

Case Officer: Will Anstey

Recommendation:

Applicant: Mr Eric Dier

Proposal: Change of use from an equestrian manege and construction of a hard surfaced tennis court and an inground swimming pool with pool hut

Expiry Date: 29 August 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application site comprises an existing manège positioned approximately 78m south of Adderbury Hill Barn, a detached dwelling (“the dwellinghouse”). The manège is level, finished in sand and enclosed by a 2m high close boarded fence. To its north is the dwelling along with two substantial barns/stables. To the east is a dirt track, hedge and arable field. To the south and west is a strip of grass leading to further hedging with pastures beyond.

1.2. The surrounding landscape is reasonably flat and contains predominantly arable fields. Adderbury village lies roughly 550m to the north east. Access to the site is from the north via a long track leading to the house and continuing to the manège.

1.3. The following constraints apply to the site:

- Minor ground water vulnerability
- Radon - Percentage of homes at or above the Action Level (Class 6) Greater than 30%
- Site lies within Adderbury Neighbourhood Development Plan Area
- NERC Act S41 habitat lies 30m to the north of the site, between the site and the house, with a second site 100m to the south
- Public rights of way 101/25/10 and 101/25/20 meet as they cross the access track to the site

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application seeks planning permission to construct a swimming pool, pool house and tennis court on the site of the manège.

2.2. The proposed swimming pool is positioned to the northern end of the manège and measures 13m by 5m. It would be surrounded with a 1m wide strip of limestone paving. The pool would be lined with a mosaic of small grey and blue ceramic tiles and a grey pool cover would be used when the pool is not in use.

2.3. Immediately south of the pool would be a changing hut constructed from low level brickwork with mud walls above. The walls would be topped with a timber beam onto which a near flat mono pitch green roof enclosed with timber edging is formed. Double glass doors are included in the north and south elevations with a single

window to the east and west elevations. The hut measures 3.6m by 3.6m and has a height of 2.0m.

- 2.4. To the south of the hut would be a tennis court with a green painted porous macadam surface enclosed by black painted galvanised steel posts and open mesh chain link fencing ranging between 0.9m and 2.0m high. The area enclosed by the fencing measures 35m by 17m.
- 2.5. An extensive landscaping scheme is proposed comprising a native hedge around the existing close boarded fence (which is to be retained) and a screen of native trees outside the new hedge. Between the fence and the tennis court further tree planting is proposed and the court would be surrounded by a yew hedge. Further planting is proposed around the pool.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. 18/00842/F - Replacement of all external windows, introduction of one skylight to the existing barn, various alterations to window sizes including enlargement, infill and introduction of new openings, demolishing and rebuilding of the garage block, found to be currently inadequate for residential use without underpinning or rebuilding). Other minor works which fall under permitted development, as confirmed at pre-app stage include, demolition of external pergola structures to kitchen and garage, lowering of external garden wall to allow views, replacement of external pointing and application of a lime wash to neutralise the varying conditions of brickwork - PERMITTED
- 3.3. 18/00507/CLUP - Certificate of Lawfulness of Proposed Development for the demolition of external pergola structures to kitchen and garage, replacement of all external windows, enlargement of some ground floor windows, lowering of external garden wall and replacement of external pointing and application of a lime wash to neutralise the varying conditions of brickwork - WITHDRAWN
- 3.4. 17/00425/CLUE - Certificate of Lawfulness of Existing Use for the construction of outdoor arena and erection of perimeter boarding and use of land and buildings for private equestrian purposes - sui generis – PERMITTED
- 3.5. 16/01955/CLUE - Certificate of Lawfulness of Existing Use / Development for the formation of outdoor arena, erection of perimeter boarding (see plan ref nos. 902-1A and 902-2) and use of land and buildings for equestrian purposes (see plans attached to statutory declaration for Katie Macdonald and red line plan version of plan 902-1A) - REFUSED

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 **16 August 2022**. The overall final date for comments was **16 August 2022**.
- 5.2. No comments have been raised by third parties

6. RESPONSE TO CONSULTATION

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

PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. ADDERBURY PARISH COUNCIL: No objections

OTHER CONSULTEES

- 6.3. ADDERBURY NEIGHBOURHOOD PLAN GROUP: No comments received

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- Policy PSD1: Presumption in Favour of Sustainable Development
- Policy ESD1: Mitigating and Adapting to Climate Change
- Policy ESD7: Sustainable Drainage Systems (SuDS)
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD13: Local Landscape Protection and Enhancement
- Policy ESD15: The Character of the Built and Historic Environment
- Policy Villages1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy H18 – New dwellings in the countryside
- Policy C8 – Sporadic development in the open countryside
- Policy C14 – Countryside management projects
- Policy C28 – Layout, design and external appearance of new development
- Policy C30 – Design control
- Policy C33 – Protection of important gaps of undeveloped land

