



## **Appeal Statement of Case on behalf of Appellant**

**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)**

**Council Application Reference 16/01563/F**

**At Muddle Barn Farm Colony Road Sibford Gower OX15 5RY**

**APRIL 2017**

**1. INTRODUCTION**

**1.1.** This appeal relates to the refusal of Cherwell District Council to permit the “**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)**”.

**1.2.** Planning permission was refused by notice dated 1 November 2016 for the following reason:

*The proposals would result in a considerably larger dwelling than the one it would replace, on a different siting and not within the curtilage of the existing dwelling, and would not be for an agricultural or other land based business. Therefore, by virtue of its scale and siting, the proposal would not constitute an appropriate replacement dwelling and would result in a new dwelling in an isolated location in the countryside. In addition, by virtue of its scale and siting, the proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape. The proposal therefore conflicts with Policies H17, H18, C30 (i) of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and paragraphs 17 and 55 of the National Planning Policy Framework.*

**1.3.** The application was screened by the Council in relation to the EIA Regulations and the Council concluded that the development is not EIA development (**Appendix 1**).

**1.4.** The application was submitted following extensive negotiations with the Council’s officers which had resulted in two earlier applications being withdrawn (Council references 14/02157/F and 15/01693/F). The discussions with the Council’s officers continued after the last application was withdrawn as the appellant was keen to ensure that the officers would be able to support the proposal.

**1.5.** The appeal scheme was revised during the course of its processing by the Council’s officers in order to address some residual concerns which the officers had. It was presented to the Council’s Planning Committee for determination on 27 October 2016. The officer’s report (**Appendix 2**) recommended that the application should be

**approved**, subject to a number of conditions. Attention is drawn to the conclusions of the report which state:

*“The proposal would not adversely affect residential amenity, local highway safety, ecology or flood risk. The proposal would result in a significantly larger dwelling than the one it would replace, on a different siting but partly within the curtilage of the existing dwelling. Overall, having regard to its high architectural quality and subject to conditions re materials, detailing, landscaping and withdrawal of permitted development rights, the currently proposal would not adversely affect the character of the countryside or the character and visual amenity of the local landscape. The current proposal would thus broadly comply with Policy H17 of the Cherwell Local Plan 1996 and paragraph 55 of the Framework, and accord with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance with the National Planning Policy Framework”.*

- 1.6. Before its rejection by the Committee the officers noted that the Council’s policy which relates to replacement dwellings was dated and unduly restrictive. They indicated that the expert evidence from officers, including the landscape officer, was that there would not be any harm and that the development would not conflict with the three elements of sustainable development set out in the NPPF. They noted that the Council had permitted similar developments in the past and that the design was well thought through and of high quality. They noted that officers would find it difficult to support rejection of the scheme if there was an appeal as it would not cause harm.
- 1.7. Notwithstanding the advice of its professional officers, the application was rejected on being put to a vote by 8:5, the reasons for refusal unusually being left for officers and the Chairman of the Committee (who supported the proposal) to agree afterwards.
- 1.8. No technical objections have been raised to the development. The Council’s landscape and conservation officers raised no objections subject to conditions. The refusal reason does not include objections to the design of the dwelling, which officers advised is of high quality, but relate to the scale and siting of the proposed dwelling

and its alleged impact on the landscape (which concerns were not shared by its professional officers).

## **2. PLANNING BACKGROUND**

- 2.1.** There have been a number of planning applications which are relevant to the proposal and these are described below.
- 2.2.** Application CHN.600/85: Erection of new agricultural workers' bungalow. This was permitted on 8 January 1986 subject to an agricultural occupancy condition. The new dwelling is that which exists today, having an undistinguished chalet style character reflective of more "suburban" typologies.
- 2.3.** Application 14/01100/CLUE: This application sought a lawful use certificate in respect of the existing dwelling. The dwelling had been permitted originally in the mid-1980s subject to a condition relating to agricultural occupation. It had been occupied since 1997 in relation to an equestrian business in breach of the condition and had not been occupied in compliance with the condition since then.
- 2.4.** The Council issued a certificate on 26 August 2014 to confirm that the occupation of the dwelling in breach of the condition was lawful. It has not been occupied in compliance with the condition since then, and equestrian activities continue to take place in part of the existing buildings and on the adjoining land.
- 2.5.** Application 14/02157/F and 15/01693/F: These applications sought the replacement of the existing dwelling by a new dwelling. The applications were withdrawn following continuing discussions with the Council's officers to arrive at a siting, scale and design of dwelling which would be appropriate. Each application included the removal of the existing dwelling and a number of the existing equestrian buildings from the site. The discussions with the Council's officers included the acceptance by officers that the new dwelling should be re-sited and not simply retained in the position of the existing dwelling.
- 2.6.** In relation to similar proposals to the appeal scheme, The Inspector's attention is drawn to Section 7 of the Planning Statement which accompanied the appeal application. The Section draws attention to a number of other planning permissions which have been granted by the Council in circumstances similar to those in this

appeal. These will not be repeated here but attention is drawn to Manor Farm Bungalow, Hornton and the officer's report to the Planning Committee (**Appendix 3**).

**2.7.** The development related to a much smaller site than the current appeal proposal. Whilst the latest Local Plan had not been adopted, the officers concluded that it was a material planning consideration and took it into account as well as the saved policies of the (now old) Local Plan. The report notes that *"The requirement that dwellings have to be statutorily unfit has largely set (sic) to one side in recent years, and it is considered that the policy does not fully comply with guidance set out in the National Planning Policy Framework, as the Framework does not seek to restrict the replacement of dwellings in this way"*.

**2.8.** It goes on to note that the proposed dwelling was outside the current curtilage and was considerably larger than the bungalow it was replacing. Nonetheless, the report concludes that:

5 8 Whilst the proposal does not comply with the strict interpretation of Policy H17 it is important to make an evaluation in conjunction with the supporting text, which states *'the protection of the character of the countryside will be a primary objective in all cases, and proposals for substantially larger and more conspicuous dwellings in the countryside will be resisted'* The bungalow occupies a hilltop position and given the lack of trees/screening in the locality it is quite prominent. However, the scale of the large agricultural buildings dwarfs the existing dwelling.

5 9 The proposal seeks to remove the agricultural buildings and the existing bungalow. The new dwelling would be located further to the south of the existing bungalow, therefore taking it off the hilltop. Furthermore, the removal of the large agricultural buildings would significantly reduce the overall prominence of the site.

5 12 Therefore, although it is accepted that there is some degree of conflict with Policy H17 of the adopted Cherwell Local Plan, the proposal is considered to accord with the lower case supporting text and the National Planning Policy Framework as the proposal aims to protect the character of the countryside.

**2.9.** Recent Applications: Application 17/00259/HPA: The application sought the Council's determination as to whether "prior approval" was required for a single storey rear extension to the existing dwelling on the appeal site as its length would be some 8m to the rear of the dwelling. By Notice dated 3 March 2017, the Council indicated that prior approval was not required and the development could be carried out as submitted (**Appendix 4**).

**2.10.** Application 17/00191/CLUP: This application sought a certificate of lawfulness for a proposed development comprising 2 single storey side extensions, a single storey rear

extension and detached outbuilding. The certificate was granted on 22 March 2017 (Appendix 5).

**2.11.** The purpose of the applications was to establish formally what could be added to the existing dwelling as a fallback to the current scheme. The proposed additions would have a volume of some 963.9 m<sup>3</sup>. Together with the existing dwelling and stables on the site, the total volume of buildings would then be some 7124.8 m<sup>3</sup>. The extensions would add some 299.12 m<sup>2</sup> of floor area to the existing dwelling.

**2.12.** Further comments will be added in dealing with the planning issues, below.

### 3. PLANNING POLICY CONSIDERATIONS

3.1. Much of the planning policy background is set out in the Planning Statement which accompanied the appeal application. The refusal reason includes reference to the following policies: H17, H18, and C30(i) of the Cherwell Local Plan 1996, Policy ESD13 of the Cherwell Local Plan 2011-2031 (Part 1) and paragraphs 17 and 55 of the NPPF.

3.2. Policy H17: This is a saved policy of the old Local Plan. It is a permissive policy which makes clear that a one for one replacement of an existing dwelling which is unfit or substandard will normally be permitted. The policy is applied in the green belt and elsewhere. It notes a number of provisos:

- (i) THE EXISTING BUILDING IS NOT A LISTED BUILDING CAPABLE OF RESTORATION OR SUITABLE FOR AN APPROPRIATE ALTERNATIVE AND BENEFICIAL USE; (ii) IN CASES WHERE THE EXISTING BUILDING LIES OUTSIDE THE LIMITS OF AN EXISTING SETTLEMENT, THE USE OF THE BUILDING AS A DWELLING HAS NOT BEEN ABANDONED OR EXTINGUISHED AND ITS PROPOSED REPLACEMENT IS SIMILAR IN SCALE AND WITHIN THE SAME CURTILAGE; (iii) THE PROPOSAL MEETS THE REQUIREMENTS OF THE OTHER POLICIES IN THE PLAN.

3.3. Paragraph 2.75 of the supporting text makes clear that the purpose of the provisos is because *“The protection of the character of the countryside will be a primary objective in all cases, and proposals for substantially larger and more conspicuous dwellings in the landscape will be resisted”*.

3.4. As noted above, this is the single policy in the 1996 Local Plan which covers replacement dwellings. It is outdated and, as noted in the Manor Farm Bungalow case, the requirement that a dwelling should be unfit or substandard has been set aside by the Council. Such restrictions do not appear in the NPPF, for example, when dealing with replacements in the green belt, to which policy H17 is also said to apply.

The policy does not explain what is to be regarded as “unfit” or “substandard”. For example, the dwelling currently on site was built in the mid-80’s and would not comply with modern Building Regulations, consequently being substandard in that respect.



As noted above, the purpose of the policy is to protect the countryside and to avoid dwellings which are more conspicuous in the landscape. In this case, the LVIA makes clear that the proposed would result in improvements overall such that the development, taken as a whole, would not conflict with the purpose of the policy.

- 3.5.** Policy H18 of the Local Plan 1996 is also referred to in the refusal reason. The policy relates to new dwellings in the countryside where one does not currently exist. It is **not** relevant to the appeal proposal which seeks to replace an existing dwelling and other buildings.
- 3.6.** Policy C30(i) comes under the heading of Design Control and notes that the Council will exercise its powers to ensure “(i) THAT NEW HOUSING DEVELOPMENT IS COMPATIBLE WITH THE APPEARANCE, CHARACTER, LAYOUT, SCALE AND DENSITY OF EXISTING DWELLINGS IN THE VICINITY”.
- 3.7.** Paragraph 9.69 of the Plan explains that the purpose of the policy is because “*The Council wishes to secure environmental enhancement through new development. Proposals that would detract from the character of an area owing to obviously poor design will be resisted. Similarly proposals that would change the established character of an area, by, for example, introducing high-density housing development where low densities predominate, will normally be unacceptable*”. It seeks environmental enhancement and to resist poor design. In the context of the appeal proposal, the Council’s officers concluded that the appeal proposals would be of a high standard of design and would not adversely impact on the countryside or be out of place.
- 3.8.** Policy ESD13 of the Cherwell Local Plan 2011-2031 relates to local landscape protection and enhancement:

**Policy ESD 13: Local Landscape Protection and Enhancement**

**Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.**

**Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:**

- **Cause undue visual intrusion into the open countryside**
- **Cause undue harm to important natural landscape features and topography**
- **Be inconsistent with local character**
- **Impact on areas judged to have a high level of tranquillity**
- **Harm the setting of settlements, buildings, structures or other landmark features, or**
- **Harm the historic value of the landscape.**

**Development proposals should have regard to the information and advice contained in the Council's Countryside Design Summary Supplementary Planning Guidance, and the Oxfordshire Wildlife and Landscape Study (OWLS), and be accompanied by a landscape assessment where appropriate.**

The Council's landscape and conservation officers had no objection to the proposed development. The appellant has commissioned a landscape and visual impact appraisal of the site and the development. This has been prepared by Colvin and Moggridge, Landscape Architects and is forwarded as a separate document which forms part of the appeal. The LVIA concludes that the development would have a positive impact overall. It would have: *"ultimately a positive effect on landscape character, biodiversity and visual amenity"*. The conclusions are repeated here for the sake of completeness:

*"7.1 The landscape assessment has found that the effect of the development proposals range from moderate to insignificant. It is accepted practice that where the assessment process has identified elements of the proposal to have a moderate or greater than moderate impact on the landscape mitigation measures are described. Accordingly the planting of trees including advanced nursery stock trees is proposed to quickly establish an informal native tree framework around the replacement house which will help to integrate the development into the wider landscape character and reduce the overall effect from moderate to slight.*

*7.2 The visual effect assessment has found that the effect of the development proposals on views ranges from substantial to negligible. Implementation of the tree planting within the curtilage of the replacement dwelling together with tree and hedge planting proposals in the wider landscape will mitigate the greater*

*effects reducing them to levels of slight or negligible. The proposed building does not detract from or block any noteworthy viewpoints. All views are experienced transiently.*

*7.3 Addressing Policy ESD13 'Local Landscape Protection and Enhancement' (Cherwell Local Plan 2011-2031 Part 1), the development will not be inconsistent with local character because:*

- In contrast to the existing house, it will use building materials appropriate for the locality;*
- it will not add to the developed countryside, it re-uses an existing site,*
- buildings of some scale are a visible part of the landscape character, and*
- planting to help integrate the replacement house into the landscape will reflect local landscape structure and character.*

