



RIDGE

APPEAL STATEMENT

**MODERN BARNs
CROCKWELL HOUSE FARM
GREAT BOURTON**

APPEAL STATEMENT MODERN BARNs, CROCKWELL HOUSE FARM, MANOR ROAD, GREAT BOURTON

November 2020

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Version Control

Project	5011954
Issue Date	30/11/2020
Originator	AD
Checked	TM

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[2016] EWHC 2853 (Admin)**

1. INTRODUCTION

- 1.1. The appeal is submitted on behalf of Mr Roger Yates and Crockwell Farm LLP (“the Appellant”) against the decision of Cherwell District Council to refuse a prior notification LPA Ref.: 20/01902/Q56 for a change of use of existing farm building into a single residential dwelling (use class C3)
- 1.2. The decision notice sets out three reasons for refusal:
1. *Insufficient information has been submitted to demonstrate that the building relates to an agricultural holding, thus not in compliance with criteria (a), (b), (d) and (g) of Class Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)*
 2. *Evidence available to the Local Planning Authority shows that the site was in all likelihood being used for purposes other than agricultural on the 20th march 2013 and therefore the building has not been used solely for agricultural purposes for the period required under part Q.1(a) of Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*
 3. *Insufficient information has been submitted to demonstrate that the existing building is capable of being converted or that the works to convert the building would not exceed the existing building envelope, against criteria (h) and (i) fo Class Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application is therefore refused in accordance with paragraph W.(3)(b). On the basis of the information submitted, the Council concludes that the existing building structure is incapable of conversion in accordance with criterion Q.1 of Class Q, Part 3, and that a lack of information has been submitted to demonstrate that the works required to facilitate the building’s use as a dwelling are not so extensive as to constitute a rebuilding of the existing building, thus not permitted under Class Q of the Town Country Planning (General Permitted Development) (England) Order 2015 (as amended).*
- 1.3. The application was validated on 16th July 2020 and was determined on 10th September 2020
- 1.4. A separate application for costs will be submitted with this appeal.
- 1.5. The prior notification application was submitted for Class Q (a) only. This was made clear at the point of submission and through the determination period.
- 1.6. The Appellant maintains that the proposed development fully accords with the limitations and conditions of Schedule 2, Part 3, Class Q (a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 1.7. Oxfordshire County Council Highways commented on the scheme in the letter dated 13th August 2020 and did not object to the appeal proposal.
- 1.8. No objections or comments on the application were received from local residents.

- 1.9. Great Bourton Parish Council responded to the application on 22nd August 2020 and raised its concern about the lack of details relating to the final design of the scheme. However, the Parish Council expressed their tentative support for development of the appeal buildings if the resultant scheme is in keeping with the historic vernacular and enhancing the area, supporting the farmhouse and farm building conversion. The full wording of Parish Council's letter is included in **Appendix 1**.
- 1.10. During the determination period, the Appellant responded to the Parish Council's concerns. This correspondence is included with the Appeal documents, and is also appended to this statement (**Appendix 2**).

Preliminary matters & corrections

- 1.11. The applicant would like to acknowledge that in August 2020 the amendment to the GPDO introduced additional sub-paragraph Q.2 (1)(g) which requires the developer to seek prior approval in respect of adequate daylight provision to all habitable rooms of the dwelling house.
- 1.12. The decision notice refers to the proposal as "*Change of use of existing farm buildings into a single residential dwelling (use class C3).*"
- 1.13. Paragraph 2.1¹ of the Officer's report incorrectly states that "*the current application seeks permission under Part 3 (Class Q) of the GPDO 2015 (as amended) for (a) the change of use from agricultural building to residential dwelling (Class C3) and (b) building operations reasonably necessary to convert the said building to the said use.*" This is factually incorrect as the applicant made it clear in the accompanying covering letter that the submitted application is for the change of use under the provision of Class Q (a) only.

¹ **Appendix 3**

2. SITE AND SURROUNDING AREA

Location

- 2.1. The appeal site is located at the northern edge of Great Bourton, and forms part of a former Crockwell House Farm.
- 2.2. Great Bourton is identified as a 'Satellite Village' where minor development within built-up limits will, in principle be supported according to the adopted Local Plan.
- 2.3. The wider site is occupied by a number of dilapidated farm buildings and barns, and some of which are curtilage listed by association with a grade II listed Crockwell House (List entry number 1215873)
- 2.4. All buildings on site were previously used as part of a working farm. This was illustrated in the covering letter through a series of aerial photographs which showed the site in its agricultural use in 2006, and further illustrated the slow deterioration of the site as whole when the agricultural use ceased.
- 2.5. The site does not form part of any statutory or non-statutory designated area. It is not located within a Conservation Area. There are no Tree Preservation Orders ("TPOs") on site or within its vicinity.
- 2.6. The site is located in Flood Zone 1 – an area with low probability of fluvial, pluvial and surface water flooding.
- 2.7. The site is accessed through a single access point from Manor Road.

Appeal site and buildings

- 2.8. The appeal relates to the modern steel structure at the northern boundary of the site. This building is a typical modular steel framed farm building with corrugated sheeting, blockwork and with a solid concrete floor. Over the years a number of lean-tos were added in a haphazard fashion. A timber framed shed was also added to maximise the storage area. The paraphernalia within the building indicates that it was used for livestock accommodation and for storage of forage.
- 2.1. The appeal building has a solid concrete floor and secure footings. The barn is partially enclosed on three sides as seen in figures 1 and 2 below. Figure 1 also clearly shows that some walls are made of concrete blockwork.
- 2.2. The roof consists of corrugated sheeting. The side walls are clad in corrugated sheeting to various degrees of coverage.



Figure 1 – internal view into the appeal building



Figure 2 – timber lean-to which will be demolished

- 2.3. The barn remains open to the west as this is where a makeshift timber structure was erected to maximise the size of the accommodation. The timber structure does not form part of the appeal building and will be demolished.
- 2.4. Photos attached, and supporting technical reports, show that the farmyard as a whole has suffered from a lack of maintenance in recent years. However, the Structural Survey submitted alongside the prior notification application demonstrated that:
- Floor and steel frame are free from structural defect; and
 - The roof covering is free from defect; and
 - Some corrugated sheeting is loose or missing, but majority is present and defect free; and
 - Floors have been constructed with appropriate movement joints and are structurally sound; and
 - Steel frame has a light corrosion only and is free from structural defect.
- 2.5. The Structural report confirmed that the building is capable of being fully enclosed with no need of further strengthening.

Development context and planning history

- 2.6. According to aerial images, the Crockwell House Farm was in full agricultural operation in 2006. The images clearly show that the dirt track connecting the farm with nearby fields has been used. Livestock is also clearly present on images from 2005 to 2007.

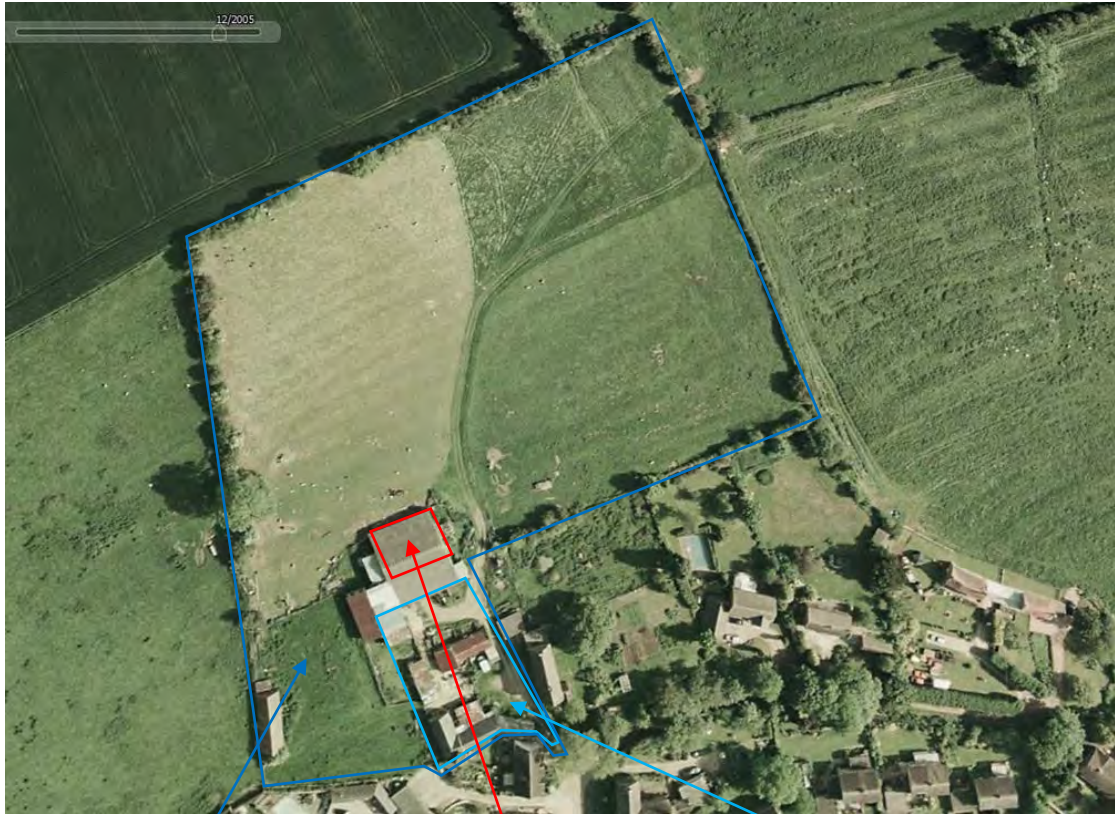


Figure 3 – Aerial Image of the Crockwell House Farm dated 2005 (source Google Earth Pro)

Land in Appellant's control

Appeal building

Land subject to an outline
planning permission LPA Ref.:
19/00250/OUT



Figure 4 - Aerial Image of the Crockwell House Farm dated 2006 (source Google Earth Pro)



Figure 5 - Aerial Image of the Crockwell House Farm dated 2007 (source Google Earth Pro)



Figure 6 - Aerial Image of the Crockwell House Farm dated 2009 (source Google Earth Pro)



Figure 7 - Aerial Image of the Crockwell House Farm dated 2017 (source Google Earth Pro)

- 2.7. There is no planning history available in the public domain pre-dating March 2013.
- 2.8. In July 2016, an outline planning permission was granted for residential development of 3no. dwellings (LPA Ref.: 16/00609/OUT). This outline permission included conversion of a curtilage listed

barn located at the southern boundary of the wider site, and 2no. new build dwellings at the centre of the site. We enclose the details of this planning permission in **Appendix 4**. This application was not implemented.

- 2.9. In April 2019, a re-submission application for residential development of 3no. dwellings (LPA Ref.: 19/00250/OUT)² was granted planning permission.
- 2.10. Both of the above outline applications related to agricultural buildings only and did not include the Crockwell House farmhouse and its gardens.
- 2.11. In 2019, the site as a whole was marketed for sale through an open tender. The sales brochure (**Appendix 6**) shows that a significant amount of agricultural land initially formed part of the site. However, a separate buyer was found for the agricultural fields. The remaining part, including all of the former farmyard buildings, was purchased by the Appellant.
- 2.12. The Appellant is a SME developer who is keen to deliver the best possible layout on the site as a whole.
- 2.13. Pre-commencement conditions 5 and 6 of outline planning permission 19/00250/OUT were discharged on 12th June 2020 under application reference 20/01523/DICS. This application related to approval of details for the means of access from Manor Road, and for a Construction Traffic Management Plan.³
- 2.14. The implementation of the outline permission for 3no. residential dwellings has been divided into two independent phases. The first phase related to the submission of detailed designs for the conversion of the curtilage listed barn at the southern part of the wider site into a single dwelling. The Reserved Matters Application LPA Ref.: 20/01726/REM, and a listed building consent LPA Ref.: 20/01730/LB for this first phase were approved on 21st October 2020 (**Appendix 8**).
- 2.15. The second phase will be a reserved matters application to deal with the detailed design and development of the 2no. new build dwellings. These dwellings are to be positioned in the centre of the former farmyard. Spatially, these dwellings will be located between the historic barn and the modern steel framed barn, which is the subject of the appeal.
- 2.16. It is the Appellant's consideration that the spatial and functional relationship between all of the above buildings, and the appeal building is of key importance to ensuring a sensitively designed scheme which responds to character of the site, its setting within the edge of the village, and its immediate relationship to heritage assets.
- 2.17. For this reason, the Appellant submitted prior notification under the provisions of Class Q(a) only, to firstly establish the principle of residential use. It is the Appellant's intention to then subsequently submit a further detailed application to address the detailed of the 2no. new build dwellings that already have outline permission, as well as the details relating to the design and appearance of the appeal building.

² The decision notice alongside with the Officer's report are enclosed as an **Appendix 5**

³ The decision notice is enclosed as an **Appendix 7**

- 2.18. The intention to submit a further application for determination of detailed designs was made clear in both the covering letter, and in the response to Parish Council's comments on application (Appendix 2)

3. SUMMARY OF THE APPEAL PROPOSAL

- 3.1. The appeal scheme proposes a change of use of a modern barn from agricultural to residential under the provision of Schedule 2, Part 3, **Class Q (a)** of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.
- 3.2. The existing building is a modular steel framed building which formed part of a single established agricultural unit prior to the farmer's retirement. The agricultural use ceased before March 2013 and this has been demonstrated through submission of aerial images (Covering letter figures 1, 2 and 3, and figures 3 – 7 in section above).
- 3.3. The appellant sought a prior approval under the provisions of Class Q(a) only to establish the principle of residential use before undertaking a full design exercise, as the Appellant's aim is to deliver a holistic development of the wider site.
- 3.4. The Appellant maintains that the prior notification should have been granted as the proposal fully complies with the relevant limitations and conditions of Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments ("the GPDO")
- 3.5. There were no objections to the scheme from statutory consultees or neighbours.
- 3.6. The Parish Council objected on the principle of conversion of the building due to the lack of design drawings, however, general support was expressed for development on site (Appendix 1)
- 3.7. The Council refused the prior approval application for the reasons specified in paragraph 1.2 above.

4. PLANNING LEGISLATION

- 4.1. The appeal relates to the proposal which was considered under the provisions of Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development)(England) Order 2015 and its subsequent amendments (“the GPDO”).
- 4.2. For clarity, the full provision of Class Q are included, with the text below reflecting all amendments since its original adoption in 2015.

Permitted development

Q. Development consisting of—

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

or

(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule. (our emphasis)

Development not permitted

Q.1 Development is not permitted by Class Q if—

(a) the site was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

(i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

(ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

(f) less than 1 year before the date development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—

(i) since 20th March 2013; or

(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins

(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(i) the development under Class Q(b) would consist of building operations other than—

(i) the installation or replacement of—

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

(j) the site is on article 2(3) land;

(k) the site is, or forms part of—

(i) a site of special scientific interest;

(ii) a safety hazard area;

(iii) a military explosives storage area;

(l) the site is, or contains, a scheduled monument; or

(m) the building is a listed building.

Conditions

Q.2— (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development,
 - (b) noise impacts of the development,
 - (c) contamination risks on the site,
 - (d) flooding risks on the site,
 - (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,
 - (f) the design or external appearance of the building, and
 - (g) the provision of adequate natural light in all habitable rooms of the dwellinghouses,
- and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application

(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class Q

Q.3. For the purposes of Class Q—

“larger dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of more than 100 square metres and no more than 465 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;

“smaller dwellinghouse” means a dwellinghouse developed under Class Q which has a floor space of no more than 100 square metres having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order.

5. ASSESSMENT OF REASONS FOR REFUSAL

- 5.1. Section 4 of this Statement provides a comprehensive overview of the current wording of Class Q of the GPDO (including the 2020 amendment). This section looks at the context of Class Q (a), and whether prior approval should be granted for change of use only, even where operational development is needed to facilitate the new use.
- 5.2. It is of note that the application was submitted in July 2020, before the introduction of Q.2 (1)(g) which requires prior notification regarding the provision of adequate natural light in all habitable rooms.
- 5.3. The prior approval notification was refused by decision notice dated 10th September 2020 with three reasons for refusal. This section of the Statement therefore provides an assessment of the individual reasons for refusal with references to relevant planning legislation.

Reason for Refusal 1

- 5.4. It is alleged that insufficient information has been submitted to demonstrate that the building relates to an agricultural holding, thus not complying with criteria (a), (b), (d) and (g) of Class Q.1 of the GPDO.
- 5.5. Criterion a) refers to the use of the site. It requires the site to be solely used for an agricultural use as part of an established agricultural unit—
 - (i) on 20th March 2013, or*
 - (ii) in the case of a building which was in use before that date, but was not in use on that date, when it was last in use, or*
 - (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins.*
- 5.6. The application was submitted with a number of aerial images clearly showing the decay of the farm over the years. Figure 1 of the Covering Letter shows the farm in a working order with animals scattered in the neighbouring fields. The track along the eastern elevation of the barn was clearly in use and provided access to arable fields to the north of the site. Images from later dates no longer show animals in fields. Furthermore, the structural decay and greening of the site as whole in later images shows that the agricultural use has likely ceased before 2009.
- 5.7. There was no agricultural use on 20th March 2013, and the site was not brought into any other use, either lawfully or unlawfully, on or after 20th March 2013.
- 5.8. However, the Appellant maintains that the site complies with criterion (ii) in so far, that the site formed part of an established agricultural unit, and that the appeal building was used solely for agricultural use at the time when it formed part of an established agricultural unit.

5.9. It appears that the Council has dismissed the application based on criterion (i) only. The Officer's report, namely para 8.5, states that:

"As noted above, in view of observations on site and information contained within previous application submissions and in the absence of any evidence to the contrary, Officers consider that the building was not used for agricultural purposes on 20th March 2013 and, together with the assessment made in para 8.2 of this report fails to meet criterion (a) of Q.1."

5.10. However, no assessment of use is made by the Council in respect of the criterion (ii) of Q.1 (a).

5.11. This is despite the fact that the Case Officer refers to the planning history of the site, and to (now decided) reserved matters application (LPA Ref.: 20/01726/REM) and its supporting planning statement. Indeed, in deciding the outline planning application previously granted on the wider site (LPA Refs.: 16/00609/OUT) the Officer's report acknowledged at para 1.1⁴ - that:

"The buildings would previously have been used as part of a working farm in relation to Crockwell House to the east; however the farm is no longer a working enterprise".

5.12. The Appellant therefore suggests that the Council is inconsistent in its assessment of the site and its use. It cannot acknowledge that the buildings on site were part of a working farm in relation to Crockwell House in 2016, and then refuse the application on the principle that the building does not relate to an agricultural holding in 2020. There is a clear spatial and functional relationship between all existing buildings on site, and this strongly implies its former agricultural use.

5.13. Part 3 Paragraph X of the GPDO defines an 'established agricultural unit' as agricultural land occupied as a unit for the purposes of agriculture – for purposes of Class Q or S, on or before 20th March 2013 or for 10 years before the date the development begins. There is, however, no requirement to demonstrate 'the extent of agricultural unit' or how much agricultural land must form part of the agricultural unit to make it one.

5.14. The fact that the site as a whole, and the appeal building itself, were not used for agricultural use on the 20th March 2013, does not mean that the historical and lawful agricultural use can be ignored. No planning permission has been granted in respect of the appeal building to suggest a change of use has occurred.

5.15. As such, the Appellant maintains that the appeal building fully complies with criterion Q.1 (a) (ii) in so far that the last known lawful use of the building was agricultural, and that this was related to an established agricultural unit which was in a last known use in 2006.

Reason for Refusal 2

⁴ See Officer's report in Appendix 4

- 5.16. The second reason for refusal relates to the use of the building itself. It is alleged that the building was used for purposes other than agricultural on the 20th March 2013, thus not being used solely for agricultural purposes as required under part Q.1(a).
- 5.17. The allegation of 'other' use is made on the basis of the Case Officer's site visit. In paragraph 8.3 of his report he states that:
- "Upon my site visit (8th September 2020), at least part of the building within the application site was not being used for agricultural purposes, with a (nonagricultural) motor vehicle being stored within the barn. Other paraphernalia suggested that restoration works were taking place to this vehicle. The part of the building furthest north did appear to be used for storage of agricultural equipment, being a number of animal feeders. However, nothing suggested that these were being used elsewhere within the holding at any other time of the year (or, as discussed later, whether there is even a holding). I would question whether the storage of animal feeders alone would constitute an ongoing agricultural use. In any case, it was clear that the building as a whole did not constitute an ongoing agricultural use at this time." (our underlining)*
- 5.18. As discussed above, the last known agricultural use of the building was in 2006 when animals were housed in this building. Furthermore, there is no requirement within the GPDO for the agricultural use to be ongoing at the time of the application for the permitted development right to exist.
- 5.19. The case officer refers to a single motor vehicle being stored within the barn. It was also suggested that other paraphernalia suggested that this vehicle was being restored.
- 5.20. Whilst this vehicle was parked in the barn on the day of the site visit, it is not considered that a parked vehicle then results in a material change of use of the entire building. The Appellant would like to reiterate that no commercial activity relating to a repair of motor vehicle ever took place on site. In fact, no other vehicles are stored or parked within the site on a regular basis.
- 5.21. While it is appreciated that this will be matter for the Inspector to determine as a matter of fact and degree, it cannot be so, that parking and some one-off maintenance to a single vehicle would be of real significance in planning terms to amount to a material change of use of the entire building.
- 5.22. As such, the Appellant maintains that the disqualification in paragraph Q.1 is not engaged in respect of the use of the building as any non-agricultural use was, as a matter of fact and degree, de minimis.

Reason for Refusal 3

- 5.23. The third reason for refusal alleges that insufficient information has been submitted to demonstrate that the existing building is capable of being converted or that the works to convert the building would not exceed the existing building envelope against criteria (h) and (i) of Class Q.1

- 5.24. The question therefore arises whether the Q.1 (h) and Q.1 (i), both of which deal with operational development, are relevant to the appeal scheme in so far that it has been made clear that the Appellant is not seeking prior notification in respect of operational development.
- 5.25. Consequently, the question arises whether the Appellant has submitted sufficient information to enable the Local Planning Authority to establish whether the proposed development complies with any conditions, limitations or restrictions in this Part as being applicable to the development in question in line with paragraph W.(3)(b) of Part 3 of the GPDO.
- 5.26. As highlighted throughout this Statement, the Appellant submitted a prior notification application of under the provisions of Class Q(a) only. For understanding of the legislative context, it is important to highlight that at the time of adoption of the GPDO in 2015 , Class Q read as follows:
- 5.27. Permitted development
- Q. Development consisting of—
- a) *A change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; **and***
- b) *Building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of the Schedule. (our emphasis)*
- 5.28. Paragraph Q.1 sets out limitations specifying under which circumstances the development is not permitted.
- 5.29. Paragraph Q.2 sets out conditions that before the development, the developer has to seek prior approval in respect of number of considerations.
- 5.30. When the GPDO came to force in 2015, the overarching provision of Class Q referred to both a change of use AND building operations. However, two appeal decisions (July 2016⁵ and July 2017⁶) have been determined on the principle acknowledging that the wording of Class Q also permits applications to be submitted under the provisions of Class Q (a) only.
- 5.31. In East Staffordshire (PINS Ref.: APP/B3410/W/17/3170228) (attached as an **Appendix 9**), the Inspector dealt with the change of use of a steel portal framed agricultural building to one dwelling.
- 5.32. The building was within a farmyard with other agricultural building and a farmhouse. In the officer's report (forms part of Appendix 9), the case officer describes the building as "*open on three sides, albeit on the one side it's enclosed by a lean to shed which is to be removed a part of the proposal*". It was clear to the Inspector, that the condition of the building would have required a further application to facilitate the residential use.
- 5.33. In paragraph 7, the Inspector stated:

⁵ **North Devon PINS Ref.: APP/X1118/W/16/3146607** - Barns at Leigh Farm, Leigh Road, Chulmleigh, Devon

⁶ **East Staffordshire PINS Ref.: APP/B3410/W/17/3170228** - Agricultural Building at Popinjay Farm, Stafford Road, Uttoxeter, Staffordshire ST14 8QA

"It is evident from the current condition of the building that a further application would be required. However, the GPDO does not state that where building operations are clearly intended or required that a Class Q(a) only application cannot be made. The approach of applying for Class Q(a) only is permissible under the regulations of the GPDO and the appellant can seek approval for the change of use without dealing with building operations. I have therefore considered the appeal on this basis." (our underlining)

- 5.34. In allowing the appeal, the Inspector noted (in para 9) that although the Council did not express this directly in their report, the limitation in dispute was related mainly to Q.1(i)(i). However, as this relates to development under Class Q(b), this was considered irrelevant to the appeal.
- 5.35. The Appellant considers the East Staffordshire case to be materially similar to the appeal case, and therefore directly relevant to considerations within.
- 5.36. In North Devon (PINS Ref.: APP/X1118/W/16/3146607) (attached as an **Appendix 10**) a similar stance was adopted by the Inspector in approving a Class Q(a) only proposal. In paragraph 8, it was stated that:

"Class Q.2 of the GPDO sets out that an application can only be made for: both the change of use and the conversion works; or the change of use only. The application that constitutes this appeal was made for the latter and I am to deal with the appeal on this basis as the GPDO does not state that where building operations are clearly intended that a Class Q(a) only application cannot be made. Therefore, applicants can seek prior approval for the change of use in advance of dealing with the building operations". (our underlining)

- 5.37. Furthermore, the Inspector clarifies in paragraph 13 what conditions need to be approved where proposal is for development under Class Q(a) only:

"Paragraph Q.2(2) of the GPDO explains that where the proposal is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W." (our underlining)

- 5.38. The Appellant considers the North Devon case to also be materially relevant to the appeal proposals. In that case, the change of use was approved by the Inspector despite some of the buildings being dilapidated and with no roof (see officer's report forming part of Appendix 10)
- 5.39. The 2018, GPDO amendment to Class Q is significant. It replaced the word "and" at the end of paragraph Q(a) with a word "**or**", thus altering the necessity to submit an application which would encompass both paragraphs (a) and (b).
- 5.40. Instead, paragraph Q(a) is, in effect, a standalone provision separated from provision (b). As such, it is the Appellant's consideration, in line with the referenced appeal decisions, that an applicant has an option to either apply for a change of use only **or** to make an application for both the change of use and the operational development.

- 5.41. This reasoning is supported by wording of paragraph Q.2 (2) which states that: *“where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.”*
- 5.42. The Appellant therefore maintains that the Council should have only considered the proposal as a standalone change of use prior notification. Therefore, only the provisions relevant to the change of use should have been assessed in relation to the proposal. As such, it is the Appellant’s consideration that reason for refusal 3 is unfounded.
- 5.43. During the application process, it was made clear on numerous occasions that the Appellant intended to establish the principle of residential development only, and that a future planning application would deal with the details of design (both external and internal).
- 5.44. This approach to development of a former agricultural building is consistent with other provisions of the GPDO which deal with changes of use into habitable accommodation such as Class O, Class PA, and Class R (in respect of a change of use into Use Class C1 – hotels).
- 5.45. This is evident from the paragraph 3 of the Treravel Farm appeal decision (PINS Ref.: APP/D0840/W/20/3254577) (attached as an **Appendix 11**), where the Inspector acknowledged that under Class R, the development is restricted to the change of use of the building and does not grant any physical conversion works. Any associated operational development that would be reasonably necessary to use the building or land for the proposed use under Class R is required to be the subject of a separate planning permission.
- 5.46. This would also be the case where the change of use is sought under the provisions of Class Q (a) and where no prior approval is sought in respect of operational development.
- 5.47. In assessing the appeal scheme against the criterion (i) the Council refers to the NPPG⁷ highlighting that it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
- 5.48. The appeal scheme was supported by Structural Survey which highlighted that all structural elements, including the steel frame, the concrete floor, and footings were in good condition and without structural defects. The report further highlighted that the appeal building is a purpose fabricated building of a permanent and substantial structure. Overall, the structural report concluded that the building is suitable for conversion and that the building is capable of being fully enclosed without a need of any strengthening. The Appellant therefore maintains that it has been demonstrated that the building, and its individual structural elements are suitable for conversion.

⁷ Paragraph 05 Reference ID 13-105-20180615

- 5.49. The Council refers to the case of Hibbitt⁸ which is seen as pivotal in determination as to what constitutes 'conversion' and 're-build' in context of interpretation of Class Q. The case was determined by Mr Justice Green in November 2016. However, the assessment has to be read and considered in the context of the overall wording of the Class Q definition at the time of his decision in 2016, when the permitted development consisted of both the change of use AND building operations reasonably necessary to convert the building.
- 5.50. It is not the Appellants intention to dismiss Mr Justice Green's conclusions in regards to "conversion" and "re-build" in the case of Hibbitt, it is, however, important to note that those conclusions were reached prior to the 2018 changes in Class Q, specifically the exchange of the word "and" to the word "or" between paragraphs a) and b).
- 5.51. The Class Q contains two individual concepts within it, and this is discussed in some detail in paras 5.30 to 5.41 above. On the basis that the appeal scheme only consists of prior approval application in respect of a change of use, the Appellant suggests that conclusions from the Hibbitt case are not applicable to the appeal scheme.
- 5.52. In the light of the above, the Appellant therefore maintains that the Council should have considered the application in the context of provisions of Class Q (a) only. It is clear from the decision notice and its contents, that this was not a case, and that the refusal has encompassed issues which were not relevant to the submitted application. Therefore, it is respectfully suggested that reason for refusal 3 is unfounded.

⁸ Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin) – **Appendix 12**

6. ASSESSMENT AGAINST APPLICABLE CRITERIA OF CLASS Q(A)

- 6.1. In accordance with paragraph W.(3) (b), Local Authority may only refuse a prior notification application made under Part 3 where, in the opinion of the authority the proposed development does not comply with, or the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restriction specified in this Part as being applicable to the development in question.
- 6.2. The Appellant maintains that only the following conditions, limitations and restrictions are applicable to the appeal proposal:
- Q.1 (a), (b), (ba), (d), (e), (f), (g), (j), (k), (l) and (m); and
 - Q.2 (1) (a) to (e) and (g)⁹ as per wording in Q.2 (2); and
 - Q.3
- 6.3. For clarity, the above paragraphs will be discussed individually in separate sections:

Limitations set out in Q.1

- 6.4. The Appellant maintains that the appeal scheme complies with Q.1 (a) as the appeal building was not used on 20th March 2013, but when it was last in use before this date, the last lawful use was agricultural as part of an established agricultural unit.
- 6.5. Consequently, the appeal proposal complies with provisions Q.1 (b), (ba), and (d) as no concern was raised in respect of the size or the number of resulting new dwellings.
- 6.6. According to the paragraph 8.7 of the Officer's report, criteria (e) and (f) have been satisfied.
- 6.7. No development under the provisions of Class A(a) or Class B(a) of Schedule 2, Part 6 of the GPDO has been carried out on the established agricultural unit. There is no evidence that any works comprising the erection, extension, or alteration of a building took place on site. In fact, the aerial images submitted clearly demonstrate that the site, and all its buildings, have been slowly deteriorating since 2009. This is also evident from photos available in the Structural Survey accompanying the application. On this basis, the Appellant maintains that the appeal scheme complies with criterion (g) of Q.1.
- 6.8. Criteria (h) and (i) relate to operational development. As clearly stated in the application and its supporting material, the appeal proposal seeks development permitted by Class Q (a) only.
- 6.9. Criterion (h) specifically refers to the external dimensions of the building and the fact that these must not be exceeded. In the context of the appeal site, and with the view that a full planning application would be submitted to deal with any operational development in the future, the compliance with provision of this criterion could be secured by an appropriately worded condition.

⁹ From August 2020 following the 2020 amendment of the GPDO

- 6.10. Criterion (i) clearly applies to development under the provision of Class Q (b). As such, the Appellant maintains that this criterion is not relevant to the appeal scheme and should not have been included within the Council's assessment. In this respect, the Appellant also suggests that the Council behaved unreasonably in refusing the appeal scheme on the basis of a criterion which is not directly relevant to the development proposal.
- 6.11. The Appellant agrees with the Council¹⁰, that criteria (j) – (m) were satisfied.
- 6.12. The Appellant maintains that sufficient information was submitted in relation to limitations outlined in Q.1 (a), (b), (ba), (d), (e), (f), (g), (j), (k), (l) and (m) – all of which are applicable to the appeal proposal. There is no need to submit information in respect of Q.1 (c), (h) and (i) as these are not applicable to the appeal proposal.

Conditions set out in Q.2 and Q.3

- 6.13. Conditions of Class Q are contained in paragraph Q.2 which itself has three independent conditions.
- 6.14. The first condition, known as Q.2 (1), specifically refers to development proposed under Class Q(a) together with development under Class Q(b), and outlines condition that before beginning the development, the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required as to:
- a) *Transport and highways impacts of the development,*
 - b) *Noise impacts of the development,*
 - c) *Contamination risks on the site,*
 - d) *Flooding risks on the site,*
 - e) *Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and*
 - f) *The design or external appearance of the building, and*
 - g) *The provision of adequate natural light in all habitable rooms of the dwellinghouses,*
- And the provisions of paragraph W (prior approval) of this Part apply in relation to that application.*
- 6.15. The second condition, known as Q.2(2), refers to development under the Class Q(a) only. The appellant maintains that it is this condition, which should have been applied to this appeal proposal.
- 6.16. Under the provision paragraph Q.2(2), only sub-paragraphs (1)(a) to (e) and (g) apply and this is clear from its full wording:

(2) Where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval

¹⁰ See paragraph 8.11. of the Case Officer's report

of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and (g), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application

- 6.17. In this respect, the paragraph 8.13 of the Officer' report notes that the proposal was considered acceptable in regard to sub-paragraph (a).
- 6.18. No concerns were raised in respect of sub-paragraphs (b), (c) or (d), and this is evident from paragraph 8.14 of the Officer's report.
- 6.19. Location and siting of the building were discussed in paragraphs 8.17 – 8.20 of the Officer's report. Paragraph 8.21 clearly states that conditions of sub-paragraph (e) were satisfied.
- 6.20. Sub-paragraph (g) came into force in August 2020, after the application was submitted to the Council for consideration. However, the location, positioning and the character of the building indicates that on the balance of all probabilities, all habitable rooms will be provided with adequate natural light. The future compliance with this condition could also be secured through an appropriately worded condition.
- 6.21. The Appellant maintains that it in accordance with paragraph W. (3)(b), it was not necessary to submit information in relation to the design and external appearance of the building as this was not applicable to the development in question, and was not required by paragraph Q.2(2). As such, the Council erred in law by considering this condition to be unsatisfactory.
- 6.22. The third, and last, of the conditions is paragraph Q.3 which notes that the development under Class Q is permitted subject to the condition that development under Class Q(a) (and under Class Q(b)) if any, must be completed within a period of 3 years starting with the prior approval date. The compliance with the condition can be secured through an appropriately worded condition.
- 6.23. The Appellant maintains that the appeal scheme fully complies with the relevant limitations, conditions and restriction of Class Q(a) and as such the prior approval notification for a change of use from agricultural to residential should have been granted by the Cherwell District Council.

