

Cherwell District Council

Town And Country Planning Act 1990 (As Amended)

An appeal by:

Mr. Geoffrey Richard Noquet

Against the
Non-Determination of
Application 13/00781/F
for the Change of Use
of a Redundant Barn/Store
into a 1 Bedroom Self-Contained
Holiday Letting Cottage at:

**Bishops End
Burdrop
Banbury
Oxfordshire
OX15 5RQ**

WRITTEN STATEMENT

PINS Ref:

APP/C3105/A/13/2203382

LPA Ref:

13/00781/F

Date: October 2013

The Appeal Site and Surroundings

1. The appeal relates to a substantial stone built property under a slate roof, on the edge of Burdrop, overlooking the 'Sib-valley' which separates Sibford Gower and Burdrop from Sibford Ferris. Whilst there are three settlements, they are functionally and socially linked, with each of the settlements providing services and custom for the other.
2. The site is within the Sibford Gower and Burdrop Conservation Area; first designated in January 1988. That Conservation Area, as well as the contiguous Sibford Ferris Conservation Area was subject to a review and appraisal in April 2012. The site lies within the locally designated Area of High Landscape Value and there are several Grade II listed buildings opposite and adjacent to this site. The appeal building itself is not listed.
3. The appeal proposal sought planning permission to convert a redundant barn/store building into a self contained holiday let. The ground floor would provide a kitchen/dining area with stairs leading to the first floor which would then provide a bedroom and bathroom. The levels at the site allow access to the first floor from the car park and access to the ground floor from the front of the building.

Planning History

4. There have been a number of applications on this site as set out below.
 - **13/00808/CLUE** – Certificate of Lawfulness for an Existing Use – Change of Use from A4 to A1. Refused 13 July 2103.
 - **12/00020/ECOU** – Enforcement Notice served for the unauthorised change of use of the building from A4 (Drinking Establishment) to C3 (Dwellinghouse). Appeal APP/C3105/C/12/2170904 dismissed 4 October 2012
 - **12/00796/CLUE** – Certificate of Lawful Use Existing – Use as a single dwelling house. Refused 12 July 2012
 - **12/00678/F** – Change of use of a vacant public house to C3 residential. Refused 20 July 2012. Appeal APP/C3105/A/13/2190714 dismissed 13 August 2013

- **12/00011/CLUE** – Certificate of Lawful Use Existing – Use as a single dwelling house. Refused 15 February 2012. Appeal APP/C3105/A/12/2170904 dismissed 4 October 2012
 - **09/01275/F** – Alterations and extensions to barn to provide 4no. en-suite letting rooms; withdrawn
 - **09/01557/F** – Change of use from closed public house to dwelling; withdrawn
 - **07/00630/F** – Resubmission of 06/01697/F - Change of use from licensed premises to dwelling house; refused
 - **06/01697/F** – Change of use from licensed premises to dwelling house; refused
5. Application 13/00781/F was received by Cherwell District Council on 24th May 2013 and registered valid on 13th June 2013. The appellant applied for planning permission to convert a store building at the site into a holiday let. The statutory determination date for the Council to determine the application was 8th August 2013. The Council failed to determine the application before this date so the applicant appealed the application as a non-determination on 9th August 2013.
6. As a result of the appeal, the application was presented to the Planning Committee on 3rd October 2013. A copy of the committee report and minutes are attached to this statement. Member's of the committee considered the application and resolved that had they had the opportunity to determine the application, it would have granted planning permission, subject to conditions.
7. Therefore, the Council are satisfied that the development is acceptable and planning permission would have been granted. Member's did require amendments to the conditions suggested within the committee report in that condition 3 should include the word "ancillary" to ensure that the accommodation remains part of the site at Bishops End and condition 5 is amended to read "occupation" instead of "commencement".

8. Therefore, should the Inspector be minded to allow this appeal, it is requested that consideration be given to imposing the planning conditions set out at below.

