

ITEM NO: 6Application No.
09/00281/FULWard:
Winkfield And
CranbourneDate Registered:
28 April 2009Target Decision Date:
23 June 2009

Site Address:

**Danleebar Farm Crouch Lane Winkfield Windsor
Berkshire SL4 4RZ**

Proposal:

**Change of use of Units 1, 2, 3, 4, 7, 8 and 11 from Agricultural to
non-agricultural storage (B8) and light industrial (B1(c)).
(Retrospective)**

Applicant:

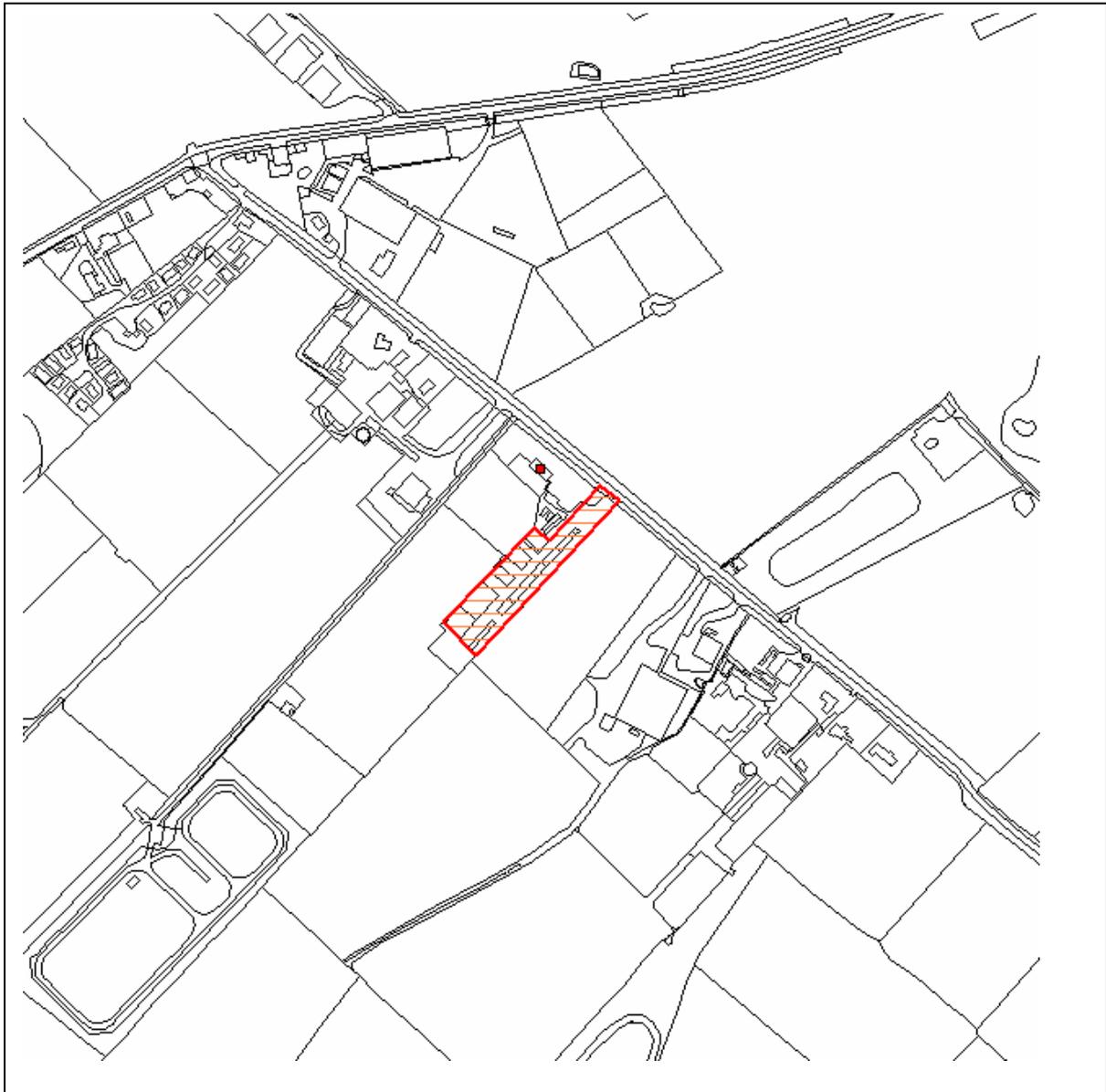
Mr Philip Bovindon

Agent:

Ms Cheryl Booton

Case Officer:

Simon Roskilly, 01344 352000

environment@bracknell-forest.gov.uk**Site Location Plan** (for identification purposes only, not to scale)

604155 Validation Date: 12.04.1979
Outline application for use of land for stud farm and calf rearing and erection of 16 loose boxes, storage barn and mobile home.
Refused

RAD003/95 Validation Date: 01.01.1995
Erection of agricultural machinery shed/feed store.

