

PLANNING STATEMENT

Application for Full Planning Permission for the erection of a new farm shop building, change of use of the former farm shop building to Class E(g)(ii) use and alterations to the parking layout

Lockey Farm, Sindlesham Road, Wokingham, RG2 9JH

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1. Introduction

- 1.1. This Planning Statement has been prepared on behalf of Mr and Mrs Adams ("the Applicants") in support of an application for full planning permission for the following development:

"Erection of a new farm shop building, change of use of the former farm shop building to Class E(g)(ii) use and alterations to parking layout."

- 1.2. Lockey Farm, which extends to some 13 hectares (33 acres) is predominantly in agricultural use, mainly comprising fields but also some agricultural buildings. It also includes some alternate uses, which, aside from that applied for under this application, either now have planning permission or have ceased. The applicants have been working with the Council to resolve as many of these matters as they can, which includes the submission of the current application.
- 1.3. By way of background, the original farm shop building has existed on the site since 2005. Prior to this being built a farm shop was housed in a former agricultural building however this became dilapidated and required replacing. Initially the building included a café however this was subsequently separated from the farm shop use.
- 1.4. By 2017 the building was proving to be too large for the farm shop only and the costs of heating and lighting the building were rendering the farm shop business unviable. A smaller building was therefore erected on the opposite side of the car park which since 2017 has housed the farm shop.
- 1.5. More recently, the former farm shop building has been occupied by Amzco, a company that specialises in anaerobic digestion plant design and construction. At Lockey Farm they are using the building specifically to research and develop smaller prototype digestors for the exclusive use of farmers which as will be explained below will have long term economic and environmental benefits. Whilst not an agricultural use, the use is related to farming and the location of the business on a working farm is beneficial for the development of their product. The use is not industrial, and it has been agreed with the Council that the use class most appropriate for the use is Class E(g)(ii) which relates to the research and development of products.
- 1.6. The proposal also concerns alterations to the car park to include a paved area to the front of the café and shop, with additional spaces now shown elsewhere including the site of two buildings that will be removed to ensure that sufficient space is available for all the uses.
- 1.7. It is acknowledged that the erection of the farm shop building and the change of use of the former shop building has taken place without planning permission and these elements of the development are retrospective. This planning application is submitted to regularise the situation.

- 1.8. The development was the subject of pre-application written advice received on 2nd July 2024 and discussed at a meeting later that month. The written advice raised concerns with regards to an intensification of the site and the location of a further commercial use in a rural location however the meeting on 23rd July 2024 afforded the applicant the opportunity to explain the exact nature of the Class E(g)(ii) use to officers and the reasoning behind the original relocation of the farm shop. The acceptability of the location of the uses was subsequently agreed via exchange of emails on 23rd/24th July, and the only point of disagreement remaining was the impact of the additional building that now houses the farm shop.
- 1.9. It was also agreed that no further action would be taken until the outcome of an outstanding appeal concerning two different buildings (ref. APP/X0360/W/23/3321499) was known as this could have implications for the consideration of this application. This was determined in October 2024 and will be referenced below where relevant.
- 1.10. The submitted Location Plan and Block Plan highlight the 'application site' as both the previous and current farm shop buildings and the parking areas around them. In addition to this planning statement, together with the required application forms and fee, the application is accompanied by the following plans:
- 2203-P190-P2 Site Location Plan
 - 2203-P191-P2 Block Plan
 - 2203-P192-P2 Parking Provision
 - 2203-P193-P1 Proposed Plan
 - 2203-P194-P1 Change of use elevations
 - 2203-P195-P1 Change of use plans

