



Grounds for Appeal (20/00841/F)

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

at

**Barn and Land South West of Cotefield Farm.
Church Street. Bodicote.**

November 2020



BRICKNELLS BARN
32 LIME AVENUE
EYDON
DAVENTRY
NORTHAMPTON
NN11 3PG

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INTRODUCTION

- 1.1 This appeal relates to a decision issued by Cherwell District Council to refuse Full Planning Permission (reference no. 20/00841/F). The application sought permission for the erection of a garage adjacent to an approved dwelling and for the change of use of land to residential curtilage.
- 1.2 This Planning Appeal is submitted on behalf of the appellants Mr and Mrs R. Bratt.
- 1.3 The original application included:
- Completed Full Planning Application Forms
 - Supporting Statement
 - Ordnance Survey, Drawing no. 4728/mapC
 - Scheme Drawing no. 4728/20H, 21H, 22E & 23F
 - A Drainage Strategy and Flood Risk Assessment dated 5th August 2019
 - Ecological Mitigation and Enhancement Scheme by CWS
 - Landscape Visual Impact Assessment by RPS and accompanying documents:
 - RPS Site Context – Figure 1.1
 - RPS Zones – Figure 1.2
 - Landscape Character Assessment Map – Figure 3.1
 - RPS Photographs – Figure 3.2-3.9
- 1.4 This planning appeal is also supported by documents for planning application reference 20/01767/F approved 5th October including:
- Delegated Report
 - Decision Notice
 - Ordnance Survey, Drawing no. 4728/mapD
 - Scheme Drawing no. 4728/20J, 21J, 22F and 23G.
 - Supporting Statement
 - Flood Risk Assessment, LVIA, Drainage Strategy and an Ecological Walkover Survey were also submitted with this application; amended slightly to accommodate the new position on site. These are not submitted with the appeal due to their similarity with the submitted versions for the refused application. Should these be required, we would be very pleased to issue.
 - RPA Plan – illustrating eligible land for the scheme.

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APPEAL SITE AND SURROUNDINGS

- 2.1 The site of the appeal submission can be seen in the below Google Earth Image, with the blue line being indicative of the plot. Please refer to Ordnance Survey Map for exact development proposal site.



Figure 1: Google Earth image indicating Site.

- 2.2 The existing barn on site has full planning permission (application reference no. 16/01587/F) for conversion to a dwellinghouse. We can confirm that works on site have commenced following discharge of conditions. Completion of the development is expected at the end of 2020. The two photographs (6.4) show how the development currently looks within the site.
- 2.3 The surrounding farmland is within the ownership of the appellant. The site within the blue line is not within agricultural use or accepted for rural payments by DEFRA (see attached) and was a former water treatment works with extensive infrastructure still in place.
- 2.4 The below images are extracts from approved scheme drawing no. 3528/23A. This drawing illustrates the scale and contemporary appearance of the approved conversion of barn to dwelling, which is nearing completion. The proposed garage is to be associated with the dwelling. It should be noted that this is an extensive dwelling of 610 square metres with 5no. double bedrooms each with an en-suite. This is detailed in the supporting statement as submitted with the Full Planning Application.



Figure 2 and 3: Extract of Approved Dwelling

3 PLANNING PROPOSAL

- 3.1 The application (subject of this appeal) sought a 5-bay garage, providing secure domestic garaging for the applicant's domestic vehicles and land management equipment. The proposed garage is subservient in height and scale to the proposed dwelling. The approved dwelling is large in nature reflecting its former agricultural use, and appropriate storage and outbuildings are required to compliment and remove any on site clutter and vehicle parking.
- 3.2 The new dwelling is being built to a high standard in both design and finish. The materials proposed for the external finish of the garage would match those approved under application reference: 17/00177/DISC. As an architectural design feature, the whole building is clad in charred timber allowing the building to harmonise with the landscape
- 3.3 The garage has also been designed and sited to appear of modern agricultural style and setting. This being sympathetic to the rural surroundings of the site and being complimentary to the approved dwelling.
- 3.4 The garage sits approximately 4m from the dwelling house and is closely related in terms of proximity and relationship to the property.