*7.4 The development will not cause undue visual intrusion into the open countryside because existing vegetation and buildings will help to integrate the replacement house into the countryside;*

- the proposed development will retain all hedges and trees along the boundaries of the site;*
- the colour of building materials will associate with the natural colours of landscape, and*
- proposed planting will be of a type and character that will further integrate the house into its landscape setting*

*7.5 The site lies within the key landform and landscape feature of the ironstone ridges and valleys (ref. para B252 Cherwell Local Plan 2011-2031). The development will not cause undue harm to this natural feature because:*

- it is located within an already developed site;*
- the scale of the proposed development is small, and*
- the scheme is designed to integrate with the landscape.*

*7.6 The site lies within one of the two most tranquil areas in Cherwell District (based on CPRE's Tranquillity Map of Oxfordshire 2007): the development will not reduce the tranquillity of the area as the landuse is the same. On development, the existing equestrian business would be closed down, so overall the site will generate less noise and tranquillity will be enhanced.*

*7.7 The proposal will not harm the setting of settlements or buildings because*

- *it is not a new development site: it is located in a place where development is established and the built landuse familiar;*
- *the orientation of the replacement house is altered from that of the existing house in order to have a more natural alignment with New Barn Farm;*
- *existing boundary hedges and trees will be retained;*
- *its design attributes are in keeping with local character: the proposed house has a traditional design and will be built from traditional, local materials, and*
- *planting associated with the development, also in keeping with local character, will integrate the house into the landscape.*

*7.8 The proposed development site does not lie in a landscape formally designated for its value but the wider area has a strong sense of history given by the age and character of local settlements and buildings in the landscape, rural land-use and mature trees; larger houses are not uncommon in landscapes where farming has historically brought wealth and this sense of history will not be lost by the proposed development.*

*7.9 The development is considered to be positive because it will reinforce and enhance landscape character by:*

- *removing the small paddock landscape and associated fences*
- *removing prominent Lawson Cypress hedges*
- *restoring hedged field boundaries*
- *the planting of hedgerow trees, shrubs and woodland, and*
- *use of vernacular building materials*

*7.10 The development is considered to be positive because it will bring about an enhancement of landscape views by:*

- *the removal of an everyday farmhouse and modern farm buildings and replacement with a finely-designed Georgian house, set amongst trees, adding interest to cross-countryside views;*
- *the removal of uniform Lawson Cypress hedges which are unnatural in views, and*
- *incidentally establishing backdrop planting to New Barn Farm and retained farm buildings, softening their impact on views.*

*7.11 Restoring features of the historic landscape (simpler rectilinear field pattern), boundary hedges and hedgerow tree planting will reinforce attractive characteristics of the landscape (patchwork of fields, densely scattered hedgerow trees, mature thick hedges). Once these changes are implemented and planting has*

*established, the site will really exemplify wider landscape character. Proposed planting is not on a scale or of a type to change the nature of the valley landscape.*

*7.12 It is acknowledged that trees take time to grow and have visual presence but to precipitate this effect the landscape scheme will include the planting of some large trees at the outset to help integrate the built development into the landscape as soon as planted. Planting of additional smaller nursery stock will in time enhance this effect.*

*7.13 Four viewpoint photographs have been selected and the development of the planting over 15 years visualised (Figures 18-21). At the small scale shown it is difficult to portray planting with great accuracy. Planting plans have not yet been prepared but would seek to achieve the effect shown as soon as possible using a combination of advanced semi-mature and nursery stock. The successful establishment of the planting through an effective aftercare programme, including watering, will be key to its mitigating effect.*

*7.14 The planting will have screening effect in winter: twigs, branches and trunks will remain to filter views, reduce visibility and form backdrop. The majority of the trees planted around the house will be planted in groups, several trees deep, more so on the north side of the house, to give density and enhance the concealing effect during winter. Other planting proposed within the wider landscape, hedgerows, trees, woodland will also serve to integrate the development into the landscape. Key in achieving this too is the use of local stone in the building.*

*7.15 As well as creating a setting for the replacement dwelling, helping it to blend into countryside views and reinforcing landscape character, the landscape proposals address 'forces for change' described in the Oxfordshire Wildlife and Landscape Study. For example, the retention and reinforcement planting of existing hedgerows and the provision of new hedgerows will conserve and enhance the pattern of hedgerows; field pattern will also be strengthened by the replacement of fencing with hedgerow; pasture will be retained and small-scale deciduous woodland planted: all actions that will safeguard and enhance the landscape character of the site.*

*7.16 The proposed development will be a gain for biodiversity. The landscape scheme will use native and locally characteristic species to enhance existing landscape corridors and create cross-site connectivity where it currently does not exist; areas*

*of species diverse grassland, copses and many additional trees will be established to increase habitat diversity on the site.*

*7.17 It is the conclusion of this study that the proposed replacement house and its associated landscape will have ultimately a positive effect on landscape character, biodiversity and visual amenity”.*

**3.9.** Given the detailed analysis which has been undertaken and the views of the Council’s officers, the appeal proposal would meet the requirements of the Policy ESD13.

**3.10.** Lastly, the refusal reason refers to the NPPF, in particular paragraphs 17 and 55. Paragraph 17 of the NPPF sets out 12 overarching principles of planning. The Council does not indicate clearly how the development would conflict with any of the principles. However, the development proposed would:

- Enhance and improve the existing site and surroundings;
- Provide a development with a high quality of design providing a good standard of amenity and of a design appropriate to this setting;
- Recognise the intrinsic character and appearance of the countryside and takes it into account (see below in respect of a new Landscape and Visual Impact assessment which has been undertaken);
- Enhances the natural environment through new landscaping and the removal of non-native hedge planting;
- Reuses previously developed land by replacing existing buildings.

**3.11.** The Council has also referred to paragraph 55 of the NPPF. This paragraph relates to the provision of **new** housing in the countryside and not to the circumstances where a replacement dwelling is proposed. The appeal proposals provide for the replacement of an existing dwelling (which is able to be extended significantly), the replacement of buildings used for an equestrian business, and the enhancement of the site and surroundings. It would not introduce a new house where some special justification is required in accordance with this paragraph of the NPPF. Whilst the design of the new house is noted by the Council’s professional advisers as being of “high architectural quality”, it is not a case which is put on the basis of bullet point 4 of paragraph 55. This is because there is an existing dwelling on the site and the proposal is to replace it and other buildings with a development of much higher

quality in design and landscape terms (consistent with paragraphs 56 to 66 of the NPPF in respect of design): it is not seeking to introduce a new house where one does not exist at present.

- 3.12.** The NPPF presumes in favour of sustainable development. It notes the 3 dimensions of sustainable development (economic, social and environmental) and at paragraph 9 states that: *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life”*. The appeal development would improve the quality of the built environment and landscaping, removing a range of unattractive buildings and a dwelling of undistinguished appearance. It would replace poor design by better design, it would provide residential accommodation which meets the needs of the appellant, and would provide some limited economic benefits during the construction and landscaping phases of the development. Overall it would meet the tests of sustainability set out in the NPPF.

#### 4. THE PLANNING BALANCE

4.1. The Council's reason for refusal raises two main issues:

- Would the scale and size of replacement dwelling be inappropriate in this location and result in an isolated dwelling in the countryside
- Would the scale and size of dwelling have an adverse impact on the character and visual amenity of the local landscape.

4.2. The proposed development would replace an existing dwelling and would not introduce a further dwelling in the countryside. Replacement dwellings in the countryside are included as an acceptable form of development in the Council's saved policy H17 and the proposed development is a one for one replacement of the existing.

4.3. Policy H18 does not apply for the reason set out in paragraph 3.5 above. The development would not result in an isolated dwelling in the countryside any more than already exists on the site and which existing dwelling has unrestricted occupation.

4.4. The existing dwelling is some 200.6 m<sup>2</sup> and could be extended (by those additions accepted as lawful by the Council) to provide an additional 299.12 m<sup>2</sup> of floor area. This would provide a total of some 499.18 m<sup>2</sup>. The existing buildings on the site which form part of the equestrian business and which would be removed comprise some 792 m<sup>2</sup>.

4.5. The new dwelling would be some 734 m<sup>2</sup>. Whilst it would be larger than the existing dwelling as existing or as could be extended, this would ignore the merits of the replacement dwelling in design and landscape impact terms and would ignore the existing buildings which are also to be demolished. Overall, the existing dwelling and buildings to be removed would comprise some 1291 m<sup>2</sup>. This does not take into account the additions which could be added as "permitted development". In respect of volume the proposal includes the demolition and removal of buildings totalling some 4041.3m<sup>3</sup>. The new dwelling would provide some 2575.6m<sup>3</sup>, a net reduction of some 1465.7m<sup>3</sup> of buildings. If the existing dwelling was to be extended as set out in the lawful development certificate, it would add some 963.9m<sup>3</sup> to the site.



- 4.6.** Overall, therefore, the development would result in less buildings than exist. The Council's refusal reason takes no account of the non-residential buildings which would be removed and which would be of benefit to the character and appearance of the site and its surroundings, particularly bearing in mind the basis of the Council's policy, which primary objective is to protect the character of the countryside. In making its decision on the application, the Council has not considered the development plan as a whole and the implications of the development in its totality in that respect.
- 4.7.** The location of the proposed dwelling has been agreed in the discussions with the Council's officers. It would overlap the existing curtilage of the existing dwelling and have an improved relationship to the site boundaries and existing buildings. Again, given the primary objective of the Council's policy for replacement dwellings, it is a sterile argument that it would fail to be sustainable development or cause harm simply on the basis that it is not wholly within the existing curtilage. The slight relocation would permit a better relationship with site features and would enable the building to be in a lower part of the site.
- 4.8.** The primary objective of the Council's policy H17 has been carefully considered in the development of the proposals. The LVIA concludes that in contrast to the existing house, it will use building materials appropriate for the locality; it will not add to the developed countryside, it re-uses an existing site, buildings of some scale are a visible part of the landscape character, and planting to help integrate the replacement house into the landscape will reflect local landscape structure and character.
- 4.9.** In respect of visual impact, the LVIA concludes that the appeal development will not cause undue visual intrusion into the open countryside because existing vegetation and buildings will help to integrate the replacement house into the countryside; the proposed development will retain all hedges and trees along the boundaries of the site; the colour of building materials will associate with the natural colours of landscape, and the proposed planting will be of a type and character that will further integrate the house into its landscape setting.

- 4.10.** Overall, given the primary objective of Policy H17 and the requirements of Policy ESD13, the analysis concludes that there would be *a positive effect on landscape character, biodiversity and visual amenity*.
- 4.11.** Turning to the refusal reason, the development would constitute an “appropriate” replacement dwelling in the circumstances, which, whilst in an isolated position would replace an existing dwelling on a one for one basis. Conditions are able to be imposed to secure the removal of the existing buildings and to remove rights to undertake further extensions without the grant of planning permission.
- 4.12.** The development would be “sustainable” within the meaning of the NPPF given that it would replace existing buildings including an existing dwelling; would improve the design and appearance of the existing site; would be of a high standard of design and appearance; would provide some economic benefits during the construction phase (albeit for a limited period); and would lead to landscape, biodiversity and visual enhancements.
- 4.13.** The officer’s report to the Planning Committee draws attention to Policy ESD15 (The Character of the Built and Historic Environment) of the Cherwell Local Plan 2011-2031. This requires that “Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential”.
- 4.14.** The development would replace the existing undistinguished chalet-style dwelling with one noted as being of “high architectural quality” and which would be locally distinctive. The refusal reason raises no objection to the design of the dwelling proposed per se: the Council’s Conservation Officer originally raised some concerns over details of the scheme but ultimately, following changes, had no overall concerns subject to conditions (paragraph 7.14 of the officer’s report to Planning Committee 27 October 2016).

- 4.15.** The refusal reason does not indicate in what respect the provisions of Policy C30(i) would not be met by the development. The character and appearance of the site and its surroundings would be improved, the dwelling proposed would better relate to existing site features, the scale of development overall would be reduced, and the density of built development on the site would be reduced. The appeal proposal is clearly proposed to be a low density scheme: the policy is intended to relate to larger scale developments than simply single houses but in the appeal proposal the density of built development on the site would be reduced.
- 4.16.** The development would be consistent with the requirements of Policies C30(i) and ESD15 and the NPPF in relation to design.
- 4.17.** From a landscape perspective the development would remove the small paddock landscape and associated fences; remove the prominent Lawson Cypress hedges; restore hedged field boundaries; result in the planting of hedgerow trees, shrubs and woodland; and use vernacular building materials.
- 4.18.** Landscape views would be enhanced though the removal of the existing dwelling and modern farm buildings to be replaced by a new dwelling of fine design set amongst trees and adding interest to cross-countryside views; providing, incidentally, backdrop planting to New Barn Farm and retained farm buildings which would soften their impact on views.
- 4.19.** Restoring features of the historic landscape (simpler rectilinear field pattern), boundary hedges and hedgerow tree planting will reinforce attractive characteristics of the landscape (patchwork of fields, densely scattered hedgerow trees, mature thick hedges). Once the planting is established, the conclusion of the LVIA is that the site will then reflect wider landscape character. Its character would not be at odds with the wider landscape because the proposed planting is not on a scale or of a type to change the nature of the valley landscape.
- 4.20.** It is proposed to use native and locally characteristic species to enhance existing landscape corridors and create cross-site connectivity where it currently does not exist; areas of species diverse grassland, copses and many additional trees will be established to increase habitat diversity on the site.