ADDERBURY NEIGHBOURHOOD PLAN

- AD1 – Adderbury Settlement Boundary
- AD5 – Adderbury/Milton gap
- AD17 – Building and structures of local importance

- 7.3. Other Material Planning Considerations

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

- Cherwell Council Home Extensions and Alterations Design Guide (2007)

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Drainage and flooding
- Ecology

Background

8.2. The existing manège was constructed without the benefit of planning permission in around 2008. A certificate of lawfulness was granted in 2017 (17/00425/CLUE) for the manège and its use for private equestrian purposes.

Policy Context

8.3. The proposal entails the change of use of land from private equestrian use to residential and construction of a tennis court, swimming pool and changing hut. The site is beyond the built-up limits of the nearest settlement of Adderbury and therefore lies within the open countryside. There are no Development Plan policies that deal specifically with the principle of the changing equestrian land to residential or constructing a tennis court or swimming pool; however, saved policy C8 of the Cherwell Local Plan 1996 states that '*sporadic development in the open countryside...will generally be resisted*'. The supporting text to the policy explains that the policy applies to all new development proposals beyond the built-up limits of settlements.

8.4. The National Planning Policy Framework ('NPPF') explains that one of the three overarching objectives of sustainable development is an environmental objective which seeks '*to protect and enhance our natural, built and historic environment*'. Paragraph 130 of the NPPF requires developments to be '*sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*'; Paragraph 174 of the NPPF requires planning decisions to recognise '*the intrinsic character and beauty of the countryside*'

8.5. Policy ESD13 of the CLP 2015 is consistent with the NPPF, and states that development proposals will not be permitted if they would: *cause undue visual intrusion into the open countryside (or) be inconsistent with local character.*

Appraisal

8.6. The proposed pool and tennis court are located outside the residential curtilage of the dwellinghouse but within the boundary of the existing manège. It is approximately 80m from the house to the application site but 37m from the closest barn.

8.7. Though quite separate from the dwellinghouse, the existing manège relates reasonably well to the wider complex of buildings that make up the Adderbury Hill Barn site. Importantly, (1) it is well screened and so has little wider visual impact and (2) the site has already been subject to operational development to form the manège and has an established equestrian use.

- 8.8. Given this development and lawful recreational use (albeit a use that is typical in, and requires the space of, a rural area), the harm to the rural character and quality of the countryside from the proposal relative to the existing situation is not considered sufficient to warrant refusal of the proposal.
- 8.9. For these reasons Officers consider that in this instance it would be unreasonable to argue that the proposed development, i.e. the replacement of the manege with a tennis court, represents sporadic development which is resisted by saved policy C8 and as such the proposal is considered acceptable in principle.
- 8.10. It is, however, considered necessary to impose a condition controlling the use of the new tennis court and pool to functions incidental to the enjoyment of the dwellinghouse to avoid adverse impacts on that property that may occur if the development was used independently.

Impact on Character and Appearance of Area

Policy Context

- 8.11. Paragraph 124 of the NPPF states that: *'Good design is a key aspect of sustainable development'* and that it *'creates better places in which to live and work'*. Policy ESD15 of the CLP 2015 is consistent with this aim, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 8.12. Saved Policies C28 and C30 of the CLP 1996 reinforce this, with Policy C30(ii) stating: *that any proposal to extend an existing dwelling (should be) compatible with the scale of the existing dwelling, its curtilage and the character of the street scene.*

Appraisal

- 8.13. The existing manège is a simple feature consisting of a flat sand surface. As such its visual impact is minimal though would increase with the addition of jumps and the alike which would be typically found on a manège. However, at present neither the manège nor anything on it, is visible from outside the site as it is enclosed by a substantial close boarded fence. The small, grassed paddock within which the manège sits is enclosed to the east, south and west by native hedging.
- 8.14. The surrounding landscape is relatively flat and consists mainly of arable fields enclosed by hedging. The closest public viewpoints are the public right of ways that cross the access track 380m to the north and a further public right of way 530m to the east. Given the distances from these viewpoints and the intervening hedging the site is considered well screened from public viewpoints.
- 8.15. The proposed development would sit entirely within the area enclosed by the existing close boarded fence, which is proposed to be retained. As such and given the dimensions of the structures proposed, these are unlikely to be visible above the fence.
- 8.16. The fence is, however, a relatively suburban and unsightly feature and does not make a positive impact on the site, though it is lawful. The proposed development includes an extensive landscaping scheme which would, when established, effectively screen the site, softening the impact of the fence.

