

## Planning Statement

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### **Muddle Barn Farm**

Colony Road  
Sibford Gower  
Banbury  
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On behalf of Mr and Mrs Besterman

**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**

August 2016



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## 1. INTRODUCTION AND BACKGROUND

- 1.1 This Statement has been prepared in support of a full planning application for the demolition of the existing dwelling and part of the range of large scale equestrian buildings and the erection of a replacement dwelling, including associated works and landscaping, at Muddle Barn Farm, Sibford Gower.
- 1.2 This statement should be read alongside the following plans and documents:
- Yiangou Architects OS Site Location Plan no. 1759-001-A.
  - Yiangou Architects Survey Drawings nos. 1759-010-B, 1759-011-A, 1759-012-A, 1759-013-A, 1759-014-A, 1759-015-A.
  - Yiangou Architects Permitted Development Diagram no. 1759-021-B.
  - Yiangou Architects Proposed Drawings nos. 1759-100-E, 1759-110-A, 1759-111-A, 1759-118-A, 1759-122-A, 1759-125A, 1759-126-A, 1759-127-A, 1759-128-A.
  - Yiangou Architects Design and Access Statement incorporating precedent study photographs and map.
  - Bat Emergence Survey Report prepared by Wild Service.
  - Landscaping Proposals Drawing No 1353.01C.
- 1.3 The Statement considers the relevant planning history and explains how this revised application responds to previous feedback; explains and considers the design of the proposed replacement dwelling; the landscaping proposals; the impact on highway safety; the impact on neighbouring amenity and the impact on ecology. It also considers and explores the relevant planning policy context and assesses how it applies to this application, and how it has been applied to similar proposals within the District. It draws together the findings and observations of the supporting documents and sets out why planning permission should be granted.
- 1.4 It is of note that this planning application follows on from the withdrawal of two previous applications for a replacement dwelling on this site. Those applications were withdrawn following officer concerns about the submitted proposals (applications 14/02157/F and 15/01693/F refer). Those concerns focussed on the scale, design and siting of the proposed replacement dwelling and have been addressed through this submission and the amended proposals, where the applicant has sought to respond very positively to the concerns raised. Significant amendments to the previous scheme have been made which include as follows;
- **Scale:** Significant reduction in footprint of the replacement dwelling compared to the previously withdrawn application ref 15/01693/F - by 254.4sqm (circa 42%)
  - **Siting:** Re-siting of the house some 11m further north and closer to the original dwelling
  - **Design:** Amendments to the design in response to consultations and discussions with the Design and Conservation Officer and Case Officer.
- 1.5 This application has been subject to further Pre-Application discussions with the Council, most notably a meeting with the Case Officer and the Design and Conservation Officer, followed by written advice. The Case Officer's advice (received by email 06 May 2016) is that the architectural and design quality of the scheme is critical to the Council's consideration of the proposal. He comments that the Design and Conservation Officers view the amended proposal as being one that in principle they can support, reaching the appropriate level of design quality and which reinforces local distinctiveness. This submitted application also amends the proposal in-line with the further minor comments received in the same email.

## 2. SITE AND SURROUNDING AREA

- 2.1 The site lies to the south west of Sibford Gower. The existing property (a detached two storey dwelling in the form of a chalet style house, dating from the mid 1980's) sits alongside a large amount of equestrian buildings, within an extensive curtilage. In terms of built development,

the site accommodates 1,383.25sqm of covered space with 30 or so stables/loose boxes, indoor school, tack-room with staff area, and an indoor horse walker. There is also a range of associated external facilities, including two external lunging rings, which are surrounded by overgrown, uniform hedgerows, an outdoor manege, a dressage arena and surrounding paddocks.

- 2.2 The footprint of the existing dwelling, stables and barn total 1490.25sqm.
- 2.3 The land within the applicant's ownership extends to the east and west of the dwelling, totalling some 12.3 hectares. Access to the site is via a private drive off Colony Road. This also serves New Barn Farm, which is located to the east of Muddle Barn Farm, with a large garden area to the front (south) of the property.
- 2.4 There are records of bats in the area, but there are no other site specific constraints.

### **3.0 PLANNING HISTORY**

- 3.1 Planning permission was granted under application CHN600/85 for the erection of a new agricultural worker's dwelling at New Barn Farm, Sibford Gower on the 8th January 1986.
- 3.2 More recently a Certificate for Lawful Use Existing (14/01100/CLUE) was granted for the use of the dwelling in breach of condition 5 (agricultural occupancy) of CHN600/85. This was approved on the 26 August 2014. A copy of the approved Certificate is attached at Appendix 1. It can be seen that this certifies that the use of the dwelling in breach of condition 5 and in respect of the land identified and edged red on the plan attached to the certificate is lawful.
- 3.3 An application (CDC ref. 14/02157/F) for a replacement dwelling, with a parapeted roof, orangery style kitchen extension and outbuildings further south on the site was submitted on 29 December 2014 and validated on 5 January 2015. There were some objections from local residents and parish councils and there were also some letters of support on file. Whilst there were no objections from the Landscape and Highways Officers, there were concerns raised by the Planning Officer and Conservation and Design Officers regarding the house orientation, scale, siting and some of the detailed design elements of the proposal. Discussions were entered into but their concerns remained and the application was withdrawn.
- 3.4 Following lengthy discussions with the Planning and Design & Conservation Officers, a second application (CDC ref.15/01693/F) was submitted and validated on 15 September 2015. This was for a similar sized house, but with the parapet omitted and detailing simplified. The orientation of the house was also altered so that the house was parallel with the adjacent field divisions, and the scale of the house forecourt was reduced along with the volume of the outbuildings. Further amended drawings were submitted on 19 January 2016, with a reduced footprint to the house, but despite no objections from Highways and Landscape Officers, there were still continued concerns regarding size, siting and some detailing issues. Again, there were letters of objection from members of the public and parish councils, however, there were also letters of support, including a letter of support from the immediate neighbours. This application was subsequently withdrawn.
- 3.5 The current application follows on from a pre-application meeting at Bodicote House on 4 March 2016 with Nathanael Stock (Planning Officer) and Joyce Christie (Design & Conservation Officer) and is a response to on-going concerns raised in emails on 27 April and 6 May 2016, which have been addressed with this revised proposal. For further details of the response, please refer to the Design and Access Statement.