- 4.21.** Having regard to the policies of the development plan, which should be considered as a whole, the development would not conflict with the plan overall. It would result in positive improvements to which considerable weight should be given.

## 5. CONCLUSIONS

- 5.1. This appeal results from the non-acceptance of the Council's officers' recommendation that the application should be approved. The officers had been discussing and negotiating the proposed development over a long period with the appellant and design team.
- 5.2. The negotiations had all been aimed at improving the quality of the development and its appearance in the landscape in order to meet the primary objective of the Council's replacement dwellings policy.
- 5.3. For the reasons given above, Policy H18 of the Council's 1996 Local Plan is not relevant. There is one dwelling on the site currently and there will be a one for one replacement. The development would not result in any additional dwellings in this location, which is the purpose of the policy.
- 5.4. Policy H17 is dated and does not reflect the NPPF in promoting sustainable development. It seeks to impose a higher threshold relating to the fitness of a dwelling than in, for example, green belts where the principle of the replacement of any dwelling is normally acceptable. As the Council's officers have noted, this aspect has been broadly set aside by the Council in its decision taking.
- 5.5. Whilst the size of the replacement dwelling proposed in this case would be larger than the existing, the development includes the removal of large unsightly equestrian buildings. Overall, there would be a reduction in built development on the site and a significant improvement in the appearance and character of the new dwelling, the landscaping of the site, and its appearance in the landscape.
- 5.6. The appellant has commissioned award winning architects and landscape architects. The refusal reason does not raise objection to the design per se, the officers concluding that the new dwelling would be of high architectural quality. In respect of landscape impact, the development has been carefully considered by the landscape architects who have been involved with the development proposals since its inception. They conclude that overall there would be *a positive effect on landscape character, biodiversity and visual amenity*. The Council's planning, landscape, and

conservation officers had no objections to the proposals and recognised the substantial benefits which would result.

- 5.7.** The development would meet the primary objective of policy H17, and would be of a design and landscape quality which would meet policies C30(i) of the Cherwell Local Plan 1996 and policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031. Taken as a whole, the development would not conflict with the development plan.
- 5.8.** Moreover, the development would be sustainable in the context of national planning policies and would not cause harm to any interest of acknowledged importance.
- 5.9.** The Inspector is therefore urged to allow this appeal

**APPENDIX 1**

10/1/20

# Public Protection & Development Management

Andy Preston – Head of Public Protection & Development Management

# Cherwell

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

Mr & Mrs G Besterman  
c/o Carter Jonas  
Ms Clare O'Hanlon  
Mayfield House  
256 Banbury Road  
Summertown  
Oxford  
OX2 7DE

*Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA*

*www.cherwell.gov.uk*

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Please ask for: Nathanael Stock

Direct Dial: 01295 221886

Email: [nathanael.stock@cherwell-dc.gov.uk](mailto:nathanael.stock@cherwell-dc.gov.uk)

Our Ref: 16/00064/SO

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25 August 2016

Dear Ms O'Hanlon,

**Application Ref**      **16/01563/F**

**Location**              **Muddle Barn Farm, Colony Road, Sibford Gower, OX15 5RY**

**Proposal**              **Screening Opinion – Demolition of an existing dwelling and equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (revised scheme of 15/01693/F)**

I write with regard to the above planning application, received on 3 August 2016. In accordance with Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2015 (hereafter referred to as "the EIA Regulations"), the Local Planning Authority ("LPA") considers that the application does not relate to a development within Schedule 2 to the Regulations. This letter constitutes the formal Screening Opinion of the LPA issued in accordance with Regulation 5 of the EIA Regulations.

This opinion has been made by an appropriately authorised officer at the Local Planning Authority. In accordance with the EIA Regulations, a copy of this screening opinion has been placed on the Planning Register.

If you have any queries regarding this matter, please contact the Case Officer Nathanael Stock (Development Management Team Leader) using the details at the head of this letter.

Yours sincerely



Head of Public Protection and  
Development Management



## APPENDIX 2

**Case Officer:** Nathanael Stock      **Ward(s):** Cropredy, Sibfords And Wroxtton

**Applicant:** Mr & Mrs Gregory Besterman

**Ward Member(s):** Cllr Ken Atack, Cllr George Reynolds, Cllr Douglas Webb

**Proposal:** 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)

**Committee Date:** 27 October 2016      **Recommendation:** Approve

## 1. Application Site and Locality

1.1 The application site is comprised of a single, detached dwelling, four large agricultural buildings (two detached, the other two linked to a neighbour's outbuildings) and other smaller structures, a horse walking area enclosed by hedges, and other hardstanding, as well as a manege to the west of the dwelling. A large area of agricultural land is also included within the blue line, i.e. the applicant's ownership, covering broadly 440 metres in a west-east direction and 290 metres in a north-south direction and bounded to the west by the county boundary between Oxfordshire and Warwickshire. This boundary also marks the eastern edge of the Cotswolds Area of Outstanding Natural Beauty. The site is accessed from Colony Road, a classified road, to the east. There are records of bats in the area. There are no other site specific constraints.

## 2. Description of Proposed Development

2.1 Planning permission is sought for the demolition of the existing dwelling, one existing outbuilding ('stable block 3') and part of another, and the erection of a replacement dwelling with associated soft and hard landscaping.

2.2 The main part of the proposed dwelling, two storeys in height with accommodation in the roof space, would feature four living rooms including dining room at ground floor level, with seven en suite bedrooms and a laundry room at upper levels. A single storey side element serving as kitchen/breakfast room would extend at ground floor level from the dwelling's north-east elevation, and from the kitchen a further single storey element would proceed in a south-east direction, providing pantry, WC, utility and plant room

2.3 The application is a revised scheme of 15/01593/F; the changes from that previous application are:

- The main dwelling has been moved approx. 13 metres N/NW
- The accompanying terrace has also been moved approx. 9 metres N/NW
- Associated changes to the landscaping of the site

- The wing has been reduced in extent, removing garages, workshop, gym, playroom, and second bathrooms and laundry rooms
- Retention of 'stable block 4' (existing building) – to be used as three garages plus store
- Retention of 'stable block 2' (existing building) – to be used as stabling
- Certain elevation changes, including roof shape returned from hipped to gable ended, and the design of the reduced wing (kitchen) amended
- Alterations to positions of chimneys (possibly differently to how we previously advised)

2.3 The proposal also includes the formation of hardstanding to form a new access drive, brick wall and piers to form a new stable yard adjacent to the existing stable blocks and partly in place of the outbuilding proposed for part demolition, alterations to a third outbuilding ('stable block 1') and its use for equestrian purposes, the planting of numerous trees, and alterations to ground levels to form a landscaped terrace to the west of the dwelling.

2.4 The application relates to drawings "1759.100E", "1759.110A", "1759.111A", "1759.118A", "1759.122A", "1759.125A" (window detail), "1759.126A" (dormer detail), "1759.127A" (stable 2), "1759.128A" (stable block 2), "1353.01C" (landscape proposals), a site location plan and drawings of the existing dwelling, site and outbuildings. The application is accompanied by a Design and Access Statement, ecology survey and planning statement.

### **3. Relevant Planning History**

14/01100/CLUE – Certificate of Lawfulness of Existing Use for the use of the dwelling in breach of Condition 5 (Agricultural Occupancy) CHN600/85 – granted

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 – withdrawn pending refusal

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) – withdrawn pending refusal

### **4. Response to Publicity**

Three letters of support received, one of whom is the closest neighbour; issues raised include: (1) the footprint has moved and overall size considerably decreased from previous proposals; (2) some / great enhancement to the character and appearance of the site; (3) the existing dwelling is of poor design; the proposed dwelling is a considerable improvement; (4) comprehensive landscaping scheme proposed; (5) proposal is more in keeping with its surrounds than existing property

### **5. Response to Consultation**

Parish/Town Council:

**Sibford Ferris Parish Council – Objects:**

As this property sits close to the border with the parish of Sibford Ferris and the proposed dwelling will be highly visible, the parish council would like to make comment on the application.

The parish council understands that the scale of the proposed dwelling and its siting have been amended from the previous application.

However, the design remains as a three-storey building to replace a two-storey building (H17).

The revised siting has not altered the fact that it will be positioned on a hill which will make it prominent when viewed from the valley to the east and its scale and design will be out of keeping with those around it (C30).

It is the view of the parish council, therefore, that the revised design still does not fit with planning policies as stated in the Cherwell Local Plan:

Local Plan C30: the new dwelling should be compatible with those around it in terms of appearance, character, layout, scale and density;

Local Plan H17: the scale of the new dwelling should not be significantly different to the one it is replacing.

**Sibford Gower Parish Council – Objects:**

With minor changes and a slight reduction in size, the application remains the same as before, for the replacement of the existing dwelling by a much larger private house of different character. We have considered the additional evidence presented by the applicants and do not find it convincing.

There is no reason to concur with the Landscape and Visual Assessment study previously submitted... in our view [the landscape] is incorrectly categorised as 'Rolling Village Pasture'. The extensive garden landscaping and planting around the house would indeed change the landscape nature of the valley as a whole. We are unhappy with this change in an area of High Landscape Value.

We do not find the parallels for historic large Georgian style buildings in the area convincing they are for the most part within the curtilage of a village rather than in open countryside, and do not override the planning regulations currently in force.

We do not accept the claim that Policy H17 'is an old and outdated policy' (Carter Jones document p10). It remains an essential criterion for limiting development within the countryside.

Despite the representations of the owner of New Barn Farm, we do not believe that the issue of the relation to New Barn Farm has been properly addressed.

Size: Despite their utilitarian nature, the present buildings are low and well shielded; they make little impact on the surrounding landscape. The proposal is to create a replacement dwelling five times the size of the original, erecting a four bedroom three storey house in place of a small three bedroom chalet type dwelling, together with a separate dwelling of two storeys which is approx. the same size as the original dwelling.

The Design and Access Statement makes much of the fact that because the new development is placed at a lower level on the site, its height above sea level will be identical with the old, at a building height of 177.58m. But that does not alter the fact that the ground floor to roof elevation of the new building is approx. one third greater than the old, and that the size and shape of the main house is much greater than the original.

Nor does it address the surrounding locality. The proposed development is situated on high land with magnificent views in every direction. These views extend as far as the Sibfords to the north (1 mile), Hook Norton to the east (3 miles), the Rollright Stones, Whichford Wood and Oatley Hill to the south (5-8 miles) and Broadway Tower to the west (13 miles). It will be prominently visible across a wide area.

The overall bulk and particularly the increased overall height of the development will also create an unacceptable impact on the immediate vicinity, dominating the valley. Whatever planting mitigation is proposed, any view of the building will stand out like a sore thumb across a landscape characterised by traditional and modest farm buildings, and the planting will change the nature of the valley and its landscape irrevocably in summer, while having no screening effect in winter. Some of this impact can be assessed by comparison with two nearby properties. New Barn Farm itself is very visible in the valley from surrounding hill paths; the new building will be in the same position, and approx. three times the size. The proposal is comparable in size to the dominant Gauthern's Barn on the other side of the valley (built before existing regulations were in place), but that at least is partially hidden from many angles by the bend in the valley.

Design: The proposal is to replace an admittedly undistinguished modest 60s chalet-type building with a mock Georgian mansion, or as the application calls it a 'finely designed Georgian house' (7.12) of 'country house character' or 'late Georgian Regency property' with 'later' Victorian additions. That may be appropriate for the deep Cotswolds, but is completely out of keeping with the traditional vernacular architecture of the Banbury ironstone area, and in particular the Sib Valley. The new proposal will permanently alter the landscape.

Paragraphs 59-60 of the Framework do not permit prescription on style but do suggest concentrating on 'overall scale, density, massing, height, landscape, layout... in relation to neighbouring buildings and the local area more generally', and state that 'it is proper to seek to promote or reinforce local distinctiveness'.

Local Plan H17 (retained) permits replacement of a dwelling outside the limits of an existing settlement provided that 'the proposed replacement is similar in scale and within the same curtilage'. This proposal is of a quite different scale, and is stated by the applicants to be in terms of floor area approx. five times the size of the original dwelling. The claim that this discrepancy can be mitigated by invoking permitted development guidelines seems to us irrelevant, and still leaves a shortfall of over 1,000 sq feet.

Local Plan C30 (retained) requires compatibility with appearance, character, layout, scale and density of existing dwellings in the vicinity. This has not been demonstrated in relation especially to New Barn Farm.

Local Plan Policy ESD13 – The valley in which the property stands is open farmland designated as an Area of High Landscape Value. While this designation does not itself affect

permitted development rights it must be asked whether the development is at all compatible with the aim of the Council as expressed in the Cherwell Local Plan 2011-2031.

Local Plan Policy ESD15 requires justification in terms of complementing and enhancing the context and an explanation of the design rationale. This has not been provided.

