

**Case Officer:** Bob Neville

**Recommendation:** Refusal

**Applicant:** Mr R Bratt

**Proposal:** Erection of garage adjacent to approved dwelling and change of use of agricultural land to residential use

**Expiry Date:** 15 May 2020

**Extension of Time:**

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

- 1.1. The site is an area of land adjacent a former steel-framed agricultural barn, currently being converted to residential use, set in open countryside, south of the village of Bodicote. The site is accessed via an existing gated access off Church Street. The existing building has been granted permission for conversion to a residential dwelling with associated curtilage. The surrounding land is in agricultural use. Land levels rise to the north with residential properties on the edge of the village of Bodicote sitting at an elevated position above the site. The site is bounded by mature hedgerows and trees to the west and north, with post and rail/wire fencing and open countryside to the other boundaries.
- 1.2. In terms of site constraints, the site is not within a conservation area and the building is not a listed building. Grade II listed Bodicote Mill lies some 190m to the west of the site. The site is within a Minerals Consultation Area and partially within an area at higher risk of flooding (Flood Zone 2). A Public Right of Way (PRoW) ref. Restricted Byway 137/12 terminates adjacent the entrance to the site and runs in a westerly/south-westerly direction. Further PRoWs run across land west (Footpath 137/8) and east (Bridleway 137/4) of the site. There are records of Small Heath (Butterflies), a notable species, being present within the vicinity of the site.

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

- 2.1. The application comes following the refusal of a similar proposal considered under ref. 19/01056/F, and again seeks planning permission for the extension of the area of land in residential use and erection of new 5 bay garage, hardstanding for four parking spaces and manoeuvring served by a new access drive. The proposed garage would have a footprint of ~127sqm and overall height of ~5.7m. The building would be sited ~5.6m to the north-west on the on-going barn conversion, and finished in materials to match the conversion, including vertical thermos ash cladding to the walls and black corrugated sheeting to the roof.
- 2.2. Unfortunately, due to current COVID-19 circumstances there was a delay in appropriate consultations being undertaken. This has result in the application going beyond its original statutory target date as a result of the need to observe the statutory consultation periods.

## **3. RELEVANT PLANNING HISTORY**

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

<b>Application:</b> 97/00049/AGN	Prior approval not required	28 February 1997
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Agricultural machinery store

**Application: 15/01578/Q56** Undetermined

Prior approval for the conversion of barn to dwellinghouse under Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

**Application: 15/01780/CLUP** Application Permitted 19 January 2015

Certificate of Lawfulness of Proposed Use for the conversion of agricultural barn to dwelling

**Application: 16/01587/F** Application Permitted 21 November 2016

Conversion of agricultural building to dwelling following Certificate of Lawful Development 15/01780/CLUP

**Application: 17/00177/DISC** Application Permitted 9 June 2017

Discharge of condition 4 (cladding) of 16/01587/F

**Application: 18/00121/F** Application Permitted 13 March 2018

Minor material amendment to 16/01587/F - to increase structural steel columns in section, alterations to the window fenestration and increase in ridge height of 450mm and eaves height of 450mm

**Application: 18/00114/NMA** Application Permitted 5 October 2018

Alterations to approved windows and openings (proposed as non-material amendments to 18/00121/F)

**Application: 19/00139/DISC** Application Permitted 12 June 2019

Discharge of Condition 3 (drainage) of 18/00121/F

**Application: 19/01056/F** Application Refused 4 October 2019

Erection of garage adjacent to approved dwelling and change of use of land to residential

Refused on the following grounds:

By virtue of its siting, scale and design the proposed substantial garage building and associated hardstanding, and by virtue of its extent and location

the proposed change of use, are not considered sympathetic to the rural context of the site and are considered an inappropriate form of development, that would cause undue and unjustified visual intrusion into the valued rural landscape and open countryside. Further that it has not been demonstrated the proposals would provide a net gain in biodiversity opportunities at the site.

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

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

<b>Application:</b>	Detailed Pre-App	26 February 2020
<b>20/00147/PREAPP</b>	response sent	

Proposed garage and Change of Use of land

CDC Response: Applicant advised that any future planning application for the proposals subject of the pre-app enquiry was very unlikely to be considered favourably. It was considered that the proposed building, associated hardstanding and curtilage expansion on the site would represent an increase in the built form and residential use at the site, and a further intrusion into the open countryside above that which has previously been approved, which were unsympathetic to the rural context; contrary to the provisions and aims of saved Policy C28 of the CLP 1996, Policies ESD13 and ESD 15 of the CLP 2031 and Government guidance within the NPPF in respect of conserving and enhancing the natural environment.

#### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site. The final date for comments was **20 May 2020**.
- 5.2. Letters of objection have been received from two local households during application. The comments raised by third parties are summarised as follows:
- No significant change to previous application proposals, which was considered unacceptable
  - Proposals are excessive for the size of the dwelling
- 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. BODICOTE PARISH COUNCIL: **Objects**, on the following grounds:
- Buildings are not in keeping with the rural landscape and, without substantial screen planting, they would be highly visible from the village and footpaths.

- The proposed garages are considered an unnecessary and excessive development for a residential property even allowing for the storage of grounds maintenance equipment.
- Unjustified visual intrusion into the valued rural landscape and open countryside.
- Contrary to both local and national policy guidance in respect of conserving and enhancing the natural environment.

#### STATUTORY CONSULTEES

- 6.3. ENVIRONMENT AGENCY: **No objection**, advising that it does not wish to be consulted on this type of application.
- 6.4. LOCAL HIGHWAY AUTHORITY (LHA): **No objections subject to conditions**, in relation to the use of the garages and the parking and manoeuvring areas shall be provided in accordance with the plan approved (Drawing No. 4728/21H) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.

#### NON-STATUTORY CONSULTEES

- 6.5. ECOLOGIST: **No objections.**
- 6.6. LANDSCAPE OFFICER: Having reviewed the submitted LVIA raises concerns with regards to localised visual harm to visual receptors experienced by users of Church Street and PRowS. Notes the location of the garage being outside the geometric alignment of the barn conversion means that it is quite visually prominent. Further advises that if the garage was actually aligned with the garble end that would be visually more acceptable.

### **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 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 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 2031)

- ESD 1: Mitigating and Adapting to Climate Change
- ESD 6: Sustainable Flood Risk Management
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: 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

### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

## 8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology and Biodiversity
- Flood-risk

#### *Principle of development:*

8.2. As noted above the application comes following the refusal of comparable proposals assessed under ref. 19/01056/F and the scheme as now proposed is considered to raise similar issues.

8.3. The application seeks to provide an increased area of land in residential use and garage to support the residential use originally approved under 16/01587/F. The original consent included residential land use of similar extent to the footprint of the existing barn on the site, in line with the provisions of Class Q of the GPDO - this being a fall-back position put forward at the time of the original application as to the justification for a new dwelling in this location. The restriction on the size of the residential land use was considered appropriate and necessary in the context of the site and its rural location and to ensure that the residential use did not significantly intrude into the valued rural landscape; with further restrictions on permitted development rights looking to further support the aim of restricting the expansion of residential use into the surrounding paddock land.

8.4. As with the previously refused scheme the current proposals would see the development of a garage and hardstanding wholly beyond the extents of the original residential curtilage on agricultural/paddock land, resulting in a further change of use of agricultural land. Whilst the extent of the proposed hardstanding has been reduced from the that proposed under the previous application, the current proposals would still result in an overall extension of the area of land in residential use by some 696 sq m (an approximate 60% increase on the size of original curtilage), and would result in a further expansion of the residential use at the site, above that originally consented under 16/01587/F.

8.5. The proposed building (a 5-bay garage) would be a substantial building, of a scale above that usually expected for a 5-bedroom residential property; with a footprint of 127 sq m that would be almost a third of the size of the footprint of the main dwelling (in itself a substantial building), with a further 127 sq m of hardstanding to the front of the garage building for parking and manoeuvring. The applicant contends that the ancillary building would provide domestic garaging for the applicant's day to day vehicles; and given the relatively remote location consider secure garage/parking as

the preferable option for parking. It is also stated that two further bays are required to store vehicles and equipment associated with the maintenance of grounds, surrounding hedgerows and fields; although no specific detail is submitted as to what would be stored in these two bays. Officers consider that a need has not been sufficiently demonstrated for such a large-scale structure, or for the substantial increase in land in residential use, both of which would intrude into the rural landscape.

- 8.6. Whilst officers consider that there is potential for a garage building to be developed on the site to support the residential use, the proposals subject of this application by virtue of their siting and scale (in the case of the garage) and extent (in the case of the land subject of the proposed change of use) represent an inappropriate form of development that would result in demonstrable visual harm (discussed further below), through unjustified visual intrusion into the valued rural landscape and are therefore considered unacceptable in principle.