## **4. THE PROPOSED DEVELOPMENT**

- 4.1 A recently approved Lawful Development Certificate confirms that there is no occupancy condition associated with the building, in addition to confirming the extent of the lawful planning unit. In planning policy terms the site does not fall within a nationally designated

landscape (e.g. AONB) and there are no site specific designations. The landscape context is considered in full in previous applications which were accompanied by a detailed Landscape and Visual Impact Assessment.

- 4.2 The proposed development is a replacement dwelling within a comparably sized curtilage. The proposal is for a handsome Georgian farmhouse, two storeys tall and constructed of local Hornton ironstone ashlar and rubble with painted sliding sash windows and a low pitched slate roof. Please refer to the accompanying Design and Access Statement by Yiangou Architects for further information including precedent studies of the local area.
- 4.3 In addition to demolishing the existing dwelling, it is also proposed to demolish an extensive amount of large equestrian buildings, amounting to 791.98 sqm.

In summary, the proposals can be quantified as follows:

**Existing Built Development (footprint)**

Dwelling – 107sqm

Stables and Barns – 1383.25sqm

Total – 1490.25sqm

**Proposed Built Development (footprint)**

Dwelling – 351.6sqm

Retained stables and Barn – 591.27sqm

Total – 942.87sqm

4.4 ***The Design of the Proposed Dwelling***

- 4.41 Mr and Mrs Besterman have appointed Yiangou Architects to design a bespoke replacement dwelling in the Classical idiom. Yiangou Architects are a practice that have won awards for traditional and contemporary houses and are well versed in the design of traditional properties, historic detailing and the importance of using vernacular materials. The proposed dwelling is of a very high architectural quality that respects local distinctiveness, is sensitive to the characteristics of the local area and provides significant enhancement to its immediate locale.
- 4.42 The Case Officer has advised that the architectural and design quality of the scheme is critical to his consideration of this application and that if an appropriate level of design quality can be reached, this could amount to a material consideration that outweighs any conflict with H17.
- 4.43 The applicant has engaged fully in pre-application discussions with the Council to ensure that these design aspirations (which align with his own) are reflected in this proposal. The proposal that is now submitted reflects those discussions and the Case Officer has advised that the proposal is now of such a design quality that both he, and his design and conservation colleagues, can support the application on these grounds.
- 4.44 The evolution of the design and further explanation of the design concept is set out in the accompanying Design and Access Statement.

4.5 ***Proposed Landscaping***

- 4.51 At the moment, Muddle Barn Farm has a considerable amount of very large, conifer hedging which is not an appropriate feature in this area of North Oxfordshire.
- 4.52 As part of the proposed works, there is a wider proposal for a site-wide soft and hard landscaping scheme, including structural planting, a new driveway (main entrance remains unaltered) and improved boundary treatments.
- 4.53 When the original application was submitted (for a larger house and outbuildings further down the site), Cherwell District Council's Landscape Officer did not object to the proposed larger scheme.

4.54 The proposed dwelling is not only now reduced in scale, but it is also now orientated to reflect field boundaries and a relationship with the existing buildings. This is an overall gain in terms of a logical side plan and impact on wider views.

#### 4.6 ***Impact on Highway Safety***

4.6.1 The existing access would be retained and the proposal would not result in any increase in traffic using the surrounding roads and access. In fact, the application would result in a decrease in traffic movements (and a reduction in LGV movements) as result of the demolition of such a substantial number of buildings, some of which are currently used for commercial equestrian purposes. It is of note that the site is currently rented out as an equestrian centre and the amount of vehicular movements generated by this commercial use and the existing dwelling, far outweigh those generated by the single dwelling proposed. In highway safety and residential amenity terms therefore, the proposal will result in a benefit, rather than any harm. It is noted that the Highway Authority raised no objections to previous applications for a replacement dwelling on this site.

#### 4.7 ***Impact on Neighbouring amenity***

4.7.1 The siting of the proposed dwelling is such that there will be no detrimental effect on the amenities of the neighbouring property, New Barn Farm. If anything, the proposed removal of the equestrian buildings will be beneficial to neighbouring amenity. It is of note that the owners of New Barn Farm wrote in full support of the previously withdrawn application (as amended) and welcomed the plans, considering the house to be suitable for the site and the amendments made to its scale and design to make the scale of the property appear smaller. They welcomed the re-orientation of the house east-west, parallel to the local field boundaries and to New Barn Farm and considered the impact of the proposal to be far less than the “ugly and large farm buildings” currently on the site.