Cherwell District Council:

**Landscape** – No objection. With regard to my previous response of 09/02 I reaffirm no objection to the development of the reduced-scheme proposals, as long as the following conditions are met:

*A BS5837 Tree survey in respect of the large mature oak trees along the drive, all trees and hedgerows within an influencing distance of the demolition and construction work. Root protection areas to be defined and maintained during the duration of the work.*

*Detailed landscape proposals with plant schedule and specification (BS4428:1989 and National Plant Specification)*

*The proposed trees are appropriate in their species/variety for the soil and distance from foundations of New Barn Farm – a qualified structural engineer to be consulted.*

*Tree pit details (15m<sup>3</sup> of ameliorated on-site tree soil) are to be provided with trees supplied, planted and maintained in accordance with BS8545:2014.*

*Hedgerow retention for the northern, western, eastern and southern field/application site boundaries with a 3 m minimum maintenance height for landscape mitigation.*

**Ecology** – No comments received. With regard to previous application had no objection subject to conditions

**Conservation** – Comments as follows:

North elevation: It is a pity that all the accommodation cannot be contained within the main house. The addition of the kitchen extension, with its own extension for the utility/plant room do not enhance the design of the main house and are not yet fully resolved. The Architect was going to look at this following our meeting. Externally it would look better if the kitchen extension moved forward, this would avoid the awkward rainwater arrangement but would mean the kitchen would be entered on the corner. As proposed we have the awkward rainwater hopper arrangement to the valley and the door opens just off centre which would always look odd. By moving the kitchen forward to the west you would lose the thin window to the dining room but it would help the rainwater disposal and avoid the offset door under the ridge of the kitchen ceiling when looking towards the main house internally.

The detail of the rainwater goods/sump from valley gutter needs to be neatly handled and should be conditioned to arrive at a more elegant arrangement (see comment above).

Query how the rainwater disposal of flat roof below the ridge will be handled?

The presumed en-suite on gable wall at first floor won't have a window.

Position of door to master bedroom will no doubt change when the interior furniture is laid out, I wouldn't object if this altered later on.

Dormers look too tall, and corresponding proportion of glass – recommend these are reduced in height so the ridge of the dormer does not project above the ridge of the linking roof between the two main roofs and a the proportion of the glass is also shorter than currently shown in the dormer casements.

Glazed screen to kitchen to the west elevation the top of the screen aligns with top of windows to the main house but on east elevation top of window is lower. Consider it would look more subservient if the screen was also lower than the top of the windows.

The ridge of the utility/plant room wing needs to come in below the ridge of the kitchen extension, it looks a bit tight as drawn.

Query the treatment of the double doors on the utility/plant room wing are these louvred? If so the traditional game hanging larder structures might provide inspiration for ventilation. Details to be conditioned.

Outbuildings: During earlier discussions these were proposed to be removed as they were of low quality. Drg 1759.127 – is this being retained and converted to the stable?

Garage: Are they introducing 2No rooflights as the arrows only point to 2No as being existing?

Landscaping: The proposed landscaping needs to be carefully handled to blend with the existing landscape. It would be helpful to see updated visuals based on the current scheme.

Recommends conditions re. masonry, sample panel of masonry, lime mortar no cement gauging; chimney details; kneeler and coping detail; Eaves detail; String and plinth detail, including how the string returns; Detail of the corner stones to ensure the return of the stone is not thin – may need to have alternating L-shaped stones in plan to avoid this; Ventilation slots/in gable of utility/plant room wing; Doorcase details; Louvred window details; Cill and lintol details; Steps. [Also] Condition lead or Cast iron or rainwater goods and colour; as well as details in particular the north valley gutter above the kitchen and the flat roof of the main house. [Also] Condition Joinery: Timber sliding sash and case windows and colour:

Detail submitted shows sash box hidden in stone reveal (typical detail after 1774 in London by law, later copied in other parts of the country) with glazing bars at 35mm wide (typical 38mm in late 17thC/ early 18thC but by late 18thC the glazing bars had slimmed down), Historic England '<https://content.historicengland.org.uk/images-books/publications/traditional-windows-care-repair-upgrading/heag039-traditional-windows.pdf>' + need to think about avoiding cold bridging and draft-stripping in due course. Historic England illustrate slimline double glazing with an 18mm glazing bar. The colour of the spacer bar/edge between the two sheets of glass needs to have a non-metallic finish – matt black might work better with certain colours, especially if an off white or colour is proposed suggest trialing which colour looks best with chosen window colour.

[Also Condition] Doors, including fanlight; Dormers – casement should be flush; Rooflights; Condition roofing sample of the proposed stone tiles, including details of ridge. Code of lead – Code 3 may be quite thin for an exposed position?

Oxfordshire County Council:

**Highways** – No objections subject to conditions

Other External Consultees:

**None**

## **6. Relevant National and Local Planning Policy and Guidance**

### **6.1 Development Plan Policies:**

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. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1

ESD1 - Mitigating and Adapting to Climate Change

ESD3 - Sustainable Construction

ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

ESD12 - Cotswolds AONB

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built and Historic Environment

#### Cherwell Local Plan 1996 (Saved Policies)

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

H17 - Replacement dwellings

H18 - New dwellings in the countryside

### **6.2 Other Material Planning Considerations:**

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

## **7. Appraisal**

7.1 Officers consider the following matters to be relevant to the determination of this application:



- Principle of Development;
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Landscape and Visual Impact;
- Accessibility, Highway Safety and Parking;
- Effect on Neighbouring Amenity;
- Other matters - Ecological Implications, Flood Risk, Sustainability

#### Principle of development

- 7.2 Policy H18 relates to new dwellings within the countryside beyond the built up limits of settlements. Such dwellings will be supported if proven to be essential for agriculture or other existing land based businesses. The proposed dwelling does not meet these criteria. The proposed dwelling would therefore conflict with Policy H18.
- 7.3 Policy H17 of the Cherwell Local Plan 1996 supports the one-for-one replacement of dwellings, but only if the existing dwelling is "statutorily unfit or substandard". No evidence has been submitted to demonstrate that the existing dwelling fits this criteria.
- 7.4 Even if this was to be demonstrated, part (ii) of the policy requires that the proposed replacement is "similar in scale and within the same curtilage". The proposed dwelling would be considerably larger than the existing dwelling: The existing dwelling has a gross external floor area (GEA) of approx. 179 sq m, whereas the main dwelling proposed would have a GEA of approx. 734 sq m (down from approx. 998 sq m under the last application). This represents an approx. 410% increase over the GEA of the original dwelling.
- 7.5 Permitted development rights are intact for the existing dwelling, which allow for extensions of up to approx. 187 sq m. Taking this larger GEA of 366 sq m (i.e. 187+179) and assuming that permitted development rights are removed from the proposed new dwelling (were it to be approved), the proposed dwelling would have a GEA of approx. 200% that of the original dwelling.
- 7.6 The proposed dwelling would not be similar in scale to the existing dwelling, but would be substantially reduced from previous proposals. The dwelling has been brought significantly closer to the existing dwelling and under the current proposals would share part of its domestic curtilage. The proposed dwelling would also provide for substantial aesthetic enhancement over that of the existing dwelling.
- 7.7 Overall, therefore, the currently proposed dwelling is considered broadly consistent, and not in significant conflict, with Policy H17 of the 1996 Plan. Although the proposal also includes the demolition of some of the existing agricultural buildings, such buildings are not mentioned in Policy H17 and therefore have no significant bearing on the above assessment.
- 7.8 Policies H17 and H18 align well with paragraph 55 of the Framework in seeking to control isolated new dwellings in the countryside. The applicant contends that a replacement dwelling can serve as a special circumstance and officers agree. By virtue of its scale relative to the existing dwelling, its reduced scale relative to previous proposals, its architectural and aesthetic quality relative to that of the existing dwelling, and provided the high architectural quality is secured through appropriately worded conditions, and provided permitted

development rights are removed for the dwelling, it is considered that the currently proposed dwelling is an appropriate 'replacement', and not to significantly conflict with paragraph 55 of the Framework.

#### Design, Layout and Appearance

- 7.9 The dwelling has been designed in a Georgian / Regency style, and is sited so as to be oriented in line with the existing field pattern. The dwelling would be approached via an access drive sweeping around from a westward direction to northward, culminating in a semi-circular turning area bounded by formal planting partially bounded to its north by the L-shaped wing and to its east by a retaining wall which would enclose a proposed stable yard. A parking courtyard would be sited to the north of the dwelling's single storey element. The main dwelling faces westward, surrounded by terrace with steps down to a lawn bounded by ha ha.
- 7.10 The dwelling itself would have three storeys, the third storey in the roof, served by a total of four dormers, two each to west and east elevations. Both elevations would feature a central door at ground floor and two windows to either side with five at first floor level. The doors would have Georgian/Regency style canopies and the windows would have stone surrounds. To the north and south elevations the roof would have a double bay appearance, the roof between being set in, up to a flat roof. The dwelling is proposed to be constructed in Hornton ironstone, under a slate roof, with timber windows.
- 7.11 Given its Georgian / Regency style and its visual sensitivity, the Design and Conservation team has been consulted on the proposal. The Conservation Officer raised concerns with the previous proposals in terms of orientation, architectural style; the scale, massing and juxtaposition of the three key elements of house, kitchen and courtyard; the proportions, rhythm and solid/void ratio of the main house; the dormers and their relationship to the principal elevations and the conflict with the chimney stacks, and the scale, height, design and articulation of the courtyard buildings.
- 7.12 The *current proposal* is oriented so as to follow the existing field pattern, with a strong relationship to post-enclosure field boundaries.
- 7.13 In terms of architectural style, the Georgian/Regency style has been retained, but its fenestration pattern simplified, the number of dormers reduced and their positions improved, and the solid to void ratio appears to have been altered. The proportions and rhythm have been amended to good effect. It is considered that the amended proposal more successfully responds to local interpretations of the Georgian style.
- 7.14 The large single and two-storey wing previously proposed has been largely removed, with a single storey element retained. It continues to sit slightly awkwardly with the main dwelling and minor amendments have been since been obtained in order to improve this relationship. The Conservation Officer has no overall concerns with the current proposal subject to these conditions and various conditions re detailing.

#### Impact on Heritage Assets

7.15 The site is not within a designated Conservation Area and there are no listed buildings in the vicinity. The Conservation Officer raises no concerns on the proposal's impact on any heritage assets. Overall, the proposal is considered acceptable in this regard.

#### Landscape and Visual Impact

- 7.16 The proposed dwelling is designed to be seen and therefore to make a statement in the local landscape, and has regard both to views into and views from the site. The applicant's agent has contested that this is the case, but the size and architectural appearance, as well as its siting well away from that of the existing dwelling, and the associated landscaping proposed are all good indications.
- 7.17 The application is accompanied by a Landscape and Visual Assessment (LVIA) by Colvin & Moggridge, originally dated December 2014 but revised January 2016 to relate to the amended proposals. The LVIA follows the general guidance of the Landscape Institute and Institute of Environmental Management and Assessment.
- 7.18 The LVIA confirms that the site lies in a good quality landscape and within the Cotswolds Character Area as identified in the National Character Area profiles as recently revised by Natural England; that the existing dwelling sits at 170m AOD and the proposed dwelling would be at 167.6m AOD.
- 7.19 The LVIA concludes that, subject to removal of existing small scale paddock landscape, associated fences and prominent Lawson Cypress hedges, restoration of hedged field boundaries and the planting of hedgerow trees, the proposal would have a "moderate to slight" impact on the character of the landscape and "slight to negligible" visual effect. It is stated that the building would "not detract from or block any noteworthy views" and would have "little long-term effect on landscape character or visual amenity".
- 7.20 The LVIA Figures do show that the proposed dwelling would be clearly visible in the local landscape, and demonstrably more so than the existing dwelling, particularly from Sibford Ferris to the east (Viewpoint 4), footpath 347/2 to the east (Viewpoint 5), Sharps Hill to the south (Viewpoint 6), and the Macmillian Way and Area of Outstanding Natural Beauty to the west (Viewpoint 2A). The proposal would have a significant and demonstrable impact on the character and visual amenity of the local landscape.
- 7.21 The Council's Landscape Officer considers the proposal's visual impacts to be substantial, particularly from Viewpoints 6, 1B and 2B, and comments on the proposed architectural style that its scale "could inadvertently convey a building of power and authority where one did not previously exist".
- 7.22 It is noted that the Council's Landscape Officer does not object to the application (and has not objected to any of the previous applications), subject to conditions for landscape mitigation, landscape maintenance, hedgerow retention and an arboricultural method statement.
- 7.23 However, as noted by that officer, the proposal would clearly have a substantial visual impact. One of the core planning principles (para 17 of the Framework) is to recognise "the intrinsic character and beauty of the countryside". The landscape is noted by the applicant's landscape

consultant as being of good quality. Indeed, it is an attractive landscape that is relatively unadulterated. The proposed dwelling would be imposing in this context and would be a prominent new element in several views within the local landscape.

- 7.24 Overall, however, and on balance, by reason of its revised scale and siting, it is considered that the current proposal would not adversely affect the character of the countryside or the character and visual amenity of the local landscape to an extent that warrants refusal of this application. The current proposal thus accords with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraph 17 of the Framework.
- 7.25 In coming to this conclusion, regard is had to the proposal's proximity to and visibility from the Cotswold AONB.
- 7.26 The existing dwelling does not have any particular visual merit and its demolition and the removal of outbuildings is considered acceptable in visual terms.
- 7.27 It is noted that the planting of trees does not itself require planning permission.

#### Accessibility, Highway Safety and Parking

- 7.28 The local highway authority has no objections to the proposal, and there is sufficient space within the site for parking and turning. The proposal would not significantly increase the number of vehicular movements to or from the site. The proposal would therefore not have a severe impact on highway safety and would accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 in this regard.

#### Effect on Neighbours' Amenity

- 7.29 The proposed dwelling is located at a sufficient distance (approx. 48 – 50m) so as not to materially impact on the living conditions of New Barn Farm, the only neighbouring occupier. As noted above, the originally submitted was oriented in a different direction and would have near-directly faced the neighbour, albeit at the distance noted above. The neighbour objected to the original proposal, but has written in support of the amended proposal. No other neighbours are materially affected by the proposals. Overall, the proposal would safeguard the living conditions of local residents and the proposal would accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 in this regard.

