

**Sibford Park, Colony Road, Sibford Gower,
Oxfordshire, OX15 5RY**

22/03135/F

Case Officer: Daisy Kay-Taylor

Recommendation: Approve

Applicant: Mr Petri Oksanen

Proposal: RETROSPECTIVE - Formation of an external swimming pool and erection of two associated plant outbuildings and associated landscaping works

Expiry Date: 13 February 2023



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1. Relevant Features of the Site

- 1.1. This application relates to a recently built house in a Georgian/Regency style set within approx. 30 acres, consisting of a main dwelling, a coach house, and five outbuildings of various sizes, located approx. 1 mile to the south-west of the Sibford villages and approx. 8 miles south-west of Banbury. Access is via a long private drive from the main road to the south, shared at the entrance with the neighbouring property to the east. The nearest residential neighbours are adjacent along the north-east boundary and some distance across fields to the north.
- 1.2. The site has a complex history with a strong agricultural and equestrian past and was previously occupied by a modern chalet style farmhouse and a range of agricultural buildings and smaller structures, known as Muddle Barn Farm. Planning permission for their demolition and the redevelopment of the site was granted at appeal in October 2017.
- 1.3. Differing materials are used across the site; local ironstone with ashlar dressings under a slate roof for the main house and red multi brick for the extensions and the coach house. The outbuildings, two of which are partially completed and the subject of this application, are externally constructed of vertical timber cladding with aluminium edging.
- 1.4. The buildings occupy an elevated position and are concentrated to the north/north-east of the site, within a protected species buffer zone for bats. Other notable

species recorded are the brown hare. The public views into this area of the site are limited, with partial visibility from Colony Road when driving north-west.

- 1.5. The site lies in the open countryside and comprises extensive open amenity grassland bounded by native hedgerow boundary trees and recent extensive planting of native trees.
- 1.6. The site borders the Cotswold Area of Outstanding Natural Beauty but is not located within a designated conservation area and the buildings are not listed and there are no listed buildings in the vicinity.

2. Description of Proposed Development

- 2.1. The applicant seeks retrospective planning permission for the formation of an external swimming pool, the erection of two associated plant outbuildings and associated landscaping works.
- 2.2. The swimming pool measures 17m x 7.95m and is set within an area of stone paving. The outbuildings measure 8.57m x 3.15m and 2.8m x 3.9m respectively and would have flat roofs with a maximum height of 3.05m. The swimming pool would feature underwater lighting.
- 2.3. The materials for the outbuildings are larch cladding to match existing outbuildings. The swimming pool materials are dark grey porcelain tiles with the surround in Cotswold buff copings.
- 2.4. The proposed development is partially completed.
- 2.5. The site location plan as submitted with the application included land which has not been authorised for residential use. To avoid gradual encroachment into the countryside, and for consistency, the site location plan has been amended so that the red line site area matches that for previous planning applications. The assessment and determination of the application is based on this amended plan.

3. Relevant Planning History and Pre-Application Discussions

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

14/01100/CLUE Certificate of Lawful Use Existing – Use of dwelling in breach of Condition 5 (Agricultural Occupancy) CHN.6. Application withdrawn 27 August 2014

14/02157/F Demolition of an existing dwelling and a range of large-scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping. Application withdrawn 20 April 2015

14/00107/SO Screening Opinion – Demolition of an existing dwelling and a range of large-scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping. Not proceeded with 12 September 2022

15/00089/SO Screening Opinion to 15/01693/F - Demolition of an existing dwelling and a range of large-scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (revised scheme of 14/02157/F). Screening Opinion not requesting EIA 05 October 2015

15/01693/F Demolition of an existing dwelling and a range of large-scale equestrian buildings and the erection of a replacement dwelling including associated works and

landscaping (revised scheme of 14/02157/F). Application withdrawn 25 February 2016

16/00064/SO Screening Opinion to Application 16/01563/F - Demolition of an existing dwelling and a range of large-scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (resubmission 15/01693/F). Screening Opinion not requesting EIA 25 August 2016

16/01563/F Demolition of an existing dwelling and a range of large-scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (revised scheme of 15/01693/F). Refused 01 November 2016

17/00259/HPA Single storey rear extension - height to eaves 2.4m, length 8m, overall height 3.8m. Prior Approval Not Required 03 March 2017

17/00191/CLUP Certificate of Lawfulness of Proposed Development for extensions and alterations to the existing dwellinghouse and new ancillary building. Permitted 22 March 2017

18/00616/F Variation of Condition 2 (Plans) of 16/01563/F and Appeal ref: APP/C3105/W/17/3173098. Permitted 10 July 2018