#### 4.8 ***Ecological implications***

4.8.1 The original wildlife survey undertaken in July 2014 did not find any bat roosts but suggested precautionary measures. Additional Bat surveys in July 2016 identified that the building on site is being used as an occasional summer day roost by a bat, likely to be a male Pipistrelle. Small numbers of four different common bat species were recorded commuting and foraging in the garden and around the house in 2016: common pipistrelle, soprano pipistrelle, Myotis species and noctule.

4.8.2 A Low Impact Bat Class Licence will be obtained by a Registered Consultant once the necessary planning consents are in place.

4.8.3 Mitigation measures will be undertaken as per the report to include the registration of the site to Natural England and the incorporation of bat roosting such as installation of bat tubes or boxes.

### 5.0 **RESPONSE TO PREVIOUS OBJECTIONS**

The previous, withdrawn, application attracted some objections from residents of Sibford Gower, and from the two parish councils (Sibford Gower and Sibford Ferris). It also attracted letters of support from residents (including the closest neighbour) who recognised the benefits of the removal of the existing buildings and the design quality of its replacement.

The objections can be generally summarised and responded to as follows:

#### 5.1 ***Visual and Landscape Impact (including size and design)***

There are numerous examples of local properties of a similar size and character to the proposed dwelling, details of which have previously been submitted with the application(s) and which show that the design and aesthetic is entirely appropriate to its context.

- 5.2 Refinements have been made to the design to respond to the Design and Conservation Officer's and Case Officer's comments and it is of note that the proposal is now considered to be of a design quality that Officers can support and which they consider reinforces local distinctiveness.
- 5.3 Previously expressed concerns about scale have been addressed by the substantial reductions in the size of the proposed replacement dwelling which are discussed elsewhere in this Statement. The revised proposal cannot now be considered to be disproportionate to its setting or wider context. Nor can the dwelling be considered to cause significant harm to the character and appearance of the countryside.
- 5.4 Concerns about potential light pollution can easily be controlled by attaching appropriate conditions to any permission.
- 5.5 Matters concerning detailed design are addressed elsewhere in this Statement, and in the Design and Access Statement.
- 5.6 ***Impact on highway safety and traffic***  
As mentioned above, the suggestion that the proposal will increase vehicle movements is incorrect. The application would in effect result in a decrease in traffic movements (and a reduction in LGV movements) for the reasons described.
- 5.7 ***Precedent***  
Each application for a replacement dwelling will need to be determined on its own merits taking into account the national and local policy context described above, but most importantly, the impact of the proposal on the character and appearance of the countryside. Approval of this application will not set an undesirable precedent which would make it difficult for the Local Planning Authority to refuse other applications where the visual and landscape impact may be greater.

## 6. PLANNING POLICY CONTEXT

- 6.1 For the purposes of Section 38 (1) of the Planning and Compulsory Purchase Act 2004, the Development Plan comprises the adopted Cherwell Local Plan 2011-2031 (Part 1) and the saved policies of the adopted Cherwell Local Plan 1996. The following policies are of most relevance to this application;

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

- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

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

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

- 6.2 The Council also has a Non-Statutory Cherwell Local Plan 2011, originally produced as a replacement for the adopted (1996) Local Plan. However, the decision was taken by the Council to discontinue work on the plan in 2004 and withdraw it from the statutory local plan process before the Public Inquiry. To avoid a policy void the Non-Statutory Cherwell Local Plan 2011 was approved by the Council as interim planning policy for development control purposes on the 13 December 2004. Over time, its policies are being superseded by new planning documents. The Non-Statutory Cherwell Local Plan 2011 does not form part of the statutory development plan and its policies are being superseded by new planning documents, notably the Local Plan Part 1 and the emerging Local Plan Part 2. Its policies therefore do not carry significant weight and are therefore not considered further.
- 6.3 Other material considerations in policy terms include national policy and guidance, emerging policy and other relevant adopted guidance such as supplementary planning guidance and

documents. The National Planning Policy Framework (NPPF) in particular is a material consideration of significant weight in the determination of planning applications and appeals.

### **National Policy - National Planning Policy Framework (NPPF)**

- 6.4 The NPPF sets the overarching planning framework for development. At the heart of the document is the 'presumption in favour of sustainable development' which for decision taking means approving development proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out-of-date, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.
- 6.5 **Paragraph 215** in Annex 1 confirms that following 12 months from the adoption of the NPPF (March 2012) due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).
- 6.6 **Section 7** of the NPPF relates to design. Paragraph 56 confirms that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, and indivisible from good planning, and should contribute positively to making places better for people.
- 6.7 **Paragraphs 59-60** go on to add that design polices should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, material and access of new development in relation to neighbouring buildings and the local area more generally. Planning policies and decisions however should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

### **The Development Plan - Cherwell Local Plan (1996)**

#### ***H17 – Replacement Dwellings***

This policy confirms that proposals for one-for-one replacement of an existing statutorily unfit or substandard dwelling will normally be permitted provided that:

- *The existing building is not a listed building capable of restoration or suitable for an appropriate and beneficial use;*
- *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;*
- *The proposal meets the requirements of the other policies in the plan.*

#### ***C28 – Layout, Design and External Appearance of New Development***

*Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.*

#### ***C30 – Neighbouring Amenity***

*Design control will be exercised to ensure:*



- (i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity;
- (ii) that any proposal to extend an existing dwelling (in cases where planning permission is required) is compatible with the scale of the existing dwelling, its curtilage and the character of the street scene;
- (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the local planning authority.

## **The Development Plan - Cherwell Local Plan 2011-2031 Part 1**

### **ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment**

Sets out the Council's expectations for the protection and enhancement of biodiversity and the natural environment.

