

APPENDIX 1



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

Name and Address of Agent/Applicant :
The Town Estate Charity, Sibford Gower And
Burdrop
c/o Mr R A Sutton
9 Holland Rise
Kings Sutton
Banbury
Oxon OX17 3RZ

Date Registered : 2nd February 2012

Proposal : Conversion of barn to dwelling

Location : Heath Barn Sibford Gower Oxfordshire

Parish(es) : Sibford Gower


UPRN : 010011916386

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** 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

Cherwell District Council
Certified a true copy

Head of Public Protection & Development Management

Date of Decision : 29th March 2012

**Head of Public Protection &
Development Management**

SCHEDULE OF CONDITIONS

- 1 That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing number nos. 5353-01 received 02/02/2012, 5353-02 received 02/02/2012, 5353-03a received 15/03/2012 and 5353-04a received 15/03/2012.

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

- 3 That samples of the slate to be used in the covering of the roof of the barn and garage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan and Government guidance on achieving good design contained within the National Planning Policy Framework.

- 4 That samples of the brick and timber boarding to be used in the construction of the walls of the garage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with the samples so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan and Government guidance on achieving good design contained within the National Planning Policy Framework.

- 5 That all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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; and that any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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 C4 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan and Government guidance on conserving and enhancing the natural environment contained with the National Planning Policy Framework.

- 6 That all the means of access between the land and the highway shall be formed, laid out, constructed and drained in such position(s) and with such vision splays as shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason – In the interest of highway safety and to comply with Government advice on promoting sustainable transport contained in the National Planning Policy Framework.

- 7 That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason – In the interest of highway safety and to comply with Government advice on promoting sustainable transport contained in the National Planning Policy Framework.

- 8 That, before the development is first occupied the access shall be constructed, surfaced, laid and marked out, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason – In the interest of highway safety and to comply with Government advice on promoting sustainable transport contained in the National Planning Policy Framework.

- 9 The rooflight/s shall be a conservation grade rooflight/s which shall fit flush with the roof plane.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009 and Policy C28 of the adopted Cherwell Local Plan and Government guidance on achieving good design contained within the National Planning Policy Framework.

- 10 That, notwithstanding the provisions of Classes A to E (inc.) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, the approved dwelling(s) shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling(s) without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the character and appearance of the existing building to comply with Policy H19 of the adopted Cherwell Local Plan and Government guidance on conserving and enhancing the historic environment contained within the National Planning Policy Framework.

- 11 That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the character and appearance of the existing building to comply with Policy H19 of the adopted Cherwell Local Plan and Government guidance on conserving and enhancing the historic environment contained within the National Planning Policy Framework.

- 12 That notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of the dwelling without the prior express consent of the Local Planning Authority.

Reason – In order that the landscape setting of the building may be protected in accordance with Policy C4 of the South East Plan 2009 and Policy H19 of the adopted Cherwell Local Plan and Government guidance on conserving and enhancing the natural environment contained within the National Planning Policy Framework..

- 13 Prior to the commencement of the development, the results of two bat activity evening emergence and dawn surveys carried out on two separate days between the months of May and August inclusive, shall be submitted to and agreed in writing by the Local Planning Authority. The report shall include all measures of mitigation identified as required as a result of the bat activity findings on site and such measures shall be implemented on site in accordance with the agreed mitigation measures.

Reason – To protect habitats of importance to nature conservation from any loss or damage in accordance with the advice on conserving and enhancing the natural environment contained within the National Planning Policy Framework, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

- 14 The measures of mitigation required by condition 13 shall be incorporated into the design of the garage hereby approved, full details of which shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the garage shall be constructed in accordance with the approved details.

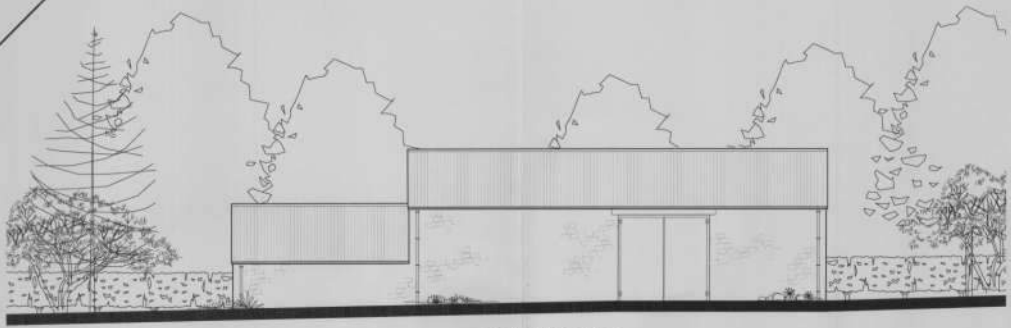
Reason – To protect habitats of importance to nature conservation from any loss or damage in accordance with the advice on conserving and enhancing the natural environment contained within the National Planning Policy Framework, Policy NRM5 of the South East Plan 2009 and Policy C2 of the adopted Cherwell Local Plan.

PLANNING NOTES

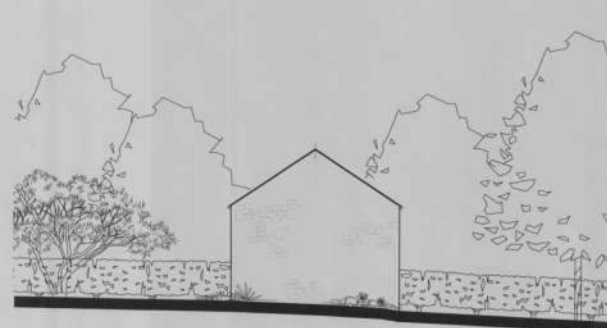
1. The County Archaeologist has indicated that the proposal does not appear to directly affect any presently known archaeological sites. However, the County Council's records do show the presence of known archaeological finds nearby and this should be borne in mind by the applicant. If archaeological finds do occur during development, the applicant is requested to notify the County Archaeologist in order that he may make a site visit or otherwise advise as necessary. Please contact : County Archaeologist, Department of Leisure and Arts, Oxfordshire County Council, Central Library, Westgate, Oxford, OX1 1DJ (Telephone 01865 815749).
2. The garage could be designed in such a way as to include features for summer roosting, such as a bat loft, and winter hibernation, such as suitable cervices/bat tubes incorporated within the walls.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal pays proper regard to the character and appearance of the existing building and will not have a detrimental impact on the landscape setting. As such the proposal is in accordance with the Government guidance contained within the National Planning Policy Framework, Policies CC6 and C4 of the South East Plan 2009 and Policies H19, C13 and C30 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions, as set out above.



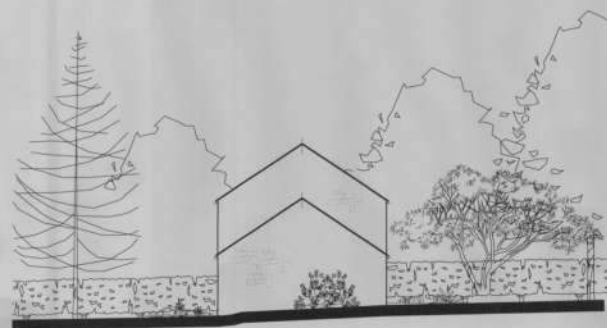
North Elevation



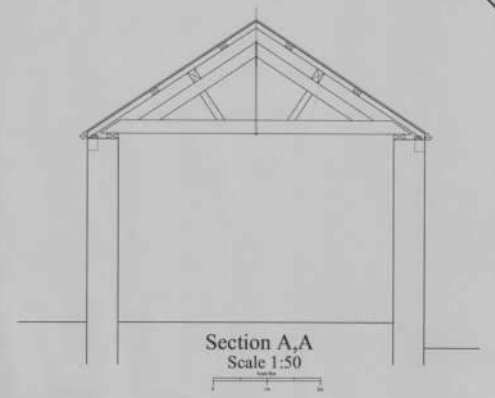
West Elevation



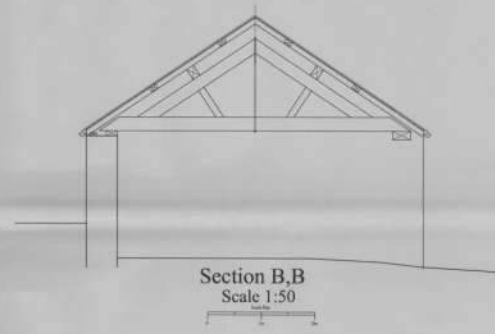
South Elevation



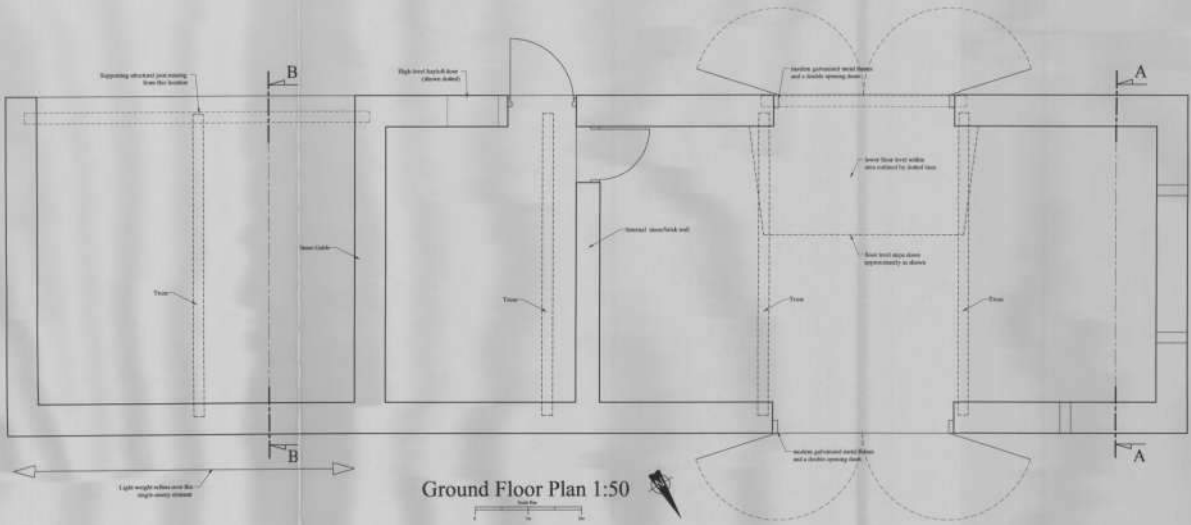
East Elevation



Section A,A
Scale 1:50



Section B,B
Scale 1:50



Ground Floor Plan 1:50

Note:
It is recommended that an accurate levels survey is undertaken prior to the commencement of any construction drawings based upon this planning drawing. Levels around the building showing as approximate only.

Existing

STABLE ARCHITECTURE

JEREMY DUNN
17 THE TREE CLUMP
BARNBURY
OXFORD OX4 1LS

FAX: 01295 270965
MOBILE: 07710 461860
TEL: 01295 270965
E-mail: Jeremy.Dunn@Virgin.net

Job: Proposed Conversion of Barn to Dwelling at Heath Barn, Land at Epwell

Client: c/o Stable Architecture



North Elevation



West Elevation



South Elevation



East Elevation



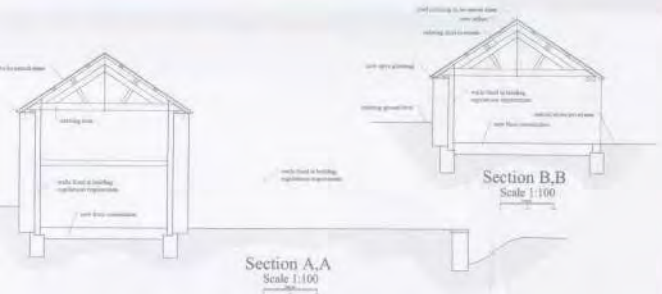
perspective view taken from the south-east
This view clearly shows the courtyard area and a small visible element of the back wall as well as the detached garage and field gate entering the courtyard.



perspective view taken from site entrance
This view is taken from the only real public viewpoint of the property, it is looking across the top of the new drive gate towards the barn.

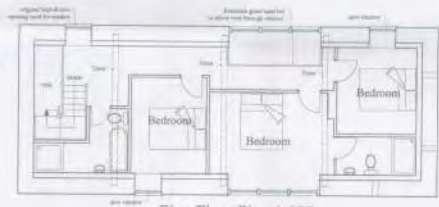


perspective view taken from the north
This view is taken from above the highway line opposite the site from the main road, due to the proximity of the highway it would be unwise to provide this view of the barn.

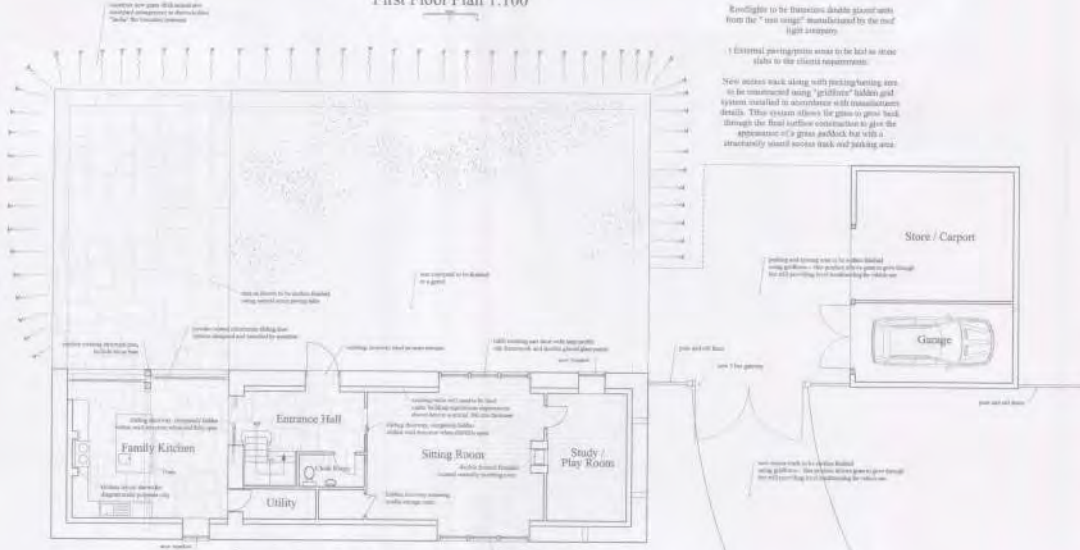


Section A.A
Scale 1:100

Section B.B
Scale 1:100



First Floor Plan 1:100



Ground Floor Plan 1:100

- Materials & Details**
- Existing walls to be repaired if required, otherwise to remain unaltered.
 - All existing roof coverings to be stripped back, where required and replaced as required under building regulations.
 - New roof covering to be retained where (subject to be provided and approved under conditions). Where replacement to be assumed as required, and new insulated roof concrete floor provided as required. Gutters and RWP's to be black cast iron.
 - Large window openings to be constructed using hardwood and double glazing with timber sashes with a neutral coloring.
 - Smaller windows and doors to be constructed using hardwood and painted in a finish grey, final.
 - Knockdown to be finished double glazed with from the "see through" manufactured to the roof light assembly.
 - External patio/porch areas to be laid in stone slabs to the clients requirements.
 - New metal track along with finishing/working area to be constructed using "gritstone" hidden grid system installed to accommodate with manufacturer details. This system allows the grass to grow back through the final surface construction to give the appearance of a grass paddock but with a structurally sound surface track and parking area.



perspective view taken from the south
This view clearly shows the courtyard area and a small visible element of the back wall as well as the detached garage and field gate entering the courtyard.

CHERWELL DISTRICT COUNCIL
Plan No. 12/00141/F
Approved on 15/09/12

Note:
It is recommended that an accurate levels survey is undertaken prior to the commencement of any construction drawings based upon this planning drawing. Levels around the building showing as approximate only.

Revision "a" - 1x rooflight removed and first-floor internal layout revised at the request of the planning officer 15-3-2012

Proposed



STABLE ARCHITECTURE

JEREMY DUNN
17 FIVE TREE FLOORS
BARNBURY
COVENTRY CV3 9JL UK
TEL: 02476 270661
FAX: 02476 426217
MOBILE: 07730 401960
E-mail: Jeremy.Dunn@StableArch.co.uk

Job: Proposed Conversion of Barn to Dwelling at: Heath Barn, Land at Epwell

Client: c/o Stable Architecture

APPENDIX 2



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

Name and Address of Agent/Applicant :

Mr J Blackwell
c/o Wellan Ltd
Mr Tony Buckingham
Wellan House
Aylesmore
Shipston On Stour
Warwickshire
CV36 5EJ

Date Registered : 16th October 2013

Proposal : Resubmission of 13/00865/F - Alterations/extension to approved garage 12/00141/F.

Location : Heath Barn Sibford Gower Banbury

Parish(es) : Sibford Gower

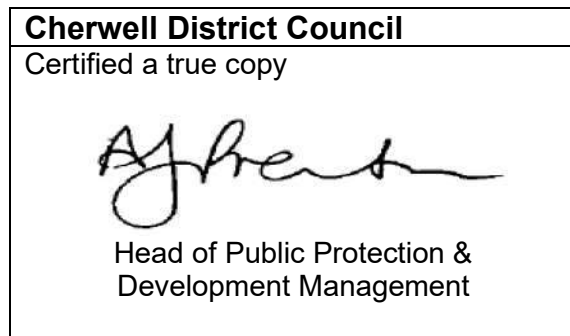
UPRN : 010011916386

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** 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 : 14th November 2013

**Head of Public Protection & Development
Management**

SCHEDULE OF CONDITIONS

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan and drawing number 08 rev B received 16 October 2013.

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

- 3 The slate to be used in the covering of the roof of the garage shall be in accordance with the sample received 05 June 2013 and approved by application 13/00158/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance on achieving good design contained within the National Planning Policy Framework.

- 4 The brick and timber boarding to be used in the construction of the walls of the garage shall be in accordance with the brick sample received 05 June 2013 and the timber cladding sample received 30 July 2013 and approved by application 13/00158/DISC.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance on achieving good design contained within the National Planning Policy Framework.

- 5 That before the development is first occupied, the parking and manoeuvring areas shall be provided in accordance with the plan hereby approved and shall be constructed, laid out, surfaced, drained and completed in accordance with drawing entitled 'Main Entrance Details' received 06 August 2013 and approved by application 13/00158/DISC.

Reason - In the interest of highway safety and to comply with Government advice on promoting sustainable transport contained in the National Planning Policy Framework.

- 6 That, before the development is first occupied the access shall be constructed, surfaced, laid and marked out, drained and completed in accordance with drawing entitled 'Main Entrance Details' received 06 August 2013 and approved by application 13/00158/DISC.

Reason - In the interest of highway safety and to comply with Government advice on promoting sustainable transport contained in the National Planning Policy Framework.

- 7 The development hereby approved shall be carried out in accordance with the recommendations set out in section D of the Phase 1 and 2 Bat Survey Report carried out by Ridgeway Ecology on 20 May 2013.