- 8.17. As the fence is an unsightly feature and given the proposed landscaping, it is not considered appropriate to require retention of the fence by condition and it is therefore necessary to consider the impact of the development if the fence were removed.
- 8.18. Without the fence, the pool, though a distinctly suburban feature, would remain invisible from the public realm given it is at ground level. The engineered nature of the tennis court, net and fencing also contrast with the rural character of the area but given the distance from any public viewpoint, these are unlikely to be strident additions to the landscape and, whilst there may be a small degree of visual harm, it is considered that this could be reasonably mitigated by the proposed landscaping. The white walls of the changing hut may be more noticeable despite its simple form and green roof; however, given the small size of the hut and the separation from the public viewpoints, the proposed landscaping is considered sufficient to mitigate any harm.
- 8.19. Given the importance that the landscaping plays in both softening the impact of the fencing and potentially screening the site should the fence be removed, it is considered necessary to impose a condition seeking further details of the landscaping and a maintenance plan to ensure landscaping is maintained after planting.

Residential Amenity

- 8.20. Policy ESD15 of the CLP 2015 requires new development to deliver '*high quality safe, attractive, durable and healthy places to live and work in*' and to '*Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*'.
- 8.21. The proposed development is for the private use of the occupants of Adderbury Hill Barn and not for a commercial use. The property is remote from any neighbouring property, therefore there are no residential amenity issues to consider.

Drainage and flooding

- 8.22. The site is in flood zone 1 and is not known to be in an area of surface water flooding. The tennis court is proposed to be finished in a porous surface whilst the mud hut has a green roof which is control surface water run off. In view of these features, the proposal is not considered likely to adversely affect flooding in the area.

Ecology

- 8.23. The proposal lies wholly within the existing manège which is currently laid to sand with occasional weed growth. The proposal would not affect the surrounding hedges to the wider site. Officers therefore have no reason to believe the proposal would have any negative ecological impact.
- 8.24. The proposal includes significant additional planting, primarily in native species. These will provide a biodiversity net gain on the site which accords with paragraph 180(d) of the NPPF which encourages developments to integrate opportunities to improve biodiversity into their design. As such, in addition to requiring further details of the landscaping scheme for visual reasons, it is also necessary to secure the net gain in biodiversity that the planting will provide.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. It is considered that the proposed development relates reasonably well to the existing complex of buildings at Adderbury Hill Barn and given the established recreational use of the site the principle of development is acceptable. Subject to landscaping it is considered the development would not cause unacceptable visual harm and there are no highways or residential amenity issues. The proposed landscaping would also deliver a biodiversity net gain relative to the existing situation. Altogether the development is therefore considered acceptable.

10. RECOMMENDATION

That permission is granted, subject to the following conditions

1. The development hereby permitted shall be begun before the expiration of three years from 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. The development shall not be carried out otherwise than in complete accordance with the approved plans and other details listed below unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended):

- Figure 1 – Location Plan
- Figure 2 – Block Plan
- Figure 3 – Fence Elevations
- Figure 4 – Fence and Court Detail
- Figure 5 – Dimensions of proposed swimming pool
- Figure 6 – Swimming Pool Details
- Figure 7a – Mud Building (412/4)
- Figure 9 – Landscaping to Proposed Pool and Court (412/5)
- Design and Access Statement June 2022

Reason: To clarify the permission and for the avoidance of doubt.

3. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

Such details shall be provided prior to the first use of the development or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following first use of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to deliver biodiversity net gain

to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. A schedule of landscape maintenance for a minimum period of 15 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. The development shall not be carried out other than in accordance with the approved schedule.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and biodiversity net gain and to accord 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.

5. Details of all of the external lighting to be installed on the site including the design, position, orientation and screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance in the National Planning Policy Framework.

6. The development hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwellinghouse, currently known as Adderbury Hill Barn, Milton Road, Adderbury, OX17 3HN.

Reason: Given the functional relationship with Adderbury Hill Barn and to protect the amenities of the occupants of Adderbury Hill Barn and to safeguard the character and appearance of the area and in the interests of sustainable development and in order to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan and Government guidance in the National Planning Policy Framework.

Case Officer: Will Anstey

DATE: 04/10/22

Checked By: Nathanael Stock

DATE: 04.10.2022