#### Other matters - Ecological Implications, Flood Risk, Sustainability

- 7.30 The Council's ecology officer is satisfied that the proposal would have no adverse effects on protected species or other important wildlife. The proposal would not have a significant or demonstrable effect in terms of flood risk. The proposal would not result in any significant benefit or harm in respect of economic or social sustainability, but would have a significant and demonstrable impact on the character and visual amenity of the area and the local landscape and is therefore considered not to be an environmentally sustainable form of development.

7.31 The proposal would not contribute a net addition to the District's housing supply, and the Council can currently demonstrate a 5.3 year housing land supply. Thus it is not considered that any significant weight can be attached to the proposal's benefits in this regard.

## **8. Conclusion**

The proposal would not adversely affect residential amenity, local highway safety, ecology or flood risk. The proposal would result in a significantly larger dwelling than the one it would replace, on a different siting but partly within the curtilage of the existing dwelling. Overall, having regard to its high architectural quality and subject to conditions re materials, detailing, landscaping and withdrawal of permitted development rights, the currently proposal would not adversely affect the character of the countryside or the character and visual amenity of the local landscape. The current proposal would thus broadly comply with Policy H17 of the Cherwell Local Plan 1996 and paragraph 55 of the Framework, and accord with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance with the National Planning Policy Framework.

## **9. Recommendation – Approve 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 condition of this planning permission, the application shall be carried out strictly in accordance with the following plans and documents: Application form, drawings "1759.100E", "1759.110A", "1759.111A", "1759.118A", "1759.122A", "1759.127A", "1759.128A", "1353.01C" and the site location plan.

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

3. Prior to the commencement of the development hereby approved above slab level, samples of all externally facing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved above slab level, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

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 comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, full details of the doors and windows and rooflights hereby approved, including fanlights, 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. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, a plan showing full details of the finished floor levels in relation to existing ground levels on the site/existing and proposed site levels for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason – To ensure a visually appropriate form of development and to safeguard the landscape character and visual amenity of the area and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, the existing dwelling and associated structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.

Reason – In order to achieve a satisfactory form of development, to prevent a net increase in residential dwellings in this environmentally and socially unsustainable location and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The rainwater goods installed to serve the development hereby permitted shall be cast iron or profiled aluminium and retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, amended details of the dormers to the dwelling, including detailed scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance

contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, full details of chimneys, kneeler and coping, eaves, string and plinth including how the string returns, corner stones, ventilation slots, doorcases, louvred windows and steps, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved above slab level, a landscaping scheme shall be 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, including plant schedule and specification (BS4428:1989 and National Plant Specification),

(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 steps

The hard landscaping elements of the approved scheme shall be implemented fully in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained as such thereafter.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, and in the interests of highway safety, and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

12. 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 visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved above slab level, full specification details of the altered access and access road and turning area, including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling, the development shall be constructed in accordance with the approved details, and retained as such thereafter.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework

14. Prior to the commencement of the development hereby approved above slab level, a BS5837 Tree survey in respect of the large mature oak trees along the drive, all trees and hedgerows within an influencing distance of the demolition and construction work. Root protection areas to be defined and maintained during the duration of the work.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

15. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within the landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

16. Except where expressly shown on the drawings hereby approved as listed in Condition 2 of this permission, all existing hedgerows for the northern, western, eastern and southern field application site boundaries shall be retained, with a minimum maintenance height of 3 metres for landscape mitigation.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

17. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason – To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework



18. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

19. If the site clearance and demolition of the current dwelling hereby approved does not commence by July 2016 a revised walk over badger check of the site shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers. The survey results, together with any necessary changes to the mitigation plans or working methods shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

20. The development hereby approved shall be carried out in accordance with the recommendations and working practices set out in sections 4.4 and 4.5 of the 'Extended Phase 1 Survey assessment and Bat Survey' carried out by Wild Service Ecological Consultancy on July 2014.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

21. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site with particular reference to nesting/roosting provision for swallows and bats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason – To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

22. 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.

Reason – In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for

additions, extensions or enlargements and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

23. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, a plan shall be submitted to identify the residential curtilage of the dwelling hereby approved.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

**Informative Notes**

In respect of Condition 20 of this permission, it should be noted this includes restrictions on the demolition process and an update bat survey if certain conditions are not met.

**CONTACT OFFICER:** Nathanael Stock

**TELEPHONE NO:** 01295 221886

## APPENDIX 3

**Site Address: Manor Farm Bungalow,  
Hornton**

**13/01451/F**

**Ward:** Wroxton

**District Councillor:** Douglas Webb

**Case Officer:** Rebekah Morgan

**Recommendation:** Approval

**Applicant:** Mr Finlay Scott

**Application Description:** Replacement dwelling and associated outbuildings

**Committee Referral:** Departure from Policy    **Committee Date:** 19<sup>th</sup> December 2013

**1. Site Description and Proposed Development**

1 1 The site is in an isolated hill top location to the south of Hornton. It comprises a bungalow which in 2012 was granted a Certificate of Lawfulness enabling it to be lawfully occupied in breach of an agricultural occupancy condition.

1 2 The proposal is to demolish the existing bungalow, detached garage and adjacent farm buildings and to replace them with a two storey dwelling and associated outbuildings. The proposed dwelling will be sited where the existing agricultural buildings are located. The existing domestic curtilage would become paddock.

**2. Application Publicity**

2 1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 11th December 2013. No correspondence has been received as a result of this consultation process.

**3. Consultations**

3 1 Hornton Parish Council. No objection. The following comment was made: *'One Councillor felt that the replacement should sit on the footprint of the existing bungalow'*

**Cherwell District Council Consultees**

3 2 Rights of Way Officer. No objection.

3 3 Environmental Protection Officer. No comments received.

**Oxfordshire County Council Consultees**

3 4 Highways Liaison Officer. No objections subject to conditions.

**4. Relevant National and Local Policy and Guidance**

4 1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

|     |   |
|-----|---|
| H17 | Replacement dwellings                                     |
| C28 | Layout, design and external appearance of new development |
| C30 | Design of new residential development                     |

## 4.2 Other Material Policy and Guidance

### National Planning Policy Framework

#### Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

## 5. Appraisal

### 5.1 The key issues for consideration in this application are

- Relevant Planning History
- Principle of the development
- Highway safety
- Protected Species

#### Relevant Planning History

5.2 Planning permission was originally granted for the bungalow under application B 947/64. A condition of the permission restricted the occupancy to those employed or last employed in agriculture.

5.3 A Certificate of Lawfulness was granted in 2012 under 12/00270/CLUE to enable the bungalow to be occupied in breach of B 974/64.

5.4 Planning permission for a replacement dwelling was refused under application 13/00163/F for the following reason:

*'The proposed dwelling would be contrary to Policy H17 of the Council's adopted Cherwell Local Plan and to the National Planning Policy Framework as it will be a new isolated house in the countryside for which there is no essential agricultural need. The house it is intended to replace is not substandard and the replacement would be of a significantly greater scale in a position which will be conspicuous in the landscape causing harm to the character and appearance of that landscape.'*

#### Principle of the development

5.5 The principle of replacing a dwelling is assessed against Policy H17 of the adopted Cherwell Local Plan. Development is restricted by this Policy to the replacement of statutorily unfit or substandard dwellings. The requirement that dwellings have to be statutorily unfit has largely set to one side in recent years, and it is considered that this policy does not fully comply with guidance set out in the National Planning Policy Framework, as the Framework does not seek to restrict the replacement of dwellings in this way.

5.6 The second criterion set out in Policy H17 of the adopted Cherwell Local Plan states that where a property lies outside the limits of an existing settlement, the property should not have been abandoned and the replacement property should be of a similar scale and within the same curtilage.

5.7 The use of the dwelling has not been abandoned, however, the proposed dwelling is not within the same curtilage and is considerably larger due to it being a two storey with dormer windows in the loft space rather than being a bungalow and it occupies a greater footprint.

- 5 8 Whilst the proposal does not comply with the strict interpretation of Policy H17 it is important to make an evaluation in conjunction with the supporting text, which states *'the protection of the character of the countryside will be a primary objective in all cases, and proposals for substantially larger and more conspicuous dwellings in the countryside will be resisted'* The bungalow occupies a hilltop position and given the lack of trees/screening in the locality it is quite prominent However, the scale of the large agricultural buildings dwarfs the existing dwelling
- 5 9 The proposal seeks to remove the agricultural buildings and the existing bungalow The new dwelling would be located further to the south of the existing bungalow, therefore taking it off the hilltop Furthermore, the removal of the large agricultural buildings would significantly reduce the overall prominence of the site
- 5 10 The significant difference between this proposal and the previously refused scheme (13/00163/F) is the repositioning of the proposed dwelling and the removal of the agricultural buildings Although, the proposed dwelling is no longer within the curtilage of the existing bungalow, the overall result would be a significant improvement in the visual appearance of the site and a reduction in its prominence
- 5 11 The design of the proposed dwelling and outbuildings are considered to be acceptable for the location and it is considered that the development would not cause any substantial harm to the character of the countryside
- 5 12 Therefore, although it is accepted that there is some degree of conflict with Policy H17 of the adopted Cherwell Local Plan, the proposal is considered to accord with the lower case supporting text and the National Planning Policy Framework as the proposal aims to protect the character of the countryside

#### **Highway Safety**

- 5 13 The proposal can easily accommodate sufficient parking and manoeuvring areas within the site The Local Highway Authority has raised no objections in terms of highway safety
- 5 14 The proposal would not cause harm to highway safety and complies with government guidance contained within the National Planning Policy Framework

#### **Protected Species**

- 5 15 The Council's Ecologist provided detailed comments on the refused application (13/00163/F) and these are still considered to be relevant for the current proposal Conditions were recommended and these have been included in the recommendation set out at the end of this report

#### **Engagement**

- 5 16 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application It is considered that the duty to be positive and proactive has been discharged through the efficient determination of the application

### **6. Recommendation**

#### **Approval, subject to the following conditions**

- 1 That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent

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

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 Application Form and drawing nos 1270/P01, 1270/P02, 1270/P03, 1270/P04, 1270/P05 and 1270/P06 received 23 September 2013

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 Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site in natural ironstone which shall be inspected and approved in writing by the Local Planning Authority Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

4 Prior to the commencement of the development hereby approved, samples of the tile to be used in the construction of the roof of the development shall be submitted to and approved in writing by the Local Planning Authority Thereafter the development shall be carried out in accordance with the samples so approved

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

5 Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas 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 and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

6 Prior to the construction of the dwelling hereby approved, the existing means of access between the land and the highway shall be improved, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

7 Prior to the commencement of the development a temporary bat nesting box shall be erected as a receptor for any bats found during the works The box shall be retained in situ until the completion of the proposed bat loft

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

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8 Within 6 months of the first use of the dwelling, the existing bungalow and garage shall be demolished and the land restored to paddock

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

**Planning Notes**

- 1 *All birds are protected whilst breeding which typically occurs from March - August It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds or their nests at this time Should nesting birds be known to use the building or are found using it prior to demolition works commencing an ecologist or Natural England should be contacted for advice on how to proceed Nesting opportunities lost should be replaced on any new build*

**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





## APPENDIX 4



## NOTICE OF DETERMINATION

The Town and Country Planning (General Permitted Development) (England) Order 2015

### Name and Address of Agent/Applicant

Mr Gregory Besterman  
c/o JPPC Chartered Town Planners  
Mr Nik Lyzba  
Bagley Croft  
Hinksey Hill  
Oxford  
OX1 5BD

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### Household "Prior Approval" Determination

Date Received : 25th January 2017

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**Proposal:** Single storey rear extension - height to eaves 2.4m, length 8m, overall height 3.8m

**Location:** Muddle Barn Farm Colony Road Sibford Gower

**Parish(es):** Sibford Gower

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The Cherwell District Council as Local Planning Authority has determined on the basis of the information submitted that the above proposal does **not require its Prior Approval** provided that the development is carried out in strict accordance with the details submitted.

The proposed development may therefore be carried out in accordance with the details submitted with the application or otherwise agreed with the Local Planning Authority, providing it is completed by 30th May 2019. You must notify the Council in writing of the date of completion.

Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxon  
OX15 4AA

A handwritten signature in black ink, appearing to read "N. Lyzba".

Date of Decision: 3 March 2017

Head of Public Protection  
& Development Management



You can use the [Planning Portal](http://www.planningportal.gov.uk/localauthoritysearch) to find the correct email address for your local planning authority.

[www.planningportal.gov.uk/localauthoritysearch](http://www.planningportal.gov.uk/localauthoritysearch)

## Notification for Prior Approval for a Proposed Larger Home Extension Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Class A

This notification can be used by a household to notify a local planning authority of the intention to use the [permitted development rights](#) to build a single-storey rear extension of greater than four metres up to eight metres for a detached house and greater than three metres up to six metres for any other type of house outside Article 2(3) land\* and sites of special scientific interest.

\* Land within a National Park, the Broads, an area of outstanding natural beauty, an area designated as a conservation area and land within World Heritage Sites.

### Publication of notifications on planning authority websites

Please note that the information provided on this notification and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please note: you need to download the form to complete it electronically. Please complete using block capitals and black ink if sending by post. It is important that you read the accompanying guidance notes as incorrect completion will delay the consideration of your notification.

