

Case Officer: Bob Neville

Recommendation:

Applicant: Mr Rowland Bratt

Proposal: Erection of 5 bay garage adjacent to approved dwelling and change of use of agricultural land to residential use

Expiry Date: 31 August 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 Heaths (Butterflies), a notable species, being present within the vicinity of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the extension of the area of land in residential use and erection of new 5 bay garage, hardstanding for manoeuvring served by a new access drive. The proposal is a revised scheme of similar proposals considered under refs. 19/01056/F and 20/0081/F.
- 2.2. The proposed garage would have a footprint of ~120sqm and overall height of ~5.7m. The building would be sited to the west of the on-going construction of a new dwelling, and finished in materials to match the new build, including vertical thermos ash cladding to the walls and black corrugated sheeting to the roof.
- 2.3. Unfortunately, the application has gone beyond its original statutory target due to a high volume of applications being experienced. Officers have looked to resolve the application as expediently as possible in the context of high workloads.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal.

Application: 15/01780/CLUP Permitted 19 January 2015

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

Application: 16/01587/F Permitted 21 November 2016

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

Application: 17/00177/DISC Permitted 9 June 2017

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

Application: 18/00121/F 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 Permitted 5 October 2018

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

Application: 19/00139/DISC Permitted 12 June 2019

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

Application: 19/01056/F Refused 4 October 2019

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

Refusal reason: 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.

Application: 20/00841/F Refused 6 June 2020

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

Refusal reason: 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.

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, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **18 August 2020**.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. BODICOTE PARISH COUNCIL: Raises no objections but advises of a need for additional planting to protect views from highway and footpaths.

OTHER CONSULTEES

- 6.3. LOCAL HIGHWAY AUTHORITY (LHA): **No objections.**
- 6.4. CDC ECOLOGIST: **No comments received.**
- 6.5. CDC LANDSCAPE OFFICER: **No comments received.**

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)

- ESD1: Mitigating and Adapting to Climate Change
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development

- 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 in previous refused applications (ref. 19/01056/F and 20/00841/F), the applicant seeks to provide an increased area of land in residential use and garage to support the residential use originally approved under 16/01587/F. As noted in those previous applications 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.

8.3. 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. The proposed building (a 5-bay garage) would be a substantial building, of a scale above that usually expected for a residential dwelling of this size. The applicant contends that (i) the ancillary building would provide domestic garaging for the applicant's day to day vehicles and (ii) given the relatively remote location 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.

8.5. The proposals, whilst including an additional change of use of land, would support a previously approved residential use at the site and would not likely introduce any significant further vehicle to and from the site.

8.6. That said, the acceptability of the principle of the development very much depends on its impact on the character and appearance of the area, as well as other material considerations, discussed below.

Design, and impact on the character of the area:

8.7. 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.

8.8. 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.

8.9. 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.

- 8.10. 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.
- 8.11. 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-going development is prominent within the landscape.
- 8.12. Officers have previously considered the proposals to be unacceptable as a result of the significant harm that would be caused to the character and appearance of the area as a result of the scale and siting of the proposed garage and extent of the additional residential curtilage.
- 8.13. In line with advice given by officers during previous pre-application discussions on an alternative scheme (20/00147/PREAPP), the proposed garage building has been re-sited from that proposed under the previous application (ref. 19/01056/F and 20/00841/F) and would have a much closer relationship with the previously approved dwelling. Whilst it would extend the residential curtilage further into agricultural/paddock land, it would not do so to a significant or harmful extent and the extent of the proposed hardstanding has been reduced, and the proposals would also see the removal of areas of existing hardstanding resulting in visual improvements.
- 8.14. The proposed garage building would appear as a subservient building to the recently constructed new dwelling and would be finished in external facing materials used on the dwelling. As opposed to previous proposed schemes for the garage at the site, the current proposals have a more sympathetic relationship between the dwelling and the garage building, presenting a layout more akin to a more traditional farmstead layout that might be seen in such rural locations.
- 8.15. The re-siting of the proposed building from that of the previously refused schemes reduces the visual impacts of the proposal and also given the topography of the site would likely require less engineering works or alterations to the existing landform. The proposals would increase the built form at the site and would result in an increase in the extent of the residential use in the rural setting.
- 8.16. Given the topography views of the proposal would be experienced from properties on the edge of the village to the north. Views from Church Lane would be screened by the existing hedgerow, albeit that there would views through the access; however such views would be set against the back drop of the dwellinghouse. The existing dwelling would screen the proposed garage building from view from the public rights of way (PRoW) to the east. Some distance views of the proposed garage would likely be gained from the PRoW top the south of the site, however, these would be of the end gable of the building and set in the context of the dwelling with the landscape rising behind.
- 8.17. Officers note the Parish Council's comments in respect of additional planting. The applicant has undertaken significant planting on surrounding land, including a tree-belt north of the site which once established would screen the site to views from the north. The permission for the dwelling house also requires approval of an appropriate landscaping scheme (condition 5 of 16/01587/F) prior to the first occupation of the dwelling. It is considered that appropriate landscaping for the wider site and including the proposed garage can be secured through condition 5 of 16/01587/F and that a further landscaping is not necessary in the context of this proposal.

