
Appeal Decision

Site visit made on 8 August 2017

by S M Holden BSc MSc CEng MICE TPP FCIHT MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 August 2017

Appeal Ref: APP/R0335/W/17/3174052

Land adjacent to Hayley Green Farm, Hayley Green, Warfield, Bracknell, Berkshire RG42 6BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Stephen Hinds of Berkshire Curling Centre CIC against the decision of Bracknell Forest Borough Council.
 - The application Ref 16/00918/FUL, dated 7 September 2016, was refused by notice dated 23 February 2017.
 - The development proposed is a change of use from Agricultural Building to Curling Rink (D2), formation of ancillary grassed parking area, erection of extension to barn, demolition of former piggery, new vehicular access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address on the application form did not include Bracknell or Berkshire. However, these were included on the Council's decision notice and the appeal form. I have included them here for the sake of clarity and precision.

Main Issues

3. The main issues are:
 - a) Whether or not the principle of the development is acceptable given the site's location in the countryside;
 - b) The effect of the proposal as a whole on the character and appearance of the countryside;
 - c) The effect of the use of the proposed parking area on the living conditions of the occupiers of neighbouring properties in relation to noise and disturbance.

Reasons

Principle of development

4. The appeal site is a large field to the north west of Bracknell Road and screened from it by trees and other mature vegetation within the roadside verge. On two sides the site shares boundaries with residential properties that are set in substantial plots, Hayley Green Farm and The Moat House. Beyond

the site to the north and east there are rolling, open fields of undeveloped countryside. Within the site, but well away from Bracknell Road, there is a large, concrete framed barn constructed of brick with metal clad sides and roof. For the purposes of planning policy the site lies outside any development boundary in the countryside.

5. The proposal seeks a change of use of the building to a curling rink. To facilitate this use an extension to the building is proposed, along with the construction of a new access and a 36-space car park. The scheme has been amended following the rejection of a previous proposal on appeal, Ref: APP/R0355/W/15/3138120. In her conclusions the previous Inspector stated that she was not persuaded that the principle of the development proposed was acceptable in this countryside location, having regard to national and local planning policy and guidance.
6. Saved Policy EN8 of the Bracknell Forest Borough Local Plan (Local Plan) seeks to strictly control development outside settlement boundaries, allowing minor extensions, but restricting recreational developments to those which are suitable for the countryside and acceptable in terms of other local plan policies. Saved Policy EN9 of the Local Plan states that changes of use to non-residential buildings in the countryside will only be permitted subject to a series of criteria. Criteria (ii) and (iii), which restrict alterations and seek to protect the character of the building, its surroundings and landscape setting, are relevant to this case. In addition, the supporting text states that proposals for change of use and adaptation should ensure that no extension will form part of the scheme and only in exceptional circumstances will minor extensions be considered.
7. The existing barn is a substantial structure with a floor area in excess of 1000sq.m. The amended scheme has reduced the size of the proposed extension from 390sq.m to 238sq.m. This would be a 23% increase in the floor area, compared with the 38.5% previously proposed. It has also altered its shape to a simple elongation of the barn, which would be in keeping with the existing building in terms of its design and roof profile.
8. However, in my view an extension of this scale and size, which increases the overall bulk and floor area of the building by nearly a quarter, cannot be considered 'minor'. The uses of this additional space may be essential to operate the curling rink, rather than just desirable. However, it does not necessarily follow that an extension to accommodate these facilities would be acceptable. Neither can the need to provide disabled access be a justification for permitting a large extension. On the contrary, in order to accord with Policy EN9, exceptional circumstances are required to justify even a minor enlargement of the existing building.
9. I understand that in order to accommodate curling, the ice rink has to be a minimum of 50m in length and must be in a building with a single span. The concrete floor slab has specific requirements and the building as a whole requires high levels of insulation and needs to be sealed to control humidity. These factors indicate why the barn on the appeal site has found favour with the appellants.
10. The proposed use would provide a facility for a specialist, minority sporting activity. The proposal would be only the second curling rink in England. The other facility, near Tunbridge Wells, is located in a rural area and makes use of a converted barn. However, I understand that barn had previously been

extended for agricultural purposes, not to meet the needs of the curling rink. In any event, the change of use was assessed having regard to the planning policies that were relevant at that time and place. It is therefore not directly comparable with the appeal proposal.

11. A Sequential Test Assessment was submitted with the appealed application. This showed that the appellant has been unable to find a suitable alternative site within Bracknell town centre that would be commercially viable. As a curling rink is not a typical main town centre use, the test is not strictly applicable. However, it does not follow that other locations within the built-up area would not be suitable and the assessment does not provide a sufficiently robust reason to locate the facility in the countryside. I am therefore not persuaded that any of the factors set out above amount to the exceptional circumstances which would justify an extension to a rural building in order to facilitate the proposed change of use.
12. In coming to this view, I am mindful the appellant believes that the previous Inspector considered that a small extension would be acceptable. However, having read her decision carefully, I do not concur with this conclusion. She assessed the scheme before her on its individual merits. In doing so she distinguished between facilities within the building that could be considered 'essential' and 'desirable'. However, there was nothing to suggest that removal of those desirable elements would necessarily make the extension sufficiently small to be considered 'minor'. Neither Policy EN8 nor EN9 suggest that an extension will be acceptable if it is not disproportionate. On the contrary, in order to justify any extension, exceptional circumstances are required and I have not been persuaded that these exist in this case.
13. I therefore conclude that the principle of the development is not acceptable, arising from the excessive size of the proposed extension to an existing building in the countryside. The scheme would therefore conflict with saved Policies EN8 and EN9 of the Local Plan.