*Design, and impact on the character of the area:*

- 8.1. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.2. Paragraph 170 of the NPPF, advises of the need for planning decisions to look ensure that new development contributes and enhances the natural and local environment by, in part, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.
- 8.3. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, positively contributing to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features. And further by Policy ESD13 of the CLP 2031, which states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 8.4. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.
- 8.5. Views of the site are gained from a number of viewpoints from the PRoW network that cross the surrounding land; and it is acknowledged that the current on-development is prominent within the landscape.
- 8.6. As noted above the proposed garage building is *substantially* larger than what might be considered a typical domestic garage. The proposed building would be sited to the north-west of the on-going development at the site and would be poorly related to and appear somewhat divorced from the main dwelling. Whilst materials are proposed to match those proposed on the main dwelling, the overall appearance of the building would appear somewhat more commercial than a residential garage, largely due to the number of bays proposed.
- 8.7. Following the refusal of the previous application the applicant has submitted a Landscape and Visual Appraisal (LVA) report in support of this current application; in some respects its submission acknowledges that there is a greater need to

assess the potential visual impacts of what is a substantial structure in the rural landscape than that of a more typical domestic garage structure. The applicant's LVA identifies that there would be some very limited visibility of the proposed garage from several public rights of way within the surrounding landscape and generally no views of the proposed hardstanding. The submitted LVA concludes that there would be no significant adverse effects on any visual receptors within the study area. The level of effect on visual receptors throughout the study area would be no more than Negligible adverse; and as such the proposed scheme would not result in significant harm to visual amenity within the study area. This LVA report was also considered during pre-application discussions under ref. 20/00147/PREAPP, in response to which officers advised that there would unlikely be support for such proposals.

- 8.8. Notwithstanding the setting into the wider landscape, given its siting and scale the proposed building would be visible within the landscape and would significantly increase the built form at this location having an urbanising effect on the local area. The character of the site remains that of a barn conversion and any further alterations and buildings need to respect this original character and land use.
- 8.9. Officers have previously advised the applicant that the proposed building and extent of the proposed hardstanding are poorly related to the main dwelling, and its impact and relationship has not improved in the current submission, and further exacerbates the harm that would be caused by what is a substantial increase in not only the built form at this location but also the area of residential use at the site.
- 8.10. The landscape officer (who has assessed the applicant's LVA) echoes the concerns of the case officer, advising that the proposal has potential for localised visual harm to visual receptors using the Church Street/Public byway 136/20-137/12, looking over the field gate (near Viewpoint 1 of the LVA), with further distance views also experienced from points along the PRoWs (which cross land south of the site at an elevated position and also east of the site. It is considered that the current proposed location of the garage outside the geometric alignment of the barn conversion means that it is quite visually prominent from these locations.
- 8.11. The applicant advises that additional landscaping and planting would be offered to enhance the boundaries. Whilst a new hedgerow is shown to the north of the site, no further specific landscaping details are submitted with the application to demonstrate that any adverse visual impacts could be successfully be mitigated against through additional landscaping.
- 8.12. Further to the above there are no delineating features at the site to show the extents of the residential and that there is a significant potential for the residential use to further creep and expand into the surrounding paddock. This is not a reason to object to the current proposal but the lack of delineating features adds to the harm identified above.
- 8.13. As with the previous application officers consider the proposals to be unsympathetic to the rural context of the site and an inappropriate form of development that would cause undue visual intrusion into the valued rural landscape and open countryside, contrary to the provisions and aims of saved Policy C28 of the CLP 1996, Policies ESD 13 and ESD 15 of the CLP 2031 and Government guidance within the NPPF in respect of conserving and enhancing the natural environment.

*Residential amenity:*

- 8.14. Policy ESD15 of the CLP 2031 that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority, and 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'*.

8.15. Given the rural context of the site and the relationship with surrounding properties it is considered that the proposals would not result in any detrimental impacts on the amenity of neighbouring properties and are acceptable in this regard.

*Highway safety:*

8.16. The Local Highway Authority (LHA) has again assessed the application and raises no objections to the proposals subject to the parking and manoeuvring areas being constructed in accordance with the geometry of the submitted plans, being of permeable construction or drained within the site, kept free of obstructions at all times and used only for the specified purpose. I see no reason disagree with this opinion, and consider that the requirements of the LHA could be secured by way of appropriate conditions attached to any such permission if the Council were to approve the application,

8.17. The site is accessed off Church Street via an existing gated access. There is an existing driveway within the site which is to be retained and expanded upon to provide additional parking and manoeuvring and access to the proposed garage. The proposals are unlikely to result in a significant increase in vehicle movements to and from the site given that the proposals introduce no further accommodation and would be ancillary to the approved residential use on the site.