7. CONCLUSIONS

- 7.1. This appeal is made against the decision of the Cherwell District Council to refuse a prior notification application LPA Ref.: 20/01902/Q56 for change of use of existing farm building into a single residential dwelling (use class C3) under the provision of Schedule 2, Part 3, Class Q (a) only of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 7.2. The application was accompanied by relevant documents required by provisions of paragraph W (prior approval) of Schedule 2, Part 3 of the GPDO in so far that these documents were applicable to the change of use of the appeal building from agricultural to residential use.
- 7.3. The Appellant has demonstrated that the appeal scheme complies with the relevant limitations, conditions and restrictions specified in provision of Class Q (a).
- 7.4. The Appellant has demonstrated that the last lawful use of the site was agricultural, and that no material change of use has occurred in respect of the use of the appeal building, which was used solely in agricultural use as a part of an established agricultural unit.
- 7.5. The Appellant maintains that there was no need to submit information detailing the design and external appearance of the building as this is not required by the provision relevant to Class Q (a). Furthermore, the Appellant suggests that the prior approval should not have been assessed against criteria Q.1 (h) and (i) which both relate to an operational development and are therefore not relevant to this appeal proposal.
- 7.6. In light of the above, we respectfully ask that this appeal is allowed, and prior notification is issued without further delay.

APPENDIX 1

**Great Bourton Parish Council
Objection**

The Bourtons Parish Council
Great & Little Bourton, Banbury, Oxfordshire

Mr George Smith
Planning Officer
Cherwell District Council
Bodicote House
Bodicote, Banbury

Sent electronically via CDC Planning Portal : August 22nd 2020

Response to planning consultation 20/01902/Q56

This Council supported the earlier application to develop this site, ultimately to deliver 3 dwellings. We also supported application 20/01730/LB to convert the “front barn”. Councillors are concerned that this application to determine whether prior approval for change of use from current agricultural buildings to a dwelling is required might effectively remove the future opportunity to scrutinise the detailed plans of what is proposed.

This Council considers that the location of this site adjacent to a listed building, that has considerable importance within the village, should attract a final building that delivers excellence in design and presentation and in the materials chosen to not only preserve the character of the surrounding area to Crockwell farmhouse but enhance the immediate environment. Without full public scrutiny of the detailed plans it is impossible for interested residents to understand the design, extent and materials of what is being proposed.

The current dilapidated barns would not seem to be easily capable of conversion to an outstanding dwelling and have many features, such as roof structure that would seriously restrict such a conversion.

Indeed the structural engineer in his report states : *“we wouldn’t recommend traditional roofing materials such as slate or plain tiles as the pitch of the roof is not suitable, plus these are heavy. However lighter sheeting type material can be supported on the steel frame and purlins adequately as these are lighter than the big six sheeting currently on the building.”* This Council does not consider this type of roofing commensurate with a building of excellence such as should be desired on this important site.

It is this Council’s belief that this utilitarian modern agricultural building should be demolished, the site be fully cleared and a new build be constructed in keeping with the historic vernacular and enhancing the area, supporting the farmhouse and farm building 1 conversion of which is also under consideration and which we support.

This site deserves and excellent building, not a pastiche of an old and poor quality construction but a design that shows respect for its setting.

Please reply to
The Clerk, The Bourtons Parish Council,
The Bourtons Community Hall, Main Street, Great Bourton, OX17 1QU
email : clerk@bourtons-cherwell-pc.gov.uk

This Council therefore feels it has no alternative but to OBJECT to this change of use application but, subject to detailed consideration of plans, could support a full application that delivers as described above.

Clerk to the Council
for and on behalf of
The Bourtons Parish Council

Please reply to
The Clerk, The Bourtons Parish Council,
The Bourtons Community Hall, Main Street, Great Bourton, OX17 1QU
email : clerk@bourtons-cherwell-pc.gov.uk

APPENDIX 2

Appellant' s response to Parish
Council

Alena Dollimore

From: Alena Dollimore
Sent: 01 September 2020 11:41
To: 'George.Smith@Cherwell-DC.gov.uk'
Subject: 5011954 - Crockwell House Farm - Planning
Attachments: Parish Council.pdf

Importance: High

Dear Mr Smith,

I am writing to you to respond to comments made by the Bourtons Parish Council in respect of our prior approval application LPA Ref.: 20/01902/Q56 for a change of use from agricultural to a single residential dwelling.

Firstly, I would like to thank the Parish Council for their consideration and their continuous support of our applications.

It is understood that the Parish Council is concerned with the quality of design and that they are keen to comment on it. It is indeed the applicant's intension to provide a high quality development which will enhance the site as a whole, as well as the building in question.

However, this application is only concerned with the change of use only under the provision of Schedule 2, Part 3, Class Q a) only.

If the prior notification is given, and the residential use established, the applicant will then proceed with the further application which will provide details of design, internal layouts, and materials. The Parish Council will therefore have an opportunity to be fully consulted on these issues.

To conclude, concerns the Parish Council have raised can be addressed through a subsequent application.

In the meantime, please do not hesitate to contact me if you have any questions or queries.

Kind Regards

Alena Dollimore BA (Hons) MSc MRTPI
Planner
For Ridge and Partners LLP

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APPENDIX 3

Officer's Report

Case Officer: George Smith

Recommendation: Refuse

Applicant: Mr Roger Yates

Proposal: Change of use of existing farm buildings into a single residential dwelling (use class C3)

Expiry Date: 10 September 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located to the north of the village of Great Bourton, at the outer limit of the village at the end of Manor Road. The site is currently occupied by a number of dilapidated farmyard buildings and barns. The buildings would previously have been used as part of a working farm in relation to Crockwell House to the east; however, the farm is no longer a working enterprise.
- 1.2. The site is located in close proximity to a Grade II Listed Building, Crockwell House. This building is of more modern construction, in corrugated sheeting and blockwork, whilst the former agricultural buildings further to the south are constructed in stone and brick.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The current application seeks permission under Part 3 (Class Q) of the GPDO 2015 (as amended) for (a) the Change of use from agricultural building to residential dwelling (Class C3) and (b) building operations reasonably necessary to convert the said building to the said use.
- 2.2. The submitted drawings show a proposal for one dwelling. The drawings are very limited, so it is not clear what the internal configuration of the dwelling would be, or what amendments are proposed to its structure or external appearance.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. **19/00250/OUT** - OUTLINE - Residential development of 3no dwellings (Re-submission of approved application 16/00609/OUT) – Application Permitted

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 **24 August 2020**, although comments received after this date and before finalising this report have also been taken into account.

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. BOURTONS PARISH COUNCIL: **Object** – due to utilitarian appearance of current building, with the dilapidated buildings not appearing capable of conversion.

STATUTORY CONSULTEES

6.3. OCC HIGHWAYS: **No objections**

NON-STATUTORY CONSULTEES

6.4. ENVIRONMENTAL HEALTH: **No objections**

7. RELEVANT PLANNING POLICY AND GUIDANCE

As this is a Prior Notification application (as per above), the provisions of Part 3 of Schedule 2 of the General Permitted Development Order 2018 ("GPDO") are considered most relevant.

Under Part 3 Class Q of the GPDO, development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, does not require Prior Approval, provided that (1) it meets the tests of Class Q,

(a) The site was used solely for an agricultural use, as part of an established agricultural unit—

(i) on 20th March 2013;

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use; or

(iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least ten years before the date the development under Class Q begins;

(b) in the case of—

(i) a larger dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or

(bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres;

(c) in the case of—

(i) a smaller dwellinghouse, within an established agricultural unit—

(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or

(bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;

(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following—

- (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order;
- (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;
- (e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
- (f) less than 1 year before the date development begins—
 - (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;
- (g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—
 - (i) since 20th March 2013; or
 - (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;
- (h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;”
- (i) The development under Class Q(b) would not consist of any building operations other than—
 - (i) the installation or replacement of—
 - (aa) windows, doors, roofs, or exterior walls, or
 - (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and
 - (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);
- (j) The site is not on article 2(3) land;
- (k) The site is not or does not form part of
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area;
- (l) The site is not, or does not contain, a scheduled monument;
- (m) The building is not a listed building.

And (2), where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport and highways impacts of the development;
- (b) noise impacts of the development;
- (c) contamination risks on the site;
- (d) flooding risks on the site, or
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
- (f) the design or external appearance of the building

and the provisions of paragraph W shall apply in relation to any such application.

And (3), where the development proposed is development under Class Q(a) only, development is permitted subject to the condition that before beginning the

development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e.) and the provisions of paragraph W of this Part shall apply in relation to that application.

And (4) the development shall begin within a period of three years beginning with the date on which—

- (a) any prior approval is granted for that development, or
- (b) the period of days referred to in paragraph W(11)
- (c) of this Part expires without the local planning authority notifying the developer as to whether prior approval for that development is given or refused, whichever is the earlier.

Under paragraph W.(3) the local planning authority may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

Section W(9)(as amended) of Schedule 2 Part 3 to the GPDO states that, *“the local planning authority [LPA] may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—*

- (a) *assessments of impacts or risks;*
- (b) *statements setting out how impacts or risks are to be mitigated; or*
- (c) *details of proposed building or other operations;”*

Section W(10)(as amended) of the same Regulations states that, *“the local planning authority [LPA] must, when determining an application—*

- (a) *take into account any representations made to them as a result of any consultation under paragraphs (5) or (6) and any notice given under sub-paragraph (8);*
- (b) *have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and*
- (c) *in relation to the contamination risks on the site—*
 - (i) *determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(a), and in doing so have regard to the Contaminated Land Statutory Guidance issued by Secretary of State for the Environment, Food and Rural Affairs in April 2012, and*
 - (ii) *if they determine that the site will be contaminated land, refuse to give prior approval.”*

8. APPRAISAL

- 8.1. The key issue for consideration in this application is whether or not the Class Q criteria are satisfied.
- 8.2. The ‘blue-line’ ownership area is contained around the application building and the site to the south which has been approved for residential development. There is no further information to suggest that the applicant has any associated agricultural land. No information has been submitted to demonstrate the extent of the ‘established

agricultural unit' and therefore an assessment under parts (b), (d) and (g) of Q.1 cannot be undertaken.

- 8.3. Upon my site visit (8th September 2020), at least part of the building within the application site was not being used for agricultural purposes, with a (non-agricultural) motor vehicle being stored within the barn. Other paraphernalia suggested that restoration works were taking place to this vehicle. The part of the building furthest north did appear to be used for storage of agricultural equipment, being a number of animal feeders. However, nothing suggested that these were being used elsewhere within the holding at any other time of the year (or, as discussed later, whether there is even a holding). I would question whether the storage of animal feeders alone would constitute an ongoing agricultural use. In any case, it was clear that the building as a whole did not constitute an ongoing agricultural use at this time.
- 8.4. There is a section of this barn building which is proposed to be demolished (also approved under application 19/00250/OUT, with the reserved matters application currently live; 20/01726/REM). Whilst the section of the barn considered under this Class Q application is outside of the live applications 'red-line' site area, they cannot be considered independent of one another because of their relationship and shared functionality and access. The Planning Statement of the live application has provided a description of the use of the buildings, stating, "*the current buildings are in an advanced state of decay and are never going to be used for agricultural purposes again*".
- 8.5. As noted above, in view of observations on site and information contained within previous application submissions and in the absence of any evidence to the contrary, Officers consider that the building was not used for agricultural purposes on 20th March 2013 and, together with the assessment made in para 8.2 of this report fails to meet criterion (a) of Q.1.
- 8.6. The dwelling's proposed floor space (in the region of 436 sq m) would define it as a larger dwellinghouse. Criterion (c.) is therefore not relevant in this instance.
- 8.7. The application form states that the site is not under an agricultural tenancy agreement and nor had one been terminated in that last year. There is no evidence to suggest that this is not the case and therefore criteria (e) and (f) are taken to be satisfied.
- 8.8. Criterion (h) requires the decision maker to assess whether the works would extend beyond beyond the external dimensions of the existing building at any given point. As only a block plan has been submitted which details the location of the proposed building, this is not considered clear enough to be able to satisfy this criterion. The ambiguity of whether new materials proposed and/or how the open elevation would be treated leads officers to the view that this criterion is not satisfied
- 8.9. Criterion (i) requires the decision maker to assess on building operations, including whether works proposed are *reasonably necessary* for the building to function as a dwellinghouse. Government guidance on the matter states:

"...the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial

*demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore **it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.***

For a discussion of the difference between conversions and rebuilding, see for instance the case of Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin).”

- 8.10. The structural survey states that the existing building is in fair condition and is structurally suitable for conversion to residential use without any strengthening of the building envelope. However, what the structural survey fails to account for is the fundamental change to the structure of building that would occur through the partial demolition. This, and what appear to be widescale changes that are required to make the building suitable and habitable for residential use is not detailed anywhere within this prior approval application. There is also no detail provided for the number or location of windows that would be required and how these may alter the structure. The applicant’s agent has suggested that a further application would come forward to detail changes, i.e. design, internal configuration and materials, should this prior approval be granted. This suggests that the existing materials are to be replaced. In any case, this information is absent. This information is considered fundamental to the consideration of this application before the LPA. Officers therefore consider that the proposal is in conflict with criterion (i).
- 8.11. The site is not on article 2(3) land, is not or does not form part of a SSSI, safety hazard area or military explosives storage area, is not or does not contain a scheduled monument, and the building is not listed, and therefore criteria (j) – (m) are satisfied.

In summary;

- 8.12. Criterion (c) is not relevant in this instance; criteria (e) and (f) are taken to be satisfied. Criteria (j) – (m) are satisfied. Due to a lack of information on the agricultural holding, Criteria (b), (d), (g) are considered not satisfied. Due to the lack of information relating to the agricultural holding and observations on site, criterion (a) is not satisfied. Due to the lack of information relating to structural and design alterations, Criteria (h) and (i) are considered not satisfied. To cite the words of the planning practice guidance, the building subject of this application is considered not to “have the permitted development right”.

Transport and Highway impacts

- 8.13. The local highway authority has no objections to the proposals on highway safety grounds. The proposals are considered acceptable in this regard.

Noise impacts, Flooding risks & Contamination risks

- 8.14. There are no particular noise concerns in relation to this application, and in relation to flooding, it is not situated in a Flood Zones 2 or 3. The Environmental Health Officer has commented on this Class Q application, stating that conditions can be attached relating to noise insulation. This condition is considered reasonable and can be attached to any consent given.

Curtilage

- 8.15. Paragraph X of the GPDO defines the permitted curtilage as “(a) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (b) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser”.
- 8.16. The red line area submitted with the application relates to land that is immediately beside the agricultural building, is closely associated with the building and serves the purpose of the agricultural building and the development would therefore comply in this regard.

Location and siting

- 8.17. The test in this criterion is whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3.
- 8.18. The PPG guides that LPAs should start from the premise that the permitted development right grants planning permission, subject to prior approval requirements. Moreover, the PPG guides that a proposal for a change of use in a location where the LPA would not normally grant planning permission for a new dwelling is not sufficient reason for refusing prior approval.
- 8.19. Impractical or undesirable are not defined in the regulations, and the LPA should apply a reasonable ordinary dictionary meaning in making any judgment. Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable”. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.
- 8.20. The building would be accessed from the south. It is proposed to be accessed via a track that would be created under a separate consent (relating to the residential dwellings approved at outline stage).
- 8.21. Having regard to the location and context of the building, adjacent to a highway and with no other buildings close at hand, it is considered that the proposal satisfies this criterion.

Design and external appearance

- 8.22. No information has been submitted in relation to the design and external appearance of the building. Therefore, the proposal would fail to satisfy part Q.2 (f) as the LPA is unable to make an assessment in this regard.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposed development accords or is likely to accord with criteria Q.1 (e), (f) and (j)-(m). Criterion (c) is not relevant. However, criteria Q.1 (a), (b), (d), (h), (g), (i) and Q.2 (f) are considered not satisfied.
- 9.2. Therefore, on the basis of the information submitted, it is not reasonable for the LPA to give prior approval.

10. RECOMMENDATION

That permission is refused, for the following reasons:

1. Insufficient information has been submitted to demonstrate that the building relates to an agricultural holding, thus not in compliance with criteria (a), (b), (d) and (g) of Class Q.1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. Evidence available to the Local Planning Authority shows that the site was in all likelihood being used for purposes other than agricultural on the 20th March 2013 and therefore the building has not been used solely for agricultural purposes for the period required under part Q.1(a) of Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015.
3. Insufficient information has been submitted to demonstrate that the existing building is capable of being converted or that the works to convert the building would not exceed the existing building envelope, against criteria (h) and (i) of Class Q.1 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application is therefore refused in accordance with paragraph W. (3) (b). On the basis of the information submitted, the Council concludes that the existing building structure is incapable of conversion in accordance with criterion Q.1 (i) of Class Q, Part 3, and that a lack of information has been submitted to demonstrate that the works required to facilitate the building's use as a dwelling are not so extensive as to constitute a rebuilding of the existing building, thus not permitted under Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Case Officer: George Smith

DATE: 10th September 2020

Checked By: Paul Ihringer

DATE: 10/9/20

APPENDIX 4

Details of Outline permission

16/00609/OUT



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant:

Ms Louise Bywaters
c/o Roger Coy Partnership
Miss Charlene Hurd
Bricknells Barn
32 Lime Avenue
Eydon, Daventry
NN11 3PG

Date Registered: 16th May 2016

Proposal: Proposed residential development of 3 no. dwellings

Location: Barns, Crockwell Farm, Manor Road, Great Bourton OX17 1QT

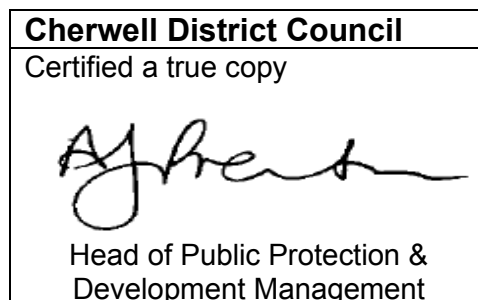
Parish(es): Bourton

OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA



Date of Decision: 11th July 2016

**Head of Public Protection
& Development Management**

SCHEDULE OF CONDITIONS

- 1 No development shall commence until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) of the approved development have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 2 In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 3 The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

- 4 Prior to the commencement of the development hereby approved, full details of improvements to the means of access between the land and the highway, including position, layout, construction, drainage and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be improved and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted CTMP shall as a minimum detail:

- (a) measures to protect the existing public right of way during construction work
- (b) arrangements for the access and parking of construction vehicles
- (c) arrangements for the delivery and storage of materials to the site
- (d) arrangements for the removal of waste materials from the site

Thereafter the development shall be carried out strictly in accordance with the approved CTMP.

Reason - In the interests of highway safety, and to minimise the impact of the construction phase of development on the users of the public highway, to comply with Government guidance contained within the National Planning Policy Framework.

- 6 The dwellings hereby approved shall be no more than single storey in scale.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to preserve the setting of listed buildings, to comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 The Bat Survey Report submitted with the application (prepared by Cotswold Wildlife Surveys and dated 15th April 2016) concludes that there were no signs of bat activity or occupation in or around any of the buildings that would be affected by the proposed development. Whilst the Local Planning Authority has no evidence to the contrary, the buildings are considered to have potential to be used by bats. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
- 2 The illustrative layout shown on Drawing No: 3561/20D is not considered acceptable for reserved matters submission. In particular it is considered that the layout does not successfully preserve the historic farmyard setting to Crockwell House, and the form of the new dwellings (detached and with front projections) does not successfully replicate the simple form of traditional agricultural buildings. It is recommended that pre-application advice is sought in respect of a revised scheme prior to making a reserved matters submission.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before considering work on site.**
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 0030 200 , fax 0300 0030 201 or E-mail at building.control@cherwellandsouthnorthants.gov.uk

- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

**Barns
Crockwell Farm
Manor Road
Great Bourton
OX17 1QT**

16/00609/OUT

Case Officer: Matthew Chadwick

Recommendation: Approval

Applicant: Ms Louise Bywaters

Application Description: Proposed residential development of 3 no. dwellings

1. Site Description and Proposed Development

- 1.1 The site is located to the north of the village of Great Bourton, at the outer limit of the village at the end of Manor Road. The site is currently occupied by a number of dilapidated farmyard buildings and barns. The buildings would previously have been used as part of a working farm in relation to Crockwell House to the east; however the farm is no longer a working enterprise.
- 1.2 Outline planning permission is sought for a proposed residential development of 3 dwellings. All matters are reserved for this application; however an indicative site plan has been submitted. The plans submitted for this application show the retention of the barn at the south of the site and the conversion of this building to a single dwelling and the demolition of the dilapidated farm buildings to the north and the replacement of these buildings with two single storey dwellings. These dwellings would be in a courtyard layout around the existing farmhouse.
- 1.3 The site is located in close proximity to a Grade II Listed Building, Crockwell House, and the existing farmyard buildings are considered curtilage listed by association. Public Footpath 138/4/20 runs close to the southwest corner of the site and the site is in an area of Potentially Contaminated Land, most likely owing to the sites former use as a farmyard.

2. Application Publicity

- 2.1 The application has been advertised by way of site notice and neighbour letter. The final date for comment was the 16th June 2016. Three letters of objection have been received regarding this application, which raised the following issues:
- Access issues;
 - More potential development in the future on the site;
 - Site is contaminated land;
 - Highway safety issues caused by construction traffic;
 - Impact on the setting of Crockwell House;
 - Impact on local ecology.

3. Consultations

- 3.1 The Bourtons Parish Council: 'No problem with the principle of redevelopment of the farm buildings site. The buildings are past their useful life, and as a brownfield site this falls within Cherwell criteria for building within the village perimeter.

However, we do have some reservations about the footprint of the outline proposal. The new buildings are roughly on the same footprint as the buildings 6,7 &8 (in the heritage survey) they are replacing, but the level of activity associated with an

independent domestic use will encroach more on the Grade II listed farmhouse than did the ad hoc development of farmyard buildings.

While this very big improvement is being made to the built environment in the curtilage of the listed building we feel the opportunity should be taken to create a more open courtyard effect in front of Crockwell House by pushing the nearest new dwelling a little north, or by putting the north-south wing to the back.'

Cherwell District Council Consultees

- 3.2 Conservation: We cannot support the proposals as they stand. If the principle of development is acceptable, the Applicant needs to work with the dilapidated curtilage listed structures that are there and not dismiss them or realign them to how they wish they were to accommodate 3No new dwellings on the site. The proposal has the potential to massively change the character of this farm setting. The principle of demolishing curtilage listed structures is not supported without a strong justification and we would welcome a more sympathetic scheme which incorporates more of the historic walls which respects the historic farm footprint and setting of the fine farmhouse.

Any development should keep to the simple well defined courtyard footprint without the projecting north leg; the north range should align with the retained building to the NW of the farmhouse. The west range should respect the alignment of the historic courtyard. All design should respect the setting of the listed farmhouse and the associated curtilage listed structures.

Where the demolition of curtilage listed structures can be fully justified, the brick and stone should be reused as part of the development.

The design in terms of materials, form, design and detailing should respect the form and character of the village.

Details would be needed to assess the impact of any conversion on the historic structures. Breathable materials are encouraged and local natural materials.

Landscaping treatment should be controlled by restrictive covenant or reduced permitted development rights to ensure the setting of the listed farm is not compromised. The access should retain the farmtrack feel and not be overly suburbanised.

- 3.3 Contaminated Land: No objections.

- 3.4 Ecology: No comments received.

Oxfordshire County Council Consultees

- 3.5 Archaeology: No objections.

- 3.6 Highways: Recommends no objections subject to conditions requiring approval of details of the access, turning areas, car parking provision, and access drive.

'As you will note I am suggesting that whilst recommending no objections I feel there is a need to agree details. This is particularly so with regards to the access from the site to the highway.

I would also ask that you add an advisory note that at least one month in advance of construction the prospective developer should contact the local highway authority with a view to agreeing details on how the site shall be accessed during the

construction period. An inspection would need to be carried out and include a survey of the network in the vicinity of the site.

Notwithstanding any details shown on the plans submitted the parking access and manoeuvring areas need to be agreed and to be constructed to meet SuDS requirements.'

- 3.7 Rights of Way: 'Looking at the scale of the amended plan [3561/20D] the length provided in the East/West boundary to accommodate the footpath is approximately 3.5m (between the existing building and the proposed boundary of the new garden). We believe this is acceptable given the limitations in scale of the Definitive Map, and having looked at historic maps showing the position of the path. If the boundary and existing stile is in the ownership of the applicant then ideally the stile should be replaced with a gate compliant with the British Standard BS5709:2006.'

Other Consultees

- 3.8 Thames Water: No objections.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1:

- 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
- Villages 1: Village Categorisation

Cherwell Local Plan (Saved Policies) 1996:

- C28: Layout, design and external appearance of new development
- C30: Design Control

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of Development;
- Visual Amenities;
- Impact on the historic environment;
- Residential Amenity;
- Highways Safety;
- Footpaths.

Principle of Development

- 5.2 Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF,

which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

- 5.3 Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 5.4 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites, therefore the presumption in favour of sustainable development, as advised by the NPPF, will therefore need to be applied in this context.
- 5.5 The principle of residential development in Great Bourton is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Great Bourton is recognised as a Category B village in the Cherwell Local Plan 2011 – 2031 Part 1. Category B villages are considered to be ‘satellite villages’, that is smaller villages associated with a larger service centre. Within Category B villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement. Although the existing group of farm buildings is on the edge of the village the site is considered to be within the built limits of the village, as there are dwellings on both side of Manor Road and Stanwell Lane, and the existing farm buildings are contained within the general built limits of development along these routes. The proposed set of dwellings relates well to the pattern of development and whilst the proposed buildings would extend slightly further to the west than the existing farm buildings, this is not considered to materially intrude further into the countryside than the existing built development in this part of the village. The proposed development is considered to be acceptable minor development within the built-up limits of the village and is therefore considered acceptable in principle, subject to the material considerations that shall be discussed below.

Visual Amenities

- 5.6 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5.7 Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. New housing development should be compatible with the appearance, layout and scale of the existing dwellings in the vicinity.
- 5.8 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“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.”*
- 5.9 All matters are reserved for this outline application and so details of layout, scale and appearance are for future consideration. Nevertheless it is necessary to determine at this stage if acceptable details can be achieved. The indicative site plan shows the conversion and retention of the farm building at the south of the site and the demolition of the farm buildings to the north, with two new single storey dwellings constructed in their place.

- 5.10 The proposed layout of the buildings is in a courtyard arrangement, loosely following the arrangement of the existing buildings. This arrangement would result in development be well-contained within the site and is considered to relate well to the existing farmhouse, Crockwell House. In a wider context, the development would be considered to relate well to development on the north side of Manor Road and Stanwell Lane and would not represent a harmful or significant intrusion of built development into the countryside. The proposal for the dwellings to be kept single storey and relatively simple in form would also be appropriate to the farmyard context, and would also provide a transition in built form at the edge of the village. .
- 5.11 The Parish Council have suggested that improvements could be made to the layout to better reveal the setting and significance of the principal listed building. The heritage impacts will be discussed further below, but in general terms it is considered that a more sympathetic layout and form of buildings could be achieved. In particular it is considered that the two new dwellings proposed to the north of the site should be linked, and forward projections should be avoided, to better reflect a traditional courtyard arrangement. Landscaping and parking will also need to be carefully planned so as to maintain, as far as possible, the essence of an open farmyard setting. However these matters can be satisfactorily addressed at reserved matters stage.
- 5.12 Detailed comments cannot be made regarding the design and appearance of the proposed development; however the proposed dwellings would be expected to be constructed of materials in keeping with its context and designed to maintain the character of farm buildings being subservient to Crockwell House.
- 5.13 In conclusion, it is considered that an acceptable scheme could be achieved at reserved matters that would protect the visual amenities of the area, and so would accord with Policy in this regard.

Impact on the historic environment

- 5.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 5.15 Policy ESD15 echoes the advice contained in Section 12 of the NPPF, in stating that new development should: *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 that new development is sensitively sited and integrated in accordance with advice in the NPPF.*
- 5.16 Crockwell House is a Grade II Listed Building and the barns on the site are considered to be curtilage listed. The reserved matters application would need to be submitted alongside a listed building consent application for the demolition and conversion of the curtilage listed buildings.
- 5.17 The Conservation Officer has objected to the current layout on the basis that the proposed layout would involve the demolition of curtilage listed buildings that would affect the character of the farmyard setting. The Conservation Officer objects to the loss of some historic walls and states that these could be incorporated in the proposed development.
- 5.18 These comments are noted, however the farm buildings that are proposed to be demolished are in a poor state of repair and are considered to be of limited architectural value, with a number of modern interventions and alterations. The applicant has

produced an assessment of the heritage value of the buildings, and from reading this and my observations on site it appears to me that the significance of the buildings is primarily derived from their plan form and historic relationship to Crockwell House rather than any particular merit in the fabric and appearance of the buildings themselves. The retention of historic walls would be desirable. However on the basis of the evidence before me I consider it highly unlikely the buildings would be structurally capable of conversion given their dilapidated state.

- 5.19 The demolition of these curtilage listed buildings would result in substantial loss or harm and as such the tests of Paragraph 133 must be applied. As already noted, it is my view that the nature and condition of these curtilage listed buildings prevents all reasonable uses of the buildings in their current form. In particular I agree with the applicant's assessment that these buildings are no longer useful for modern agricultural working practices and I consider them to be beyond economic repair. This being the case I consider the second test of Paragraph 133 is also met. The limited architectural and historic value of the buildings in their own right means that it is highly unlikely grant-funding could be secured to restore these buildings, particularly given the amount of rebuilding and alteration that would be required. Finally, taking all of the above into account, I consider the application presents an opportunity to bring the site back into a use that, if development is carried out sensitively, will enhance the setting of the principal listed building. I therefore conclude that the proposal passes the tests of Paragraph 133 and the harm that would result is justified in this case.
- 5.20 The single storey buildings set out in a courtyard arrangement around the listed building, as shown on the illustrative layout, is considered to preserve the setting of Crockwell House and if carried out sensitively will enhance its setting. This would retain the primacy and significance of the listed building, providing that the proposed dwellings were appropriately designed in this layout. The Conservation Officer has stated that any development should keep to the simple footprint of the existing buildings on the site. This can be addressed at the reserved matters stage.
- 5.21 Therefore, in conclusion on this matter, whilst the proposal would result in the loss of some curtilage listed buildings, taking into account the poor structural condition of these buildings and what I have judged to be their limited heritage value in their own right, it is considered that the harm that would result is outweighed by the benefits in this case and that an acceptable scheme could be achieved at reserved matters stage that would at very least preserve, if not enhance, the setting and significance of the principal listed building, Crockwell House.

Residential Amenity

- 5.22 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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.
- 5.23 No elevations have been provided as part of this outline application and thus it is not possible to comment on whether the layout on the indicative site plan would result in overlooking or a loss of privacy. The closest dwelling to the site would be Crockwell House to the east, the farmhouse to which the former farm buildings would have related. However, owing to the siting and scale of the proposed buildings it is considered unlikely that there would be an impact in this regard. Furthermore, there are no dwellings to the north and the dwellings would be sited a sufficient distance away from those to south and east of the site. As such it is considered that acceptable details could be agreed at reserved matters stage that would achieve a good level of amenity for existing and proposed residents.

Highways Safety

- 5.24 The issues of highway safety and access were raised from neighbours as part of the consultation process. Manor Road is a narrow road which tapers to being wide enough only for one car in places. However having carefully considered this matter the Highways Liaison Officer has no objections to the application, subject to conditions relating to the access to the site, turning area details, road construction surface and layout details and plan for car parking provision on the site. As this application is outline with all matters reserved, the access condition is the only one that is appropriate to be imposed at this stage, in order to ensure that safe access can be provided to the site. All other matters can be addressed at reserved matters stage.
- 5.25 Furthermore, the Highways Liaison Officer has recommended an advisory note relating to construction traffic accessing the site. This shall be included as a Construction Management Plan condition to ensure that the construction traffic accessing the site is properly managed and does not unduly harm highway safety.

Footpaths

- 5.26 Public Footpath 138/4/20 runs to the southwest corner of the site. The Rights of Way Officer initially objected to the application, as the site plan did not account for the Public Footpath. Following consultation with the agent and Rights of Way Officer, the extent of the garden of the southernmost dwelling has been amended so that the Public Footpath would not run through the garden of this property and would continue along its current line unobstructed. As such I am satisfied that the proposal would not adversely impact on the use or amenity of the footpath.

Engagement

- 5.27 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.28 The proposal is acceptable in principle as minor development within the built limits of a Category B village. The proposal is considered to be of a design, scale and style that is sympathetic to the context of the development, and whilst there would be harm to heritage assets as a result of the demolition of curtilage listed buildings, this harm is considered acceptable and justified in this case having regard to the tests of Paragraph 133 of the NPPF. The proposal would also not have an adverse impact on the neighbour amenity or highway safety and is therefore compliant with the policies outlined in section 4 of this report. Overall the proposals would have no unacceptable adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

6. Recommendation

Approval, subject to the following conditions:

1. No development shall commence until full details of the layout, scale, appearance, access and landscaping (hereafter referred to as reserved matters) of the approved development have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

2. In the case of the reserved matters, no application for approval shall be made later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

4. Prior to the commencement of the development hereby approved, full details of improvements to the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be improved and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted CTMP shall as a minimum detail:
 - (a) measures to protect the existing public right of way during construction work
 - (b) arrangements for the access and parking of construction vehicles
 - (c) arrangements for the delivery and storage of materials to the site
 - (d) arrangements for the removal of waste materials from the site

Thereafter the development shall be carried out strictly in accordance with the approved CTMP.

Reason - In the interests of highway safety, and to minimise the impact of the construction phase of development on the users of the public highway, to comply with Government guidance contained within the National Planning Policy Framework.

6. The dwellings hereby approved shall be no more than single storey in scale.

Reason - To ensure the satisfactory appearance of the completed development,

to safeguard the privacy of the occupants of the existing and proposed dwellings and to preserve the setting of listed buildings, to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTE

1. The Bat Survey Report submitted with the application (prepared by Cotswold Wildlife Surveys and dated 15th April 2016) concludes that there were no signs of bat activity or occupation in or around any of the buildings that would be affected by the proposed development. Whilst the Local Planning Authority has no evidence to the contrary, the buildings are considered to have potential to be used by bats. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
2. The illustrative layout shown on Drawing No: 3561/20D is not considered acceptable for reserved matters submission. In particular it is considered that the layout does not successfully preserve the historic farmyard setting to Crockwell House, and the form of the new dwellings (detached and with front projections) does not successfully replicate the simple form of traditional agricultural buildings. It is recommended that pre-application advice is sought in respect of a revised scheme prior to making a reserved matters submission.

STATEMENT OF ENGAGEMENT

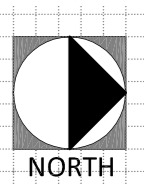
In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

Case Officer: Matthew Chadwick

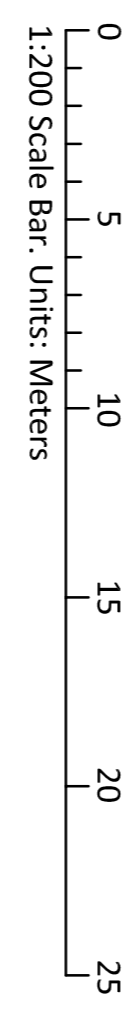
DATED: 11 July 2016

Team Leader: Alex Keen

DATED: 11 July 2016



THE CONSULTATION IS FOR INFORMATION ONLY AND DOES NOT REPRESENT A COMMITMENT TO ANY COURSE OF ACTION. THE CONSULTANT HAS NOT BEEN INSTRUCTED TO OBTAIN THE LOCATION OF ALL UNDERGROUND SERVICES. THE CONSULTANT HAS NOT BEEN INSTRUCTED TO OBTAIN THE LOCATION OF ALL UNDERGROUND SERVICES. THE CONSULTANT HAS NOT BEEN INSTRUCTED TO OBTAIN THE LOCATION OF ALL UNDERGROUND SERVICES. THE CONSULTANT HAS NOT BEEN INSTRUCTED TO OBTAIN THE LOCATION OF ALL UNDERGROUND SERVICES.



