

Case Officer: Imogen Hopkin

Recommendation:

Applicant: Mr P Oksanen

Proposal: Change of use of land to amenity land associated with the use of the dwelling house, with associated treescape, arboreal trail and play equipment, together with the provision of a bocce court within the residential curtilage

Expiry Date: 12 May 2023

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 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 application seeks permission for a change of use of land to the west of the dwelling to be amenity land, including associated treescape, arboreal trail and play

equipment. Between this element and the dwelling is a proposed bocce court, which is within the residential curtilage.

3. RELEVANT PLANNING HISTORY

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

Application: 15/01693/F	Application Withdrawn	25 February 2016
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: 16/01563/F	Refused	1 November 2016
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)		
Application: 14/02157/F	Application Withdrawn	20 April 2015
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: 18/00616/F	Permitted	10 July 2018
Variation of Condition 2 (Plans) of 16/01563/F and Appeal ref: APP/C3105/W/17/3173098		
Application: 18/00793/F	Permitted	8 August 2018
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		
Application: 18/01167/F	Permitted	9 November 2018
Creation of new driveway and part removal of existing driveway		
Application: 19/01387/F	Permitted	9 December 2019
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		
Application: 20/01086/F	Permitted	30 June 2020
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		

Application: 22/03135/F	Permitted	14 February 2023
RETROSPECTIVE - Formation of an external swimming pool and erection of two associated plant outbuildings and associated landscaping works		

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 **5th May 2023** 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 **5th May 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 objection, subject to no additional lighting for the application.

OTHER CONSULTEES

- 6.3. CDC Arboricultural Officer: No comments received.
- 6.4. CDC Ecology Officer: 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)

- ESD13 – Local Landscape Protections 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

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

Principle of development

- 8.2. The land subject of the proposed change of use is sited between the tennis court and the existing residential curtilage, which would include the proposed bocce court and existing swimming pool. There is a hedge that binds the north of the proposed amenity land, therefore reducing the visibility within the landscape.
- 8.3. Due to the position, adjacent to the tennis court and swimming pool, and enclosed by hedging to the north, the proposed change to amenity land is acceptable, on balance.
- 8.4. If the proposal was to expand the residential garden use, rather than as amenity land, it would unlikely be acceptable, due to the impact on the character and appearance of the area of the gradual encroachment of residential use. Should a further application be submitted to change the use to residential garden, it may not be acceptable.

Design, and impact on the character of the area

- 8.5. Policy ESD15 of the CLP 2015 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.”*
- 8.6. The proposed play equipment, at between 2m and 6m in height, is quite tall. The proposed trees would help to screen the play equipment within the landscape, and would help to mitigate the visual impact, along with providing a positive environmental contribution. While elevations have been provided to show the ambition for the appearance of the trees, it is considered necessary to condition the trees and landscaping, as these elements help to reduce the visual impact in the landscape.
- 8.7. The proposed bocce court is acceptable, as this is at a low level and would not be uncharacteristic within a residential setting.
- 8.8. For the reasons above it is considered that the proposed development would not result in harm to 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.

Residential amenity

- 8.9. The proposal is sited a significant distance from neighbouring properties, and would not result in a detrimental impact to residential amenity, by way of privacy, overlooking, loss of light.
- 8.10. 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.

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. On balance, the principle of development is considered acceptable, and subject to conditions the proposal would not have a significant impact on the character and appearance of the area or the amenities of neighbours. The proposal is therefore recommended for approval, subject to the conditions 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 form and the following plans and documents: 1 01, 1 02, 1 03, 1 04, 1 05, 1 06, 1 07, 1 08, SBPK-WTEL-0001 Rev A

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. Notwithstanding the details on drawing number SBPK-WTEL-0001 Rev A, a scheme for landscaping the application site shall be provided to and approved in writing by the Local Planning Authority which shall include 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 within one month of the erection of the play equipment hereby approved or such alternative time frame as agreed in writing by the developer and the Local Planning Authority.

The development shall be carried out in strict accordance with the approved

landscaping scheme.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity and to screen and/or soften the visual impact of the play equipment hereby approved 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.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling hereby approved and shall be maintained for a period of 5 years from the completion of the development. Any trees or plants which, within a period of 5 years from completion of the scheme, die or are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and the same species to those originally required to be planted unless the Local Planning Authority gives written consent for any variation.

Reason – To provide an effective screen for the development in the interests of visual amenity 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. The amenity land hereby approved shall be used only for the purpose of the play equipment and arboreal trail and shall not comprise residential garden, and shall remain amenity land for the life of the development unless the land is returned to agricultural use.

Reason - To safeguard the character and appearance of the area and in accordance with Policies ESD13 and ESD15 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.

Case Officer: Imogen Hopkin

DATE: 11th May 2023

Checked By: Nathanael Stock

DATE: 12.05.2023