2. Site Description

- 2.1. Lockey Farm is a working agricultural farm of approximately 13 hectares/33 acres located to the north of the settlement of Arborfield Cross with an existing access onto the B3030 Sindlesham Road. It is also closely associated with Newlands Farm on the opposite site of Sindlesham Road, and the applicants also farm various other parcels of land in the local area. Overall, the applicants farm approximately 72 hectares / 180 acres of land around Arborfield Cross.
- 2.2. Lockey Farm itself is predominantly in agricultural use but also includes a number of additional uses that have been established via diversification proposals close to the access around a parking area, including a farm shop, café and hairdressers. A children's play area is located to the rear of the farm shop and cafe. These are all publicly accessible via the access from Sindlesham Road.
- 2.3. The main farmhouse lies to the north east of this area. Further to the north east are buildings that remain lawfully used for agricultural purposes and others for which alternative uses as vehicle storage and equestrian now exist. An outdoor menage is now also lawful as is an outdoor area for the storage of caravans. These are all on private land and are separated from the publicly accessible areas by a gate.
- 2.4. The land that is the subject of this application part of the 'public' area centred around the access onto Sindlesham Road and the car park.
- 2.5. The site lies outside of the settlement boundary of Arborfield Cross and as such is considered to be countryside in planning policy terms. It is also located outside of the Arborfield Cross Conservation Area, the boundary of which in relation to the site is Sindlesham Road. It is located in Flood Zone 1 (lowest risk) of the Environment Agency Flood Map for Planning. There are no further planning constraints that affect the consideration of the development.

3. Relevant Planning History

- 3.1. The following historic planning permissions are considered relevant to the current proposals.
- 3.2. Planning permission was granted in 2006 under application **050783** for the original shop building that is the subject of this application, at the time for both a shop and a café.
- 3.3. The café use was then separated from the farm shop via two separate applications, **112094** which varied conditions to allow for the use of the building just as a farm shop, and **112302** which proposed a new building for a café and also the children's play area to the rear. Both applications were approved in 2011.
- 3.4. No further planning history exists before 2022, when application **221245** was submitted for various elements of development including an extension to form a hair salon, the siting of a portacabin for use as an architect's office, the siting of a shipping container for use as a florist, and the storage of caravans. The application was refused in July 2022.
- 3.5. Applications have subsequently been submitted concerning various elements of the refused application. Application **223670** was submitted for the vehicle storage and hairdressers elements and was approved in February 2023. Application **231663** secured planning permission for the change of use of a former agricultural building from an agricultural use to a B8 use for the storage of motor vehicles. Application **232978** secured consent for the change of use of an area of redundant agricultural land to equestrian use, including the erection of a menage and fencing.
- 3.6. Most recently, the whole of the play area including bouncy pillows was regularised under one planning permission – application **240971** which was approved in June 2024.
- 3.7. Finally, application **230020** was submitted for two buildings that contained Class E uses but was refused in March 2023. An appeal was submitted against this decision but was dismissed in October 2024 under reference **APP/X0360/W/23/3321499**. These buildings will now be removed, with the area they were located shown as parking under this application.
- 3.8. With regards this appeal decision, the main concern the Inspector had with the buildings was their impact on the character and appearance of the area as a result of their siting and design. However, the Inspector had no issue with the principle of using the location for such uses which was considered to be '*suitable and accessible*'. No concerns were raised with regards to intensification. These matters will be explored further where relevant below.

4. The Proposals

4.1. The proposed development concerns three elements:

- The change of use of the former farm shop building to Class E(g)(ii) use
- The erection of a new farm shop building
- Alterations to the parking layout to include a paved access and seasonal outdoor seating area, and provision of additional parking elsewhere.

4.2. As has been set out, the building that was originally occupied by the farm shop proved (at 305m²) to be too large for a shop of the size required and the costs of heating and lighting the shop were making the business unviable. A new shop building has therefore been erected adjacent to the café with a floorspace of approximately 90sqm and a height of 2.9m. It also includes a walk-in fridge area to the rear which results in an overall floorspace of approximately 150sqm, half the size of the original shop.

4.3. The former farm shop is now occupied by Amzco. Originally their business concerned the design and construction of anaerobic digestion plants, however their activities at Lockey Farm solely relate to the research and development of a prototype small digester that will be used solely by farms. This is not a temporary use; the company are phasing out the large-scale plants they have previously been associated with and the government have previously instructed them to develop these smaller digestors.

