

Case Officer: Michael Sackey

Recommendation: Approve

Applicant: Lady Jiliiie May

Proposal: Retrospective - Change of use of the first floor of the building from a beauty salon to (ancillary) residential accommodation that can be let out

Expiry Date: 25 November 2024

Extension of Time: 25 November 2024

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to the existing garage with roof accommodation previously used as a beauty salon located in open countryside at Gautherns Barn some 700m south-west of the village of Sibford Ferris. The outbuilding sits approximately 25m north of the main dwelling and was a beauty therapy business (Serenity at Sibford) operating from the outbuilding associated with Gautherns Barn. The site benefits from natural screening from the mature tree-belt around the wider site. The site is accessed via existing private drive also serving Gautherns Barn, itself accessed off Colony Road to the north-west of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The current application seeks retrospective permission for the change of use from a beauty salon to ancillary residential accommodation that can be let out.

2.2. The floor plans show the first floor as a bedroom, en suite bathroom, kitchen and lounge and WC.

2.3. The application relates to email and additional information received on (19.08.2024) at 15:14hrs from the applicant's agent (Antony Humphrey) confirming that the proposal is for the conversion of the building into a separate dwelling for long term let, the ownership of the building is to remain with the main property and the proposed use is to provide a one-bedroom property for rental, not for short term holiday lets.

2.4. The application relates to an email and revised plans received on (20.09.2024) at 13:26hrs from the applicant's agent (Antony Humphrey), the revised plans amend the site area to include an access via the external stairs and the development to be wholly within the proposed red line area. The email also clarifies the nature of the development in that the ground floor element of the building does not form part of the proposal and no amenity land is proposed.

2.5. The application relates to an email received on (13.11.2024) at 16:11hrs from the applicant's agent (Antony Humphrey) confirming the length and consistency of the proposed lets for a period of 12-months and the property is to be re-advertised following a term.

2.6. The application relates to an email received on (18.11.2024) at 17:10hrs from the applicant's agent (Antony Humphrey) confirming his agreement to the change in the description of the development to reflect its first floor, ancillary and residential elements of the proposed use. The assessment and determination of this application

is based on the additional plans and information and clarification that fiat floor development would remain ancillary to the existing host dwelling Gautherns Barn, and it would be let out.

3. RELEVANT PLANNING HISTORY

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

Application: CHN.544/89 Permitted 17 August 1989

Change of use of domestic outbuilding to health and beauty salon

Application: 01/00099/F Permitted 21 June 2001

Landscaping and earthworks to form feature pond

Application: 20/02564/F Permitted 23 December 2020

Part retrospective - Convert 2no. steel/wooden barns into 2no. 1-bedroom holiday lets

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 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 **24 October 2024**.

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.

SIBFORD GOWER AND FERRIS PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. No objections

OTHER CONSULTEES

6.3. Building Control - A building regulation application is required.

6.4. Local Highway Authority - No objections subject to conditions on electric vehicle charging point and covered cycle parking provision.

6.5. Housing Standards - Consulted on (24.09.2024); 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)

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: 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 control

- 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
- Highway Safety

Principle of development

- 8.2. The development as carried out comprises living accommodation at the first-floor level and its use as one-bedroom accommodation.
- 8.3. Internal re-configurations do not in themselves require planning permission and habitable accommodation in this location would generally be acceptable provided that the use remains ancillary to the host dwelling.
- 8.4. Although rather small and of restricted head room, the development has the facilities to operate as a separate dwelling. In terms of the acceptability of its principle, consideration has been given to the existing permitted/authorised use as a health and beauty salon (granted permission in 1989). It is considered that the number of vehicular trips generated by the use of the accommodation as a separate dwelling would be similar to or fewer than that of a commercial use of the same space (and this has also been confirmed by the Local Highway Authority).

- 8.5. That said, the planning permission for the health and beauty salon was subject to a requirement for the use to remain ancillary to the host dwelling and to be of benefit to the applicant only, who would still remain as the benefactor of the development.
- 8.6. A new separate dwelling in this location would be unacceptable because it would be outside of a settlement in the countryside, remote from key facilities and services, with future occupiers reliant on the private car to access those key services, would result in an environmentally and socially unsustainable form of development, and because its form and layout and lack of amenity space would be significantly and demonstrably out of keeping with the pattern of development that forms the character of the area and would adversely affect the living conditions of the occupiers of the host dwelling. A new separate dwelling in this location would conflict with Policies BSC1, ESD1, ESD15 and Villages 1 of the CLP 2015, retained policies H18, C28 and C30 of CLP 1996, and the relevant paragraphs of the NPPF. Any future application to subdivide it / for it to be used as a separate dwelling would therefore not be considered favourably.
- 8.7. However, it is noted that in this instance the proposal is for an ancillary use, the applicant having provided additional information confirming that the proposed residential development would remain ancillary to the host dwelling and that it would be for letting on a short-term basis of 12 months and then re-advertised.
- 8.8. It is also noted that the site is on residential land forming part of the planning unit of Gautherns Barn and given its size and siting occupiers of the accommodation would be dependent on the host dwelling for access and garden space albeit with a commercial lettings element.
- 8.9. Given the scale of the building and the first floor accommodation, it is reasonable and necessary to ask the question as to whether the development remains ancillary to the dwelling, given that the accommodation could be used independently of the main dwelling.
- 8.10. Officers note that the ground floor space would be retained in its existing use i.e. as a garage with a conservatory to the rear, purposes ancillary to the existing dwelling. Officers consider that this means the proposal would not lead to a totally new independent planning unit. The relationship between the ground floor and first floor uses is explored in later sections of this report.
- 8.11. It is therefore considered, on balance, and given the special circumstances in relation to the previous consent, and the fallback position that the first floor may be used for a beauty salon, and that it is not being proposed as a separate dwelling but for 12 month lets that, subject to condition of the development remaining ancillary to the host dwelling, the development is acceptable in this instance.

