16 The erection of new buildings for use as either mixed A1/A3 use or A3 use is not listed as development that is appropriate in the Green Belt. In principle, the proposal is therefore considered to constitute inappropriate development in the Green Belt. In accordance with para 143 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt. Para 144 goes on to state that substantial weight should be given to harm to the Green Belt.

9.17 Whilst the Local Planning Authority consider the proposal to be for the erection of a new building for the reasons outlined at para 5.5 of this report, if the proposal were considered to be for the siting of a modular building which constituted a change of use of land, this would also be considered inappropriate development in the Green Belt. Para 146 d) allows for changes of use of land (such as for outdoor sport or recreation, cemeteries and burial grounds). However, the siting of a building for either mixed A1/A3 use or A3 use would not be appropriate in the Green Belt and would harm openness.

Effect on openness

9.18 The NPPF states that openness is one of the essential characteristics of the Green Belt. Openness is generally considered to be the absence of built development.

9.19 The proposal is for a new building in the Green Belt. This would harm the openness of the Green Belt, albeit on a localised level but it would still result in the erection of a new building where one currently does not exist.

9.20 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSCs). A 'Very Special Circumstances Case' has been put forward as part of the application which is considered below.

Very special circumstances case

9.21 The planning statement puts forward the following VSCs case:

- 1) There are no other cafes/eateries in the local area so the agricultural and equestrian community have to drive 5 miles away to either Ascot or Windsor to buy food and drink.
- 2) The development would support local polo players, agricultural workers, equestrian community (800 during peak polo season), cycling community, ramblers, shoppers at the Tally Ho tack shop (50-100 customers per day depending on the season)
- 3) It would encourage others to make sustainable travel choices in the interests of reducing car trips to the local towns and thus promoting wellbeing. The 800 polo personnel who move to the local area for the summer months (6 months of the year) would be able to walk from the local polo grounds or drive a much shorter distance.
- 4) It would enhance the local economy within BFBC rather than these users supporting cafes within the Royal Borough of Windsor and Maidenhead in Ascot or Windsor.
- 5) The very special circumstances are unique to this site because of the combination of the farm shop setting, its relationship with the nearby farms and polo grounds and the

benefit to the immediate surrounding local community which is devoid of eating establishments.

9.22 In response to the VSCs listed above:

- 1) The VSC of there being no other cafes/eateries in the local area is not accepted in principle. The fundamental characteristic of Green Belt is its openness, and it includes extensive areas of countryside within which a significant density of cafes would not be expected. The lack of such facilities is therefore what would be expected in much of the Green Belt and is not relevant as a VSC. The evidence provided in support of this VSC has also been found to be incorrect. There is a café at the Royal Berkshire Fishery on North Street which is less than 1 mile from Tally Ho Farm as the crow flies. There is also a café at Oaktree Nursery, Bracknell Road, Maidens Green which is 1.2 miles away as the crow flies. It is apparent that despite the site being located in a rural Green Belt area, there are already 2 facilities within an approximate 1.2 mile radius from which food and drink could be purchased.
- 2) It is acknowledged that the café could appeal to a range of visitors, however the café would have a localised benefit to those either visiting the tack shop or living or working locally, for example.
- 3) The location of the café at the site could reduce some car trips from the area, due to the location of the site. However, it is likely that there would still be a reliance on private car to travel to the site. It is acknowledged that local farm workers, equestrians and local residents could walk to the site, however there are no footpaths or street lighting columns which run the whole length of Crouch Lane so it would not be attractive for all users to walk to site, therefore some reliance on private car journeys would be expected.
- 4) The proposed café would have some economic benefit, generating income and providing employment. However, such benefits would be very small-scale and localised, given the location of the café building and then it would be 60sqm in floor area.
- 5) It is acknowledged that the proposed café would be sited close to the existing tack shop and the site is in a rural area where there is an active agricultural and equestrian community. Para 83 of the NPPF relates to supporting a prosperous rural economy. However, this does not outweigh that the café as proposed is inappropriate development in principle in the Green Belt. It is also noted that there could be alternative solutions to provide a café on site that could be appropriate to the Green Belt setting of the site (these are discussed below).

It is also noted that the provision of a café anywhere in the locality would achieve all the claimed VSCs apart from catering for those already using the existing tack shop on site. This further demonstrates that these are not very special circumstances applying only to this application site.

9.23 The applicant's case for VSC is further undermined by the lack of evidence of any attempt to explore alternative means of providing a café on-site that would not constitute inappropriate development, either through a pre-application enquiry or within the supporting planning statement. The applicant could provide a café on site that could be considered appropriate development in the Green Belt (subject to other material planning considerations). Para 145 c) of the NPPF permits the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Alternatively, para 146 d) of the NPPF supports the re-use of buildings where they are of permanent and of substantial construction so there could also be an option to change part of the existing building where the tack shop operates from or part of an existing barn to the rear of the tack shop to use as a café. Such alternatives would require

the submission of a new application to be considered on their own merits, however these alternatives could overcome the in-principle objection to the current proposal.