4.4. These will be affordable for farmers and will enable farms to become carbon neutral by producing gas and electricity from their waste such as feed, cut grass and old animal bedding. As such there will also be long term economic benefits in producing their own energy given the recent rises in energy prices and the impact this has had on farmers.

4.5. This is not an agricultural use however the building being located on a working farm has benefits to the research being undertaken. For example, waste can be taken directly from Lockey Farm for testing and Amzco do not need to import from anywhere. The building is not in intense use, activity is mainly limited to the small number of employees although occasionally farmers are invited to the site to view the technology.

4.6. Finally, the application seeks to regularise the parking area, both to ensure there are a sufficient number of spaces for the businesses and also as a former area of parking has been paved over to create an access area for the shop and café that is occasionally used for outdoor seating during the summer.

5. Relevant Planning Policy

5.1. The following tiers of planning policy and guidance are considered relevant to the proposed development.

- National Planning Policy Framework (December 2024)
- The Development Plan
- Supplementary Planning Documents (SPDs)

National Planning Policy Framework (NPPF)

5.2. The latest version of the NPPF was updated in December 2024. It sets out that planning law requires applications for planning permission to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in all planning decisions.

Achieving Sustainable Development

5.3. **Paragraph 7** confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. **Paragraph 8** explains that achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental) and that these are independent and need to be pursued in mutually supportive ways.

5.4. **Paragraph 9** clarifies that these are not criteria against which every decision can or should be judged. It goes on to state that planning decisions should play an active role in guiding development towards sustainable solutions but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

5.5. **Paragraph 11** sets out the presumption in favour of sustainable development that sits at the heart of the NPPF. For decision taking this means approving development proposals that accord with an up-to-date development plan without delay. Where there are no development plan policies, or the policies which are the most important for determining the application are out of date, permission should be granted unless:

"i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed: or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination."

- 5.6. Footnote 7 identifies examples of the restrictive policies that i) above relates to and is purposely drafted to be read as a closed list of restrictive policies, to avoid confusion. None of the policies listed in Footnote 7 apply to Locket Farm.

Supporting a prosperous rural economy

- 5.7. **Paragraph 88(a)** states that planning decisions should enable
- “the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.”***

- 5.8. **Paragraph 88(b)** states that planning policies and decisions should enable
- “the development and diversification of agricultural and other land-based rural businesses.”***

- 5.9. **Paragraph 89** sets out that 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. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”***

Promoting Sustainable Transport

- 5.10. **Paragraph 115** states that for specific applications for development, it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. Safe and suitable access to the site should be achieved for all users.

- 5.11. **Paragraph 116** confirms that:
- “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.”***

Conserving and enhancing the natural environment (Section 15)

- 5.12. **Paragraph 187** sets out that planning decisions should contribute to and enhance the natural and local environment by:

"a) 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);

b) 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..."

- 5.13. The site is not of biodiversity or geological value with any statutory status, nor does it comprise the best and most versatile agricultural land. The site does not contain any trees or woodland.

The Development Plan

- 5.14. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. At the time of writing the Statutory Development Plan documents covering the application site comprise:

- The Wokingham Borough Core Strategy (2010)
- The Wokingham Borough Managing Development Delivery Local Plan (2014)

The Wokingham Core Strategy (WCS)

- 5.15. The WCS was adopted in January 2010 and provides the strategic planning policy framework for Wokingham until 2026. It contains the spatial vision and policies to promote sustainable development in the Borough and guide planning decisions.
- 5.16. From the policies map that sits alongside the WCS it can be seen that the application site is located close to but outside the settlement boundary for Arborfield Cross. The site is not allocated for residential or any other form of development. It is therefore regarded as 'countryside' in planning policy terms.
- 5.17. The policies map also shows that the site is not located within a Conservation Area, with the boundary of the Arborfield Cross Conservation Area being drawn at Sindlesham Road to the east of the site. There are no landscape, ecology, flood risk or other heritage designations that directly affect the site.
- 5.18. The following policies have been referenced in previous applications at the site and are considered important for the consideration of this application:

- **Policy CP1 – Sustainable Development**
- **Policy CP3 – General Principles for Development**
- **Policy CP6 – Managing Travel Demand**
- **Policy CP9 – Scale and location of development proposals**
- **Policy CP11 – Proposals outside Development Limits (including countryside)**

5.19. **Policy CP1** sets a number of sustainable development principles for the Borough. The following list sets out those considered relevant to the development. Planning Permission will be granted for development proposals that:

- ***Maintain or enhance the high quality of the environment.***
- ***Avoid areas of best and most versatile agricultural land.***
- ***Avoid areas where pollution (including noise) may impact the amenity of future occupants.***
- ***Provide attractive, functional, accessible, safe, secure and adaptable schemes.***
- ***Demonstrate how they support opportunities for reducing the need to travel, particularly by private car in line with CP6.***

5.20. The supporting text to the policy highlights that development should enhance the overall sustainability of the area through minimising impact on the environment. It is important that proposals do not harm this or adversely affect the quality of life of residents, workers and visitors.

5.21. **Policy CP3** sets a number of general principles for development which proposals are expected to follow. The following list sets out those considered relevant to the development. Planning permission will be granted for proposals that:

- ***Are of an appropriate scale of activity, mass, layout, built form, height, materials and character to the area together with a high quality of design without detriment to the amenities of adjoining land users including open spaces or occupiers and their quality of life.***
- ***Provide a functional, accessible, safe, secure and adaptable scheme.***
- ***Have no detrimental impact upon important ecological, heritage, landscape (including river valleys) or geological features or water courses.***
- ***Use the full potential of the site and contribute to the support for complementary facilities and uses.***

- ***Contribute to a sense of place in the buildings and places themselves and in the way they integrate with their surroundings (especially existing dwellings) including the use of appropriate landscaping.***
- ***Provide for a framework of open space in secure community use achieving at least 4.65ha/1,000 population provision together with recreational/sporting facilities in addition to private amenity space.***

5.22. **Policy CP6** sets out that planning permission will be granted for schemes that provide for sustainable forms of transport to allow choice, are located where there are choices in the mode of transport available which minimise the distance people need to travel, provide appropriate vehicle parking and do not cause highway problems.

5.23. **Policy CP9** states that the scale of development proposals in Wokingham Borough must reflect the existing or proposed levels of facilities and services at or in the location together with their accessibility. The policy sets out that development proposals will be acceptable within the development limits, including at Arborfield Cross.

5.24. **Policy CP11** states the following:

"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:

1) It contributes to diverse and sustainable rural enterprises within the borough, or in the case of other countryside based enterprises and activities, it contributes and/or promotes recreation in, and enjoyment of, the countryside; and

2) It does not lead to excessive encroachment or expansion of development away from the original buildings; and

3) It is contained within suitably located buildings which are appropriate for conversion, or in the case of replacement buildings would bring about environmental improvement; ...

5.25. The supporting text to the policy sets out that *"Restricting development outside of development limits also helps protect the separate identity of settlements and maintain the quality of the borough's environment...Preventing the proliferation of development away from existing development limits is important, as they are not generally well located for existing services and facilities. Proposals for development, which would be an increase over what currently exists (outside development limits) are likely to lead to increased use of the private car as they are poorly served by other transport modes..."*

The Wokingham Borough Managing Development Delivery Local Plan (MDD)

