

FAO Rebekah Morgan

Sent by email and Cc'd Cllrs Gemma Coton, Simon Holland and Angus Patrick

31 October 2022

OBJECTION to

22/03033/F, the conversion and infill extension of equestrian stables to create a single residential dwelling at The Stables, College Farm, Main Street, Wendlebury OX25 2PR.

Dear Rebekah Morgan

I have been asked to advise and represent the occupiers Mr and Mrs McDonagh of The Old Dairy, College Farm, Main Street, Wendlebury OX25 2PR.

The Old Dairy is an immediate neighbour, the stable block sits immediately adjacent to their rear boundary. On land that is at least 2m higher than their own property.

It is noted that the on-line information states that the planning notice was put up on the 27th October and the consultation period runs to 17 November 2022.

This objection is made on the grounds of principle; design; impact on neighbouring residential amenity through overlooking and loss of privacy; drainage and flood risk; landscape impact; biodiversity and nature conservation.

1.0 Principle

The proposal is contrary to Policy PSD 1 and Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 part 1 (LP2011); and Policies H18 and H19 of the Cherwell Local Plan 1996 (LP1996).

Wendlebury is a category C village, considered the least sustainable location for new residential dwellings. Only infill and conversion within the existing built environment may be acceptable; subject to the site's context within the existing built environment, whether it is in keeping with the character and form of the village, and its local landscape setting.

The proposal is not infill. Calling the extension of the building over the current courtyard area of the stables is not 'infill' development in the context and meaning of the Development Plan policy. There is no development on three sides of the site, it is all open countryside. Where it is adjacent to residential development is to the west where dwellings back onto the site. Therefore, it amounts to back land development beyond the built-up area of Wendlebury and in the countryside.

Nor can the proposal be considered a conversion, because the whole of the inner courtyard area and open access, will be developed as a major extension; creating a 50% increase over the size of the existing building. The floor area created is larger than the 361sqm claimed on the application form. The Council's Design Guide for the conversion of farm buildings states that accommodation should aim to be contained wholly within existing buildings.

LP1996 Policy H19, clarifies that the intention of the policy is not for the conversion of modern construction. As the stable block has only existed for five years this policy clearly provides no support

for the proposal if it was a proper conversion. This policy clarifies that the Council will resist proposals that are tantamount to the erection of a new dwelling in the countryside, such as this.

Whilst the built-up area of Wendlebury has not been defined in the Development Plan, it is very clear that the application site is located outside the built environment and within the countryside. See figure 1 below, the red-line depicts the built-up area and the yellow ring highlights the location context of the stable block.

A stable block is not an unusual countryside feature. However, a residential dwelling in this countryside location, is certainly inconsistent and discordant with the character and form of the village. The change of use of the building, its extension, and its curtilage, and the residential paraphernalia that will follow, will harm the existing rural landscape setting of the village.

Figure 1: The site is outside the built environment of Wendlebury.



2.0 Design

The proposal will result in a very large square block of a dwelling which is completely out of keeping with the scale and appearance of development in Wendlebury. The stables already form an incongruent and domineering structure that looms over its immediate neighbours by way of its proximity to their rear gardens and the 2m change in land height. Figure 2 provides two photos taken from the neighbour's property.

The Case Officer is invited to view the application site from The Old Dairy, in order to properly appreciate the concerns being expressed herein.

3.0 Visual intrusion, noise, lights and loss of privacy

The height, depth and proximity of the building to The Old Dairy already results in an overbearing visual intrusion. There is at least a 2m difference in the land levels between the stables and the properties neighbouring it to the west. So, despite their single storey height, the stables are visually imposing and domineering from neighbouring properties. The photos in figure 2 and the sketched section in figure 3 below, show this. However, it is the impact of noise and lights and the loss of privacy that will occur which causes the most concern.

The garage is proposed to be immediately adjacent the rear garden area of the Old Dairy. Cars are already visible above the garden fence of the Old Dairy, when parked in this area. The use of this area for parking will cause noise and light nuisance for the Old Dairy. Car lights will shine directly into the main bedroom and the living room of the Old Dairy; people in the vehicles will have direct views into these rooms and even standing outside their vehicles they will have a direct sight line into habitable rooms of the Old Dairy.

Bearing in mind the application seeks to provide parking for ten cars, the comings and goings will be equivalent to five normal properties not one; and the disturbance is significantly heightened because of the ground level changes. Car lights, noise from engines and car doors, as well as fumes will make the enjoyment of the Old Dairy garden area near impossible.

