

Case Officer: Imogen Hopkin

Recommendation: Approve

Applicant: Nigel and Carole Morris

Proposal: Variation of condition 2 (plans) of 20/00954/F - Vary roof from metal to slate tiles, Add window and door to north elevation, Provide detail of boundary treatments, Add PV array to south side

Expiry Date: 25 April 2023

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located in an agricultural field some 0.9km to the north of the villages of Sibford Gower and Burdrop. The application site accommodates two agricultural buildings set around what appears to have previously been an enclosed farmyard area with 2no further agricultural portal frame buildings adjacent, and with open countryside surrounding.
- 1.2. The two barns subject of this application are identified within the application as 'Buildings 1 and 2'. Building 1 is a brick-built barn with large full height timber doors again under a fibre cement roof. Building 2 is a single storey stone and concrete blockwork open sided barn under a dual corrugated fibre cement roof. Access to the site is taken directly from the adjacent B4035 via an existing gated access.
- 1.3. In terms of site constraints, the site is not within a conservation area and there are no heritage assets within the vicinity of the site. A Public Right of Way (ref. Footpath 348/12/10) wraps around the southern boundary of the site continuing across land to the west of the site. The site is within an area known to be affected by Radon Gas.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks to vary condition 2 of 20/00954/F, to amend the roof tiles from metal to slate, add a window and door and add solar panels to the south-western roof plane.
- 2.2. The application previously included boundary treatments to the south and east, although these were outside of the red line of the original application, so have since been omitted from the application.

3. RELEVANT PLANNING HISTORY

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

Application: 20/00954/F	Application Permitted	2 June 2020
Creation of single dwellinghouse through conversion and partial re-building of existing barn with parking, amenity space, landscaping and associated works in replacement of dwellinghouse permitted under 18/01094/Q56		

Application: 18/01094/Q56	Application Permitted	15 August 2018
Change of Use of agricultural buildings to a dwellinghouse and associated building operations		

3.2. There are discharge of conditions applications currently being considered separately to the application.

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 **29 March 2023**. There are no neighbouring properties to be directly consulted. The overall final date for comments was **29 March 2023**.

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/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. Sibford Gower Parish Council: No comments received.

OTHER CONSULTEES

6.3. CDC Building Control: Building regulations application required.

6.4. CDC Environmental Protection: No further comments to make.

6.5. OCC Highways Authority: No objections.

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 2015)

- PSD1 – Presumption in Favour of Sustainable Development

- SLE4 – Improved Transport and Connections
- Villages 1 – Village Categorisation
- BSC2 – The Effective and Efficient Use of Land
- BSC4 – Housing Mix
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 – Sustainable Construction
- ESD7 – Sustainable Drainage Systems (SuDS)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- 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
- C30 – Design of new residential development
- H17 – Replacement dwellings
- H18 – New dwellings in the countryside
- H19 – Conversion of buildings in the countryside

7.3. Other Material Planning Considerations

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

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
- Highway safety

Principle of development

8.2. The principle of the development has already been accepted as part of the previous planning permission, 20/00954/F, and therefore it is not within the scope of the application to make a wholly new assessment. The Planning Practice Guidance advises:

In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20140306)

8.3. Therefore, the main issue to consider is whether the changes to the development would result in harm to the character and appearance of the area or amenity of neighbouring properties.

Design, and impact on the character of the area

- 8.4. The changes to the design of the proposal include slate roof tiles to replace the metal sheeting proposed, inclusion of solar panels to the south side and a new window and door to the building.
- 8.5. The use of slate tiles is a positive change, and a sample has been reviewed on site. While the previous approval had a modern approach with metal sheeting, slate tiles would give the dwelling a traditional appearance that it is considered would not be out of character in this location and can therefore be supported.
- 8.6. The use of solar panels is acceptable, on balance, as they are slightly screened from views to the west by the existing buildings at the site. Further, as they are only on one roof plane, they would not appear unduly obvious from other angles. Policy ESD 15 of the CLP 2015 includes energy efficiency as a consideration, to support Policies ESD 1 – 5 on climate change and renewable energy. Therefore, while it would change the appearance of the building, it is considered the sustainability benefit would outweigh the harm identified.
- 8.7. The new door and window were originally proposed to the eastern elevation, although this had a detrimental impact to the linear appearance of the elevation that lies parallel to the road. Amendments were received to put the door and windows on the northern elevation.
- 8.8. Overall, the proposed alterations would not appear unduly prominent within the area and, on balance are considered to be acceptable.

Residential amenity

- 8.9. The proposal would not result in any change to the residential amenity of future and current occupiers of the property. As such, the application can be supported from a residential amenity perspective.

Highway safety

- 8.10. Highways Officers have assessed the proposal and not raised any objections to the scheme, as the proposal would not adversely impact the local highway network in traffic and safety terms. As such, the application is acceptable from a highway safety perspective.

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. The application and the submitted details are considered acceptable to vary condition 2 and include slate tiles, solar panels, a window and door, and can therefore be approved. Contrary to information given in the application form, work has commenced on site – which kept the permission alive and which means that no condition would be imposed re a time limit for commencement.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. 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: JPPC Planning Statement dated 26th March 2020 and drawings labelled: Site Location Plan 19_015_002; Proposed Block Plan 19_015_102A; Proposed Floor Plan 19_015_103 Rev D and Proposed Elevations 19_015_104 Rev D.

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 local residents and highway safety 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.

2. Prior to the construction of Building 2 hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone and shall be inspected and approved in writing by the Local Planning Authority. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and the development shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of the character of the area and to comply 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.

3. Prior to the construction of the southern boundary wall hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone and shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the southern boundary wall shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel and the development shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of the character of the area and to comply 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. No development shall commence above slab level unless and until samples of the materials to be used externally in the construction of the roof of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the samples so approved and shall be retained as such thereafter.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to safeguard the character and appearance of the area and the significance of heritage assets and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the installation of any new doors, windows or rooflights within the development hereby approved, full details of the doors, windows and rooflights hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall be installed within the building in full accordance with the approved details and shall be retained as

such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and in the interests of the character of the area and to comply 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.

6. Notwithstanding the details submitted, no development shall commence above slab level unless and until full specification details (including construction, layout, surface finish and drainage) of the turning area which shall be provided within the curtilage of the site so that motor vehicles may enter, turn around and leave in a forward direction, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking [and turning/loading/unloading] and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

8. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve the dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

9. No development shall commence above slab level unless and until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas,The development shall be carried out in strict accordance with the approved

landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation/use of the development and shall be retained as such thereafter.

Reason: In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply 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.

10. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the character and appearance of the area, to ensure the creation of a pleasant environment for the development and to comply 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.

11. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Imogen Hopkin

DATE: 12th June 2023

Checked By: Nathanael Stock

DATE: 12.06.2023
