

**The Stables College Farm Main Street  
Wendlebury Bicester OX25 2PR**

**24/00817/F**

**Case Officer:** Rebekah Morgan

**Recommendation:** Approve

**Applicant:** The Thames Group

**Proposal:** The change of use and conversion of equestrian stables and storage barn to a create a single residential dwelling

**Expiry Date:** 11 June 2024

**Extension of Time:**

## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application building is an existing large stable/storage block located to the rear of the properties on Wendlebury Road with the vehicular access from this point.
- 1.2. The building is a single storey building designed with an internal courtyard. The floors plans show provisions of stabling, tack rooms, hay barn, workshop, store and open garaging. The building is finishes in timber cladding with natural slate roof tiles.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application seeks the Change of Use of the stables/storage building to a four-bedroom dwelling. The proposal does not seek to extend the property; however some additional floor space would be created through the conversion of the open garage to living accommodation. The courtyard area is to be retained.
- 2.2. In terms of external alterations, these are limited to the conversion of part of the garage, which would be enclosed with a combination of glazing and a garage door. An additional door is to be added on the west elevation and some additional shutters would be added to existing windows on the east elevation. Within the internal courtyard glazing will be added to replace the walls on the courtyard elevations.

## **3. RELEVANT PLANNING HISTORY**

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

22/03033/F: The conversion and infill extension of equestrian stables to create a single residential dwelling. WITHDRAWN

21/02231/F: Proposed conversion of existing barn and stable block to for new family house. WITHDRAWN

14/00426/F: Demolition of existing barn/stables and silo and erection of stable and storage building. APPROVED

99/02105/F: Change of use from farm workshop and paddock to DIY livery stabling and grazing. APPROVED

## **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. No pre-application discussions have taken place with regard to this proposal.

## 5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **18 May 2024**, by advertisement in the local newspaper expiring **17 May 2024** 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 **18 May 2024**. Letters of objection have been received from five households and letters of support have been received from four households.

5.2. The comments raised by third parties are summarised as follows:

- Wendlebury is a Category C village and prohibits residential development beyond the existing limits of the village
- It will set a precedent for more development outside of the village
- The submission incorrectly lists facilities that are not available in the village
- The original building was designed to be oversized and excessive for the need
- Not a sustainable location
- Local infrastructure, such as water and sewerage cannot support more development
- Impact on neighbours drainage following construction of the building
- Existing stables overlook neighbouring properties
- Increase in traffic
- Impact on residential amenity of neighbours
- Car lights will shine into the rear of neighbouring properties
- The proposed door to the utility room would be glazed resulting in like pollution and disturbance when used
- Impact on biodiversity
  
- Looking at the plans, I cannot see how the building would detrimentally affect the surroundings
- The changes make efficient use of the existing building
- Provides the opportunity to attract an additional family to the village
- The slight increase in traffic is unlikely to cause an inconvenience
- Represents sustainable growth
- Located on previously developed land

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 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. WENDLEBURY PARISH COUNCIL: **Objection** on the following grounds:

Wendlebury is categorised within the Cherwell Local Plan Category C village in its Policies for Villages which states that development is restricted to infilling or conversions only within the built limits of the village. In addition to the village being in the lowest level for its ability to absorb development the village suffers from poor levels of infrastructure, in particular with regard to drainage and flooding. The current drainage system is unable to cope with additional flow levels and in periods

of heavy rain the combined sewers cannot contain the flow and overflow on to the road and then into properties and the brook. Flooding in the village is on the increase and there have been numerous floods in the last few years where properties have been flooded and the road through the village made inaccessible. The section of the Wendlebury Road which the proposed development uses for access has seen the deepest levels of flood water making these properties inaccessible during times of flooding.

The policy of only infill or conversion has been applied to a number of previous applications within the village which sought permission to build beyond the current built line of Wendlebury and were all refused. Application's 16/01645/F, 15/00252/F, 95/00819/OUT, 14/02143/F.

The proposed development should not be granted consent as it falls outside the currently accepted building line of the village as represented by the residential buildings. The existing stables were only consented to in June 2014 and are currently in use therefore, the clear purpose of the application is to circumvent the usual planning process to try to obtain a residential use beyond the built line of the village in a field setting, to capitalise on the increased value created.

The development is on agricultural land although the current use is equestrian and not appropriate for residential use.

The proposed houses are very close to and overlook existing residential properties and destroy the character and setting of these properties by creating Backland development which is not a feature of this village. They will introduce lighting and disturbance to a landscape setting where it does not currently exist Even with the new Planning Application, these are the comments:

Although the PC understand each planning application has to be judged on its own merits. The parish council believes this application if successful would open up the possibility of another planning application in the Paddock immediately behind the Applicants property and encourage other dubious applications which had previously been rejected. We believe this application should without question be rejected as there are no significant changes to previous planning applications.