07/00850/LDC Validation Date: 23.08.2007
Application for a certificate of lawfulness for retention of change of use of buildings from agricultural to non-agricultural storage (B8).
Approved

09/00002/FUL Validation Date: 05.01.2009
Change of use of Units 1, 2, 3, 4 and 11 from Agricultural to non-agricultural storage (B8) and light industrial (B1(c)).(Retrospective)
Withdrawn

2 **RELEVANT PLANNING POLICIES**

Key to abbreviations

BSP	<i>Berkshire Structure Plan 2001 – 2016</i>
BFBLP	<i>Bracknell Forest Borough Local Plan</i>
BFBCS	<i>Core Strategy Development Plan Document (Submission)</i>
RMLP	<i>Replacement Minerals Local Plan</i>
WLP	<i>Waste Local Plan for Berkshire</i>
SPG	<i>Supplementary Planning Guidance</i>
SPD	<i>Supplementary Planning Document</i>
RPG	<i>Regional Planning Guidance</i>
RSS	<i>Regional Spatial Strategy (also known as the South East Plan)</i>
PPG (No.)	<i>Planning Policy Guidance (Published by DCLG)</i>
PPS (No.)	<i>Planning Policy Statement (Published by DCLG)</i>
MPG	<i>Minerals Planning Guidance</i>
DCLG	<i>Department for Communities and Local Government</i>

Note: The BSP and the BFBLP contain some policies with the same title, e.g. EN1. In such cases, the policy will be suffixed with an "_S" for the BSP and an "L" for the BFBLP, e.g. EN1_S, EN1L..

<u>Plan</u>	<u>Policy</u>	<u>Description</u> (May be abbreviated)
BFBLP	GB4	Reuse and COU Of Buildings Within GB
BFBCS	CS9	Development on Land Outside Settlements
<u>SEP</u>	<u>SP5</u>	<u>Green Belt</u>

3 **CONSULTATIONS**

(Comments may be abbreviated)

Transportation Officer

Recommends conditional approval.

Parish Or Town Council

Warfield Parish Council recommend refusal, for the reasons set out below:

That WPC strongly objects to the proposal. It is concerned that whilst the present occupants of the units do not generate heavy traffic, once given permission for light industrial use changes can occur which could result in the residents of Crouch Lane suffering from yet another increase in heavy traffic. Crouch Lane lies within the Green Belt and the Case Officer is asked to ensure that the changes are consistent with Local Policies.

4 REPRESENTATIONS

None received

5 OFFICER REPORT

Summary Of Key Aspects Of The Proposal (If Any)

This application has been reported to the Planning and Highways Committee as the scheme represents a departure from the development plan and has been advertised as such.

1) PROPOSAL AND RELEVANT PROPERTY HISTORY

The applicant seeks permission for the retrospective change of use of 7no. units to provide an additional 540 sqm of B8 (Storage) and 226 sqm of B1 (c) (Light Industrial). The buildings (units 1, 2, 3, 4, 7, 8 and 11) were previously agricultural buildings.

A successful certificate of lawfulness (07/00850/LDC) previously allowed 4no. additional units (units 5, 6, 9 and 10) with a combined floor area of 137.6 sqm to operate lawfully as B8 Storage.

The gross floor area of the buildings both forming part of this submission and allowed under a lawful development certificate totals 903.6 sqm.

2) SITE

Danleebar Farm is located within the Green Belt as designated under the Bracknell Forest Borough Proposals Map. The site is accessed from Crouch Lane a un-classified road.

Previously Danleebar Farm was solely connected with an agricultural use however the applicant states that he has taken the decision to diversify on site for financial reasons. In their submission the applicant states that "due to the very considerable changes in agriculture in the past 10 years, profitability has fallen to such a level that it has not been possible to make a living from the farming enterprise alone".

In the past the site was used for the rearing of pigs and meat cutting. According to the applicant the farm still carries out agricultural practices including the rearing of pedigree Hereford cattle. The herd currently comprises 30 suckler cows, 2 stock bulls, 10 heifers for breeding and approximately 30 calves.