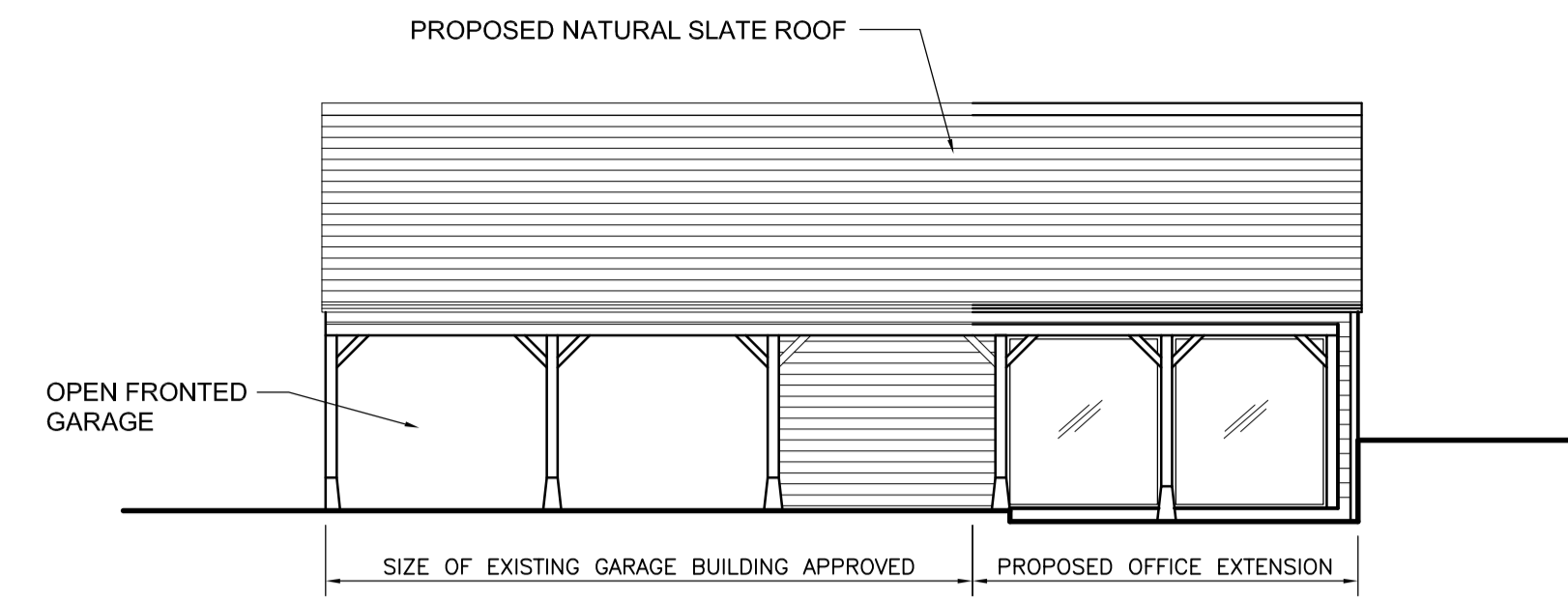
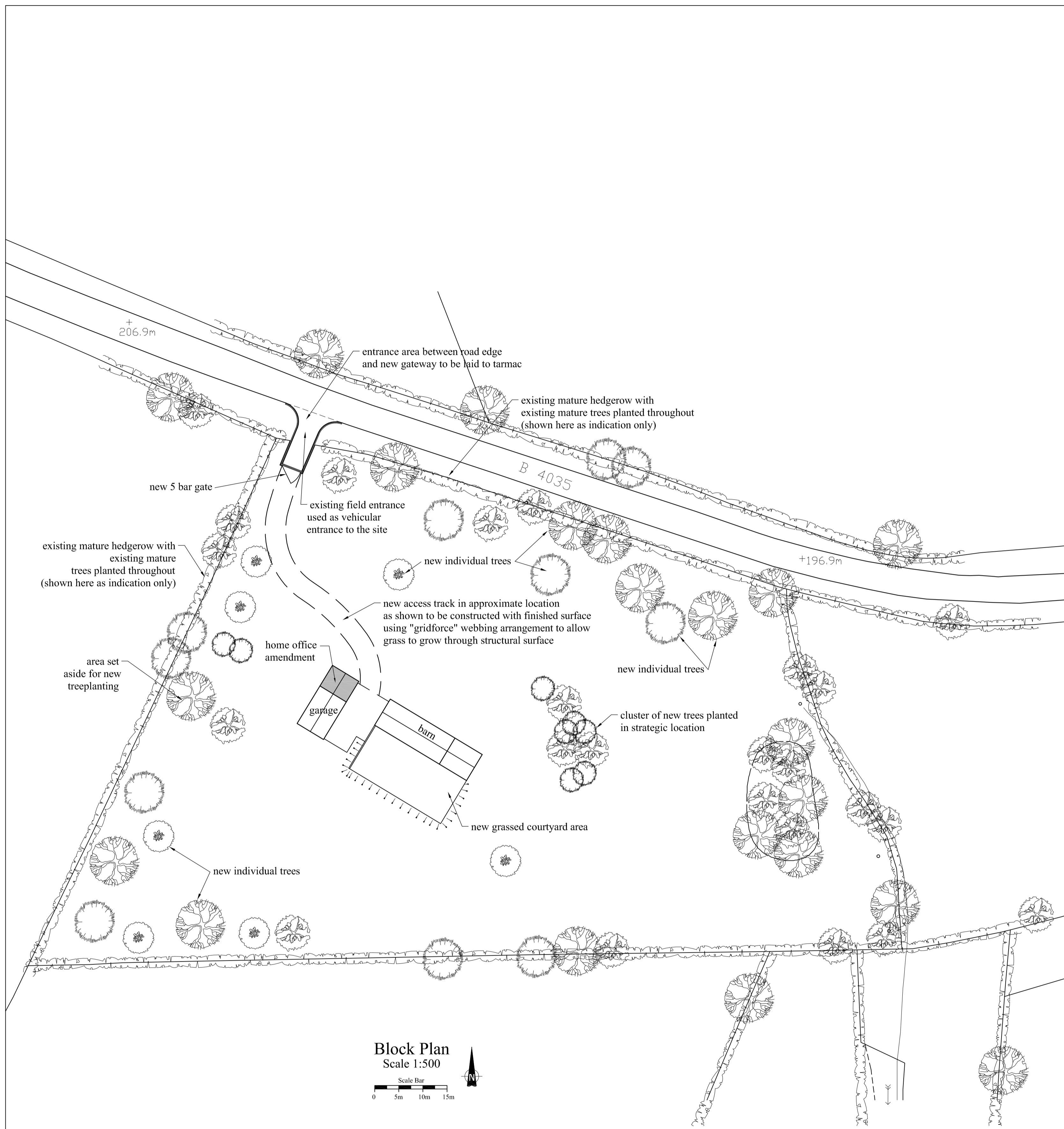
Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 The measures of mitigation required by condition 7 shall be incorporated into the design of the garage hereby approved. The mitigation measures shall be in accordance with the details in the Phase 1 and 2 Bat Survey Report carried out by Ridgeway Ecology on 20 May 2013.

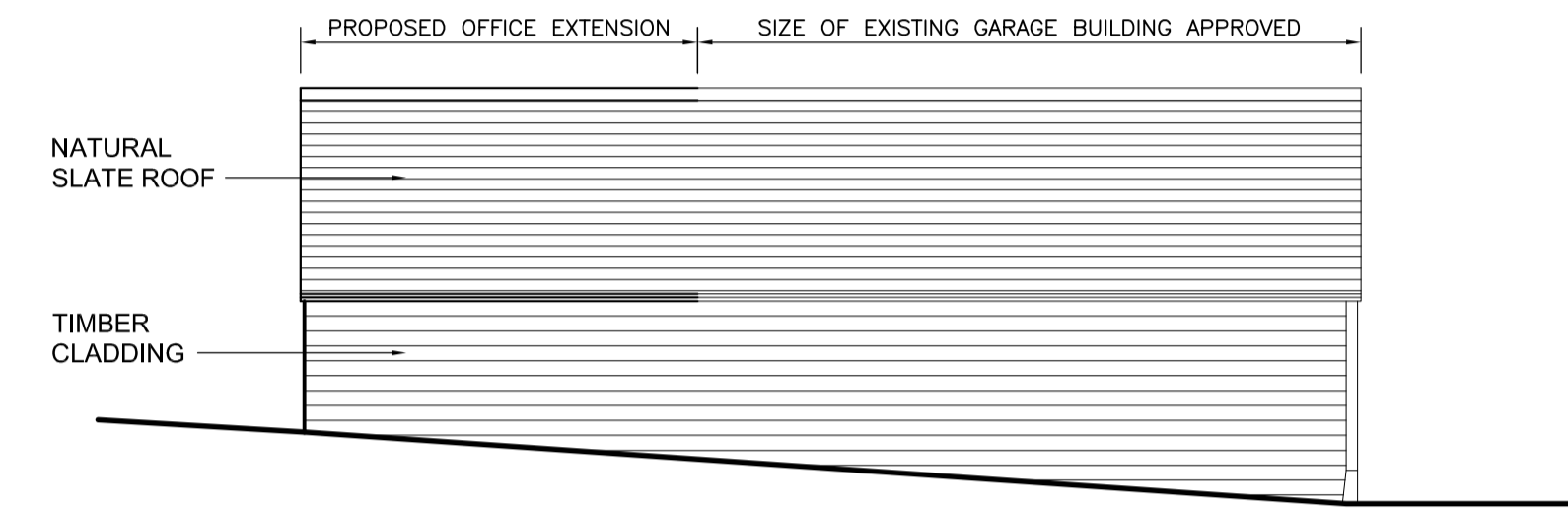
Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

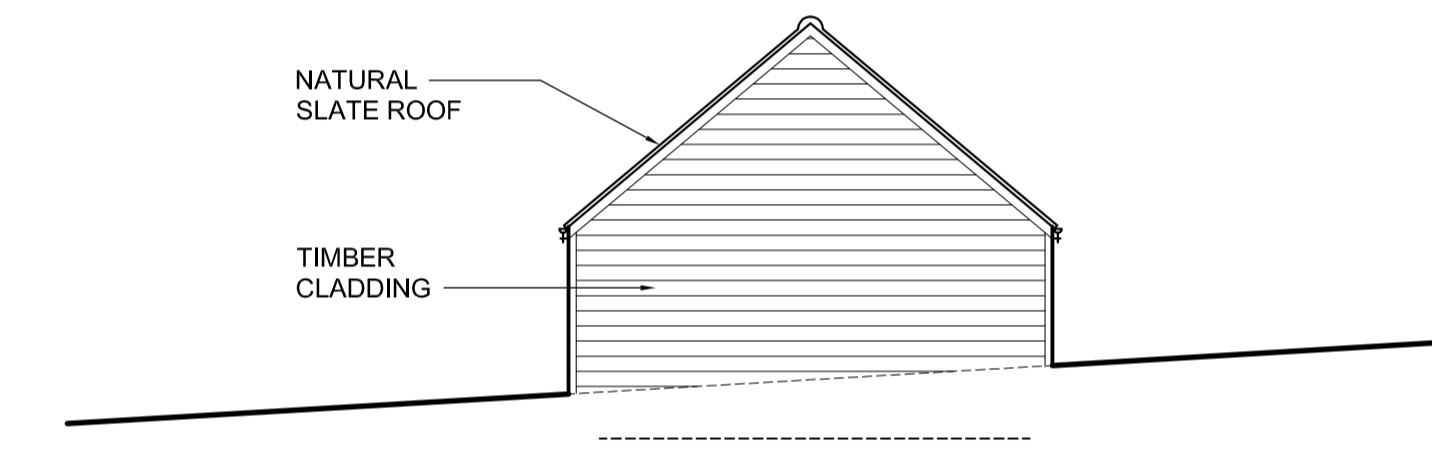
In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.



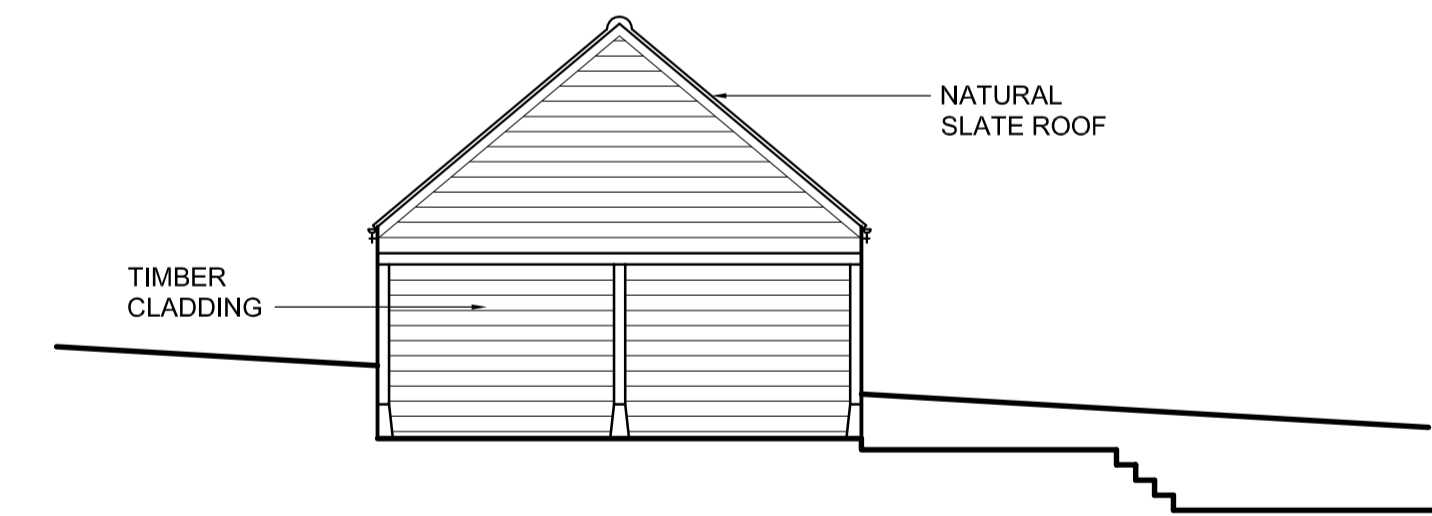
PROPOSED EAST ELEVATION (1:100)



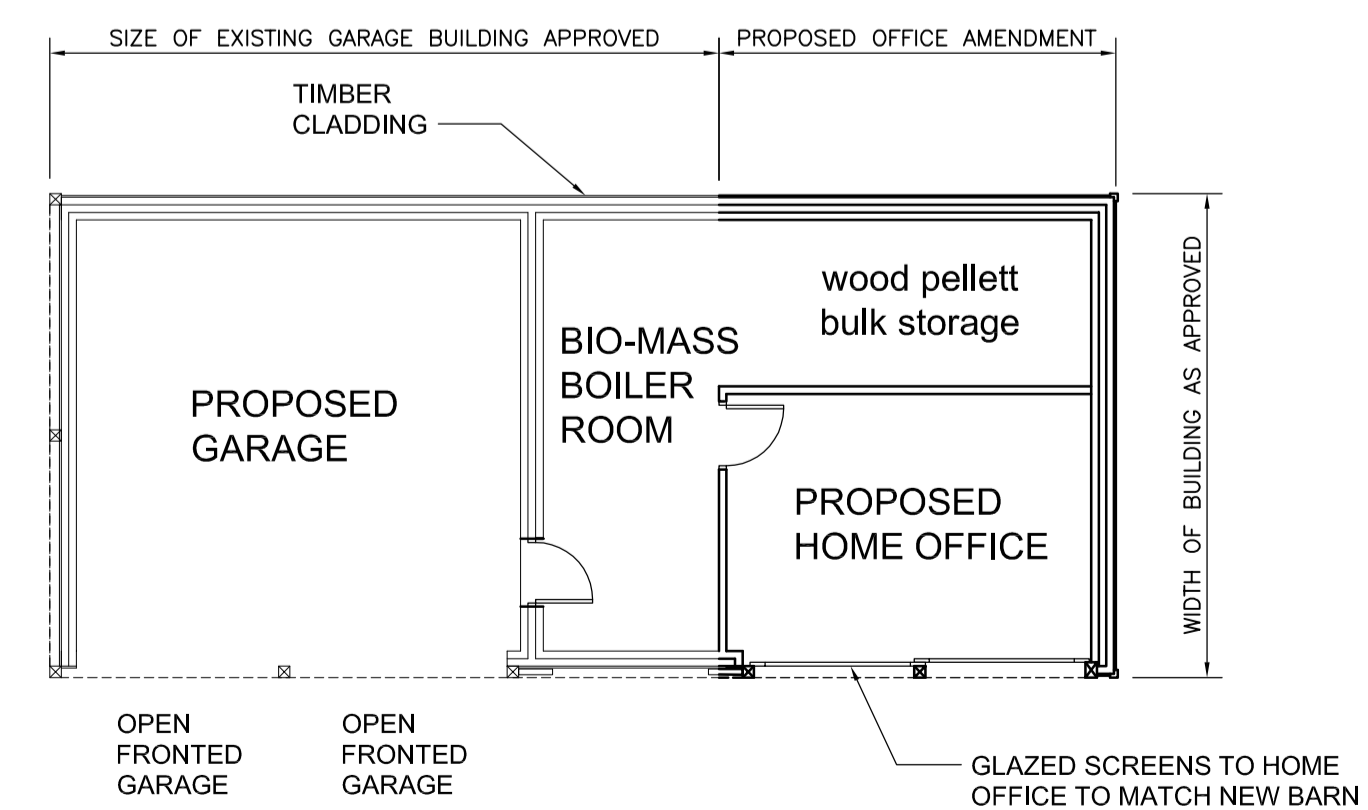
PROPOSED WEST ELEVATION (1:100)



PROPOSED NORTH ELEVATION (1:100)



PROPOSED SOUTH ELEVATION (1:100)



PROPOSED GARAGE / HOME OFFICE PLAN (1:100)

NOTES:

REV	DATE	BY	DESCRIPTION	CHK	APP
B	25.9.13	TB	DRIVE / GARAGE OPENING AMENDED BACK TO ORIGINAL LOCATION		
A	3.6.13	TB	NEW ENTRANCE DETAILS ADDED		

DRAWING STATUS: PLANNING

WELLAN Ltd
 Wellan House,
 Aylesmore, Shipston-on-Stour,
 Warwickshire.
 CV36 5EJ
 Tel: 01608 685753
 Email: mail@wellan.co.uk
 Website: www.wellan.co.uk

CLIENT: Mr Jonathan Blackwell

PROJECT: HEATH BARN
 SIBFORD GOWER, OXON.

TITLE: PROPOSED GARAGE
 AND HOME OFFICE
 PLANS AND ELEVATIONS

SCALE	DATE	DESIGN/DRAWN	CHECKED	APPROVED	SHT
AS NOTED	21.5.13	TB / MW			A1

JOB No. 12-289

DRAWING No. 08 REV. B

APPENDIX 3



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

Name and Address of Agent/Applicant :

Mr Jonathan Blackwell
c/o Mr Martin Walker
Wellan House
Aylesmore
Shipston On Stour
Warwickshire, CV36 5EJ

Date Registered : 19th June 2014

Proposal : Retrospective: Variations to approved planning consent 13/01552/F

Location : Heath Barn Sibford Gower Banbury Oxfordshire

Parish(es) : Sibford Gower

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** 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

Cherwell District Council

Certified a true copy

Head of Public Protection &
Development Management

Date of Decision : 8th August 2014

**Head of Public Protection
& Development Management**

SCHEDULE OF CONDITIONS

- 1 The car parking area within the garage shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision is made for the parking of vehicles on site and clear of the highway in accordance with Government guidance contained within the National Planning Policy Framework.

- 2 The building hereby permitted shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such and shall not be used for any trade, industry, business or other use whatsoever.