8.18. It is considered that the proposals would not result in any significant detrimental impact on the safety and convenience of highway users and are acceptable in this regard.

*Ecology and Biodiversity:*

8.19. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.

8.20. In respect to the application site, it is considered likely to be of low ecological value and the scale of the proposed development is unlikely to result in any significant impacts on any noteworthy features of ecological or biodiversity value.

8.21. The application is supported by an Ecological Mitigation & Enhancement scheme prepared by Cotswold Wildlife Surveys dated the 9<sup>th</sup> December 2019, which sets out ecological protection and enhancement measures. The Council's Ecologist has assessed the detail of the report and considers it appropriate in scope and depth.

8.22. Subject to any future development being carried out in accordance with Section 3 'Ecological Enhancement Measures' and Section 4 'Ecological Enhancements' of the Scheme it is considered that the proposals would unlikely result in any significant detrimental impacts on features of ecological and biodiversity value, and therefore could be considered acceptable in this regard.

8.23. Had the Council been minded to approve the application it is considered that appropriate control could be achieved by way of conditions attached to any such permission to ensure that that the proposed development would not be to the detriment of ecology and also provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

*Flood-risk:*

8.24. The site partially sits within an area of higher flood-risk (Flood Zone 2) and again a detailed Flood Risk Assessment (FRA) and Drainage Strategy document has been



submitted in support of the application. The Environment Agency raises no objection in response to the application. This type of development is considered a 'Less Vulnerable' use within PPG guidance, but such development is considered appropriate/compatible within Flood Zone 2 areas.

- 8.25. Policy ESD 1 demonstrates the Council's commitment to tackling issues relating to climate change within the district and includes provisions for development to minimise the risk of flooding and making use of sustainable drainage methods.
- 8.26. Policy ESD 6 further requires that development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.
- 8.27. The Flood Risk Assessment submitted report is the same as previously submitted for application 19/01056/F and has not been updated to reflect the revised positioning of the proposed garage and reduction in the area of hardstanding in the current submission. However, officers consider the current scheme is not so different from the previous scheme that it would change consideration of flood-risk at the site; and that the overall findings of the FRA remain relevant. Updated layout details for the drainage strategy could be secured by way of appropriate conditions should the application progress to a positive outcome.
- 8.28. The submitted FRA indicates that there is a low risk of flooding and that there would be no increase in flood-risk to the site or the surrounding areas. The FRA and drainage strategy indicate that the development proposals would incorporate SuDS and permeable surfacing to mitigate the potential impacts of Climate Change. This would be consistent with the requirements of Policies ESD 1 and ESD 7 of the CLP 2031, and thus the proposals could be considered acceptable in this regard.

## **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. It is considered that the proposals are acceptable in terms of highway safety, ecology, flood-risk and residential amenity and could provide some minor and temporary economic and social benefits through the provision of additional ancillary residential garage accommodation and employment and support to construction trade businesses during the construction phase.
- 9.3. However, notwithstanding the findings of the LVA submitted in support of this current application, for the reasons set out above and those set out in the refusal of 19/01056/F which have not been overcome in this revised submission, officers consider that by virtue of its inappropriate scale, design and siting within the rural landscape, the proposed garage, associated hardstanding and expansion of residential land use would fail to reflect or reinforce local distinctiveness or the rural context intruding out into the open countryside; causing significant and demonstrable harm to the character and appearance of the visual amenities of the site and its valued rural landscape setting.
- 9.4. It is considered that this harm would outweigh the limited benefits of the proposals and as such the proposals do not constitute a sustainable form of development, contrary to the provisions and aims of the policies identified above. The application is therefore recommended for refusal for the reasons set out below.

## **10. RECOMMENDATION**

That permission is refused, for the following reason:

1. By virtue of its siting, scale and design of the proposed garage building, and the location and extent of the associated hardstanding, and the location and extent of the proposed change of use, the proposed development would result in an inappropriate form of development that would be unsympathetic to and relate poorly to the rural context of the site and would cause undue and unjustified visual intrusion into the valued rural landscape and open countryside. The proposals are therefore contrary to the provisions and aims of saved Policy C28 of the CLP 1996, Policies ESD 13 and ESD 15 of the CLP 2031 and Government guidance within the National Planning Policy Framework e.g. in respect of conserving and enhancing the natural environment.

Case Officer: Bob Neville

DATE: 26/05/2020

Checked By: Nathanael Stock

DATE: 06.06.2020

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