### 1. Householder Name and Address

|                     |  |               |                                      |
|---------------------|--|---------------|--------------------------------------|
| Title:              | <input type="text" value="Mr"/>        | First name:   | <input type="text" value="Gregory"/> |
| Last name:          | <input type="text" value="Besterman"/> |               |                                      |
| Company (optional): | <input type="text"/>                   |               |                                      |
| Unit:               | <input type="text"/>                   | House number: | <input type="text"/>                 |
|                     |  | House suffix: | <input type="text"/>                 |
| House name:         | <input type="text" value="C/O Agent"/> |               |                                      |
| Address 1:          | <input type="text"/>                   |               |                                      |
| Address 2:          | <input type="text"/>                   |               |                                      |
| Address 3:          | <input type="text"/>                   |               |                                      |
| Town:               | <input type="text"/>                   |               |                                      |
| County:             | <input type="text"/>                   |               |                                      |
| Country:            | <input type="text"/>                   |               |                                      |
| Postcode:           | <input type="text"/>                   |               |                                      |

### 2. Agent Name and Address

|                     |   |               |                                  |
|---------------------|---|---------------|----------------------------------|
| Title:              | <input type="text" value="Mr"/>                           | First name:   | <input type="text" value="Nik"/> |
| Last name:          | <input type="text" value="Lyzba"/>                        |               |                                  |
| Company (optional): | <input type="text" value="JPPC Chartered Town Planners"/> |               |                                  |
| Unit:               | <input type="text"/>                                      | House number: | <input type="text"/>             |
|                     |   | House suffix: | <input type="text"/>             |
| House name:         | <input type="text" value="Bagley Croft"/>                 |               |                                  |
| Address 1:          | <input type="text" value="Hinksey Hill"/>                 |               |                                  |
| Address 2:          | <input type="text"/>                                      |               |                                  |
| Address 3:          | <input type="text"/>                                      |               |                                  |
| Town:               | <input type="text" value="Oxford"/>                       |               |                                  |
| County:             | <input type="text" value="Oxon"/>                         |               |                                  |
| Country:            | <input type="text" value="UK"/>                           |               |                                  |
| Postcode:           | <input type="text" value="OX1 5BD"/>                      |               |                                  |

### 3. Site Address Details

Please provide the full postal address of the application site.

|               |   |               |                      |
|---------------|---|---------------|----------------------|
| House number: | <input type="text"/>                          | House suffix: | <input type="text"/> |
| House name:   | <input type="text" value="Muddle Barn Farm"/> |               |                      |
| Address 1:    | <input type="text" value="Colony Road"/>      |               |                      |
| Address 2:    | <input type="text" value="Sibford Gower"/>    |               |                      |
| Address 3:    | <input type="text"/>                          |               |                      |
| Address 4:    | <input type="text"/>                          |               |                      |
| Postcode:     | <input type="text" value="OX15 5RY"/>         |               |                      |

#### 4. Description of the Proposal

Please describe the proposed single-storey rear extension.

Single storey rear extension having a depth from the rear wall of the existing dwellinghouse of 8m. The extension would extend across the full width of the existing dwellinghouse (11.120m), would have a height of 3.807 m. and the eaves would not exceed 3 m (it would have eaves of some 2.407m. The details of the rear extension are shown on the drawing 1759-079A (the side extensions are to be ignored for the purposes of this notification and are dealt with separately).  
Further details of the extension proposed are set out in the letter dated 24 January 2017 from JPPC to the Council.

- (a) How far will the proposed extension extend beyond the rear wall of the original dwelling measured externally?  metres
- (b) What will be the maximum height of the proposed extension, measured externally from the natural ground level?  metres
- (c) What will be the height at the eaves of the proposed extension, measured externally from the natural ground level?  metres
- (d) Is the property? (tick one only)  (i) Detached  (ii) Other

#### 5. Addresses of any adjoining properties

You are required to identify and provide the addresses of all the adjoining premises to your property:

- Address 1:
- Address 2:
- Address 3:
- Address 4:
- Address 5:
- Address 6:
- Address 7:
- Address 8:

Please provide details of any additional adjoining premises on a separate sheet if necessary.

#### 6. Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required could result in your notification being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority has been submitted. Please note that as part of this procedure, if any objections are received the Local Planning Authority may require submission of further information at a later date.

- All sections of this notification completed in full, dated and signed (typed signature if sent electronically).  A plan indicating the site and showing the proposed development. A plan drawn to an identified scale will assist the authority in assessing your development proposal. Plans can be bought from one of our accredited suppliers using our Buy-a-Plan service ([www.planningportal.gov.uk/buyaplan](http://www.planningportal.gov.uk/buyaplan))

### 7. Declaration

I/we hereby apply for prior approval as described in this notification and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Householder:

Or signed - Agent:

Date (DD/MM/YYYY):

(date cannot be pre-application)

### 8. Householder Contact Details

Telephone numbers

|                      |                      |                      |
|----------------------|----------------------|----------------------|
| Country code:        | National number:     | Extension number:    |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

|                      |                           |
|----------------------|---------------------------|
| Country code:        | Mobile number (optional): |
| <input type="text"/> | <input type="text"/>      |

|                      |                        |
|----------------------|------------------------|
| Country code:        | Fax number (optional): |
| <input type="text"/> | <input type="text"/>   |

Email address:

### 9. Agent Contact Details

Telephone numbers

|                      |   |                      |
|----------------------|---|----------------------|
| Country code:        | National number:                          | Extension number:    |
| <input type="text"/> | <input type="text" value="01865 326823"/> | <input type="text"/> |

|                      |                           |
|----------------------|---------------------------|
| Country code:        | Mobile number (optional): |
| <input type="text"/> | <input type="text"/>      |

|                      |   |
|----------------------|---|
| Country code:        | Fax number (optional):                    |
| <input type="text"/> | <input type="text" value="01865 326824"/> |

Email address:

- General Notes:**
- This drawing is to be read in conjunction with other consultants drawings.
  - Check site conditions prior to commencement of work.
  - Do not scale dimensions from this drawing.
  - Do not scale dimensions from this drawing.
  - This drawing may be issued in colour, and may be a non-standard paper size.

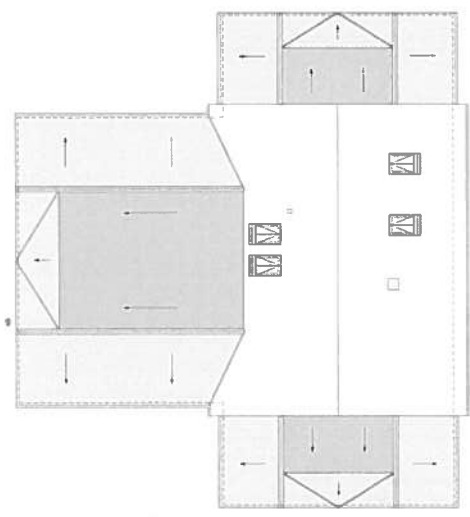
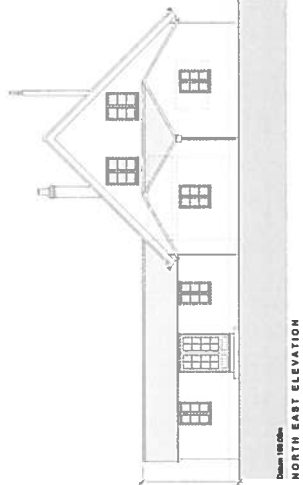
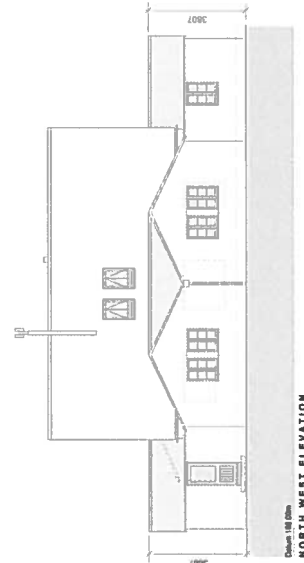
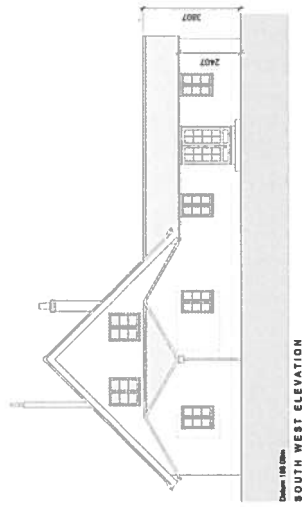
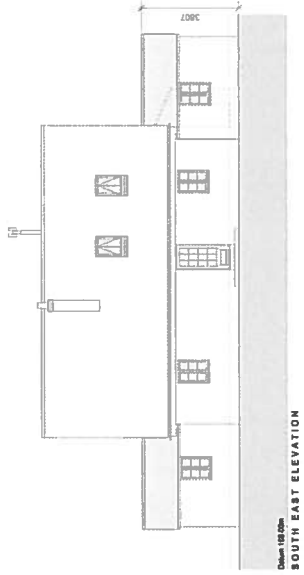


**KEY:**

|  |                |
|--|----------------|
|  | Existing Walls |
|  | Proposed Walls |
|  | Pitched Roof   |
|  | Flat Roof      |
|  | Cladding       |
|  | Demolitions    |

|                     |                  |                    |                  |
|---------------------|------------------|--------------------|------------------|
| Project Name        | 13517            | Issued for comment | NQ               |
| Project Address     | 13517            | Hours              | Drawn            |
| Project Description | 13517            | Scale              | 1:100 @ A1       |
| Client              | Mr & Mrs. [Name] | Client Number      | 13517            |
| Project Address     | 13517            | Project Owner      | Mr & Mrs. [Name] |
| Project Description | 13517            | Project Date       | 13517            |
| Client              | Mr & Mrs. [Name] | Project No.        | 1755.079         |
| Project Address     | 13517            | Sheet              | A                |

**YIANCOU**  
 ARCHITECTS  
 13517  
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## APPENDIX 5



# CERTIFICATE

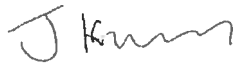
**Town and Country Planning Act 1990: Section 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)**

**Town and Country Planning (Development Management Procedure)  
(England) Order 2015**

## **CERTIFICATE OF LAWFULNESS FOR A PROPOSED USE OR DEVELOPMENT**

Cherwell District Council certify that on 22<sup>nd</sup> March 2017 the proposed development described in the First Schedule to this Certificate in respect of the Land specified in the Second Schedule to this Certificate and edged red on the plan attached to this Certificate, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the reasons stated in the Third Schedule.

Signed.....



(Council's Authorised Officer)

On behalf of: Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

Date: 22nd March 2017

### **First Schedule**

Erection of 2no single storey side extensions, a single storey rear extension and a detached building in accordance with drawings "1759.001 A", "1759.078 A", "1759.079 A" and "1759.080 A".

### **Second Schedule**

Muddle Barn Farm, Colony Road, Sibford Gower, Banbury, OX15 5RY

### **Third Schedule**

The proposal is permitted development under Schedule 2, Part 1, Classes A and E of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**Notes**

1. This Certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matters specified in the First Schedule which are proposed to take place on the land in the Second Schedule would be lawful on the specified date and, thus, are not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the matters specified in the First Schedule and to the land specified in the Second Schedule ('the Land'). Any matter which is materially different from that described or which relates to other land may render the owner or occupier to enforcement action.
4. The applicant's attention is drawn to the conditions associated with Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which should be complied with.

# 17/00191/CLUP



N  
Scale  
1:2,750

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**Cherwell**  
DISTRICT COUNCIL  
NORTH OXFORDSHIRE

NL/6910

24 January 2017

Planning Services  
Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
OX15 4AA

Dear Sir/Madam,

- **Application for a certificate of lawful proposed development: Extensions, improvements and alterations; new ancillary building for a purpose incidental to the enjoyment of the dwellinghouse at Muddle Barn Farm, Colony Road, Sibford Gower, OX15 5RY.**
- **Notification in accordance with Part 1, Class A4 (2) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in respect of extensions within Class A1(g) (i) at Muddle Barn Farm, Colony Road, Sibford Gower, OX15 5RY..**

I refer to the above and attach a formal application for a certificate of lawful proposed development together with the appropriate forms, fee, and accompanying details. **This letter should be regarded as forming part of the formal application.**

This letter also includes the information required to be provided by Part 1, Class A4(2) of the Order in relation to extensions beyond the rear walls of the original house. **The letter should also be taken as formal notification as required by Class A4 (2) of Part 1.**

#### **The Proposal**

The application and information provided relate to proposed extensions, improvements and alterations; and new ancillary building for a purpose incidental to the enjoyment of the dwellinghouse at Muddle Barn Farm, Colony Road, Sibford Gower, OX15 5RY.

The proposals are shown on the plans and drawings accompanying the application for a certificate of lawful proposed development. As the

Continued/ ... 2

#### **The John Phillips Planning Consultancy**

Partners:

Adrian Gould MRTPI Ltd

Neil Warner MRTPI Ltd

Henry Venners Ltd

Consultant:

Nik Lyzba MRTPI Ltd



Bagley Croft  
Hinksey Hill  
Oxford OX1 5BD  
T: 01865 326823  
E: [planning@jppc.co.uk](mailto:planning@jppc.co.uk)  
W: [www.jppc.co.uk](http://www.jppc.co.uk)

extensions proposed are single storey and include an extension which would extend beyond the rear wall of the original dwellinghouse by 8 metres (in accordance with Part 1 Class A1 (g) of the GPDO 2015), the information required by Class A4(2) is also included.

