

Case Officer: Wayne Campbell

Recommendation: Refuse

Applicant: Mr Geoffrey Richard Noquet

Proposal: Permission is sought to re-position and amend the structure of the previously allowed 3 bedroom building

Expiry Date: 11 February 2022

1. APPLICATION SITE AND LOCALITY

- 1.1. The Pheasant Pluckers Inn is a public house (PH) located on the edge of Burdrop, which is a small settlement. Beyond the PH the land drops away into a rural valley known as the Sibford Gap which provides an attractive backdrop to Burdrop. The PH also falls within the Sibford and Burdrop Conservation Area which includes traditional stone cottages and buildings, some of which are Listed, and old stone walls. These give the area a distinctive architectural vernacular.
- 1.2. The PH has an extensive pub garden, a carpark, and, attached to the PH, what was formally a bottle store which has been converted to a one bedroom property and used for short-term holiday lets. The boundary to the car park is marked by a high stone wall which is punctured by a set of double wooden gates which provide access to the car park. Either side of the access driveway leading to the gates is a grass verge which due to the slope of the site is banked on either side.
- 1.3. To the east of the car park is a single storey stone construction building with a thatched roof which forms part of Barn Close. Furthermore, two storey houses across from a small public green to the front of the car park sit on even higher ground.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks to re-position and amend the structure of a previously approved 3 Bedroom Building. This previously approved building was approved under an appeal and included the provision of a single storey structure located alongside the converted bottle store close to the main public house.
- 2.2. The current proposal is for the construction of a new two storey building more to the east of the site close to the side wall of Barn Close. In terms of accommodation the proposal is for a 3-bedroom cottage style accommodation with rooms on the roof with dormer windows on the west and southern roof slopes. The footprint of the proposed cottage is as an 'L' shape which is different to the previously approved scheme which was a simple rectangle.
- 2.3. The applicant states that the proposal is an amended proposal to erect an improved building in a different position to that of the original and allowed structure. The applicant states that the proposal will have little or minimal impact on the Street Scene to that of the building that is already permitted and in essence they are seeking to re-site a building that has been approved in principal and will not harm or have any detrimental impact on the surrounding area. The applicant also highlights that they have implemented the previously approved scheme. Although no evidence is provided to suggest when this work was carried out it is evident that an email

dated 29 Jan 2020 from the applicant to the Council was received under the appeal approval stating that works had commenced on the appeal accommodation and seeking confirmation that the approval had been implemented in accordance with condition 1 attached to the appeal decision.

3. RELEVANT PLANNING HISTORY

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

82/00329/N - Change of use of the premises to a single dwelling (The application was withdrawn as a condition of the approval was that the liquor licence had to be surrendered prior to a decision being issued. The licence was not surrendered, and the pub was sold as a going concern) - Application withdrawn

85/00698/N - Change of use to a single dwelling (resolution to approve the application but a condition of any approval was that the liquor licence had to be surrendered prior to the decision being issued. The landlord at that time wished to keep the pub open and withdrew the application) - Application withdrawn

99/01783/F - Single storey extensions to bar area and to form a new freezer store and replacement garden store, as amended by plans received 5.11.99.- Application permitted

06/00248/F - Single storey bar extension to provide non-smoking restaurant facility. - Application permitted

06/01697/F - Change of use from licenced premises to dwelling house. - Application refused

07/00630/F - Resubmission of 06/01697/F - Change of use from licenced premises into dwelling house - Application refused

09/01275/F - Alterations and extension to barn to provide 4no en suite letting rooms. - Application withdrawn

09/01557/F - Change of use from closed public house to dwelling - Application withdrawn

12/00011/CLUE Certificate of Lawful Use Existing - Use as a single dwelling house - Application refused. Appeal against subsequent enforcement notice dismissed at Public Inquiry

12/00678/F - Change of use of a vacant public house to C3 residential (as amended by site location plan received 18/07/12) - Application refused and appeal dismissed

12/00796/CLUE Certificate of Lawful Use Existing - Use as a single dwelling house - Application refused

13/00116/F - Retrospective - New roof to barn; 3 No rooflights and door installed to the upper floor- Application permitted

13/00743/F - Erection of two new dwellings - Application withdrawn

13/00781/F - Change of use of a redundant barn/store into a 1-bedroom self-contained holiday letting cottage - Undetermined. Non-determination appeal allowed

13/00808/CLUE Certificate of Lawful Use Existing - Change of use from A4 to A1.- Application refused