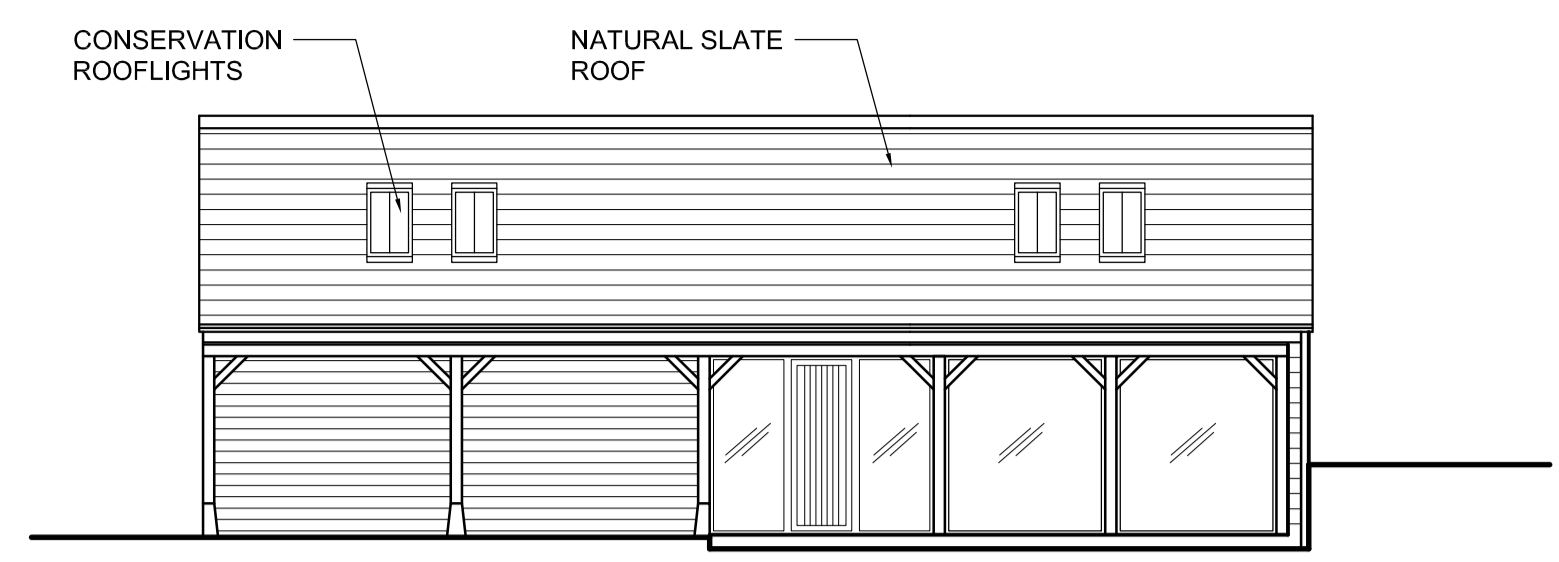
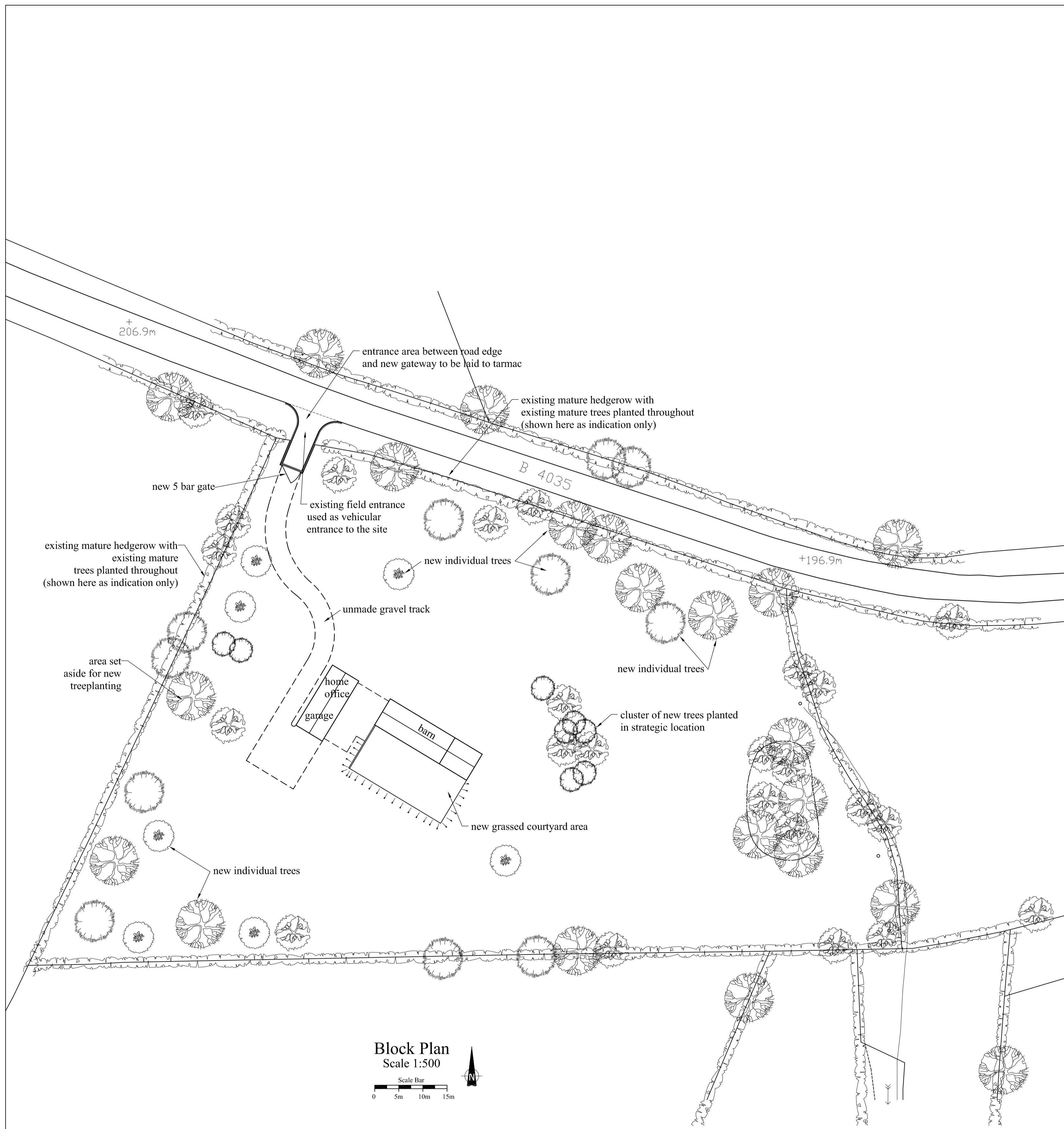
Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. Condition 2 does not prohibit the use of the home office provided it is used solely by the occupant(s) on the dwellinghouse on the site. If it is necessary for other employees to use the office or for a frequent number of customers to visit the site on a daily basis, it may require a Change of Use application.

STATEMENT OF ENGAGEMENT

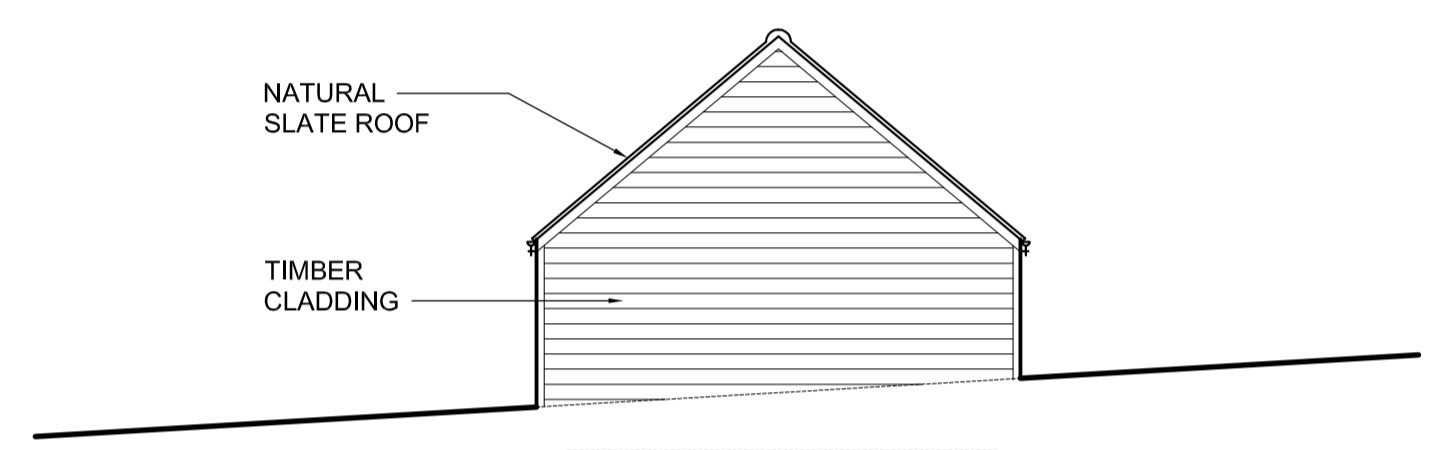
In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as the decision has been made in an efficient and timely way.



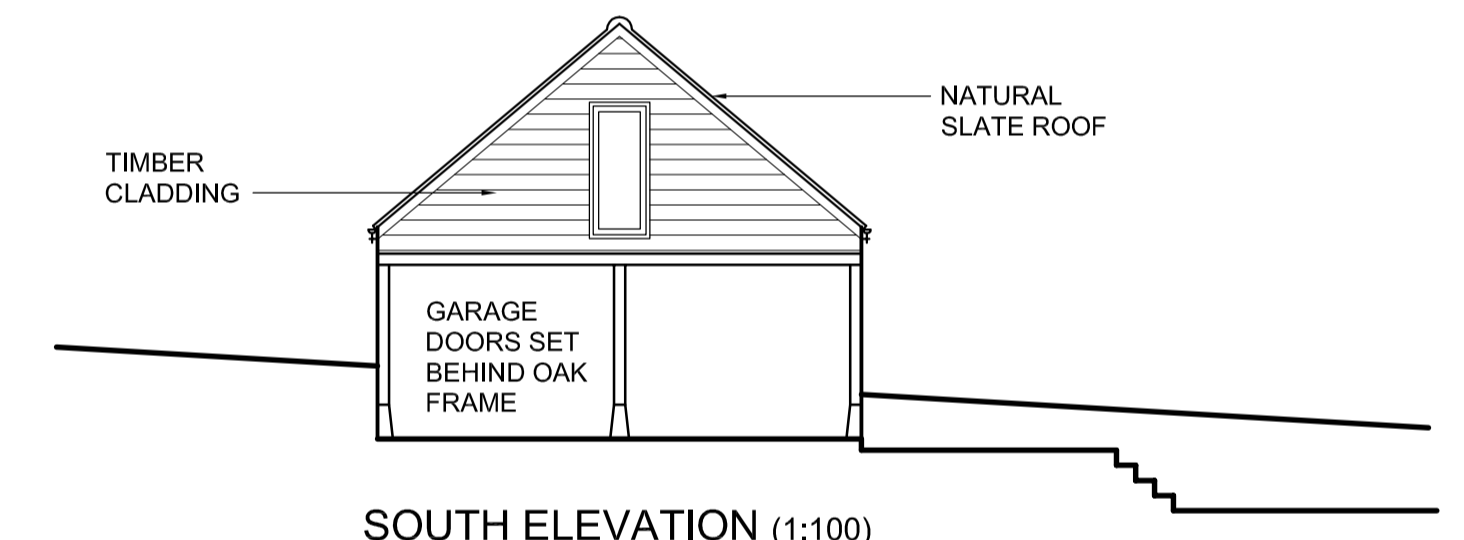
EAST ELEVATION (1:100)



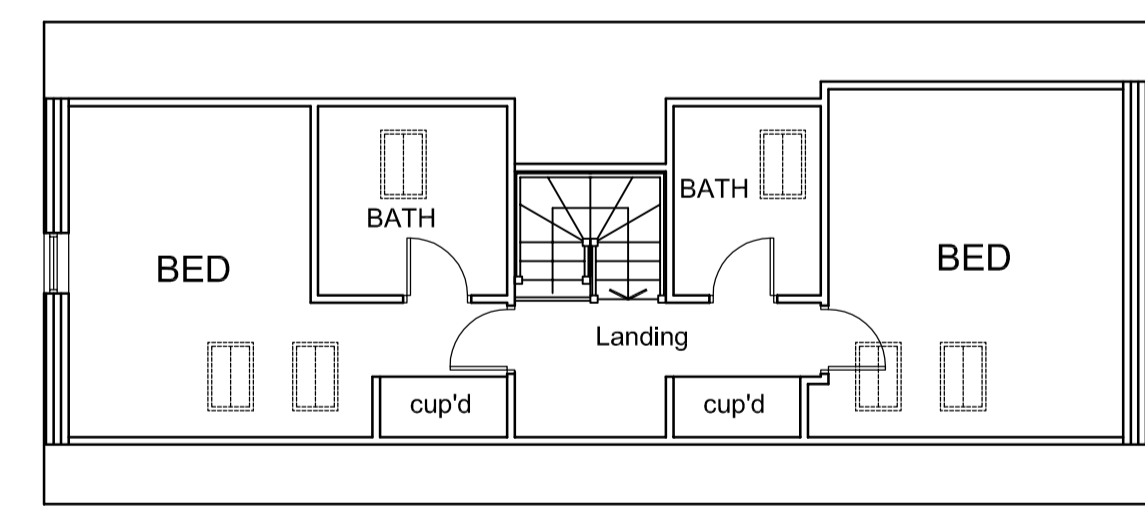
WEST ELEVATION (1:100)



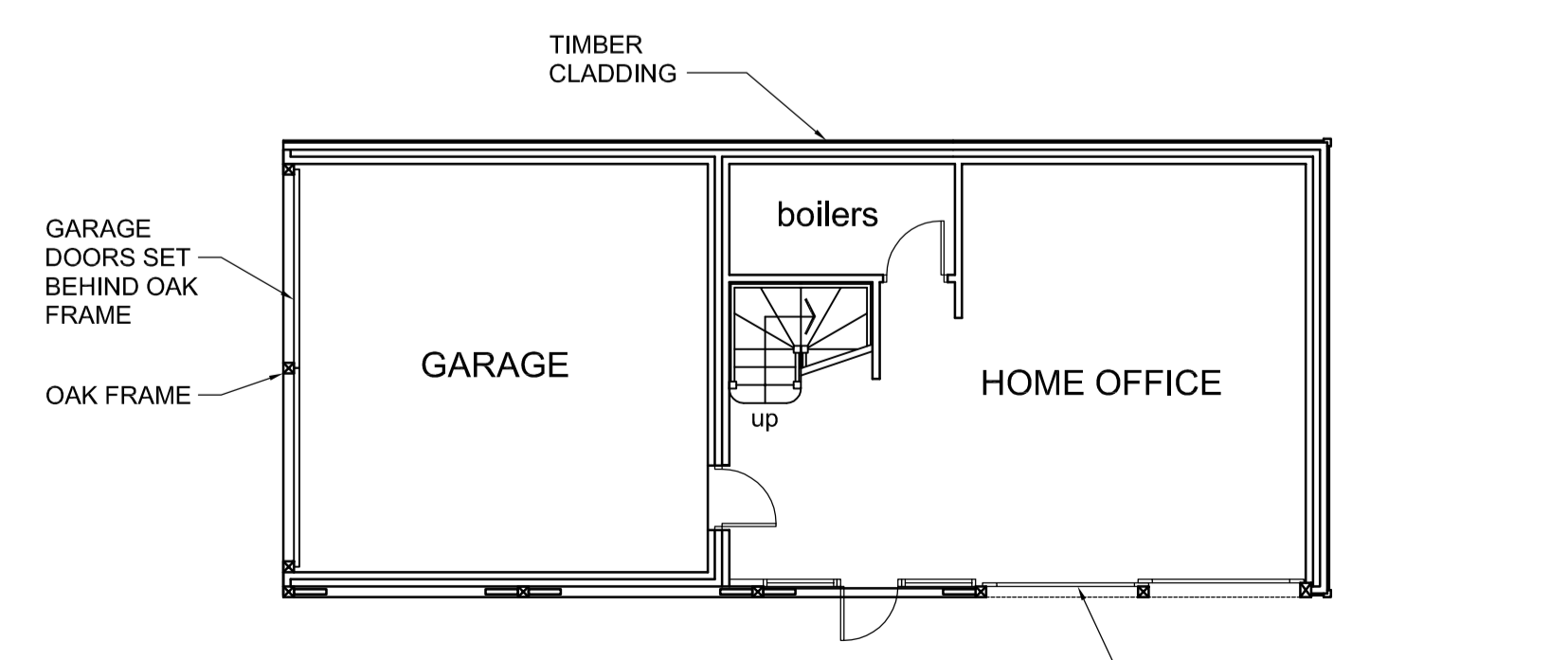
NORTH ELEVATION (1:100)



SOUTH ELEVATION (1:100)



FIRST FLOOR PLAN (1:100)



GARAGE / HOME OFFICE GROUND FLOOR PLAN (1:100)

NOTES:

REV	DATE	BY	DESCRIPTION	CHK	APP
D	21.5.14	TB	UPDATED TO BE AS BUILT INCLUDING FIRST FLOOR		
C	7.4.14	TB	UPDATED TO BE AS BUILT		
B	25.9.13	TB	DRIVE / GARAGE OPENING AMENDED BACK TO ORIGINAL LOCATION		
A	3.6.13	TB	NEW ENTRANCE DETAILS ADDED		

DRAWING STATUS: PLANNING

WELLAN Ltd
 Wellan House,
 Aylesmore, Shipston-on-Stour,
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 CV36 5EJ
 Tel: 01608 685753
 Email: mail@wellan.co.uk
 Website: www.wellan.co.uk

CLIENT: Mr Jonathan Blackwell

PROJECT: HEATH BARN
 SIBFORD GOWER, OXON.

TITLE: PROPOSED GARAGE
 AND HOME OFFICE
 PLANS AND ELEVATIONS

SCALE	DATE	DESIGN/DRAWN	CHECKED	APPROVED	SHT
AS NOTED	21.5.13	TB / MW			A1

JOB No. 12-289

DRAWING No. 08 REV. D

APPENDIX 4



Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Rebecca Verhaeg
Ridge & Partners LLP
3rd Floor
Regent House
65 Rodney Road
Cheltenham
GL50 1HX

Full Planning Determination

Date Registered: 2nd July 2020

Proposal: Retrospective - Change of use of land and associated works to form a vehicular access and extension to residential curtilage associated with Heath Barn

Location: Heath Barn, Sibford Gower, Banbury, OX15 5HQ

Parish(es): Sibford Gower

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

Cherwell District Council, as Local Planning Authority, hereby **GRANTS** 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

David Peckford
Assistant Director – Planning and Development

Date of Decision: 21st August 2020

Checked by: **Nathanael Stock**

SCHEDULE OF CONDITIONS

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be strictly in accordance with the application forms and the following plans and documents: Drawings numbered: 213_01_001 P1 and 213_03_320 P1.

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

2. Within 2 months of the date of this decision, 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 hedgerow and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas; to define the boundaries of the residential curtilage as shown on drawing no. 213_03_320 P1.Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason: In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and in the interests of sustainable 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.

3. 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 date of approval of the landscaping details required under condition 2 of this permission. 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.

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.

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> .

- For **Householder** applications you must do so within **12 weeks** of the date of the decision
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision
- For **all other types** of planning applications, you must do so within **6 Months** of the date of the decision

Unless;

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision whichever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0303 444 5000) Or online at www.planningportal.gov.uk/pcs**. 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 them 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 them.