Design and Impact on the Character of the Area

- 8.12. The development that has been carried out is not readily visible from the highway and public realm due to its positioning, being set back from the highway and in addition to the screening provided by the existing vegetation around the site.
- 8.13. The development has a localised visual impact due to its nature and it is considered subservient in relation to the existing dwelling. The proposal is therefore considered not to have a significant impact on the visual amenity of the area.
- 8.14. Overall, therefore, the proposal accords with Policies ESD13 and ESD15 of the CLP 2015, retained Policy C28 of the CLP 1996, and the relevant paragraphs of the NPPF.

Residential Amenity

- 8.15. Given the isolated location of the existing dwelling with its nearest neighbour set over 312m away, it is considered that the development does not have any impact on the amenity of any neighbours.
- 8.16. However, it is noted that at ground floor level there is a conservatory to the rear of the garaging, down into which occupiers of the first floor accommodation could look. Thus, the spatial and physical relationship between the first floor use and the ground floor use would not be acceptable as two separate planning units; i.e. there would be harm through overlooking. In order to make the development acceptable in this regard it would be necessary for the first floor accommodation to remain ancillary to the main dwelling and not to be sold or sub-let separately from the same.
- 8.17. Overall, subject to a condition in this regard, the proposal is considered not to adversely affect the living conditions of neighbouring residents, either through loss of light or outlook or overlooking or an imposing or overbearing form of development, and therefore to accord with Policy ESD15 of the CLP 2015, retained Policy C30 of the CLP 1996 and Government guidance in the NPPF in this regard.

Highway Safety/Parking Provision

- 8.18. The Local Highway Authority (LHA) has raised no objections to the proposal, recommending a condition for electric vehicle charging point and covered cycle provision. The LHA notes that the site has a suitable vehicle parking area, the proposed access is existing, and that vehicle trips expected as a result of the change of use are unlikely to be higher than the existing use, and that this proposal is unlikely to have an adverse impact on the highway in terms of safety or traffic terms.
- 8.19. Officers agree with this advice; however, the requirement for electric vehicle charging infrastructure falls within the remit of Building Control and not planning, and would therefore not meet the government's tests for conditions. Overall, subject to the condition on covered cycle parking provision would not have a detrimental impact in terms of highway safety and convenience. The proposals are therefore considered acceptable and would also comply with Policy ESD15 of the CLP 2015.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. For the reasons set out in this report, the development respects the character and appearance of the area and subject to conditions does not adversely affect residential amenity. In addition, the proposal does not adversely impact on highway safety and there is sufficient parking provision. On balance, and subject to conditions, the proposal thus complies with Policies ESD1 and ESD15 of the CLP 2015, retained Policies C28 and C30 of the CLP 1996, and the relevant paragraphs of the NPPF.

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 retained hereafter in accordance with the drawings numbered E-001 Revision -A, E-002 Revision A, E-003 and emails to the local planning authority from the applicant's agent (Antony Humphrey) dated

13.11.2024 at 1611 hrs and 18.11.2024 at 17:10hrs confirming and agreeing to the development as a first floor residential accommodation and an ancillary development to Gautherns Barn.

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 residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C38 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

2. The accommodation hereby permitted shall not be sold (freehold or leasehold) separately from the existing dwelling house currently known as Gautherns Barn Colony Road Sibford Gower Oxfordshire OX15 5RY nor shall it be sub-let or used as an independent dwelling unit but can be leased or rented for no more than a period of 12-months for each term in accordance with the emails listed in Condition 1 of this planning permission and shall upon the cessation of the said use return to being wholly ancillary to the use of the said dwelling house.

Reason: The site is unsuitable to accommodate a separate dwelling, being within the open countryside, remote from key facilities and services and contrary to planning policies seeking to protect the countryside from sporadic development that is unrelated to a legitimate agricultural, forestry or other existing undertaking requirement, and because a new dwelling in this location would be significantly and demonstrably out of keeping with the pattern of development that forms the character of the area and would adversely affect the living conditions of the occupiers of both the host dwelling and the accommodation hereby approved, and to ensure the development is and remains sustainable development, and to comply with Policies BSC1, ESD1, ESD15 and Villages 1 of the Cherwell Local Plan 2011-2031, retained policies H18, C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. Within six months of the date of this decision access to 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.

Case Officer: Michael Sackey

DATE:

Checked By: Nathanael Stock

DATE: 25.11.2024
