

**Case Officer:** Bob Neville

**Recommendation:** Approval

**Applicant:** Jilly May

**Proposal:** Part retrospective - Convert 2no. steel/wooden barns into 2no. 1-bedroom holiday lets

**Expiry Date:** 2 December 2020

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## **1. APPLICATION SITE AND LOCALITY**

1.1. The application relates to two existing barns located in open countryside at Gautherns Barn some 700m south-west of the village of Sibford Ferris. The barns sit ~58m north of the main dwelling with a beauty therapy business (Serenity at Sibford) also operating from outbuildings associated with Gautherns Barn. The site benefits from natural screening sitting adjacent a mature tree-belt (to west/south) with further trees to north and east, which serve to screen the site. The site is accessed via existing private drive also serving Gautherns Barn, itself accessed off Colony Road to the north-west of the site. The barns sit on an existing area of hardstanding. To the west of the site there is a further area of hardstanding used for parking.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

2.1. The application seeks planning permission for the conversion of two existing barns to form 2 no. 1-bedroom holiday lets. The proposals would utilise the existing steel framework with external walls being finished with timber boarding under a profiled sheet metal roof.

## **3. RELEVANT PLANNING HISTORY**

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

## **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 and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **5 November 2020**.

5.2. One letter of comment was received from the Nature Space Partnership advising that the applicant should be advised of the potential for the development to impact on Great Crested Newts given that there is a pond within 500m of the site.

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 FERRIS PARISH COUNCIL: No comments to make on this application.
- 6.3. SIBFORD GOWER PARISH COUNCIL: **Supports the application**; considering the new holidays lets to offer a positive benefit for tourism in the area.

## OTHER CONSULTEES

- 6.4. BUILDING CONTROL: **No objections.**
- 6.5. LOCAL HIGHWAYS AUTHORITY (LHA): **No objections** subject to conditions controlling the use of the site and securing cycle storage.

## **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)

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- SLE 3: Supporting Tourism Growth
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the built and historic environment

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- T7: Conversion of buildings beyond the limits of a settlement to self-catering holiday accommodation
- C28: Layout, design and external appearance of new development
- C30: Design control

- 7.3. Other Material Planning Considerations
  - National Planning Policy Framework (NPPF)
  - Planning Practice Guidance (PPG)

## **8. APPRAISAL**

- 8.1. The key issues for consideration in this case are:
  - Principle of development
  - Design, and impact on the character of the area
  - Highway safety
  - Residential amenity

Principle of development:

- 8.2. The NPPF places substantial weight on supporting a prosperous rural economy. It sees sustainable rural tourism and leisure developments that benefit businesses in

rural areas, communities and visitors, and which respect the character of the countryside as key opportunities for support. In addition, the NPPF also recognises that the conversion of buildings can further help to support a prosperous rural economy where it meets sustainable development objectives. Policy SLE 3 of the CLP 2031 is consistent with the NPPF and supports tourism in sustainable locations.

- 8.3. The site is in a remote location, being separated from any settlement and is within open countryside, albeit on the edge of the group of buildings that forms Gautherns Barn. Although, the application is for a holiday let accommodation, it is still independent units of accommodation that are being applied for and given the context of the site the development could quite easily be divided into separate planning units. Paragraph 79 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the re-use of redundant or disused buildings leading to enhancement of the immediate setting.
- 8.4. The introduction of residential accommodation in this location would appear as an expansion of residential accommodation on to the site, intruding further into the existing landscape and had this been an application for new build for a residential dwellings it would have been unlikely to have received support, being contrary to both national and local policy, with regards to new dwellings in remote rural locations. However, the proposals are for the conversion of existing buildings to holiday lets and therefore regard must be had to the provisions of Saved Policy T7 of the CLP 1996.
- 8.5. The application is for a holiday let, the principle of the proposed conversion of the building therefore also needs to be assessed against Policy T7 of the Cherwell Local Plan 1996. Policy T7 states that proposals for the conversion of a suitable building beyond the limits of a settlement to self-catering holiday accommodation will be favourably considered provided:-
  - i). the building is worthy of retention for its inherent design quality and contribution to the character or appearance of the countryside and the proposal would not significantly harm the character and integrity of such a building; and
  - ii). the building is capable of conversion to such use without major rebuilding or extension; and
  - iii). the proposal would not cause significant harm to the character of the countryside or the immediate setting of the building; and
  - iv). the occupancy of the accommodation created is restricted to holidaymakers.
- 8.6. As noted above the application is in part retrospective with one of the units having been largely completed and ready for occupation; and would appear that the building was capable of being converted without any significant alteration or extension to its scale and general form, when considering the submitted existing and proposed plans. This building is not considered to significantly intrude into the open countryside or be to the detriment of the character of the site or its immediate setting (discussed further below).
- 8.7. Whilst limited structural information has been submitted with the application the additional barn to be converted appeared to be structurally sound and capable of being converted to residential accommodation. The applicant's agent has further confirmed the work required to facilitate the conversion and that such can be carried out utilising the existing steel framework and without significant extension or alteration of its form. This building is proposed to be finished in similar materials to the previously converted barn and again would not significantly intrude into the open countryside or be to the detriment of the character of the site or its immediate setting.