REVISION	DATE
D	Amenity amended to accommodate public ROW
C	Site plan amended following feedback from client
B	Alterations to driveway & 105sqm dwelling as per TEH comments
A	Alterations to driveway

PROJECT: Cockwell Farm
CLIENT: Great Bourton
CLIENT: Ms Louise Bywaters
DATE: 10/09/15

DRAWING NUMBER: 3561/20D
SCALE: 1/200 @ A1
DATE: June 2015
DESIGNED BY: LVA
CHECKED BY: TEH



Roger Coy Partnership
 Architects, Surveyors, Planning Consultants
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 T: 01237 262855 F: 01237 262853
 enquiries@rogercoy.co.uk
 Roger Coy Partnership Ltd Reg No: 8569981

APPENDIX 5

Details of Outline permission

19/00250/OUT



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant:

Ms Louise Bywaters
c/o Roger Coy Partnership
Mr Roger Coy
Bricknells Barn
32 Lime Avenue
Eydon
NN11 3PG

Date Registered: 8th February 2019

Proposal: OUTLINE - Residential development of 3no dwellings (Re-submission of approved application 16/00609/OUT)

Location: Barns, Crockwell House Farm, Manor Road, Great Bourton

Parish(es): Bourton

OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

Robert Jolley
Assistant Director
Planning and Economy

Date of Decision: 5th April 2019

Checked by: NS (Officer initials)

SCHEDULE OF CONDITIONS

- 1 That no development shall be commenced until full details of the access, layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 3 That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

- 4 Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with drawings 3561/B Map and 3561/20E.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, full details of improvements to the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be improved and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted CTMP shall as a minimum detail:

- (a) measures to protect the existing public right of way during construction work
- (b) arrangements for the access and parking of construction vehicles
- (c) arrangements for the delivery and storage of materials to the site
- (d) arrangements for the removal of waste materials from the site

Thereafter the development shall be carried out strictly in accordance with the approved CTMP.

Reason - In the interests of highway safety, and to minimise the impact of the construction phase of development on the users of the public highway, to comply with Government guidance contained within the National Planning Policy Framework.

- 7 The dwellings hereby approved shall be no more than single storey in scale.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to preserve the setting of listed buildings, to comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVE NOTES TO APPLICANT

- 1 Consent has been granted subject to conditions. It is the developer's responsibility to ensure that they have read and understood the requirements of the conditions, and that they comply with the conditions when carrying out the development. If you are unclear about what is required, please contact the case officer for further advice.

In some cases conditions require further details to be submitted and approved by the Local Planning Authority. You will need to make a formal application to the Council for approval of these details, and you need to allow up to 8 weeks (following receipt of a valid application) for the Council to make a decision on the acceptability of the details. This is particularly important where a condition requires further details to be approved before any work commences as any work carried out before those details have been approved would be unauthorized and at risk of planning enforcement action.

The conditions application fee is £116. The fee is payable each time a conditions application is made. You can include multiple conditions in one application, and this can be more cost and time effective than submitting details for each condition separately.

Guidance on making an application is available online on the Council's website by going to <http://www.cherwell.gov.uk/index.cfm?articleid=8983>

- 2 Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
- 3 The illustrative layout shown on Drawing No: 3561/20E is not considered acceptable for reserved matters submission. In particular it is considered that the layout does not successfully preserve the historic farmyard setting to Crockwell House, and the form of the new dwellings (detached and with front projections) does not successfully replicate the simple form of traditional agricultural buildings. It is recommended that pre-application advice is sought in respect of a revised scheme prior to making a reserved matters submission.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the

agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before considering work on site.**
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 0030 200 , fax 0300 0030 201 or E-mail at building.control@cherwellandsouthnorthants.gov.uk
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of

a public footpath.

- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

**Barns
Crockwell House Farm
Manor Road
Great Bourton**

19/00250/OUT

Case Officer: Matthew Chadwick

Recommendation: Approve

Applicant: Ms Louise Bywaters

Proposal: OUTLINE - Residential development of 3no dwellings (Re-submission of approved application 16/00609/OUT)

Expiry Date: 5 April 2019

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located to the north of the village of Great Bourton, at the outer limit of the village at the end of Manor Road. The site is currently occupied by a number of dilapidated farmyard buildings and barns. The buildings would previously have been used as part of a working farm in relation to Crockwell House to the east; however the farm is no longer a working enterprise.
- 1.2. The site is located in close proximity to a Grade II Listed Building, Crockwell House, and the existing farmyard buildings are considered curtilage listed by association. Public Footpath 138/4/20 runs close to the southwest corner of the site and the site is in an area of Potentially Contaminated Land, most likely owing to the sites former use as a farmyard.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Outline planning permission is sought for a proposed residential development of 3 dwellings. All matters are reserved for this application; however, an indicative site plan has been submitted. The plans submitted for this application show the retention of the barn at the south of the site and the conversion of this building to a single dwelling and the demolition of the dilapidated farm buildings to the north and the replacement of these buildings with two single storey dwellings. These dwellings would be in a courtyard layout around the existing farmhouse.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/00609/OUT	Proposed residential development of 3 no. dwellings	Application Permitted

- 3.2. The current application is identical to the previously approved scheme, which was granted consent on 11th July 2016.

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 21.03.2019, although comments received after this date and before finalising this report have also been taken into account.

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

- The development is unnecessary, given the Council's housing land supply position.
- The access is not sufficient for the development.
- The development would cause harm to the setting of Crockwell Farmhouse, a grade II listed building.

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 COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. THE BOURTONS PARISH COUNCIL: **No objections**, with the principle of resubmission of the earlier application [16/00609/OUT] which is assumed to be because granted permission has expired, or the principle of redevelopment of the farm buildings site. The existing buildings are past their useful site, and as a brownfield site fall within the Cherwell criteria for building within the village perimeter.

However, we do have some reservations about the footprint of the outline proposal. The new buildings are roughly on the same footprint as the buildings 6, 7 & 8, as per the Heritage survey, they are replacing, but the level of activity associated with an independent domestic use will encroach more on the Grade II listed farmhouse that did the ad hoc development of the former farmyard buildings.

While this is very big improvement is being made to the built environment in the curtilage of the listed building we feel the opportunity should be taken to create a more open courtyard effect in front of Crockwell House by pushing the nearest new dwelling a little north, or by putting the north east wing to the back.

STATUTORY CONSULTEES

6.3. OCC HIGHWAYS: **No objections**, subject to conditions relating to further details of the access, turning area, car and cycle parking provision and a construction traffic management plan.

6.4. THAMES WATER: No comments received.

NON-STATUTORY CONSULTEES

- 6.5. OCC ARCHAEOLOGY: No comments received.
- 6.6. CDC BUILDING CONTROL: Insufficient information submitted.
- 6.7. CDC CONSERVATION: No comments received.
- 6.8. CDC ECOLOGY: No comments received.
- 6.9. CDC ENVIRONMENTAL HEALTH: **No objections**, subject to the full contaminated land conditions.
- 6.10. OCC RIGHTS OF WAY: **No objections** and comments that the public footpaths must not be impacted on and will need to remain clear and accessible at all times.
- 6.11. CDC WASTE AND RECYCLING: 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 Part 1)

- ESD10 – Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control

- 7.3. Other Material Planning Considerations

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

8. APPRAISAL

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

- Principle of development
- Design, impact on the character of the area and heritage assets
- Residential amenity

- Highway safety
- Ecology

Principle of development

- 8.2. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5.2 year supply from 2017-2022 (the previous period) and a 5.4 year supply from 2018-2023 (the current period).
- 8.4. The principle of residential development in Great Bourton is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Great Bourton is recognised as a Category B village in the Cherwell Local Plan 2011 – 2031 Part 1. Category B villages are considered to be ‘satellite villages’, that is smaller villages associated with a larger service centre. Within Category B villages, residential development will be restricted to the conversion of non-residential buildings, infilling and minor development comprising small groups of dwellings on sites within the built up area of the settlement.
- 8.5. Although the existing group of farm buildings is on the edge of the village the site is considered to be within the built limits of the village, as there are dwellings on the western side of Manor Road and the northern side of Stanwell Lane, with the site bounded to the south and east by residential land use and also land to the west which relates more to the village than the countryside. The proposed set of dwellings relate well to the pattern of development and whilst the proposed buildings would extend slightly further to the west than the existing farm buildings, this is not considered to intrude significantly further into the countryside than the existing built development in this part of the village. Furthermore, the development is identical to the previously approved scheme, which remains extant, and there has not been a significant change in policy context since this approval.
- 8.6. The proposed development is thus considered to be acceptable minor development within the built-up limits of the village and is therefore considered acceptable in principle, subject to the material considerations that shall be discussed below.

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

- 8.7. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.8. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing

development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

- 8.9. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that 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, and should respect the historic environment including Conservation Areas and listed buildings.
- 8.10. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 8.11. Crockwell House is a Grade II Listed Building and the barns on the site are considered to be curtilage listed. The reserved matters application would need to be submitted alongside a listed building consent application for the demolition and conversion of the curtilage listed buildings.
- 8.12. All matters are reserved for this outline application and so details of layout, scale and appearance are for future consideration. Given that the site is within the setting of the listed building and contains curtilage listed buildings, it would normally be expected for the outline application to include assessment of layout and scale at this stage rather than as reserved matters. However, it is recognised that layout and scale were reserved matters in the extant outline consent. It is therefore necessary to determine at this stage whether acceptable details can be achieved. The indicative site plan shows the conversion and retention of the farm building at the south of the site and the demolition of the farm buildings to the north, with two new single storey dwellings constructed in their place.
- 8.13. The proposed layout of the buildings is in a courtyard arrangement, loosely following the arrangement of the existing buildings. This arrangement would result in a development that would be well-contained within the site and is considered to relate well to the existing farmhouse, Crockwell House. In a wider context, the development would relate well to development on the north side of Manor Road and Stanwell Lane and would not represent a harmful or significant intrusion of built development into the countryside. The proposal for the dwellings to be kept single storey and relatively simple in form would also be appropriate given the farmyard context and their location within the setting of the listed building, and would also provide a transition in built form at the edge of the village.
- 8.14. There are some elements of the indicative scheme that could be improved upon. In particular it is considered that the two new dwellings proposed to the north of the site would need to be linked, and forward projections would need to be avoided, to better reflect a traditional courtyard arrangement. Landscaping and parking will also need to be carefully planned so as to maintain, as far as possible, the essence of an open farmyard setting. However, these matters can be satisfactorily addressed at reserved matters stage.
- 8.15. A number of the existing buildings on the site are proposed to be demolished under this application, with some of these buildings considered to be curtilage listed. The farm buildings that are proposed to be demolished are in a poor state of repair and are of limited architectural value, with a number of modern interventions and alterations. The applicant has produced an assessment of the heritage value of the buildings, and from reading this and my observations on site it appears to me that

the significance of the buildings is primarily derived from their plan form and historic relationship to Crockwell House rather than any particular merit in the fabric and appearance of the buildings themselves. The retention of historic walls would be desirable. However, on the basis of the evidence before me I consider it highly unlikely the buildings would be structurally capable of conversion given their dilapidated state.

- 8.16. The demolition of these curtilage listed buildings would result in substantial loss or harm and as such the tests of Paragraph 195 of the NPPF must be applied and this was considered under the previous application (then Paragraph 133). It was considered that the nature and condition of these curtilage listed buildings prevents all reasonable uses of the buildings in their current form and that the buildings are no longer useful for modern agricultural working practices and were beyond economic repair. This being the case, it was considered that the second test of Paragraph 195 is also met. The limited architectural and historic value of the buildings in their own right meant that it was considered highly unlikely that grant-funding could be secured to restore these buildings, particularly given the amount of rebuilding and alteration that would be required. Finally, it was considered the application presented an opportunity to bring the site back into a use that, if the development was carried out sensitively, would enhance the setting of the principal listed building. It was therefore concluded that the proposal passed the tests of Paragraph 195 and the harm that would result was justified in this case. The scheme is still extant and I have no reason to go against this judgement.
- 8.17. The layout of the single storey buildings in a courtyard arrangement around the listed building, as shown on the illustrative layout, is considered to preserve the setting of Crockwell House and if carried out sensitively would enhance its setting. This would retain the primacy and significance of the listed building, providing that the proposed dwellings were appropriately designed in this layout.
- 8.18. Therefore, in conclusion on this matter, whilst the proposal would result in the loss of some curtilage listed buildings, taking into account the poor structural condition of these buildings and what I have judged to be their limited heritage value in their own right, it is considered that the harm that would result is outweighed by the benefits in this case and that an acceptable scheme could be achieved at reserved matters stage that would at very least preserve, if not enhance, the setting and significance of the principal listed building, Crockwell House and that would not cause harm to character and appearance of the wider area.

Residential amenity

- 8.19. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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. No elevations have been provided as part of this outline application and thus it is not possible to comment on whether the layout on the indicative site plan would result in overlooking or a loss of privacy. The closest dwelling to the site would be Crockwell House to the east, the farmhouse to which the former farm buildings would have related.
- 8.21. However, owing to the siting and scale of the proposed buildings it is considered unlikely that there would be an impact in this regard. Furthermore, there are no dwellings to the north and the dwellings would be sited a sufficient distance away from those to south and east of the site. As such it is considered that acceptable

details could be agreed at reserved matters stage that would achieve a good level of amenity for existing and proposed residents.

Highway safety

- 8.22. Concerns have been raised during the consultation process regarding the issues of highway safety and access. Manor Road is a narrow road which tapers to being wide enough only for one car in places. The Highways Officer has offered no objections to the scheme, subject to a number of conditions. These conditions relate to the submission of further details of the access, turning area, car and cycle parking provision and a construction traffic management plan. As this application is outline with all matters reserved, the access condition is the only one that is appropriate to be imposed at this stage, in order to ensure that safe access can be provided to the site. All other matters can be addressed at reserved matters stage.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The application is a resubmission of the previously approved scheme, which remains extant at this time. The proposal is therefore acceptable in principle as minor development within the built limits of a Category B village. The proposal is considered to be of a design, scale and style that is sympathetic to the context of the development and, whilst there would be harm to heritage assets as a result of the demolition of curtilage listed buildings, this harm is considered acceptable and justified in this case having regard to the tests of Paragraph 195 of the NPPF, with details of the scheme being secured at reserved matters stage. It is considered that a reserved matters scheme could achieve a development that would not cause harm to the amenities of neighbours or the safety of the local highway network.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. No development shall be commenced until full details of the access, layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

2. In the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

3. The development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with the following documents and drawings:

3561/B Map and 3561/20E.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, full details of improvements to the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be improved and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted CTMP shall as a minimum detail:

- (a) measures to protect the existing public right of way during construction work
- (b) arrangements for the access and parking of construction vehicles
- (c) arrangements for the delivery and storage of materials to the site
- (d) arrangements for the removal of waste materials from the site

Thereafter the development shall be carried out strictly in accordance with the approved CTMP.

Reason - In the interests of highway safety, and to minimise the impact of the construction phase of development on the users of the public highway, to comply with Government guidance contained within the National Planning Policy Framework.

7. The dwellings hereby approved shall be no more than single storey in scale.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to preserve the setting of listed buildings, to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the

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

PLANNING NOTE

1. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
2. The illustrative layout shown on Drawing No: 3561/20E is not considered acceptable for reserved matters submission. In particular it is considered that the layout does not successfully preserve the historic farmyard setting to Crockwell House, and the form of the new dwellings (detached and with front projections) does not successfully replicate the simple form of traditional agricultural buildings. It is recommended that pre-application advice is sought in respect of a revised scheme prior to making a reserved matters submission.

Case Officer: Matthew Chadwick

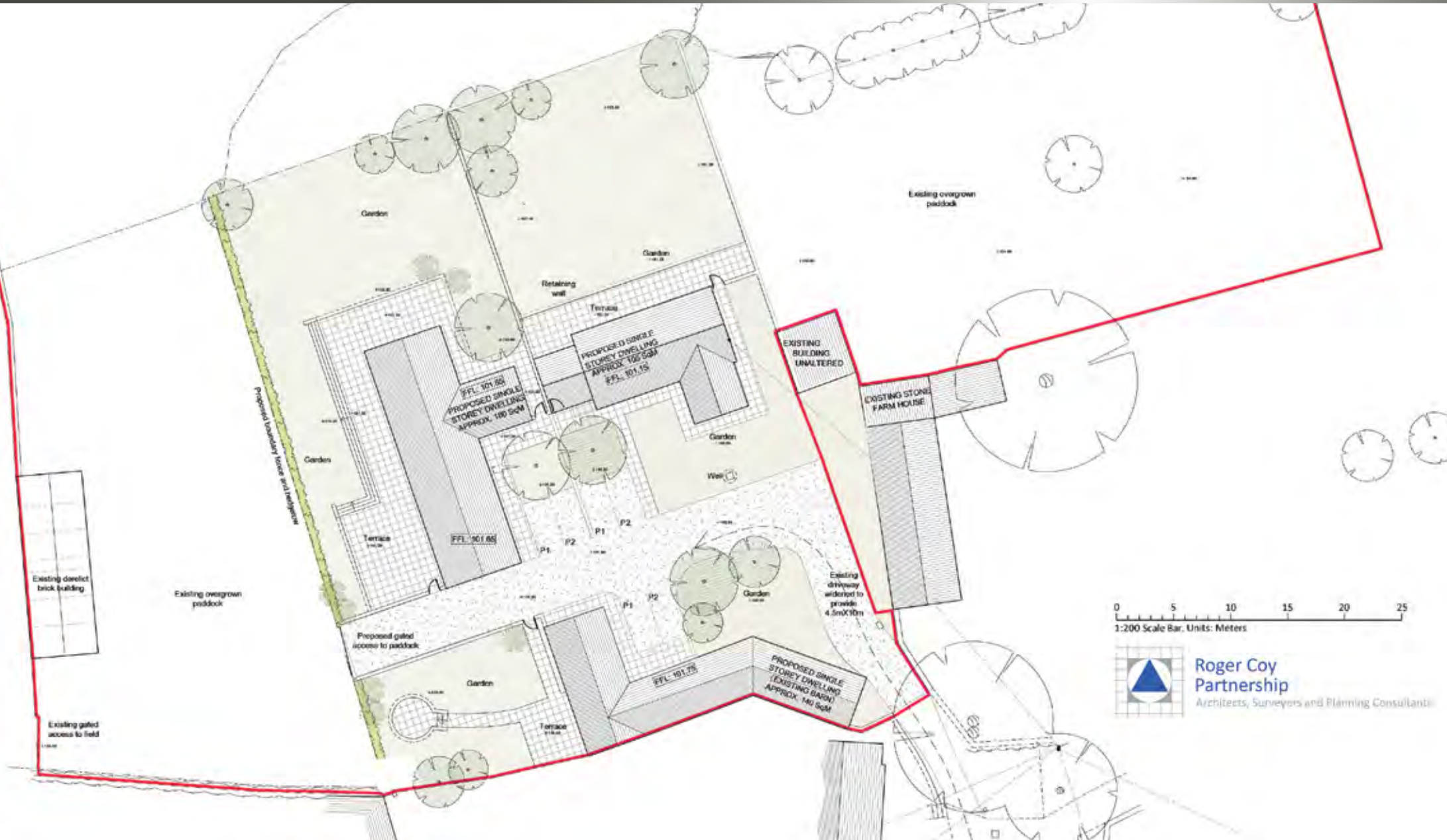
DATE: 03/04/19

Checked By: Nathanael Stock

DATE: 04.04.2019

APPENDIX 6

Sales Brochure



DEVELOPMENT SITE AND LAND, Great Bourton, Banbury, Oxfordshire

CROCKWELL FARM

GREAT BOURTON, BANBURY, OXFORDSHIRE, OX17 1QT

Conversion and Development Site with Land

- Outline Planning Permission
- 18.73 Hectares (46.28 Acres)
- Productive Pasture Land

DEVELOPMENT SITE

The traditional barns currently have outline planning permission granted in July 2016. The planning permission allows for the conversion and redevelopment of traditional barns into 3 dwellings.

The permission allows for the conversion of the barn to the South of the site into a single dwelling. The permission also allows for demolition of other farm buildings and the replacement of these buildings with two single storey dwellings. These dwellings would be in a courtyard layout around the former farmhouse. The dwellings to be 3 and 4 bedroom properties.

LOCATION

The site is situated to the northern edge of the village of Great Bourton. The nearest postcode is OX17 1QT. Great Bourton is approximately 3.3 miles to the north of the town of Banbury and approximately 14 miles south of the town of Southam.

DESCRIPTION

The land comprises 18.73 ha (46.28 ac) of productive Grade 2 pasture and backs onto several residential properties on the southern border. It is stock proof fenced all around the boundary.

TENURE & POSSESSION

Freehold with Vacant Possession upon completion.

SERVICES

Mains water is connected to the land.

AUTHORITY

Cherwell District Council – 01295 227001

WAYLEAVES, EASEMENTS AND RIGHTS OF WAY

The land is sold subject to all existing rights, including rights of way, whether public or private, light, support, drainage, water, gas and electricity supplies and mineral rights, easements, quasi-easements and wayleaves whether or not in these particulars.

There is a public footpath that travels in an east to west direction over the land.

DEVELOPMENT CLAWBACK

The land will be sold subject to a development clawback provision such that should planning consent for residential or commercial development be granted then 30% of the enhanced value will be paid to the vendors upon either implementation or disposal. The Development Clawback Provision will run for a 30 year period from the point of sale.

VIEWING

Strictly by appointment with the vendors agents, Brown & Co, Castle Link, 33 North Bar Street, Banbury, OX16 0TH.

Contact - Tom Birks, 01295 273555

PLANS

The plans included with these particulars are for identification purposes only and shall not form part of any contract For Sale.

PLANNING REFERENCE NUMBER

16/00609/OUT

BASIC PAYMENT SCHEME

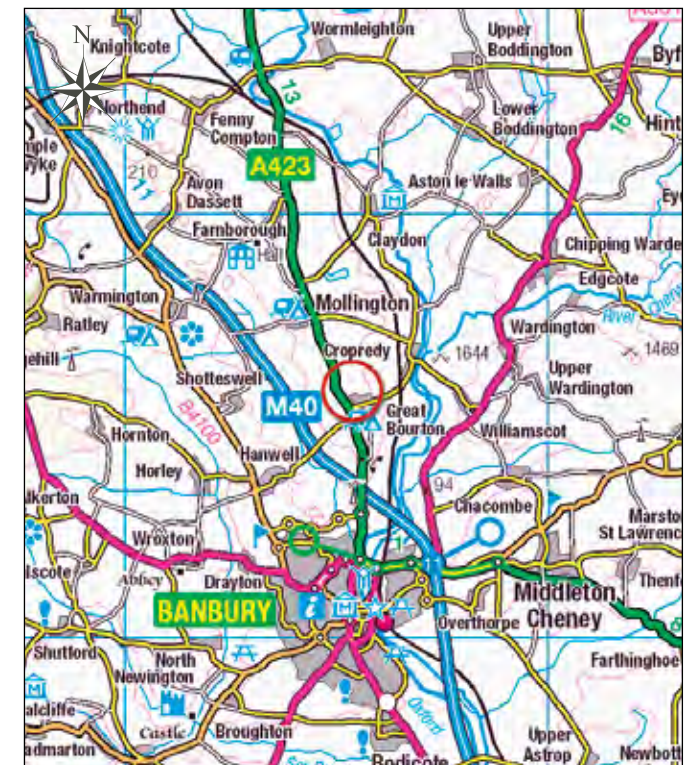
The relevant number of Basic Payment Entitlements will be included in the sale.

METHOD OF SALE

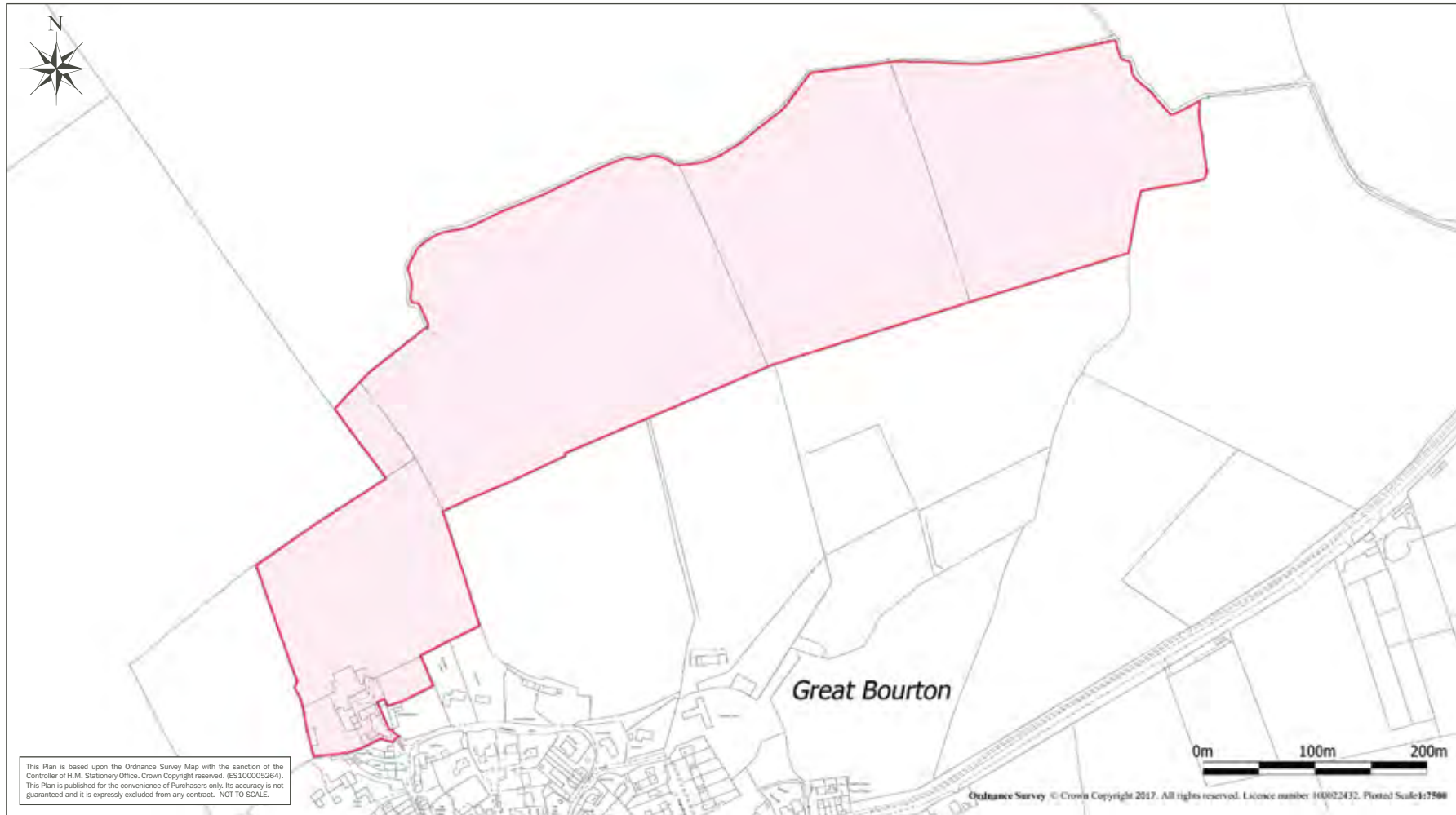
The property is offered For Sale by Private Treaty. These particulars are Subject to Contract. The vendor may consider splitting the site if appropriate bids are forthcoming.

Further land is available by separate negotiation.

LOCATION PLAN







IMPORTANT NOTICES Brown & Co for themselves and for the Vendors or Lessors of this Property give notice that: 1. These particulars are intended to give a fair and accurate general outline only for the guidance of intending Purchasers or Lessees and they do not constitute an offer or contract or any part of an offer or contract. 2. All descriptions, dimensions, references to condition and other items in these Particulars are given as a guide only and no responsibility is assumed by Brown & Co for the accuracy of individual items. Intending Purchasers or Lessees should not rely on them as statements or representations of fact and should satisfy themselves as to the correctness of each item by inspection or by making independent enquiries. In particular, dimensions of land, rooms or buildings should be checked. Metric/imperial conversions are approximate only. 3. Intending Purchasers or Lessees should make their own independent enquiries regarding use or past use of the property, necessary permissions for use and occupation, potential uses and any others matters affecting the property prior to purchase. 4. Brown & Co, and any person in its employ, does not have the authority, whether in these Particulars, during negotiations or otherwise, to make or give any representation or warranty relation to this property. No responsibility is taken by Brown & Co for any error, omission of mis-statement in these particulars. 5. No responsibility can be accepted for any costs or expenses incurred by intending Purchasers or Lessees in inspecting the property, making further enquiries or submitting offers for the Property. Any person inspecting the property does so entirely at their own risk. 6. All prices are quoted subject to contract and exclusive of VAT, except where otherwise stated. 7. In the case of agricultural property, intending purchasers should make their own independent enquiries with the RPA as to Single Payment Scheme eligibility of any land being sold or leased. 8. Brown & Co is the trading name of Brown & Co – Property and Business Consultants LLP. Registered Office: Granta Hall, Finkin Street, Grantham, Lincolnshire NG31 6QZ. Registered in England and Wales. Registration Number OC302092. 9. These Particulars were prepared in March 2017.

APPENDIX 7

Details of Pre-commencement
conditions discharge for outline
planning permission 19/00250/OUT



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Mrs Alena Dollimore Jasanova
Ridge and Partners LLP
Regent House
65 Rodney Road
Cheltenham
GL50 1HX

Planning Condition(s) Determination

Date Registered: 12th June 2020

Proposal: Discharge of Conditions 5 (Means of Access) and 6 (Construction Traffic Management Plan) of 19/00250/OUT

Location: Barns, Crockwell House Farm, Manor Road, Great Bourton

Parish(es): Bourton

CONFIRMATION OF CLEARANCE OF PLANNING CONDITION(S)

The Cherwell District Council, as Local Planning Authority, hereby **CONFIRMS** the clearance of the above condition(s), **IN ACCORDANCE WITH THE DETAILS OVERLEAF.**

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford
Assistant Director – Planning and
Development

Date of Decision: 6th August 2020

Checked by: Nathanael Stock

SCHEDULE OF DETAILS

Condition 5

Drawings CTP-20-269 H01 and CTP-20-269 H02

Condition 6

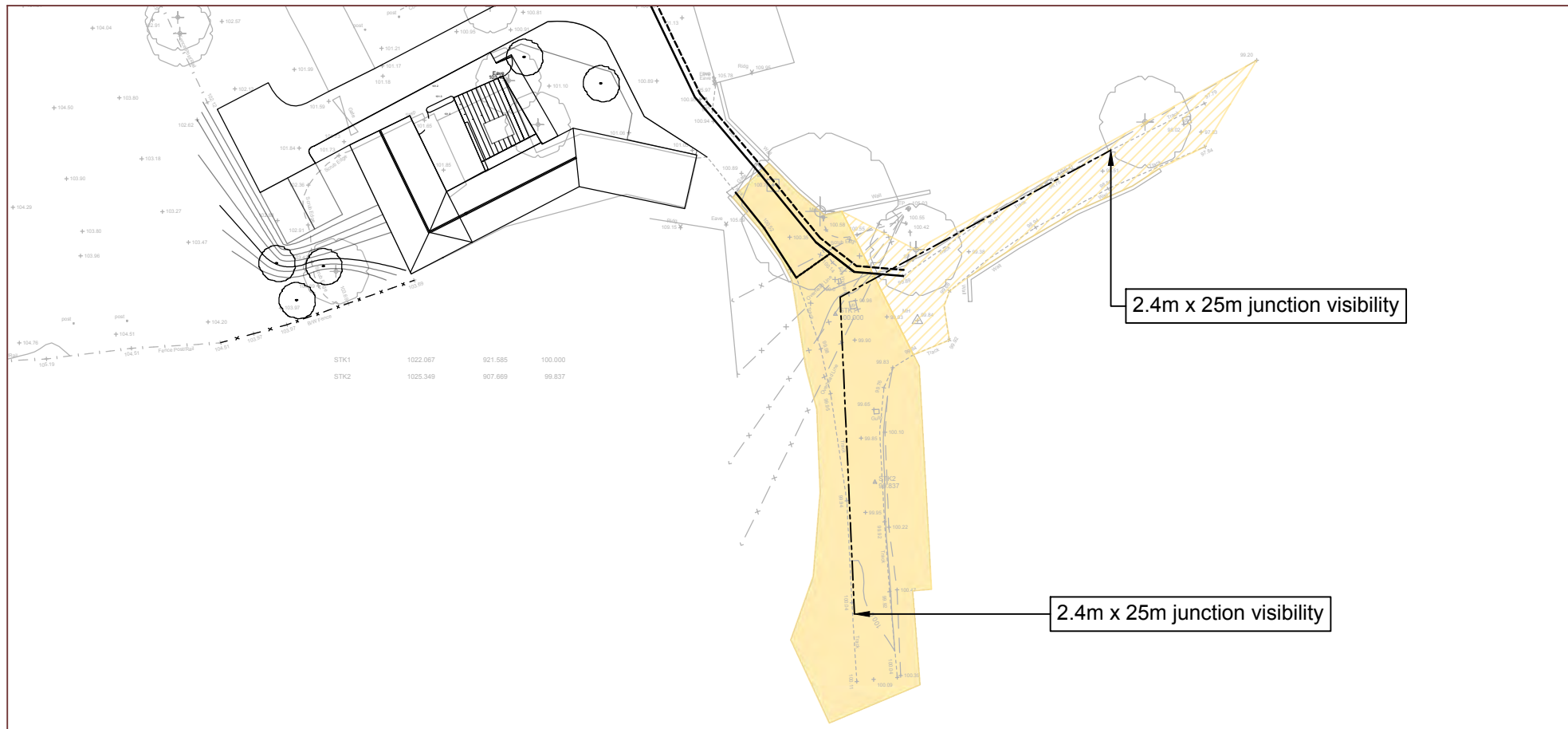
Construction Traffic Management Plan dated August 2020 prepared by Cotswold Transport Planning.

INFORMATIVE NOTE TO APPLICANT

Please check as to whether other conditions of 19/00250/OUT require the submission of further information prior to the commencement of development.









DEVELOPMENT MONITORING

We would be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.