SUGGESTED CONDITIONS

1. That 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 following plans and documents: Drawing No. 1, 2, 3, 4, 5, 6 and Design and Access Statement submitted in support of the application

Reason - For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the National Planning Policy Framework March 2012.

3. That the building shall be used only for the purpose of holiday lets only and remain ancillary to Bishops End. The building shall not be used for any other purpose whatsoever, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 of the adopted Cherwell Local Plan.

4. The premises shall not be let to any person or connected group of persons for a period exceeding eight weeks in any one calendar year.

Reason: To ensure the premises are available for short term holiday let purposes.

5. Prior to the occupation of the development hereby approved, a plan showing a car parking provision for four spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in the National Planning Policy Framework March 2012.

COMMITTEE REPORT 3rd OCTOBER 2013

Committee: Planning Committee

Date: Thursday 3 October 2013

Time: 4.00 pm

Venue Bodicote House, Bodicote, Banbury, OX15 4AA

Membership

Councillor Rose Stratford (Chairman)

Councillor Ken Atack

Councillor Fred Blackwell

Councillor Tim Emptage

Councillor Chris Heath

Councillor Russell Hurle

Councillor James Macnamara

Councillor G A Reynolds

Councillor Trevor Stevens

Councillor Alastair Milne Home (Vice-Chairman)

Councillor Andrew Beere

Councillor Colin Clarke

Councillor Michael Gibbard

Councillor David Hughes

Councillor Mike Kerford-Byrnes

Councillor D M Pickford

Councillor Gordon Ross

Councillor Lawrie Stratford

Substitutes

Councillor Diana Edwards

Councillor Simon Holland

Councillor Jon O'Neill

Councillor Lynn Pratt

Councillor Nicholas Turner

Councillor Barry Wood

Councillor Andrew Fulljames

Councillor Kieron Mallon

Councillor P A O'Sullivan

Councillor Nigel Randall

Councillor Douglas Williamson

Councillor Sean Woodcock

AGENDA

- 1. Apologies for Absence and Notification of Substitute Members**
- 2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chairman to report on any requests to address the meeting.

4. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

5. Minutes (Pages 1 - 15)

To confirm as a correct record the Minutes of the meeting of the Committee held on 5 September 2013.

Planning Applications

6. **Heyford Park, Camp Road, Upper Heyford (Pages 19 - 30) 13/00153/DISC**
7. **Banbury Gateway, Acorn Way, Banbury, OX16 3JU (Pages 31 - 35) 13/00227/F**
8. **The Bishops End, Burdrop, Banbury, OX15 5RQ (Pages 36 - 43) 13/00781/F**
9. **Deerfields Farm, Canal Lane, Bodicote, OX15 4AD (Pages 44 - 49) 13/00823/F**
10. **Land North of Bletchingdon Road, Bletchingdon (Pages 50 - 75) 13/00833/F**
11. **Land North of Willowbank Farm, Fritwell Road, Fewcott (Pages 76 - 103)
13/00944/F**
12. **Land south and adjacent to Cedar House, Souldern (Pages 104 - 113)
13/00984/F**
13. **LR 17 Vicarage Road & LA 26 Webbs Way, Kidlington (Pages 114 - 124)
13/00990/F**
14. **OS Parcel North of Adderbury Court, Oxford Road, Adderbury
(Pages 125 - 155) 13/00996/F**
15. **Land at Rowles Farm, Bletchingdon (Pages 156 - 175) 13/01027/F**
16. **South Lodge, Fringford Road, Caversfield, Bicester
(Pages 176 - 227) 13/01056/OUT**
17. **Bicester Golf and Country Club, Akeman St, Chesterton
(Pages 228 - 241) 13/01102/F**
18. **Fairway Methodist Church, The Fairway, Banbury
(Pages 242 - 248) 13/01153/CDC**

13/00781/F



Bishops End
Westside Cottage
Burdrop
Wyke Cottage
Banbury
OX15 5RQ

Barthrop Cottage
The Little House

The Gables

170.9m

Barn Close

Bishops End

Scale
1:500

**The Bishops End
Burdrop
Banbury
OX15 5RQ**

13/00781/F

Ward: Sibford Gower

District Councillor(s): Cllr Reynolds

Case Officer: Graham Wyatt

Recommendation: Approve

Applicant: Mr Geoffrey Noquet

Application Description: Change of use of a redundant barn/store into a 1 bedroom self contained holiday letting cottage.