13/01511/CLUE - Certificate of lawful use existing - A1 use for the sale of wood burning stoves and fireside accessories - Application returned

14/01383/CLUP - Certificate of Lawful Use Proposed - Change of use from A4 to A1 - Application refused

15/01103/F - Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling - Application refused and appeal dismissed

16/01525/F - Erection of a two-storey cottage with 2 en-suite bedrooms, kitchen, dining and lounge facilities. Permission is also required for the siting of a garden shed - Application refused

16/02030/F - Erection of a single storey building providing 3 No en-suite letting rooms - re-submission of 16/01525/F - Application refused and appeal allowed

17/01981/F - Change of use from A4 to C3 (ACV Listed) - Application refused and appeal dismissed

18/01501/F - Change of use from Class A4 (ACV Listed) to Class C3 dwellinghouse – Refused – Appeal dismissed.

4. PRE-APPLICATION DISCUSSIONS

4.1. No pre-application discussions have taken place with regard to this proposal

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **17 February 2022**, by advertisement in the local newspaper expiring **3 February 2022** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **17 February 2022**.

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

- Proposal close up next to Barn Close a grade II listed building with potential impact on foundations
- Development upsetting visually on street line and listed buildings and negatively affect the Conservation area
- Proposal significantly different to appeal proposal
- Proposal would close the gap between the pub and Barn Close in a harmful way
- Proposal larger than appeal scheme and position more intimidating than appeal proposal
- Concern over the length of time suggested let of the cottage is at 3 – 6 months but appeal allowed no more 28 days per customer
- Concern over the business model which appears to be based more as a house and minimum opening hours and question how this cottage would help

- Obvious objective is to build a separate residential property on the whole site so that the site can be divided later and sold as two residential properties once the pub has finally been de-licenced.
- Parking space identified is highways land and there is a right of way across this to service our barn door which the proposal would block
- No accurate scale on the sketch
- New building is several meters higher than the ground of the previously planned building so would be several meters higher overall
- Whilst this may occupy a previous footprint, that footprint would be an agriculture barn which would not have humans inhabiting
- Windows at first floor level will overlook directly into our property and cause a loss of privacy to a large mature garden
- Building would take several car parking places away from the pub
- Previous planning applications for houses to be built in the Car Park all refused
- Question source heat pump, is this an air source heat pump or ground source? if an air source, further objection that this is quite noisy and sited adjacent to our property and runs 24 hours each day
- Application contains a factual error as it states no protected species on adjacent sites but planning applications for adjacent properties shows two protected species of bat roost in the barn at the adjacent property
- Question why to run a viable business would applicant remove the bar & restaurant (change of use from a public house bar/restaurant into a living area), only serve customers outside, shut the pub from October until April every year due to "Cold Weather" and only open the pub two days a week to the public from May to September.
- If the pub was so reliant on trade from accommodation, why has the previous building not been built
- Additional traffic brought into the hamlet over and above the motorbikes will be terrible for our small hamlet

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. SIBFORD GOWER PARISH COUNCIL: Objection. site identified as within the curtilage of a non-designated historical asset, located within the Sibford Gower

Conservation Area. There is an extensive planning history associated with several unsuccessful planning applications for dwellings on this site in 1982.

Question whether time limit to start work on the Planning Appeal APP/C3105/W/16/3165654 has been met in full, a specific work commencement date is required, together with verifiable evidence.

Material evidence (1922 OS map section and c1920 photograph) submitted in support of the application requires further verification by CDC.

Relocation of the currently approved building: This is a separate matter for consideration prior to any consideration regarding the proposed amended building. Should the supporting evidence be validated by CDC, such relocation of the currently identified building, comprising 3 en-suite rooms with associated conditions (APP Schedule of Conditions p5), could be considered to be appropriate.

Viability Issues: The application identifies a Biker Pub/Café/Bar trading operation with an outdoor trading model with limited internal space, although no evidence is offered to identify the particular limits of the internal space. Further references state that a major part of income is derived from letting business as pub is not presently viable, but no evidence is offered. It is noted that these business premises have recently been identified by the applicant in correspondence with CDC Community Services as closed from 3rd October 2021 and will not re-open until maybe the spring of 2022 and therefore for at least 7 months our property will become our home/residence and not a pub. This was further reinforced by a notice posted on the main gate. Clearly, an extended period of conscious closure is likely to have a significantly negative impact on potential viability, offering a tenuous justification for seeking additional rental income. Further, any letting activity for the proposed building when not operating as a pub would be directly contravening the existing planning permission, whilst also raising concerns regarding the current business operation, as a public house.