The site contains 11 outbuildings that are currently not being used in connection with an agricultural use. The recently granted certificate of lawfulness (07/00850/LDC) for the continued use of buildings for storage B8 relates to 4 of the 11 units including buildings 5, 6, 9 and 10.

3) PLANNING CONSIDERATIONS

(i) Principle of the development

The proposal would result in a net increase of 766 sqm of mixed storage B8 and light industrial B1(c) floor area in addition to the lawfully established 137.6 sqm of B8 storage (07/00850/LDC).

Policy GB4 limits any net floor area to 500 sqm when considering a change of use from agricultural to either storage and/or light industrial. Therefore on site the cumulative floorspace of storage B8 and light industrial B1(c) use would total 903 sqm and therefore is considered to represent a departure from the development plan and has been advertised as such.

Planning Policy Statement 7 (Sustainable Development in Rural Areas) seeks "to protect the countryside for the sake of its intrinsic character".

Planning Policy Guidance 2 (Green Belts) seeks to protect the "open, rural and undeveloped character of the Green Belt from inappropriate development".

(ii) Impact on the character and appearance of Green Belt

It is clear that the proposal represents a departure from the development plan as the mixed use B1(c) and B8 buildings would exceed 500 sqm. However the test is whether or not there are any special circumstances that outweigh the harm.

An appeal decision issued on 20 December 1996 for Millside, a site located south-east of Danleebur Farm, is relevant to this submission. The appeal related to a change of use of an agricultural building (2,100 sqm) to industrial and storage units.

The Inspector acknowledged that the proposal would result in a significant increase over that of the "in principle" accepted 500sqm of floor area change in use as set out under the Berkshire Structure Plan. The Inspector stated that the "re-use of buildings should not prejudice the openness of the green belt". The Inspector went on to say that the "re-use of buildings in the Green Belt is not inappropriate if strict control is exercised over any associated uses".

The Inspector took the view that with the uses being restricted by suitable conditions the level of activity generated as a result of the change of use would be no greater than if the building were to be 500 sqm in floor area. Therefore to conclude the Millside appeal was allowed subject to restrictive conditions that restricted the number of employees.

The current submission would seek to establish a maximum of 903.6 sqm gross floor area mixed use B1(c) and B8. The scheme as currently operated on site has been considered as a low-key commercial use of the buildings that only has 3-4 people on the site at anyone time due to the nature of the businesses contained within the buildings. These businesses currently include rowing boat repairs, oar repairs, kitchen storage, exhibition storage, car restoration, car storage and china storage.

The site is very well run and there is generally no outside storage of any goods associated with the businesses.

Although establishing 766 sqm of mixed B1(c) Light Industrial and (B8) Storage on top of the already established 137.6 sqm (B8) Storage is technically a departure from the development plan the current level of activity associated with the use of the site is not considered to be any greater than the previous agricultural use of the site and the level of activity associated with 500 sqm of similar mixed uses. The evidence of which was provided in a Transport Technical Report submitted May 2009. The Technical Report compared the previous agricultural use with the current level of operation.

With the current level of operation being established as having no greater impact than the previous agricultural use it is important to restrict these levels as the application has been assessed with these levels in mind. Therefore conditions are recommended restricting the level of employees of site to 20 as suggested by the applicant along, with restricting the hours of operation and any outside storage of goods.

Bearing in mind the objectives of PPS7, PPG2 and the relevant appeal decision, with the level of activity being strictly controlled to what currently operates on site this would preserve the openness of the site and not result in any detrimental impacts upon the open, rural and undeveloped character of the Green Belt.

The proposal is considered to support both a scheme of farm diversification and the existing agricultural use of which both are encouraged under PPS7.

(iii) Effect on the amenity of neighbouring residential property

The site as outlined in red is well screened from outside the site including views in from Crouch Lane. The closest neighbouring resident is at Fox Cottage located approximately 145m from the application site. With the levels of activity being considered no higher than the previous agricultural use the proposal to establish an additional 766 sqm of mixed use (B1c) Light Industrial and (B8) Storage is considered not to result in any materially adverse impacts upon any residential amenity, subject to restrictive conditions.

(iv) Highway Implications

The proposal would not result in any highway safety implications subject to the parking shown on the 1:500 plan is conditioned to be implemented and retained; and that the level of activity currently experienced on site is restricted through conditions.