#### OTHER CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections**, subject to conditions.
- 6.4. OCC RIGHTS OF WAY: No comments as no Rights of Way are affected.
- 6.5. LOCALLAND DRAINAGE OFFICER: No objections in principle. If a new access is to be created from Main Street which will entail an additional crossing of the Wendlebury Brook a Land Drainage Act consent will be required from the Environment Agency (as the Wendlebury Brook is a "Main River"). The section of the culvert should be at least the size of the watercourse channel when flowing under maximum flood condition.
- 6.6. CDC CONSERVATION OFFICER: It is noted that there have been previous proposals on this site for the conversion of the stable building. This proposal is considered to largely address the concerns raised previously. The conversion is considered to retain the form and character of the stable building and will now not be so large that it dominates and appears incongruous. The materials proposed are in keeping with the existing and are considered to be consistent with the character of the area.

Overall, in terms of impact on the historic environment only the proposal is considered not to be harmful to the closest Listed Buildings as a result of development within their setting and therefore there are no objections in heritage terms.

- 6.7. CDC ARBORICULTURAL OFFICER: No objections. A condition is recommended as a precautionary measure.
- 6.8. CDC ENVIRONMENTAL PROTECTION OFFICER: No comments relating to noise, air quality, odour or light. A condition has been recommended relating to any unexpected contamination found during development.
- 6.9. CDC ECOLOGY OFFICER: No objections to the proposals on ecological grounds. Given that the majority of the building either has rooflights or is open the potential for it to support bats is reduced although their presence is always possible. There is still potential for nesting birds to be present, however, and there is no ecological information submitted on this therefore should permission be granted I would recommend attachment of the Ecology conditions and informatives.

## **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)

- PSD1: Presumption in Favour of Sustainable Development
- ESD1: Mitigating and Adapting to Climate Change
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H19: Conversion of buildings in the countryside
- C28: Layout, design and external appearance of new development
- C30: Design Control

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

## **8. APPRAISAL**

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

- Principle of development
- Design, impact on the character of the area and impact on heritage assets
- Residential amenity
- Highway safety
- Ecology
- Other matters

*Principle of development*

8.2. The application site is beyond the built up limits of Wendlebury and is therefore considered to be within the open countryside. Saved Policy H19 of the CLP 1996 states:

*'Proposals for the conversion of a rural building, whose form, bulk and general design is in keeping with its surroundings to a dwelling in a location beyond the built-up limits of a settlement will be favourably considered provided:-*

*i) The building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character;*

*ii) The proposal would not cause significant harm to the character of the countryside or the immediate setting of the building.*

*iii) The proposal would not harm the special character and interest of a building of architectural or historic significance;*

*iv) The proposal meets the requirements of other policies in the plan'.*

8.3. The Parish Council's comments have made reference to a number of refused applications on the edge of the village. These have been reviewed and it is noted three applications relate to the same site and one to a different site. Both of these proposed new dwellings on sites that were considered to be beyond the built-up limits of the settlement and that would have constituted development in the open countryside. This application differs because, although the site is considered to be beyond the built up limits of the settlement, the application is seeking the conversion of an existing building and not proposing new buildings on greenfield land.

8.4. The proposal seeks the conversion of an existing rural building. The plans show very few alterations to the building and clearly show that the building can be converted without major rebuilding or extension. During the site visit it was noted that the building appears to be in good condition and there were no concerns regarding the structural condition of the building. The proposed changes are minor and would not significantly alter the character of the building and would not cause significant harm to the character of the countryside. The building is not of architectural or historic significance.

8.5. Whilst the supporting wording for Policy H19 of the CLP 1996 suggests the policy was intended for more traditional rural buildings, this is not a requirement of the policy itself. As set out, the proposal does accord with the criteria of the policy. Therefore, the principle of development is considered to be acceptable with overall acceptability subject to the other material planning considerations set out below.

*Design, impact on the character of the area and impact on heritage assets*

8.6. The proposal is a conversion and therefore the overall height, bulk and finish of the building would not change. There are some minor external changes including the

enclosure of the garage area with glazing and a garage door. An additional door would be added to the west elevation and amendments to the windows on the east elevation (including the addition of shutters to match existing). The internal courtyard would have additional glazing to all elevations.

- 8.7. Overall, the changes are considered to be in keeping with the design of the building. The external changes are minor and would not alter the overall character of the building. The glazing within the courtyard would not be visible from outside the site and provides the benefit of allowing natural light.
- 8.8. There are Listed Buildings within the locality of the application site (College Farm and The Stables which are located adjacent to the access road). The Council's Conservation Officer advises the proposal would not impact on the setting of the Listed Buildings due to its position. Furthermore, the design changes are in keeping with the character of the existing building.
- 8.9. Overall, the proposed design is considered to be acceptable. The proposal would not have a detrimental impact on the character of the area and would not have a harmful impact on heritage assets. The proposal complies with Policy ESD15 of the CLP 2015, saved Policy C28 of the CLP 1996 and Government Guidance contained within the NPPF.