Use of proposed new building: The Application references longer term letting facilities for 3 to 6 months or even longer whereas appeal conclusions make very clear and specific reference to conditions restricting the use of the building to that of short-term holiday lets only, to be used in conjunction with the PH. This identifies a material variance between a long-term residential property rental model to be associated with the proposed relocated new building rather than the agreed short-term holiday lets model currently specified through appeal condition.

Proposed building: Concerns, given the proximity of the neighbouring Grade 2 barn, it appears likely that any building in this location may have a negative impact on the structural integrity of the barn. Size and Scale of the proposed building has a significantly larger footprint and height, comprising 3 bedrooms, together with kitchen, utility & boots, bathroom and sitting room. This would appear to constitute an entirely new building, identified by the applicant as proposed cottage. Design does not appropriately reflect the photographic evidence provided to support the relocation and is not complementary to this location, thereby having a negative impact on the identified street scene in this sensitive conservation area. On the materials, photographic evidence clearly identifies local stone and thatch, which has been retained for the existing neighbouring barn. A similar use of materials would complement the adjacent Grade 2 listed building, generating a positive impact on the street scene in this sensitive conservation area. No specific details are included for doors, windows, rainwater goods.

- 6.3. SIBFORD FERRIS PARISH COUNCIL: Objects as the location of the new building could put the integrity of the neighbouring listed building at risk. Also agree with the response submitted by Sibford Gower Parish Council.

STATUTORY CONSULTEES

- 6.4 OCC HIGHWAYS: No objection. The repositioning of the previously approved 3 - bedroom dwelling is unlikely to have any adverse impacts on the local highway network. Any highways related conditions applied to approval no. 16/02030/F should be carried forward to this permission, if granted. The proposals are unlikely to have any adverse impact upon the local highway network in traffic and safety terms, OCC therefore do not object to the granting of planning permission.
- 6.5 CDC ENVIRONMENTAL PROTECTION: No objections subject to conditions
- 6.6 OCC ARCHAEOLOGY: No objections
- 6.7 SEVEN TRENT WATER: No objections
- 6.9 CDC CONSERVATION OFFICER: Objection. Proposed structure is different in terms of location, design and function to that permitted at appeal for 16/02030/F. The original building was intended as ancillary accommodation to the pub whereas this application is for a standalone cottage. Therefore, the application should be considered as an entirely new development not a replacement development with the accumulative impact of both structures being taken into account. The application should be considered to be a new application and the accumulative impact would need to be considered. It is noted that in the Inspector's report he refers to the single storey nature of the building which would look like a natural addition to the public house '*There is nothing before me to lead me to conclude that the proposed building would appear as anything other than an ancillary building to the PH as it would be single storey and sited clearly within the PH's curtilage. It would simply appear as a continuation of the ad-hoc nature of ancillary style buildings which currently exist around the PH, such as the converted bottle store. Neither would it close the gap between the PH and neighbouring buildings in a harmful way. The PH would still appear as a building on the edge of Burdrop slightly separate from the rest of the village*'. There are also concerns with the design of the building which is overly domestic and does not respect the surrounding vernacular buildings.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- Villages 1: Village categorisation
- SLE 3: Supporting Tourism Growth
- BSC 12: Indoor Sport, Recreation and Community Facilities

- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- S29: Loss of existing village services
- H21: Conversion of buildings within settlements

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012

8. APPRAISAL

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

- Principle of development
- Design
- Residential amenity
- Highway implications

PRINCIPLE

8.2. In terms of the principle of a structure to provide short stay letting aimed at the tourist market has been agreed as an acceptable use under the appeal decision to allow the development of a single storey building on the site under appeal against 16/02030/F. This application seeks to retain the principle of this use on the site but in a different design in terms of the appearance / internal arrangements and a different location within the site.

8.3. The applicant states that they have been providing Holiday Letting Accommodation from our self-contained Cottage and Shepherds Hut for over 6 years and have acquired a sound knowledge of this growing market. The applicant continues by stating that *they initially believed that providing more separate letting rooms was the most viable way forward and in 2016 applied for planning permission to build 3 more Bedrooms that was Granted on Appeal in 2017. However, following a commencement in early 2020 on ground-works for the approved building work was stopped due to the Pandemic. It was during the various Lockdowns realised that the applicant states they noticed that the New Staycation Trend was seeing a strong demand for Family Country Cottage Holidays.* The applicant has confirmed that they also knew from our own experience that there was a requirement for longer-term letting facilities and accommodation for family's in-between house moves and that sometimes they needed 3 to 6 months of a rental or even longer. There is also strong local evidence from Holmby House's web-site that indicates there is a demand for Larger Self-Contained Cottages that yield a higher income stream per-head than that of individual letting rooms. With this knowledge we believe this modified proposal will be more profitable and sustainable in the long-term.