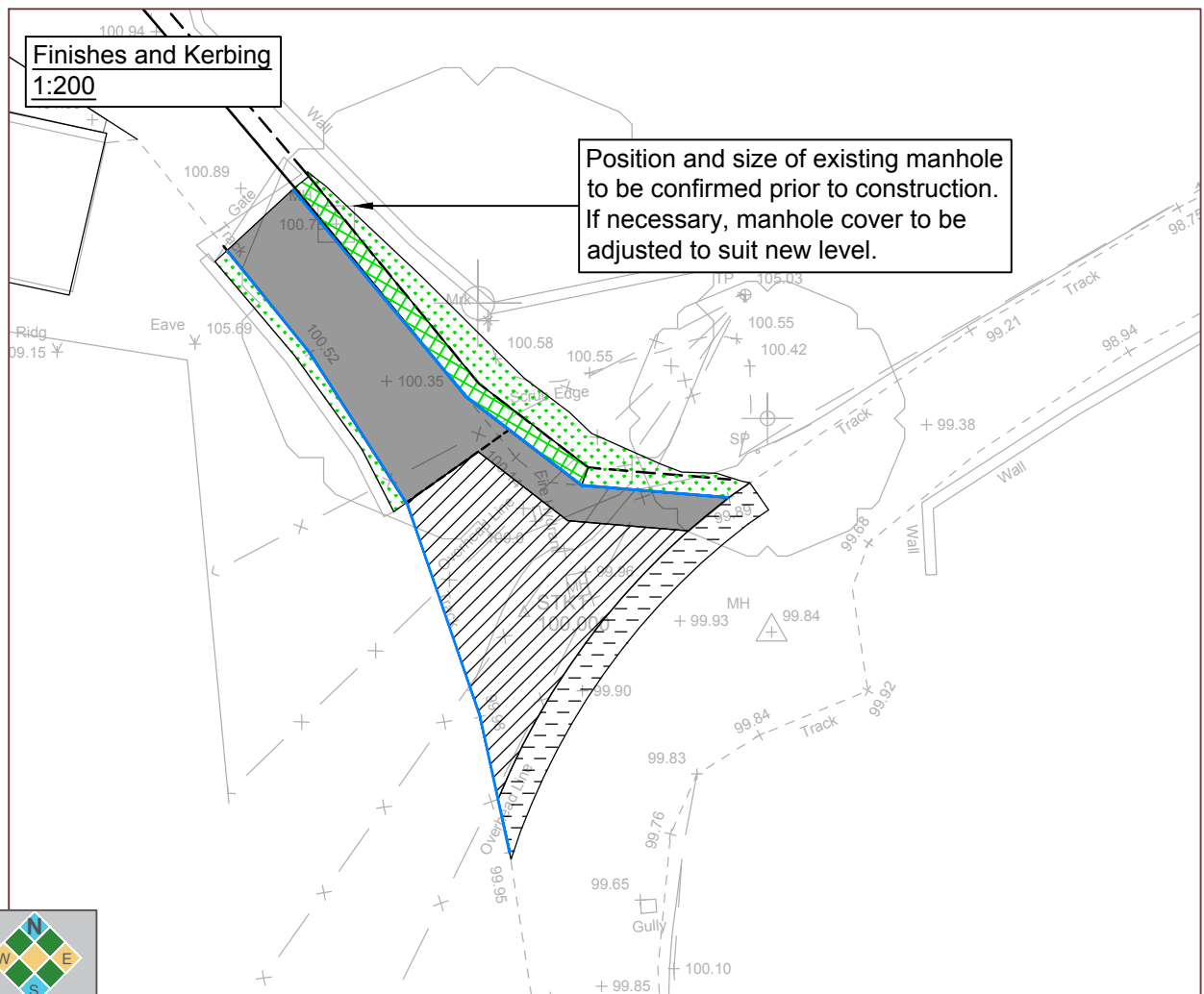
Access Visibility
1:500

Legend

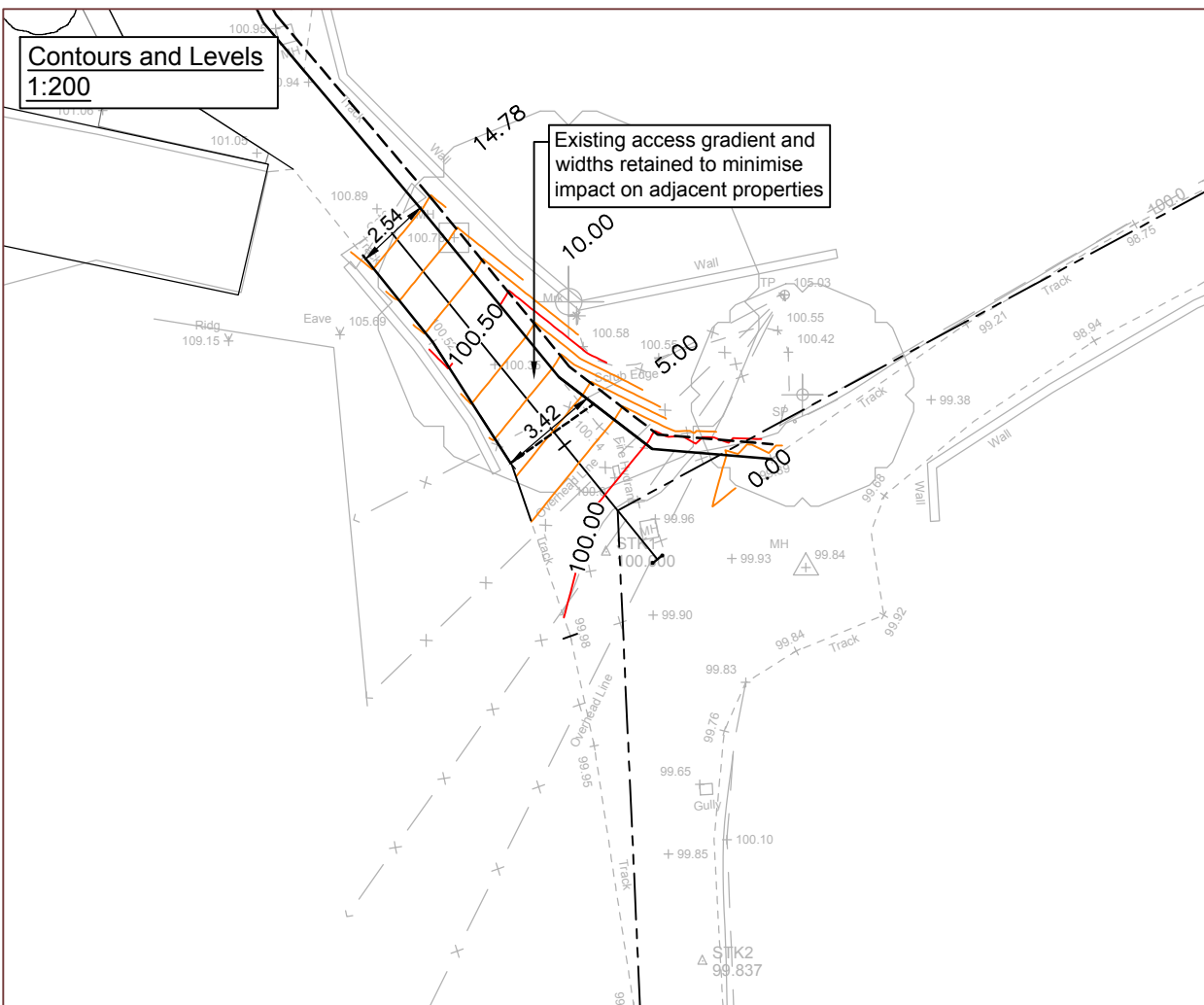
-  Plane existing carriageway and resurface to tie in to new construction
-  New carriageway construction. Crossfall to right verge for drainage. See below.
-  Tie in to existing carriageway
-  0.5m verge comprising grass crete construction or similar approved to facilitate drainage and ensure access for fire appliance
-  Regrade existing grass verge to suit carriageway levels
-  PCC edging kerb type EF laid flush
-  Extent of highway maintainable at public expense
-  Approximate extent of land constituting existing PRoW.

Notes:

1. Do not scale from this drawing. All dimensions are in metres, unless stated otherwise.
2. Drawing to be read in conjunction with all other drawings. Any discrepancies are to be reported to the engineer 5 working days in advance of undertaking any work.
3. Work to be undertaken in accordance with the Oxfordshire County Council Specification.
4. Ordnance Survey, (c) Crown Copyright 2020. All rights reserved. Licence number 100022432.



Finishes and Kerbing
1:200



Contours and Levels
1:200

Rev	Date	Details	Drawn by	Checked by



CLIENT:
March Projects

PROJECT:
**Crockwell House Farm
Great Bourton**

TITLE:
**Proposed Access Works
Visibility, Finishes and Levels**

STATUS:
INFORMATION

SCALE @ A3: as shown	DATE: 05.06.20	DRAWN: LG	CHECKED: MP	APPROVED: MP
JOB NO: CTP-20-269	DRAWING NO: H01	REVISION: -		





COTSWOLD
TRANSPORT
PLANNING

March Projects

Crockwell House Farm, Great Bourton

Construction Traffic Management Plan

August 2020



DOCUMENT REGISTER

CLIENT:	MARCH PROJECTS
PROJECT:	CROCKWELL HOUSE FARM, GREAT BOURTON
PROJECT CODE:	CTP-20-269

REPORT TITLE:	CONSTRUCTION TRAFFIC MANAGEMENT PLAN		
PREPARED BY:	BEN FINCH	DATE:	AUGUST 2020
CHECKED BY:	MIKE GLAZE	DATE:	AUGUST 2020

REPORT STATUS:	ISSUE 01
-----------------------	-----------------

Prepared by **COTSWOLD** TRANSPORT PLANNING LTD

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Appendices

APPENDIX A: 19/00250/OUT Decision Notice

APPENDIX B: Site Layout

APPENDIX C: Construction Plan



1 Introduction

1.1 Cotswold Transport Planning (CTP) have been instructed to produce a Construction Traffic Management Plan (CTMP) in support of a residential development on land at Crockwell House Farm, Manor Road, Great Bourton, OX17 1QT.

1.2 Planning permission was granted on 5th April 2019 for the redevelopment of existing agricultural buildings to provide three residential dwellings (ref: 19/00250/OUT), the decision notice for which, is provided at **Appendix A**.

1.3 This CTMP has been produced to comply with Condition 6 of the decision notice, which states:

‘Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted CTMP shall as a minimum detail:

- i) Measures to protect the existing public right of way during construction work;*
- ii) Arrangements for the access and parking of construction vehicles;*
- iii) Arrangements for the delivery and storage of materials to the site; and*
- iv) Arrangements for the removal of waste materials from the site.*

Thereafter the development shall be carried out strictly in accordance with the approved CTMP.’

1.4 Phase 1 of the development will result in the construction of one dwelling to the south of the application site. Phase 2 will consist of the remaining redevelopment works, at which point this CTMP will be updated. Whilst many aspects of construction will be determined by the appointed contractor, this CTMP sets out guidelines of construction, which should be adhered to during the construction phase.



2 Site / Highway Management

- 2.1 The proposed site layout plan is provided at **Appendix B**.
- 2.2 Provided at **Appendix C** is a construction plan, demonstrating the operation of the construction compounds. This plan demonstrates the locations of the construction compound areas, potential parking arrangements, facilities for contractors, and access and egress by relevant construction traffic.

Banksmen

- 2.3 All on-site construction vehicles will enter and exit the site in forward gear. An appropriately trained, qualified, and certified banksmen will be employed by the appointed contractor to assist in the guidance of heavy and large construction vehicles and supervise unloading. The construction plan at **Appendix C** demonstrates the manoeuvres by a HGV which would be overseen by the banksmen.
- 2.4 As the adjacent highway is not a main road, but rather a small local access road, the role of the banksmen will be to ensure any delivery vehicles enter and exit the site in a manner that avoids damage to the existing carriageway, Public Right of Way, or surrounding buildings.
- 2.5 Due to the poor visibility at the junction of Manor Road, banksmen will guide all HGVs leaving the site along and out of Manor Road. Contractors and site workers must be warned to take particular care at this junction.
- 2.6 Given the small scale of the site, at this stage it is anticipated that banksmen will form members of the contractors' construction staff and will also have other duties.

Welfare / Construction Facilities

- 2.7 Welfare and construction facilities on-site will be located within the allocated construction compound areas to the east and west of the application site. Indicative locations for said facilities have been demonstrated on construction plan at **Appendix C**.
- 2.8 Due to the scale of the development, the allocated construction compound areas will also operate as areas for the storage of materials.

Public Right of Way (PROW)

- 2.9 Located adjacent to the south of the application site, a public footpath routes along Stanwell Lane, and partially along Manor Road. The location and alignment of the PROW is demonstrated in **Figure 2.1**.

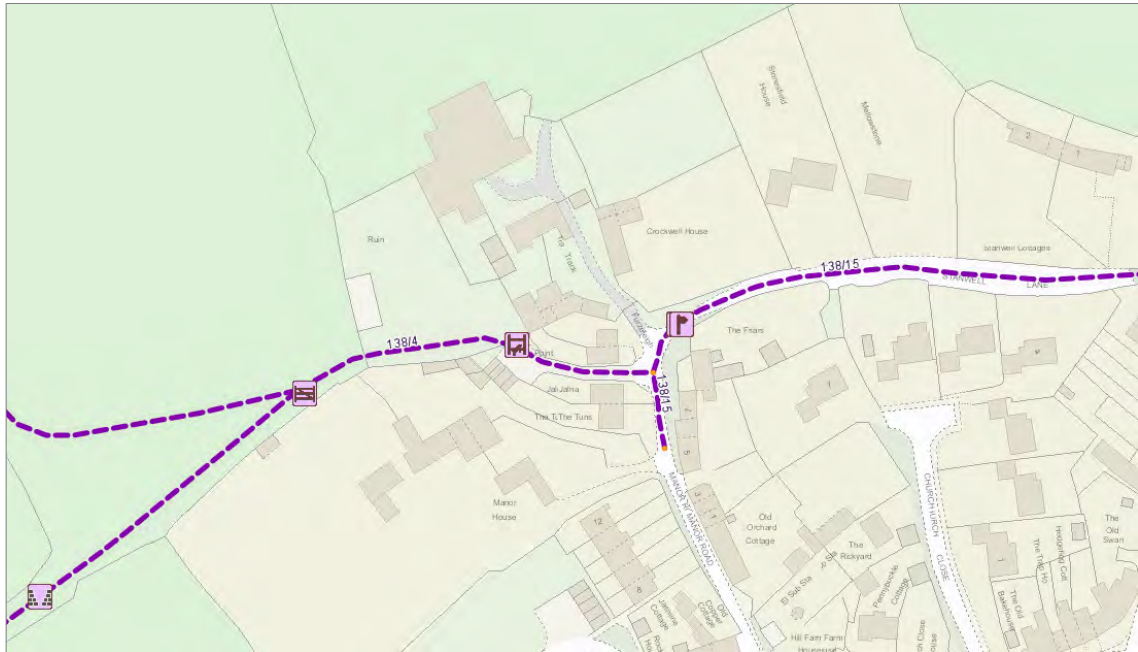


Figure 2.1: Public Right of Way

- 2.10 To ensure that no disruption is caused to the operation of this PROW, a number of measures will be put in place.
- 2.11 Firstly, as previously mentioned in this section, clear areas for the storage of materials will be set up within the construction compounds, these locations will be determined by the appointed contractor. By adhering to specific storage areas, materials / debris will not be moved onto the adjacent PROW.
- 2.12 Pedestrian routes passing by the application site will be kept clean and tidy during the construction phase, to reduce the impact of pedestrians treading through materials and spreading them across the PROW.
- 2.13 Appropriate warning signage will be placed on the approach to the site, in order to warn pedestrians using the PROW of the construction works.
- 2.14 Finally, and further discussed in **Section 4**, deliveries will be strategically planned to ensure limited materials are kept on-site at any given time. This further reduces the risk of damage to the PROW.

Road Closures

- 2.15 It is not foreseen that any road closures will be required during the construction of the development, other than temporary closures of the PROW. Although ultimately the decision on the need to close a road will fall to the contractors, it is recommended that road closures be avoided where possible.



Traffic Management

- 2.16 As with road closures, the need for traffic management will fall to the contractors. Due to the size of the development, it is unlikely that traffic management measures will need to be put into place for any significant length of time, other than associated with significant deliveries of 'bulky' materials.

Maintaining Signage

- 2.17 Maintaining signage and barriers associated with the site will be the responsibility of the contractor, as the application site is relatively small and off a smaller access road, it is not anticipated that the regime of signage, barrier inspection and maintenance will have a severe impact on the highway.

Construction Hours

- 2.18 Construction activities will be permitted between the hours of 07:30 and 18:00 on Monday to Friday and between 08:00 and 13:00 on Saturdays. No working shall take place on Sundays or Public Holidays.

Communication with Residents

- 2.19 Residents and local business will be notified in advance of any expected particularly busy delivery periods and intense periods of construction activity, including construction traffic.
- 2.20 To aide communication with residents and local businesses, the site manager's contact phone number will be available on notices outside the site. This will ensure the site manager is aware of any residents' concerns and can deal with them efficiently if required.



3 Parking Strategy

Parking for Construction Workers

- 3.1 There will be construction workers arriving at the application site in the morning and departing in the evening, although the numbers involved are forecast to be relatively low on a day-to-day basis and will typically comprise private cars and light vans.
- 3.2 Due to the provision of client-owned land to the east and west of the application site, it is forecast that all construction workers will be able to park at the site, without encroaching on the highway network. Contractors will be advised that they cannot park on the public highway.
- 3.3 The construction plan, provided at **Appendix C**, indicates that the land set aside for use as a construction compound is able to accommodate parking by contractors.



4 Routing / Deliveries

Routing

- 4.1 Due to the location of the nearest motorway exit, and the layout of the surrounding highway network, all construction traffic will route from the west via Southam Road (eastbound), turning left onto Manor Road, south of the application site.
- 4.2 This routing will be enforced to ensure no traffic routes from the east (westbound) along Southam Road.
- 4.3 It is noted that just east of the Southam Road junction to Great Bourton, there is a low bridge warning sign. This is not considered an issue for traffic routing this direction, as the bridge is located east of the junction with Manor Road and traffic will not be routed this direction.

Deliveries

- 4.4 The construction plan, provided at **Appendix C**, demonstrates that a 12m rigid truck is capable of accessing and egressing the site in a forward gear, utilising the site's construction compound areas for unloading / loading, and turning. Due to the scale of development, it is considered that this will be the largest vehicle expected to visit the site.
- 4.5 All deliveries will be undertaken on-site, within the allocated compound areas. No deliveries will be undertaken on Manor Road or Stanwell Lane, to protect the existing carriageway and PROW.
- 4.6 As stated in **Section 2**, deliveries should be strategically planned to ensure there is not an excess of materials kept on-site at any given time.

HG V Waiting Areas

- 4.7 Delivery drivers will be required to call ahead to the site manager 15 minutes before arrival, to ensure two drivers do not arrive at the same time, due to the constrained nature of the site. If a HG V is still loading / unloading when another is due to arrive, the incoming driver will be required to pull over at a safe and suitable location and wait for the site manager to allow them to enter.
- 4.8 It is considered that drivers will be best placed to make a judgement call whilst driving as to where is best to safely pull over and wait.



- 4.9 Notwithstanding this, it is noted that there are HGV waiting areas located on the A423 to the south, adjacent to Banbury Crematorium, and to the north, approximately 1.5km north of the junction to Great Bourton.
- 4.10 The referenced waiting areas are demonstrated on **Figure 4.1**, which also includes the distance and time to the application site.

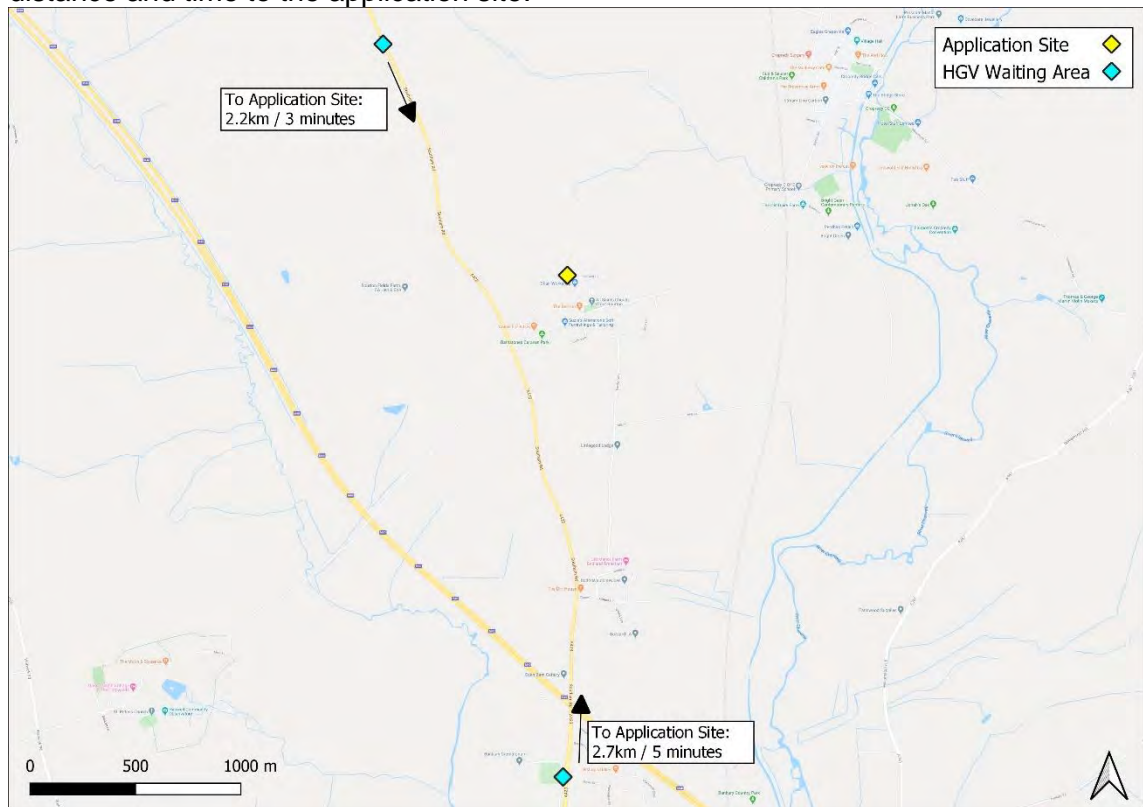


Figure 4.1: HGV Waiting Area

- 4.11 Based on **Figure 4.1**, it is concluded that delivery drivers would be able to call ahead by 15 minutes and find a suitable place to park if told to wait for a current delivery to vacate the construction compound.
- 4.12 It is noted that waiting on Manor Road or Stanwell Lane will not be permitted by the contractor, this will ensure free continued movement along the carriageways and the PROW adjacent to the south of the application site.

Waste Removal

- 4.13 As with deliveries, any waste removal vehicles will be required to call 15 minutes ahead of arrival.
- 4.14 **Section 5** further indicates measures to ensure waste removal, and deliveries, do not damage the adjacent highway or PROW.



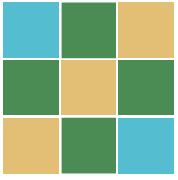
5 Mitigation Measures for Noise, Vibration, Dust, and Dirt

- 5.1 Wheel-washing facilities will be provided on-site at the access point, therefore construction vehicles exiting the site will not take mud or debris onto the adjacent highway / PROW.
- 5.2 Given the temporary, short-term nature of the construction phase, wheel-washing facilities will be provided in the form of a portable automated high-pressure wheel washer with motion sensors to conserve water.
- 5.3 The following mitigation measures will also be adopted to minimise noise, vibration, and dust pollution:
- i) Requirement for all engines to be switched off when not in use;
 - ii) Spraying of areas with water as and when conditions dictate;
 - iii) A road sweeper will be made available whenever operations dictate. The road sweeper will be used outside of the peak network hours; and
 - iv) Vehicles carrying waste material off-site will be sheeted.



6 Contractor Responsibility

- 6.1 Alongside measures already mentioned in this report, it will be the responsibility of the appointed contractor to comply with all statutory regulations and guidelines in relation to construction and movement activities. It will also be the responsibility of the contractor to deal with any issues related to fuel and oil storage, together with a strategy for dealing with any spillages.
- 6.2 A condition survey will be undertaken by the appointed contractor, whilst in liaison with the local highway authority.
- 6.3 Details of the main contractor, project manager, and site manager will be provided to the local highway authority when the roles have been appointed by the client.
- 6.4 The appointed contractors will be provided with a copy of this CTMP and will adhere to it as part of the planning consent. The CTMP will form part of the on-site induction and a copy of the CTMP will also be made available within the contractors' compound.



COTSWOLD
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PLANNING

Appendix A

19/00250/OUT Decision Notice



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant:

Ms Louise Bywaters
c/o Roger Coy Partnership
Mr Roger Coy
Bricknells Barn
32 Lime Avenue
Eydon
NN11 3PG

Date Registered: 8th February 2019

Proposal: OUTLINE - Residential development of 3no dwellings (Re-submission of approved application 16/00609/OUT)

Location: Barns, Crockwell House Farm, Manor Road, Great Bourton

Parish(es): Bourton

OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

Robert Jolley
Assistant Director
Planning and Economy

Date of Decision: 5th April 2019

Checked by: NS (Officer initials)

SCHEDULE OF CONDITIONS

- 1 That no development shall be commenced until full details of the access, layout, scale, appearance and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 2 That in the case of the reserved matters, application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended).

- 3 That the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason: This permission is in outline only and to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

- 4 Except where otherwise stipulated by conditions attached to this permission and unless otherwise agreed with the Local Planning Authority, the development shall be carried out strictly in accordance with drawings 3561/B Map and 3561/20E.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, full details of improvements to the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be improved and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

- 6 Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The submitted CTMP shall as a minimum detail:

- (a) measures to protect the existing public right of way during construction work
- (b) arrangements for the access and parking of construction vehicles
- (c) arrangements for the delivery and storage of materials to the site
- (d) arrangements for the removal of waste materials from the site

Thereafter the development shall be carried out strictly in accordance with the approved CTMP.

Reason - In the interests of highway safety, and to minimise the impact of the construction phase of development on the users of the public highway, to comply with Government guidance contained within the National Planning Policy Framework.

- 7 The dwellings hereby approved shall be no more than single storey in scale.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to preserve the setting of listed buildings, to comply with Policy ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

INFORMATIVE NOTES TO APPLICANT

- 1 Consent has been granted subject to conditions. It is the developer's responsibility to ensure that they have read and understood the requirements of the conditions, and that they comply with the conditions when carrying out the development. If you are unclear about what is required, please contact the case officer for further advice.

In some cases conditions require further details to be submitted and approved by the Local Planning Authority. You will need to make a formal application to the Council for approval of these details, and you need to allow up to 8 weeks (following receipt of a valid application) for the Council to make a decision on the acceptability of the details. This is particularly important where a condition requires further details to be approved before any work commences as any work carried out before those details have been approved would be unauthorized and at risk of planning enforcement action.

The conditions application fee is £116. The fee is payable each time a conditions application is made. You can include multiple conditions in one application, and this can be more cost and time effective than submitting details for each condition separately.

Guidance on making an application is available online on the Council's website by going to <http://www.cherwell.gov.uk/index.cfm?articleid=8983>

- 2 Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
- 3 The illustrative layout shown on Drawing No: 3561/20E is not considered acceptable for reserved matters submission. In particular it is considered that the layout does not successfully preserve the historic farmyard setting to Crockwell House, and the form of the new dwellings (detached and with front projections) does not successfully replicate the simple form of traditional agricultural buildings. It is recommended that pre-application advice is sought in respect of a revised scheme prior to making a reserved matters submission.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the

agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before considering work on site.**
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 0030 200 , fax 0300 0030 201 or E-mail at building.control@cherwellandsouthnorthants.gov.uk
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of

a public footpath.

- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

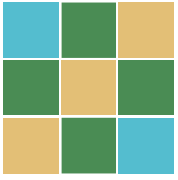
If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

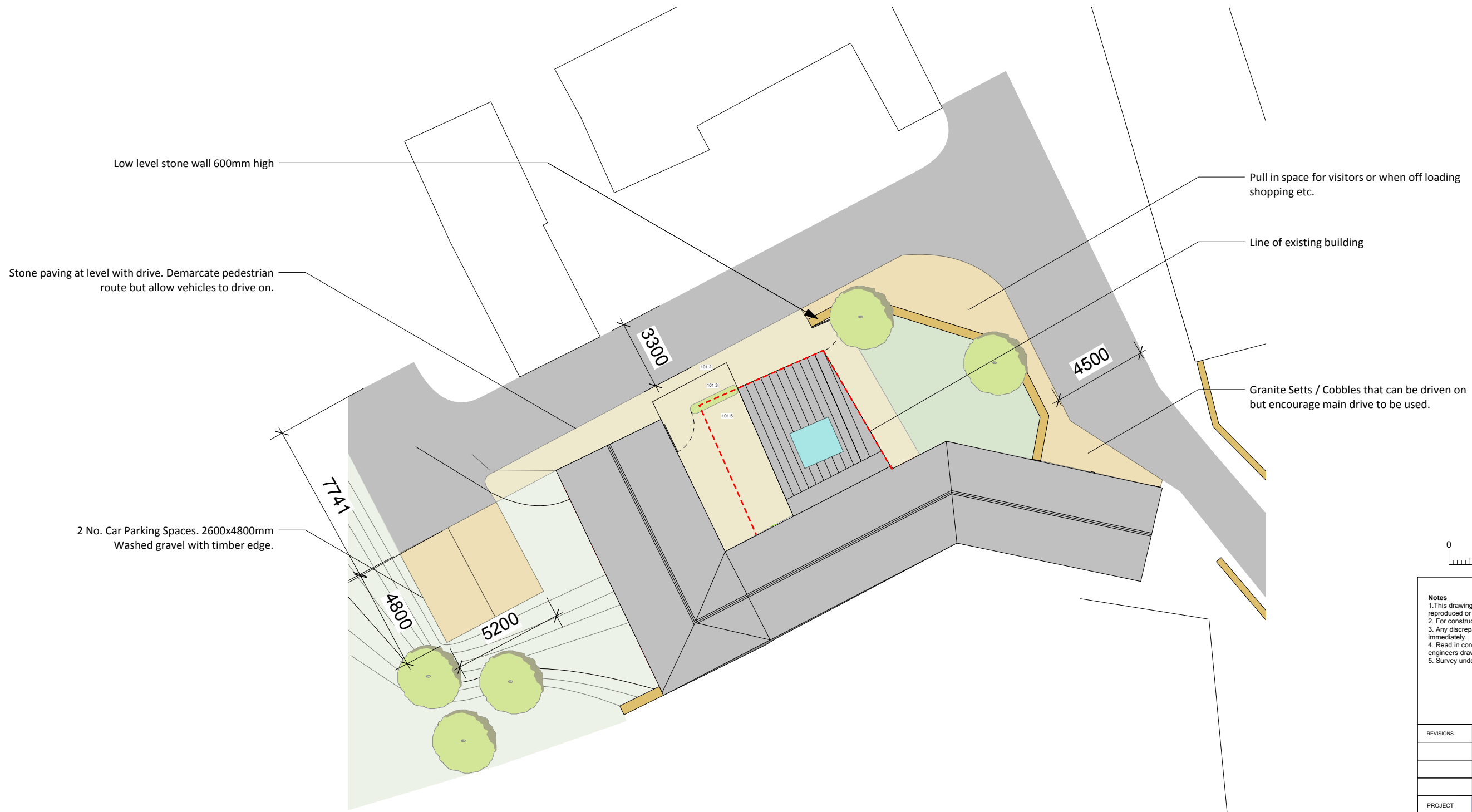
These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.



COTSWOLD
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Appendix B

Site Layout



Low level stone wall 600mm high

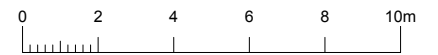
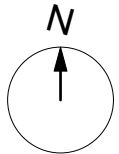
Stone paving at level with drive. Demarcate pedestrian route but allow vehicles to drive on.

2 No. Car Parking Spaces. 2600x4800mm
Washed gravel with timber edge.

Pull in space for visitors or when off loading shopping etc.

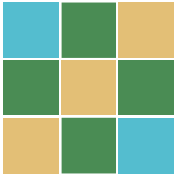
Line of existing building

Granite Setts / Cobbles that can be driven on but encourage main drive to be used.