18/00037/SO Screening Opinion not requesting EIA 22 May 2018

18/00793/F Variation of Condition 2 (plans) of 16/01563/F (Appeal reference - APP/C3105/W/17/3173098) - minor material amendments involving alterations to the design of the replacement dwelling as well as the construction of a replacement outbuilding. 08 August 2018

18/01167/F Creation of new driveway and part removal of existing driveway. Permitted 09 November 2018

18/00358/DISC Discharge of Conditions 3 (dormers), 4 (materials), 5 (stone sample), 6 (doors and windows), 7 (FFLs), 10 (tree survey), 15 (badger check), 16 (Biodiversity enhancement) and 18 (access) of 18/00793/F. Permitted 16 November 2018

19/01387/F Variation of Condition 2 (plans) of 16/01563/F - alterations to the design of the replacement dwelling, the erection of a replacement outbuilding, provision of a new 2m high wall and demolition of two bays of a stable building. Permitted 09 December 2019

19/02372/DISC Discharge of Condition 8 (hard and soft landscape works) of 19/01387/F. Permitted 29 January 2020

20/01086/F Alterations and conversion of existing stable building to provide a gym and swimming pool and change of use of land to amenity land, providing tennis court associated with dwellinghouse replacing existing manège. Permitted 30 June 2020

20/02176/DISC Discharge of Condition 9 (tree pits) of 19/01387/F. Permitted 12 October 2020

22/00299/PREAPP Site wide landscaping and environmental enhancement and construction of new pool house and glasshouse. Alterations to existing outbuildings with below ground facilities. Response sent 05 April 2022

No pre-application discussions have taken place.

4. Response to Publicity

This application has been publicised by way of a Site Notice displayed near the site, expiring **08 December 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 **26 January 2023**.

The comments raised by third parties are summarised as follows:

One comment was received from a neighbour supporting the application

5. Response to Consultation

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.

- Sibford Gower Parish Council: no comments to make
- Ward Councillor for Cropredy, Sibfords and Wroxton: no comments or objections received
- CDC Arboriculture: no objections

6. Relevant Policy and Guidance

Cherwell Local Plan 2011-2031 Part 1 - (CLP 2015)

- ESD 1 – Mitigating and Adapting to Climate Change
Seeks to incorporate suitable adaptations measures in new development to ensure that development is more resilient to climate change impacts. *See page 85 of the CLP 2015 for full details*
- ESD 3 – Sustainable Construction
Development is expected to incorporate sustainable design and construction technology. *See page 16 of the CLP 2015 for full details*
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
Requires relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones. *See page 106 of the CLP 2015 for full details*
- ESD12 - Cotswolds Area of Outstanding Natural Beauty (AONB)
Seeks to protect the Cotswolds AONB and its setting from potentially damaging and inappropriate development. The Cotswolds AONB Management Plan to be used as supplementary guidance in decision making. *See page 109 of the CLP 2015 for full details*
- ESD13 – Local Landscape Protection and Enhancement
Development is expected to respect and enhance local landscape character, securing appropriate mitigation where appropriate to local landscape character. *See page 111 of the CLP 2015 for full details*

- ESD15 - The Character of the Built and Historic Environment.
New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. Where development is in the vicinity of the District's distinctive natural or historic assets, delivering high quality design that compliments the asset will be essential. *See page 117 of the CLP 2015 for full details.*

Cherwell Local Plan 1996 (saved policies) – (CLP 1996)

- C28 – Layout, Design and External Appearance of New Development
New development required to have standards of layout, design and external appearance sympathetic to the character of the urban or rural context of that development. *See page 120 of the CLP 1996 for full details.*
- C30 – Design of New Residential Development
Development should be compatible to the scale of the existing dwelling, its curtilage and the character of the street scene. Development should also provide acceptable standards of amenity and privacy. *See page 120 of the CLP 1996 for full details.*

Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- CDC Home Extensions and Alterations Design Guide (2007)

7. Appraisal

- 7.1. The site has a particularly complex planning history, culminating in the appeal decision of October 2017 allowing the demolition of Muddle Barn Farm and the redevelopment of the site as Sibford Park.
- 7.2. Both the swimming pool and the outbuildings are situated within the area benefiting from planning permission for residential use, i.e. the proposals do not result in a change of use of land.
- 7.3. The two outbuildings require planning permission as they have flat roofs and exceed 2.5 metres in height; also one of them is adjacent to the site boundary.
- 7.4. The swimming pool would generally be considered permitted development under Schedule 2, Part 1, Class E of the GPDO 2015 (as amended); however, the Inspector was explicit in terms of the development rights of the new dwelling, stating that '*A condition removing permitted development rights is necessary because of the size of the proposed development to protect the character and appearance of the area ...etc*'. As such, Condition 21 of APP/C3105/W/17/3173098 states that '*Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Part 1 or Part 2 shall take place*'.
- 7.5. The Council's written pre-application advice of April 2022 made clear its concern that development of the site '*does not result in the loss of the agricultural character of the area, or in the separation between the residential use (and the extent of it as approved) and the wider landscape*'. The advice went on to say that '*the introduction of a pool area in the proposed location is considered acceptable [.....] and is not*

considered to result in a further erosion of the character of the site' but that 'of more concern is the introduction of further outbuildings on the site'.