Committee Referral: At the request of Cllr. Reynolds.

1. Site Description and Proposal

- 1.1 **The applicant has appealed this application as the Council failed to determine the application within the statutory 8 week period. Therefore, the Council can no longer issue a decision on the application. It is brought before the committee to enable a view to be formed so that we can inform the Planning Inspectorate of the decision the Council would have made had it determined it within the statutory period.**
- 1.2 The application site is the Bishop Blaize public house, on the edge of Burdrop, overlooking the Sib valley. The building is within the Conservation Area but the property is not listed. To the front of the building is a barn, arranged perpendicularly to the main building, with a gable facing the road and a lean-to roof dropping from the level of the car park towards the 'front' of the public house building. The building has two floors.
- 1.3 The proposal seeks to convert the building into a self contained holiday let. The ground floor would provide a kitchen/dining area with stairs leading to the first floor which would then provide a bedroom and bathroom. The levels at the site allow access to the first floor from the car park and access to the ground floor from the front of the pub.

2. Application Publicity

- 2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The final date for comment on this application was 11th July 2013. Twenty four letters of objection were received (although some commentators sent in two objections) have been received as a result of the consultation process. The following material planning considerations were raised:
 - Loss of bottle store would not allow the public house to function;
 - Lack of parking at the site;

3. Consultations

- 3.1 **Sibford Gower Parish Council** – (Verbatim) This is a revival of a previous application (09/01275/F). The application was withdrawn when the applicants were informed that they would need a bat survey before proceeding with the work. They then proceeded without a bat survey and without planning permission to carry out the conversion, and applied for retrospective planning permission for the completed development. Despite the objections of Sibford Gower Parish Council this was granted (13/00116/F: New roof to barn; 3 No rooflights and door installed to upper floor). The barn was then ostensibly used as a base for a new unauthorised business in wood burning stoves; the intention is now to make the barn redundant by moving the “business” into the main property.
- 3.2
- 3.3 This would appear to be a very dubious procedure under planning law. Nevertheless the Parish Council was minded in 2009 to accept the earlier proposal for holiday letting accommodation, on condition that a section 106 agreement was reached which contained the following conditions:
- Permission should be granted for this change of use only in connection with the business of the public house and on condition that the public house was reopened.
- There should be an absolute legally binding provision that the conversion could never be sold separately from the public house.
- 3.4 Given the history of applications concerning this property we think that, if Cherwell is minded to consider this application, these two conditions are essential to prevent abuse of any permission granted.
- 3.5 **Sibford Ferris Parish Council** – Sibford Ferris Parish Council does not object to this proposal subject to certain conditions being imposed. Permission should be granted for this change of use only in connection with the business of the public house, if possible on condition that the public house was reopened. There should be a legally binding provision that the conversion could never be sold separately from the public house nor that it can become a residential property without the holiday letting restrictions. Given the history of applications concerning this property we think that, if Cherwell is minded to consider this application, these two conditions are important given the ongoing planning applications and appeals in relation to the property as a whole.

Oxfordshire County Council Consultees

- 3.6 **Highways** – No objection.
- 3.7 **OCC Archaeologist** - The proposals outlined in your letter would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

4. Relevant National and Local Policy and Guidance Policy Considerations

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H19: Conversion of buildings in the countryside

C28: Layout, design and external appearance of new development

Other Material Policy and Guidance

National Planning Policy Framework

5. Appraisal

5.1 The issues raised by this development are:

- Planning history and background;
- Design of the converted building;
- Parking and highway safety; and
- Other matters.