PURCHASE NOTICES

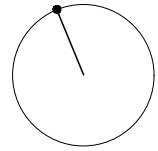
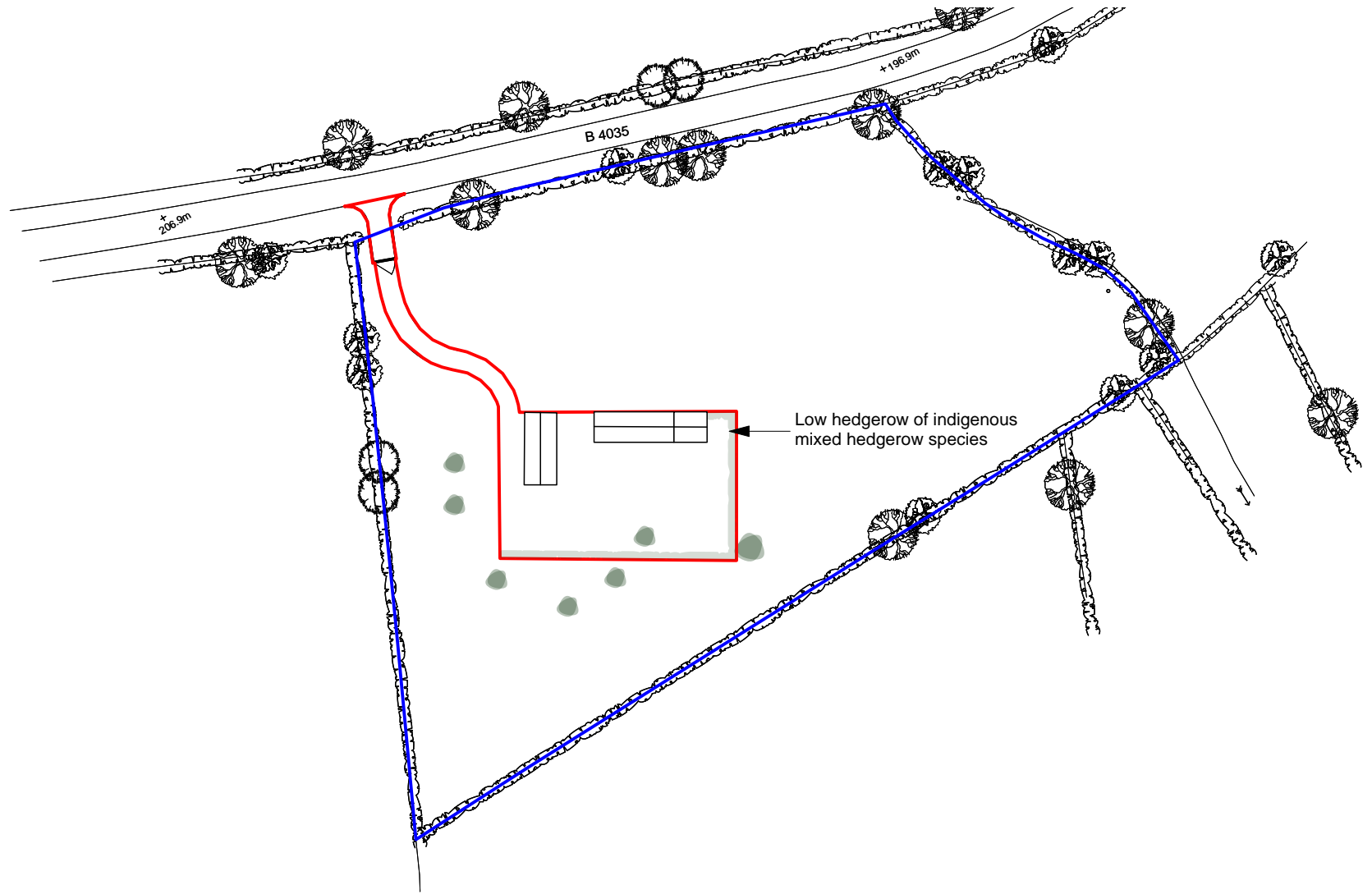
If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably 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 District Council to purchase their 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 them.

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



Charlie Luxton Design

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APPENDIX 5

2.80 Policy H18 will also apply to locations where there are already a few scattered buildings.

CONVERSION OF BUILDINGS IN THE COUNTRYSIDE

H19 PROPOSALS FOR THE CONVERSION OF A RURAL BUILDING, WHOSE FORM, BULK AND GENERAL DESIGN IS IN KEEPING WITH ITS SURROUNDINGS TO A DWELLING IN A LOCATION BEYOND THE BUILT-UP LIMITS OF A SETTLEMENT WILL BE FAVOURABLY CONSIDERED PROVIDED:-

(i) THE BUILDING CAN BE CONVERTED WITHOUT MAJOR REBUILDING OR EXTENSION AND WITHOUT INAPPROPRIATE ALTERATION TO ITS FORM AND CHARACTER;

(ii) THE PROPOSAL WOULD NOT CAUSE SIGNIFICANT HARM TO THE CHARACTER OF THE COUNTRYSIDE OR THE IMMEDIATE SETTING OF THE BUILDING;

(iii) THE PROPOSAL WOULD NOT HARM THE SPECIAL CHARACTER AND INTEREST OF A BUILDING OF ARCHITECTURAL OR HISTORIC SIGNIFICANCE;

(iv) THE PROPOSAL MEETS THE REQUIREMENTS OF THE OTHER POLICIES IN THE PLAN.

2.81 It is intended that this policy should encourage the conversion not of buildings of modern construction but of traditional farm buildings whether or not they are listed as being of architectural or historic interest whose usefulness has been displaced by modern farming methods. Many of these buildings are suitable for alternative non-agricultural use but some are not. For example, a free-standing cattle shelter or hovel will not normally be regarded as worthy or suitable for conversion whereas a substantially built barn in a relatively good structural condition might well be acceptable. The Council will resist proposals that imply substantial rebuilding and are tantamount to the erection of a new dwelling in the countryside.

2.82 It is important to protect the appearance and character of the countryside for present and future generations. Residential use can bring with it characteristics which are difficult to reconcile with unspoilt countryside, including caravans, sheds, greenhouses and swimming pools, which are often exempt from planning control. The Council will, therefore, carefully assess individual proposals in terms of the visual impact they would have on the landscape within which they are situated. In many cases it will be possible to mitigate visual intrusion by appropriate indigenous tree planting and the definition of a curtilage for the building in a manner appropriate to its setting, e.g. natural stone walls or hedging of indigenous species. In an isolated location in relatively open landscape such measures are unlikely to be effective and conversion would be resisted.

2.83 Policy H19 seeks to minimise the extent of physical changes to a building worthy of retention for architectural, historic or aesthetic reasons and for this reason, conversions of such buildings to more than a single dwelling are unlikely to be acceptable. The conversion of a barn for example, the intrinsic character of which is in most cases in its simplicity, is less likely to be satisfactorily achieved if it requires fenestration and door openings to serve two dwellings rather than one. Similarly while the conversion to a dwelling or other new uses can frequently be the key to the preservation of an historic rural building the work should not damage the fabric or character of the building for example through the subdivision of large spaces or the removal of features which contribute to the special character and interest of the building.

C27 DEVELOPMENT PROPOSALS IN VILLAGES WILL BE EXPECTED TO RESPECT THEIR HISTORIC SETTLEMENT PATTERN.

9.64 The settlement pattern of a village can be as important to its character as the buildings. Proposals which would result in the obliteration of part of an historic plan form or fail to respect the traditional settlement pattern will be considered contrary to policy and will be resisted.

9.65 Particular attention will be paid to policy C27 within the existing and proposed conservation areas where the character of the settlement is particularly sensitive to change.

C28 CONTROL WILL BE EXERCISED OVER ALL NEW DEVELOPMENT, INCLUDING CONVERSIONS AND EXTENSIONS, TO ENSURE THAT THE STANDARDS OF LAYOUT, DESIGN AND EXTERNAL APPEARANCE, INCLUDING THE CHOICE OF EXTERNAL-FINISH MATERIALS, ARE SYMPATHETIC TO THE CHARACTER OF THE URBAN OR RURAL CONTEXT OF THAT DEVELOPMENT. IN SENSITIVE AREAS SUCH AS CONSERVATION AREAS, THE AREA OF OUTSTANDING NATURAL BEAUTY AND AREAS OF HIGH LANDSCAPE VALUE, DEVELOPMENT WILL BE REQUIRED TO BE OF A HIGH STANDARD AND THE USE OF TRADITIONAL LOCAL BUILDING MATERIALS WILL NORMALLY BE REQUIRED.

C29 THE COUNCIL WILL SEEK TO ENSURE THAT ALL NEW BUILDINGS, EXTENSIONS AND ALTERATIONS TO EXISTING BUILDINGS ADJACENT TO THE OXFORD CANAL, ARE DESIGNED TO A HIGH STANDARD WHICH COMPLEMENTS THE TRADITIONAL CHARACTERISTICS OF THE WATERSIDE SETTING IN TERMS OF THEIR DESIGN, MATERIALS AND LANDSCAPING.

9.66 The standard of design acceptable to the District Council will be influenced by the environmental context of the site and its surroundings, and the nature, size and prominence of the development proposed. Design considerations will, when appropriate, include the siting, layout, size, scale, architectural style, building materials, means of enclosure and landscaping of new buildings and associated land uses. The Council will seek to avoid discordant or badly designed development that would harm the appearance and character of the existing built environment, the Green Belt or the countryside.

9.67 In appropriate circumstances a landscaping scheme incorporating the retention of existing trees and hedgerows of amenity value will be required to be included as part of development proposals. Trees are a valuable feature of both the rural and the urban landscape. Their amenity value and screening effect can enhance the appearance of new development. Thus wherever new tree or hedge planting is considered desirable for aesthetic reasons, and can be justified by the nature or scale of the development proposed, the Council will attach appropriate conditions to a planning approval. Landscaping schemes should normally include tree and shrub planting but should also include landscape modelling and hard-surface detailing whenever necessary. General guidance for developers is given in BS. 5837:1991 - "A Guide to Trees in Relation to Construction" although developers are advised to contact the Council's Leisure Services Department for more detailed advice.

9.68 It is not the object of policy C28 to suppress innovation and creativity of design. In order to promote the creation of an interesting and attractive built environment the Council will encourage variety in design, provided that the appearance of a proposed new development is sensitive to the particular site and is in harmony with the general character of its surroundings.

C30 DESIGN CONTROL WILL BE EXERCISED TO ENSURE:

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C30 DESIGN CONTROL WILL BE EXERCISED TO ENSURE:

(i) THAT NEW HOUSING DEVELOPMENT IS COMPATIBLE WITH THE APPEARANCE, CHARACTER, LAYOUT, SCALE AND DENSITY OF EXISTING DWELLINGS IN THE VICINITY;

(ii) THAT ANY PROPOSAL TO EXTEND AN EXISTING DWELLING (IN CASES WHERE PLANNING PERMISSION IS REQUIRED) IS COMPATIBLE WITH THE SCALE OF THE EXISTING DWELLING, ITS CURTILAGE AND THE CHARACTER OF THE STREET SCENE;

(iii) THAT NEW HOUSING DEVELOPMENT OR ANY PROPOSAL FOR THE EXTENSION (IN CASES WHERE PLANNING PERMISSION IS REQUIRED) OR CONVERSION OF AN EXISTING DWELLING PROVIDES STANDARDS OF AMENITY AND PRIVACY ACCEPTABLE TO THE LOCAL PLANNING AUTHORITY.

9.69 The Council wishes to secure environmental enhancement through new development. Proposals that would detract from the character of an area owing to obviously poor design will be resisted. Similarly proposals that would change the established character of an area, by, for example, introducing high-density housing development where low densities predominate, will normally be unacceptable. The design and layout of new development can also assist with crime prevention and the Council will have regard to the advice in Circular 5/94 'Planning Out Crime' and 'Secured by Design' initiative. The assistance of the Thames Valley Policy Architectural Liaison Officer will be sought in this context.

C31 IN EXISTING AND PROPOSED RESIDENTIAL AREAS ANY DEVELOPMENT WHICH IS NOT COMPATIBLE WITH THE RESIDENTIAL CHARACTER OF THE AREA, OR WOULD CAUSE AN UNACCEPTABLE LEVEL OF NUISANCE OR VISUAL INTRUSION WILL NOT NORMALLY BE PERMITTED.

9.70 The Council wishes to ensure that new development, including changes of use, does not prejudice the environment of the areas concerned. The above policy seeks to prevent the introduction of incompatible non-residential uses in residential areas.

C32 IN CONSIDERING PROPOSALS FOR DEVELOPMENT THE COUNCIL WILL SUPPORT MEASURES THAT PROVIDE, IMPROVE OR EXTEND ACCESS FACILITIES FOR DISABLED PEOPLE.

9.71 A large number of people in the District have difficulty in terms of mobility and access. Disabilities often confine people to wheelchairs but there are many others who are not so confined but who still have a mobility impairment. Examples include those with heart conditions or breathing difficulties, those with hearing or sight impairments, parents with infants in pushchairs or prams, and the elderly generally. There are also those with temporary impairments including those with broken limbs and pregnant women.

9.72 The Council is committed to creating an environment with fewer potential hazards for the disabled and where equal opportunities for access exist for all sections of the population. The main statutory means of control is through Part M of the Building Regulations which applies to most new buildings and major extensions, both to the inside of those buildings and the approaches to them, and to staff as well as visitors. Housing is not yet included but the government is reviewing this (see Housing Chapter). The Council will also use its powers under other legislation, including the planning acts, to seek to provide for the needs of the disabled outside buildings, including pedestrianisation schemes (see the Chapter on Town Centres and Local Shopping). The plan contains many other references in particular chapters where the needs of the disabled are considered in more detail.

- incorporate designs and landscaping consistent with the above, respecting the local settlement pattern and building style
- be designed to respect local building styles and materials
- incorporate appropriate sustainability elements and designs
- have regard to the impact on tranquillity, including dark skies
- not have an adverse impact on the local community amenities and services and access to these
- protect, or where possible enhance, landscape and biodiversity
- be in accordance with a more sustainable pattern of development, reducing dependence on car travel.

Policy ESD 12: Cotswold Area of Outstanding Natural Beauty (AONB)

High priority will be given to the protection and enhancement of the Cotswolds AONB and the Council will seek to protect the AONB and its setting from potentially damaging and inappropriate development. The Cotswolds AONB Management Plan will be used as supplementary guidance in decision making relevant to the AONB.

Development proposals within the AONB will only be permitted if they are small scale, sustainably located and designed, and would not conflict with the aim of conserving and enhancing the natural beauty of the area.

Policy ESD 13: Local Landscape Protection and Enhancement

B.248 The Cherwell Local Plan 1996 identified Areas of High Landscape Value - land of particular environmental quality - where the Council would seek to conserve and enhance the environment. This Local Plan adopts a character-based approach to seek to conserve and enhance the countryside and landscape character of the whole District, and so Areas of High Landscape Value are not proposed to be retained. Policy ESD 13 therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire District. The Council will use the CPRE's

Tranquillity Map of Oxfordshire available at <http://www.cpre.org.uk> as a guide in assessing areas of tranquillity. Further guidance will be contained within the Local Plan Part 2.

Examples of landscape types

Landscape Types

-  Clay Vale
-  Farmland Plateau
-  Farmland Slopes and Valley Sides
-  River Meadowlands
-  Upstanding Village Farmlands
-  Wooded Pasture Valleys and Slopes

B.249 Opportunities for landscape enhancement can also be provided by land in the Council's ownership, and on other land by agreement.

B.250 The relationship between the District's towns and the adjoining countryside and the avoidance of an abrupt transition from built development to open farmland requires special attention to the landscaping of existing and proposed development. This interface is important in determining the relationship between the urban areas and on the character of the countryside. Where new development will extend the built up limits of the towns the Council will seek a masterplan and well-designed approach to the urban edge. This could incorporate the enhancement of existing hedgerows and woodlands and new areas of woodland planting and hedgerows to be incorporated as part of the development, to ensure the satisfactory transition between town and country. These considerations can equally be applied where extensions to villages are required. Landscape mitigation for the proposed strategic sites will be negotiated on a site by site basis.

B.251 In order to understand the local landscape character of Cherwell a Landscape Assessment was undertaken in 1995. The findings of this assessment informed the Non Statutory Cherwell Local Plan policy and the Countryside Design Summary Supplementary Planning Guidance. These documents identified four distinct character areas - the 'Cherwell Valley', 'Ironstone Downs', 'Ploughley Limestone Plateau' and 'Clay Vale of Otmoor'. The guidance states how development can complement the most important aspects of the character of that part of the District. More recently the Oxfordshire Wildlife and Landscape Study

(OWLS) looked in detail at the landscape types across the District as well as the biodiversity resource. It identifies the 'forces for change' in a particular location and includes landscape/biodiversity strategies which set guidelines for how developments can contribute towards landscape character. Further landscape assessment work has been undertaken to inform the Local Plan and the Masterplans being prepared for Bicester and Banbury (see Appendix 3: Evidence Base).

B.252 One of the most important elements of the landscape which can add to the character and identity of an area are natural landscape features. Such features include Muswell Hill, Crouch Hill, Madmarston Hill, the River Cherwell and Otmoor, which all make those areas distinct and create a sense of place. Many form local landmarks valued by the local communities. The Council's Landscape Evidence Base documents identify the key landform and landscape features of value which include the following features around Banbury and Bicester:

- the open and agricultural setting and identity of the outlying villages surrounding Banbury and Bicester, many with locally distinctive historic cores
- ironstone ridges and valleys
- the historic villages and parkland of Hanwell and Wroxton
- Broughton Castle and Grade II Registered Park
- Crouch Hill: an important landmark overlooking Banbury and the surrounding area
- the landscape to the east of the motorway at Banbury which retains a distinct historic pattern

- Salt Way and its setting
- the Sor Brook Valley
- the setting of the Oxford Canal and River Cherwell corridor
- specific features at Bicester noted for their value include those showing notable 'time depth' including Former RAF Bicester, Wretchwick deserted medieval village, Bignell Park and the Roman roads
- Graven Hill and Blackthorn Hill which contrast with the relatively flat surrounding landform
- the River Ray floodplains.

B.253 The Council will seek to retain woodlands, trees, hedges, ponds, walls and any other features which are important to the character or appearance of the local

landscape as a result of their ecological, historic or amenity value. Proposals which would result in the loss of such features will not be permitted unless their loss can be justified by appropriate mitigation and/or compensatory measures to the satisfaction of the Council.

B.254 In order that development conserves and enhances the character of the countryside, the Council will carefully control the type, scale and design of development, including the materials used, taking into account the advice contained in the Council's Countryside Design Summary SPG and the OWLS.

B.255 In addition to this policy, many villages have conservation areas and in considering development proposals within or adjacent to them, special attention will be given to the preservation or enhancement of their character and appearance under 'Policy ESD 15: The Character of the Built and Historic Environment'.

Policy ESD 13: Local Landscape Protection and Enhancement

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

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- **Cause undue visual intrusion into the open countryside**
- **Cause undue harm to important natural landscape features and topography**
- **Be inconsistent with local character**
- **Impact on areas judged to have a high level of tranquillity**

- **Harm the setting of settlements, buildings, structures or other landmark features, or**
- **Harm the historic value of the landscape.**

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

Policy ESD 14: Oxford Green Belt

B.256 Part of the District falls within the Oxford Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. The Oxford Green Belt was designated to restrain development

pressures which could damage the character of Oxford City and its heritage through increased activity, traffic and the outward sprawl of the urban area. Similarly, the character of Oxford in a rural setting cannot be maintained without the protection of the spatial relationship of Oxford with nearby settlements and the maintenance of the character of the intervening countryside.

- Check the growth of Oxford and prevent ribbon development and urban sprawl
- Prevent the coalescence of settlements
- Assist in safeguarding the countryside from encroachment
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Development proposals within the Green Belt will be assessed in accordance with government guidance contained in the NPPF and NPPG. Development within the Green Belt will only be permitted if it maintains the Green Belt's openness and does not conflict with the purposes of the Green Belt or harm its visual amenities. Proposals for residential development will also be assessed against Policies Villages 1 and Villages 3.

A small scale local review of the Green Belt boundary in the vicinity of Langford Lane, Kidlington and Begbroke Science Park will be undertaken as part of the Local Plan Part 2, in order to accommodate employment needs (see Policy Kidlington 1). Further small scale local review of the Green Belt boundary will only be undertaken where exceptional circumstances can be demonstrated.

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

B.261 Conservation of the historic environment and securing high quality urban design are very important in protecting and enhancing the character of the District and ensuring that Cherwell is an attractive place to live and work. Cherwell District is composed of four landscape character areas, which each display distinct, settlement patterns, building materials and styles of vernacular architecture to create a rural environment that is strongly locally distinctive. Each of the three urban areas also displays its own unique character.