8.18. Overall it is considered that whilst there would be an increase in the built form and extent of residential use at the site, such would not result such significant undue visual intrusion into the valued rural landscape and open countryside that would warrant a reason to refuse the application on these grounds alone. The proposals are therefore considered to be consistent with 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; and therefore acceptable in this regard.

Residential amenity:

8.19. 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'*.

8.20. 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:

8.21. 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. On balance, the proposals would not 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.

8.22. The Local Highway Authority (LHA) raises no objections to the proposals. I see no reason disagree with this advice.

8.23. It is therefore 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:

8.24. 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.

8.25. 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.

8.26. The application is supported by an Ecological Mitigation & Enhancement scheme prepared by Cotswold Wildlife Surveys dated the 9th December 2019, which sets out ecological protection and enhancement measures. Whilst no formal comments have been received from the Council's Ecologist during the current application, she has previously assessed the detail of the report also submitted during the assessment of application 20/00841/F and considered it appropriate in scope and depth.

8.27. 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.

- 8.28. Overall, subject to the Ecological Enhancements being implemented it is considered that 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:

- 8.29. 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.
- 8.30. 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.
- 8.31. 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 would not increase flood risk elsewhere, including sewer flooding.
- 8.32. The application is supported by a Flood Risk Assessment (BBG-SOLID-XX-XX-RP-C-0002) (FRA) and Drainage Strategy (ref. BBG-SOLID-XX-XX-RP-C-0001) prepared by Solid Structures UK Ltd. These reports identify that there is a low risk of the site being low risk of flooding and that there would be no increase in flood-risk to the site or the surrounding areas.
- 8.33. The site has previously been considered acceptable in terms of flood-risk during the assessment of the original application for the new dwellinghouse (16/01587/F) and subsequent approval of the drainage strategy for the site under ref. 19/00139/DISC.
- 8.34. The FRA and drainage strategy indicate that the development proposals would incorporate SuDS and permeable surfacing to mitigate the potential impacts of Climate Change, and is in line with the previously approved drainage strategy site. This would be consistent with the requirements of Policies ESD 1 and ESD 7 of the CLP 2031, and the proposals are therefore 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 the current proposals (i.e. those assessed within this application) are acceptable on their planning merits, having overcome previous reasons for refusals of applications 19/01056/F and 20/00841/F and, subject to the schedule of conditions detailed below, the proposals would constitute an acceptable form of development. The proposals cause no significant harm to highway safety, flood risk, residential amenity or visual amenity, sustaining the rural character of the site and its setting within the open countryside; whilst providing additional ancillary garaging and storage in line with the applicant's needs. It is considered that the proposals are broadly consistent with the provisions and aims of the above-mentioned Development Plan policies and are therefore recommended for approval as set out below.

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: Supporting Statement dated July 2020, Flood Risk Assessment (BBG-SOLID-XX-XX-RP-C-0002) and Drainage Strategy (ref. BBG-SOLID-XX-XX-RP-C-0001) prepared by Solid Structures UK Ltd, Ecological Mitigation & Enhancement scheme prepared by Cotswold Wildlife Surveys dated the 9th December 2019 and drawings numbered: 4728/Map-D, 4728/20-J, 4728/21-J, 4728/22-F and 4728/23-G.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

3. The development hereby approved shall not be carried out other than in accordance with the recommendations set out in Sections 3 and 4 of the Ecological Mitigation & Enhancement scheme prepared by Cotswold Wildlife Surveys dated the 9th December 2019.

Reason: To ensure that the development does not cause harm to any protected 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.

Planning Notes:

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Case Officer: Bob Neville

DATE: 02/10/2020

Checked By: Nathanael Stock

DATE: 05.10.2020