### **ESD13 - Local Landscape Protection and Enhancement**

Seeks to conserve and enhance the countryside and landscape character of the District. Development will be expected to respect and enhance local landscape character.

### **ESD15 - The Character of the Built and Historic Environment**

The design of new development should complement and enhance its context through sensitive siting, layout and high quality design.

## **7.0 OTHER RELEVANT PLANNING HISTORY**

- 7.1 There have been other applications approved within the District for replacement dwellings that are of relevance to this current application. They are a useful reference as they identify the key considerations against which applications for replacement dwelling have been assessed.
- 7.2 **Bradshaws Bungalow (14/00552/F)**

This application related to a bungalow located in Middle Aston. The bungalow sits within a 1 hectare site and (at the time) an Area of High Landscape Value. The proposal was for a replacement two storey dwelling, in the same location as the existing dwelling. The replacement dwelling was 4.3m higher than the existing bungalow and was recognised as being larger in scale (height and footprint).
- 7.3 In determining the application, the Planning Officer recognised that permitted development rights would allow the dwelling to be significantly extended. Para 5.5 of the Officer's report to Committee states:

*"It [the dwelling] has a similar footprint especially when you take into consideration the fact that the existing building could be significantly extended using permitted development rights".*
- 7.4 The Officer also recognises that the large curtilage could easily accommodate a larger dwelling, which would sit comfortably within its setting.
- 7.5 Furthermore, at para 5.6 of the report, the Officer concludes that the proposal is not *"completely in accordance with H17"* but goes on to opine that *"no adverse harm"* arises from the development and as such it does not conflict with the purposes of the policy which seeks to protect the character of the countryside and prevent substantially larger and more conspicuous dwellings in the landscape. As such the principle of the development was considered to be acceptable.
- 7.6 Consequently the application was approved on the 20 June 2014. A copy of the decision notice, Officer's report and approved location and site plan has been attached at Appendix 2.

**7.7 Manor Farm Bungalow, Hornton (13/01451/F)**

This application related to an isolated hill top location to the south of Hornton, which accommodated a bungalow. The proposal was to replace the bungalow with a two storey dwelling with outbuildings.

7.8 In this case the officer stated that Policy H17 *“does not fully comply with guidance set out in the NPPF, as the NPPF does not seek to restrict the replacement of dwellings in this way”*.

7.9 Crucially, in this case the replacement dwelling was not within the same curtilage as the existing dwelling. It was also accepted that the replacement dwelling was considerably larger than the existing bungalow, occupying a greater footprint (see para 5.7 of the Officer’s Report).

7.10 Again in this case the Officer concluded that the proposals did not comply with the interpretation of Policy H17, but quite rightly recognised that it was important to consider the proposals against the supporting text and the aims of Policy H17, which are to protect the character of the countryside.

7.11 In this case, the Officer also recognised that the removal of large agricultural buildings was a benefit of the proposal in visual impact terms (see para 5.10 of the Officer report) and it was concluded that whilst there was some conflict with Local Plan policy H17 the proposal would not cause substantial harm and accorded with the National Planning Policy Framework.

7.12 Consequently, the application as approved on the 20 December 2013. A copy of the decision notice, Officer’s report and approved location and site plan has been attached at Appendix 3.

**7.13 South View Farm, Wigginton (14/01689/F)**

This application concerned a replacement dwelling with four domestic outbuildings, to replace the existing dwelling and other buildings at the site.

7.14 In this case, the Officer found that there was no conflict with the NPPF as there was no mention in the NPPF of replacement dwellings. He too opined that the supporting statement (and therefore reasoning for) Policy H17 was key to the decision and he recognised that the aim of the policy was to protect the character of the countryside. He therefore considered the proposals in light of whether the proposal would unduly affect the visual appearance and character of the landscape (see para 5.19 of the Officer’s Report). In making this assessment the Officer also considered the scale and number of agricultural buildings already on site and the benefits of their removal.

7.15 Consequently the application as approved on 5 January 2015. A copy of the decision notice, Officer’s report and approved location and site plan has been attached at Appendix 4.

**7.16 Summary of findings from these applications**

The above decisions allow the following conclusions to be formed:

- Local Plan Policy H17 is an old and outdated policy and does not wholly reflect more up to date national policy;
- There is no equivalent policy in the NPPF concerning replacement dwellings;
- The key test for a replacement dwelling is demonstrating that any impact on the character of the surrounding landscape can be avoided or mitigated;
- Buildings which are larger in scale than those they replace can be considered acceptable under Policy H17;
- The potential additional floorspace that could be achieved through permitted development rights is a material consideration in establishing the footprint of the existing dwelling and whether replacement dwellings can be considered to be in scale with the existing dwelling;
- The size of the curtilage can influence the size of the replacement dwelling that can be accommodated;

- Proposals for replacement dwellings which do not accord with Policy H17 can be permitted on their merits;
- The purposes of the policy should be considered when considering applications against Policy H17;
- Replacement dwellings do not have to be sited within the same curtilage as the existing dwelling to be permitted;
- The removal of other buildings (e.g. agricultural) can assist in reducing the impact of proposed developments and is a material planning consideration.