B.262 The following features contribute to the distinctive character, appearance and high quality environment of Cherwell District:

- over 2,200 listed buildings and many others of local architectural and historical interest.
- currently 60 conservation areas

- 36 Scheduled Ancient Monuments
- 5 registered Historic Parks and Gardens and a Historic Battlefield, and 6 Historic Parks and Gardens considered as non-designated heritage assets
- three urban centres: Banbury, Bicester and Kidlington – with quite distinct characters, retaining their medieval street patterns
- the Oxford Green Belt (see 'Policy ESD 14: Oxford Green Belt')
- the Cotswolds Area of Outstanding Natural Beauty in the north-west of the District (see 'Policy ESD 12: Cotswolds Area of Outstanding Natural Beauty (AONB)')
- the District's waterways, in particular the River Cherwell and the Oxford Canal
- sites of ecological importance including 18 Special Areas for Conservation (see 'Policy ESD 9: Protection of the Oxford Meadows SAC') and Sites of Special Scientific Interest (SSSIs).

B.263 We will protect our historic environment; it is a major resource contributing to the local distinctiveness of the District. Conservation Areas and other heritage assets (including both designated and undesignated assets) form part of the historic fabric of the District and contribute to the character of the area and will be maintained. We will protect our Conservation Areas and other heritage assets from harmful growth as these help to define how the area looks and feels, both in the towns and villages. The Council has a rolling programme of Conservation Area

Appraisals and review. We will maintain a local register of Buildings at Risk and use Article 4 Directions to maintain the character of our historic villages and towns. A Register of non-designated heritage assets is also being compiled. Further information on these measures is contained in the Design and Conservation Strategy for Cherwell.

B.264 The Council will protect and enhance the special value of these features individually and the wider environment that they create. The strategic policy on landscape protection can be found under 'Policy ESD 13: Local Landscape Protection and Enhancement'. It is also important, however, to provide a framework for considering the quality of built development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural landscape and built context within which it sits.

B.265 We will ensure that the new developments, area renewal and town centre expansions are safe places to live, work and visit through design standards by using tools such as 'secured by design', also through requiring CCTV where appropriate.

B.266 Design standards for new development whether housing or commercial development are equally important. High design standards are critical in the town and village centres where Conservation Areas exist, but more generally in ensuring development is appropriate and secures a strong sense of place and clear sense of arrival at points of entry into the towns and villages. Particular sensitivity is required where development abuts or takes place within designated Conservation Areas.

B.267 It is also important to take into account heritage assets located outside of the District which may be affected by development inside the District such as Blenheim Palace, a World Heritage Site.

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

Successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.

New development proposals should:

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

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

The Council will provide more detailed design and historic environment policies in the Local Plan Part 2.

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

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

B.268 The appearance of new development and its relationship with its surrounding built and natural environment has a significant effect on the character and appearance of an area. Securing new development that can positively contribute to the character of its local environment is therefore of key importance. This policy identifies a number of key issues that need to be addressed in the design of new development.

B.269 These issues are as relevant in urban areas as in rural locations and also in recent development as in historic areas. The policy seeks to protect, sustain and enhance designated and non-designated 'heritage assets'. The NPPF defines these as 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest'. Heritage assets with archaeological interest will require the submission of relevant assessment. In sensitive locations severe constraints may direct the design approach, but in many cases the Council will not wish to prescribe a specific design solution. Designs need to be sensitive and complimentary to their surroundings but this does not require merely replicating existing styles and imitating architectural details; modern interpretation is possible if informed by a full contextual analysis and proposals promote and reinforce local distinctiveness.

B.270 Our urban areas will see significant growth during the period of the Local Plan, and will need to adapt and respond to these pressures both within their existing boundaries and beyond, while retaining their unique character and heritage. A balance will need to be struck between making best use of land and respecting established urban character and creating new and vibrant sustainable neighbourhoods. Applicants should also have regard to national guidance and best practice advice on design, including on public space, street design, trees in the street scene, public buildings, housing, work environments inclusive design, tall buildings and eco-towns, e.g. guidance published by the Commission for Architecture and the Built Environment CABE (now merged with the Design Council). English Heritage has also published much guidance on integration of development into the historic environment. Applicants will also need to have regard to policies from Oxfordshire County Council, such as the Parking Policy.

B.271 Our rural areas will need to accommodate new development which reinforces the locally distinctive character by being sensitive in its location, scale, materials and design, reflecting the traditional pattern of development within the settlement, balancing making best use of land with respect for the established character and respecting open features that make a positive contribution. A large proportion of rural settlements fall within conservation areas,

where the quality and special interest of the area is protected. Council publications, such as its Countryside Design Summary, which analyses settlement types, and Appraisals of the District's Conservation Areas, which analyse the special qualities and identify those features that make a positive contribution to the character of the place, will assist in understanding a settlement. National guidance includes Natural England's guidance on undertaking Village Design Statements.

Policy ESD 16: The Oxford Canal

B.272 The Oxford Canal is an iconic historic structure running the length of the District through the attractive valley of the River Cherwell, and is of historic, ecological and recreational significance. Following an appraisal, the length of the canal through

Cherwell District was designated as a Conservation Area in October 2012. The conservation area boundary has been drawn to include the towpath and towpath hedge, canal related earthworks and features including historic wharfs and locks, and woodland. The biodiversity value of the canal is reflected in a number of statutory and non statutory designations along the length of the canal. In terms of recreation, the canal is popular for boaters and anglers. A public footpath runs the length of the canal and a section of the route is a public bridleway. The canal and towpath is owned and maintained by the Canal and River Trust, but the responsibility for planning matters lies with the District Council. This policy for the Oxford Canal draws on the recent Design and Conservation Strategy (2012) and reflects its status as a conservation area.

APPENDIX 6



Appeal Decision

Site visit made on 11 February 2015

by D J Barnes MBA BSc (Hons) DipTP MRTPI

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

Decision date: 19 February 2015

Appeal Ref: APP/C3105/D/14/2229707

South Barn, Wigginton, Banbury, Oxfordshire OX15 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs M Barnes against the decision of Cherwell District Council.
 - The application Ref 14/01247/F was refused by notice dated 16 September 2014.
 - The development proposed is the removal of an existing single storey link extension to be replaced with a 1½-storey family kitchen extension. Works to the fenestration on the single storey wing SW facing.
-

Decision

1. The appeal is dismissed insofar as it relates to the erection of the porch. The appeal is allowed insofar as it relates to the removal of an existing single storey link extension to be replaced with a 1½-storey family kitchen extension. Works to the fenestration on the single storey wing SW facing at South Barn, Wigginton, Banbury, Oxfordshire, OX15 4LG in accordance with the terms of the application, Ref 14/01247/F, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted which excludes the porch shall be carried out in accordance with the following approved plans: 1524.001 OS Site Location Plan; 1524.010 Existing Floor Plans; 1524.011 Survey Site Plan; 1524.100 Proposed Floor Plans and Elevations and 1524.110 Proposed Site Plan.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host property.

Reasons

3. The appeal property comprises a group of former agricultural buildings which are now occupied as a dwelling. The permitted development rights associated with a dwelling house were removed by a condition attached to the planning permission for the residential use (Ref 00/01512/F). The group principally comprise a 2-storey building and a single storey wing constructed of stone and

- slate. There is also a modest sized single storey structure which links these buildings.
4. The proposed development includes the demolition of the link structure and the erection of a 1½-storey extension which would result an 'L' shaped property. Reference has been made by the Council to Policy H19 of the Cherwell Local Plan which concerns proposals for the conversion of rural buildings. In this case, the property has already been converted to residential use and the proposed development would comprise an extension to an existing dwelling. Accordingly, the proposed development would not conflict with LP Policy H19.
 5. Although the full details have not been provided, the evidence indicates that a proposal for a similar extension has been granted planning permission by the Council (Ref 13/02203/F). However, the previous scheme was set 1.1 metres into the ground resulting in its roof height and eaves levels being similar to the single storey wing. Other differences between the approved and appeal schemes include 2 rooflights and a door within the rear elevation of the single storey building.
 6. The proposed extension would be constructed of similar materials to the existing buildings and possess a pitched roof of a similar design to the 2-storey building. Although the large rooflight and ground floor opening within the proposed extension would possess a domestic appearance I am aware that they form part of the approved scheme. The proportions and design of the other proposed fenestration would be similar in design to the existing property. There are no reasons for me to disagree with the Council's original assessment of these matters.
 7. Because it would not be set into the ground, the ridge and eaves levels of the proposed extension would be higher than the single storey wing but lower than the 2-storey element. I acknowledge that, from the road, the single storey wing would be viewed against the context of the proposed extension's roof. However, because of its projection towards the road the single storey wing would remain a prominent and significant part of this group of buildings and it would not be visually overwhelmed by the scale of the proposed extension. In reaching this judgement I have taken into consideration that the wall of the existing link structure which is currently a similar height to the eaves of the 2-storey building and visually provides a link with the single storey wing.
 8. Further, when viewed from the road, there would a clear hierarchy in the heights of the 2-storey building, the proposed extension and the single storey wing. The hierarchical approach, together with the proposed extension's design and use of matching materials, would result in a sympathetic and coherent relationship between each element of the enlarged property rather than adverse harm being caused to the original agricultural vernacular, character and appearance of this group of buildings.
 9. Overall, the original character and appearance of the property would be retained rather than being materially harmed by the proposed extension and creation of additional openings. Long distance views from the surrounding open and verdant countryside would not be materially altered. Accordingly, the proposed extension would not conflict with the National Planning Policy Framework's (the Framework) core principle of securing high quality design.

10. Although I note the appellant's claim about the amendment made to the application before determination by the Council, the proposed porch is also included in the appeal scheme before me to assess. I agree with the Council that the proposed porch would be an overly domestic feature which would materially erode the original agricultural character of the single storey wing even as proposed to be altered by the additional openings. Such an addition is not normally a characteristic of agricultural buildings and the proposed porch would possess an incongruous appearance. Accordingly, there would be a conflict with the Framework's core principle because it would represent a poor design.
11. In response to the claims concerning the alleged withdrawal of the porch from the appeal application, I have given consideration to the potential for a split decision to be issued. For such a decision to be issued the relevant parts of the appeal scheme must clearly be physically and functionally independent. In this case, the proposed porch can be severed from the remainder of the proposed development. I therefore propose to issue a split decision in this case.
12. Accordingly, it is concluded that the proposed 1½-storey extension and the works to the fenestration of the single storey wing would not cause adverse harm to the character and appearance of the property and, as such, they would accord with the Framework. It is further concluded that the proposed porch would cause adverse harm to the character and appearance of the property and, as such, it would conflict with the Framework.
13. Conditions have been suggested by the Council in the event that this appeal succeeds and they meet the tests identified in the Framework and the National Planning Practice Guidance. For reasons of precision, I have referred explicitly to the proposed porch not forming part of the development permitted by this appeal. Accordingly, and taking into account all other matters including the Framework's presumption in favour of sustainable development, it is concluded that this appeal should fail in part and succeed in part.

D J Barnes

INSPECTOR



Appeal Decision

Site visit made on 2 October 2018

by R Sabu BA(Hons), BArch, MA, PgDip ARB

an Inspector appointed by the Secretary of State

Decision date: 14 November 2018

Appeal Ref: APP/C3105/W/18/3198394

South Barn, Street From Wigginton to Swerford, Wigginton OX15 4LG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Benians against the decision of Cherwell District Council.
 - The application Ref 17/02014/F, dated 26 September 2017, was refused by notice dated 8 December 2017.
 - The development proposed **was originally described as** 'the refurbishment and extension of an existing two storey dwelling including extension to existing dwelling, landscaping, formation of an additional access from the road and change of use of land from agricultural to residential purpose'.
-

Decision

1. The appeal is allowed and planning permission is granted for the extension to existing dwelling, landscaping, formation of an additional access from the road and change of use of land from agricultural to residential purpose at South Barn, Street From Wigginton to Swerford, Wigginton OX15 4LG in accordance with the terms of the application, Ref 17/02014/F, dated 26 September 2017, subject to the attached schedule of conditions.

Procedural Matter

2. **I have used the description of development set out in the Council's decision** notice in my decision above as it more accurately describes the development proposed than that set out on the application form.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the countryside.

Reasons

4. The appeal proposal relates to a former agricultural barn and cart-shed which have been converted to a residential dwelling, situated within open countryside. The existing buildings are set within a domestic curtilage which at the time of the site visit was marked by post and wire fences and ha-ha to the rear boundary.
5. The proposed development consists of modifications to the original dwelling, and extensions which comprise of a two storey extension (Kitchen Wing) and a further single storey extension (Bedroom Wing) with glazed links connecting the separate elements.

6. The Kitchen Wing has been granted permission by the Council under application 17/00664/F and has been shown on the proposed plans to illustrate its role in the proposed development. Since this element already has planning permission and is not in dispute, I will focus my concerns on the modifications to the Main Barn, introduction of the Bedroom Wing, and change of use to residential curtilage.
7. The removal of previous new window openings in the Main Barn would have negligible effect on the character of the building as a whole and would not harm the character or appearance of the countryside. While the Council considers that the new large opening on the south elevation would be a departure from the character of the original barn, it would utilise large timber barn doors either side of the opening which would be in keeping with the existing building and character of the area.
8. The Bedroom Wing would result in a collection of buildings joined by glazed **links that would form a 'Z' shape, differing from the existing 'L' shaped formation. I acknowledge that there is not a precedent for 'Z' shaped buildings** at the site and this may not be a traditional agricultural arrangement. However, the existing building has been a residential dwelling for some time and I therefore consider the proposed development to be appropriate in the context of it being an extension to a residential dwelling in a rural context, rather than the conversion of farm buildings.
9. The Bedroom Wing would have a lower ridge height than both the Main Barn and the Kitchen Wing. The roof would match the pitch of the existing Main Barn and the proposed Kitchen Wing. While the proposed footprint would be similar to that of the Main Barn, the lower ridge height would result in an extension that would be proportionally subservient to the Main Barn. In addition, the simple form and materials of the proposed Bedroom Wing would echo those of the Main Barn and Kitchen Wing and be sympathetic to the countryside.
10. The Bedroom Wing would be positioned adjacent and perpendicular to the Kitchen Wing and would be situated on land within the open countryside beyond the existing residential curtilage. Drawing 184_03_100/P5 sets out that permission is requested for the change of use of the land within the red line. This extends tight around the perimeter of the proposed Bedroom Wing and the appellant has confirmed that a proposed ha-ha would define the residential curtilage to the rear.
11. I recognise that Wigginton Parish Council objected to the scheme on the grounds that the proposal would be intrusive. The Bedroom Wing would be located towards the edge of the site near to the highway and adjacent to the existing building which combined with its lower ridge height resulting in a smaller mass, would not cause undue visual intrusion into the countryside.
12. **I acknowledge the Council's concerns regarding pressure for incremental** development to provide additional accommodation. However, the extent of the change of use proposed is limited to the extent of the building of the Bedroom Wing and the proposed ha-ha to the rear. In addition, as requested by the Landscape Officer, the appellant has agreed to a condition requiring additional landscaping details to be submitted and agreed with the Council which would **establish an orchard that would retain the area's rural character.** These measures would together safeguard the character of the countryside and the proposed development would accord with paragraph 170 of the Framework.

13. For all the reasons given above, all aspects of proposed development would not harm the character and appearance of the countryside and would accord with Policies C28 and C30 of the Cherwell Local Plan November 1996 which seeks that all new development would be sympathetic to the rural context. The proposed development would also not conflict with Policies ESD13 and ESD15 of The Cherwell Local Plan 2011 – 2031 Part 1 Adopted 20 July 2015 which sets out that proposals will not be permitted if they would cause undue visual intrusion into the open countryside, and that new development will complement and enhance the character of its context.

Conditions

14. I have considered the list of recommended conditions by the Council. I have made some minor changes to these having regard to the tests set out in the Framework and the guidance contained in the Planning Practice Guidance. In addition, in accordance with Section 100ZA(5) of the Town and Country Planning Act 1990, I wrote to the appellant in regards to the use of pre-commencement conditions. I have attached pre-commencement conditions which are necessary to make the proposed development acceptable in planning terms. The appellant has confirmed that they approve of the pre-commencement conditions.
15. I have not attached conditions individually requesting details of timber cladding, rainwater good and external flues and doors, window and roof lights, as these would be covered under the condition to agree details of the materials to be used in the construction of the external surfaces.
16. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
17. The success of the proposals to modify the Main Barn lie in the way that the stone walls and roof are made good after removal of windows. I have therefore included conditions relating to the making good of stonework and roof tiles and in respect of materials to safeguard the character and appearance of the area. In addition, conditions relating to details of landscaping, boundary treatments and planting, turfing and seeding as well as tree protection are necessary to safeguard the character and appearance of the area. I have attached a condition removing permitted development rights to further safeguard the character and appearance of the countryside.
18. I attach conditions in respect of the proposed access and gates and fencing along the boundary with the highway in the interests of highway safety.

Conclusion

19. For all the reasons given above, I conclude that the appeal should be allowed.

R Sabu

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans 184_03_100/P5, 184_03_301/P10, 184_03_309/P11, 184_03_310/P12, 184_03_311/P14, 184_03_312/P14, 184_05_311/P11 and 184_05_312/P11.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Any remedial stonework necessary for the repair or making good of the walls of the existing barn, to be retained, shall be carried out in natural stone of the same type, texture, colour and appearance as the stone on the existing building and shall be laid, dressed, coursed and pointed to match that of the existing building.
- 5) Any remedial work necessary for the repair or making good of the roof of the existing barn, to be retained, shall be carried out in natural slate of the same type, texture, colour and appearance as the slate on the existing building.
- 6) Prior to the first use of the new extensions hereby approved, the proposed means of access between the land and the highway shall be formed in accordance with the geometry as indicated on the approved drawings, laid out and constructed strictly in accordance with Oxfordshire County Council's current specification and guidance.
- 7) Prior to the installation of any new gates and fencing along the western boundary of the site with the highway, and notwithstanding the details submitted, full details of the design, height, materials and finished appearance of the gates and fencing shall be submitted to and approved in writing by the Local Planning Authority. The gates and fencing shall be installed in accordance with the approved details and shall be retained as such thereafter.
- 8) Notwithstanding the details submitted, prior to the first occupation of the development hereby approved, a detailed 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 and any reduced-dig areas;
 - (d) details of all boundary treatments; and

(e) future landscape management plan.

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 date of the first occupation of the development hereby approved. 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.

- 9) Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS: 5837: 2012 and all subsequent amendments and revisions to include a tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.
- 10) a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.
- b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.
- In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the decision.
- 11) Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the extended dwelling hereby approved shall not be further extended, enlarged or altered, nor shall any structures be erected within the curtilage of the said dwelling, without the prior express planning consent of the Local Planning Authority.



The Planning Inspectorate

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Mr Stuart J. Kirkwood
102 Churchill Road
Bicester
Oxon
OX6 7UJ

Your Ref:

Our Ref: T/APP/C3105/A/99/1024676/P8

Date: 29 SEP 1999

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY MR & MRS. N. HINDLE
APPLICATION NO: 98/01867/F

1. The Secretary of State for the Environment, Transport and the Regions has appointed me to determine your clients' appeal against the decision of the Cherwell District Council to refuse planning permission for a proposed store building on land at Crow Barn, Fringford, Nr. Bicester. I have considered all the written representations together with all other material submitted to me. I inspected the site on 7 September 1999.
2. Crow Barn is now a house following its conversion from a barn and stands in an, as yet, unmarked residential curtilage within your clients' 4.45 hectares (11 acres) holding of grassland. The 1994 planning permission included an attached double garage giving it an L shaped format. The present proposal seeks to erect a similar detached building close to and in line with the garage block for the storage of equipment and machinery for the maintenance of the holding.
3. From my inspection of the site and the surrounding area, and from the written representations, I find that the principal issue in this matter is what effect the proposal would be likely to have on the character and setting of Crow Barn and on the rural landscape.
4. The reason for the refusal of planning permission is that by its size and location the building would have a significant and detrimental impact on the surrounding landscape which would detract from the character of the area and the setting of the former barn, and would be contrary to Policy H19 of the Cherwell Local Plan. However Policy H19 relates to proposals for the conversion of a rural building to a dwelling. It says they will be favourably considered only if, among other factors, there would be no major rebuilding or extension and no harm to the character of the countryside or the immediate setting of the building. The Council takes the view that this policy continues to restrict extensions after residential conversion and occupation because of the on-going need to ensure that extensions do not have an adverse impact on the former barn or its setting which would frustrate the policy. In support the Council cite the determination of two earlier linked appeals (Reference: T/APP/C/98/C3105/650176 and T/APP/C3105/A/97/286039/P6) where, it is claimed, the Inspector endorsed this view. Having read his letter determining those appeals I do not find that the Inspector accepted that view. He stated that since the development to which those appeals related (barns and stables) was not concerned with the conversion of a rural

appears to have argued that the building was not converted into a dwelling Policy H19 did not apply. He did however recognise that its spirit and

intention was a material consideration in line with the guidance in Planning Policy Guidance Note 7 about restraining development in the countryside and the impact of residential conversions. In my view too Policy H19 applies only to works proposed for conversion and adaptation of a building to a dwelling, and therefore does not apply in this appeal. No other policies to restrain the impact of subsequent development on a converted barn or its setting have been brought to my attention but these aspects are nevertheless material considerations.