8.4. In the appeal decision the Inspector highlights that the *Council and the appellant are in broad agreement that the holiday lets would bring in additional income and business for the PH and as such would assist with its viability. In my experience, such an approach is not unusual in this industry. This therefore weighs in favour of the proposal, particularly in light of the designation of the Public House as an Asset*

of Community Value. That is not to say it could not be viable without. However, I have not been made aware of any local policy requirement to justify the proposed development in terms of the viability of the Public House. Furthermore, the National Planning Policy Framework promotes the retention of public houses, which the proposal would help to do.

- 8.5. Based on the appeal decision it is accepted that a holiday / tourism letting on the site would be acceptable in principle. However, although it is accepted that the principle of a holiday letting is acceptable on the site as the applicant has confirmed that they had commenced the development approved under the appeal this current application has to be treated as a further / standalone building on the site. The reason for this is that in commencing the appeal approval there is no condition / requirement that the permission be extinguished and therefore the appeal approval is a material consideration in terms of an implemented permission.
- 8.6. This issue has also been raised as a concern by the Conservation Officer. In response to this point the applicant has stated that the *Conservation Team should only be concerned with any possible negative impact on the adjacent Listed Buildings or to the Conservation Area. The proposal will replace the previously permitted structure and therefore there is no requirement to address any accumulative impact of both structures when there is clearly only 1.* Unfortunately, this is not the case in that if the appeal approval has been implemented as stated by the applicant this is a material consideration and as there is no time period in which the development should be completed the appeal permission could be completed either by the current owners of the site or if the site changes hands by the new owners. For this reason, the key decision on this application rests with the impact the development would have on the area, neighbouring properties, highways etc which are considered in the paragraphs below.

DESIGN & IMPACT ON HERITAGE ASSETS

- 8.7. The application site is located within the Sibford Gower with Burdrop Conservation Area and is located close to a number of Listed Buildings.
- 8.8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 8.9. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 8.10. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 8.11. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 covers the issue over new design and sets criteria for new design to be considered against. These criteria include the impact new development could have on heritage assets.

- 8.12. When considering the appeal for the as approved holiday accommodation the Inspector highlighted that *views of the Sibford Gap across the carpark of the PH are currently possible from the green mentioned above, the adjacent roads and neighbouring properties. These views would be largely retained, firstly, as a good sized gap between the proposed single storey building and Barn Close would be maintained and secondly because the building would, in the main, be viewed against the backdrop of the Public House. Thirdly, the elevated position of the adjacent roads and buildings in relation to the appeal site, combined with the single storey form of the proposed building, would mean any reduction in view would not be significant nor would it cause harm.* The Inspector continued by stating that the appeal proposal would *simply appear as a continuation of the ad-hoc nature of ancillary style buildings which currently exist around the Public House, such as the converted bottle store. Neither would it close the gap between the Public House and neighbouring buildings in a harmful way. The Public House would still appear as a building on the edge of Burdrop slightly separate from the rest of the village.*
- 8.13. As highlighted above, works on the appeal approval has, according to the applicant, commenced which means that this approval is a material consideration, and the applicant could continue with these works and complete the single storey accommodation. The current proposal for the two-storey accommodation would then need to be viewed alongside the appeal approval. The development of both schemes would effectively reduce the gap between the pub and Barn Close as shown on the applicants block plan. This point was raised in the appeal decision where the Inspector in allowing the appeal the Inspector highlighted that the appeal proposal would not *close the gap between the Public House and neighbouring buildings in a harmful way. The Public House would still appear as a building on the edge of Burdrop slightly separate from the rest of the village.* By closing this gap, the proposed accommodation would reduce the openness on the site changing the character of this part of the village and the Conservation Area.
- 8.14. The applicant has provided historic information in the form of a photograph stated as showing the pub with a large barn structure in the car park area and the same location to that of the proposed cottage. The photo also shows what is stated as two cottages sited in front of the pub. The photo has been obtained from the History Centre based in Oxford and is in the opinion of the applicant evidence that a building once stood in the same location as the proposed cottage. The applicant is also of the view that the proposed development will preserve and enhance the character and appearance of the Sibford Gower with Burdrop Conservation Area. In considering this information it is difficult to confirm that this is the same site the fact that there was a building in this location does not then suggest that replacement as proposed would be acceptable. The application has to be considered on its own merits as the site today in that this application is not seeking to remove / replace an existing building on the site but to provide a new building on an area of site which is current an area parking in association with the public house. There is no evidence to suggest when this previous structure was removed and therefore the photo cannot be considered as justification to warrant an approval in this instance.
- 8.15. Notwithstanding the above the design and external appearance of the proposed holiday cottage also needs to be considered. Although the applicant states that this proposal seeks permission to re-position and amend the structure of the previously allowed 3 Bedroom Building it is clear that the in terms of design and appearance the current proposal is a significantly different proposal. The as approved scheme is a single storey structure with three separate accommodation rooms each with en-suite facilities. The current proposal as an amendment is for a larger building and with accommodation within the roof space would be two storeys in terms of scale. The current proposal in terms of footprint is also larger than that of the appeal proposal now proposing a projecting rear wing to allow for the accommodation in the