- 5.26. The MDD was adopted in February 2014, building on the WCS and including more detailed policies for development in the Borough. The following policies have been referenced within previous decisions and as such are important for the consideration of this application:
- **Policy CC02 – Development Limits**
 - **Policy CC03 – Green Infrastructure, Trees and Landscaping**
 - **Policy TB21 – Landscape Character**
- 5.27. **Policy CC02** refers to the development limits which are set by the Core Strategy. Planning permission for proposals at the edge of settlements will only be granted where they can demonstrate that the development is within the development limits and respects the transition between the built-up area and the open countryside.
- 5.28. **Policy CC03** states that development proposals should demonstrate how they have considered and achieved a number of criteria within the scheme proposals as follows:
- "a) Provide new or protect and enhance the Borough's Green Infrastructure networks, including the need to mitigate potential impacts of new development***
 - b) Promote accessibility, linkages and permeability between existing green corridors including public rights of way such as footpaths, cycleways and bridleways***
 - c) Promote the integration of the scheme with any adjoining public open space or countryside***
 - d) Protect and retain existing trees, hedges and other landscape features***
 - e) Incorporate high quality, ideally, native planting and landscaping as an integral part of the scheme."***
- 5.29. The policy also restricts proposals that would result in the loss, fragmentation or isolation of areas of green infrastructure. The supporting text to the policy highlights how green infrastructure can achieve a number of objectives, including *'providing health benefits by enabling access to opportunities for recreation.'*
- 5.30. **Policy TB21** states that proposals must demonstrate how they have addressed the requirements of the Council's Landscape Character Assessment. Proposals shall conserve and enhance the remaining rural character of the landscape. The site is within area J2 (Arborfield and Barkham Settled and Farmed Clay) Part 2 contains a detailed description and strategy for J2, which is referenced where relevant below.

Supplementary Planning Documents (SPDs)

- 5.31. Previous decisions have referenced Section 8 of the Wokingham Borough Design Guide SPD. This section refers to the rural settlement edge and builds upon WCS Policy CP11. As a general principle, new development and associated landscape should retain, incorporate and enhance features that contribute towards the landscape character and biodiversity of the area. This includes elements such as field patterns and lanes, landscape features such as trees and hedgerows and typical species of vegetation. Development should respond positively to its site and local context and respond positively to the local character of the area.

6. Planning Assessment

6.1. This section of the Planning Statement sets out the main planning considerations for this application. Given the locational characteristics of the site, it would not result in any flood risk concerns and a Flood Risk Assessment is not required for the proposals. There are no ecological constraints to the development and no trees affected by the proposals. The site contains no designated or non-designated heritage assets, and it would have no impact on the setting of the Arborfield Conservation Area.

6.2. Consequently, the main considerations of the proposals are considered to be the principle of the development, its impact on the character and appearance of the area and landscape, residential amenity and highway safety. The recent appeal decision at the site, ref. **APP/X0360/W/23/3321499**, is a material consideration particularly in respect of the first two sections and will be referenced where relevant.

Principle of the Development

Change of use of former farm shop to Class E(g)(ii) use

6.3. Core Strategy Policy CP11 concerns proposals outside the development limits and allows for diverse and sustainable rural enterprises which do not lead to excessive encroachment or expansion away from the original buildings. Development can be contained within suitably located buildings that are appropriate for conversion.

6.4. With regards to this proposal, the pre-application submission set out how Policy CP11 is more restrictive than the NPPF in that it restricts employment development in the countryside to 'rural enterprises' only, whereas Paragraph 88(a) of the NPPF makes it clear that all types of business are appropriate in rural areas.

6.5. In response to this within the written pre-app response, the Council acknowledged Paragraph 88(a) but states that the emphasis is on such expansions to be 'sustainable' and the introduction of a further land use would '*unacceptably intensify the use of the site which is in a sensitive rural location adjacent to an existing settlement edge.*' The Council also saw no need for the business to be located within the countryside.

6.6. However, at the follow up meeting on 23rd July 2024 the benefits of the location of the business on a working farm were discussed, and it was made clear that their research and development of digestors to be used by farms is not a temporary direction for the business. Although there may not be a strict 'need' for the business to be located here, it is clearly beneficial that it is for the business in having close access to the farm waste their digestors will use, which would not be the case on an established commercial site within an employment area.

6.7. The location of the use on Lockey Farm also makes the use more sustainable than if it was located off site. Locating the use here means that research and development, such as trialling

of plants, takes place on a working farm and products do not need to be transported off-site for testing, which would be the case if the use was located within a defined employment area. The result of which is less movements and activity overall with the use contained at Lockey Farm rather than needing to utilise additional land elsewhere.