- 7.6. It is therefore somewhat baffling that the applicant was under the belief that the proposals were permitted development and that planning permission for further development of the site would not be required. Nonetheless, the Council welcomes the applicant's decision to retrospectively seek planning permission for the partially completed proposals once they became aware that it was necessary.
- 7.7. The key issues for consideration in this case are:
- Design, and impact on the character of the area
 - Residential amenity
 - Highway safety

Design, and impact on the character of the area

- 7.8. The swimming pool and outbuildings lie to the north-east corner of the property and cannot be seen other than from the dwelling. The pool does not raise the existing level of the garden. Existing Leylandii cypress in the area surrounding the two outbuildings would be removed and a semi-mature 4.5m high hedge of formally pruned native yew would be planted along the northern boundary and between the southernmost new outbuilding (referenced outbuilding 4) and the bordering outbuilding of the neighbour to the east.
- 7.9. The outbuildings are on an acceptable scale and accepted as a necessary functional addition to the site. The outbuildings would have vertical Siberian larch cladding to match the timber cladding of the large barn and the garden store. The buildings would be used as a plant and machinery room associated with the pool and as an electrical hub.
- 7.10. The swimming pool lies flush with the garden level and would be surrounded by natural stone paving, with amenity grass beyond. The applicant has stated that *'lighting will be kept to a minimum to ensure there is no detriment to local wildlife'*.
- 7.11. The proposal would result in the loss of a mature birch tree and a cherry tree. The Council's Arboricultural Officer has reviewed the submitted Arboricultural Impact Assessment and has commented that *'extensive tree planting has taken place at this site, enhancing the landscape, this proposal seeks to continue to plant trees in mitigation of the subsequent tree removals'*.
- 7.12. However, (i) neither the birch tree and cherry is protected, and (ii) the tree planting shown on the submitted plans lies outside the approved area of residential use.
- 7.13. It is not considered that the proposals would have a material effect on the wider landscape or on the Cotswolds Area of Outstanding Natural Beauty.
- 7.14. For the reasons above it is considered that the proposed development would not result in harm to the visual amenities of the locality or the character or appearance of the area and it is therefore considered to accord with Policies ESD12, ESD13, and ESD15 of the CLP 2015 and saved Policies C28 and C30 of the CLP 1996 and the relevant paragraphs in the NPPF and CDC's residential design guide.

Residential amenity

- 7.15. Although noting their proximity to the neighbouring New Barn Farm, having regard to the scale of the outbuildings and the spatial relationships with the neighbouring properties the proposed development is not considered to have any negative impact

on their residential amenities and would not result in any demonstrable harm in terms of loss of light, privacy or outlook, or result in an imposing form of development.

7.16. The proposed development would not impinge on the section of driveway shared with the neighbouring property to the east.

7.17. It is also noted that no objections or concerns have been raised by any neighbours.

7.18. For these reasons the proposals accord with Policy ESD15 of the CLP 2015, retained Policy C30 of the CLP 1996, the relevant paragraphs in the NPPF.

Highway safety

7.19. The proposals would not have any adverse impact upon the local highway network in terms of safety or convenience.

8. Planning Balance and Conclusion

The appraisal above, which is informed by the policy and guidance set out in section 6, does not identify any material planning issues which compromise the acceptability of this application. The proposal is therefore considered to be sustainable development and, in accordance with Paragraph 11 of the NPPF, planning permission should therefore be granted.

9. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development shall be carried out strictly in accordance with the information contained within the application form, the Site Location Plan (an amended drawing, PDF document titled "Sibford Park_LocationPlan6") received by the local planning authority in an email from Mr Jonathan Lees dated 14th February 2023 at 1314hrs, drawings numbered 1-03 PL0 and 1-04 PL0, the document titled 'Design and Access Statement for Sibford Park External Swimming Pool' prepared by Jonathan Lees Architects LLP and dated October 2022, and the Arboricultural Impact Assessment prepared by Consulting with Trees and dated October 2022.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Informative Note – the applicant is advised that this planning permission does not give any consent for the arboretum or play area, but also that the planting of trees does not require planning permission.

Case Officer: Daisy Kay-Taylor

DATE: 13 February 2023

Checked By: Nathanael Stock

DATE: 13/14.02.2023
