

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/C3105/W/20/3250685

DETAILS OF THE CASE

Appeal Reference	APP/C3105/W/20/3250685
Appeal By	ST NICHOLAS PROPERTY LTD
Site Address	Agricultural Barn situated on Land west of Grange Lane Sibford Ferris Banbury OX15 5EY

SENDER DETAILS

Name	MR JOHN MCARTHUR
Address	Folly Farm Grange Lane Swalcliffe BANBURY Oxfordshire OX15 5EY

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

COMMENT DOCUMENTS

The documents listed below were uploaded with this form:

Relates to Section: REPRESENTATION
Document Description: Your comments on the appeal.
File name: Barn - Appeal.pdf

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PLANNING INSPECTORATE

Comments on the appeal submitted for Planning Application 20/00174/Q56
APP/C3105/W/20/3250685

The appellant is contesting the decision by Cherwell District Council's Planning Department on their conclusion that the building in question ("The Barn") does not qualify with a Class Q status.

I would like to present some information on this matter **in favour** of the Council's decision.

Who am I?

I live at Folly Farm, Grange Lane, Swalcliffe, OX15 5EY. This is the nearest dwelling to the proposed development ("The BLUE Barn") and is around 80m away. All traffic to the barn will pass our property via the dirt track owned by the Appellant. We have a legal Right of Access over the dirt track to our property.

Folly Farm was developed by Ken Bishop, the appellant's father, and the Bishop family around 1985 and was then sold to us with 5 acres in 1998.

I have witnessed the construction and use of "the BLUE barn" since the site was first developed around 20 years ago as it is on my daily dog walking route.

Site Location

There is clarification needed regarding the location of the proposed development site. The site is within the Sibford Ferris Parish but would have a Swalcliffe postcode of OX15 5EY as it is approached from 'Grange Lane', which is in Swalcliffe Parish.

Also, the property called "Folly Farm", (*Which the appellant refers to as "Folly Farmhouse", stated in the letter of appeal from his agent St Nicholas Property Ltd.*), does NOT form part of the Appellants farm complex. Folly Farm is OUR property and it has been known as "Folly Farm" since our ownership in 1998.

There is a property called "Folly Farmhouse" in Main Street, Sibford Ferris. This was also once owned by the Bishop family but is no longer related or owned by the Bishops, or the Appellant.

Another anomaly in the appellants "Covering Letter to Cherwell District Council", states our property is **200M** away from the proposed site but as mentioned previously it is in fact around **80m**.

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History of the site

The appellant purchased 50+ acres of land from his father when his father vacated Folly Farm and we purchased the property in 1998. This included the land around Folly Farm and land on the West side of Sibford Ferris. The purchase was an unusual decision as farming only 50+ acres is far from lucrative or practical. However, developing agricultural land into residential land is obviously very lucrative nowadays, so it was plain to see what the appellant's long-term plans were. Two years later after the land purchase, around 2000, the agricultural barn was built.

History of the barn

The agricultural barn was constructed around 20 years ago. Planning permission was initially refused by Cherwell Council Planning Department due to the location being too prominent. *(Being on one of the highest hills in the area, completely exposed in all directions, with the only exception from the East)*. The appellant appealed to the Planning Inspectorate and the Councils refusal was overturned because of it being an agricultural building, but with the condition that the barn would be screened off by trees on the North, South & West elevations. The appellant planted trees in 2000 and let the hedgerow grow on the South elevation to screen the barn as instructed.

The finished construction of the barn did not represent the drawings put forward by the appellant. The drawings showed a newly built construction which looked very smart. The actual 'new' building was made up of 35-year old materials from an old barn shipped in from another location. It was, and still is, very unsightly. The barn today, 20-years on, is **the exact same barn**. There has been little, or no repairs or maintenance performed since its construction. It is difficult to believe that the appellant had long term plans for his 'new' barn for agricultural purposes, as it certainly was not built for longevity.

Prior to making the **20/00174/Q56** application in January 2020, the appellant decided to remove all the 20-year-old trees on the North & West elevations, which removed **ALL** screening from these elevations. After he cut down the trees, he ploughed the land and flattened it. He also trimmed the South side hedgerow down to 4 or 5 feet and has created an opening in the hedgerow, exactly where the South facing door to "The BLUE Barn" is proposed. By removing the screening, he has breached the conditions set by the Planning Inspectorate for the current building.

I believe he has assumed his planning application would be granted without any issues as he commenced with his plans to prepare the site for the new dwelling **BEFORE** approval has been granted.

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APP/C3105/W/20/3250685

The Bishop family developments

The Bishop family have owned and/or developed quite a few properties around this area. They include:

- Folly Farm, Swalcliffe
- Folly Farmhouse, Sibford Ferris
- Folly Cottage, Sibford Ferris (*Previously known as 'Folly Farm'*)
- Folly Court, Sibford Ferris (*This development has 5 properties*)
- The 'BLUE' barn, Sibford Ferris/Swalcliffe? (*Address depends on point of access*)

The appellants latest development has just been approved on the West side of Sibford Ferris for 25 new homes. **(18/01894/OUT)**. This development was refused by Cherwell Council, but the appeal was approved by the Planning Inspectorate. This was originally a development for 8 homes, but the appellant managed to increase this to 25. I'm led to believe that the current homes in Sibford Ferris is around 150, the Bishop family developments alone now amount to over 20% of all homes.