- 6.8. It was suggested by Officers that the use of the building under Class E could be made personal to Amzco which would limit activities to those currently being undertaken and will ensure that a more industrial use that is unrelated to agriculture cannot occupy the building. It was agreed that this would be an appropriate mechanism to control the use of the building in the event of planning permission being granted; this remains the applicant's view.

- 6.9. It is therefore considered that the additional detail with regards to the nature and permanence of Amzco's operation within the building as well as the agreement to control the use by condition addresses the main concerns raised in the pre-app with regards to this element of the development. However, the appeal decision has been published since which, although dismissing the development proposed, made a number of positive comments in respect of locating commercial uses on the site.

- 6.10. Firstly, no concerns were raised by the Inspector in respect of intensification; the concerns that led to the dismissal of the appeal were the result of the impact on the character and appearance of the area as a result of the building's design and siting. Furthermore, although the Inspector concluded at Paragraph 39 that locating Class E uses in the countryside would conflict with Policies CP11 and CC02, at Paragraph 40 he highlights how the NPPF has a less restrictive approach as set out above and does not limit economic development in rural areas to that which contributes to the diversification of an existing rural enterprise.

- 6.11. Paragraph 41 then highlights how relying on settlement boundaries as a means of identifying where economic development in rural areas can take place does not fully reflect paragraph 89 of the NPPF. Paragraphs 42 and 43 set out how the site is not located far from the more built-up part of the village, and that opportunities exist to access the site via cycling or public transport. The proximity to other commercial uses is highlighted as a benefit in this regard, creating the possibility for linked trips.

- 6.12. Paragraph 44 concludes on this matter:

"Therefore, the conflict with two policies in the Development Plan notwithstanding, the buildings are in a suitable and accessible location in terms of the Framework. They also accord with criterion in CS Policy CS6 which, amongst other things, supports development located where there are choices in the mode of transport available and which minimise the distance people need to travel. In addition, the support for opportunities for reducing the need to travel, particularly the private car, accords with criterion in CS Policy CP1. There is no conflict with the general development principles on CS Policy CP3 nor with CS Policy CP9, which requires the scale of development to reflect the levels of services and facilities at or in the location, together with their accessibility." (Our emphasis)

- 6.13. It is important that these comments were made in respect of an open Class E use, with no link to any rural business or a need for the use to be located within the countryside. The proposal is for a restricted Class E use for a business for which this specific countryside location is beneficial. Furthermore, the Inspector agreed that the location has sustainability merits and did not raise intensification as a result of these two additional uses as a concern.
- 6.14. As the appeal was dismissed, the businesses have vacated the building which are in the process of being removed and this application shows the area they were to be located to be used for parking. As such, the addition of one business instead of two, located within an existing building rather than a new building, should be seen as even more appropriate in the countryside than the previous proposal, which was found acceptable in terms of its location.
- 6.15. It is appreciated that the concerns raised within the pre-application response were largely addressed within the meeting in any event, however the appeal decision highlights again how Policies CP11 and CCO2 are not consistent with the NPPF in terms of the restrictions they place on businesses in rural locations. The use of the former farm building by Amzco under Class E(g)(ii) use is therefore appropriate in this location and acceptable in principle.

Farm Shop Building

- 6.16. The pre-application response considered that the reasoning for its relocation because of the size of the building was '*inadequate justification*' to move it and Officers considered it could be relocated on a smaller footprint. At the meeting on 23rd July 2024, it was explained that this was not a practical suggestion; the whole 305m² building would still require heating, and this would not assist with energy cost. A substantial part of the building would also be vacant, which would not be an efficient use of the building. The fact that the new building is less than half the size of the original demonstrates this.
- 6.17. There were also other reasons why the shop was relocated. Lockey Farm does not get the same amount of passing traffic as when the shop was brought into use in the original building due to the recent construction of the relief road and the introduction of traffic calming schemes nearby. There is no longer enough demand for a shop within the large building, but a smaller shop remains viable and is well used by the local community. The new location also encourages visitors to the café and play area (for which there is no charge, only donations) into the shop as it is now within the same part of the site.
- 6.18. Officers also agreed that the new use in the original shop building was only explored after the shop moved; it was not moved in order to facilitate this. They also agreed that a vacant building would not make any sense.
- 6.19. Finally, and most importantly, it was agreed that the principle of a farm shop use is well established on the site. As such the only point of disagreement was the impact on an additional building at the site. The applicant's view is that the previous building was no longer appropriate for the farm shop use and as set out above has now changed use to an appropriate use. A building to accommodate the farm shop is therefore necessary and justified. The use is a popular one within the local community and the reality is that if a new