### Background and Explanation

"Muddle Barn Farm " is a single detached dwellinghouse constructed following the grant of planning permission in 1985 and is not subject to any limitation in its permitted development allowance by reason of planning condition or Article 4 Direction. Thus the provisions of Classes A and E of Part 1 of the GPDO (as amended) fully apply. This Class permits development consisting of the provision of enlargement, improvement or other alteration of a dwellinghouse (Class A) and the provision within the curtilage of the dwellinghouse of a building for a purpose incidental to the enjoyment of the dwellinghouse as such.

### CLASS A:

To be permitted an enlargement, improvement or other alteration must comply with all the relevant criteria of Class A, which the proposed extensions do, as follows:

- A.1 (a) The dwellinghouse has the benefit of planning permission and was not permitted by virtue of a class of "permitted development";
  - (b) The ground area covered by buildings within its curtilage would not exceed 50% of the total area of the curtilage;
  - (c) the extensions would not exceed the height of the highest part of the roof;
  - (d) the eaves of the extensions would not be higher than those on the existing house;
  - (e) the enlargement would not extend beyond the principal elevation or a side elevation of the original dwelling which fronts a highway;
  - (f) this is subject to (g) below;
  - (g) until 30 May 2019, this permits an extension beyond the rear wall of the of the original dwellinghouse by no more than 8 metres in the case of a detached dwellinghouse. The single storey extension beyond the rear wall which is shown in this case would extend beyond the rear wall of the original dwellinghouse by more than 4m (set out in Class A1(f)) but would be within the limits of 8m included in A1(g)(i). Whilst the latter Class is the subject of prior notification procedures, notification is formally provided to the Council in this letter, below. The extensions would not exceed 4m in height as specified in A1 (g)(ii);
  - (h) the enlargements would not extend beyond the rear wall of the original dwellinghouse at 2-storey level;
  - (i) the enlargements would not have eaves over 3m high;
  - (j) the single storey enlargements would extend beyond a side wall of the original dwellinghouse but **would not** have a width greater than half that of the original dwellinghouse, would not have more than one storey, and would not exceed 4m in height;
  - (k) the building extensions do not include:
    - (i) a veranda, balcony or raised platform.
    - (ii) a microwave antenna
    - (iii) a chimney, flue or soil or vent pipe
    - (iv) an alteration to the roof of the dwellinghouse
- A.2 the dwelling is not on Article 2(3) land.

In relation to the conditions set out which relate to Class A:

- A.3 (a) the materials used would be of a similar appearance to those used on the exterior of the original dwelling;
- (b) there are no upper floor windows proposed;
- (c) the enlarged part proposed would have only a single storey such that the provisos do not apply.

#### **Notification**

In accordance with condition A.4 (1) of the above Order, the following information is provided to the local planning authority where the proposed extensions exceed 4m in relation to those extensions beyond the rear wall of the dwellinghouse. The information is provided in accordance with proviso A.4 (2) of the Order:

- (i) This notification relates to one of 3 proposed single storey extensions. Two are proposed to the side of the original dwellinghouse and one would extend beyond the rear wall of the existing dwellinghouse, by 8m. This notice relates solely to the extension proposed beyond the rear wall.  
(ii) The maximum height of the single storey extension would be 3.807m.  
(iii) The extensions would not have eaves exceeding 3m in height.
- Plans and drawings of the proposed extensions are attached and include a plan indicating the site and the proposed development;
- The adjoining premises comprise equestrian buildings owned by the applicant. The nearest house is owned by Mr G and Mrs K Philip, New Barn Farm, Colony Road, Sibford Gower, Oxon. The Barn to the North, currently being restored is called Haynes Barn and is owned by Andrew and Josephine Finding, Springfield Farm Rise, Bosley Close, Shipston on Stour, CV36 4QA. The farmer whose land adjoins the site is Mr. Bill Sabin whose address is Temple Mill, Sibford Gower, Oxon.
- The developer is Mr. G Besterman C/O JPPC, Bagley Croft, Hinksey Hill, Oxford, OX1 5BD.
- E-mails should be forwarded to the agent, JPPC. The email address is [planning@jppc.co.uk](mailto:planning@jppc.co.uk).

#### **CLASS E:**

The proposed building to the rear of the dwellinghouse is proposed to accommodate a swimming pool, changing, sauna, plant, WC for a purpose which is incidental to the enjoyment of the dwellinghouse as such and would not be used for any other purpose.

It would comply with the provisos of the Class as follows:

- E1: (a) The dwellinghouse was not permitted by virtue of provisions of the GPDO (see above);
- (b) The total area covered by buildings, excluding the original dwellinghouse, would not exceed 50% of the total area of the curtilage;
- (c) The building would not be forward of the principal elevation of the dwellinghouse;
- (d) The building would be single storey;
- (e) The height of the building would not exceed 4 m and would have a dual pitched roof.

- (f) The height of the eaves would not exceed 2.5m.
- (g) The building is not listed and the development would not be within the curtilage of a listed building;
- (h) The development does not include a verandah, balcony or raised platform.
- (i) The development does not relate to a dwelling or microwave antenna;
- (j) The development does not relate to a container.

E2: The development is not restricted by its location in any of the areas set out.

E3: The development is not on Article 2(3) land.

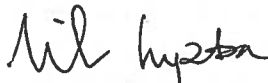
### Conclusions

In accordance with the provisions of Part 1 Classes A and E of the above Order, for the reasons which we have set out, we conclude that the development proposed would be lawful and would be permitted by the relevant provisions of the Order. In relation to those parts of the extensions to the dwellinghouse which would extend beyond the rear wall of the dwellinghouse by more than 4m, these would be permitted by Part 1, Class A1(g)(i) of the Order. There are no neighbours whose amenities would be affected by the proposed development.

We hope that you will agree with our conclusions and look forward to receiving the Council's decisions shortly.

Please let me know if you require any further information.

Yours faithfully,



Nik Lyzba DipTP DipCP MRTPI, AoU



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

Public Protection & Development Management

Bodicote House, Bodicote, Banbury,  
Oxfordshire, OX15 4AA

Telephone: 01295 227006  
Website: [www.cherwell.gov.uk](http://www.cherwell.gov.uk)  
Email: [planning@cherwell-dc.gov.uk](mailto:planning@cherwell-dc.gov.uk)

Application for a Lawful Development Certificate for a Proposed use or development.  
Town and Country Planning Act 1990: Section 192, as amended  
by section 10 of the Planning and Compensation act 1991.  
Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.  
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

|   |           |             |   |          |           |
|---|-----------|-------------|---|----------|-----------|
| Title:  | Mr        | First Name: | G   | Surname: | Besterman |
| Company name:                                       |           |             |   |          |           |
| Street address:                                     | C/O Agent |             | Telephone number:   |          |           |
|   |           |             | Mobile number:  |          |           |
| Town/City:  |           |             | Fax number:   |          |           |
| Country:  |           |             | Email address:  |          |           |
| Postcode:   |           |             |   |          |           |
| Are you an agent acting on behalf of the applicant? |           |             | <input checked="" type="radio"/> Yes <input type="radio"/> No |          |           |

2. Agent Name, Address and Contact Details

|                 |                              |             |  |             |       |
|-----------------|------------------------------|-------------|--|-------------|-------|
| Title:          | Mr                           | First Name: | Nik  | Surname:    | Lyzba |
| Company name:   | JPPC Chartered Town Planners |             |  |             |       |
| Street address: | Bagley Croft                 |             | Telephone number:  | 01865326823 |       |
|                 | Hinksey Hill                 |             | Mobile number:   |             |       |
| Town/City:      | Oxford                       |             | Fax number:  |             |       |
| Country:        | United Kingdom               |             | Email address:   |             |       |
| Postcode:       | OX1 5BD                      |             | <a href="mailto:planning@jppc.co.uk">planning@jppc.co.uk</a> |             |       |



### 3. Site Address Details

Full postal address of the site (including full postcode where available)

Description:

House:  Suffix:

House name:

Street address:

Town/City:

Postcode:

Description of location or a grid reference  
(must be completed if postcode is not known):

Easting:

Northing:

### 4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?  Yes  No

### 5. Lawful Development Certificate - Interest in Land

Please state the applicant's interest in the land:  a) Owner  b) Lessee  c) Occupier  d) Other

### 6. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?  Yes  No

### 7. Grounds for Application

#### Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful:

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application:

If you consider the existing or last use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended) state which one:

#### Information about the proposed use(s)

If you consider the proposed use is within a 'Use Class' in the Town and Country Planning (Use Classes) Order 1987 (as amended), state which one:

Is the proposed operation or use:  Permanent  Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

## 8. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?  Yes  No

If Yes, please give detailed descriptions of all such operation and indicate on your plans (includes describing any proposal to alter or create a new access, layout or any new street; construct any associated hardstandings; means of enclosure; or draining the land/building)

Extensions, improvements and alterations to the existing dwellinghouse; new ancillary building for a purpose incidental to the enjoyment of the dwellinghouse.

Does the proposal consist of, or include, a change of use of the land or building(s)?  Yes  No

Has the proposal been started?  Yes  No

## 9. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?  Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? (Please select only one)

The agent  The applicant  Other person

## 10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date

25/01/2017

### Warning:

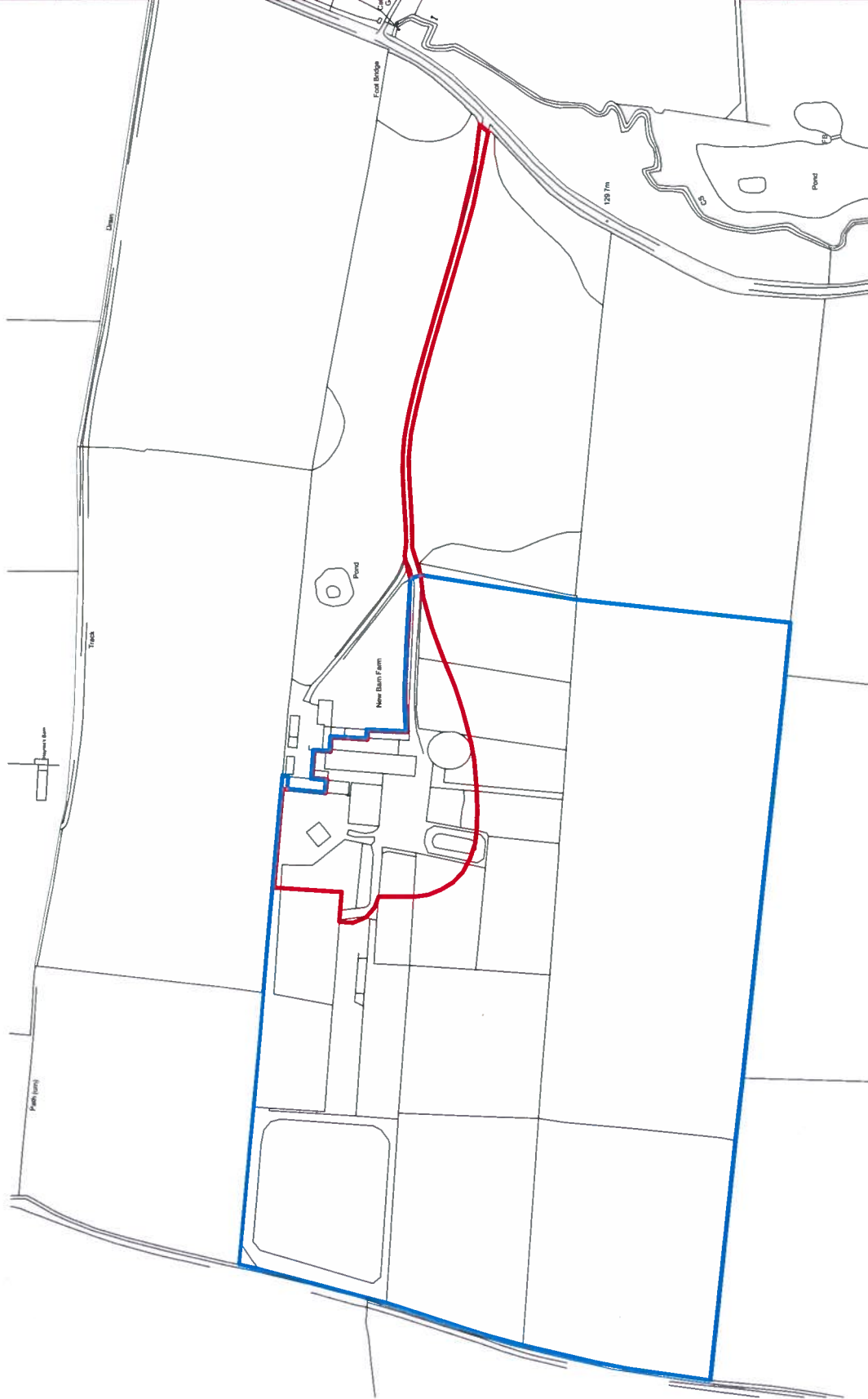
The amended section 194 of the 1990 Act provides that it is an offence to furnish false or misleading information or to withhold material information with intent to deceive. Section 193(7) enables the authority to revoke, at any time, a certificate they may have issued as a result of such false or misleading information.