#### *Residential Amenity*

- 8.10. Third party comments have raised concerns regarding the impact of the proposal on neighbouring amenity. The proposal seeks the conversion of the existing building and there would be no increase in the height or size of the building; therefore, the general outlook from neighbouring properties would remain unchanged.
- 8.11. The west elevation (facing the neighbouring properties) contains no windows, so there is no direct overlooking. The proposals do show the addition of a door on the elevation, but a condition may reasonably be imposed to prevent this being a glazed door and, although someone could stand at the door to look into the gardens of the neighbours, this would be no different to standing by the fence and looking over.
- 8.12. Concerns have also been raised regarding the manoeuvring of vehicles and potential lights at night. The proposed garage location and parking is similar to the current situation. This would not be altered by the application as the area of land immediately adjacent to the building is already used for the parking and manoeuvring of vehicles.
- 8.13. Overall, the proposal is not considered to have a detrimental impact on neighbouring amenity and is acceptable in this regard. The proposal complies with Policy ESD15 of the CLP 2015, saved Policy C30 of the CLP 1996 and Government Guidance contained within the NPPF.

#### *Highway safety*

- 8.14. The Local Highway Authority has raised no objection to the proposal. They have advised the existing access is suitable for the proposal and the level of parking provision is adequate. The proposal would not cause harm in terms of the safety and convenience of highway users.
- 8.15. A condition has been requested relating to the provision of an EV charging space; however, this is now a requirement of Building Regulations and therefore does not need to be conditioned.

### *Ecology*

- 8.16. The Council's ecologist has confirmed that due to the nature of the building the likely presence of bats is reduced. However, conditions are recommended to ensure the building is checked for the presence of birds and bats before any internal works occur. This would safeguard any species that are found and ensure appropriate mitigation is put in place if required.

### *Other matters*

- 8.17. Third party comments have raised concerns about the potential impact on drainage. The Local Land Drainage Officer has raised no objections to the proposal. The proposal would utilise existing drainage and this is considered to be an acceptable approach.
- 8.18. Officers agree with the third party comments that new dwellings beyond the existing limits of the village are not permissible given that Wendlebury is a Category C village, but the proposal is acceptable as a conversion of an existing building. As such, approval would not set a precedent for future development. Officers agree that there are few amenities within Wendlebury; however, given the proposal is assessed against saved Policy H19 the settlement's poor sustainability credentials are not a turning factor.
- 8.19. There are some trees close to the building. The Council's Arboricultural officer has raised no objections but recommended some precautionary conditions. As the proposal is a conversion and the proposed changes relate to matters such as alterations to windows (and include no ground works), the requested condition is not considered to be necessary.

## **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The proposal is the conversion of an existing building to provide one additional residential dwelling. Whilst the site is within the open countryside, it does sit immediately adjacent to the edge of the settlement and uses an existing access point. Officers are satisfied that the building is capable of conversion without rebuilding or extension and that the proposals are for the conversion of the building. The proposal would not have a detrimental effect on the character or appearance of the area, heritage assets, neighbouring amenity, ecology or highway safety.

## **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 application form and the following plans and documents:

- Design and Access Statement
- Site Location Plan
- Drawing number LEWIS2021/09 – [Proposed Site Plan]
- Drawing number LEWIS2024/03 – [Internal Elevations]
- Drawing number ILEWIS2021/24 – [Proposed Plans]

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to ensure the development accords with the Council's housing strategy and to ensure that the development is sustainable development and to comply with Policies PSD1, ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031, saved Policy H19 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. The door in the west elevation of the building shall be a solid door and shall not include any glazing panels.

Reason: To ensure that the amenities of the occupants of the neighbouring properties are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No development shall commence unless and until a nesting bird survey shall has been carried out of the site and the results along with details of any necessary mitigation and working methods required have been submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that the development does not cause harm to any protected or priority species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

5. No development shall commence unless and until a method statement for enhancing biodiversity on site has been submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement measures approved shall be carried out prior to the first occupation of the dwelling and shall be retained thereafter in accordance with the approved details.

Reasons: To ensure an overall gain for biodiversity results from the development in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reasons: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved



Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority. In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the completion of the development.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to safeguard the living conditions of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The existing hedgerow/trees along the western boundary of the site shall be retained and properly maintained and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to safeguard the living conditions of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to safeguard the living conditions of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

1. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore, all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has

been contacted for advice on how to proceed. Under the Wildlife and Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

Case Officer: Rebekah Morgan

DATE: 11/06/2024

Checked By: Nathanael Stock

DATE: 11.06.2024

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