5. Crow Barn stands about 200m from the road with the double-garage block facing the road. The latter is about 6m wide x 5m deep x 4m high under a pitched roof and has two separate doors. The proposed store building would have similar dimensions and design giving the appearance of another garage block with a gap of 2m between. Its front would stand on the site of an existing stone wall about 1.8m high.

6. Although some distance from the road with several large trees intervening the house, the garage and the appeal site are quite easily visible even when the trees are in full leaf. There is too a completely uninterrupted view from the public footpath, which crosses your clients' land on a fairly close line.

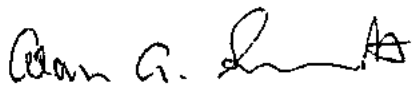
7. In support of the appeal it is claimed from the evidence of an early Ordnance Survey map that the L shaped format of the original barn continued to the end of the existing stone wall so that the proposal would not be an inappropriate extension of the barn. It is also stated that storage is needed following vandalism and theft for items presently kept secure but taking up parking space in the garages.

8. I recognise that Crow Barn is now in residential use with a likely need for storage space and I must also take account of its location in open countryside which national policy set out in PPG7 says should be safeguarded by the strict control of development. The house itself presents only a flank wall to the road and it is the garage block that dominates the overall appearance of the property. The proposed building would be largely of stone and visually in keeping with the garages but it would double the length of substantial ancillary buildings and would have a totally greater, different and inappropriate impact as compared with the stone wall it would replace. With the further impact of the line of garage doors also giving a rather suburban appearance the building would be both harmful to the character and setting of the house and intrusive in the rural surroundings. So while I do not doubt a need for a store I am satisfied that that is not an over-riding consideration which justifies the grant of planning permission for this proposal.

9. I have had regard to everything else raised in the representations but find nothing that outweighs the considerations that have led to my decision.

10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully



ALAN G. BENNETT
Inspector



The Planning Inspectorate

APPENDIX A

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Warks
CV37 6GJ

Your Ref:
PGH/2473
Our Ref:
T/APP/C/98/C3105/650176/P6
T/APP/C3105/A/97/286039/P6
Date: 09 NOV 1998

Dear Sirs

TOWN AND COUNTRY PLANNING ACT 1990, SECTIONS 174 AND 78 AND
SCHEDULE 6
PLANNING AND COMPENSATION ACT 1991
LAND AND BUILDINGS AT TREADWELLS BARN, FIDDINGTON, BICESTER,
OXFORDSHIRE
APPEALS BY MR P COOK

1. I have been appointed by the Secretary of State for the Environment, Transport and the Regions to determine these appeals against an enforcement notice issued by Cherwell District Council concerning the above land and buildings and against a refusal of planning permission by that Council. I held an inquiry into the appeals on 4 August 1998. I visited the site on the same day. At the inquiry an application for an award of costs was made on behalf of the appellant against Cherwell District Council. This is the subject of a separate letter.

2. (1) The notice was issued on 22 December 1997.

(2) The breach of planning control alleged in the notice is failure to comply with condition 7 on planning permission granted on 19 February 1996 (Reference 95/01840/F) for the conversion of a barn on the land including rebuilding of single storey outbuildings for car storage and stables (as amended by drawing nos 9541/7:9 received 06.02.96).

(3) Condition 7 is as follows: 'That, notwithstanding the provision of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, the approved dwelling shall not be extended (nor shall any structures be erected within the curtilage of the said dwelling) without the prior express planning consent of the Local Planning Authority.'

(3) It is alleged that this condition has not been

complied with because 2 pergola-like extensions have been erected to the converted barn on the land without the necessary consents.

(4) The requirements of the notice are: (1) demolish the 2 timber pergola-like extensions which have been erected to the converted barn on the land; and (2) remove from the land all materials and debris arising from demolition of the 2 timber pergola-like extensions.

(5) The period for compliance with these requirements is 3 months.

(6) The appeal is proceeding on grounds (a), (f) and (g) of the 1990 Act as amended by the Planning and Compensation Act 1991.

3. The application refused by the Council (Ref: 97/01093/F) was made for the enhancement of the planting scheme, the retention of timber structures and a revised scheme for stabling. The notice of refusal, dated 29 July 1997, related to the erection of a triple stable block and retention of 2 pergola extensions to the barn conversion, and enhancement to the planting scheme.

4. The appeal site is in flat, generally open countryside to the north of Piddington village, from which it is separated by the London (Marylebone) to Banbury railway line, here passing on a low embankment about 170 m from Treadwell's Barn. The road from Piddington to the Bicester-Aylesbury road (A41) crosses over the railway line on a bridge about 350 m to the west.

5. Your client owns land from Treadwell's Barn to the railway and northwards along the railway to the road. Land immediately surrounding the house and garages appears to be used as a domestic curtilage, with parking and circulation areas, paved areas, lawns, a pond, trees and shrubs and other planting. Apart from this area and the access track your client's land is grassland on which some trees have been planted.

6. The enforcement notice is clearly directed to the pergolas only and as they exist now, but a different wording is used to describe the development refused planning permission by the Council, and that applied for and that used in the grounds of appeal under Section 78 of the Act. However it is clear that the application made, that refused by the Council and the decision against which the appeal is made relate to:

(i) the retention of the existing pergolas (those enforced against);

(ii) the erection of a stable block containing 3 stables, a feed room and tack room;

(iii) landscaping proposals, although planting is not

itself development but could be required by conditions on a planning permission;

(iv) the erection of a fence along a section of the eastern boundary as a replacement for the present one. This requires consent because Condition 6 of planning permission No 95/01840/F withdrew permitted development rights in respect of such operations.

7. The development plan is the Oxfordshire Structure Plan approved in February 1992 together with the Cherwell Local Plan November 1996. There is disagreement about the application of local plan policies to the matters that are before me, and in particular Policy H19, which is concerned with the conversion of rural buildings to dwellings beyond the built up limits of settlements. Other local plan policies may be relevant also, such as AG5 (in the case of the stables), C7 (effect upon the landscape) and C28 (development control criteria).

8. From the evidence given, the representations made and my own observations of the site and its surroundings I consider the main issues to be the effect of the development enforced against or proposed upon (i) the character of the landscape, and (ii) the character and setting of the converted barn, now a dwelling house.

9. On the first issue it seems to me that the present buildings at Treadwell's Barn stand in generally open land upon which planting has taken place but which is not yet effective in softening or screening it from public vantage points. The closest public view would be from passenger trains. From there it is possible to see both pergolas and the site of the proposed stables.

10. However, lineside vegetation suggests that such views would be intermittent, and from my observations the trains pass the site at considerable speed, so that views over the land would be fleeting. The track to Treadwell's Barn is not open to the public; nor does the pedestrian crossing of the railway seem to be so, but it is just possible to identify the pergolas from the road to the south.

11. Other views from public places are more distant. Whilst the group of buildings may catch the eye, the pergolas do not. From most angles of view the southern (small) pergola cannot be seen at all. From many of those identified by the parties the western pergola can be identified, but only at a considerable distance. The pergolas are not prominent from afar, the dominant feature being the group as a whole. They do not harm the appearance, character or topography of the area.

12. Nor, in my opinion, would the addition of the slate roofed and timber clad stables make a substantial difference to the appearance or character of the landscape. Their siting, design and external materials would be sympathetic to the rural setting in which they are proposed. From some vantage points,

such from the public right of way across the fields to the north, the stables may screen domestic paraphernalia from view rather than add to it.

13. The existing and proposed landscaping works would, over a period of years, soften the outlines of the group of buildings or screen it entirely, given normal rates of tree growth. Therefore I do not find either the pergolas or the stables to be contrary to Policies C7 and C28 of the Cherwell Local Plan, nor the stables contrary to Policy AG5, which allows for horse related development subject to certain provisos.

14. I turn now to the second issue. At the inquiry this was the more controversial. The local planning authority's case hangs on the application of Policy H19, considered by its witness to be more important to the outcome than the others. This is the 'house or barn problem'.

15. You say that H19 applied to the conversion of the barn, but does not now as it is a dwelling house, not a barn. The deemed planning application is for the retention of the pergolas, not for the conversion of a barn, and the appeal against the refusal is concerned with the retention of the pergolas and the erection of a stable block. Neither are covered by Policy H19.

16. The Council argues that the rationale of Policy H19 is to preserve good old rural buildings without major rebuilding and without extension. If, once planning permission for conversion had been given, extension was then allowed because the building had become a dwelling, this would be contrary to the spirit of the policy and the reason for its inclusion in the local plan. It must still apply, otherwise the results would be absurd.

17. I accept that Policy H19 refers to proposals for the conversion of rural buildings to dwellings. It does not identify what criteria should be applied once such a building has been so converted, whether extensions or structures within the curtilage or close to the original building. I also accept that the policy means what it says; what it does not say is not part of the policy. Since neither the retention of the pergolas nor the proposed stable block are concerned with the conversion of a rural building to a dwelling the letter of Policy H19 does not apply. Therefore I conclude that neither are contrary to its provisions, nor, given my conclusions on the first issue, to the development plan.

18. However, the spirit and intention of Policy H19 is an important material consideration in the context of local and national policy which seeks to restrain and control development in open countryside. Planning Policy Guidance Note 7 encourages the re-use and adaptation of rural buildings in general but urges caution in the case of conversions to residential use, which can often harm the fabric and character or historic farm buildings. The Oxfordshire Structure Plan allows for conversions where the form, bulk, and general design

of the building are in keeping with the surrounding area (Policy EN9).

19. Policy H19 of the Cherwell Local Plan seeks to resist proposals for conversion that would involve major rebuilding or extension or inappropriate alteration to its form and character or the immediate setting of the building. From the photographs submitted it seems that the barn was formerly a simple, plain building. The remains of a stone cart shed were attached to the western gable. The approved plans show this as reinstated, but in a different form.

20. However, it seems to me that the pergolas are a domestic element uncharacteristic of a barn. They alter the simple outlines of the building as it was originally and the conversion scheme as approved. Many agricultural buildings may have appendages of some sort, but usually of a less domestic appearance. In my opinion the pergolas cause unacceptable harm to the character and setting of the building because of their domestic character, contrary to the spirit of national and local policy for the control of development in open countryside. This would be so even if they were altered in the way you suggest.

21. However, I regard the proposed stables as an entirely different matter. Their bulk, form and materials would not appear out of place here. The block would be detached, quite distinct from the former barn and the lower buildings adjoining, and sited to form part of a group partly enclosing a yard area in a traditional manner. The group, including the stables, would not be uncharacteristic of isolated farm development. Given continued control of surface finishes, which could be the subject of a condition on a planning permission, the proposed stables would not cause unacceptable harm to the character or setting of the converted barn.

22. Finally I turn to the appeals against the enforcement notice on grounds (f) and (g). On the former I accept the Council's view that the removal from the site of the timber from which the pergolas have been constructed is, strictly speaking, what is necessary to remedy the breach of planning control. However, the timber is potentially usable elsewhere on your client's property, and in my view its removal is unnecessary in order to ameliorate the injury to amenity caused by the breach of planning control. Dismantling the pergolas would be sufficient to do this. Variation of the requirements to omit reference to removal of the timber would be justified. However, the walled enclosure of about 2.3 m in height which has already been approved would be entirely different in appearance to the timber structures enforced against. It does not follow that removal of timber below this level is not justified to ameliorate injury to amenity.

23. The period for compliance with the remaining requirement spans the winter months. It would be possible for your client to transplant vines and other plants which might be affected by

the removal of the pergolas at this time of year. In my opinion 3 months of the dormant season would be sufficient for this task; the period for compliance does not fall short of what is reasonable.

24. I have taken into account all the other matters given in evidence or raised in the written representations, including the references to other appeal decisions, the fact that the area is not one of special control and the incorrect reason given for imposing Condition 7 on planning permission for the conversion but they do not alter my conclusions.

25. Therefore I intend to allow the appeal against the enforcement notice on ground (f) and vary the requirements of the notice to omit reference to the removal of timber from the land. I will dismiss the appeals against the enforcement notice made on other grounds and uphold the notice as varied. I will not grant planning permission on the application deemed to have been made for the pergolas. I will also dismiss the appeal made under Section 78 of the Act in so far as it relates to the retention of the pergolas, but allow it in so far as it relates to the proposed stables and grant planning permission for these subject to conditions. The pergolas and the stables are distinct proposals capable of being pursued independently of each other; indeed, the pergolas have already been constructed but the stables have not. In my opinion the decision is capable of being split in this way without injustice to either party or to any interested persons.

FORMAL DECISIONS

26. For the above reasons and in exercise of the powers transferred to me I hereby determine these appeals as follows:

1. The appeal made under Section 174 of the Act (Ref: T/APP/C/98/C3105/650176/P6) - I hereby direct that the notice be varied by the deletion of subparagraph (2) to paragraph 5 of the notice. Subject thereto I dismiss the appeal; uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under Section 177 of the 1990 Act.

2. The appeal made under Section 78 of the Act (Ref: T/APP/C3105/A/97/286039/P6) - I dismiss the appeal in so far as it relates to the retention of timber structures; I allow the appeal in so far as it relates to the erection of stabling at Treadwell's Barn, Piddington, near Bicester, in accordance with application No 97/01093/F and the plans submitted therewith subject to the following conditions:

1. the stables hereby approved shall be constructed and faced with the materials specified on the plans hereby approved and no colours or other surface finishes shall be applied thereafter without the

prior written consent of the local planning authority;

2. all trees and shrubs comprised in the plans hereby approved shall be planted in accordance with those plans within the first planting season following the completion of the development or first occupation of the stables, whichever is the earlier, unless the local planning authority gives prior written consent to any variation; and any such plants which, within the period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the local planning authority gives prior written consent to any variation;

3. the stables hereby approved shall not be occupied for any purpose until all fencing comprised in the plans hereby approved has been completed in accordance with those plans.

27. These decisions do not convey any approval or consent required under any enactment, byelaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

RIGHTS OF APPEAL AGAINST THE DECISIONS

28. This letter is issued as the determination of the appeals before me. Particulars of the right of appeal against my decisions to the High Court are enclosed for those concerned.

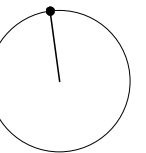
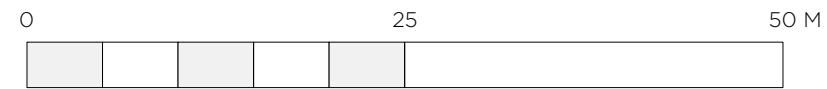
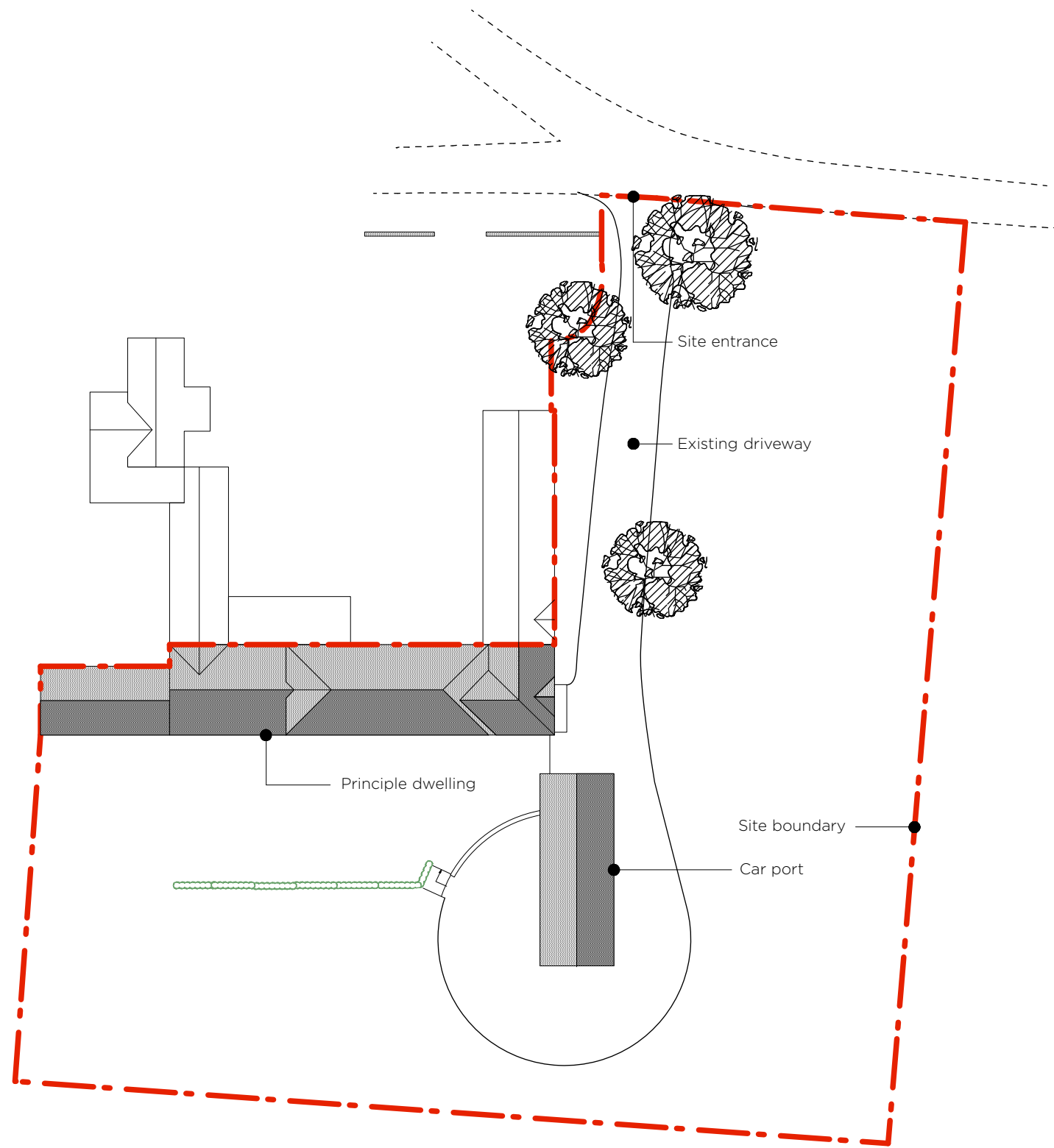
Yours faithfully