Character and appearance

14. The policies referred to in the Council's decision notice do not only relate to the principle of development in the countryside but also the effects of any proposals and change of use on its character and appearance. In addition to the extension to the barn, third parties have also raised significant concerns about other aspects of the development and its effects on the surrounding area. These matters are therefore material to my overall assessment of the scheme.
15. The change of use would necessitate the construction of a new, dedicated access onto the B3022, Bracknell Road. The provision of the 2.4m x 120m visibility splays required by the highway authority would result in loss of a section of roadside hedge where vegetation currently provides continuous screening. The drawings do not provide precise details of how much of this hedge would need to be removed. However, its loss would expose part of the site and the surrounding area to views from the road.
16. The driveway serving the site would be 5.5m wide and approximately 100m long. It would include a turning head to facilitate access to the enclosed chiller compound, which would be located beyond the proposed extension to the barn. The driveway would run parallel with the north-eastern boundary of the site,

furthest from the existing development and across an open and undeveloped part of the site. The car park would occupy a footprint comparable to that of the existing building in order to provide space for 36 vehicles. The driveway and car park would therefore erode the currently open and predominantly undeveloped appearance of the appeal site.

17. The building, its car park and the chiller compound would also require screening to reduce the effects of noise and mitigate the effects of the proposal on the landscape and surrounding area. This would lead to a further increase in the envelope of development on the site. In addition, as it is anticipated there will be activities in the evening, the site and its car park would require lighting, especially during the darker winter months. This would add to the visual intrusion.
18. These changes to the site would not only result in the loss of existing vegetation and screening, but would also introduce urbanising features onto the site that would be out of keeping with this rural area. Considered cumulatively with the extension to the building, I conclude that the proposal as a whole would be detrimental to the character and appearance of the countryside, contrary to Policies EN8, EN9 and EN20 of the Local Plan.

Noise and disturbance

19. In refusing the previous scheme the Inspector was concerned about the effects noise and disturbance on the living conditions of neighbours at Hayley Green Farm and The Moat House. A number of her specific concerns have been addressed by amendments to the proposal. These include removing vehicle access adjacent to the shared boundary, removing the roller shutter door on the south-western elevation of the building and replacing dehumidifiers with condenser units.
20. However, these changes did not address the potential for noise disturbance from use of the car park, particularly late in the evening. The Council therefore requested further information and a revised noise assessment was submitted based on consideration of a worst case scenario. This included a survey of the noise impacts of an existing curling rink in Scotland; a larger site which included commercial catering facilities and a licensed bar. The Council's officers were satisfied from the findings of this assessment demonstrated that the proposal would not result in unacceptable levels of noise and disturbance for the adjoining occupiers.
21. I appreciate that the Members continued to raise concerns about noise generated by participants leaving the facility late in the evening. However, based on the evidence before me, I consider that this matter has been addressed adequately by the appellant and the officers. Providing that the identified mitigation measures were secured, a matter that could be dealt with by condition, I am satisfied that the levels of noise and disturbance would not give rise to significant material harm.
22. I conclude that the proposal would not be harmful to the living conditions of the occupants of Hayley Green Farm or The Moat House arising from unacceptable noise and disturbance. In this respect the proposal would comply with saved Policy EN20 of the Local Plan which, amongst other things, seeks to protect the amenity of surrounding properties from the adverse effects of development. Although not referred to in the Council's decision notice, I have

subsequently been referred to saved Policy EN25 of the Local Plan. This is relevant to this case, but I am satisfied the proposal would not conflict with its requirements, which seek to protect homes from unacceptable levels of noise.

Other Matters

23. I am aware that local residents have continued to express concern about other matters including the effect of the proposal on heritage assets and highway safety. The Inspector dealt with these thoroughly in her decision on the previous proposal. The Council has not raised any objection in respect of the effect of the revised scheme on the listed buildings. Similarly, the highway authority is satisfied that the access and parking arrangements would be adequate to serve the proposed use safely. I see no reason to come to a different view on either of these matters.

Planning Balance

24. I appreciate that the appellant has sought to overcome the reasons that the previous scheme was refused by reducing the size of the extension to the building, making other minor amendments to the scheme and undertaking additional noise assessments. However, in revising the proposal he relied on the officers' view that the change of use was acceptable in principle. In doing so he has failed to appreciate the full extent of the previous Inspector's concerns about locating a facility of this nature in the countryside. This issue continued to be of concern to local residents and was a material factor in the Members' decision to go against the recommendation of their officers. I have looked at the revised scheme afresh, taking account of all the representations as well as the Council's appeal statement and the officers' report.
25. I acknowledge that the proposal would provide a facility for a specialist minority sport, which has some public support. However, there was no evidence that it would support an existing rural or land-based business which has an essential reason for locating in the countryside. Its economic and social benefits would therefore be limited.
26. On the other hand, I have concluded that the proposed extension and change of use is unacceptable in principle, due to its location in the countryside. I have also found that the proposal would be harmful to the character and appearance of the countryside, contrary to local plan policies. The scheme would therefore give rise to significant harm to the environment, which leads me to conclude that it would not be a sustainable development. It would fail to comply with Policy CP1 of the Bracknell Forest Core Strategy Development Plan Document, which sets out the presumption in favour of sustainable development.

Conclusion

27. I conclude that the proposal would be contrary to the development plan and there are no material considerations which outweigh that conflict. For this reason I conclude that the appeal should be dismissed.

Sheila Holden

INSPECTOR