- Notes**
1. This drawing remains copyright of Blake Architects Limited and may not be reproduced or copied without consent in writing.
 2. For construction use figured dimensions.
 3. Any discrepancies between site and drawings to be reported to the architect immediately.
 4. Read in conjunction with all relevant structural and mechanical & electrical engineers drawings.
 5. Survey undertaken by:

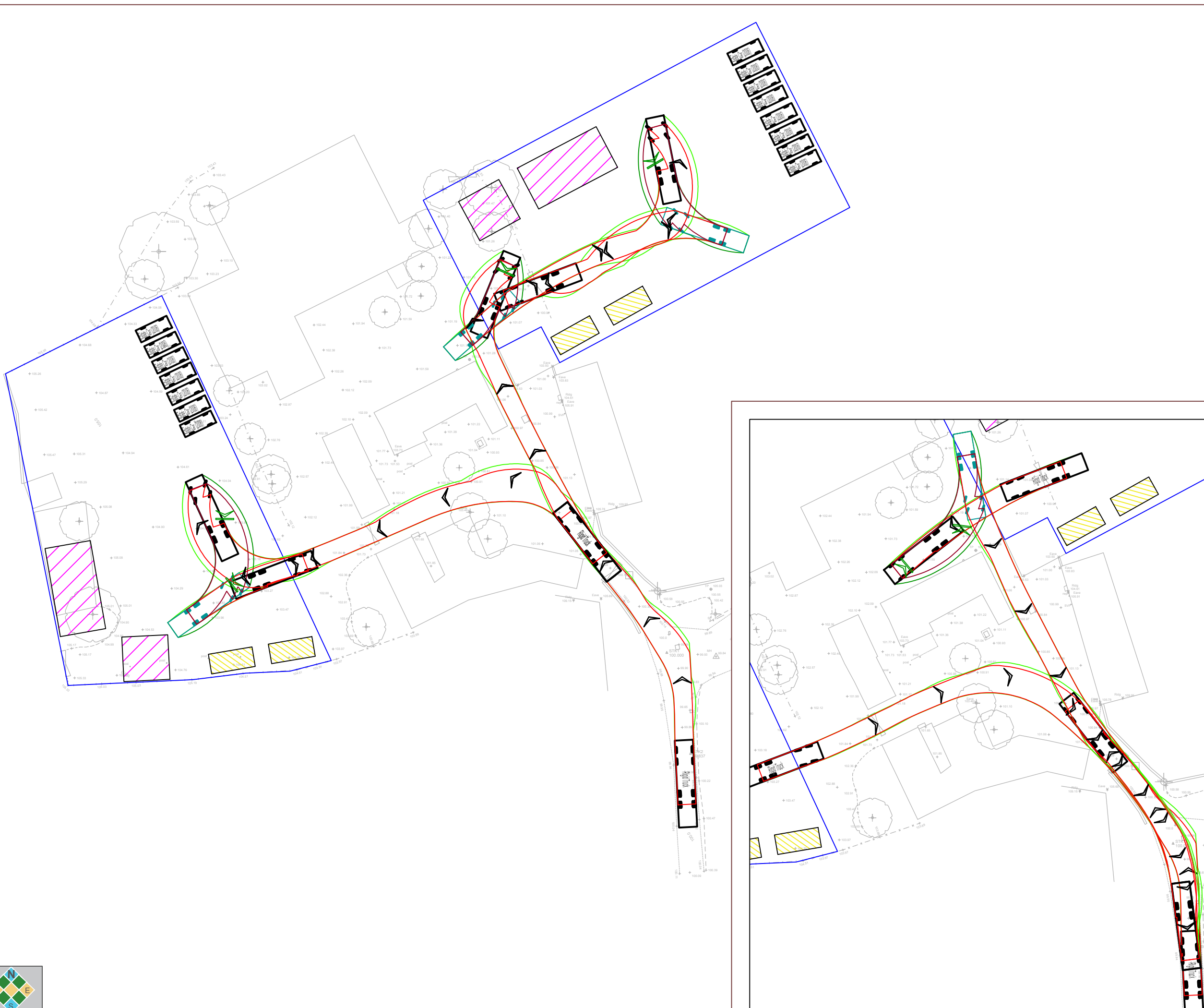
REVISIONS				
PROJECT	Crockwell Farm			
ADDRESS	Crockwell Barn, Crockwell House Far, Manor Road			
BLAKE ARCHITECTS	Blake Architects Limited 1 Coves Barn, Jackbarrow Rd, Winstone, Gloucestershire. GL7 7JS t) 01285 841407 [e] mail@blakearchitects.co.uk www.blakearchitects.co.uk			
TITLE	Proposed Site Plan			
DRAWING NUMBER	20.08.02.13			
STATUS	CONCEPT			
DRAWN	CHECKED	DATE	SCALE	REVISION
JN	JN	03.06.2020	1:200 @ A3	-






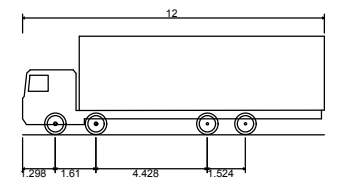
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Appendix C

Construction Plan



-  Indicative Construction Compound Areas
-  Indicative Welfare / Compound Facilities
-  Indicative Material Storage Areas



Rigid Truck
 Overall Length 12.000m
 Overall Width 2.500m
 Overall Body Height 3.928m
 Min Body Ground Clearance 0.412m
 Track Width 2.471m
 Lock to lock time 6.00s
 Kerb to Kerb Turning Radius 11.900m

Rev	Date	Details	Drawn by	Checked by



CLIENT:
March Projects

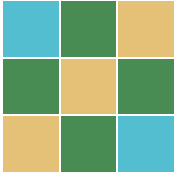
PROJECT:
**Crockwell House Farm,
 Great Bourton**

TITLE:
Construction Plan

STATUS:
PLANNING

SCALE @ A3: 1:500	DATE: 08.06.20	DRAWN: BF	CHECKED: MG	APPROVED: MG
JOB NO: CTP-20-269	DRAWING NO: SP01	REVISION: -		





COTSWOLD
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Cotswold Transport Planning Ltd

Please visit our website at:
www.cotswoldtp.co.uk

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Registered Office: CTP **H**ouse **K**napp Road, Cheltenham Gloucestershire, **GL50 3QQ**
Registered in England and Wales No. 9228763.

APPENDIX 7

Details of Reserved Matters

application 20/01726/REM

NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant:

Mrs Alena Dollimore Jasanova
Ridge and Partners LLP
Regent House
65 Rodney Road
Cheltenham
GL50 1HX

Reserved Matters Determination

Date Registered: 30th June 2020

Proposal: Reserved matters to 19/00250/OUT - Phase 1 of the outline permission - approval of reserved matters for conversion of the curtilage listed barn.

Location: Barns, Crockwell House Farm, Manor Road, Great Bourton

Parish(es): Bourton

APPROVAL OF RESERVED MATTERS SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **APPROVES** details of the matters reserved in the original outline planning permission, as described in the above-mentioned application, the accompanying plans and drawings, and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA



David Peckford
Assistant Director – Planning and
Development

Date of Decision: 21st October 2020

Checked by: Nathanael Stock

SCHEDULE OF CONDITIONS

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Site Location Plan (3561/A Map); Proposed Site Plan (20.08.03.13 Rev B); Proposed Ground Floor Plan (20.08.02.10 Rev B); Proposed North and South Elevations (20.08.02.11 Rev B); Proposed East and West Elevations (20.08.02.12 Rev C); Estate Car Swept Path Analysis - Access and Internal Site Road (SP02) and Fire Appliance and 7.5T Box Van - Swept Path Analysis - Access and Site Road (SP03).

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

2. No development shall commence until samples of the timber to be used in the louvres over the glazing screens of the development and any new tiles to be used externally to cover the roof of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the significance of heritage assets and in the interests of the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. No development shall commence until full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in strict accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to safeguard the significance of heritage assets and in the interests of the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No rainwater goods shall be used in the development unless they are either cast iron or aluminium finished and shall be painted matt black.

Reason - To ensure the satisfactory appearance of the completed development and to preserve the historic character and significance of designated heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Notwithstanding the landscaping shown on the submitted site plan and prior to the occupation of the development hereby approved a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig

areas, crossing points and steps.

The hard landscaping shall be provided in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

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

7. No development shall commence unless and until full details of a scheme for the location of bat boxes have been submitted to and approved in writing by the Local Planning Authority. The bat boxes shall be installed on the site in accordance with the approved details prior to the first occupation of the development and shall be retained as such thereafter.

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.

8. The development shall not be occupied until the remedial works have been carried out in accordance with those set out in Section 8.4 of the Ground Investigation Report prepared by Soiltechnics dated June 2020. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the dwelling.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will help to avoid any unnecessary, and possibly expensive, corrective works.

INFORMATIVE NOTES TO APPLICANT

1. **Conditions** – the applicant’s attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £116 per request. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has ‘1app’ forms for such applications, but their use is not mandatory.

There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer’s report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer’s report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp> .



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site - Telephone: 01295 227006. Email: Building.Control@Cherwell-dc.gov.uk**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 227006 or E-mail at building.control@cherwell-dc.gov.uk
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol. BS1 6PN, Telephone No. 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AND PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Mrs Alena Dollimore Jasanova
Ridge and Partners LLP
Regent House
65 Rodney Road
Cheltenham
GL50 1HX

Listed Building Determination

Date Registered: 30th June 2020

Proposal: Alterations to facilitate the conversion of the existing building into a residential dwelling. Works to include repair of the existing walls (to be internally insulated), creation of minor openings within the building, and to insert a new window. Existing openings are to be enclosed with glazing.

Location: Barns, Crockwell House Farm, Manor Road, Great Bourton

Parish(es): Bourton

LISTED BUILDING CONSENT SUBJECT TO CONDITIONS

Cherwell District Council, as Local Planning Authority, hereby **GRANTS** listed building consent for the works described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information, **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

David Peckford
Assistant Director – Planning and
Development

Date of Decision: 21st October 2020

Checked by: Nathanael Stock

SCHEDULE OF CONDITIONS

1. The works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) 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 information contained within the application form and the following approved plans: Site Location Plan (3561/A Map); Proposed Site Plan (20.08.03.13 Rev B); Proposed Ground Floor Plan (20.08.02.10 Rev B); Proposed North and South Elevations (20.08.02.11 Rev B) and Proposed East and West Elevations (20.08.02.12 Rev C).

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. No development shall commence until samples of the timber to be used in the louvres over the glazing screens of the development and any new tiles to be used externally to cover the roof of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. No development shall commence until full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in strict accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. No rainwater goods shall be used in the development unless they are either cast iron or aluminium finished and shall be painted matt black.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing historic building and to comply with Saved Policy C18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

DEVELOPMENT MONITORING

The Council has identified the development hereby approved as one that it considers appropriate to monitor during construction. We would therefore be grateful if you could let us know of your intention to start the development at least 14 days prior to the commencement of work on site. You can do this by emailing the Council on: monitoring@cherwell-dc.gov.uk and providing us with the following information: application number; application address; and the date you intend to start the development. During the monitoring period, we will be assessing the development against the approved plans, and compliance with any conditions imposed on the permission. It is in your interest to comply with this request as it will

help to avoid any unnecessary, and possibly expensive, corrective works.

INFORMATIVE NOTES TO APPLICANT

1. **Conditions** – the applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. The Council has '1app' forms for such applications, but their use is not mandatory. There is no fee for the discharge of conditions on listed building consents.

The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, the Council has worked positively, creatively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) AND PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 12 and Schedule 3 of the Town and Country Planning (Listed Buildings and Conservation Areas) Regulations 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, listed building and conservation area consents are subject to time limits. If a condition imposing a time limit has been expressly included as part of the consent, then that condition must be observed.

If listed building consent or conservation area consent is granted without such a condition, then it shall be deemed to have been granted subject to the condition that the works to which it relates shall be begun not later than the expiration of three years from the date on which consent was granted.

This does not apply to any consent for the retention of works granted under Section 8(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which authorises such works only from the date of the grant of that consent.

OTHER NECESSARY CONSENTS

This document only conveys listed building consent or conservation area consent for the works the subject of the application, and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters:

- The need in appropriate cases to obtain planning permission for the proposed works.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 01295 227006 or E-mail at building.control@cherwell-dc.gov.uk
- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site - Telephone: 01295 227006. Email: Building.Control@Cherwell-dc.gov.uk**
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development requires any of the above consents or approvals.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant consent subject to conditions, you can appeal to the First Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If you wish to appeal, then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

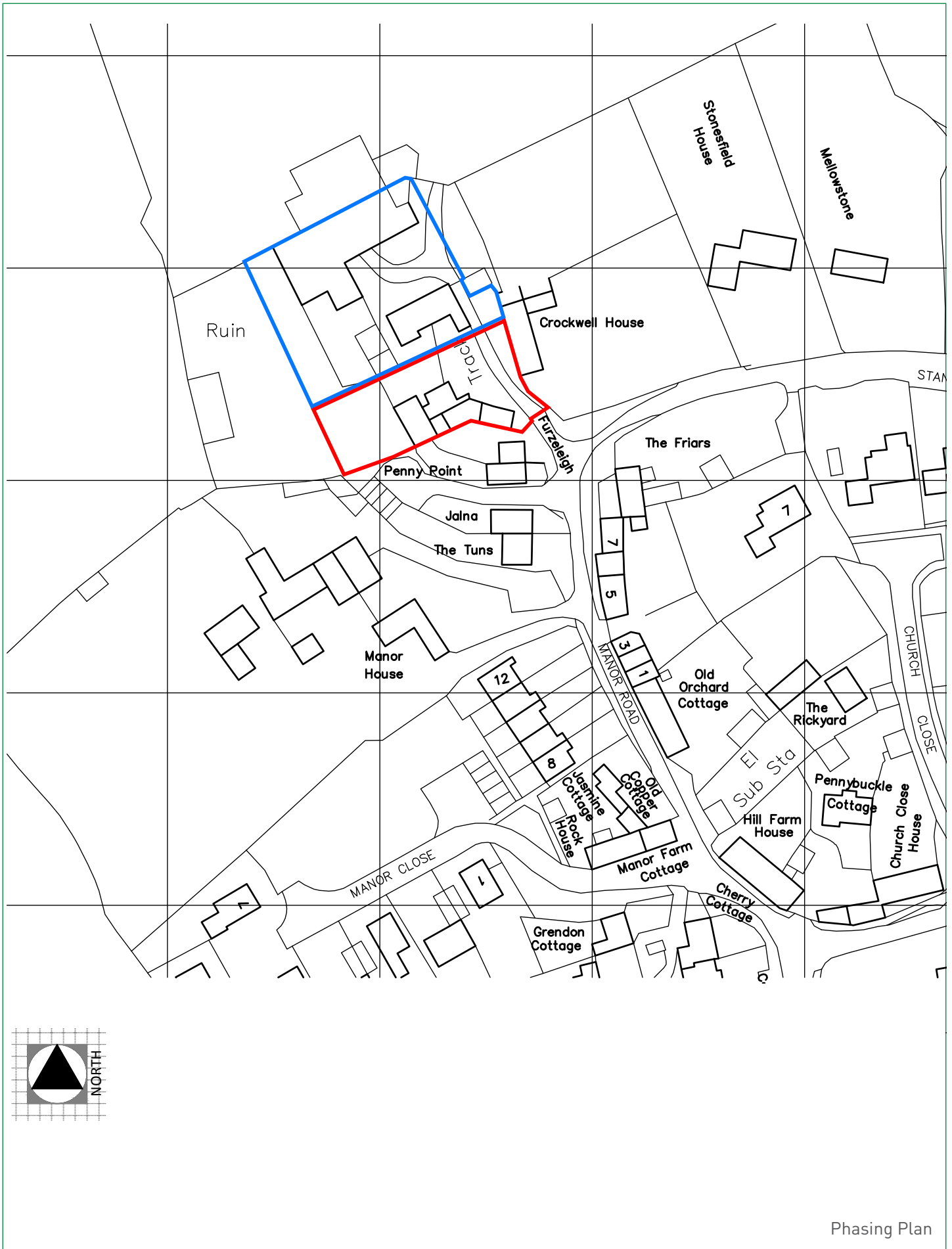
PURCHASE NOTICES

If listed building consent or conservation area consent is granted subject to conditions, whether by the Local Planning Authority or by the First Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he/she may serve on the District Council a purchase notice requiring the Council to purchase his/her interest in the land in accordance with the provisions of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.



Phasing Plan

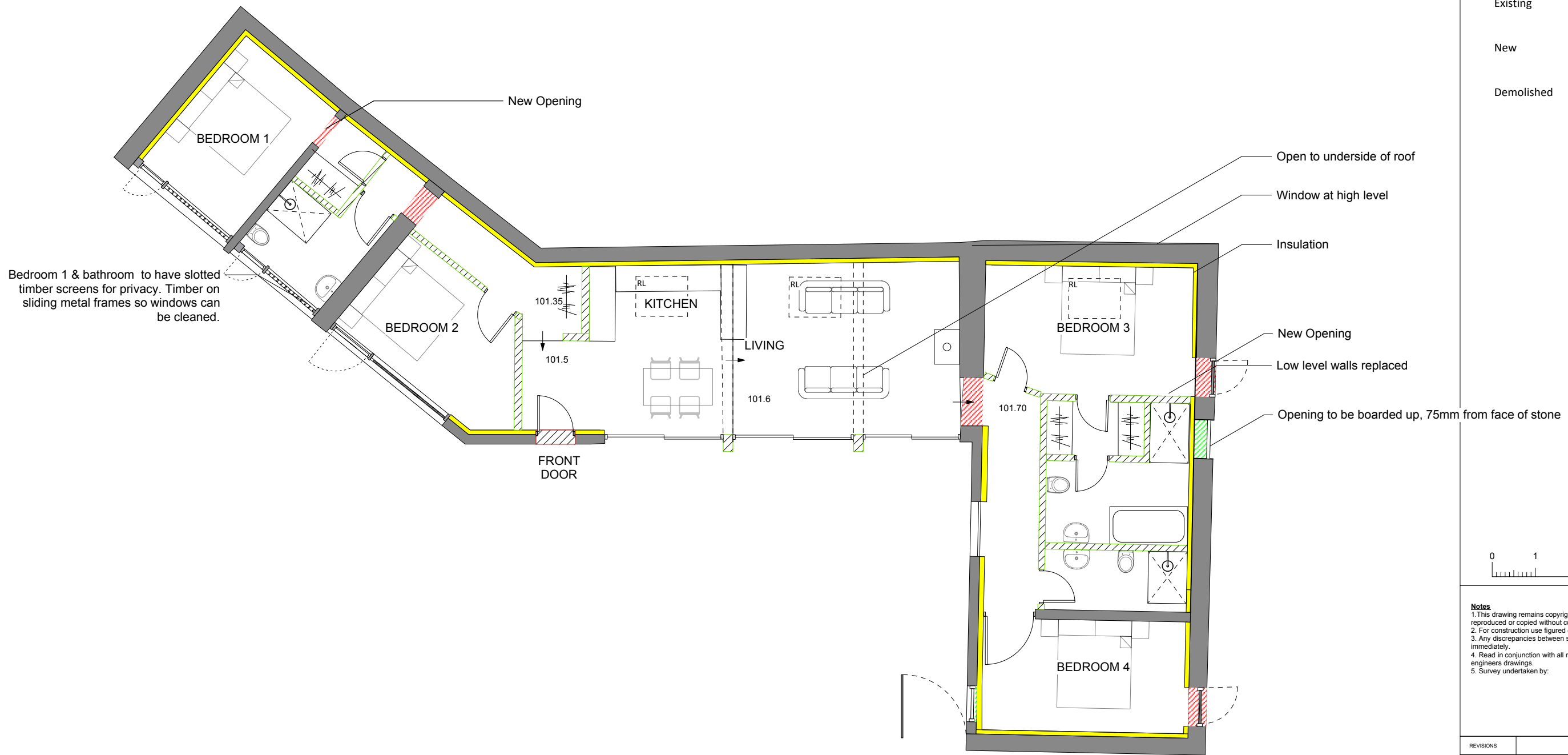
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Regent House
65 Rodney Road
Cheltenham GL50 1HX
01242 230066
www.ridge.co.uk

Location: Crockwell Farm, Great Bourton
Scale: 1:1250
Date: 31/07/2019

Job Number: 5011954
Drawing No: 3561/A Map
Drawn By: RB



Key:-

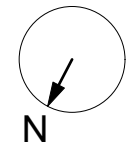
Existing



New



Demolished



- Notes**
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 2. For construction use figured dimensions.
 3. Any discrepancies between site and drawings to be reported to the architect immediately.
 4. Read in conjunction with all relevant structural and mechanical & electrical engineers drawings.
 5. Survey undertaken by:

REVISIONS	
A	Removal of Kitchen / Utility Room
B	Amendments following Conservation Officers comments

PROJECT	Crockwell Farm
ADDRESS	Crockwell Barn, Crockwell House Far, Manor Road

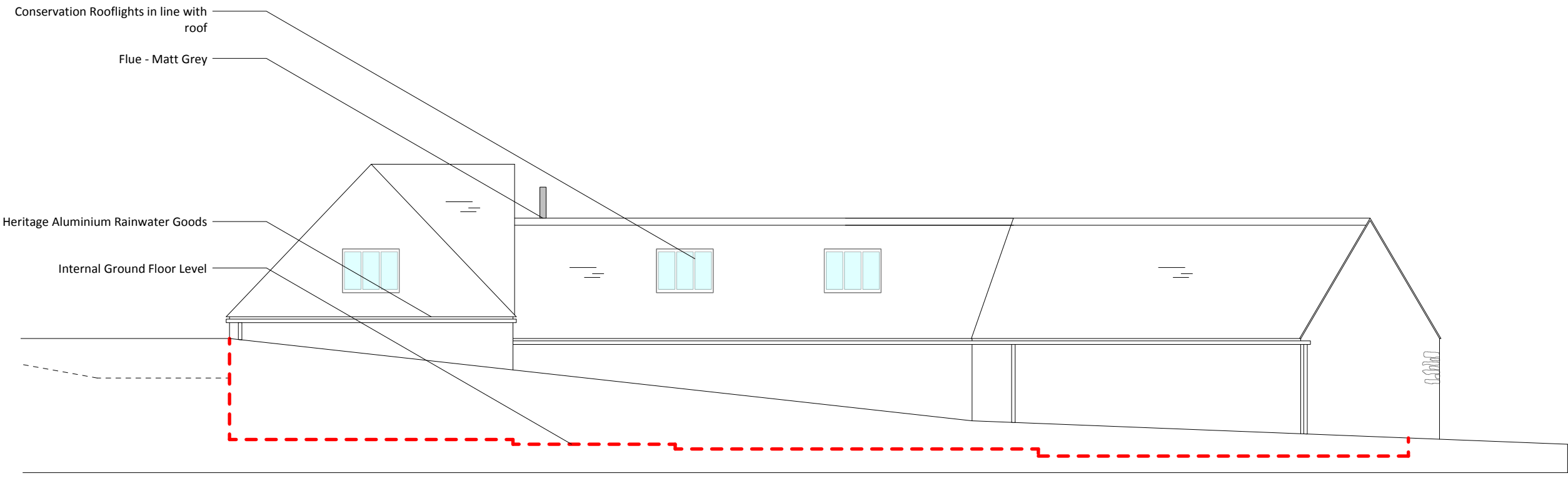
Blake Architects Limited
 1 Coves Barn, Jackbarrow Rd, Winstone, Gloucestershire. GL7 7JS
 [t] 01285 841407 [e] mail@blakearchitects.co.uk
 www.blakearchitects.co.uk

TITLE	Proposed Ground Floor Plan
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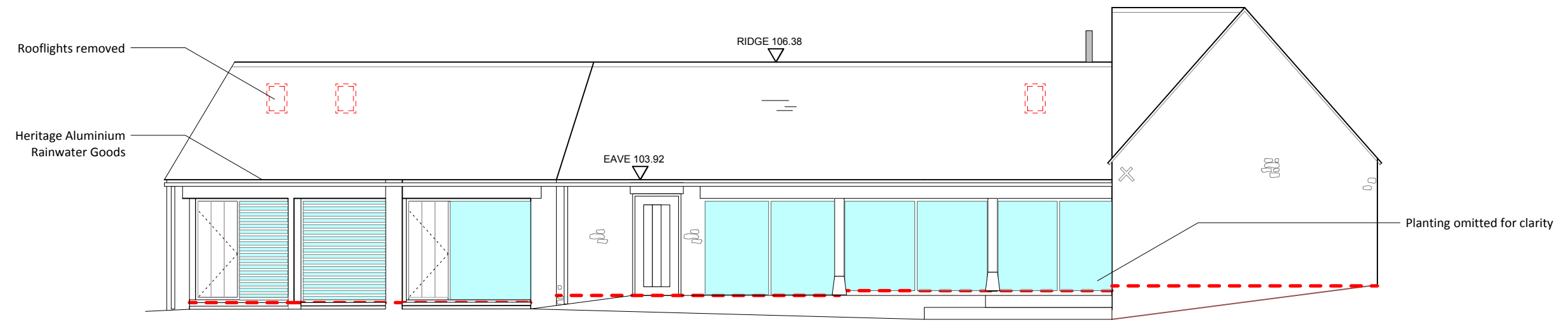
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STATUS	CONCEPT
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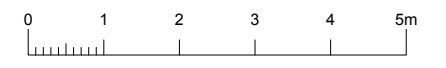
DRAWN	CHECKED	DATE	SCALE	REVISION
JN	JN	12.10.2020	1:100 @ A3	B



South Elevation



North Elevation



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 2. For construction use figured dimensions.
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 4. Read in conjunction with all relevant structural and mechanical & electrical engineers drawings.
 5. Survey undertaken by:

REVISIONS	
A	Removal of Kitchen / Utility Room
B	Amendments following Conservation Officer's comments.

PROJECT	Crockwell Farm
ADDRESS	Crockwell Barn, Crockwell House Far, Manor Road

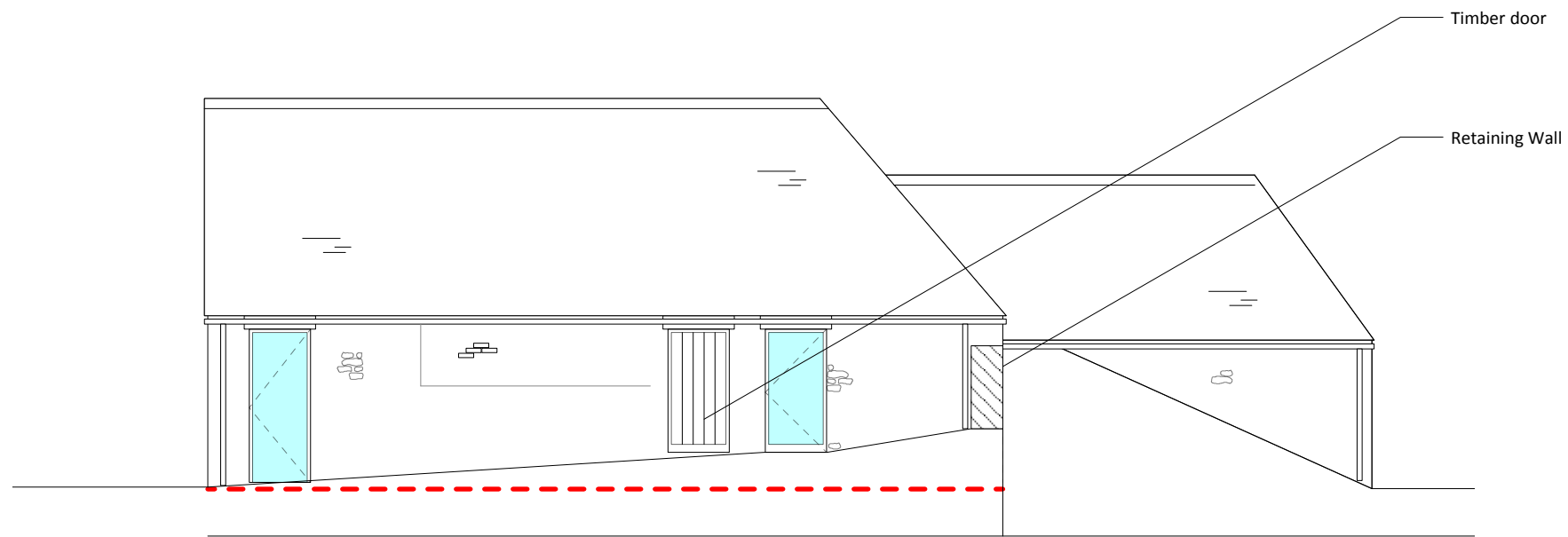
Blake Architects Limited
 1 Coves Barn, Jackbarrow Rd, Winstone, Gloucestershire. GL7 7JS
 [t] 01285 841407 [e] mail@blakearchitects.co.uk
 www.blakearchitects.co.uk

TITLE	Proposed North and South Elevations
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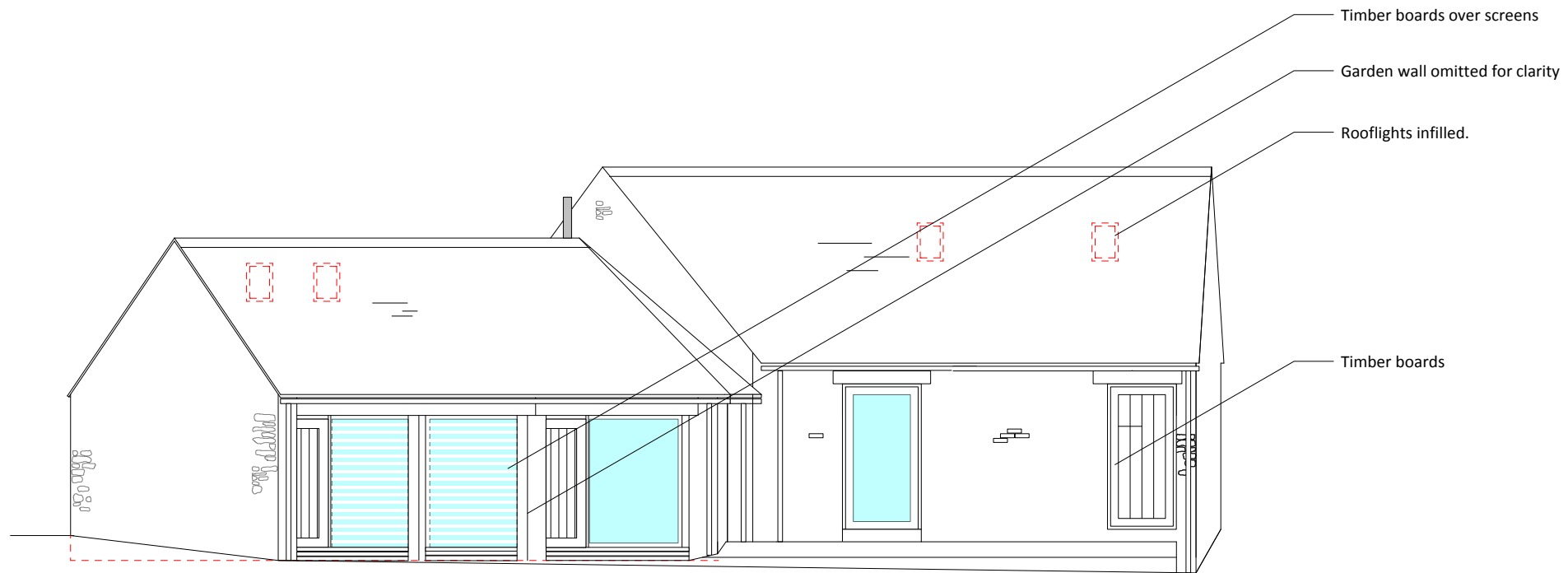
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STATUS	CONCEPT
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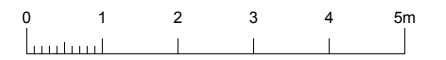
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JN	JN	12.10.2020	1:100 @ A3	B



West Elevation



East Elevation



- Notes**
1. This drawing remains copyright of Blake Architects Limited and may not be reproduced or copied without consent in writing.
 2. For construction use figured dimensions.
 3. Any discrepancies between site and drawings to be reported to the architect immediately.
 4. Read in conjunction with all relevant structural and mechanical & electrical engineers drawings.
 5. Survey undertaken by:

REVISIONS				
A	Removal of Kitchen / Utility Room			
B	Amendments following Conservation Officer's comments.			
C	20.10.20 Annotation reference to Corrugated Removed all roofs tiled.			
PROJECT Crockwell Farm				
ADDRESS Crockwell Barn, Crockwell House Far, Manor Road				
Blake Architects Limited 1 Coves Barn, Jackbarrow Rd, Winstone, Gloucestershire. GL7 7JS [t] 01285 841407 [e] mail@blakearchitects.co.uk www.blakearchitects.co.uk				
TITLE	Proposed East and West Elevations			
DRAWING NUMBER	20.08.02.12			
STATUS	CONCEPT			
DRAWN	CHECKED	DATE	SCALE	REVISION
JN	JN	12.10.2020	1:100 @ A3	c

Crockwell Farm, Great Bourton, Oxfordshire

National Grid Reference SP 4551 4566

Conversion of an existing barn for residential use, and associated matters

Heritage Statement



Figure 1: The barn range to be converted looking south, with building 1 to the left of centre, building 2 to right of centre, and building 4 on the right. The modern extension (building 3) is hidden by shrubs and saplings in the middle. The gable to the left is a separate property behind the farmyard, and not relevant to this report.

Graham Keevill BA (Hon) FSA MCifA
Keevill Heritage Ltd
for Crockwell Farm LLP
June 2020

Crockwell Farm, Great Bourton, Oxfordshire: conversion of an existing barn for residential use, and associated matters - Heritage Statement

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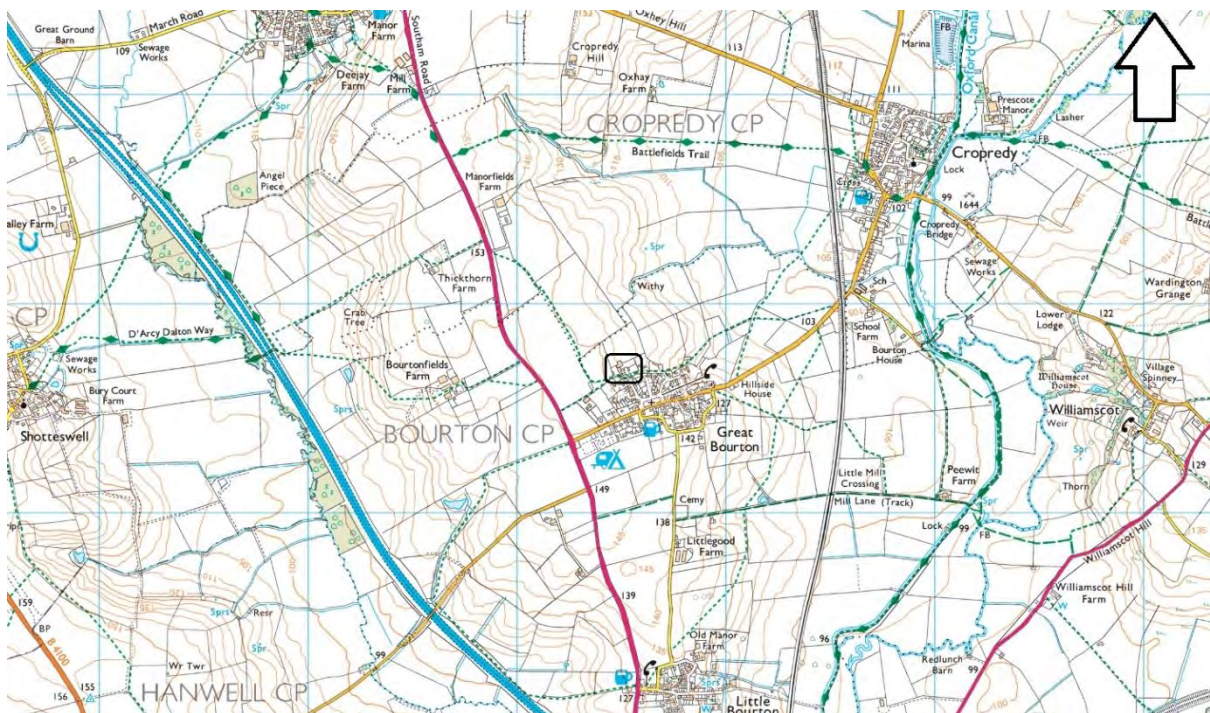


Figure 2: Location plan of Great Bourton, with the mainline railway between Oxford and Birmingham to the right of centre, and the M40 to the left. The site's position on the north-west edge of the village is highlighted. Ordnance Survey data Crown Copyright 2020. All rights reserved. Licence number 100051221.

Executive summary

Crockwell Farm lies on the north-west edge of Great Bourton, a village c 5km north of Banbury. The site is within Cherwell District, at National Grid Reference SP (NGR) 4551 4568. The farmhouse is a grade II listed building, but the farm itself has not been operational for some years. Outbuildings in the yard immediately to the west and north-west of the house are of mixed dates, and are in varying condition. Some are ruinous. Outline planning permission was granted in 2016, and renewed in 2019, for conversion of a barn group on the south edge of the yard for residential use. The ruinous buildings in the centre of the yard would be demolished and replaced with two new single-storey dwellings.

Crockwell Farm LLP has acquired the farmyard (the farmhouse remains in private hands), with a view to carrying out the permitted development. Detailed permission is being sought for the barn conversion as a first stage in achieving this. A further application will be made in due course for demolition of the ruinous buildings (as permitted under the 2016 and 2019 consents) and the two new dwellings. A separate project on the group of later 20th-century steel-framed barns at the north end of the farmyard is also under consideration. This Heritage Statement has been prepared for the first application, ie conversion of the existing historic barn buildings at the south edge of the yard. The information contained here will be relevant for other applications as well.