4 PLANNING HISTORY

4.1 An online planning search has been carried out and the previous planning history is listed below.

15/01578/Q56	Prior approval for the conversion of barn to dwelling house under Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General permitted Development) (England) Order 2015 (as amended).	Un-determined
15/01780/CLUP	Certificate of Lawfulness of Proposed Use for the conversion of agricultural barn to dwelling	Application Permitted
16/01587/F	Conversion of agricultural building to dwelling following Certificate of Lawful Development 15/01780/CLUP	Application Permitted
17/00177/DISC	Discharge of condition 4 (cladding) of 16/01587/F	Application Permitted
18/00121/F	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 Permitted
19/01056/F	Erection of garage adjacent to approved dwelling and change of use of land to residential	Application Refused
20/00147/PREAPP	Pre-application Enquiry: Proposed garage and Change of Use of land	Application not encouraged.
20/00841/F	Erection of garage adjacent to approved dwelling and change of use of agricultural land to residential use	Application Refused
20/01767/F	Erection of 5 bay garage adjacent to approved dwelling and change of use of agricultural land to residential use.	Application Approved

4.2 Following refusal of application reference 20/00841/F, an application 20/01767/F was approved for the same garage within the site, albeit in a slightly different position. The approved garage is the same design and utilises the same materials as the refused application. The documents and drawings related to this approval are included for the Inspector’s reference and comparison. It is the opinion of the applicant that the approved location is vastly inferior to the refused location (appeal submission) for the following reasons: it is not subservient; it would be built across the principle elevation; it is more visible (albeit from a distance) from PROWs; it would encourage car parking in front of the principle elevation and it prevents the restoration of amenity grass to the principle courtyard as per the design in appealed application.

4.3 The below images (figures 4 and 5) illustrate the approved site layout and elevations of the 5-bay garage approved (not to scale). Clips from Drawing no. 4728/20J and 23G.



Figure 4: Approved block Plan

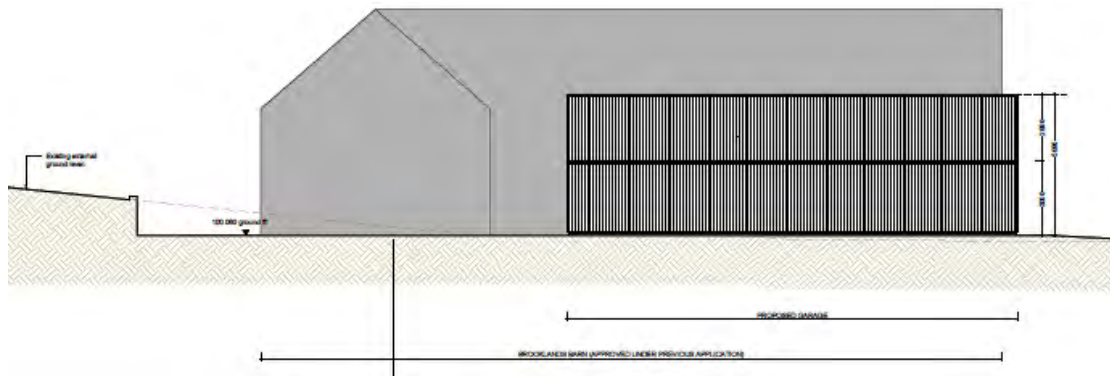


Figure 5: Principle Elevation

5 REASON FOR REFUSAL

- 5.1 *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.*

6 GROUND FOR APPEAL

6.1 The Officer in point 8.3 of the Delegated Report considers that the residential use of the land surrounding the barn is in accordance with the ‘fall-back position’ of the provisions of Class Q of the GDPO. However, it should be noted that the building has planning approvals for a new east facing gable and an increase in column sizes, ridge height and eaves height. This increases the building beyond that normally approved under Class Q legislation.