## **8.0 THE PRINCIPLE OF A REPLACEMENT DWELLING AND POLICY H17**

- 8.1 The Development Plan comprises the saved policies of the Cherwell Local Plan, which date from 1996, together with the adopted Cherwell Local Plan 2011-2031. Due to its age, the saved policies within the 1996 Plan are now very dated and should only be applied weight in accordance with Paragraph 21 of the NPPF and the extent of their consistency with the Framework. Such policies include Policy H17 which applies to replacement dwellings.
- 8.2 The NPPF however contains no policies relating to replacement dwellings in the countryside. Rather, it seeks to protect valued landscapes and encourages LPAs to set criteria based policies against which proposals for any development on or affecting landscape areas will be judged.
- 8.3 The Council has sought to reflect this national policy through its adoption of the new Local Plan Part 1 and the criteria based policies therein, which better reflect the national policy approach to development in the countryside.
- 8.4 The adopted Cherwell Local Plan 2011-2031 also does not include a policy concerning the replacement of existing dwellings in the countryside. Instead, countryside protection is secured through other policies such as policy ESD13. This Plan too is therefore silent on the matter of replacement dwellings.
- 8.5 The Council has recently consulted on its Cherwell Local Plan Part 2 - Development Management Policies and Sites: Issues Paper. This recognises the practical difficulties of applying H17 in the current context and seeks views on what criteria the Council might establish to determine whether the replacement of a dwelling should be allowed.
- 8.6 In light of the above, Policy H17 of the 1996 Local Plan does not reflect more up to date national policy and does not reflect the policy approach of the very recently adopted Local Plan. A 'new' replacement dwelling policy is also to be forthcoming as part of the emerging Local Plan Part 2. The weight that can be afforded to Policy H17 is therefore limited in accordance with para 21 of the NPPF. This was recognised by the Council in the Officer's report for Manor Farm Bungalow which is attached as Appendix 3.
- 8.7 The Council has previously taken the view that the proposal conflicts with Policy H17 due to its scale and siting. However, even where there is a conflict with development plan policy consideration needs to be given to whether there are material considerations that would outweigh this conflict.
- 8.8 One of these material considerations is the weight that should be applied to the policy in light of the more up to date policy context as mentioned above; the other material considerations are now discussed.
- 8.9 ***Householder Permitted Development Rights***
- 8.10 As is clear from the Council's consideration of the Bradshaw's Bungalow application referenced above, and case law, the implementation of permitted development rights to extend the existing dwelling as a fall-back position is a material planning consideration. This is quite clearly a genuine option in this case were planning permission to be refused.

- 8.11 Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) (England) Order 2015, sets out permitted development rights in relation to development within the curtilage of a dwellinghouse. Class A relates to the enlargement of a dwellinghouse and Class E to buildings within the curtilage of the dwellinghouse; both are relevant in this case.
- 8.12 Class A would allow significant extensions to the 'non-principal' elevations, both to the side and rear. A single storey rear extension of upto 8m could be added (3m if more than single storey) and single storey extensions to the sides of the dwelling could be added upto half the width of the existing dwelling. Overall this could amount to up to 182.34 sqm additional ground floor footprint.
- 8.13 In addition, up to 50% of the curtilage (excluding the original house) could be developed with ancillary buildings under Class E.
- 8.14 ***The purposes of development plan policy and the impact of the proposal on the character of the countryside***
- 8.15 When considering an application against a development plan policy, the decision maker should also consider the supporting text to the policy and the purposes of the policy. In the case of Policy H17 this supporting text states that "*The protection of the character of the countryside will be a primary objective in all cases*". The purpose of H17 is therefore to protect the character of the countryside and therefore the impact of the development on the countryside is the key consideration in this case, which is an approach that has been taken by the Council in other similar applications.
- 8.16 The amended proposals make significant changes to the siting of the replacement dwelling to ensure it is sited considerably closer to the existing dwelling (by some 11m) in recognition of the Council's concerns with previous applications, and to avoid sporadic development in the countryside.
- 8.17 The applicant has also made significant reductions in the size of the replacement dwelling by removing the 'wing' that was proposed in previous applications. This is in addition to revisions to its design. There has been a reduction of approximately 42% since the previous submission (previous scheme – 606sqm; current proposal – 351.6sqm). The current proposals now seek permission for a dwelling which is only 1.25 times the size of the existing dwelling, as it could be extended by permitted development rights.
- 8.18 Consideration should also be given to the buildings to be removed when considering the impacts of this proposal. In this case, total demolitions would amount to 791.98sqm which can be secured by condition. Overall therefore the amount of floorspace within the site will actually reduce significantly as a result of this proposal.
- 8.19 The two preceding applications were accompanied by a Landscape and Visual Impact Assessment prepared by Colvin and Moggridge landscape consultants. The Case Officer has confirmed that a third landscape assessment is not required with this application as the available information is sufficient to adequately consider the impact of this (amended) development.
- 8.20 It is the conclusion of this Assessment that both in terms of landscape character and visual effect, the proposed construction of the replacement dwelling could proceed with little long-term effect on landscape character or visual amenity.
- 8.21 In particular, the landscape assessment found that the effect of the development ranges from 'moderate to insignificant', which the planting of advanced nursery stock trees will reduce to 'moderate to slight'. The visual impact assessment found that implementation of suitable tree planting within the curtilage of the replacement dwelling together with tree and hedge planting proposals in the wider landscape, would mitigate any effect to levels of only slight or negligible. It was further noted that the proposed building does not detract from or block any noteworthy views.