The Heritage Statement confirms the findings of a previous report: that the farmyard buildings are of mixed dates ranging from potentially the late 17th century to the later 20th century (post-1948).¹ Some of the buildings – mostly the modern ones but including the historic barn group – are still roofed and capable of rescue/re-use. The modern buildings, however, are at best functional in character and design; at worst they blight the setting of the grade II listed farmhouse. They are not capable of easy conversion for any other use than agriculture, and the farm ceased active use some years ago. Several of the older (eg 19th-century) buildings are ruinous, having already lost their roofs or in imminent danger of doing so. Aerial photography from Google Earth provides dramatic evidence for the rapid (and continuing) decline of their condition. The outline planning permission recognises this. Conversion of the barn group (buildings 1-4) on the south edge of the farmyard will preserve the historically important elements (buildings 1, 2 and 4) while replacing a visually intrusive modern outshut extension (building 3). The development will therefore preserve and enhance the significance of the site, as well as substantially enhancing the setting of the grade II listed farmhouse. The details presented in the new application satisfy the requirements of the outline consent, and will allow its implementation in respect of the historic barn group.

1 Introduction

1.1 Background and planning context

Crockwell Farm lies on the north-west edge of Great Bourton, a village c 5km north of Banbury. The farmhouse is a grade II listed building (National Heritage List reference 1215873, location National Grid Reference SP 45536 45685). The farm itself has not been operational for some years, however, and outbuildings in the yard immediately to the west and north-west of the house (site centre NGR SP 4551 4568, total area c 4,500m²) are in varying condition. Some are ruinous. They are of mixed dates, ranging from one or two which may be of the same late 17th-century date as the farmhouse, to others which were erected in the later 20th century. Planning permission was granted in 2016 (Cherwell District Council reference 16/00609/OUT), and renewed in 2019 (reference 19/00250/OUT), for

¹ Soden I 2016, *A Heritage Asset Survey of former farm buildings at Crockwell Farm, Great Bourton, Oxfordshire*

conversion of a barn group on the south edge of the yard for residential use, while ruinous buildings in the centre of the yard would be demolished and replaced with two new single-storey dwellings. As the planning references show, these were outline consents with details to be approved subsequently in writing by Cherwell District Council (the local planning authority). The small group of historic barn structures on the south edge of the farm are located at NGR SP 4551 4566.²

Crockwell Farm LLP has acquired the farmyard at Crockwell Farm, with a view to carrying out the permitted development. The farmhouse remains in private ownership, and is excluded from the plans. The farmyard buildings are not separately listed, but were formerly within the curtilage of the grade II farmhouse. Detailed permission is now being sought for the barn conversion as a first stage in achieving the outline scheme. A further application will be made in due course for demolition of the ruinous buildings (as permitted under consent 19/00250/OUT and its predecessor) and the two new dwellings. A separate project is also under consideration for a group of later 20th-century steel-framed barns at the north end of the farmyard. This Heritage Statement has been prepared for the first application to convert the existing historic barn buildings at the south edge of the yard. The content, however, is also relevant for the other projects.

This Heritage Statement assesses the historic development of the farmyard and the significance of the existing buildings (both old and modern). It examines the potential impacts of the proposed development on nearby designated heritage assets (the village is not a Conservation Area, so this has not been a consideration). It also assesses whether there are any non-designated heritage assets within the site, and finds that some of the farmyard buildings fall into this category. The report has been prepared in full accordance with the National Planning Policy Framework (NPPF, 2019 revision). Paragraph 189 states that

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.³

The planning report for consent 19/00250/OUT noted that no comments had been received from Oxfordshire County Council's archaeology team during the consultation period for the planning application. The county archaeology team had no objections to the 2016 application either. Thus an archaeological desk-based assessment has not been necessary for this study, but the Heritage Statement has taken account of the potential for archaeological remains on the site. This included a review of archaeological information on the Heritage Gateway (Historic England data and the Oxfordshire Historic Environment Record). The report therefore complies with the NPPF.

The *Adopted Cherwell Local Plan 2011-2031*, adopted on 20 July 2015, includes Policy ESD 15: The Character of the Built and Historic Environment. This states that new development proposals should:

- 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

² All but a small corner of the farmyard and buildings described in this report lie within postcode OX17 1QT.

³ This replaced paragraph 128 of the 2012 NPPF.

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's⁴ 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.

Further information on the local plan is provided in the Design, Access and Planning Statements for the application, and is not repeated here.

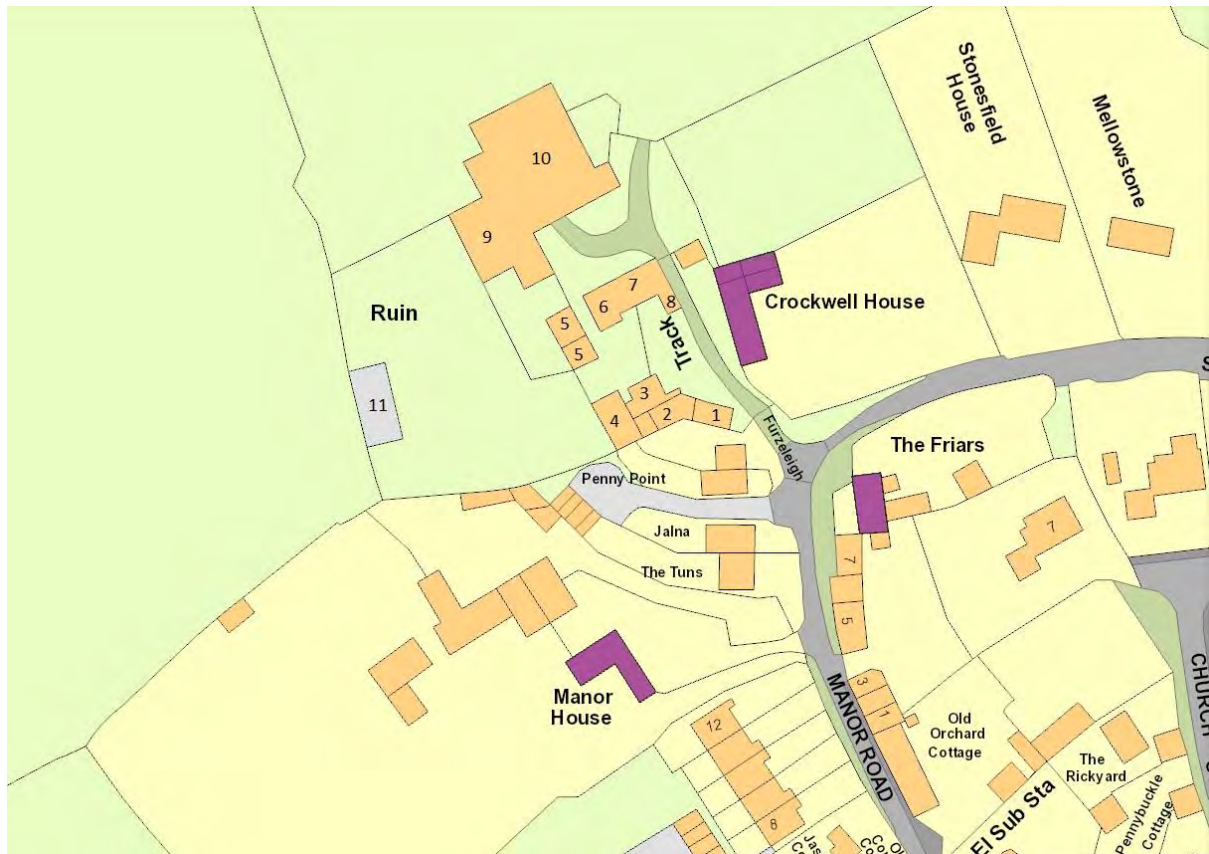


Figure 3: Plan of the farmyard with the building numbers included, after Soden 2016. The farmhouse, Manor House and The Friars are also shown; all three are Grade II listed.

1.2 Sources and methods of the study

The proposed development of buildings 1-4 is shown on Blake Architects Ltd's drawings 20.08.02-03, 07-08, 10-13, and 3D visualisations. The site and village were visited on 29 April 2020 to examine and assess the historic character and values of the site, and its relation to the village. The nature and extent of the proposed development was examined, and its potential impact on heritage assets was assessed in detail. The weather was overcast with some rain (heavy at times), but also some sunny intervals. The photographs used in this report were taken during the site visit unless otherwise stated.

Iain Soden Heritage Services Ltd prepared a detailed survey of the farmyard buildings for the 2016 planning application (Soden 2016). This provides a catalogue of the outbuildings and an assessment of their heritage value. The report provides a valuable description of the character of each individual

⁴ This should now refer to Historic England.

building and does not need to be repeated here. The buildings are therefore summarised in part 2.2 of this document, and the 2016 report should be referred to for further details. The building numbers used in the 2016 report are followed here.

Other research for this report included consultation of various sources such as the Oxfordshire Historic Environment Record (via the Heritage Gateway), the National Heritage List, the Historic England Archive, historic mapping, and published or archival sources such as the Victoria County History,⁵ all referenced as necessary in the report. A search of the online Britain from Above collection of early aerial photographs did not reveal any photographs of the site,⁶ and unfortunately the Covid-19 crisis precluded examination of the Historic England aerial photography collection.⁷ These might have been useful in confirming the detailed chronology of the farmyard in the inter-and post-war years of the 20th century, but the historic Ordnance Survey mapping is sufficient to confirm whether buildings were erected before or after 1948 (an important date in listed building legislation). A full set of historic Ordnance Survey maps for the site was purchased for this project via Groundsure. A selection of the maps is used to depict the development history of the site in section 2.1 of this report. The online resource England's Places was also checked: this contains digitised/scanned versions of all the historic photographs formerly housed in the 'Red Boxes' at the Historic England Archive.⁸ Two photographs of the farmhouse are included, both from 1962; there are none of the farmyard and its buildings.



Figure 4: A photograph of the farmhouse in 1964 from the Red Boxes. Contrast with Figure 5.

⁵ C Colvin, J Cooper, N H Cooper, P D A Harvey, M Hollings, J Hook, M Jessup, M D Lobel, J F A Mason, B S Trinder and H Turner, 'Parishes: Great and Little Bourton', in *A History of the County of Oxford: Volume 10, Banbury Hundred*, ed. Alan Crossley (London, 1972), pp. 175-184.

⁶ www.britainfromabove.org.uk

⁷ The Historic England Archive closed in mid-March 2020 and remains so at the time of writing, mid-May 2020.

⁸ The photographs themselves can now be seen by appointment only, having been removed to full archive storage conditions. <https://historicengland.org.uk/images-books/photos/englands-places/>



Figure 5: Crockwell Farmhouse today.

The author is a professional archaeologist with 39 years' continuous experience, most of it in senior roles. He is the Cathedral Archaeologist for Rochester, Salisbury, Christ Church (Oxford) and Blackburn. He carries out archaeological assessments, historic building surveys and heritage statements across England at a wide variety of locations and types of site, on both ecclesiastical and secular sites. He is a fully member of the Chartered Institute for Archaeologists (MCIfA) and a Fellow of the Society of Antiquaries.

1.3 Designated heritage assets

Blenheim Palace (Woodstock) is the nearest World Heritage Site to Laurels Farm farmstead, but at c 27km to the south it has no relevance to this Heritage Statement. There are no Scheduled Monuments (designated archaeological sites), registered Parks and Gardens of Special Historical Significance or Registered Battlefields within 1km of the farmyard. The site of the Battle of Cropredy Bridge (NHL 1000008) is 1.5km-1.75km to the east and south-east, but as Soden pointed out it "has no bearing on the farmyard nor does the farmyard relate to the battlefield in any way). Neither is discernible from the other". There are several listed buildings in the village of Great Bourton, including of course the farmhouse (NHL 1215873). Two others are nearby: The Friars (NHL 1215931) and Manor Farmhouse (NHL 1285875). All three were listed on the same day (8 December 1959), at Grade II. The list description for the farmhouse is included in Appendix 1. In summary, it is of late 17th-century date, built of ironstone ashlar (dressed masonry) under a steeply pitched slate roof. The village of Great Bourton is not a Conservation Area.

2 Crockwell Farm: development and buildings

2.1 Historical summary⁹

The bedrock geology at Crockwell Farm is shown as the Dyrham Formation - Siltstone and Mudstone, Interbedded. This formed approximately 183 to 191 million years ago in the Jurassic Period, in a local environment dominated by shallow seas. No superficial (drift) deposits are recorded.¹⁰ The farmyard is on the north-west edge of Great Bourton, on ground which slopes southward towards the village centre. Modern steel-framed buildings at the north end of the yard occupy the edge of a flat paddock; the ground then falls away to the north and west, so that this part of the site has commanding panoramic views.

The village of Great Bourton lies c 5km (3 miles) north of Banbury, the major market town in North Oxfordshire. The village is the largest settlement in the civil parish of Bourton. Great Bourton had a recorded population of 614 in the 2011 Census. The parish was merely a chapelry of Cropredy village, its near-neighbour to the east, until the late 19th century when it gained its independent status, and Bourton does not appear separately in the Domesday Survey of 1086. The Church of All Saints was originally of 13th-century date but was almost entirely rebuilt in 1863 by William White; the lychgate and bell tower at the south-west corner of the churchyard were also by White, of 1882. Great Bourton was evidently an ancient settlement, with 121 inhabitants assessed for the poll tax in 1377. The place-name - *tun* by a *burh* - first occurs between 1209 and 1212, with the full Great Bourton in 1265. Ironstone and thatch were the main building materials in the village, although many of the older buildings have been repaired or added to in brick and blue slate, and thatched roofs are now rare. The church occupies a central position in the village, and its tall 19th-century belfry and vaulted gateway dominate the village street.

2.2 History and date of the farmyard buildings

The agricultural land at Great Bourton was the subject of inclosure under a private act of Parliament in 1777; the award was signed in 1778. Unfortunately there does not appear to be a Tithe award, perhaps because of the village's subservient position to Cropredy. The earliest useful historic map is therefore the 25inch to one mile (1:2500) Ordnance Survey edition of 1882. This shows all buildings then present.¹¹ Further 25inch editions followed in 1900 and 1922, but there was a hiatus from then until the next large-scale map was published in 1972. Fortunately a 6-inch (1:10,560) edition of 1955 fills the gap, although the smaller scale inevitably means that the buildings on any given site are not shown in as much detail. The accuracy, however, is still good. Extracts from the Groundsure-sourced copies of all these editions, as well as those of 1989 and 2003 (1:1250 mapping), are provided on the following pages. Short commentaries in the captions describe points of interest for the site's historic development. Reference should also be made to the building numbers from the Soden 2016 report, as shown on Figure 3.

⁹ Source: VCH, note 5.

¹⁰ Information from the British Geological Survey <http://mapapps.bgs.ac.uk/geologyofbritain/home.html?>

¹¹ In most cases the maps were published between one and three years after they had been surveyed, sometimes longer. The dates provide a useful 'shorthand' for the timeline of development at the farm despite this slight lag.

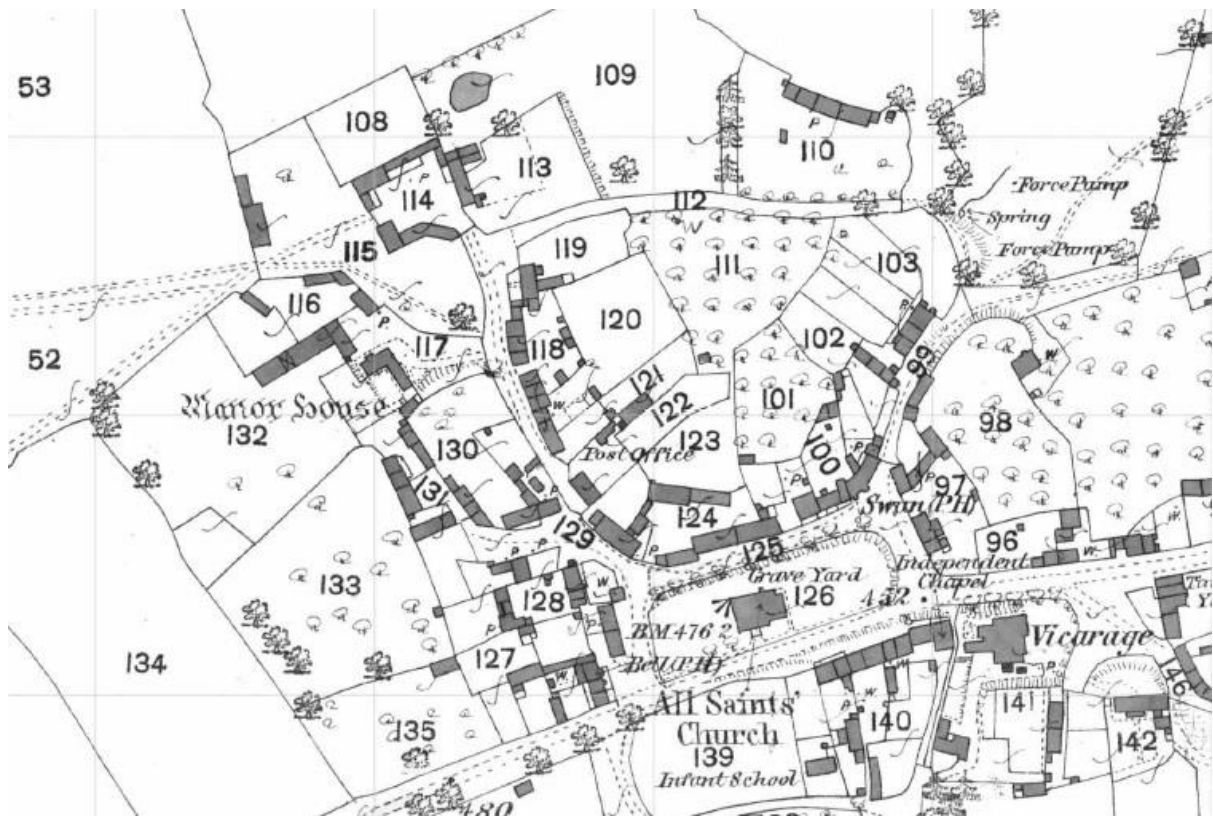


Figure 6: The 1882 OS 1:2500 map. Crockwell farmyard is shown around the number 114, with the farmhouse on the east (right) and buildings 1-3 to the south. The buildings to the north are not those extant here today, except possibly for part of building 5. The rest are of completely different plan and layout. Several of them are also clearly of modern materials (see below). Building 11 (or a structure on its site) is also shown.



Figure 7: The OS 1900 1:2500 map. No changes but note the dotted line to the front of building 2 – this confirms that it was open-fronted. Note also the tone showing the extent of the village settlement.

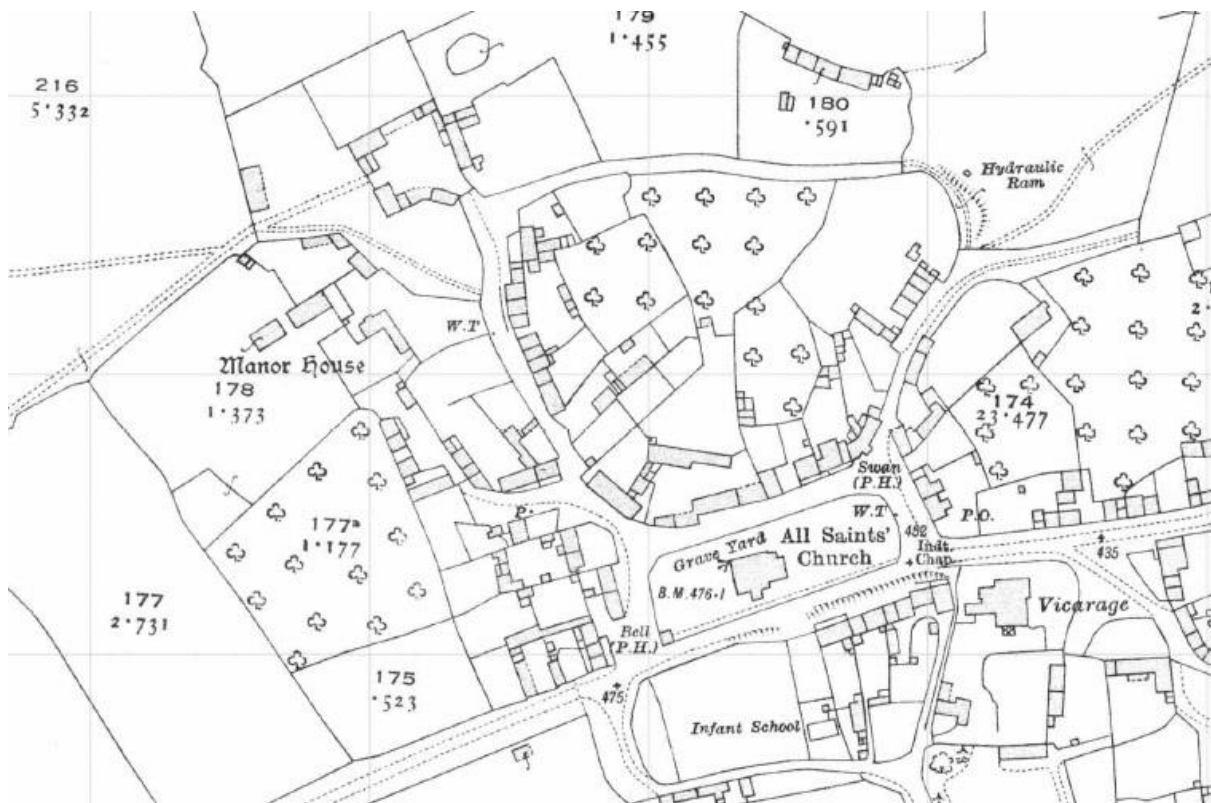


Figure 8: The OS 1922 1:2500 map. The north half of building 11 is no longer shown, but this is the only change in the farmyard. Indeed the village as a whole had changed very little in 40 years.

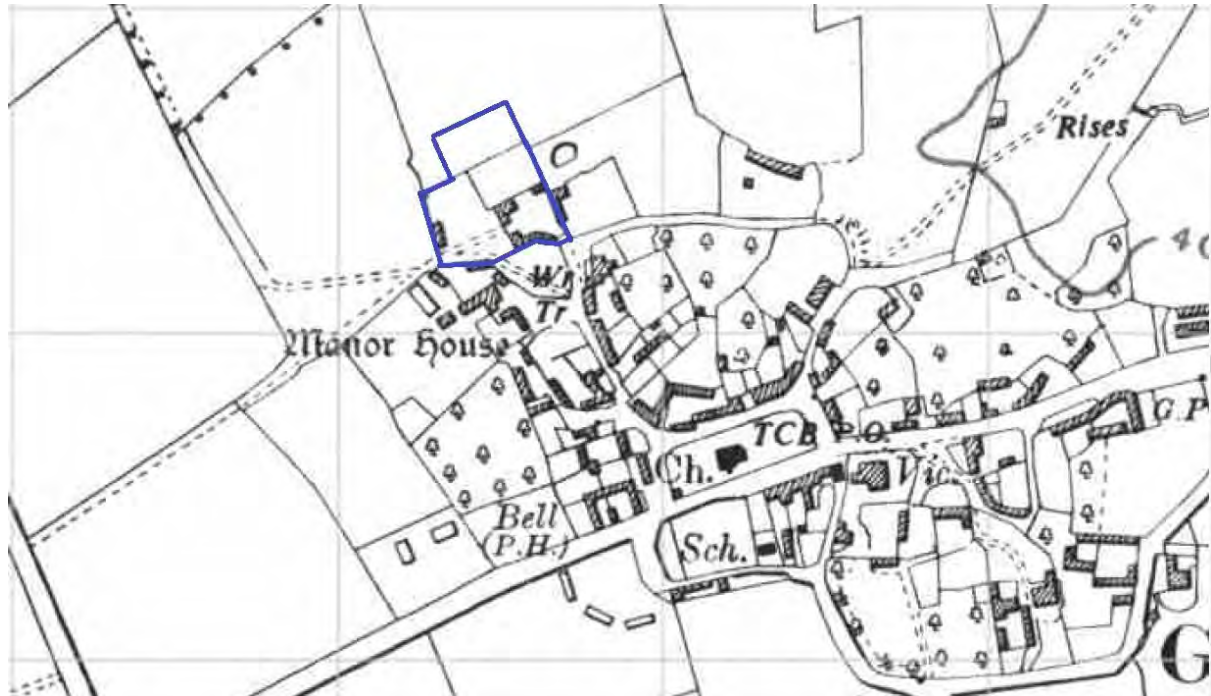


Figure 9: The 1955 1:10560 OS edition, site outlined in blue. Even at 6 inches to the mile it is clear that very little had changed at Crockwell Farm. The central and east parts of the building range on the north side of the yard had evidently been demolished, but the garage next to the farmhouse was still in place. A few new buildings are shown in the village, in open outline (under construction?).

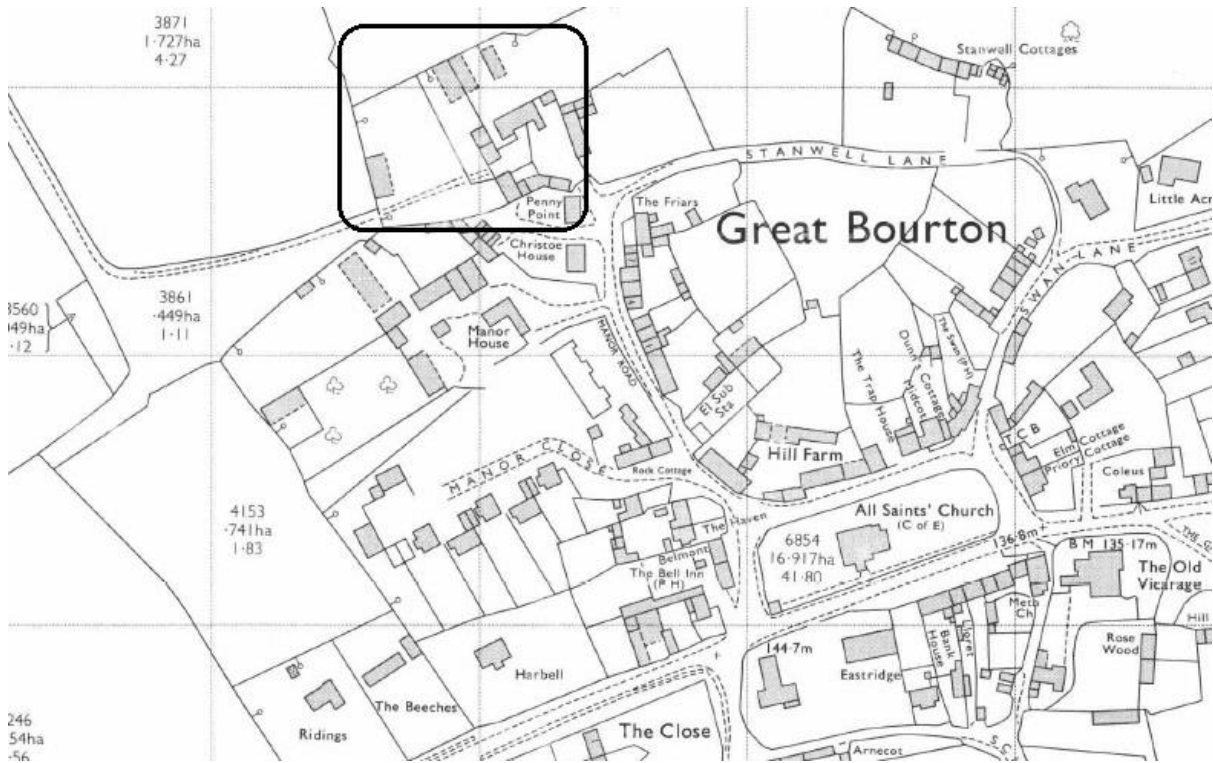


Figure 10: The OS 1972 1:2500 map, site outlined. Major changes had taken place at Crockwell Farm. Building 5 is shown in its current form, but the old range on the north side of the yard has been demolished in full and replaced with new buildings. The farmyard has also been extended north, with new buildings: the dotted outline shows that these were open 'Dutch' barns.

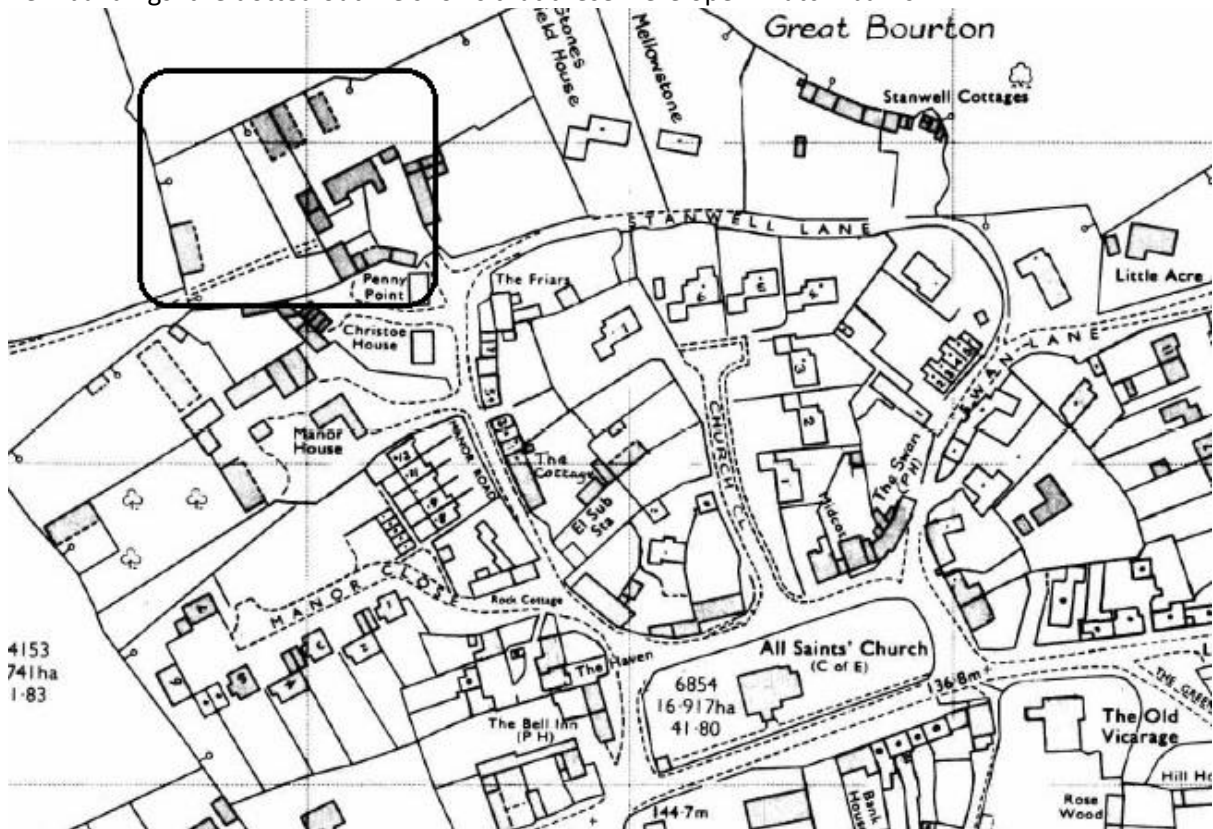


Figure 10: The OS 1989 1:2500 map, site outlined. Crockwell Farm is unchanged. This map shows an increasing pace of new housing development within the village, started after World War II and evident on both the 1955 and 1972 editions.



Figure 13: Google Earth images from 2009 (above) and 2017 (below) show the dramatic pace of decline in the largely abandoned outbuildings. In the earlier photograph building had lost its roof 6 in full, but only the north end of building 11 was unroofed. By 2017 its roof had gone completely, and the interior had been invaded by greenery.

2.2 The fabric of the barns

The historic maps demonstrate that the buildings in the farmyard fall into two categories. A number of structures pre-dating 1948 survive in various stages of decay. Most of these are clearly identifiable on the 1882 OS map (there is some uncertainty over the age of building 5). The rest only appear after the 1955 OS map, and are predominantly of obviously modern construction and/or materials. The first group would fall within the category of curtilage listing if the farmyard was still in the same ownership as the farmhouse. The second group clearly would not, as they post-date 1 July 1948. Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990 therefore would not apply to these modern structures. The following table briefly summarises the character and date of all the farmyard

buildings, using Soden’s 2016 catalogue allied to our own assessment of the historic map evidence. Photographs then illustrate the buildings individually or in groups.

Bldng	Date	Character/materials
1	Pre-1882	Open-fronted cart shed of three bays, ironstone rear, gable and dividing walls; late 19 th /early 20 th -century roof structure, modern roof covering and floors. The layout is pre-1948 but much of the detailing is later.
2	Pre-1882	Continuation west of building 1, part of same structure and with the same construction character. OS maps confirm that it was open onto the yard. Layout pre-1948 but much of the detailing is later.
3	Post-1972	Ramshackle addition on north side of building 2, a mixture of recycled timbers and sheet metal. Physically and visually intrusive.
4	Pre 1882: may be late C17	Large barn/shed, formerly open to the yard, ironstone ashlar similar to the farmhouse so possibly contemporary. Modern roof as with buildings 1-2. Brick infill to east and concrete floor inside are modern, the floor of 1962 (date scratched into the concrete when still wet)
5	Part may be pre-1882	Walls partly of ironstone rubble with later additions in brick to both the north and south halves. Modern (post-1948/1955) roofs. Buildings are shown here in the early OS editions but with a different configuration – only shown in current plan from 1972. West wall and other elements may pre-date 1882 but building is largely later than 1948.
6	Part may be pre-1882	Roofless ruin, partly ironstone walls, partly replacement brick. Smaller building on similar footprint shown on early OS maps, but like 5 only shown in current plan from 1972. May incorporate elements of the earlier building but much altered and in very poor condition (has deteriorated since 2016).
7	Post-1955	Animal pens, modern blockwork and concrete floor under corrugated metal roof. Replaced narrower building on same site. First shown on 1972 OS map.
8	Post-1955	Small two-room building off SE corner of 7, modern blockwork, concrete floor, corrugated metal roof. First shown on 1972 OS map.
9	Post-1989	Modern steel-framed agricultural shed, haphazard adaptation and conversion. Now derelict. Not shown in this form until 2003 OS map. Much smaller building present 1972-89, but maps and later air photos show that the current structure replaced this rather than incorporating it.
10	Post-1989	Modern steel-framed agricultural shed, contiguous with NE side of 9, used for ad hoc storage. Not shown in this form until 2003 OS map. Two much smaller buildings present 1972-89, but maps and later air photos show that the current structure replaced these rather than incorporating them.
11	Pre-1882	Brick animal shelter at extreme west edge of yard, now completely roofless. On 1882 OS map, character of the brickwork suggests post-1850 date.

Table 1: Summary catalogue of the farmyard buildings at Crockwell Farm

In summary, buildings 1, 2, 4 and 11 certainly pre-date 1948. The first three are the earlier of these, and part of building 4 might be of late 17th-century date. Building 11 lies well to the west of the other yard buildings, and is not included in the current development plans. Buildings 5 and 6 may also retain some pre-1948 fabric, but with extensive later work. They are in very poor condition and incapable of viable/sustainable adaptation or re-use. The remaining buildings all post-date 1948.



Figure 14: Views of building 4 – top, the rear (west) elevation showing ironstone ashlar construction but with some rebuilding in brick; bottom left, the late 19th/early 20th-century roof trusses and modern roof covering over them; bottom right, the date 1962 in the concrete floor. Vegetation is engulfing this elevation – compare with Soden 2016, figure 9.



