

Case Officer: Sarah Greenall

Recommendation: Approve

Applicant: Lloyd Jones & Grainger

Proposal: Erection of stand alone garden studio and change of use of land from allotment to residential garden

Expiry Date: 30 December 2021

1. APPLICATION SITE AND LOCALITY

1.1. The application property comprises a detached, Grade II stone-built dwelling, located on the eastern side of Fir Lane and immediately east of St Peter's Church, a Grade II* listed, and south of Fir Lane Cottage and Fir Cottage, also Grade II listed buildings. The site is located towards the north-eastern corner of the designated Steeple Aston Conservation Area as identified in the adopted Cherwell Local Plan. The application property is two-storey dwelling of simple vernacular, dating to the 18th century. The property is bounded to either side by residential dwellings and by allotments to the rear (east). The boundary to the north is formed by a public footpath.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is sought for the erection of a new stand-alone garden studio and change of use of land from allotments to residential garden. The outbuilding will be rectilinear in form with a pitched roof, located in the south end of the rear garden and sunken into the ground with a height of approximately 5 metres. The building will be finished in Cotswold stone to match the main house with the gable ends featuring worked Cotswold stone, and the roof will be finished in slate. All windows and doors are proposed to be metal frames and a lead lined concealed gutter is proposed.
- 2.2. The description of development has been amended in the interests of clarity and accuracy.

3. RELEVANT PLANNING HISTORY

3.1. The following planning history is considered relevant to the current proposal:

Application: 08/02404/LB - Permitted, 15 January 2009.

Remove existing window frames from front elevation and bathroom and replace with new (as amplified by applicant's letter and accompanying photographs dated 05/01/09 received 07/01/09)

Application: 14/01601/LB - Refused, 11 May 2015.

Internal alterations, external alterations (including insertion of six rooflights), demolition of attached outbuildings and erection of single storey extension

Application: 14/01552/F - Refused, 11 May 2015.

Erection of single storey side extension

Application: 15/01327/F - Refused, 8 October 2015.

Demolition of attached outbuilding and erection of single storey side extension (revised scheme of 14/01552F)

Application: 15/01328/LB - Refused, 8 October 2015.

Internal alterations, external alterations (including insertion of six rooflights), demolition of attached outbuildings and erection of single storey extension (revised scheme of 14/01601/LB)

Application: 17/00005/F - Permitted, 2 August 2017.

Demolition of existing stores and repair, refurbishment and extension of building

Application: 17/00006/LB - Permitted, 3 August 2017.

Demolition of existing stores, insertion of rooflights to building and repair, refurbishment, and extension of building

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

<u>Application Ref.</u>	<u>Proposal</u>
21/00785/PREAPP	Construct a detached outbuilding for use as a domestic workshop and for storage

- 4.2. The principle of a modest outbuilding of traditional design, and of slightly reduced scale and more rectilinear form from that shown within this submission, could potentially be supported, but any future planning application would need to be supported by a Heritage Impact Assessment and justification for the proposals to demonstrate that there would not be harm caused to the significance of the conservation area or the setting of nearby listed buildings.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **29 December 2021**, by advertisement in the local newspaper expiring **25 November 2021** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **29 December 2021**.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Steeple Aston Parish Council: **no objections** to the application.

OTHER CONSULTEES

- 6.3. Conservation (CDC): **No objections** subject to conditions re windows and door details, slate sample and details, stone sample panel (which should be notwithstanding the details submitted to ensure that the mixture of two different stones for wall and gable ends are considered appropriate for the setting) and landscaping plan showing layout around the building.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- Policy ESD 13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 - Design of new residential development

MID-CHERWELL NEIGHBOURHOOD DEVELOPMENT PLAN (MCNP)

- PD7 - Designated Local Green Spaces

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- Steeple Aston Conservation Area Appraisal (April 2014)

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:

- Principle of development
- Visual Amenity; including heritage impact
- Residential amenity

Principle of Development

- 8.2. The general thrust of the National Planning Policy Framework (NPPF) is one of supporting the achievement of sustainable development through the planning system, recognising the need to secure gains in the overarching objectives (economic, social and environmental). New development proposals should contribute to protecting and enhancing our natural, built and historic environment, as

well as fostering a well-designed and safe built environment (Para. 8). These aims are echoed within the policies of the CLP 2015.

- 8.3. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, and proposals will not be permitted if they were to cause undue visual intrusion into the open countryside. Policy PD7 of the MCNP states that development on the designated Local Green Spaces which does not relate to or complement their importance to the community will only be considered acceptable in exceptional circumstances.
- 8.4. There are two elements to the proposal, the first being the change of use of land east of the house and garden wall from allotment to a residential use. As submitted, the description of development referred to “existing private garden” and “historic change of use alteration (from allotment to garden land)”. While it is currently used as garden land, aerial photographs from 2006, 2009 and 2014/5 appear to show that the land was originally outside of the residential land use. The character of the land was different (unkempt) in 2014/5 relative to its verdant state in the 2006 and 2009 aerial photographs. The use of land as residential garden appears to have started between 2014/2015 and 2019, after the site was acquired by the applicants.
- 8.5. It is noted that the allotments situated to the east of the site are designated as a Local Green Space under Policy PD7 of the Mid-Cherwell Neighbourhood Plan, and their loss would not be supported by the MCNP or by the NPPF. However, when looking at aerial photography it is clear the area of land abutting Chancel Cottage has been empty and not used as allotment land since at least 2006.
- 8.6. Further to this, the allotments to the east of the site act as a buffer between the land abutting Chancel Cottage and the open countryside, and it is therefore not considered that there would be any intrusion into open countryside or unacceptable impacts on visual amenity in this regard. The proposed change of use is therefore considered acceptable.
- 8.7. In view of the acceptability of the change of use, the principle of the ancillary development of the outbuilding on this parcel of land is also considered acceptable in general sustainability terms.¹
- 8.8. The proposed change of use thus accords with Policy ESD13 of the CLP 2015 and the MCNP. Overall acceptability of the scheme is dependent on the proposal’s impact on other material considerations including visual amenity, heritage assets, and residential amenity.