- 8.22 In addition, there are positive landscape outcomes as a result of the proposals including:
- The removal of the small paddock landscape and associated fences;
  - The removal of prominent Lawson Cypress hedges;
  - The restoration of hedged field boundaries;
  - The planting of hedgerow trees;
  - The removal of an ugly two storey dwelling inappropriately positioned and redundant modern farm buildings and replacement with an appropriately detailed Georgian house, set amongst trees, adding interest to cross-countryside views;
  - Establishing backdrop planting to New Barn Farm, softening its impact on the skyline;
  - Positioning the gravel driveway away from the neighbour's garden boundary;
  - Within the garden boundary, the proposed house will sit in an informal framework of trees that whilst helping to shape the garden areas, will also be carefully positioned to tie the house into the landscape and reduce its effect;
  - Within the wider landscape the design objectives are to restore a simpler pastoral landscape with features reflecting the positive attributes of local landscape character;
  - All existing boundary hedges will be reinforced by the planting of a native shrub belt to the inside;
  - Some small native woodland plantations are also proposed to provide further habitat diversity and reduce the effect of the replacement dwelling on the wider landscape.
- 8.23 This allows the clear conclusion to be formed that the proposed development will comply with the purposes of Policy H17 of the Local Plan 1996, as well as Policy ESD13 of the Cherwell Local Plan 2011-2031, and will not result in any adverse visual or landscape impact.
- 8.24 It is of note that the Council's Landscape Architect (by email dated 09 February 2016) supported the previous (amended) application, and the improved landscape mitigation measures.

## 9.0 OVERALL CONCLUSIONS

- 9.1 The proposed scheme brings with it with the following benefits;
- The removal of an ugly and inappropriately positioned two storey chalet style house of no architectural merit
  - The removal of a range of large and unattractive modern farm buildings
  - The provision of a dwelling of very high architectural and design quality that respects local distinctiveness, is sensitive to the characteristics of the local area and provides significant enhancement to its immediate locale
  - A decrease in traffic movements to the benefit and highway safety and residential amenity
  - Benefits to the neighbouring amenity of New Barn Farm as a result of the removal of the existing equestrian business
  - The removal of the small paddock landscape and associated fences
  - The removal of prominent Lawson Cypress hedges
  - The restoration of hedged field boundaries
  - The planting of hedgerow trees
  - Establishing backdrop planting to New Barn Farm, softening its impact on the skyline
  - Positioning the gravel driveway away from the neighbour's garden boundary
  - Within the garden boundary, the proposed house will sit in an informal framework of trees that whilst helping to shape the garden areas, will also be carefully positioned to tie the house into the landscape and reduce its effect
  - Within the wider landscape the design objectives are to restore a simpler pastoral landscape with features reflecting the positive attributes of local landscape character
  - All existing boundary hedges will be reinforced by the planting of a native shrub belt to the inside
  - Some small native woodland plantations are also proposed to provide further habitat diversity and reduce the effect of the replacement dwelling on the wider landscape.

- 9.2 Taking into account the above benefits, the national and local planning context, the weight that should be applied to Policy H17, the lack of any harmful landscape or visual impact, the high quality and locally distinctive design of the proposed replacement dwelling and the absence of significant and demonstrable harm in all respects, the Council is requested to support the application and to grant planning permission.

14/01100/CLUE – Lawful Development Certificate

# CERTIFICATE

**Town and Country Planning Act 1990: Section 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)**

**Town and Country Planning (Development Management Procedure)  
(England) Order 2010**

**LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING USE OR OPERATION  
OR ACTIVITY INCLUDING THOSE IN BREACH OF A PLANNING CONDITION**

Cherwell District Council certify that on 3rd July 2014 the use, or operation, or activity including those in breach of a planning condition 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, was lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the reasons stated in the Third Schedule

Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxon  
OX15 4AA

**Cherwell District Council**

Certified a true copy



Head of Public Protection &  
Development Management

Date 26th August 2014

**First Schedule**

Use of dwelling in breach of Condition 5 (Agricultural Occupancy) CHN600/85

**Second Schedule**

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

**Third Schedule**

Having regard to the information submitted by the applicant, the planning application records and information held by the Local Planning Authority, the Local Planning Authority is satisfied on the balance of probability that the dwelling known as Muddle Barn Farm, has been occupied in breach of Condition 5 of CHN600/85 for a continuous period in excess of 10 years



Notes

1. This Certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended)
2. It certifies that the matters specified in the First Schedule taking place on the land in the Second Schedule were lawful on the specified date and, thus, was 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 liable to enforcement action



Site Address: Muddle Barn Farm

Date: 26/08/14

Scale: 1:2500

Location: 434063, 237040



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## Appendix 2

14/00552/F - Bradshaws Bungalow

- Decision Notice
- Officer Report
- Location Plan
- Site Plan



**NOTICE OF DECISION**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**(AS AMENDED)**

**Name and Address of Agent/Applicant :**

Middle Aston House Ltd  
c/o JPPC  
Mr Neil Warner  
Bagley Croft  
Hinksey Hill  
Oxford  
OX1 5BD

**Date Registered :** 22nd April 2014

---

**Proposal :** Demolition of existing dwelling. Erection of replacement dwelling

**Location :** Bradshaws Bungalow Steeple Aston Road Middle Aston Bicester

**Parish(es) :** Middle Aston

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**PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS**

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxon  
OX15 4AA

**Cherwell District Council**

Certified a true copy

Head of Public Protection &  
Development Management

**Date of Decision :** 20th June 2014

**Head of Public Protection  
& Development Management**

## SCHEDULE OF CONDITIONS

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

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the planning application forms, Planning Design and Access Statement produced by JPPC dated March 2014, the Tree Survey Report produced by Sarah Venners dated April 2014, Section 5 of the Initial Bat Report produced by Swift Ecology dated 3 March 2014, and the following approved plans; 14001/L001, 14001/PP010/A, 14001/PE010, 14001/PE011 and 14/001/PP030.