In addition to the above, the appellant has now applied for planning permission to convert the adjacent 'GREEN' barn using Class Q status **(20/01554/Q56)**. This is about 40m from the 'BLUE' barn and about 20m from our property.

The appellant also put forward his 50+ acres to be considered for the recent Oxford Housing Initiative Plan, for up to 100 homes to be built on his land around Folly Farm. His land & location was not considered suitable for such housing.

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APP/C3105/W/20/3250685

Does the 'BLUE' Barn meet the criteria of Q status?

"...building operations reasonably necessary to convert the building..."

To demonstrate Cherwell District Councils decision to reject approval for the "The Barn", an on-site inspection by the Planning Inspectorate would quickly establish that this building does not meet the criteria. Here are some points that may help with this investigation...

- The barn has never been solely used for agricultural use. It was never really needed as there is already a significant large 'GREEN' barn adjacent that is underused. The barn has been mostly empty over the time it has been erected. So much so that at one stage we used it to store hay for our own horses and a local builder has used it to store his building materials. Its main purpose over the years was to store a large caravan & a large Fast Food van (which have now been moved) and one old tractor.
- The barn has no windows or doors. It is a 3-sided corrugated panelled building and always has been. It is mainly made up of old corrugated fibre cement sheets, including the roof, which also contains asbestos. There is no way '**reasonably necessary**' building operations could make it into a dwelling. This is a complete rebuild. All 3 walls would have to be removed and it is hard to believe how anyone would be willing to live in a brand-new home with the current old roof in situ, as indicated in the planning application.
- The site has NO water, NO drainage, NO electricity, NO gas, or other services and there are none in close proximity either.
 - The Appellant implied that a mains water supply would be sought from Sibford Ferris via his other building where he lets out land & stables. This supply is over 300m away and would need to be pumped up a steep hill all the way. Sibford Ferris residents already have water pressure issues and this will be exaggerated with the building of 25 new homes on the West side.
 - The adjacent 'GREEN' barn did have an electricity supply from a 'feed' off our supply at Folly Farm, but this facility has been removed.
- The barn needs more than 'remedial' work to make it a liveable dwelling. It needs 4 new walls, new windows, new doors, and a new roof...basically to be constructed from scratch. Are the current foundations, if any, suitable to bear the weight of a more substantial building? New footings would definitely be needed for the East elevation as there are none currently. New footings are another indicator highlighting this is not a Class Q status building.

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New barn dwelling impact

The barn dwelling construction would impact the location visually. Now that the trees & hedgerow used to screen the building have been removed, the barn is in full sight from the North, South & West. With the site being at one of the highest points in the area, at night, any lights would be highly visible, especially with the North facing elevation of the proposed building being a wall of glass. This would be a prominent, dominating, and distracting sight for people driving along the Sibford Road, into and out of the village.

If the Appeal for the planning application **20/00174/Q56** (BLUE barn) is approved, then this will set a precedent and therefore the application **20/01554/Q56** (GREEN barn) would also have to be approved. This means that the vehicles accessing the dirt track would **TRIPLE**, as the two new dwellings would be added to the current traffic to Folly Farm. The track is also a footpath and has become extremely popular since the Covid-19 Lock Down situation. As people from the surrounding villages have discovered this footpath, the number of walkers has increased significantly. Increased traffic from the proposed 2 new dwellings, from family friends & deliveries etc, added to the traffic from Folly farm, mixed with increased pedestrians, would significantly increase the risk of incidents & accidents. This is especially so on the blind bend at the bottom of the dirt track approaching Grange Lane, where a Bridleway also exists. Riders often use the dirt track to access Sibford Ferris as its safer than using the main road into the village. We ourselves over the years have had several close calls on the track from pedestrians & riders when we have been in our vehicles. Increased traffic on a public footpath was one of the main reasons Cherwell District Council opposed the planning application.

I believe that the 'Class Q building' directive was implemented to address the housing shortages in certain areas. The Appellant is about to build 25 houses on the West side of Sibford Ferris. This means Sibford Ferris will have had over a 15% increase in houses alone from this one development. Surely this is sufficient to provide any shortage of properties in Sibford Ferris? Also, bear in mind that the type of property proposed to replace the BLUE (and GREEN) barn will not fall under the 'Affordable housing' category, as the finished dwelling(s) would command a remarkably high price.

This area has had various property developments now, including Banbury, Hook Norton, Bloxham & Shipston to name a few. The Property Search websites have multiple pages of properties still to be sold in this area, so the demand has well & truly been met regarding the 'National Planning Policy Framework'.

I hope this information is of interest to you and assists you in your investigation.

John McArthur
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