Figure 15: Views of the 'ramshackle' extension, building 3, in front (north) of building 2.



Figure 16: Buildings 5 (top, looking north-west) and 6 (looking south-east). The latter's condition has deteriorated since 2016 – compare with the same view in Soden 2016, figure 12.



Figure 17: Buildings 7 and 8, front (top) and rear – note the very poor condition of the back wall.



Figure 18: Buildings 9 (top, seen from the south) and 10 (bottom, seen from the north-east).

3 Statement of Significance

This part of the Heritage Statement identifies the significance of the site. The assessment follows standard professional guidance, eg Historic England's Conservation Principles. The primary concern is not simply to say that something is important, but to define and determine a hierarchy of significance – how important is a site or a part of it? A simple sequence of high (national), medium (local/county) and low (slight) or no significance is used, as well as neutral (not important but also does not detract from a site's value) and detrimental (where something has a negative effect on significance) or visually intrusive. These assessments cover the historic, evidential, aesthetic and community values of the heritage asset in question if appropriate.

Statutorily designated heritage assets such as Scheduled Monuments and listed buildings are of national significance. They will usually be defined as having **high significance**, and this certainly applies to Crockwell Farmhouse (grade II listed). It has high values historically due to its late 17th-century date; evidentially as an example of the gradual changes and adaptations that occur in most historic buildings; and aesthetically due to its design quality and materials. The building would benefit from careful conservation (including removal of invasive vegetation) and refurbishment, but that is beyond the reach of this project. The farmhouse has low communal value because it is private property (it will remain so) with no public access; it is not visible at all from the highway (eg Manor Road), and barely so barely from local footpaths.

The farmyard buildings at Crockwell Farm are not listed; only those pre-dating 1948 could have been defined as curtilage listed while they followed the same ownership as the house. The post-1948 buildings could not qualify for curtilage listing. Building 4 appears to be the earliest of the farmyard structures, with buildings 1 and 2 being slightly later. Buildings 5 and 6 might include some early fabric, while building 11 is of mid-19th century date. These structures are of **medium significance** individually and for their group value – historically for their construction dates, evidentially because they demonstrate the development of the farmyard and past refurbishment of it, and aesthetically due to their visually pleasing character and (largely) local vernacular materials. They also have low communal value because they are private and inaccessible. Buildings 11 and 6 are in extremely poor, ruinous and roofless condition, and building 5 is little better. Their condition is clearly **negative**; they are beyond economically viable repair even if they still had potential for farm use, but that is no longer the case. The modern buildings are of **no significance** for any heritage-related values.

Building 3 was described by Soden (2016, 9) as a “ramshackle out-shut formed entirely of re-used railway sleepers, telegraph poles and miscellaneous timbers around original front and wall-plate of Building 2. Covering is a mixture of corrugated iron sheet, Trafford tile sheet and similar re-used sheeting. Sides are equally haphazard”. It might win prizes for ingenuity but not for use of authentic vernacular materials. It is **visually and physically intrusive** on building 2 in particular, as well as on buildings 1 and 4. Historic map evidence demonstrates that it was added after 1972, and therefore is not within the date range for consideration under curtilage listing. The materials used in building the extension are wholly consistent with its modern origin.

The very poor condition of buildings 5-8 is **visually intrusive** upon the setting of the listed farmhouse. The materials, character, function and ‘design’ of buildings 7 and 8 are also harmful to the setting of the farmhouse. The secluded and isolated nature of the farmyard, however, means that the buildings do not have any effect or impact on other nearby listed buildings (eg the Manor Farmhouse and The Friars).

4 Development proposals: impact appraisal

Section 16 of the 2019 National Planning Policy Framework deals with the desirability of conservation and enhancement of the historic environment within the planning process. Preserving or enhancing heritage assets is highlighted. Paragraphs 192-6 deal with the potential for developments to harm a designated heritage asset (such as a listed building) or its setting. Paragraph 196 states that

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 deals with non-designated heritage assets. It states that

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

This is reflected in Policy ESD 15 of the Cherwell District Local Plan 2011-2031, quoted above.

The proposed development of buildings 1-4 is shown on Blake Architects Ltd's drawings 20.08.02.02-03 (existing site and floor plans), 07-08 (existing elevations) and 10-13 (proposed site and floor plans, and proposed elevations). 3D visualisations have also been prepared. The rendering of masonry on these is generic rather than showing the characteristic ironstone of the local vernacular, but the plans and elevations show that the existing masonry is retained and will dictate the palette of materials for necessary stone replacements or new fabric (eg the stone masonry replacing the 1960s or later brick infill on the east side of building 4). The historic barn buildings (1, 2 and 4) will be retained, refurbished, and converted into a dwelling. Building 3 will be replaced by a new structure comprising a kitchen, utility room and entrance courtyard with timber-clad construction and a corrugated metal roof. It will occupy the same footprint as the modern extension and have the same roof formation, thus ingeniously preserving a memory of agricultural character while meeting modern standards of environmental sustainability and energy conservation. The courtyard element will also open up the true character and visual attractiveness of buildings 1, 2 and 4.

The as-existing and proposed plans and elevations provide a clear demonstration of the work needed to preserve and refurbish the historic buildings so that they are capable of viable and sustainable re-use. The new accommodation will be entirely at ground-floor level. No attempt has been made to introduce a first floor or mezzanine in building 4, the tallest of the barns and the only one where a new floor might have been achievable. The inserted brickwork partition wall across the north end of building 4 will be retained, with the space to its north becoming bedroom 4 of the new dwelling. The low-level brick and blockwork stall to the south of the cross-wall will be replaced with new partitions on the same footprint, but divided internally to create new WC and bathroom facilities. The existing stall is wholly modern (1962 or later) and of no historic interest or significance. The new fabric will retain a memory of its position while also providing essential facilities at this end of the building. The conversion of buildings 1 and 2 also retains the majority of the historic fabric, with new openings to allow access between the new accommodation kept to the minimum necessary for practical living in the spaces. A full-width pair of timber gates and timber screen at the east and west ends respectively of building 2 will be removed to create spacious open-plan living areas in the centre of the dwelling. The roof trusses are retained, re-covered with appropriate materials as necessary. The walls will be insulated internally after necessary conservation. The development will therefore retain the historical character and volume of the buildings intact, which is correct and appropriate - especially for building 4 - while creating excellent living spaces and bedrooms. The external envelope is largely unchanged by the conversion: conservation rooflights are the only new feature on the south elevation, the gables of buildings 1 and 4 are unaltered, and changes to the remaining elevations are largely restricted to new glazing and doors – necessary for use of these largely open-fronted structures. The development

therefore respects the historic character and fabric of the buildings, and treats them sensitively while ensuring that conversion will provide a visually and physically attractive dwelling. The 3D images show this particularly well, even with the generic rendering of masonry.

Landscaping around the buildings has been kept to a minimum, providing small private spaces to the front (north) and both sides. A low-level (600mm) stone wall provides a small area of garden to the north of the angle between buildings 1 and 2, while most of the remaining space will comprise stone paving or granite cobble setts. Two parking spaces will be located to the west of building 4, with a space for visitors and drop-off point to the north-east of the dwarf wall around the small garden. The landscaping is thus discrete and restricted in extent; the 3D visualisations show this very well. It will have a positive impact on the setting of the barns themselves, and on the setting of the Grade II listed farmhouse.

The residential conversion of buildings 1-4 is necessary for their retention. They have little prospect of long-term survival if the development does not go ahead, as recognised by the existing outline planning permission. The detailed proposals presented in this application are fully respectful of the buildings' history and visual character but are also inventive and ingenious. They will provide a high quality residence retaining the maximum amount of historic fabric with appropriate new additions architecturally in glazed and clad features. The resulting building will be a major improvement on the current dereliction of the farmstead, and will undoubtedly enhance the setting of the Grade II listed farmhouse.

The 20th-century structures (7 and 8, with 5 and 6) on the north side of the core farmyard will be demolished under the existing consent. This will improve the visual character of the site, and thus the setting of the Grade II listed farmhouse. It will also improve the outlook of/from the converted barn buildings (1, 2 and 4). The detailed form and design of the replacement dwellings will be the subject of a separate planning application in due course, in accordance with the existing planning conditions.

Demolition of buildings 5-8 is permitted under planning consent 19/00250/OUT (no conditions refer specifically to the necessary demolitions). Drawing No 3561/20E, submitted with the 2019 application, shows the proposed indicative site plan for the development. Building 3 would also be demolished, leaving buildings 1-2 and 4 in their original historic plan form. Paragraphs 8.15 and 8.16 of the planning case officer's report stated that

8.15 A number of the existing buildings on the site are proposed to be demolished under this application, with some of these buildings considered to be curtilage listed. The farm buildings that are proposed to be demolished are in a poor state of repair and are of limited architectural value, with a number of modern interventions and alterations. The applicant has produced an assessment of the heritage value of the buildings,¹² and from reading this and my observations on site it appears to me that the significance of the buildings is primarily derived from their plan form and historic relationship to Crockwell House rather than any particular merit in the fabric and appearance of the buildings themselves. The retention of historic walls would be desirable. However, on the basis of the evidence before me I consider it highly unlikely the buildings would be structurally capable of conversion given their dilapidated state.

8.16 The demolition of these curtilage listed buildings would result in substantial loss or harm and as such the tests of Paragraph 195 of the NPPF must be applied and this was considered under the previous application (then Paragraph 133). It was considered that the nature and condition of these curtilage listed buildings prevents all reasonable uses of the buildings in their current form and that the buildings are no longer useful for modern agricultural working practices and were beyond economic repair. This being the case, it was considered that the

¹² This refers to Iain Soden's report.

second test of Paragraph 195 is also met. The limited architectural and historic value of the buildings in their own right meant that it was considered highly unlikely that grant-funding could be secured to restore these buildings, particularly given the amount of rebuilding and alteration that would be required. Finally, it was considered the application presented an opportunity to bring the site back into a use that, if the development was carried out sensitively, would enhance the setting of the principal listed building. It was therefore concluded that the proposal passed the tests of Paragraph 195 and the harm that would result was justified in this case. The scheme is still extant and I have no reason to go against this judgement.

Building 5, and possibly parts of building 6, might pre-date the 1 July 1948 cut-off for curtilage listing. Buildings 3, 7 and 8 certainly post-date this (as do buildings 9 and 10). They cannot be defined as non-designated heritage assets, and therefore the NPPF tests do not apply to them. Planning permission 10/00250/OUT already allows for the demolition of these buildings (and indeed the pre-1948 ones). It is therefore concluded that the required demolitions are not a planning issue.

5 Conclusions

The Heritage Statement confirms the findings of a previous report (Soden 2016), that the farmyard buildings are of mixed dates ranging from potentially the late 17th century to the later 20th century (post-1948). Some of the buildings – mostly the modern ones but including the historic barn group – are still roofed and capable of rescue/re-use. The modern buildings, however, are at best functional in character and design; at worst they blight the setting of the grade II listed farmhouse. They are not capable of easy conversion for any other use than agriculture, and the farm ceased active use some years ago. Several of the older (eg 19th-century) buildings are ruinous, having already lost their roofs or in imminent danger of doing so. Aerial photography from Google Earth provides dramatic evidence for the rapid (and continuing) decline of their condition. The outline planning permission recognises this. Conversion of the barn group (buildings 1-4) on the south edge of the farmyard will preserve the historically important elements (buildings 1, 2 and 4) while removing a visually intrusive modern outshut extension (building 3). The development will therefore preserve and enhance the significance of the site, as well as substantially enhancing the setting of the grade II listed farmhouse.

The barn range (buildings 1, 2 and 4) is of medium significance as an example of post-medieval to Victorian agricultural buildings. They are of a common type nationally, but with considerable interest as good-quality examples – especially in the context of the listed farmhouse. They are no longer in the same ownership as that building, but clearly their neighbouring status will remain. The buildings have been altered substantially through time (especially in their roofs), and extended northwards (the modern building 3); they are in no better than fair condition (poor in places), and suffer badly from invasive vegetation. Even so they have good visual quality as well as substantial historic interest. Their retention is clearly merited, but they no longer have any viable agricultural function. Residential conversion therefore represents the only means of preserving their heritage significance. This scheme secures their future. Refurbishment and conversion will not cause any harm to the buildings or their significance; on the contrary it will enhance them, as well as enhancing the setting of the Grade II listed farmhouse. The new use will provide a viable and sustainable future for buildings which would otherwise be under increasing threat of dereliction and, ultimately, collapse. Therefore the detailed development proposals are commended for planning permission.

Appendix 1: Listed building entry for Crockwell Farmhouse

Statutory Address: **CROCKWELL FARMHOUSE, MANOR ROAD**

Grade II Listed Building, List Entry Number 1215873. Date first listed: 08-Dec-1955

County: Oxfordshire. District: Cherwell (District Authority). Parish: Bourton

National Grid Reference: SP 45536 45685

Details BOURTON MANOR ROAD SP4545 (North side) Great Bourton 17/5 Crockwell Farmhouse 08/12/55

GV II Farmhouse. Late C17. Ironstone ashlar. Steeply pitched slate roof. Stone-coped gables with moulded kneelers, Brick ridge and end stacks. 3-unit plan, 2 storeys plus attic. 3-window range. Entrance off-centre to left has doorway with a moulded stone basket arched head and C20 door. Hood mould with diamond shaped label stops. Entrance is flanked by 3- and 4-light stone mullions. An 4-light similar window to right. Between the floors on the right is a 2-light stone mullioned stair window. First floor has three 3-light stone mullioned windows. Staircase light in attic floor said to have once been gabled. Right gable has 2-, 3- and 4-light stone mullioned windows with hood mould and label stop. Sundial. Interior said to have stop-chamfered beams, inglenooks and original staircase. Interior not inspected. (VCH: Oxfordshire: Vol X. p176)

Listing NGR: SP4553645685

Legacy System number: 401173

Sources: Books and journals - Salzman, L F, *The Victoria History of the County of Oxford*, (1972), 176

APPENDIX 9

East Staffordshire Appeal Decision

APP/B3410/W/17/3170228

Appeal Decision

Site visit made on 31 May 2017

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3rd July 2017

Appeal Ref: APP/B3410/W/17/3170228

Agricultural Building at Popinjay Farm, Stafford Road, Uttoxeter, Staffordshire ST14 8QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mrs KP Stockton against the decision of East Staffordshire Borough Council.
 - The application Ref P/2016/01456, dated 5 October 2016, was refused by notice dated 8 December 2016.
 - The development proposed is change of use of an agricultural building to single residential unit (part a only).
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) for the change of use of an agricultural building to single residential unit (part a only) at land at Agricultural Building at Popinjay Farm, Stafford Road, Uttoxeter, Staffordshire ST14 8QA in accordance with the terms of the application Ref P/2016/01456, dated 5 October 2016. The approval is subject to the condition that development must be completed within a period of 3 years from the date of this decision in accordance with Paragraph Q.2(3) of the GPDO and subject to the following additional condition:
 - 1) No development shall commence until:
 - (1) A detailed scheme for the investigation and recording of gas has been submitted to and approved in writing by the local planning authority;
 - (2) If gas is found, a report specifying the measures to be taken, including timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority.
 - (3) The development shall be carried out in accordance with the approved details and upon their completion a signed declaration that remedial targets have been achieved shall be submitted and approved by the local planning authority prior to first occupation of the development.
-

Procedural Matter

2. In Part E of the appeal form it is stated that the description of development has changed. Neither of the main parties has provided written confirmation that a revised description of development was agreed. Moreover, on the basis of the evidence before me, that given on the application form is a more accurate description of what was applied for. Accordingly, I have used the description given on the original application.

Main Issue

3. The main issue is whether or not the proposed development is permitted development under Schedule 2, Part 3, Class Q(a) of the GPDO and, if so, whether or not it would require prior approval in respect of the accompanying conditions in paragraph Q.2.

Reasons

4. The appeal relates to the change of use of a steel portal framed agricultural building to one dwelling. The building is within a farmyard, with other agricultural buildings and a farmhouse nearby. I saw that the building is currently in use primarily for storage.
5. Schedule 2, Part 3, Class Q of the GPDO states that development consisting of: (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order¹; and (b) building operations reasonably necessary to convert the building, is permitted development.
6. **The Council's reason for refusal and evidence focusses on those matters** addressed under Class Q(b) in terms of the scale and nature of the works that would be required to convert the building to residential use. However, Class Q.2(2) of the GPDO indicates that an application can be made for the change of use of the building and curtilage only. **It is clear from the appellant's** application form and supporting evidence that the application which constitutes this appeal was made on this basis. The appellant has also made it clear that it was always the intention to address matters under Class Q(b) with a separate application.
7. It is evident from the current condition of the building that a further application would be required. However, the GPDO does not state that where building operations are clearly intended or required that a Class Q(a) only application cannot be made. The approach of applying for Class Q(a) only is permissible under the regulations of the GPDO and the appellant can seek approval for the change of use without dealing with building operations. I have therefore considered the appeal on this basis.
8. Paragraph Q.1(a) – (m) of the GPDO sets out the relevant exceptions and limitations of the **permitted development rights**. **The Council's officer** report states that it is satisfied that the requirements of Q.1(a) have been met with regard to whether the site was used solely for agricultural use as part of an established agricultural unit on 20 March 2013. The Council has no objection either in relation to limitations (b), (c), (d), (e), (f), (g), (h), (j), (k), (l) and

¹ The Town and Country Planning (use Classes) Order 1987 (as amended).

- (m). On the basis of the written evidence and my site visit, I find no reason to conclude that there are any concerns in relation to these matters.
9. Although not expressed as such in their report, the limitation in dispute appears to be Q.1(i)(i). However, this relates to development under Class Q(b) and is thus not relevant to the determination of this appeal. Therefore, on the basis of the evidence before me, and accepting that the submission was made for Class Q(a) alone, I am satisfied that the change of use would not conflict with any of the limitations listed in paragraph Q.1 of the GPDO and would thus comply with the requirements of Class Q(a).
 10. For development to be permitted by Class Q(a) of the GPDO, it is also subject to a series of conditions regarding whether the development requires the prior approval of the Council. Paragraph Q.2(2) explains that where the development proposed is under Class Q(a) only, it must apply to the local planning authority for a determination whether prior approval of the authority will be required as to the items referred to in sub-paragraphs (1)(a) to (e) and the provisions of paragraph W.
 11. **The appellant's submission seeks to address these** issues and the Council has not disputed this evidence or raised any objections in relation to the effects of the development on transport and highways, noise, flooding or the location or siting of the building. There is nothing before me which would lead me to conclude that the development would fail to meet the requirements of the GPDO in respect of these factors.
 12. I have noted comments from Environmental Health officers in relation to the proximity of a quarry and potential for gas migration. Nonetheless, there is nothing in the response which suggests that the residential use proposed would not be acceptable in principle in this regard, or that any potential implications could not be mitigated. I am satisfied, in this regard, that this is a matter that could be dealt with by condition were the appeal to succeed.
 13. As a consequence, I am satisfied that in respect of Class Q(a) only, prior approval would not be required.

Other Matter

14. **I have noted the appellant's arguments in relation to Class Q(b)** in their evidence. However, I am satisfied that these were provided as rebuttal to the **Council's argument only in the event that I considered assessment under Class Q(b) necessary**. As such, there is no need to consider this matter further.

Conditions and Conclusion

15. Section W (13) of the GPDO allows local planning authorities to grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval. I have attached the standard condition set out in paragraph Q.2(3) on timescales, which requires development to be completed within 3 years of the decision date.
16. In addition, it is necessary to impose a condition requiring detailed investigation in relation to potential gas migration, and possible remediation, as suggested by the Environmental Health officer. I have amended the suggested condition in the interests of certainty and to remove references to factors that would be part of any agreed details.

17. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR

Delegated Report – MB (now Q) for P/2016/01456

Application Number	P/2016/01456	
Planning Officer	Emily Christie	
Site Address	Popinjay Farm Stafford Road Uttoxeter Staffordshire ST14 8QA	
Proposal	Prior approval for the conversion of 1 farm building to form 1 dwelling (criterion a only)	
Expiry Dates	Weekly List	18/11/2016
	Neighbours	16/11/2016
	Consultations	16/11/2016
	Site Notice	03/11/2016
	Newspaper Advert	N/A
Application not Determined within Statutory Time Period - Reason	N/A	
Environmental Assessment	Screening opinion undertaken	No
	Schedule 1 or 2	N/A
	EIA Required	No
Relevant Planning Policies/Guidance	Government Documents	The National Planning Policy Framework The National Planning Practice Guidance GPDO
	Saved Local Plan Policies	-
	Emerging Local Plan Policies	-
	Supplementary Planning Documents	-
	Other Policies/Guidance	-
Relevant History	No relevant history.	
Consultation Responses	ESBC Environmental Health <ul style="list-style-type: none"> - Conditions requiring clarification on contaminated land relating to ground gases. 	
Uttoxeter Town Council	No comments.	
Neighbour Responses	None received at the time of writing this report.	
Human Rights Act Considerations	There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these issues have been taken into account in the determination of this application.	
Crime and Disorder Implications	It is considered that the proposal does not raise any crime and disorder implications.	

<p>Equalities Act 2010</p>	<p>Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.</p>
<p>Planning Officer's Assessment</p>	<p>This application seeks prior approval for the conversion of one agricultural building to form one dwelling. The application site comprises two steel portal framed agricultural building within a rural area.</p> <p>On inspection the building is open on three sides, albeit on the one side it is enclosed by a lean to shed which is to be removed as part of the proposal.</p> <p>It is considered that the site and the building are in agricultural use. Based on this evidence it is concluded that the requirements of Q.1. (a) are met with regard to the site being used solely for agricultural use as part of an established agricultural unit on 20 March 2013.</p> <p>The building in question is an open sided steel framed structure with a shallow pitched roof. It has a concrete floor slab and 10 steel uprights which span to support a corrugated fibre roof, supported on timber crossbeams. The building is open on the north and east elevations, partially clad on the south elevation (there is a large opening) and enclosed on the west elevation (however, this does not extend to the ground level).</p> <p>The building has a concrete slab throughout.</p> <p>The development right described in Part Q relates to conversion of a building. For that right to apply the building must first be capable of functioning as a dwelling.</p> <p>Planning Practice Guidance (the PPG) refers to some building operations being permitted under Class Q (b), including the installation of windows, doors and exterior walls to the extent reasonably necessary for the building to function as a dwelling house. The PPG also states that "It is not the intention for the permitted development right to include the construction of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right".</p> <p>Given that that building is in the most part open sided, it cannot be considered that the building is capable of being converted but rather requires extensive structural works to enclose the building to form a dwelling.</p> <p>Although it is accepted that substantial works could fall under the scope of Class Q, they nonetheless presuppose that the works comprise "conversion".</p> <p>In this case, the building would not be capable of functioning as a dwelling without the building works outlined above which includes the construction of all four exterior walls.</p> <p>This goes well beyond what could reasonably be described as conversion, and notwithstanding the reuse of the 10 steel uprights as the main structural element for the building, the works described would be so extensive as to comprise rebuilding. It is therefore concluded that the works necessary to create a dwelling from the structure on site would not fall within the scope of that permissible under Part Q.</p>
<p>Planning Officer's response to Parish Council</p>	<p>None required.</p>
<p>Conclusion</p>	<p>The extent of the works proposed in order to create a dwelling is outside of the parameters of the permitted development regulations. The application is therefore refused.</p>

(including Signature & date)	<p style="text-align: center;"><i>EChristie</i></p> <p style="text-align: right;">08/12/2016</p>	
Section 106 required?	No	
Draft Decision Notice checked by Planning Officer or Team Leader	<p style="text-align: center;"><i>EChristie</i></p>	
Team Leader Comments		

APPENDIX 10

North Devon Appeal Decision

APP/X118/W/16/3146607



Appeal Decision

Hearing held on 5 December 2017

Site visit made on 5 December 2017

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State

Decision date: 9 February 2018

Appeal Ref: APP/C3105/W/17/3176853 30 Crouch Street, Banbury OX16 9PR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Daejan Enterprises Limited against the decision of Cherwell District Council.
 - The application Ref 16/02378/O56, dated 15 November 2016, was refused by notice dated 17 January 2017.
 - The development proposed is change of use from B1 (office) to C3 (dwellinghouses) to provide for 9 residential units.
-

Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) for the change of use from B1 (office) to C3 (dwellinghouses) to provide for 9 residential units at 30 Crouch Street, Banbury OX16 9PR in accordance with the terms of the application Ref 16/02378/O56, dated 15 November 2016, subject to the following conditions:
 - 1) The development hereby permitted must be completed within a period of 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 073-01 (Site Location Plan); URB-BA [03] 00 02 Rev A01 (Proposed Ground Floor Plan dated January 2018); URB BA [03] 00 02 Rev A02 (Proposed First Floor Plan dated October 2016); and URB BA [03] 00 03 Rev A01 (Proposed Second Floor Plan dated October 2016).
 - 3) Prior to its first occupation, the development hereby permitted shall be implemented in accordance with the recommendations of the RPS Accoustics Report Ref BRM08042/ENV/P1 (dated 20 April 2016) and shall be retained as such thereafter.

Preliminary matters

2. The appeal form cites Mr Mark Newton as the appellant. However, the original planning application was made by Daejan Enterprises Limited. Normally, only the person or company who made the original planning application can appeal

the Council's decision. Nonetheless, the agent (Freeths LLP) confirmed via email on 30 May 2017 that that the name on the appeal form was given in error and that Daejan Enterprises Limited is the appellant. I have no substantive reasons to dispute this and I am satisfied that the appeal can proceed on this basis.

3. The Council considers that the proposal meets the criteria set out in Paragraph O.1 of Schedule 2, Part 3, Class O of the GPDO (Class O) and satisfies the conditions set out in Paragraph O.2 of Class O relating to contamination, flooding and noise. I have no substantive reasons to consider otherwise and I have determined the appeal on this basis.
4. **One of the Council's reasons for refusal** on its decision notice relates to harm to highway safety, on the basis of an inadequate proposed parking layout. Transport and highway impacts is a further condition of Paragraph O.2 of Class O. As part of the appeal, the appellant submitted some additional plans to show two alternative parking layouts, one with 13 parking spaces¹ with the need for the demolition of some walls and one with 8 parking spaces² without the need for any demolition. The Council, on the advice of Oxfordshire County Council as the Local Highway Authority (LHA), confirmed that both these parking layouts overcome its concerns in respect of highway safety and thus withdrew its reason for refusal in this regard. I have no substantive reasons to take an alternative view on this matter. During the Hearing, the appellant expressed a preference for the alternative proposed parking layout which shows 8 parking spaces.
5. Subsequent to the Hearing, it became apparent to me that the proposed ground floor plan³ is incompatible with both of the alternative parking layouts. This is because part of the ground floor encroaches within one parking space shown on each of the revised parking layout plans. This also appears to have been overlooked by both the main parties and I sought their views on this matter. This culminated in the appellant submitting a revised ground floor plan⁴ which incorporates the revised parking layout with 8 parking spaces. As part of my consideration as to whether to accept this revised plan, I sought the **Council's view** on it and I have taken its comments into account. The original proposed ground floor plan involved some operational development, whereas the revised ground floor plan does not.
6. I recognise that the appeal process is not intended to bypass the democratic planning process. However, both the Council and the LHA have already found the revised parking layout for 8 vehicles to be acceptable and an improvement over the original proposed parking layout. The Council withdrew one of its reasons for refusal on the basis of this. In addition, no interested parties have commented specifically on the original proposed parking layout. Moreover, such a parking layout does not require any operational development to implement this part of the proposal and thus goes some way to addressing the **Council's concerns in this regard**. Though the revised ground floor plan does not specifically indicate what a part of the ground floor would be used for, I do not consider that this would materially affect my overall consideration of the appeal given that the proposal is for a change of use of the building as a whole

¹ Plan Ref: 17026-010

² Plan Ref: 17026-011

³ Plan Ref: URB-BA [03] 00 01 Rev A06 dated November 2016

⁴ Plan Ref: URB-BA [03] 00 02 Rev A01 dated January 2018

from office use to residential. Thus, **having regard to the 'Wheatcroft Principles', I do not consider that my** acceptance of the revised ground floor plan would compromise or prejudice the interests of the Council or any interested parties.

7. The Council was to some degree late in sending out its notification letters of the date, time and location of the Hearing. However, having regard to subsequent correspondence between the Council and any interested parties who made representations at the application and/or appeal stage, I am satisfied that this matter has not prejudiced their interests.

Main issue

8. The main issue is whether the proposal for a change of use from office to residential constitutes permitted development under the provisions of Class O, having regard to the necessity for some operational development to implement the change of use.

Reasons

9. The appeal property comprises a vacant, three storey office building with some undercroft parking at ground floor level. It is located on the northern side of Crouch Street, within the Banbury Conservation Area and close to Banbury town centre. The proposal seeks to change the use of the appeal property from office to residential to provide 9 apartments.
10. The proposed parking layout for 8 vehicles could be provided without any need for operational development. However, there is no dispute between the main parties that some operational development, including alterations to existing windows and the provision of new ones as shown on the submitted floorplans, would be required to fully implement the proposed change of use. Whilst the GPDO makes provision for some operational development as part of the change of some uses to residential⁵, Class O, which relates to the change of use from office to residential, does not.
11. **It is the Council's view that as the required operational development is inherent** to the proposed change of use and as Class O does not provide for such operational development, the proposal is not eligible for consideration under the prior approval process and thus cannot be considered as permitted **development. It is the appellant's** view that, whilst some operational development is required, there are no provisions, limitations or conditions within Class O which state that where this is required, the consideration for a change of use in principle cannot be considered.
12. The **Government's Planning Practice Guidance** (PPG) provides some advice in respect of physical development associated with permitted development rights for a change of use. It recognises that some permitted development rights for change of use allow for limited physical works to carry out the change. However, it also sets out that where physical development is required to implement the change of use, developers should ensure they have planning permission if necessary. There is no dispute between the main parties that the operational development required to implement the change of use in this appeal would require planning permission. Nonetheless, the PPG does not specify when any planning permission should be secured. In addition,

⁵ Including Schedule 2, Part 3, Classes M, N and Q of the GPDO

operational development is not listed as a disqualifying factor under Paragraph O.1 of Class O. Furthermore, whilst Paragraph W(2)(b) of Schedule 2, Part 3 of the GPDO requires a plan indicating the site and showing the proposed development, it does not state that any required operational development could not be included on the plans or should be omitted from them.

13. It therefore seems to me that an application for a proposed change of use under Class O should not be disqualified on the basis that some operational development is required. Thus, it is reasonable to consider the proposed change of use of the appeal property from office to residential under this legislation. Moreover, any approval granted would simply mean that the appellant would need to secure planning permission for the operational development required to fully implement the change of use. There is no compelling evidence to indicate that this cannot be undertaken subsequent to an approval for a change of use in principle under Class O. Though I recognise that there is no guarantee that planning permission would be granted, such an approach **would be at the appellant's own risk.**
14. I have been provided with a number of appeal decisions⁶ from both main parties which relate to proposals for a change of use from office to residential where operational development was involved. Some of these support my view that such works should not disqualify the consideration of the principle of a change of use under Class O.
15. I note that the appeal decision relating to 3a Brackenbury Road provided by the Council appears not to. However, I am unaware of what evidence was before the Inspector which led to its dismissal. I cannot therefore be certain **that the appellant's arguments in that case were the** same as those of the appellant in this appeal, which I have found to be persuasive. I also note that, in respect of the appeal decision at 40 West Street, the Inspector acknowledges that any operational development lies outside of the scope of Class O and would require planning permission. However, he does not appear to conclude one way or the other as to whether the principle of a change of use can or cannot be considered under Class O for this reason. Indeed, he does not have to, given that the office building in that case was located within an area subject to an Article 4 Direction which removed permitted development rights for changes of use from office to residential. Thus, these two appeal decisions do not alter my views on the main issue.
16. I therefore conclude that the proposed change of use constitutes permitted development under the provisions of Class O, albeit that some operational development, which will require separate planning permission, will be required to implement it.

Other matters

17. I have had regard to the concerns of the occupier of 34 Crouch Street, including in respect of increased traffic levels along Crouch Street and privacy issues. However, the number of vehicular trips generated by the proposed residential use of the building would be unlikely to be any greater than the

⁶ Ref APP/H5390/W/15/3133094 at 3a Brackenbury Road, London; Ref APP/L5240/W/15/3137303 at 40 West Street, Croydon; Ref APP/C3105/W/3143862 at 16 Lyne Road, Kidlington; Ref APP/T5150/W/16/3157473 at 472 High Street, Wembley; and APP/L5240/W/15/3136875 at 135 North End, Croydon

number of trips associated with a reinstated office use, which could occur at any time. This matter does not therefore weigh against the proposal. Moreover, the Council and the LHA no longer raise any objections to the proposal on transport and highways grounds. In respect of privacy issues, whilst this might be a factor for consideration under any future planning application for the required operational development to implement the proposed change of use, this is not a matter for consideration under the provisions of Class O.

Conditions

18. I have had regard to the planning conditions suggested by the Council. In addition to the statutory time limit condition, a condition specifying the relevant plans is necessary as this provides certainty. However, it is not necessary to specify the submitted flood risk or contamination reports as part of this condition as they demonstrate the proposal to be acceptable in regards of these matters without any further recommendations. I agree that a condition relating to the recommendations of the submitted acoustic report is necessary in the interests of the living conditions of any future occupiers of the proposal.

Conclusion

19. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be allowed.

Alex Hutson

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Paul Brailsford	Partner, Freeths LLP
Liz Young	Associate, Freeths LLP

FOR THE COUNCIL:

Matthew Coyne	Planning Officer, Cherwell District Council
BA (Hons), MSc, PGDip	
Nathanael Stock	Team Leader, Cherwell District Council
BA (Hons), DipTP, MRTPI	

DOCUMENTS SUBMITTED AT THE HEARING

1. Agreed Statement of Common Ground
2. **The Council's suggested planning conditions**
3. Email from Oxfordshire County Council Local Highway Authority dated 29 September 2017
4. Email correspondence between the Council and the occupier of 34 Crouch Street dated 4 December 2017

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Existing ground floor plan of the building
2. Plan Ref: URB-BA [03] 00 02 Rev A00 (Proposed Ground Floor Plan dated December 2016)
3. Plan Ref: URB-BA [03] 00 02 Rev A01 (Proposed Ground Floor Plan dated January 2018)

DELEGATED ITEMS**App No. 60185****PRIOR APPROVAL FOR CHANGE OF USE OF AGRICULTURAL BUILDINGS TO FORM TWO DWELLING (CLASS QA) AT LEIGH FARM
LEIGH ROAD CHULMLEIGH.**

STATUTORY ADVERT/CONSULTATION PERIODS:				Yes	No
NDJ EXPIRY		DETERMINATION PERIOD EXPIRY	21/12/2015	Have all material amendments been readvertised scanned and linked to web?	
CONSULTEE EXPIRY DATE	09/12/2015	SITE NOTICE EXPIRY	15/12/2015	Have all dates expired?	
MEMBER EXPIRY	11/12/2015	NEIGHBOUR NOTICE EXPIRY		Site Inspection notes completed?	
				Custom Fields Updated?	