Visual amenity; including heritage impact

- 8.9. Policy ESD15 of the CLP 2015 states that: Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. It continues that “New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.”

¹ Land use and curtilage are two different concepts. That said, in this instance the detailed proposals, the relative size of land and its degree of association with the dwelling means that approval of this application and implementation of the development would likely render the land in question as forming part of the residential curtilage of the dwelling.

- 8.10. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.11. Chancel Cottage is a grade II listed building located within the Steeple Aston Conservation Area. The Grade II* listed Church of St Peter and St Paul's is also located to the west of the site. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.12. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 190 of the NPPF states that: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.
- 8.13. Paragraph 193 of the NPPF directs that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.
- 8.14. Chancel Cottage is a simple vernacular, two storey cottage of 18th century date. The significance of the site is the contribution it makes to the setting of the grade II listed building of Chancel Cottage and to the character and appearance of Steeple Aston Conservation Area.
- 8.15. During the pre-application enquiry for the proposals the Conservation Officer advised that there was no particular concern with the location of the outbuilding providing it has a suitable scale and design in context with the listed building, and that consideration was given to the orientation so that it fits the configuration of outbuildings in the surrounding area. It was also noted that the building should be rectilinear, rather than square, to complement the existing historic buildings in the surrounding area.
- 8.16. The proposals have been amended prior to submitting the planning application and the building is now designed to have a rectilinear form that would be subservient to the host dwelling and neighbouring outbuilding. The principal elevation is orientated back towards Chancel Cottage with the gable ends facing Fir Lane to the west and the allotment fields to the east, which is in keeping with the general layout of outbuildings seen within the conservation area. The building is also proposed to be finished in Cotswold Stone that would match the materials seen on the main dwelling, with a slate roof to fit the character of surrounding outbuildings as previously suggested by the Conservation Officer.
- 8.17. Chancel Cottage does form part of the visual enclosure around the Grade II* Church of St Peter and St Paul's to the west. However, it is considered the proposal would not alter the existing view, as the location of the outbuilding is largely screened by vegetation along the road boundary, and the neighbouring outbuilding in The Longbyre to the south of the site; it would be set back behind this building slightly. Views of the proposals would largely be localised and restricted to those from within the site, views from the allotments to the east and some potential glimpsed views from the adjacent highway. It is considered unlikely that the development of an

outbuilding of the scale proposed would be visual prominent beyond the boundaries of the site.

- 8.18. It is therefore considered that the proposals would not result in any demonstrable harm to the surrounding designated heritage assets, nor would it result in any unacceptable harm to the visual amenities of the area. The proposal thus accords with Policy ESD15 of the 2015 and Government guidance contained within the NPPF in this regard.

Residential Amenity

- 8.19. Paragraph 180 of the NPPF advises of the need Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.20. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.
- 8.21. Given the positioning of the outbuilding, the only neighbour likely to be impacted by the development would be The Longbyre, located to the south of the site. The proposals are, however, single storey in nature and given the neighbour is located to the south of the application site it is not considered there would be any detrimental impacts on the light or outlook amenity of The Longbyre. Further to this, there are no windows proposed on the southern elevation of the building that would face towards this neighbour, and the impact on privacy would also be acceptable.
- 8.22. For the above reasons, it is therefore considered that the proposal accords with Government guidance contained with the NPPF and saved Policy C30 of the CLP 1996 and Policy ESD15 of the CLP 2015 that seek standards of amenity and privacy acceptable to the Local Planning Authority.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out in this report, the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the information

contained within the application form and the following approved plans: Heritage Statement, Planning, Design and Access Statement, and Drawing No's: 017_0001, 017_2000, 017_2001, 017_2002, 017_2005, 017_2100, 017_2101, 017_2200 and 017_2201.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. No development shall commence above slab level unless and until full details of the windows and doors joinery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, cross sections and colour / finish and the drawings shall be at a scale of not less than 1:10 or 1:5 where required by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No development shall commence above slab level unless and until Samples of the slates to be used in the covering of the roof of the outbuilding have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the details submitted, no development above slab level shall take place unless and until a sample panel of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond and pointing technique. The sample panel shall be constructed in a position that is readily accessible for viewing in good natural daylight. The development shall not be constructed other than in accordance with the approved sample, which shall be laid, dressed, coursed and pointed using a lime based mortar and shall not be removed from the site until completion of the development. The development shall be retained as such thereafter.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. No development shall commence above slab level unless and until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

- details of the proposed shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas;
- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation;
- details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.
- details of the means of enclosure and other walls/fences/gates.

The development shall be carried out in strict accordance with the approved details and the hard landscape elements shall be carried out prior to the first occupation of development and shall be retained as such thereafter.

Reason: In the interests of the visual amenities of the area, to safeguard the significance of the heritage asset and to comply with Policy ESD15 of the Cherwell Local Plan (2011-2031) Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The outbuilding hereby approved shall not be used or occupied at any time other than for purposes ancillary to the existing dwelling house and as such shall not be sold, leased or used as an independent dwelling unit.

Reason – Because a new dwelling in this location would not be acceptable in principle and would result in an unsustainable form of development and would be out of keeping with the character and appearance of the area and fail to safeguard the significance of the heritage asset and to comply with Policies BSC1 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Sarah Greenall

DATE: 30.12.2021

Checked By: Nathanael Stock

DATE: 05.01.2022