The numerous roof lights, velux windows and large windows, as well as outdoor security lights associated with properties of this size will cause even more disturbance. The main bedroom of the Old Dairy, in particular, will be directly affected by the likely significant noise and light pollution. As can also be seen in the photos, the Stables are slightly angled so that existing openings have views towards the Old Dairy. Therefore, the large windows that will serve the sitting room will afford views into the Old Dairy. The velux windows proposed for the roof on this side will allow further direct views to the Old Dairy, including into the bedroom on the first floor. As already mentioned, even people standing in the proposed front area have views into the Old Dairy, especially during the long winter months when the trees between the properties are not in leaf. Added to this people generally have an outside sitting area directly outside their sitting room and again this affords direct views into the garden, living room and bedroom of the Old Dairy.

It is noted that the application states that the waste and recycling bins will be located to the side of the building next to the garage. So, it will practically adjacent to the Old Dairy, where it would only add to the disturbance and nuisance referred to above. There have already been problems with pests, namely rats, which the pest control officer deduced as being associated with the stables and the applicant's chicken run. Storing waste adjacent to the rear garden of the Old Dairy will potentially increase the problem of rodents and other pests.

Thus, the proposal is contrary to LP2011 Policy ESD15 and LP1996 Policy C30, in respect to poor design and the harmful impact on neighbouring amenity levels. The harm to neighbouring residential amenity levels also includes flooding, which is expanded on next.

Figure 2: Photos showing current view from The Old Dairy to the application site.

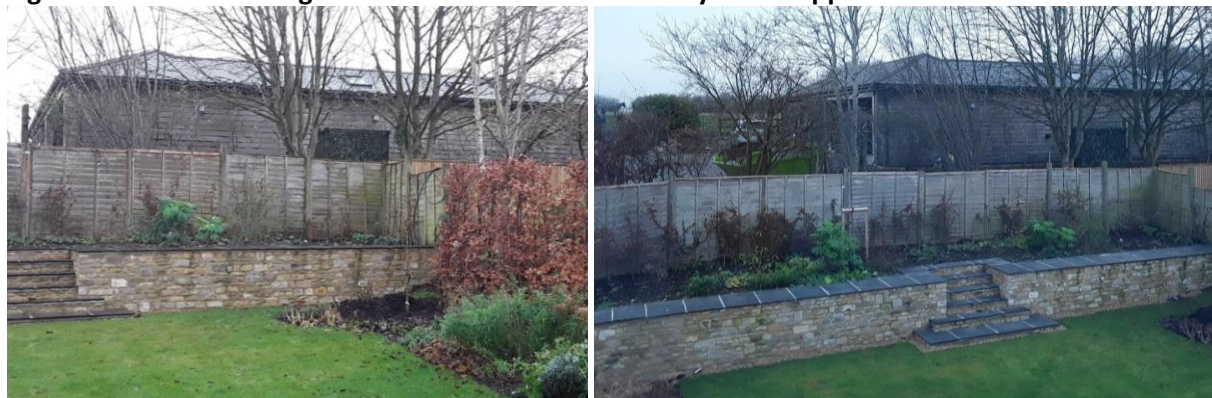
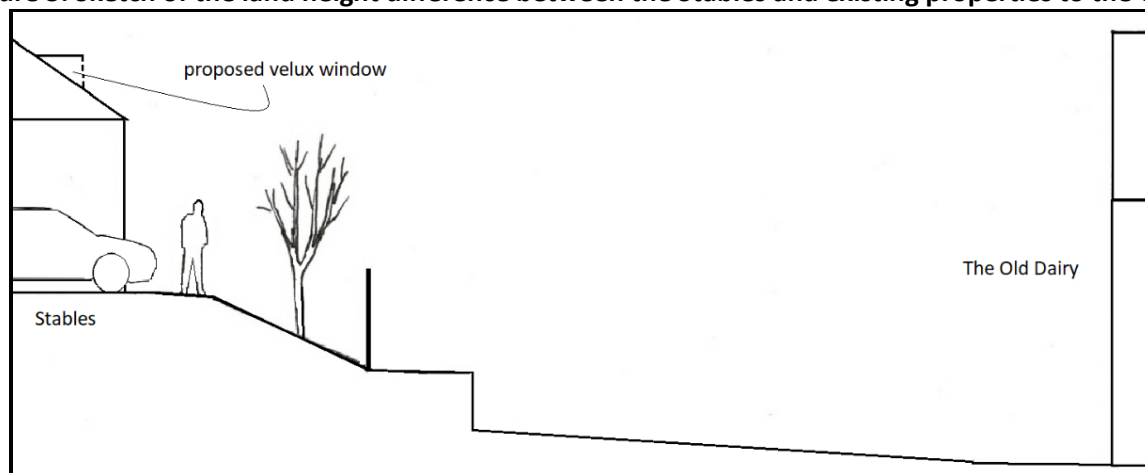


Figure 3: Sketch of the land height difference between the Stables and existing properties to the West



4.0 Drainage and flood risk

Although the site itself lies outside the flood risk areas and areas susceptible to high risk from surface water flooding, it is next to areas along and off Main Street where flooding has occurred and is identified by the Environment Agency. This proposal on higher land will only serve to cause worse flooding problems for those areas already at risk sitting on the lower ground areas.