6.2 Extent of Hardstanding

The hardstanding illustrated within the topographical survey accounted for approximately 836m² (and not proposed for removal under the original application); this is decreased to a hardstanding area of 636m² (blue) plus the garage footprint at 127m² (green). The dwelling (red) has a footprint of 397m² and seeks an increase in residential amenity space. The existing extensive hardstanding area of circa 836m² (associated with the former water treatment works) situated immediately in front of the new dwelling is proposed to be grassed in this application creating improved landscaping around the buildings by removing the harsh concrete area and areas presently used for parking. Although indicated in the planning application subject to the appeal it appears that the Case Officer failed to appreciate this net gain and improvement.



Figure 6: Measured areas of site.

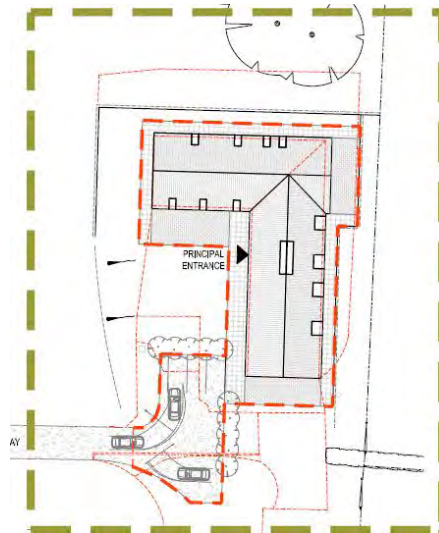


Figure 7: Site plan from Full Planning Application - 16/01587/F

6.3 Use

As the 5-bay garage is now approved under application reference 20/01767/F, the reasons for refusal in terms of principle and use have been negated. To confirm, the garage will have 3no. bays set aside for domestic garaging and the 2 bays remaining will provide storage for maintenance tools and equipment for managing the surrounding land and hedgerows.

6.4 Landscape

The Officer discusses the 'unjustified visual intrusion' of the proposal. This appeal submission addresses these concerns with an accompanying Landscape Visual Impact Assessment undertaken by RPS Group. Enhancements to site in terms of new hedgerows and infilling of hedgerows where gaps have appeared are proposed. It should be noted the applicant has invested into developing and enhancing the surrounding landscape and would be willing to agree to further landscaping in the form of additional trees and/or hedges, should this be considered appropriate by the Inspector. Indeed, the planting within the site has still not reached full maturity further reducing any, albeit 'negligible' intrusion (RPS, 2019).

The detailed landscape report does not seem to have been taken fully into account by the local authority, which illustrates no significant harm to the surroundings with the proposal, there does not appear to be an objection made by the Landscape Officer who merely 'raises concerns with regards to localised visual harm to visual receptors'. There is a lack of demonstration from the Local Authority to how this garage proposal will affect any glimpsed views to counter comments made in the extensive LVIA produced by RPS in accordance with best practice. The Landscape Officer also fails to observe on the application that the viewpoint that he relies and comments upon (over a gate) will be totally obscured in time by a newly formed hedge (drawing no 4728/20H) and in any case only provides a viewpoint of the existing residential development and not a view of the open countryside (see photographs 1 and 2).

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Photograph 1



Photograph 2

The Officer has approved the garage in a different location, which impacts significantly on the dwelling house whereas the garage proposed in this appeal which has been repositioned and been cut into the ground level by circa 2.5 metres to ensure limited impact is caused by its position to the dwelling.

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Figure 8: Block Proposed Plan

6.5 Scale

The reasons for refusal in terms of application reference 20/00841/F, have been overcome by the subsequent approval of 20/01767/F. The Officer describes the building in this position as now subservient and that the scale is appropriate in this position although the ridge height and footprint remain the same.

6.6 Siting

The garage sited in the appeal is positioned in a manner that allows the dwelling to enjoy the landscape and natural light whilst also avoiding blocking the principle elevation of the dwelling with a view of the rear of the garage as in the approved application. It avoids the parking of cars immediately in front of the dwelling, which is considered to appear more visually intrusive than the garage itself. The siting is in the same alignment as the dwelling and allows for vehicles to turn in front of the garage. Additional landscaping could easily be incorporated to mitigate and enhance this area if required.