**General Notes:**

1. To be read in conjunction with other consultants drawings.
2. Check site conditions prior to commencement of work.
3. Any discrepancies to be reported directly to the Architect.
4. Do not scale off drawing (except for Planning purposes only). Use figured dimensions only.
5. WARNING: This drawing is issued in colour.

**KEY**

- Application Area
- Land Within Applicants Ownership



| Rev | Date     | Notes          | Drawn |
|-----|----------|----------------|-------|
| A   | 12.12.14 | Planning Issue |       |

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|-------|-------------|
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| 100   | 100         |
| 300ft | 300ft       |

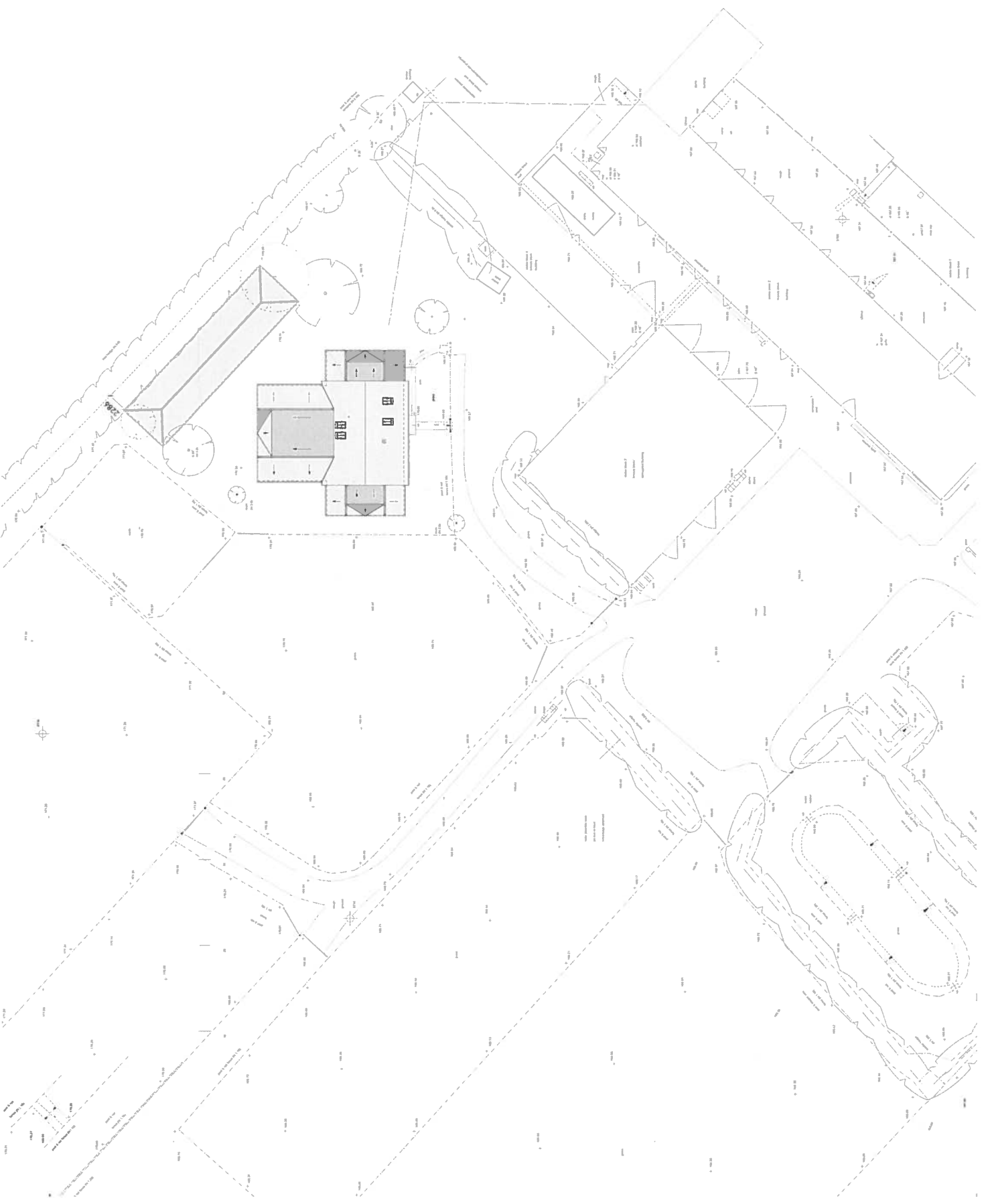
QA Serial Number  
**30530**

**YIANGOU**  
YIANGOU ARCHITECTS

|                     |   |
|---------------------|---|
| Client              | M & Mrs. Bealeman                               |
| Project Address     | Middle Barn Farm, Sibford Gower, Oxon, OX15 5RY |
| Project Description | Replacement Dwelling                            |
| Drawing Title       | OS Site Location Plan                           |
| Drawing No.         | <b>1759.001</b>                                 |
| Rev                 | <b>A</b>  |

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**General Notes:**  
 1. All work to be read in conjunction with other construction drawings.  
 2. Check site conditions prior to commencement of work.  
 3. Discrepancies must be reported directly to the Architect.  
 4. This drawing may be issued in colour, and may be a non-standard paper size.



|                 |            |                    |            |
|-----------------|------------|--------------------|------------|
| Client          | 18/01/17   | Issued for comment | 1/20       |
| Rev             | 1          | Issue              | 1/20       |
| Scale           | 1:200 @ A1 | Scale              | 1:200 @ A1 |
| OK Stamp Number | 334 (1)    |                    |            |

|               |   |  |
|---------------|---|--|
| <b>JACOBS</b> |   | Chief   18 & Lane, Bushmills   |
| 18/01/17      |   | Project Address   Mobile Bar & Cafe, School Green, Clontarf, D15 D9V |
| 1:200 @ A1    |   | Project Description   Proposed Development Scheme                    |
| 334 (1)       |   | Drawing Title   Proposed Site Plan                                   |
| Rev           | A | Drawing No   <b>1709 078</b>   |

**General Notes:**

1. This drawing is to be read in conjunction with other consultants drawings
2. Check site conditions prior to commencement of work
3. Discrepances must be reported directly to the Architect
4. Do not scale off drawing, use figured dimensions only
5. This drawing may be issued in colour, and may be a non-standard paper size

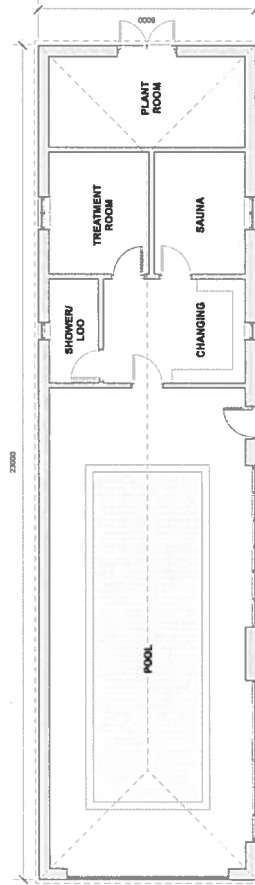
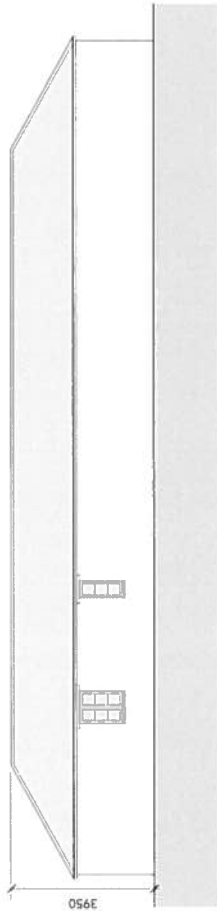
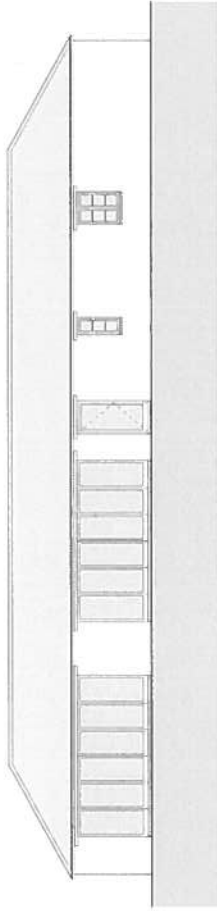
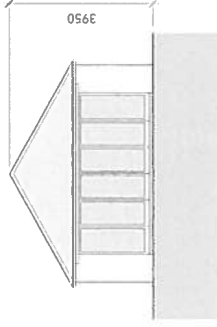
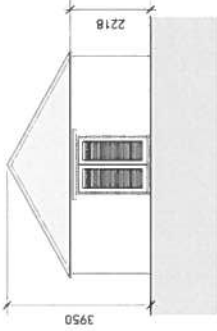
**KEY:**



Proposed Walls



Pitched Roof



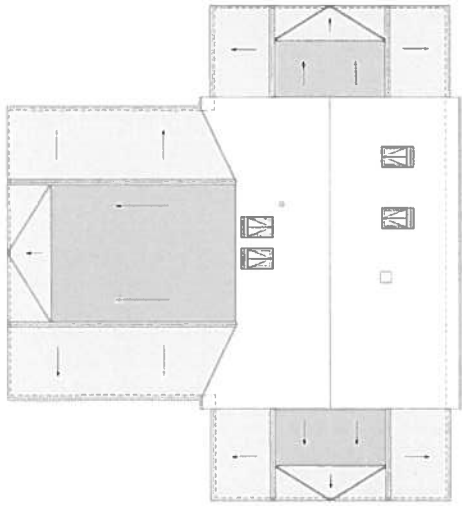
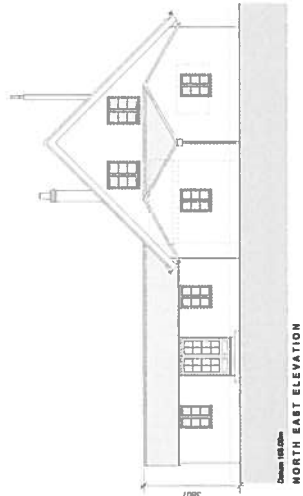
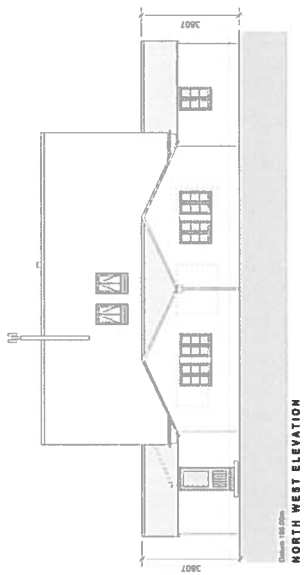
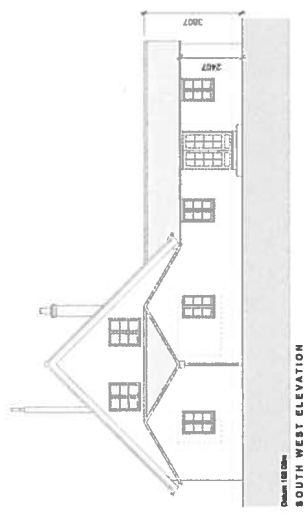
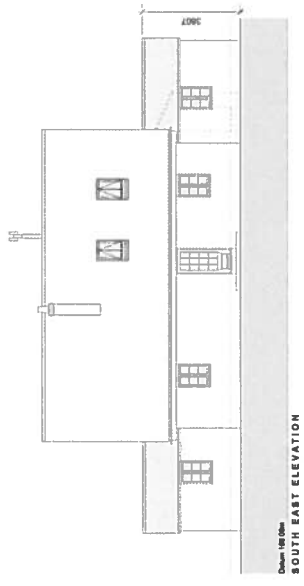
**POOL HOUSE PLAN**

|  |          |                    |       |    |
|--|----------|--------------------|-------|----|
| Rev  | Date     | Notes              | Drawn | NO |
| A  | 19.01.17 | Issued for consent |       |    |
| Scale<br>1:100 @ A2<br>0 5m<br>0 15ft  |          |                    |       |    |
| OA-Serial Number   |          |                    |       |    |
|  |          |                    |       |    |
| Client: Mr & Mrs. Bealeman<br>Project Address: Muddie Barn Farm, Sibford Green, Oxon, OX15 5RY<br>Project Description: Permitted Development Scheme<br>Drawing Title: Proposed Outbuilding<br>Drawing No: 1759_080<br>Rev: A |          |                    |       |    |

- General Notes:**
1. This drawing is to be read in conjunction with other consultative drawings.
  2. Check site conditions prior to commencement of work.
  3. Do not scale off drawings, use figured dimensions only.
  4. Do not scale off drawings, use figured dimensions only.
  5. This drawing may be issued in colour, and may be a non-standard paper size.



- KEY:**
- Existing Walls
  - Proposed Walls
  - Planned Roof
  - Flat Roof
  - Cladding
  - Demolitions



|   |            |                    |         |
|---|------------|--------------------|---------|
| A   | 19/11/17   | Issued for comment | MS2     |
| Rev   | Date       | Notes              | Drawn   |
| Scale   | 1:100 @ A1 | 0 5 10             | On 1/20 |
| DA Sheet Number   |            |                    |         |
|   |            |                    |         |
| Client: Mr & Mrs. Bustamam<br>Project Address: Musleh Alam Farm, Selatong District, District D13, D17<br>Project Description: Permitted Development Scheme<br>Drawing Title: Proposed site and rear elevations to existing building<br>Drawing No: 1759.079<br>Rev: A |            |                    |         |