J G Roberts BSc(Hons) DipTP MRTPI
Inspector
ENC

APPENDIX 7

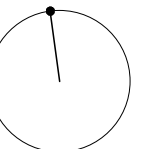
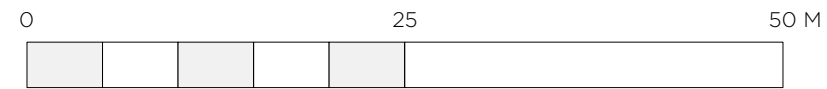
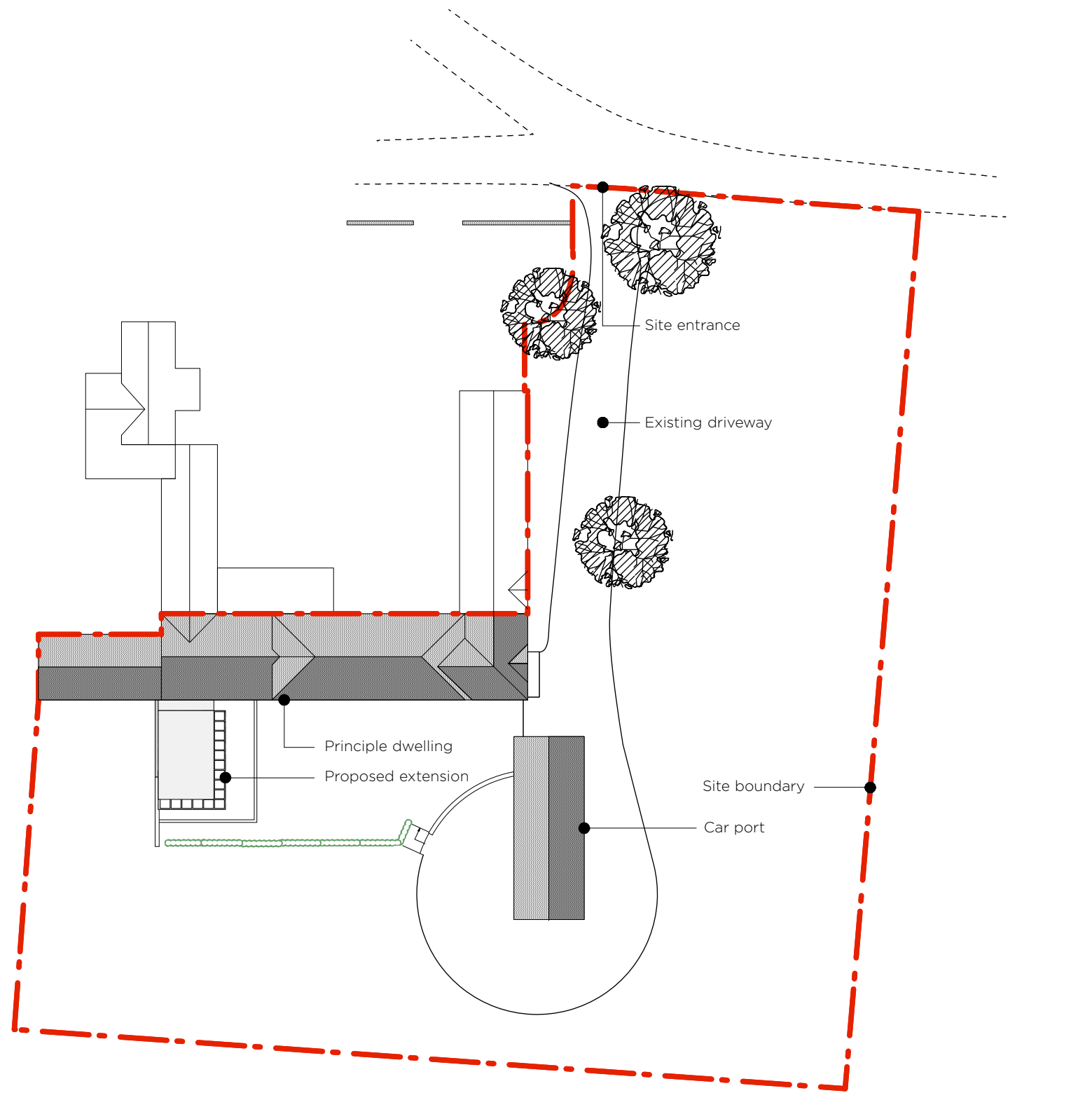
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Charlie Luxton Design Beanacre Cottage, Ropeway, Hook Norton, Oxon, OX15 5QB	info@charlieluxton.com 01608 730086	P1 10.08.17 Client: Comment	
Do not scale off this drawing. This drawing is to be read with all other contract documents. Any discrepancies are to be reported to the Architect. At construction status, this drawing remains design intent only. All information to be checked by contractor for site accuracy and fit. Drawings are subject to statutory approvals and site surveys.			

project The Meetings Farm Little Tew Oxon OX7 4JN	drwg no 205_02_200 P1
title Existing Site Plan	
scale 1:500 @ A3	

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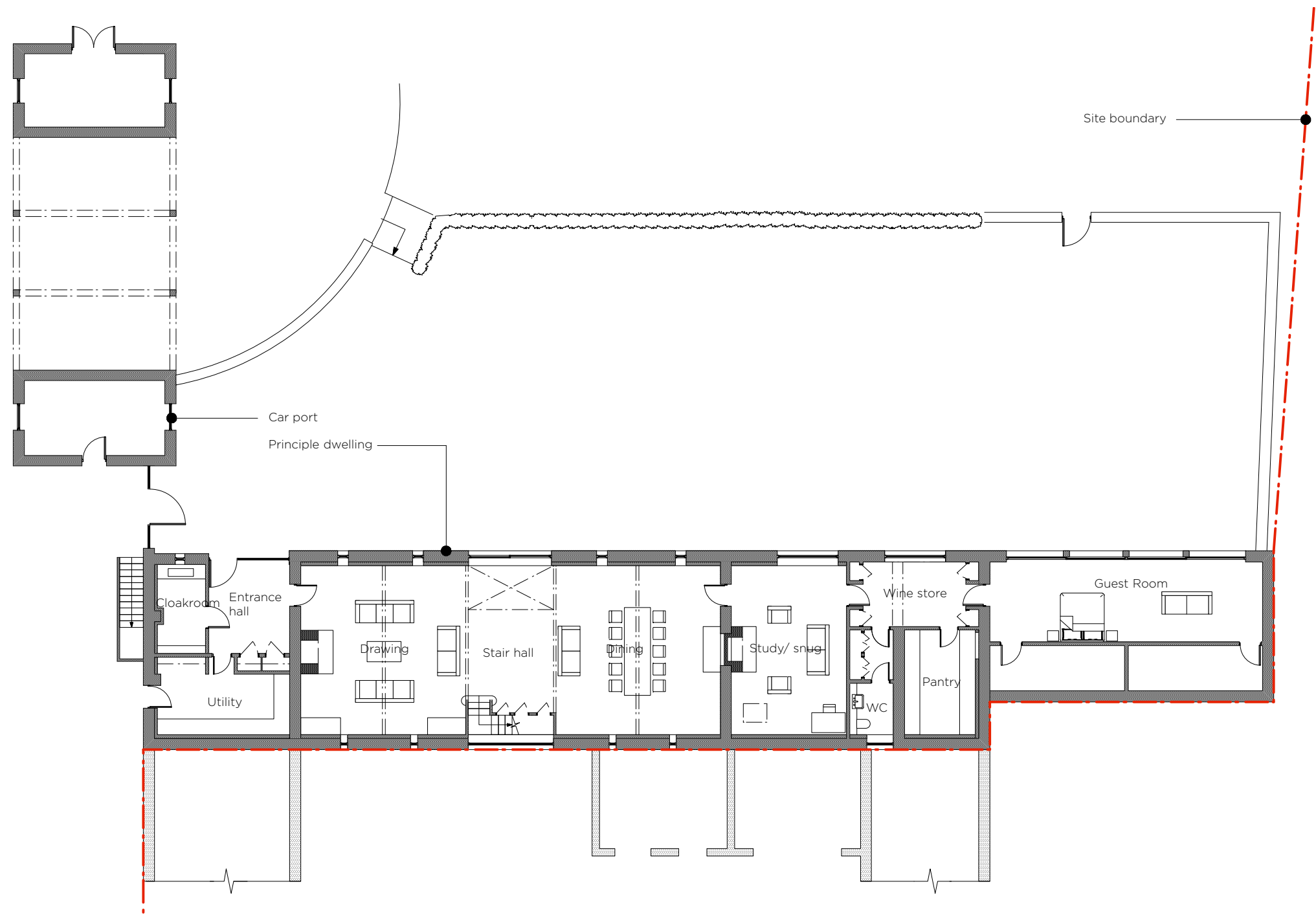


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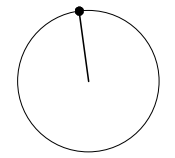
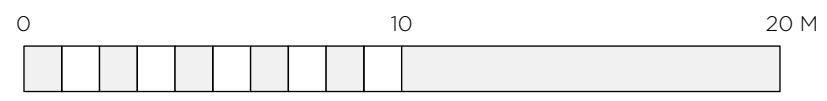
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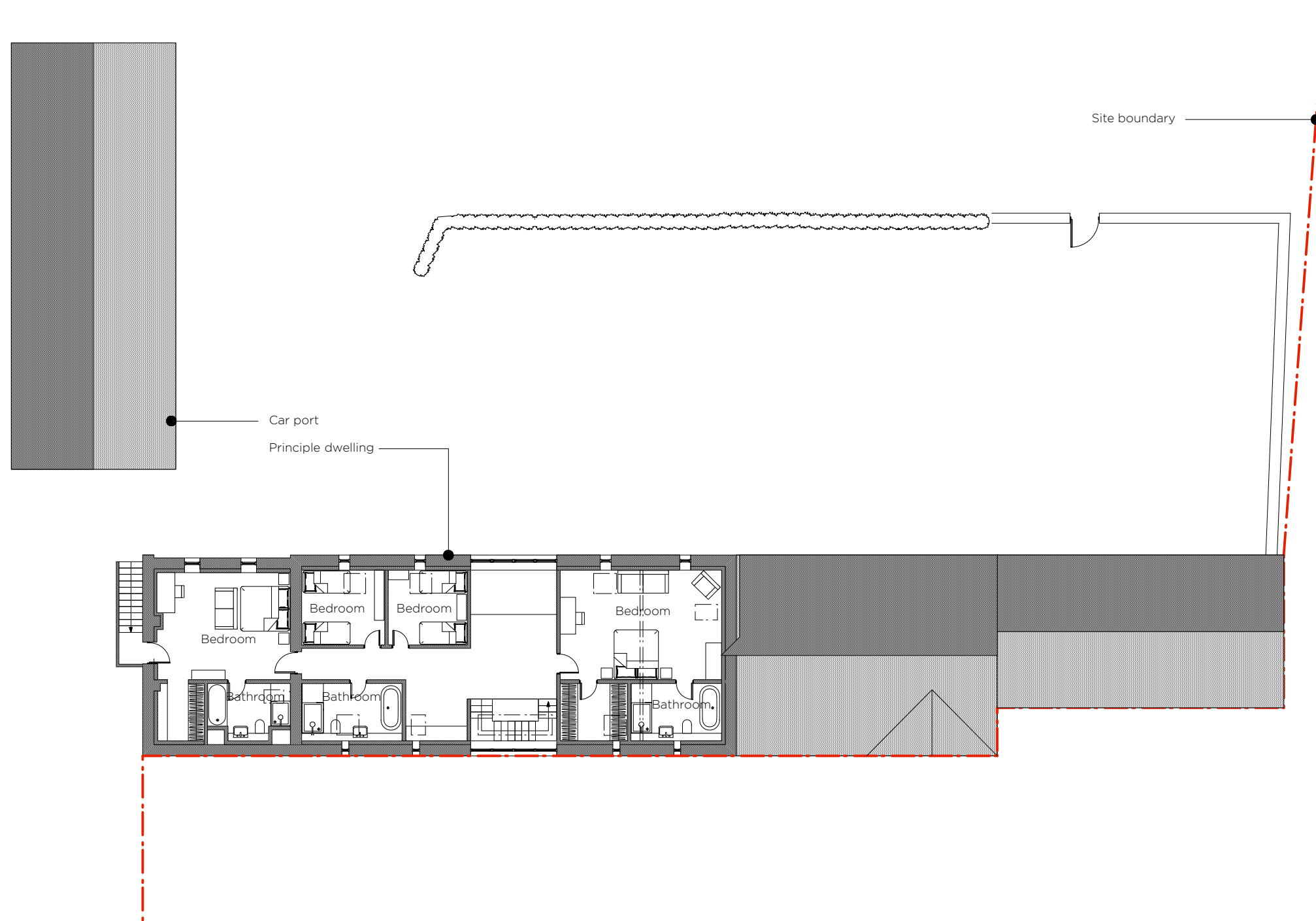
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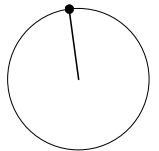
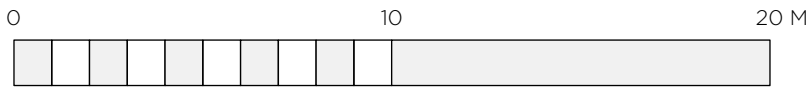
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project The Meetings Farm Little Tew Oxon OX7 4JN	drwg no 205_03_200 title Existing Ground Floor Plan scale 1:200 @ A3
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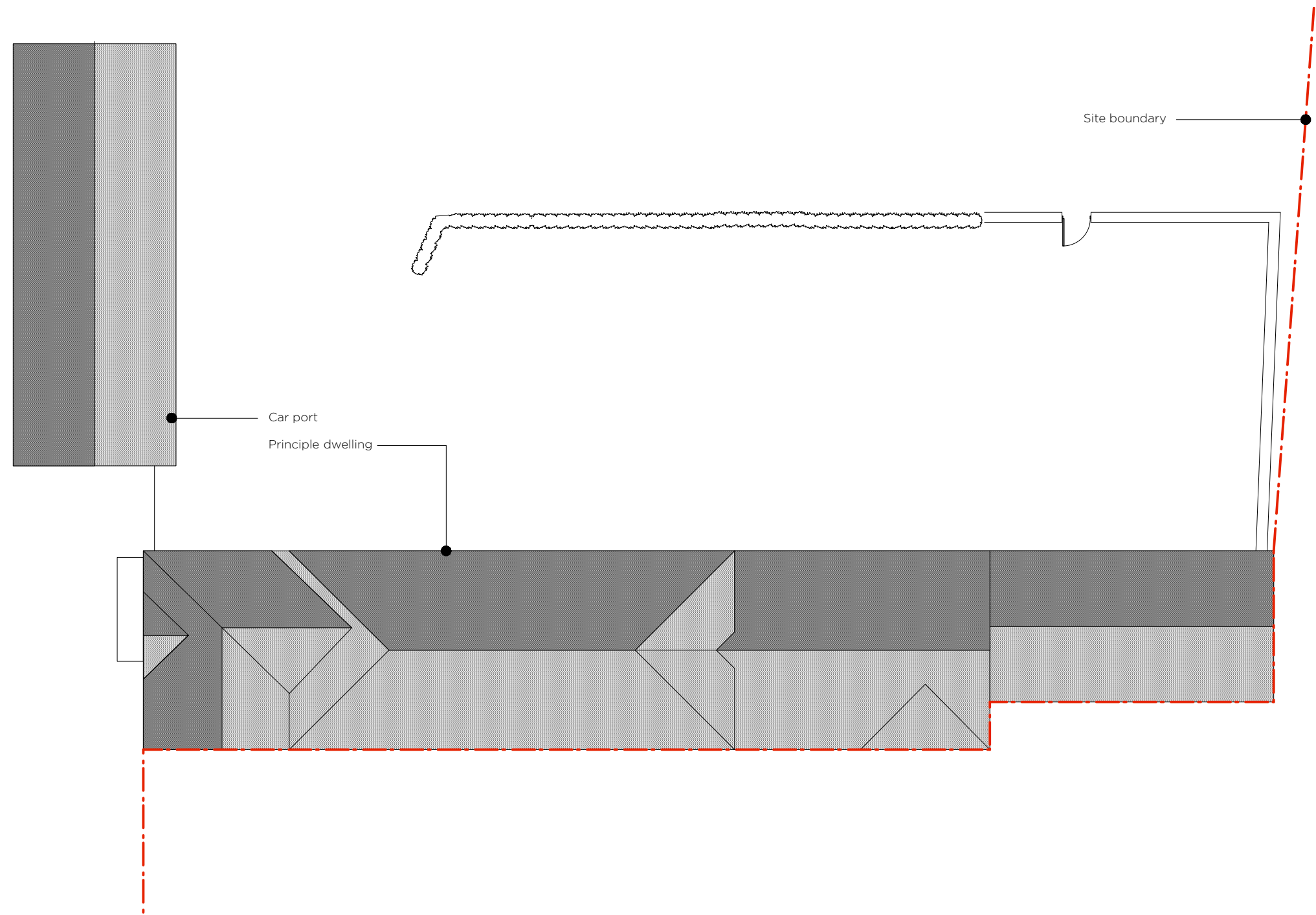
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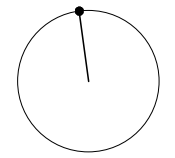
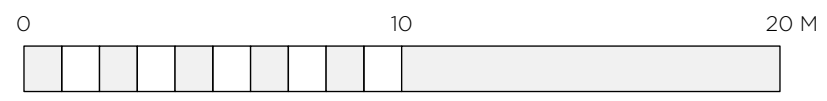
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project The Meetings Farm Little Tew Oxon OX7 4JN	drwg no 205_03_201 title Existing First Floor Plan scale 1:200 @ A3
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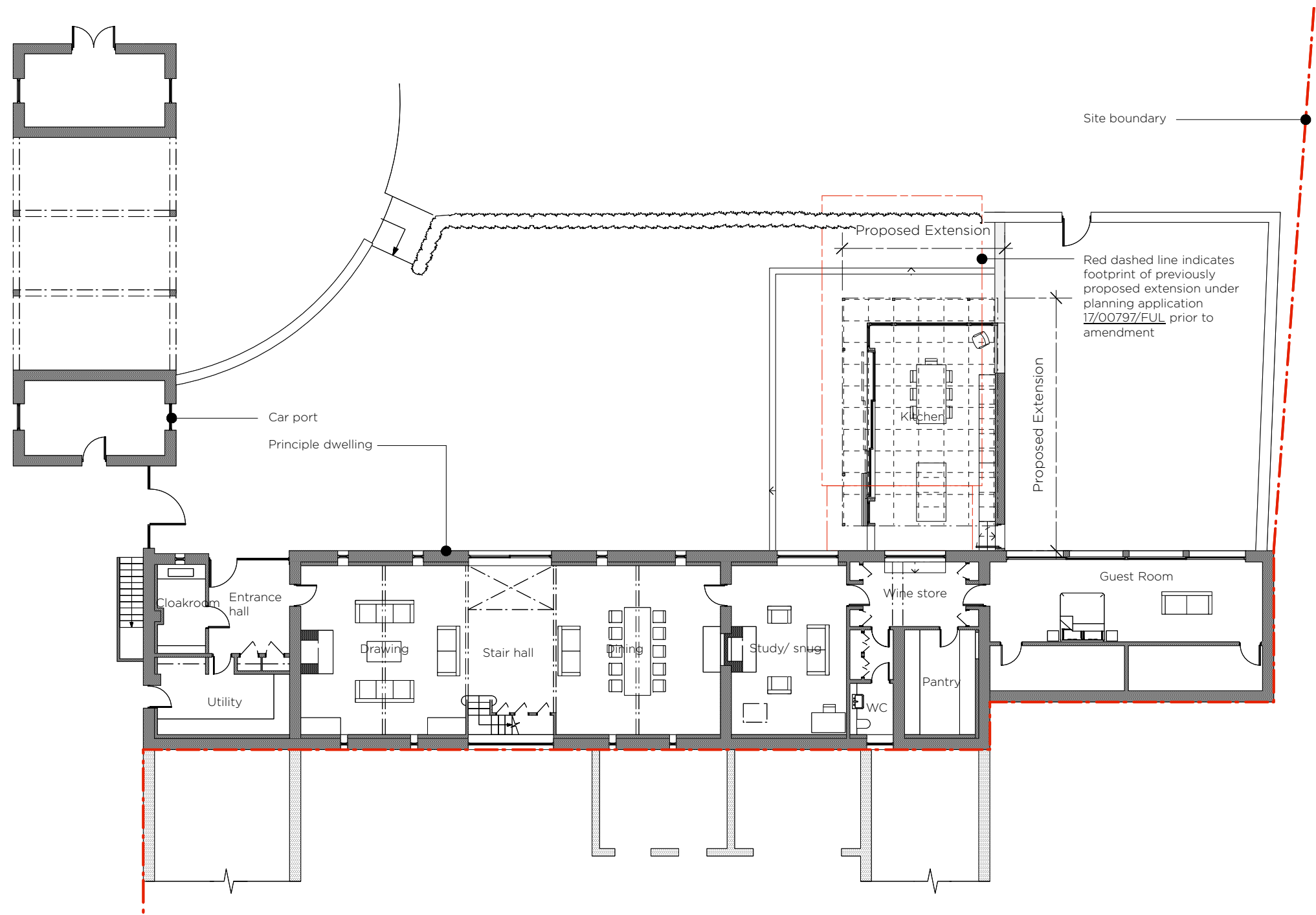
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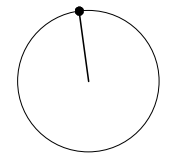
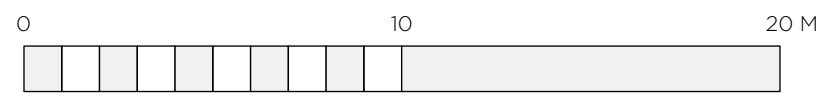
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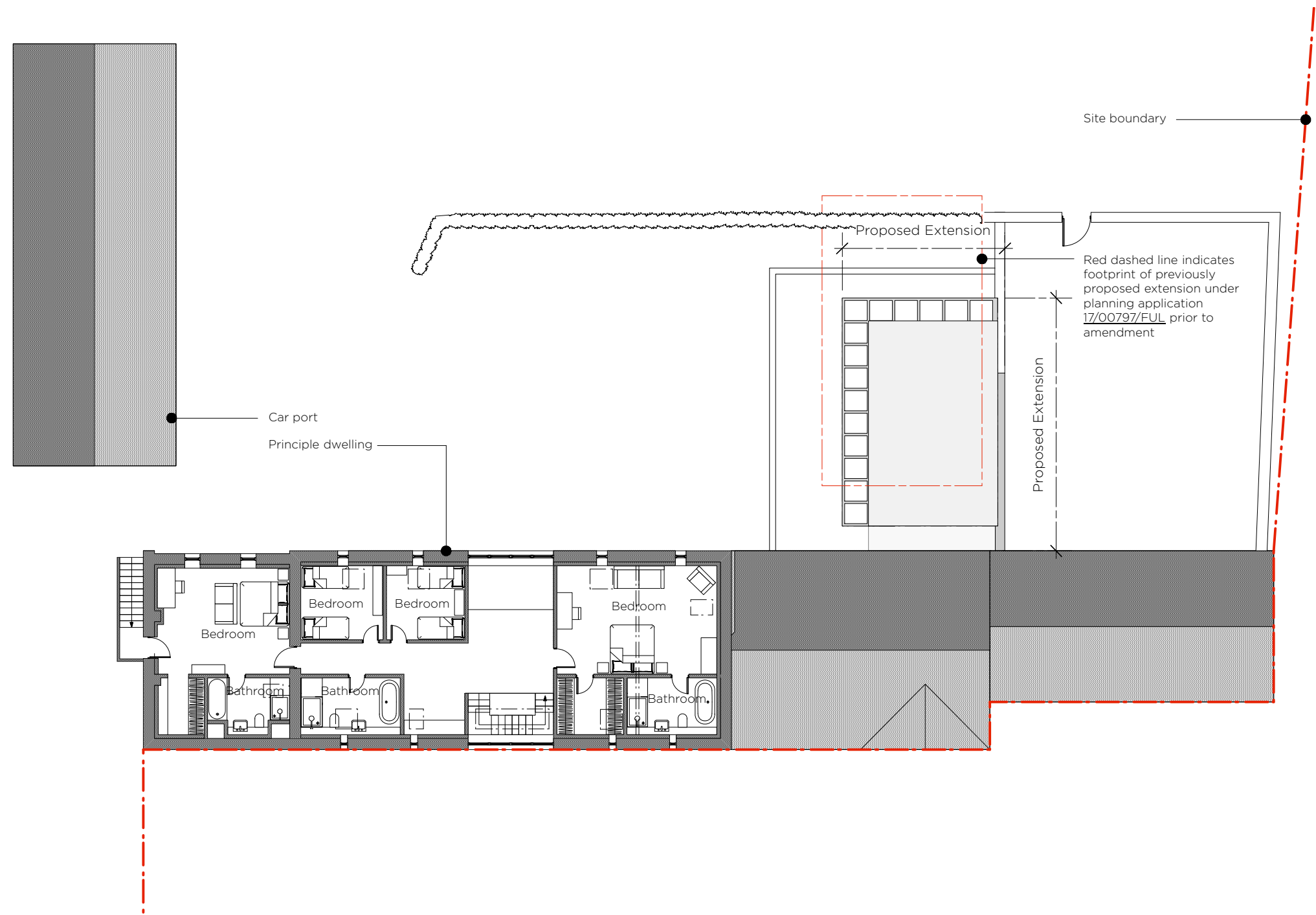
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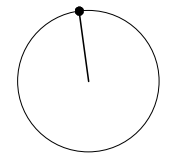
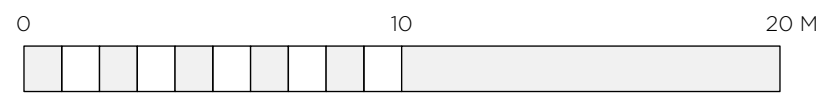
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<p>project The Meetings Farm Little Tew Oxon OX7 4JN</p>	<p>drwg no 205_03_300</p> <p>title Proposed Ground Floor Plan</p> <p>scale 1:200 @ A3</p>
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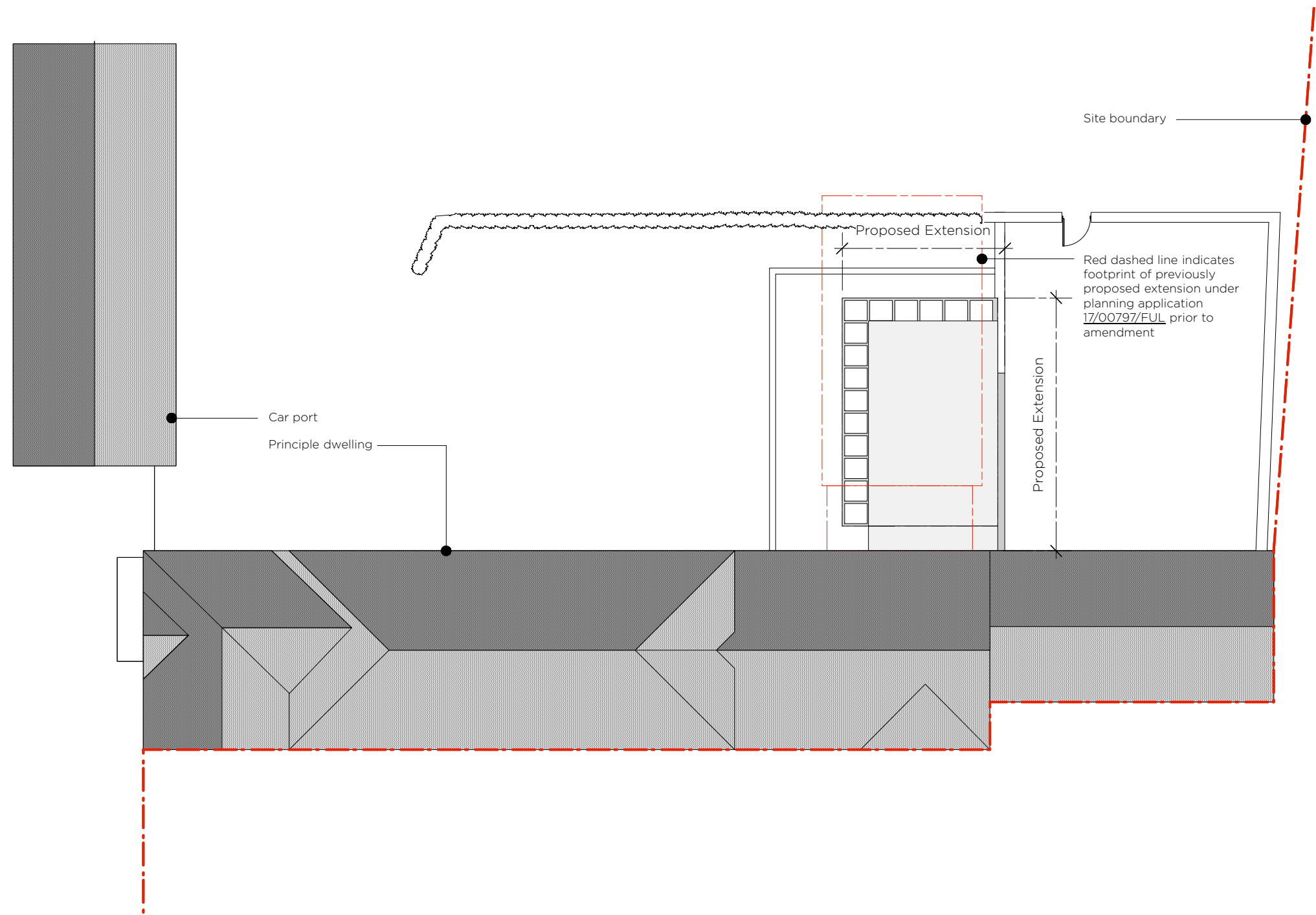
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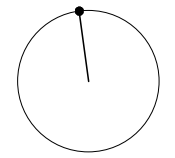
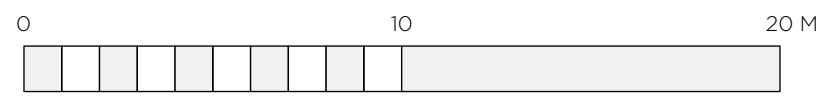
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<p>project The Meetings Farm Little Tew Oxon OX7 4JN</p>	<p>drwg no 205_03_301</p> <p>title Proposed First Floor Plan</p> <p>scale 1:200 @ A3</p>
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1 Roof Plan
 Scale: 1:200