9.24 In conclusion, a new building for use as either mixed A1/A3 use or A3 use is not listed as development that is appropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. The proposed building would have an adverse impact on the openness of the Green Belt by introducing a new building where one currently does not exist.

9.25 The VSC case put forward with the application does not withstand scrutiny and is not considered to outweigh the harm to the Green Belt by reason of inappropriateness. As such, the development is in principle contrary to Saved Policy GB1 of the BFBLP, CS9 of the CSDPD and Section 13 of the NPPF. The remainder of this report will consider whether there are any other material considerations which indicate that this application should not be refused as being contrary to the development plan. These matters are discussed below.

ii. Residential amenity

9.26 The proposed building would be in excess of 70m from the closest adjoining buildings outside of the ownership of the site. In view of these separation distances, along with the modest height of the building, it would not appear visually prominent to adjoining buildings.

9.27 The proposed use of the building as a café would result in increased vehicular movements to and from the site if the café attracted workers from the surrounding area, local residents and passers-by for example. However, due to the separation distances to adjoining dwellings and the proposed operational hours of the café, it is not considered that this would result in increased levels of noise and disturbance that would be harmful to adjoining residential dwellings.

9.28 As such, the proposal would not be considered to affect the residential amenities of neighbouring properties in accordance with Saved Policy EN20 of the BFBLP and the NPPF.

iii. Impact on character and appearance of the area

9.29 The proposed building would be sited some 90m from the highway on Crouch Lane at the closest point. Due to the setback of the building from the highway, its positioning within the application site, its design and modest height at under 3m, it would not appear readily visible from the public highway.

9.30 The proposed building would comprise a green coloured metal finish with sedum roof which would be appropriate to the rural character of the area.

9.31 As such, the proposal would not adversely affect the character and appearance of the surrounding area and would be in accordance with Saved Policy EN20 of the BFBLP, Policy CS7 of CSDPD and the NPPF.

iv. Transport implications

9.32 Crouch Lane is ancient highway and the assumed highway boundary is the roadside edge of a ditch or fence/wall on the site boundary. The overall site takes access from Crouch

Lane circa 80m from the proposed café building location and the existing access onto the adopted highway network is considered to be acceptable for the proposed development.

Parking

9.33 A plan showing proposed car and cycle parking for the existing retail use and proposed café is requested. The number of spaces should be compliant with the Parking Standards SPD, March 2016, for both A1 retail and A3 café uses. The space sizes should accord with the SPD (minimum 2.4m x 4.8m) and turning depth should accord with paragraph 8.3.51 and Figure 8.18 of Manual for Streets.

[Officer comment: there is a large parking and turning area on site to accommodate parking for both uses. A plan has been requested from the agent to address this].

9.34 Subject to the provision of a parking plan, the proposal would not result in highway implications and would be in accordance with Saved Policy M9 of the BFBLP, CS23 of the CSDPD and the NPPF.

v. Community Infrastructure Levy (CIL)

9.35 Bracknell Forest Council commenced charging for its Community Infrastructure Levy (CIL) on 6th April 2015.

9.36 CIL applies to any new build (except outline applications and some reserved matters applications) including those that involves the creation of additional dwellings. CIL is applied as a charge on each square metre of new development. The amount payable varies depending on the location of the development within the borough and the type of development. The application site lies within the zone of Northern Parishes.

9.37 The proposal is not CIL chargeable.

10. CONCLUSION

10.1 The proposal constitutes inappropriate development in the Green Belt and would result in some loss of openness through the erection of a new building. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

10.2 The proposal would not result in adverse impacts to the residential amenities of neighbouring properties or the character of the area. It is also acknowledged that 58 letters of support have been received (and no objections).

10.3 Para 144 of the NPPF states that substantial weight should be given to any harm to the Green Belt. The very special circumstances case put forward is not accepted and is not considered to outweigh the harm to the Green Belt by inappropriateness. The factors outlined above (no adverse impact to residential amenity or character of area and support comments) are neutral considerations and as such do not outweigh the identified harm. The proposal would therefore be inappropriate development in the Green Belt and harm the openness of the Green Belt. Very special circumstances have not been demonstrated to outweigh the harm to the Green Belt by reason of inappropriateness.

10.4 The development is therefore contrary to 'Saved' Policy GB1 and EN20 of the Bracknell Forest Borough Local Plan, Policy CS1, CS2 and CS9 of the CSDPD, and the NPPF.

10.5 The application is therefore recommended for refusal.

11. RECOMMENDATION

11.1 That the application be **REFUSED** for the following reason:

The proposal is considered to be inappropriate development within the Green Belt. There are no very special circumstances which outweigh the harm to the Green Belt by reason of inappropriateness. The proposed development is therefore contrary to Policy CS9 of the Core Strategy Development Plan Document, 'Saved' Policy GB1 of the Bracknell Forest Borough Local Plan and the National Planning Policy Framework.