Planning history and background

5.2 There is a long and substantial planning history relating to this site. That history, with relevant commentary has been set out in some detail in both the application report to 12/00678/F and in the Council evidence and eventual decision letter for 12/00020/ECOU. It is not necessary to repeat that history here, beyond noting that a withdrawn application in 2009 did seek to carry out works to the store, but that application was not progressed.

5.3 It should be noted that the lawful use of the site is a public house (A4). Until recently, the unauthorised use was as a dwellinghouse (C3) although at the time of writing this report it would seem attempts to revert the main building back to a pub (A4) had taken place which would comply with the requirements of enforcement notice 12/00020/ECOU. Whether the revision back to its lawful A4 use has occurred is a matter upon which we are seeking legal advice but that is not relevant for the assessment of the acceptability of this application.

5.4 Concerns have been raised that the store is in fact a "bottle store" and its loss would preclude the effective running of the pub. However, regardless of its designation within the use of the pub, the fact remains that there is ample room within other areas of the building where bottles and drinks can be stored. The change of use of the store to a holiday let will not hinder the operation of the building as a public house.

- 5.5 Many of the representations on the application have suggested that the application should be refused solely because it is retrospective, and that the applicants should be forced to put the building back to its former state. It is important to note that retrospective applications are a lawful way to proceed; they are provided for in the Acts and the relevant Orders and as such the Council must determine the application wholly on its merits as with any other planning application.

Design of the converted building

- 5.6 The design of the building remains largely unaltered externally to that which was approved under application 13/00116/F which allowed the new roof to the barn with three rooflights and a new door to the upper level. Internally, the development proposes a kitchen/dining room and lounge at ground floor. Internal stairs lead to the first floor where a bedroom a bathroom are proposed.
- 5.7 Being within the Conservation Area, to be acceptable the proposal must either preserve or enhance the character or appearance of the Conservation Area. For the same reasons as above, I consider that the proposal preserves the character of the Conservation Area. Furthermore, as the proposal does not harm the viability of the public house, the proposal does not affect the potential for that use to return; a consideration which is in itself important for the character of the area.
- 5.8 It is not uncommon for public houses and private dwellings to seek to utilise additional accommodation to create holiday lets. These are normally considered acceptable provided the new accommodation is created within an existing building which is not extended or altered significantly. The development should also not have a detrimental impact on the amenities of adjoining occupiers.
- 5.9 Policy H19 of the Adopted Cherwell Local Plan 1996 allows the conversion of buildings in the countryside providing it can be achieved without extensive re-building or alterations and would not cause significant harm to the character of the countryside. In this instance, it is considered that as the development represents a proportionate and well designed conversion that will not be unduly prominent nor detract from the character and appearance of the existing property or wider area as a whole. The proposal will not have a detrimental impact on the amenities of adjoining occupiers to an unacceptable level.

Parking and highway safety

- 5.10 Oxfordshire County Council Highway Authority have raised no objection to the application on the grounds of highway safety as sufficient parking to serve the dwelling would be retained on site. I see no reason to disagree with this assessment and consider the proposal to accord with Government guidance contained within the NPPF.

5.11 Other matters

Sibford Gower Parish Council have suggested that the application be the subject of a legal agreement to ensure that the use is association with the pub and that the building cannot be sold separately from the main building. These matters can be dealt with by condition and it is not necessary to require a legal agreement in this instance.

Conclusion

- 5.12 In conclusion therefore taking into account the above appraisal it is considered that the proposal is acceptable and complies with the Government guidance contained in the NPPF and the other relevant development plan policies listed above.

Recommendation

The Committee is asked to endorse the following

Had the application still been before the Council for determination it would have been approved with the following conditions

Conditions

1. That 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 following plans and documents: Drawing No. 1, 2, 3, 4, 5, 6 and Design and Access Statement submitted in support of the application

Reason - For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the National Planning Policy Framework March 2012.

3. That the building shall be used only for the purpose of holiday lets only and for no other purpose whatsoever, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 of the adopted Cherwell Local Plan.

4. The premises shall not be let to any person or connected group of persons for a period exceeding eight weeks in any one calendar year.

Reason: To ensure the premises are available for short term holiday let purposes.