building. In terms of appearance this current proposal appears more as a domestic / free standing structure which due to the significant slope gives the appearance that the building is separate to the public house.

- 8.16. Policy ESD15 highlights the importance of design in new build and provides criteria against which all applications should be considered. Key points in the criteria highlight that new development should *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*. The criteria continue by stating that development should *conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure 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*. The proposal would effectively close the gap between the public house and the side of Barn Close, which is a significant character of this part of the Conservation Area.
- 8.17. Paragraph 197 of the NPPF highlights that *in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness*. Paragraph 206 continues by stating that *Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably*. The proposal will, as outlined above, result in the reduction in the gap between the public house and the side of Barn Close, this gap is a key character in this part of the Conservation Area and its loss would be to the detriment of the Conservation Area.
- 8.18. Due to the domestic design / appearance of the cottage the proposal and it's location the building would not appear as an ancillary structure to that of the public house. The design results in a building which appears as a freestanding property separate to that of the public house to the detriment of the character of this part of the Conservation Area. This is very different to the as approved smaller single storey accommodation approved under the appeal. Then location, simple design and lower height of the as approved building would have a lesser impact on the area and the street scene appearing as the inspector pointed out as a natural extension to the pub and as an ancillary building.
- 8.19. In response to this point the applicant has advised that the design of the building is subject to change if the design is considered unacceptable. Although this offer to change the design is welcomed any changes negotiated would not change the concern over the impact of the development on the character of the Conservation Area. For this reason, it is not considered that changes would overcome the concern of the development.
- 8.20. Concerns have been raised by objectors that the proposal is a way of providing a private dwelling on the site and that this is part of the long terms plan of the

applicant. Although this concern is understood in that the layout / appearance / design of the cottage is as a private dwelling, in the event that permission was approved a condition could be attached to prevent the sale / sub-division of the plot as a separate planning unit as suggested in the appeal decision. Further concern is expressed by objectors that the suggestion by the applicant that the letting of the cottage would include lets of up to 3 – 6 months and again this is a concern to objectors suggesting that the cottage is for private / separate use and not in association with the public house. Although this concern is understood as with the potential sub-division of the plot the use of the cottage as a holiday let would be controlled by a condition and it is considered that there is no reason to vary from the 28-day use used in the appeal decision.

- 8.21. In conclusion it is considered that the development would appear as a separate domestic dwelling on the site. This together with the fact that the development could be if implemented sit alongside that of the appeal building which would result in a loss of the gap between the pub and the neighbouring property resulting in a significant impact on the character of the Conservation Area. This impact is considered to the detriment of the Conservation Area and therefore the development fails to comply with Policy ESD15 of the Cherwell Local Plan Part 1 as well, as paragraphs 197 and 206 of the NPPF.