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

- 3 Prior to the commencement of the development hereby approved, samples of the slate and timber boarding to be used in the construction of a proportion of the walls and 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 that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 4 Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on non-weathered limestone 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 materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan.

- 5 Notwithstanding the provisions of Classes A, B, C and D of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any new windows or openings other than those shown on the approved plans be inserted into the walls or the roof of the new dwelling, without the prior express planning consent of the Local Planning Authority.

Reason - To ensure and retain 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.

## 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 in a positive and proactive way through the efficient and timely determination of the application.



## NOTICE OF DECISION

### TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

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#### NOTES TO THE APPLICANT

##### TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

**Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

**Where the planning permission is complete and is not in outline**, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

##### OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 003 0200, fax 0300 003 0201 or E-mail at [building.control@cherwellandsouthnorthants.gov.uk](mailto:building.control@cherwellandsouthnorthants.gov.uk)
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.

- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

## **APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of the Local Planning Authority to refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then;

- For **Householder** applications you must do so within **12 weeks** of the date of the decision
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision
- For **all other types** of planning applications you must do so within **6 Months** of the date of the decision

### **Unless;**

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision which ever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0303 444 5000. Or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

**Site Address** Bradshaws Bungalow,  
Steeple Aston Road, Middle Aston

**14/00552/F**

**Ward** The Astons & Heyfords

**District Councillor** Cllr Kerford Byrnes & Cllr  
Macnamara

**Case Officer** Caroline Roche

**Recommendation** Approval

**Applicant** Middle Aston House

**Application Description** Demolition of existing dwelling   Erection of replacement dwelling

**Committee Referral** Major (due to site area)   **Committee Date** 19 June 2014

## **1       Site Description and Proposed Development**

1 1       The application relates to a site located off the Steeple Aston Road, to the north of Hatch End Industrial Estate and to the east of Lakeside Farm. It is just over 1 hectare in area and accommodates an existing bungalow and detached garage which sits in the eastern half of the site. The site also contains a large number of mature trees. The land levels rise up from the Steeple Aston Road resulting in the bungalow being on a slightly elevated position. The site is within an Area of High Landscape Value and a recent Tree Preservation Order has been served on a large number of the trees on the western section of the site (TPO 3/2014), there are no other significant constraints to the site.

1 2       The proposal seeks planning permission for the demolition of the existing bungalow (retaining the garage) and the construction of a new dwelling. The new dwelling sits in the same location as the existing bungalow and has a slightly larger footprint. The existing bungalow has a 'T' shaped form whereas the proposal has a simple form with one single storey projection measuring 2.2 metres in depth and a small balcony on the southern elevation. The proposed building is 4.3 metres higher than the existing bungalow but is no higher than an average 2 storey dwelling being 9 metres in height. The proposal involves no changes to the existing access and retains the remainder of the site as private garden.

### **Planning History**

1 3       The site has a straightforward planning history which is summarised below,

CHN 330/55 – Single storey dwelling approved (at a similar time to the poultry units on the neighbouring sites). There was no agricultural or other occupancy tie imposed on this application.

CHN 321/84 – double garage, approved

## **2       Application Publicity**

2 1       The application has been advertised by way of neighbour notification letter, site notice and a press notice. The formal consultation period expired on 22 May 2014.

To date one letter has been received in relation to the application. This was a letter from the resident of Lakeside Farmhouse, to the north west of the site, and it supports the application stating that it will improve the presently neglected site.

## **3       Consultations (full responses can be seen on the Council's website)**



3 1 Middle Aston Parish Council No comments received to date

### **Cherwell District Council Consultees**

3 2 Arboricultural Officer There are a number of significant trees on site, some of which are protected under TPO 3/2014. It is proposed that the majority of the trees are to be retained and protected during the redevelopment of the site. The only tree to be removed appears to be a dead weeping ash. As long as the trees are protected in accordance with the supplied Tree Protection Plan, I see no reason why the redevelopment of the site should not go ahead. It should have minimal impact on the trees to be retained. An arboricultural method statement should be supplied with details of site monitoring.

3 3 Ecologist

The bat survey found evidence of a bat roost within the garage/outbuilding, which is proposed to be retained. No evidence of bats was found in the main house. Since there are no current plans to make any alterations to the outbuilding, no further surveys are required. However, should this change, any works will need to be done under licence, which will require further surveys and a mitigation scheme. Given the possibility of bats being present under weatherboarding of the main house, I would advise that the following condition is attached to any permission.

The development hereby approved shall be carried out strictly in accordance with the recommendations made in section 5 of the Initial Bat Survey report by Swift Ecology, dated 3rd March 2014, which was submitted with the application.

### **Oxfordshire County Council Consultees**

3 4 None

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

4 1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H17 Replacement dwellings

C2 Protected species

C28 Layout, design and external appearance of new development

C30 Neighbouring amenity

4 2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted to PINs in January 2014 for Examination which is currently taking place. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case.

ESD16 Character and appearance of the Built Environment

### **5 Appraisal**

5.1 The key issues for consideration in this application are

- Principle of development
- Visual impact
- Neighbour impact
- Other Issues

#### **Principle of development**

5.2 The property is outside of the built up limits of Middle Aston as such the village categorisation policies do not apply. The proposal is for a replacement dwelling and as such Policy H17 of the adopted Cherwell Local Plan is the most relevant. This policy allows for the one for one replacement of a statutorily unfit or substandard dwelling provided that the existing building is not listed, the use of a dwelling has not been abandoned and its replacement is similar in scale and within the same curtilage.