5) CONCLUSION

The retrospective change of use of 7no. units to provide an additional 540 sqm of B8 (Storage) and 226 sqm of B1 (c) (Light Industrial) in combination with the lawfully granted 137.6 sqm of B8 (Storage) is considered to represent a departure from the development plan. However the current operational use of the site preserves the openness of the green belt and encourages the existing agricultural use of breeding cattle to continue. These are considered to be the very special circumstances that outweigh any harm.

The proposal is therefore recommended for conditional approval.

6 **RECOMMENDATION**

That the application be **APPROVED** subject to the following conditions:-

01. The development hereby permitted shall be carried out only in accordance with the following approved plans received by the Local Planning Authority on 28th April 2009:

Site location plan and drawing no. CL/500/1/Rev A.

(or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans).

REASON: To ensure that the development is carried out only as approved by the Local Planning Authority.

02. Within 1 month of the date of this permission provisions for parking and turning shall be laid out within the site in accordance with the approved plan [CL/500/1/REV A] for vehicles to be parked and for vehicles to turn. The spaces shall not thereafter be used for any purpose other than parking and turning of vehicles.

REASON: To ensure that the development is provided with adequate car parking to prevent the likelihood of on-street car parking which would be a danger to other road users.

[Relevant Policies: BFBLP M9, Core Strategy DPD CS23]

03. No machinery shall be operated at the premises comprised within the land as outlined in red on the site location plan submitted 28th April 2009 outside the hours 7.00am to 6.30pm on Mondays to Fridays and 8.00am to 1.00pm on Saturday. No machinery shall be operated on Saturday after 1.00pm, Sundays Bank Holidays or recognised Public Holidays.

REASON: The site is located within the Green Belt where it is the policy of the Local Planning Authority to preserve the openness of the Green Belt.

[Relevant Policies: SEP SP5, BFBLP GB1, Core Strategy DPD CS9]

04. No materials including products or parts, crates and packing materials shall be stacked or stored outside of any buildings situated on the land as outlined in red on the site location plan submitted 28th April 2009.

REASON: The site is located within the Green Belt where it is the policy of the Local Planning Authority to preserve the openness of the Green Belt.

[Relevant Policies: SEP SP5, BFBLP GB1, Core Strategy DPD CS9]

05. The number of persons employed on the land in non-agricultural activities shall not exceed twenty in number at any one time (including both full time and part time workers).

REASON: The site is located within the Green Belt where it is the policy of the Local Planning Authority to preserve the openness of the Green Belt.

[Relevant Policies: SEP SP5, BFBLP GB1, Core Strategy DPD CS9]

Summary Of Reason(s) For Decision:

The following development plan policies have been taken into account in determining this planning application:

- Bracknell Forest Borough Local Plan:

Policy GB4, Re-use and change of use of buildings within the Green Belt states that "within the Green Belt, the change of use and adaption of existing buildings will only be acceptable where:

(i) the impact of the proposal on the existing open, rural and undeveloped character of the Green Belt will not be materially greater than that of the present use; and

(ii) strict control is exercised over the extension or re-used buildings, and the associated land around them, which might conflict with the existing open, rural and undeveloped character of the Green Belt; and

(iii) the building is of permanent construction and its scale, design, bulk and form are in keeping with its surroundings; and

(iv) the proposed change of use or adaption would not be detrimental to the character and appearance of the building, its surroundings and landscape setting; and

(v) the proposed change of use, within any individual building or complex of buildings within a close proximity, would not result in a net increase of more than 500 square metres of business, industrial, distribution or storage (use class B1 to B8) floorspace; and

(vi) the proposal would not cause significant environmental, road safety or traffic generation problems; and

(vii) the proposed change of use of the building is small scale and appropriate to the area."

- Core Strategy Supplementary Planning Document:

Policy CS9, Development on Land Outside Settlements, states "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."

- South East Plan:

Policy SP5, Green Belts, states "The existing broad extent of Green Belts in the region is appropriate and will be retained and supported and the opportunity be taken to improve their land-use management and access as part of initiatives to improve the urban fringe."

(Please note that this is not intended to be an exhaustive list).

The following material considerations have been taken into account:

The proposal is considered to comply with Policy GB4 of the Bracknell Forest Borough Local Plan and Core Strategy Policy CS9 and South East Plan Policy SP5. The proposal will not adversely affect highway safety, the character of the plot, neighbouring property or Green Belt area or significantly affect the amenities of neighbouring property. The planning application is therefore approved.

Doc. Ref: Uniform 7/DC/Agenda

The application file to which this report relates can be viewed at the Council's Time Square office during office hours or online at www.bracknell-forest.gov.uk