building is not approved, the facility will be lost to the community, as it is not viable to move the use back into the old building.

- 6.20. The appeal decision also offers some assistance with the issue. The Inspector was looking at two buildings, and whilst he found harm with regards to the character and appearance of the area due to the design and siting of the buildings (which will be addressed below) no concerns were raised with regards to intensification in use if the two buildings were to remain. The situation is now that these two buildings would be removed, and the farm shop will remain, a net loss of one commercial building from the situation the Inspector was looking at, and didn't raise concern with.
- 6.21. The relocation of the farm shop in this context is a sustainable expansion of an existing business within a well-designed new building which is appropriate as per Paragraph 88(a) of the NPPF. It proposed a suitably located and designed building for an established use at the site and it, along with the new business within the original shop building, would not lead to any unacceptable intensification of the site particularly now the two Class E buildings that were the subject of the appeal will be removed. The new farm shop building is therefore considered acceptable in principle.

Impact on the Character and Appearance of the Area

- 6.22. It is acknowledged that the farm shop will be an addition to the site, however as set out within the pre-application submission it has been designed to appear in keeping with the existing buildings on site including the café and the former shop, and it is read as one of a number of buildings that front the hardstanding. It is not considered that a single storey building with a height of 2.9m, set approximately 45m back from the site entrance, is a visually prominent addition to the site.
- 6.23. The pre-application response again raised concerns with regards to intensification of uses, however this was not a concern of the Inspector when he was considering two buildings in a more prominent location than the shop. In any event the shop is accepted as an established use, therefore any 'intensification' in terms of use would come from the Class E(g)(ii) use, which is not an intense use.
- 6.24. Whilst the Inspector did raise concerns with regards to the impact of the two buildings on the character and appearance of the area, this was due to the '*significant scale*' and '*utilitarian appearance*' of the buildings, which '*does not sit comfortably alongside the more refined design qualities of the host structure*' (the original shop building) which was considered to closely reflect the attributes of traditional rural buildings in the locality. The overall length and siting of the buildings were also raised as contributing factors to the harm, with the buildings not comparing favourably with the permitted café structure '*which, being set back a considerable distance from the road, is not seen as an obvious built feature in views towards the farm. Moreover, although prefabricated, the café structure design reflects some aspects of traditional rural buildings in the locality and incorporates a pitched roof*'.

- 6.25. As such the Inspector did not agree that the buildings are '*well-designed and beautiful*' as was the requirement in Paragraph 88 of the previous NPPF. It is noted that Paragraph 88 has been amended in the recent update to remove the requirement for buildings to be 'beautiful'. He also raised concerns that the buildings due to their location have eroded the previous sense of openness and is indicative of the buildings having involved an excessive expansion of development away from the original buildings.
- 6.26. It is considered that the shop building is more comparable to the café than the buildings that were the subject of this appeal. It is located well back into the site and is not utilitarian in appearance with a small pitch to the roof and a height of only 2.9m. Unlike the two buildings, it is not visually prominent from the access and is more closely related to the permitted buildings such as the café. It is also screened when viewed from the front of the site by hedging, reducing its visual impact further.
- 6.27. It is not considered that the shop building has the same impact on openness and landscape setting as the two buildings that were the subject of the appeal. These have an impact on views into the site as a result of their proximity to the road, however the farm shop is far less visible and does not restrict any views. This impact is also reduced by the screening. Its location adjacent to the café also means that it is less of an 'expansion' than the two buildings.
- 6.28. It is therefore not considered that the harm raised by the Inspector in respect of the two buildings at the access is applicable to the farm shop. Furthermore, with the two buildings being removed the sense of intensification that the Council are concerned about has been reduced. It is not considered that the level of intensification that has resulted from the new shop building, and the use of the original building as a Class E(g)(ii) use, is significant. The alterations to the car park have not had any impact on character,
- 6.29. It is therefore not considered that the change of use of the original shop building and the erection of a new building has had a significant impact on the character and appearance of the area. In this regard the development is therefore in accordance with CS Policies CP1, CP3 and CP11, and the NPPF.