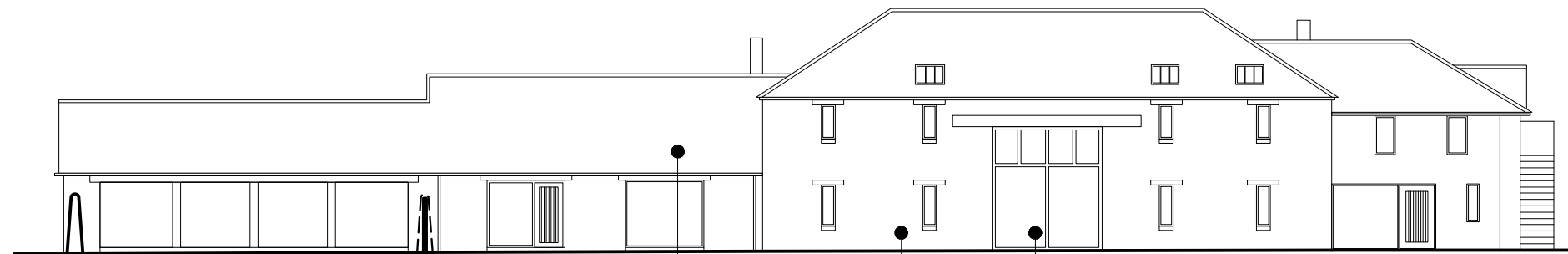
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project The Meetings Farm Little Tew Oxon OX7 4JN	drwg no 205_03_302 title Proposed Roof Plan scale 1:200 @ A3
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1 South Elevation
 Scale: 1:200



2 North Elevation
 Scale: 1:200

Cotswold rubble stone walls
 Slate roof
 Modern glazed screen and windows

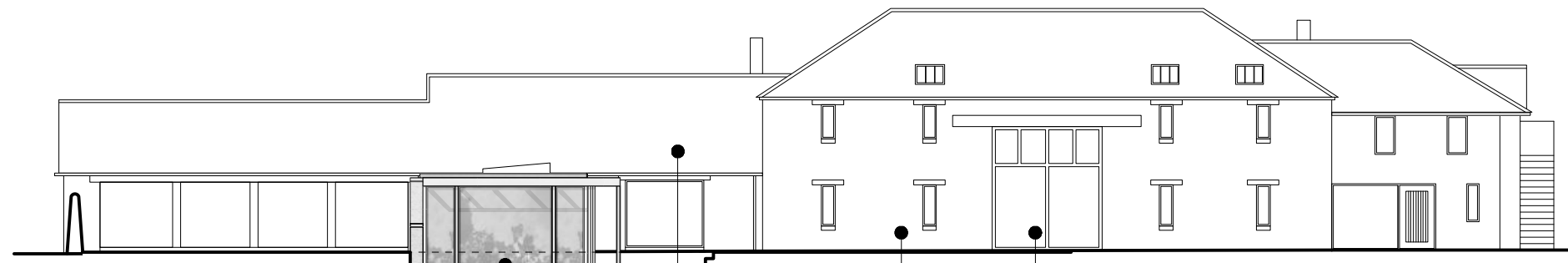
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<p>project The Meetings Farm Little Tew Oxon OX7 4JN</p>	<p>drwg no 205_04_200 P1 title Existing Elevations scale 1:200 @ A3</p>
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Note:
 All levels and dimensions to be site surveyed and confirmed by the contractor. See also architectural details, mechanical and electrical intent layout and structural engineers drawings and specifications. Door and windows manufacturer to produce shop drawings for comment before manufacture.
 All details are intent only, to be finalised by the contractor. Drawings subject to statutory approvals.



1 South Elevation
 Scale: 1:200

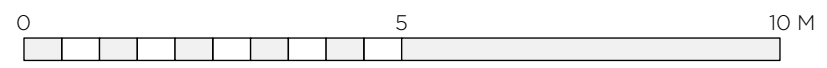
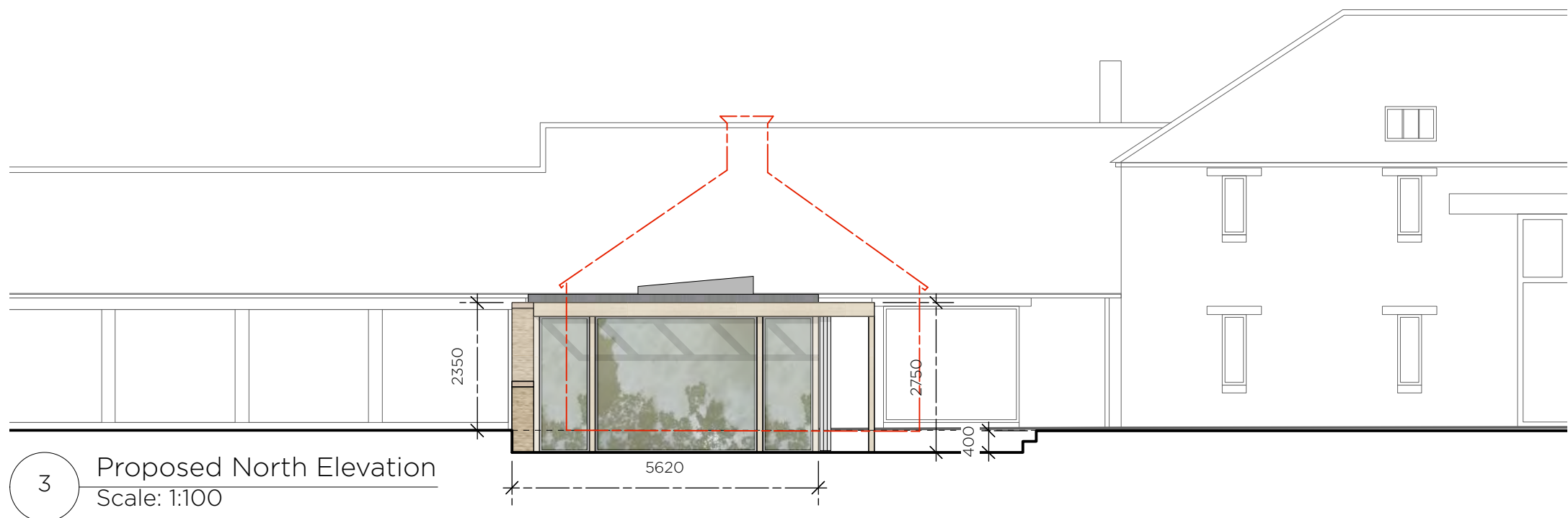
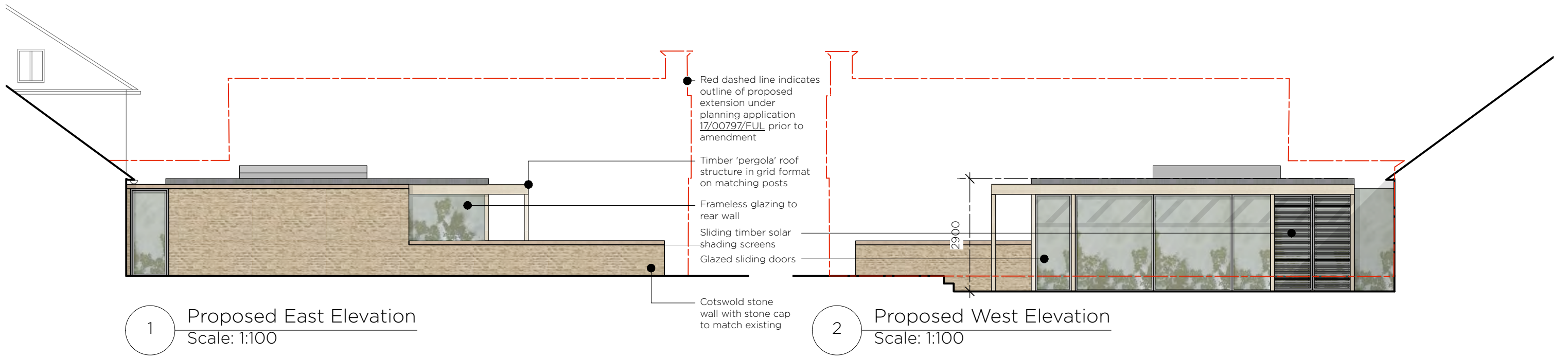


2 North Elevation
 Scale: 1:200

Charlie Luxton Design Beanacre Cottage, Ropeway, Hook Norton, Oxon, OX15 5QB	info@charlieluxton.com 01608 730086	P1 10.08.17 Pre-App	
Do not scale off this drawing. This drawing is to be read with all other contract documents. Any discrepancies are to be reported to the Architect. At construction status, this drawing remains design intent only. All information to be checked by contractor for site accuracy and fit. Drawings are subject to statutory approvals and site surveys.			

project The Meetings Farm Little Tew Oxon OX7 4JN	drwg no 205_04_300 P1
title Proposed Elevations 1	
scale 1:200 @ A3	

Note:
 All levels and dimensions to be site surveyed and confirmed by the contractor. See also architectural details, mechanical and electrical intent layout and structural engineers drawings and specifications. Door and windows manufacturer to produce shop drawings for comment before manufacture. All details are intent only, to be finalised by the contractor. Drawings subject to statutory approvals.



Charlie Luxton Design Beanacre Cottage, Ropeway, Hook Norton, Oxon, OX15 5QB info@charlieluxton.com 01608 730086	P1 08.08.17 Pre-App		project The Meetings Farm Little Tew Oxon OX7 4JN	drwg no 205_04_301 title Proposed Elevations 2 scale 1:100 @ A3
Do not scale off this drawing. This drawing is to be read with all other contract documents. Any discrepancies are to be reported to the Architect. At construction status, this drawing remains design intent only. All information to be checked by contractor for site accuracy and fit. Drawings are subject to statutory approvals and site surveys.				