SUMMARY OF CONSULTEE RESPONSES:

PARISH / TOWN COUNCIL	20-Nov-15	The application has been noted.
DEVELOPMENT MANAGEMENT (HIGHWAYS)		Standing advice applies - There is sufficient space for parking and turning on site and an adequate access onto the road.
ENVIRONMENTAL HEALTH MANAGER		No comments received but previous responses requested a contamination survey.
ENVIRONMENT AGENCY		Standing advice applies - The site is not in an area of flood risk.

SUMMARY OF PUBLIC REPRESENTATIONS FROM:-

Number Received		
Rep	Supp	Obj

HUMAN RIGHTS ACT AUDIT:-Article 8 - Right to respect for private and family life Protocol 1: Article 1 - Protection of Property

Planning permission has been determined in accordance with the law and the following balancing act has been applied to the impacts that the development will have on:-

CONCLUSION:-

This application is for the prior approval for the conversion of two barns into 2 dwellings under Class Q (a) of Part 3 of the Second Schedule to the GPDO as amended April 15th 2015. This application follows a Class MB(a) approval 58619.

This application was approved under the previous regulations and was subject to a further MB(b) application being submitted. It is noted that the agent has referred to the previous Class MB(a) application however the regulations have changed since then with updated guidance and legislation.

Paragraph Q.2 of the GPDO provides for an application for prior approval to be made under Class Q(a) only, where no building operations are envisaged, or Class Q(a) and (b) together where both a change of use and building operations would be involved. No provision is made for an application for Q(a) development on its own where building operations are clearly intended and no provision is made for a separate application under Q(b) on its own. Consequently, given that building operations are clearly, ultimately, intended the application should be assessed under Class Q(a) and Class Q(b).

Q.1 criteria:

This section authorises change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Use Class C3 (dwellinghouse) and building operations necessary to convert the building providing it complies with the criteria as set out below;

(a) The site was not used solely for an agricultural use as part of an established agricultural unit - (i) on 20th March 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or (iii) in the case of a site which was brought into use after 20th March 2013, for a period of at least 10 years before the date of development under Class Q begins – It is accepted that the previous use of the buildings was for agricultural purposes although they are now redundant. There is no evidence of any intervening use.

(b) Will the cumulative floor space of the existing building or buildings changing use under Class Q within the established agricultural unit exceed 450m² - No only 167 m² will change use or 334m² maximum if second floors are to be inserted. .

(c) Will the cumulative number of dwellinghouses on the holding developed under Class Q exceed three - No

(d)+ (e) Is the site occupied under an agricultural tenancy – No

(f) Has any other development under Class A(a) or Class B(a) of Part 6 been carried out since 20th March 2013 or within the last 10years (whichever is lesser) – No

(g) Would the external dimensions of the building extend beyond the external dimensions of the existing building at any given point – No

(h) The development under Class Q (together with any previous development under Class Q) would result in a building or buildings having more than 450m² of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order - No –There are no other Class Q applications on the holding.

(i) This section permits building operations that are reasonably necessary to convert the building under Class Q(b) applications. This includes the installation and replacement of windows, doors, roofs or exterior walls, installation of utilities and partial demolition to the extent reasonably necessary to carry out these building operations. The Planning Practice Guidance was updated on the 5th March 2015 after the last application and now advises that it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.

Paragraph W.(2) of the GPDO stipulates that an application for prior approval under class Q must include, among other things, a written description and plan showing any building or other operations. and that the development must be carried out in accordance with the approved details.

Barn 1 is a dilapidated stone barn which has no roof or roof structure. Barn 2 is larger and constructed from a mix of block work, concrete floor and timber with a corrugated metal roof. From the dilapidated nature of the buildings it is clear that some form of operational development will be required in order for a conversion to take place, including the potential for some new structural elements such as the roof for barn 1 and flooring. It is clear in this case that operational development is required.

The application is not supported by any details of the works to be carried out or structural survey to demonstrate that the buildings are structurally sound and able to be converted without any new structural elements. It is concluded that the level of building operations required would exceed those allowed by the permitted development criteria.

(j) Is the building on article 1(5) land- No

(k) Is the site part of a SSSI, Safety Hazard Zone or a Military Explosives Storage area- No

- (l) Is the site part of a contains a scheduled monument – No
(m) Is the building listed - No

It is therefore concluded that the requirements of paragraph Q.1, are not met.

Conditions Q.2 - (1) Class Q (a)

Permitted development under Class Q(a) together with class Q(b) is subject to the condition that an application must be made for a determination as to whether prior approval is required as to the following criteria:

- (a) Transport and highways: This building would use the same accesses to the main farmhouse of Leigh Farm. Thereafter access is provided along a grass track that runs along the hedge boundary. The Highway Authority considers that the development should be determined under standing advice procedures. The existing access to the highway is considered to be safe and suitable and the additional residential use will not have a significant adverse effect
- (b) Noise: The site is adjacent to the main road leading into Chulmleigh and the immediate area is characterised by sporadic dwellings and farmsteads. There are no noisy or sensitive land uses around the site and the residential use of the barn would be unlikely to result in any significant noise increase above the existing agricultural activities. There would not be any noise nuisance to the future occupiers of the barn or to the surrounding neighbours.
- (c) Contamination: As part of the previous application the Environmental Health Officer requested a contamination survey before any development commences.
- (d) Flood risk: The barn is in flood zone 1 and there are no objections with regard to flood risk.
- (e) Whether the location is unsuitable or impractical: The Planning Practice Guidance was updated on the 5th March 2015 and paragraph 109 states that Impractical reflects that the location and siting would “not be sensible or realistic”, and undesirable reflects that it would be “harmful or objectionable. It does not apply to the sustainability of the location. The property is set away from any functioning farm activities and the adjacent dwelling houses. The access is across a grassed field as there is no means of access to the road as this is blocked by a mature hedge and access is from the adjacent fields however any track would run parallel to the main road and would be screened from the street scene by the hedge. Due to the close proximity of the buildings to the road and other dwellings the conversion to a dwelling would not be impractical or undesirable.
- (f) Design –Paragraph W.(3) states that the local planning authority may refuse an application where the developer has provided insufficient information. There have not been any details of the proposed elevations, materials and alterations and due to the limited information supplied is it not possible to determine whether the proposal would be acceptable with regard to criterion (f), concerning design and external appearance. Accordingly, It is considered that the proposal does not satisfy the conditions set out in paragraph Q.2(1) and prior approval should not be granted.

Conclusion:

The National Planning Policy Framework (NPPF) has been considered insofar as it is relevant to the subject matter of the prior approval application as required in Paragraph W. The proposed development due to the lack of information is not considered to fulfill the necessary objectives of Class Q (a) in terms of design. With regard to the objectives of Q (b) there is no evidence that the buildings are structurally able to be converted. It is therefore considered that the application should be refused.

LEGAL STATUS:		CODE		NON STANDARD TIME CONDITIONS	<input type="checkbox"/>
OFFICER REC:	PRIOR APP CLASSMB REFUSE	PAMR		No. OF CONDITIONS	<input type="checkbox"/>
OFFICER REC DATE:		17/12/2015		No. OF REASONS FOR REFUSAL	<input type="checkbox"/>
DECISION TYPE:					
MISSED TARGET DATE	<input type="text"/>				
INITIALS and DATE	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	CO	LO	PM	ADMIN	TYPED
					CHECK
flagged plans to be scanned and linked to web	<input type="checkbox"/>	return file to	<input type="checkbox"/>	housing supply monitoring	<input type="checkbox"/>
				post decision monitoring	<input type="checkbox"/>

Do no. of representations equal above checked Yes / No

End of Delegation Sheet

DRAFT DECISION (SUMMARY OF CONDITIONS / REASONS / REFUSALS / INFORMATIVES):-

(1) There is insufficient evidence to demonstrate the level of building operations required for the proposed conversions and due to the dilapidated nature of Barn 1 it is likely that new structural elements such as a roof will be required. the level of building operations required would therefore be contrary to the limitations of Class Q.1(l) of the GPDO.

(2) Insufficient information has been given with regard to the final design of both the resultant buildings to determine whether the proposed change of use satisfies the conditions set out in Schedule 2, Part 3, Class Q, paragraph Q.2(1) of the GPDO.

End of Draft Decision

APPENDIX 11

Treravel Farm Appeal Decision
APP/D0840/W/20/3254577



Appeal Decision

Site visit made on 5 October 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/D0840/W/20/3254577

Treravel Farm, Access To Treravel Farm, St Ervan, Wadebridge, Cornwall PL27 7RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr & Mrs Peter and Margaret Biddick against the decision of Cornwall Council.
 - The application Ref PA19/09395, dated 27 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is a prior approval submission under Schedule 2, Part 3, Class R of the GPDO for change of use of an agricultural building to an aparthotel (C1 use).
-

Decision

1. The appeal is allowed and prior approval is granted under the provisions of Schedule 2, Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 2015 GPDO) for the change of use of an agricultural building to an aparthotel (C1 use) at Treravel Farm, Access To Treravel Farm, St Ervan, Wadebridge, Cornwall PL27 7RS in accordance with the details submitted pursuant to Schedule 2, Part 3, paragraph R.3.(1) of the 2015 GPDO through application Ref PA19/09395, dated 27 October 2019. The approval is subject to the condition that the development must begin within a period of 3 years from the date of this decision in accordance with paragraph R.3.(2) of the 2015 GPDO or such alternative period as allowed for by paragraph R.3.(3) of the 2015 GPDO, and subject to the plans TF1 LP and TF1 SP.

Procedural Matters

2. Schedule 2, Part 3, Class R of the 2015 GPDO allows, subject to meeting the permitted development limitations and the prior approval of certain matters, the change of use of an agricultural building to a range of flexible uses. One such use is a hotel, which is the proposal in this case (in the form of an aparthotel).
3. The permitted development right under Class R is restricted to the change of use of the building and does not grant any physical conversion works. Any associated operational development that would be reasonably necessary to use the building or land for the proposed use under Class R is required to be the subject of a separate planning permission.
4. In this case, the application is accompanied by two plans which identify the building (TF1 LP and TF1 SP). Additionally, an elevational and floor plan (TF1

S1) has also been submitted. This shows what the appellant has in mind for the building. However, this shows works of operational development and these are excluded by Class R. Consequently, I have not considered this plan as forming part of the proposal and I make no judgement as to whether, in any subsequent planning application, those elements of the scheme would be acceptable.

Main Issue

5. The main issue is whether the proposal falls to be considered as permitted development under Schedule 2, Part 3, Class R of the 2015 GPDO and, if so, whether prior approval should be granted.

Reasons

6. The building the subject of the appeal is a fairly substantial, open fronted agricultural barn. It has a concrete frame with a fibre cement sheeted roof and the accompanying structural reports confirm that the building is structurally in good condition.
7. The Council consider that the proposed works to use the building as a hotel would be of such magnitude as to be a rebuild and therefore fall beyond the scope of the permitted development right under Class R. However, as explained above, the permitted development right under Class R is restricted to the change of use and, if agreed, any subsequent physical works are then to be the subject of separate consideration as part of a planning application.
8. References to Class Q, and the findings in *Hibbitt and another v Secretary of State for Communities and Local Government and another (2016) EWHC 2853 (Admin)*, and whether a proposal would fall to be considered as a rebuild or a conversion, are not directly relevant to the considerations in this appeal. The permitted development rights under Class Q can specifically allow the change of use of the building *together with building operations reasonably necessary to convert the building* (my emphasis added). Consequently, an analysis regarding whether a proposal would be a conversion (or a rebuild) is appropriate when considering a Class Q proposal. However this is not the case when considering purely the change of use aspects under Class R where there is no conversion issue to consider. I therefore attribute limited weight to the **Council's** analysis, derived largely from the approach to Class Q cases, when considering the issues with this Class R proposal.
9. In this case, the appeal structure is clearly a building. It is in reasonable condition and capable, as a matter of principle, of accommodating an alternative use. I consider that this allows the building to be considered under Class R. The evidence indicates, in particular, that the building has been in longstanding agricultural use and that there has been no other buildings within the established agricultural unit that have changed under Class R. I am satisfied that these and the other permitted development limitations under paragraph R.1.(a)-(e) are all met.
10. In terms of prior approval matters, the Highway Authority raised no objection and I have found no reason to consider the transport and highways impacts of the development would be unacceptable. The nature and scale of the proposed hotel use, because of the size of the building, should not cause undue noise impacts that would adversely affect the adjoining residential properties or the

wider area. I am not aware of any contamination risks on the site given that the barn appears to have been in agricultural storage use. The site is elevated slightly above the adjoining group of buildings and I have no detailed evidence that there are flooding risks on the site. Consequently, there is no planning reason why prior approval should be withheld.

11. Accordingly, I conclude that the proposal meets with the requirements of permitted development under Schedule 2, Part 3, Class R of the 2015 GPDO and prior approval should be granted.

Conditions

12. The Council has suggested three conditions in the event that I was minded to allow the appeal. The statutory time limits are set by paragraphs R.3.(2) and R.3.(3) and I have referred to them in the decision. I have not included the suggested conditions regarding the submission of external materials and landscaping as these conditions would not be reasonably related to the subject matter of the prior approval.

Conclusion

13. For the above reasons, I conclude that the appeal should be allowed and prior approval granted.

David Wyborn

INSPECTOR

APPENDIX 12

High Court Decision in case of Hibbitt

Case No: CO/3360/2016

Neutral Citation Number: [2016] EWHC 2853 (Admin)
IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT

Birmingham Civil Justice Centre
33 Bull Street, Birmingham, B4 6DS

Date: 09/11/2016

Before :

MR JUSTICE GREEN

Between :

Hibbitt and Another
- and -
Secretary of State for Communities and Local
Government (1)
Rushcliffe Borough Council (2)

Claimants

Defendants

Mr Campbell (instructed by **Public Access**) for the **Claimant**
Mr Westmoreland-Smith (instructed by **Government Legal Department**) for the **First**
Defendant
No Attendance for the **Second Defendant**

Hearing date: 25th October 2016

Judgment

MR JUSTICE GREEN :

A. Introduction: The Issue

1. There is before the Court an application under section 288 Town and Country Planning Act 1990 (“TCPA 1990”) to quash the decision of an Inspector dismissing an appeal against the refusal of a planning authority to grant prior approval to a proposed development. The Claimants own a large, 30 metre, steel framed barn largely open on three sides. Approval to convert the barn into an automatically approved dwelling upon the basis that it was a “*permitted development*” was refused by Rushcliffe Borough Council (“RBC”) and an appeal to the Inspector failed. The issue before the Court boils down to a point of law. The Claimants say that on the facts of the case in order to fall within the scope of the permitted development it is sufficient that (a) the conversion is from an “*agricultural building*” to a dwelling *and* (b) the existing structure (here the barn) is sufficient to bear the load of the development works needed for the conversion of the barn into the dwelling.
2. The Inspector disagreed. She held that in the context of the case in addition to (a) and (b) there was a further and more elementary requirement which was that for the development to amount to an automatically permitted “*conversion*” the nature and extent of the works entailed had to fall short of that constituting a “*rebuild*”.
3. The issue before the Court is a short point of construction of the relevant statutory material concerning permitted developments and in particular it focuses upon the meaning of the word “*conversion*”.

B. Relevant Legislation: “Permitted Developments” – the conversion of agricultural buildings to dwelling houses

4. The principal applicable measure in this case is the Town and Country Planning (General Permitted Development) (England) Order 2015 (“the Order”). Pursuant to Article [3] of the Order “... *planning permission is hereby granted for the classes of development described as permitted development in Schedule 2*”. Any permission thereby granted is subject to any relevant exception, limitation or condition also as specified in Schedule 2. Part 3 of Schedule 2 is entitled “*Changes of Use*”. The Part identifies various classes of development which are permitted. Class Q is entitled “*Agricultural Buildings to Dwelling Houses*”.
5. The Permitted Development in Class Q is defined in the following terms:

“Q. Development consisting of –

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order; and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within the Class C3 (dwelling houses) of that Schedule.”

6. There is also set out provisions concerning “*Development Not Permitted*”. For present purposes it is Class Q.1(i) which is relevant. This states:

“Development is not permitted by Class Q if –

(1)(i) the development under Class Q(b) would consist of building operations other than –

(i) the installation or replacement of –

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwelling house;

and

(2)(i) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(1)(i)...”

7. Article [2] of the Order sets out various definitions. It is relevant to the present case that there is no definition of “*convert*” (as in convert the building). There is, however, a definition of “*building*” which, for present purposes: “... *includes any structure or erection and includes any part of the building... and does not include plant or machinery and... does not include any gate, fence, or wall or other means of enclosure*”. There is also a definition of “*Agricultural Building*” in paragraph X of Part 3 of Schedule 2 of the Order which refers to a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business. “*Agricultural use*” refers to such uses.
8. There is formal guidance to be taken into account. Paragraph [105] of the NPPG (Reference ID: 13-105-20150305), under the heading “*Are any building works allowed when changing to residential use?*”, provides as follows:

“Building works are allowed under the change to residential use. **The permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling.** However, it recognises that for the building to function as a dwelling some building operations which would affect the external appearance of the building, which would otherwise require planning permission, should be permitted. The right allows for the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and the partial demolition of the extent reasonably necessary to carry out these building operations. **It is not the intention of the permitted development right to include the construction**

of new structural elements for the building. Therefore it is only where the existing building is structurally strong enough to take the loading which comes from the external works to provide for residential use that the building would be considered to have the permitted development right.”

(Emphasis added)

9. There are three components of this guidance which are contained in the emboldened text above which are of particular significance to this case. First, the reference to the assumption that the permitted development must be “*capable*” of functioning as a dwelling. Second, the reference to the permitted development not including “*new structural elements*”. Third, the reference to the existing building being sufficiently structurally strong to bear the loading from the external works. In principle guidance cannot bind a Court, which must construe and interpret the law in an objective manner taking into account relevant context and purpose. The Court will however take the guidance into account, bearing in mind that it is intended to assist in fostering transparency and legal predictability in planning and development matters. But ultimately the issue of interpretation is a matter for the Court.

C. The Development

10. The proposed development in question concerns a barn on land at Kingston Brook Farm, Thorpe in the Glebe, Wysall, Nottingham. The Parish of Thorpe in Glebe is situated in the south of Rushcliffe Borough Council. Very little at all survives of the original village. There are a number of farm houses or former farm houses scattered throughout the Parish but none form a group. The site in issue is accessed from the Wymeswold Road which is located at the end of an access track which is 380 metres long and it is located around 600 metres from the built up end of the village of Wysall. The building which is the subject of the litigation is a metal framed modern farm building: a metal frame, corrugated sheet and open sided cattle stall. The size of the barn is 30.5m x 7.96m (243sq.m). It has a maximum height of approximately 5 metres with the lowest eaves at a height of 3.2 metres. It is largely open on three sides and was, when the Inspector visited, used to house cattle. The barn is situated between two other large steel framed buildings that house livestock. There are a number of other structures and buildings on the site. The farm does not have an authorised farm house. There are open agricultural fields to the west and north and the building projects into the northern field. In order to convert the barn into a dwelling it was contemplated that there would be no demolition and the existing steel frame would be retained in its entirety, as would the roof.

D. The Inspector’s Decision

11. The Inspector’s decision is dated the 19th May 2016. It is clear from that decision that there was no dispute that the barn constituted “*an agricultural building*” within the meaning of the Order and that the development proposal entailed a change of use to that of a dwelling with associated operational development. The Inspector described the barn in question in the following terms:

“The building in question is an open sided steel framed structure with a monopitch roof. It has a concrete floor slab and

six steel uprights which span to support a corrugated fibre roof, supported on timber cross beams. It is open to two sides with a single skin steel panel to the rear and the long part of one further side. This sits above a concrete panel to around a metre in height. The concrete panel does not appear to be attached to the floor slab.”

12. In paragraph [7] of the decision the Inspector described the proposed development:

“The development right described in Part Q relates to conversion of a building. For that right to apply the building must first be capable of functioning as a dwelling. The Appellant’s submission describes how the steel frame, roof and floor slab would be retained and how structural infill panels (SIPs) would be used to construct walls and a ceiling within the existing frame. Steel box profile cladding, some of which is currently in place and would be reused, would be used to clad the front and sides along with the insertion of windows and doors. No details are provided of works to the floor.”

13. The Inspector referred to the NPPG (set out at paragraph [8] above) and in particular the requirement that the existing structure have a load bearing capacity to support the proposed development works. The Inspector recorded that she had been provided with structural calculations indicating that the steel frame was capable of taking the loading for SIP panels. Construction detail provided to the Inspector also showed that the existing frame would be used to support the panels and that these would not comprise structural elements in their own right. Calculations supplied by the Claimants further stated that the existing foundations would need to be capable of taking a predicted loading of 1600kn and stated that the existing foundations were capable of taking that level of loading. She recorded that the Council appeared to dismiss out of hand the Appellant’s assessment of structural capability describing the building as “*lightweight*”. However, the Inspector took the view that the Council had not carried out any such assessment of the frames or viewed the foundations and based upon the information before her she had no proper basis upon which to dispute the Appellant’s claim that they could use SIP panels to construct a dwelling using the existing frame.

14. In paragraph [10] the Inspector stated her view that the simple fact that the existing barn was sufficient to bear the load of the proposed development was not, in and of itself, sufficient to meet the requirements of part Q. She thus stated:

“10. Nevertheless, having regard to the extent of works necessary for the frame and fibre roof to function as a dwelling, a demonstration of the load bearing capacity of the frame alone is insufficient to meet the requirement of part Q in this case. Although I accept that substantial works could fall under the scope of class Q they nonetheless presuppose that the works comprise ‘conversion’. In this case, the building before me would not be capable of functioning as a dwelling without the building works outlined above which include the construction of all four exterior walls. This goes well beyond what could reasonably be described as conversion, and notwithstanding the re-

use of the 6 steel uprights as the main structural element for the building and the retention of the fibre roof, the works described would be so extensive as to comprise rebuilding. I must therefore conclude that the works necessary to create a dwelling from the structure onsite would not fall within the scope of that permissible under part Q. Accordingly, they would not be permitted development under Class Q(b).”

15. In this paragraph the Inspector identifies the gravamen of the present dispute.

E. Claimants’ Submissions

16. The Claimants submit that the Inspector erred in her analysis of Class Q. Their submissions can be summarised as follows.
17. First, they submit that there are only two conditions precedent for the permitted development. These are, first, that the existing structure constitutes, in law, an “*agricultural building*”; and secondly, that the existing structure be sufficient to bear the load of the proposed development. In the present case those two conditions are met, as the Inspector recorded in her decision.
18. Second, the Claimants contend that the expression “*conversion*” does not incorporate a third condition because this would be otiose and would lead to inconsistency and uncertainty. Class Q by its very nature treats the “*conversion*” as the change of the “*agricultural building*” to the “*dwelling house*”. Any change of that nature is, by definition “*the*” conversion. There is hence no need to introduce a vague and uncertain element into the concept of “*conversion*”.
19. Third, the Inspector’s interpretation introduces a condition which is that, in some unspecified manner, the extent or nature of the conversion must not amount to a “*rebuild*”. The Claimants contend however that this is unworkable and creative of nothing but uncertainty. Further the need to avoid granting automatic permission to rebuild is already catered for in the requirement that the starting point must be an “*agricultural building*”. The Claimants accept that if an agricultural building is to be demolished then the dwelling which emerges in its place is not a conversion because the dwelling would emerge from empty land which post-dated the agricultural building. The fact that there must, according to Class Q, be a conversion from an agricultural building accordingly is quite sufficient to prevent rebuilding. A structure is not an “*agricultural building*” if it is clear land or, by extension of the same underlying principle, a structure which is so skeletal or marginal that it cannot be properly be termed an “*agricultural building*”. However once a structure is properly classified as an “*agricultural building*” (which is has been in this case) there is no further scope within Class Q for an evaluative exercise focusing upon the nature of the “*conversion*”. Thus the concept of “*agricultural building*” itself serves to prevent rebuilding which is therefore a redundant and irrelevant concept.
20. Fourth, it is argued that this elongated and complex concept of “*conversion*” is not contained within Class Q and is not inherent, as the Inspector erroneously believes, in paragraph [105] NPPG. If it had been the draftsman’s intent to add this additional third condition then the Order would have defined “*conversion*” in Article [2] of the

Order or it would have been isolated as concept and explained in Class Q itself; but it was not. And nor does it emanate out of paragraph [105] NPPG.

21. Finally, it is pointed out that, in any event, the dictionary definition of conversion refers to the “... *process of changing or causing something to change from one form to another*”. In the present case, giving Class Q its normal meaning, the process of change is from an agricultural building to a dwelling house. Anything which occurs on the continuum between those two end points is, in ordinary parlance, a “*conversion*”. In these circumstances since the Inspector acknowledged and agreed that the barn amounted to an “*agricultural building*” and it was also acknowledged that the end result was a “*dwelling house*” then Class Q applied and the operation amounted to a permitted development.
22. In my view there is much to commend this analysis. It has the benefit of certainty and predictability. It avoids the interjection into Class Q of an evaluative assessment about “*conversion*” and where the divide lies with a “*rebuild*”, for which no guidance is provided in Class Q itself. Nonetheless, I have to decide whether this interpretation is in law correct.

F. Analysis

23. It is helpful to identify what is and what is not in dispute between the parties. The dispute is not about whether the barn amounts to an “*agricultural building*”: the Inspector accepts that it does. It is also not about whether the existing structure of the barn would be sufficient to bear the load of the proposed development: the Inspector accepts that it would. Equally, it is not about whether the proposed works are reasonably necessary (in the sense of not being superfluous, such as a sauna or swimming pool might be) for the building to function as a dwelling. The Inspector accepts that they are. The essence of the dispute concerns whether the proposed “*conversion*” amounts to a “*rebuild*” and, if it does, whether that is relevant.
24. The question boils down to (i) whether inherent in the concept of “*conversion*” in Class Q is a limit introduced by the concept of a “*rebuild*”; and (ii) whether even if there is that limit it is already incorporated into Class Q by virtue of the other limitations in the Order.
25. As I have already observed the arguments both way are persuasive and during the hearing I found myself being attracted to the arguments of both Mr Campbell for the Claimant and by Mr Westmoreland Smith for the Secretary of State. It seems to me that to resolve this issue it is important to stand back and analyse the issue from first principles of construction. On this basis, on balance, I prefer the submissions of the Secretary of State who endorses the logic and rationale of the Inspector. This is for the following reasons.
26. First, the concept of “*conversion*” is found in the overarching provisions of Class Q (not in Q.1) and it thereby introduces a discrete threshold issue such that if a development does not amount to a “*conversion*” then it fails at the first hurdle and there is no need to delve into the exceptions in Q.1. It is thus a freestanding requirement that must be met irrespective of anything in Q.1. Mr Campbell responded to this by saying that Class Q must be read as a whole (including therefore Q.1) and read as such it provides a comprehensive definition of “*convert*”. This was made up of

(i) the requirement in Q that the starting point be an “*agricultural building*” and the end point be a “*dwelling*”; and (ii) the requirement in paragraph [105] NPPG that the existing building be sufficiently load bearing. The requirement in Q.1(i) that the works be no more than “*reasonably necessary for the building to function as a dwelling house*” was inherent in the first condition i.e. the definition of a dwelling. It was argued that provided these conditions were met there was no more that was needed to be assessed by a decision maker in order to come to the conclusion that the works amounted to a conversion. The difficulty with this argument is that, on a fair construction of the drafting logic of the Order, the requirement that development amount to a “*conversion*” is drafted as a separate requirement from these other conditions. In particular (as set out in the second point below) the concept of conversion has inherent limits which delineate it from a rebuild.

27. Second, a conversion is conceptually different to a “*rebuild*” with (at the risk of being over simplistic) the latter starting where the former finishes. Mr Campbell, for the Claimant, accepted that there was, as the Inspector found, a logical distinction between a conversion and a rebuild. As such he acknowledged that since Class Q referred to the concept of a conversion then it necessarily excluded rebuilds. To overcome this Mr Campbell argued that a “*rebuild*” was limited to the development that occurred following a demolition and that it therefore did not apply to the present case which did not involve total demolition. In my view whilst I accept that a development following a demolition is a rebuild, I do not accept that this is where the divide lies. In my view it is a matter of legitimate planning judgment as to where the line is drawn. The test is one of substance, and not form based upon a supposed but ultimately artificial clear bright line drawn at the point of demolition. And nor is it inherent in “*agricultural building*”. There will be numerous instances where the starting point (the “*agricultural building*”) might be so skeletal and minimalist that the works needed to alter the use to a dwelling would be of such magnitude that in practical reality what is being undertaken is a rebuild. In fact a more apt term than “*rebuild*”, which also encapsulates what the Inspector had in mind, might be “*fresh build*” since rebuild seems to assume that the existing building is being “re” built in some way. In any event the nub of the point being made by the Inspector, in my view correctly, was that the works went a very long way beyond what might sensibly or reasonably be described as a conversion. The development was in all practical terms starting afresh, with only a modest amount of help from the original agricultural building. I should add that the position of the Claimant was that the challenge was as to law; if the argument in law was lost (and the Inspector did not therefore misdirect herself) then it was not argued that the Inspector acted irrationally in coming to the conclusion that the works were a rebuild / fresh build, and not a conversion.
28. Third, in relation to the argument that the conversion/rebuild distinctions is flawed because it is not defined and, in any event, interpreted in its normal dictionary sense covers the works in issue, there is in my judgment no need for the concept formally to be defined and the lack of a definition is not an indication that the concept lacks substantive meaning or content. The Order is directed towards a professional audience and the persons who have to make an assessment of whether works amounted to a conversion are experts, such as inspectors, who are well able to understand what the term means in a planning context (see by analogy *Bloor Homes v Secretary of State for Communities and Local Government* [2014] EWHC 754 (Admin) at paragraph [19(4)] in relation to policy guidance). The concept of “*conversion*” must also be

understood in its specific planning context. It is not a term that can be plucked without more directly from a dictionary. Indeed, Mr Campbell acknowledged the logic, in the planning context, of the distinction between a rebuild and a conversion.

29. Fourth, I also accept the broader policy argument advanced by Mr Westmoreland Smith as providing at least some modest support for the conclusion reached above. Class Q as a category of permitted development defines cases where permission is automatically granted without there being any assessment or appraisal of the merits or otherwise of the proposed development against the guidance set out in the NPPF. It was argued that for this reason the permitted development should be construed conservatively and narrowly so as to ensure that it struck an appropriate balance between the advantages of automatic approval and the more onerous process of substantive appraisal and did not do damage to wider policies. Paragraph 55 of the NPF is the main guidance on the balance to be struck between the desire to increase the housing stock and rural developments. It reads:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.”

30. Mr Westmoreland Smith argued that the existence of Paragraph 55 was itself a reason to avoid a wide interpretation of Class Q. Class Q permitted development classes

which were intended to be suitable for fast track, clear cut, developments; not short cuts for complex cases which might raise significant issues under Paragraph 55. When the present development was measured against the principles in paragraph 55 it could be seen that the development raised an issue about the need to “*avoid in the countryside*” new isolated homes. Clearly a balance had to be struck between the more detailed and rounded assessment under the application route and the automatic approval under the permitted development route. But, nonetheless, these considerations militated in favour of only approving clear-cut cases and leaving more marginal cases to the ordinary planning system, and therefore against a wide construction of Class Q such as that advocated for by the Claimants which would permit wholesale circumvention of Paragraph 55. A proper balance was struck between the need for speed and certainty and a fuller evaluation by ensuring that only genuine conversions, and not fresh or re-builds, were automatically cleared. I agree with this analysis.

31. Fifth, the distinction between a conversion and a rebuild is implicit in paragraph 105 NPPG which states in relation to Class Q that it is not the “... *intention of the permitted development right to include the construction of new structural elements for a building*”. It can be said that one reason for this conclusion is that a development that includes “*new structural elements*” is one that involves a degree of rebuild and is not a conversion.
32. Sixth, I am not convinced that the answer lies in the analysis of the phrase “*agricultural building*” (see paragraph [7] above). That notion includes, according to the definition in the Order, “*any structure*” and any “*erection*” and it includes “*part of the building*”. It seems clear that in principle an “*agricultural building*” can, at one end of the extreme, be a very minimalist or skeletal structure indeed. To convert such a building into a dwelling might involve a very great deal of fundamental work which in terms of its nature and extent is much closer to a rebuild than a more traditional conversion. Unless it can be said that there is some compelling policy reason why permission should be accorded automatically to such skeletal structures (and none has been advanced) then a purposive construction would tend to stray away from using the concept of an “*agricultural building*” as an outer marker for conversion and as a proxy for the divide between a conversion and a rebuild.
33. Seventh, there are the words “*capable of functioning as a dwelling*” in paragraph 105 NPPG to consider. In paragraph [10] of the Inspectors decision she found as a fact that the building would not be capable of functioning as a dwelling without the proposed works and she then went on to assess the extent of those works before concluding that they “... *went well beyond what could reasonably be described as conversion*”. The words in Paragraph [105] NPPG are not easy to construe. On one level any pre-existing structure is “*capable*” of functioning as a dwelling once the development works have been completed. In this sense capability is no more than another way of expressing potential and any building, howsoever skeletal, has that potential. But if one construes the concept differently as implying that the “*agricultural building*” must possess some inherent or pre-existing feature(s) which are redolent of a dwelling this might impose an unnaturally restrictive construction on the scope of the permitted development. A traditional wooden barn which is converted into a dwelling might, objectively, be not much more than four outer walls and a roof supported by wooden beams and it might in that state be a long way from

being a dwelling. Is it nonetheless “capable” of functioning as a dwelling? And if so what is it about the structure that makes it so? If the answer to the question is no more than as a structure it is sufficiently strong to bear the load of the proposed development works then the barn in the present case met that requirement. The Inspector in her decision seemed to equate the concept of capability in Paragraph [105] with the difference between conversion and rebuild; but in my view that flows logically from the reference to “convert” in Q, and not from the NPPG. Ultimately I do not gain very much from these particular words in Paragraph [105].

34. Finally, I should say a brief word about two discrete points of construction which were raised in argument. The first concerns the Inspector’s analysis of the weight she attached to the extent of the proposed works. In my view she correctly recognised that the extent of the works was not dispositive. In many permitted developments the work might be extensive yet that does not thereby disqualify a development from automatic permission. I also accept her analysis that the extent of the works to be undertaken was one, amongst other, relevant consideration that could assist in forming a judgment whether the works were part of a conversion or were, instead, part of a rebuild or fresh build. I thus accept the analysis that the extent of the works is a relevant but not dispositive consideration. The second point concerns the reliance placed upon an observation in a DCLG Consultation dated March 2014 published shortly before the Order was promulgated. The document summarised the responses to the consultation and in relation to Class Q stated (at paragraph [24]): “*To further ensure historic barns are not lost it has also been decided not to allow total demolition and new build, although limited physical alterations permitted*”. In principle this response is not admissible as a formal guide to interpretation (see Solar Energy Holdings Ltd et ors v Secretary of State for Energy and Climate Change [2014] EWHC 3677 (Admin) at paragraphs [40] – [60], affirmed on appeal [2016] EWCA Civ 117). However, there is no reason why it is not admissible in the same way that an academic article or professional commentary is admissible. It thus has a passing interest and is informative and in this respect I note that the tenor of the observations supports a narrow interpretation of Class Q. I emphasise however: my decision is not based upon this comment.

G. Conclusion

35. For all of the above reasons this application does not succeed. In my judgment the Inspector did not misdirect herself. Her analysis was correct.