When the stables were originally granted planning permission there was a condition imposed to ensure all the surrounding open areas, including the courtyard area, would be permeable, in order to reduce flooding elsewhere. However, since the construction of the stables, the Old Dairy has suffered significantly greater amounts of water run-off from the application site into their property. This has resulted in undue expense already for the Old Dairy requiring the installation of more drains to deal with their run-off and the erection of an engineered wall to stabilise the ground that is adjacent to the proposal site. Even after these works, the land is consistently marshy. The current run-off is substantial and the proposal will only exacerbate the drainage and flooding problems to neighbours.

LP2011 Policy ESD 6 states that site specific flood risk assessments will be required to accompany development sites located in an area known to have experienced flooding problems and proposals should demonstrate that surface water will be managed effectively so that it will not increase flood risk elsewhere including sewer flooding. Wendlebury has a history of flooding in Main Street and problems with sewage services. It is common sense that developments built on higher land might not suffer problems themselves but their run-off causes problems for everyone sited on adjacent lower grounds.

LP2011 Policy ESD 7 states that all development will be required to use sustainable drainage systems for the management of surface water run-off. The application does not make any provision for this requirement; and in an area where there are existing flooding issues, it is inappropriate to attempt to reconcile the issue through a planning condition.

5.0 Landscape

LP 2011 Policy ESD 13 seeks to protect and enhance the local landscape character. Contrary to the aims of this policy, this proposal will result in an unacceptable creeping urbanisation that results in visual intrusion and harm to the countryside and landscape setting around Wendlebury.

6.0 Biodiversity and nature conservation

LP 2011 Policy ESD 10 seeks to protect and enhance biodiversity and the natural environment. This proposal fails to demonstrate a net gain in biodiversity and in all likelihood, it will result in loss and harm to nature conservation.

It is known that light emissions from roof lights and windows have a detrimental impact on the flight patterns of nocturnal creatures. This proposal has numerous roof lights, velux windows and other large openings, which will harm the quality of the night sky and negatively impact on nocturnal protected species, such as bats.

The significant additional movements of cars and people in association with the residential use proposed will further jeopardise the site's tranquillity and potential as a haven for protected species.

The loss of permeable land that will result from the development will increase water run-off to the west, which will be detrimental to the stability and longevity of the trees planted along this side on a slope.

7.0 False claims in the supporting documentation

The claims that the site is within the "Settlement Boundary" of the village are spurious and wrong. The objections of the Wendlebury Parish Council to this development in 2021 were on the grounds that it sits beyond the building line of the village. Nothing has changed since 2021, so the site remains beyond the built-up area of the village.

The application refers to the previous application, reference 21/02231/F, which was withdrawn and says that the Case Officer referred to "*the principle of development within a Category C village, and that the development cannot be considered a conversion due to the level of change proposed.*" This application is not infill development and again, nor is it a conversion due to the level of change proposed. That said it is not even within the built-up environment of this Category C Village anyway, so there is no in principle support whatsoever.

Wendlebury village does not have the services claimed, for example there is no food delivery service, there is no retail shop, nor is there a vehicle repair shop.

The argument that permission should be granted because the proposal makes use of an undesignated building does not justify the proposal. The building was built to serve as a stable, dog kennel, plant room, equipment store, trailer box garage, etc, serving the applicant and it has only had five year's life. If this building becomes a dwelling as proposed, then where will the current contents go? Clearly, this would drive an application for a further substantial building, again in the countryside. In time there would follow yet another application to convert to residential.

Whether or not Cherwell currently has an undersupply of housing land is neither here nor there as the proposal for one very large dwelling will hardly improve the supply situation. Besides, the site remains in an unsustainable location and for other reasons it is contrary to the National Planning Policy Framework as a whole.

It is claimed that the proposal complies with LP1996 saved policies C18, C21 and C23. These policies are specific to listed buildings and Conservation Areas, they have no relevance to this proposal.

7.0 Conclusion

This objection letter sets out six reasons where the proposal is contrary to the Development Plan and subsequently should be refused planning permission. The proposal is contrary to LP2011 policies PSD 1, Policy Villages 1, ESD 15, ESD 6, ESD 7, ESD 13 and ESD 10; and LP1996 saved policies C30, H18 and H19. It is also contrary to the aims of the National Planning Policy Framework.

The Local Planning Authority is consequently urged to refuse planning permission.

Yours sincerely

Angela L Banks BA(Hons) DipUD pgCM

On behalf of Mr and Mrs McDonagh of the Old Dairy, Main Street, Wendlebury.