- 8.8. Whilst the Development Plan is the starting point for the determination of development proposals, the NPPF also advocates a balanced approach in determining applications, weighing up the potential benefits against potential harm. The proposals are not considered to cause significant visual intrusion into the open countryside or detrimental impacts on the visual amenities of the site (discussed further below).
- 8.9. Whilst not considered a particularly sustainable location, this is not different from many rural holiday let opportunities and the proposals are unlikely to result in significant vehicular movements to and from the site. The proposals would utilise existing structures for residential purposes and are broadly consistent with the provisions and aims of the development plan policies identified above.
- 8.10. In this instance it is considered that there are benefits in supporting local tourism, and the local economy that would outweigh the level of harm caused. On balance, the principle of development is therefore considered acceptable, but having regard to further considerations in respect of neighbour and visual amenity and highway safety discussed further below.

Design, and impact on the character of the area:

- 8.11. The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.12. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 8.13. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.14. The site of the barns benefits from natural screening and views of the barns are localised to those from within the site; there would be no significant views from the public domain.
- 8.15. The proposals are not considered to significantly increase the prominence of the building within the countryside and would not be anymore visible from the public domain.
- 8.16. The impacts of the proposed development are in part already realised with one of the buildings having already been completed.
- 8.17. The simple plan form of the existing buildings is to be retained with the main alterations being confined to the alteration of openings, introduction of fenestration and the buildings' finish to timber cladding. The new openings are limited and the timber cladding would be a material often found on rural/agricultural building, and it is considered that the previous use as ancillary barn structures can still be read from the proposed design; sustaining links back to the buildings' original use. It is considered that whilst there would be a change in the character of the use of the site, the proposals do/would not significantly detract from the general agricultural character of the existing buildings or their setting to the extent that would warrant a reason to refuse the application in this instance.

8.18. It is considered that the proposals do not detract from the visual amenities of the site and sustain its setting within the countryside and are therefore acceptable in this regard.

Highway safety:

8.19. The LHA raised no objections to the proposal subject to cycle storage provision being secured, in the interests of promoting more sustainable forms transport, and that the proposals are only used for the intended purposes as a holiday let; considering that the proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view,. Officers see no reason not to agree with this opinion.

8.20. The proposals would be accessed via the existing access onto the adjacent Colony Road; this access would not be affected by the proposals.

8.21. It is considered that subject to the requirements of the LHA being secured through appropriate conditions attached to any such permission, that the proposed development would not be to the detriment of the safety and convenience of highway users and would therefore acceptable in this regard.

Residential amenity:

8.22. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'*.

8.23. Given the nature of the proposals and the relationship of the site with existing nearby buildings it is considered that the proposed development would not result in any significant detrimental impact on the amenity neighbouring properties and is therefore acceptable in this regard.

Other matters:

8.24. There are no significant ecological constraints identified in relation to the site. Third Party comment advises of the need for the potential for impacts on Great Crested Newts to be conveyed to the applicants given that there is an existing pond within proximity of the site; however acknowledging that any such potential is minimal. That said, in the information available to the Council, Great Crested Newts are not identified as a particular constraint on the site; however, to cover this potential a suitably worded informative could be attached to any such permission to ensure that the applicant is aware of their responsibilities.

8.25. Given the scale and nature of the proposed development, it is considered that the proposals would not have any significant impact on any features of ecological value and further would not impact on biodiversity opportunities at the site. It is therefore considered that the proposals are acceptable in this regard and compliant with Policy ESD10 of the CLP 2015.

## **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. Sustainable development is not just about the location and proximity to services and that there needs to be a balanced approach when considering new development; weighing up the benefits against any harm that would be caused in allowing any such development. In this instance it is considered that whilst the site is not sustainable in terms of location, and therefore demonstrates some potential conflict

with housing policies of the development plan, that there would be limited harm in allowing such holiday let accommodation in this location, and further that there would be benefits in bringing forward the development which would provide additional tourist opportunities within the district and support the local rural economy whilst utilising existing buildings.

- 9.3. It is considered that subject to schedule of conditions detailed below, the proposals would constitute an acceptable form of development that causes no significant harm to neighbour amenity, highway safety or visual amenity, sustaining the rural character of the site and its setting within the open countryside, whilst providing additional holiday let accommodation supporting tourism opportunities within the district. As such, it is considered to be broadly consistent with the provisions and aims of the above mentioned policies and is recommended for approval as set out below.

## 10. RECOMMENDATION

That permission is granted, subject to the following conditions

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: E-001/A, E-002 and E004.

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

3. The accommodation hereby approved shall be used to provide holiday accommodation only and shall not be occupied by any one person(s) for more than 28 days in a calendar year, and a register of occupiers shall be kept for each unit, including as a minimum the name of the occupier(s) and the date of arrival and date of departure, and this shall be made available for inspection by the Local Planning Authority at all reasonable times.

Reason: The buildings, because of their siting in relation to surrounding land uses and rural location, is not suitable for permanent residential accommodation in accordance with Saved Policy T7 of the Cherwell Local Plan 1996, Policies SLE3, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### Planning Notes:

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act

1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

3. This development has the potential to impact Great Crested Newts as there are ponds/waterbodies and suitable habitat within 500m of the development. If Great Crested Newts are discovered during development, all works must cease until advice has been sought from Natural England, as failure to do so could result in prosecutable offences being committed.

Case Officer: Bob Neville

DATE: 23/12/2020

Checked By: Paul Ihringer

DATE: 23/12/20

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