RESIDENTIAL AMENITY

- 8.22. The application seeks permission for the construction of a two-storey cottage on the eastern boundary to the public house site. The side gable wall to the cottage would be alongside, but away from, the side gable wall of the side projection of residential property known as Barn Close. An objector to the scheme has stated that the development would result in a loss of privacy to the rear garden of this neighbouring property as a result of the first floor windows. It is also stated that the development would result in damage to the foundations of the adjoining listed building and would prevent future maintenance of the side gable wall.
- 8.23. In considering these points it is accepted that the proposal with first floor accommodation and the provision of a number of new windows in the roof space would allow for greater views across the site. However, it is considered that the position of the dormer windows is such that any views into the private garden of the neighbouring property would be restrict to a bleak view and not to a point which would be to the detriment of the neighbour's amenities. In addition to this it is also considered that the proposal would not result in any loss of outlook nor light currently enjoyed by the occupiers of the adjoining property.
- 8.24. Turning to the issue of damage to foundations this is not a planning issue but a matter for building control. It is also a matter between the two parties in terms of the party wall act and therefore not an issue to warrant a refusal. Furthermore, with regards to the issue over access to carry out maintenance to the side gable wall, again this is an issue between the two parties I that it is assumed that the neighbour has to have access to the applicant's site to allow access to the side gable wall at present. This as with the issue over foundations is not a reason to warrant a refusal.

HIGHWAY IMPLICATIONS

- 8.25. The application shows that the development would allow for the single access off the public highway as exists to be retained. The access leads to a surface car park providing 17 parking spaces although these spaces would allow for a significantly higher number of motorcycles to be parked off the public highway. The plans also show that parking is proposed to the front of the proposed cottage on an area currently used as a grass verge. No clear indication of the parking arrangement nor

number of spaces on the grass verge has been provided and it is clear from the red line plan that this area of grass verge is located outside the red line plan and hence outside the site.

- 8.26. In considering the parking / highway arrangements the County highway engineer has confirmed no objection to the proposal subject to condition which were to be attached to the previous application 16/02030/F should be carried forward to this permission, if granted. In considering the level of parking allocated under the appeal decision this current scheme would result in a loss of 1 parking space which is not considered to warrant a refusal in this instance. Notwithstanding this point it is considered that the suggested parking outside the curtilage would result in the loss of the grass verge to the detriment of the Conservation Area character. The grass verge on either side of the access gates is a strong feature adding to the rural nature of the site and providing an important setting to the adjoining listed building known as Barn Close. As such the proposal to include this area of verge as a parking space outside the curtilage is considered to be contrary to Policy ESD15 as well as paragraph 97 of the NPPF as outlined in the paragraphs above.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. This application seeks planning permission for the development of a two-storey cottage on the site. The cottage is stated as being an alternative location and design to a single storey building approved on appeal for holiday let. The appeal approval was for three separate rooms with en-suite facility and attached to the converted bottle store to the pub.
- 9.3. The principle of a holiday let on the site in association with the pub is considered acceptable. However, the applicant has stated that the permission for the single storey building granted on appeal has been implemented but work stopped. The fact that this approval has been implemented means that the current application for a cottage needs to be considered as in addition to the appeal approval. The result of this would be the creation of two buildings within the gap between the pub and the neighbouring property known as Barn Close. In considering the appeal the Inspector highlighted that one of the reasons to consider the appeal was acceptable was the fact that the development maintained the gap between the two buildings. In this current proposal the gap would be closed and this feature in the Conservation Area would be lost.
- 9.4. The design and appearance of the cottage is larger and bulkier than the previously approved scheme. The design appears as a more domestic style out of place as an outbuilding associated with the public house. The design therefore appears to the detriment of the Conservation Area character.
- 9.5. The suggested area of parking to the front of the cottage is both limited in terms of details and would result in the removal of a large area of grass verge which is a particular character of this part of the Conservation Area. The removal of this section of grass verge would have an adverse impact on the character of this part of the Conservation Area.
- 9.6. The proposal is not considered to result in any adverse impact on neighbouring properties in terms of any loss of light, outlook nor privacy.

10. RECOMMENDATION

That permission is refused, for the following reason(s):

1. The proposed cottage, by reason of its prominent siting, scale and unsympathetic appearance is considered to be inappropriate development within the context, appearing as an incongruous feature within the street scene causing undue harm to the character and appearance of the Sibford Gower and Burdrop Conservation Area, the setting of the public house, a non-designated heritage asset, and, together with the approved single storey holiday let, would close the feature gap between the public house and Barn Close disrupting views through to the surrounding valued countryside. The public benefits of this proposal do not outweigh this harm. The proposed development is therefore contrary to Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.
2. The proposed parking within the grass verge is located outside the red line plan and would result in the loss of an area of grass verge to the detriment of the character of the Sibford Gower and Burdrop Conservation Area. The public benefits of this proposal do not outweigh this harm. The proposed development is therefore contrary to Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1, saved policies C28, and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

Case Officer: Wayne Campbell

DATE: 17/02/2022

Checked By: Paul Ihringer

DATE: 21/2/22