Residential Amenity

- 6.30. No concerns were raised with regards residential amenity at the pre-application stage, nor was this a matter concerning the recent appeal for the two buildings. There are no noise impacts through the research and development use of the original shop building by Amzco, nor the use of an outdoor seating area when the weather allows. The farm shop is a long-established use at the site and is not noise generating.

Highway Safety and Parking Provision

- 6.31. The pre-application response raised that the most recent parking layout showed 35 spaces (27 visitor parking spaces and 8 staff spaces), but that this number has not been expanded in recent years and that the two spaces adjacent to the café have been restricted by the introduction of the paved area.

- 6.32. A revised parking layout is submitted for consideration. This has removed the two spaces adjacent to the café, but included four spaces where the two buildings that were the subject of the appeal are sited. These will shortly be removed, creating a new area for parking. As such, 31 visitor spaces are now shown within the courtyard which is more than sufficient for the uses. This is in addition to the eight staff spaces located to the rear of the original shop building, meaning that 39 spaces are in fact available for these uses. An overflow area is also available (for use up to 28 days a year) for when the play area is particularly busy.
- 6.33. The comments of the Highways Officer set out that the Council's standards require a level of parking at 1 space per 25m² for the Class E(g)(ii) use and 1 space for 20m² for the shop. The original shop building has a floor area of approximately 305m² which equates to a parking requirement of 12 spaces. The shop has a floor area of 150m² which equates to a requirement of 7 spaces. 19 spaces are therefore required for these two uses, which can comfortably be accommodated within the proposed parking layout, and 20 spaces would remain for the café, play area and hairdressers uses, and additionally the overflow area at particularly busy times.
- 6.34. As such there is sufficient parking within the courtyard for visitors, with staff parking for the various uses located to the rear of the original shop building. The development would be in accordance with the Council's standards and would not result in any adverse highway safety impacts.

Other Matters

- 6.35. The pre-application response confirms that Biodiversity Net Gain is not applicable to this development as it is retrospective.
- 6.36. It is acknowledged that further landscaping may be required however the farm shop building is screened by hedging.

7. Conclusions

- 7.1. The two buildings that are the subject of this application have been the subject of extensive pre-application discussions both in the form of a written response and a follow up meeting with officers of the Council. The outcome of these discussions was that many of the concerns were addressed, with the Council's only remaining concern related to the impact of an additional building at the site on the character and appearance of the area. The development is locationally acceptable, as has been highlighted by the recent appeal decision.
- 7.2. This appeal decision raises concerns with regards to the impact of the two buildings on the character and appearance of the area, but these concerns are not considered to be applicable to the farm shop building. The two buildings are of a different scale and design and sited much closer to the access in a far more prominent location than the shop building. The shop is set 45m back from the access, adjacent to the café building, screened by hedging and has a completely different impact to the two buildings that were the subject of the appeal. The removal of these buildings will increase the sense of openness and reduce intensification, which in any event was not raised as a concern by the Inspector. It is not considered that the proposed development would result in an adverse impact on the character and appearance of the area.
- 7.3. The proposal also secures an increased level of parking that will ensure that sufficient parking is available for all the uses at the site.
- 7.4. The proposal is therefore in accordance with the relevant development plan policies and the NPPF. As such the LPA is respectfully requested to approve the application as soon as possible.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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