6.7 It is noted in the Officer's report that the proposal will not cause any harm to neighbouring properties, being located some distance from the site. If the garage does not have any detrimental impact on neighbouring properties, then a glimpsed view of the site would not affect the views or harm the surrounding landscape.

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In terms of Policy ESD 13, the proposed garage would not cause undue visual intrusion into the open countryside, nor cause undue harm to the landscape. The garage is designed to sit as a traditional farm building and is consistent with the site developments. There would be no harm to settlements, buildings or landscape features in the local area. This is detailed in a full Landscape Visual Impact Assessment provided by RPS. Although not requested during the application, the applicant was keen to illustrate how the impact is minimal, which is confirmed within the Landscape Report.

- 6.8 The Local Highways Authority, Environment Agency and Arboricultural Officer had no objections to the proposed development.
- 6.9 Improvements to ecological net gains would be welcomed with this proposal. These improvements are detailed within the report by CWS, these include additional planting, bird and bat roosts and nest boxes. The Officer considered these enhancements to be acceptable.

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SUMMARY AND CONCLUSIONS

- 7.1 This statement for Grounds of Appeal, together with the additional supporting documents, seeks simply to justify the proposed location and siting within the context of the development, which has been proven by RPS not to harm the surroundings and allows for full appreciation of the development on site.
- 7.2 The proposed garage is justified in terms of its use and is considered appropriate in terms of scale and siting to the extensive and high-spec dwelling.
- 7.3 The applicant has undertaken numerous applications and instructed that reports are carried out by qualified Consultants to confirm that the garage would not cause harm to the environment, landscape or increase flood risks.
- 7.4 As the principle of the garage, scale and design have all been subsequently approved, this appeal seeks to justify the location and siting within the context of the development, which has been illustrated by RPS not to cause harm to the surroundings and is better positioned to fully appreciate the development on the site. Furthermore, the Officers view that this application will 'cause undue and unjustified visual intrusion into the valued rural landscape and open countryside' appears to be unjustified and unsupported.
- 7.5 The Inspector is respectfully requested to allow this appeal and grant planning permission for the proposed garage to support the dwelling house.

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

Protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- *In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources.*
- *The protection of trees will be encouraged, with an aim to increase the number of trees in the District*
- *The reuse of soils will be sought*
- *If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted.*
- *Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be .4mitigated*
- *Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity*
- *Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity*
- *Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity*
- *Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value*
- *Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution*
- *Planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas. Developments for which these are the principal aims will be viewed favourably*
- *A monitoring and management plan will be required for biodiversity features on site to ensure their long term suitable management.*

Policy ESD 13: Local Landscape Protection and Enhancement

Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.

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 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 Impact on areas judged to have a high level of tranquillity*
- *Harm the setting of settlements, buildings, structures or other landmark features, or*
- *Harm the historic value of the landscape.*

Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.

Policy ESD 15: The Character of the Built and Historic Environment

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. 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. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

- *Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions*
- *Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions*
- *Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity*
- *Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting*
- *Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage's At Risk Register, into appropriate use will be encouraged*
- *Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation. Respect the traditional pattern of routes, spaces, blocks, plots,*

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enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages

- *Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette*
- *Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features*
- *Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed*
- *Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*
- *Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation*
- *Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation*
- *Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout*
- *Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy)*
- *Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17 Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality*
- *Use locally sourced sustainable materials where possible.*

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2. The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design & Access Statement. Further guidance can be found on the Council's website.

The Council will require design to be addressed in the pre-application process on major developments and in connection with all heritage sites. For major sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. Design Codes will usually be prepared between outline and reserved matters stage to set out design principles for the development of the site. The level of prescription will vary according to the nature of the site.

Saved' policies of the Adopted Cherwell Local Plan 1996: C28

Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.

NPPF - 15.Conserving and enhancing the natural environment (relevant points).

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;