5. Prior to the commencement of the development hereby approved, a plan showing a car parking provision for four spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government advice in the National Planning Policy Framework March 2012.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

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| CONTACT OFFICER: Graham Wyatt |
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| TELEPHONE NO: Ext 1811 |
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Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House,
Bodicote, Banbury, OX15 4AA, on 3 October 2013 at 4.00 pm

Present: Councillor Rose Stratford (Chairman)

Councillor Ken Atack
Councillor Andrew Beere
Councillor Fred Blackwell
Councillor Colin Clarke
Councillor Tim Emptage
Councillor Chris Heath
Councillor David Hughes
Councillor Russell Hurle
Councillor Mike Kerford-Byrnes
Councillor James Macnamara
Councillor D M Pickford
Councillor G A Reynolds
Councillor Gordon Ross
Councillor Trevor Stevens
Councillor Lawrie Stratford

Substitute Members: Councillor Nigel Randall (In place of Councillor Alastair Milne Home)
Councillor Barry Wood (In place of Councillor Michael Gibbard)

Apologies for absence: Councillor Alastair Milne Home
Councillor Michael Gibbard

Officers: Bob Duxbury, Development Control Team Leader
Rebecca Horley, Principal Planning Officer
Andrew Lewis, Senior Planning Officer
Clare Mitchell, Design and Conservation Team Leader
Graham Wyatt, Senior Planning Officer
Ross Chambers, Solicitor
Natasha Clark, Team Leader, Democratic and Elections
Aaron Hetherington, Democratic and Elections Officer

In reaching their decision, the committee considered the officers report and presentation.

Resolved

That, subject to receipt of a revised Design Code to the satisfaction of officers, the Design Code for Heyford Park required pursuant to condition 8 of planning permission 10/01642/OUT be approved.

111 **Banbury Gateway, Acorn Way, Banbury, OX16 3JU**

The Committee considered application 13/00227/F for the variation of condition 34 of 11/01870/F – Amendments to units 1 and 2.

In reaching their decision, members considered the officers report, presentation and written update.

Resolved

That the decision to approve application 13/00227/F subject to the variation of the legal agreement attached to application 11/01870/F and the conditions suggested within the Officers report of 16 May 2013 be reaffirmed.

112 **The Bishops End, Burdrop, Banbury, OX15 5RQ**

The Committee considered application 13/00781/F for the change of use of a redundant barn/store into a 1 bedroom self contained holiday letting cottage.

In reaching their decision, the committee considered the officers report written update and presentation.

Resolved

That the following be endorsed;

Had application 13/00781/F still been before the council for determination it would have been approved, with the following conditions:

1. That 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.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Drawing No. 1, 2, 3, 4, 5, 6 and Design and Access Statement submitted in support of the application
3. That the building shall be used only for the purpose of holiday lets only and for no other purpose whatsoever, including any other purpose in

Class C of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

4. The premises shall not be let to any person or connected group of persons for a period exceeding eight weeks in any one calendar year.
5. Prior to the commencement of the development hereby approved, a plan showing a car parking provision for four spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

113 **Deerfields Farm, Canal Lane, Bodicote, OX15 4AD**

The Chairman reported that the application had been withdrawn by the applicant.

114 **Land North of Bletchingdon Road, Bletchingdon**

The Committee considered application 13/00833/F for a Primary school, village hall, access and parking.

Tony Saunders addressed the Committee on behalf of Bletchingdon Parish Council in support of the application.

In reaching their decision, the committee considered the officers report, presentation and the presentation of the public speaker.

Resolved

That application 13/00833/F be approved, subject to the following conditions:

1. That 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.
2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the Thermal Modelling Report produced by Ridge and Partners LLP and dated August 2013; the Noise Impact Assessment dated 12 August 2013 the following approved plans: 1220 051; 1220 053; 1220 056a; 1220 200; 1220 300 D; 1220 310 B; 1220 311 B; and 13 1034/ESA/L/001.
3. Prior to the construction of the walls of the school and village hall hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the