5.3 Taking each of the above criteria in turn it is agreed between the agent and the planning officer that the building is not in such a poor state of repair that it can be considered statutorily unfit, however it is substandard by way of the roof being damaged and there being significant damp problems. These issues may be a result of the age of the property, the construction methods and materials used and to some extent an element of poor or insufficient maintenance over the years. The building would require a significant amount of work to bring it up to a suitable standard.

5.4 The building is not listed and there is no particular merit in retaining the existing building as it is not of any historic or architectural significance. Although the building has not been occupied for a number of years it is not considered that the residential use has been abandoned as there is still evidence of the residential use of the property and no other alternative uses have been permitted on the site.

5.5 The policy also requires that the replacement building be of a similar scale and within the same curtilage as the existing property. It is clear from the description of the proposal in section 1.2 that the building will be of a larger scale than the existing dwelling, especially in relation to the height of the structure. However it has a similar footprint especially when you take into consideration the fact that the existing building could be significantly extended using permitted development rights. Furthermore the proposed dwelling is at the same location as the existing building. The increased scale of the building can be easily accommodated within this site as it does benefit from a large curtilage. The agent points out that the Planning Practice Guidance provides the following advice, scale relates both to the overall size and mass of individual buildings and spaces in relation to their surroundings, and to the scale of their parts. As such it can be concluded that the space in which the new dwelling sits is sufficient to accommodate the increase in scale.

5.6 Given the above assessment it is considered that the proposal complies with the majority of the elements of Policy H17 of the adopted Cherwell Local Plan. However as the scale of the building is larger it is not completely in compliance with the policy. However it is officers opinion that there is no adverse harm arising from the development (see further considerations below) and as such it does not conflict with the purposes of the policy which seeks to protect the character of the countryside and prevent substantially larger and more conspicuous dwellings in the landscape and as such the principle of the development is considered to be acceptable.

#### **Visual Impact**

5.7 Despite the 25 metre setback and the mature trees to the front of the property the existing dwelling is clearly visible from the road, although largely only by passing vehicles and the occasional walker. This is partly due to the fact that the land levels

rise as you enter the site and the property sits on a slightly elevated position. The trees are mature and as such their canopies do little to screen the buildings within the site, although they do provide some filtering of the views into the site. The proposed building will therefore also be clearly visible from the public domain especially in light of its increased size. However just because a building is visible does not make it unacceptable. There will be no wider views of the property due to its location.

- 5.8 The proposed house is of an unusual design which has some similarities to a barn conversion. It is of a simple form and of fairly traditional proportions. Whilst the main building materials are stone with a slate roof there is a large proportion of glazing and timber boarding details. Given that the property sits in a large plot and will not be seen directly in association with any neighbouring buildings it is considered appropriate to accept the proposed form and style of property. It is considered appropriate for its rural setting. The proposal is considered to comply with Policy C28 of the adopted Cherwell Local Plan and guidance contained within the NPPF which requires high quality design.

### **Neighbour Impact**

- 5.9 Given the location of the property within a large plot there is little if any potential for any adverse neighbour impact. The nearest residential property is some 100metres away and as such there will be no overlooking, or overbearing impact as a result of the proposed dwelling. As such the proposal complies with Policy C30 of the adopted Cherwell Local Plan.

### **Other Issues**

- 5.10 Ecology – The comments of the Council's Ecologist are set out above. These conclude that there is unlikely to be any adverse impacts on protected species or features of ecological interest. This is due to the fact that the existing garage, within which there is evidence of bats is being retained and the new building will effectively replace an existing building footprint.
- 5.11 Highway safety – This is not considered to be an issue as the proposal involves a one for one replacement dwelling, albeit with an increased number of bedrooms but it utilises an existing access point and there is more than enough space to accommodate sufficient parking within the site for a property of this scale.
- 5.12 Trees – A recent Tree Preservation Order protects a large number of trees on the western half of the site. Despite the vast area that the protected trees cover it is kept free from development and the proposed building will not have an adverse impact on the trees and it is not considered that the new dwelling would result in any justification for the removal of the trees in the future. The Council's Arboriculturalist is satisfied that the trees will not be affected during the construction process if the tree protection fencing is installed in accordance with the submitted Tree Survey and mitigation report. This will be a requirement of the consent in the event of it being approved.
- 5.13 Permitted development rights – Given the high quality of the design of the new dwelling and its relatively simple form it is considered appropriate to restrict further extensions and openings through the removal of permitted development rights. This is proposed so that the Local Planning Authority retains some control over the size and design of any future extensions rather than restricting extensions due to concerns over the size of extensions in relation to the plot size or potential neighbour impact. Given that there has been a dwelling on the site since the 1950's that has not been restricted in relation to outbuildings it seems unreasonable to restrict the construction of outbuildings at this stage. Furthermore outbuildings will be restricted to an extent by existing permitted development right allowances and the Tree Preservation Order that exists to the rear of the site.

## Engagement

- 5 14 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen through the assessment of the application, as such there has been no communications with the applicant or agent with regard to the application. It is considered that the duty to be positive and proactive will have been discharged through the efficient and timely determination of the application.

## Conclusion

- 5 15 The principle of the proposal is considered to comply with the principles of Policy H17 of the adopted Cherwell Local Plan and also the general principles of sustainable development. No adverse visual or neighbour impact is likely to arise as a result of the proposal and it therefore complies with Policies C28 and C30 of the adopted Cherwell Local Plan.

## 6 Recommendation

### Approval subject to,

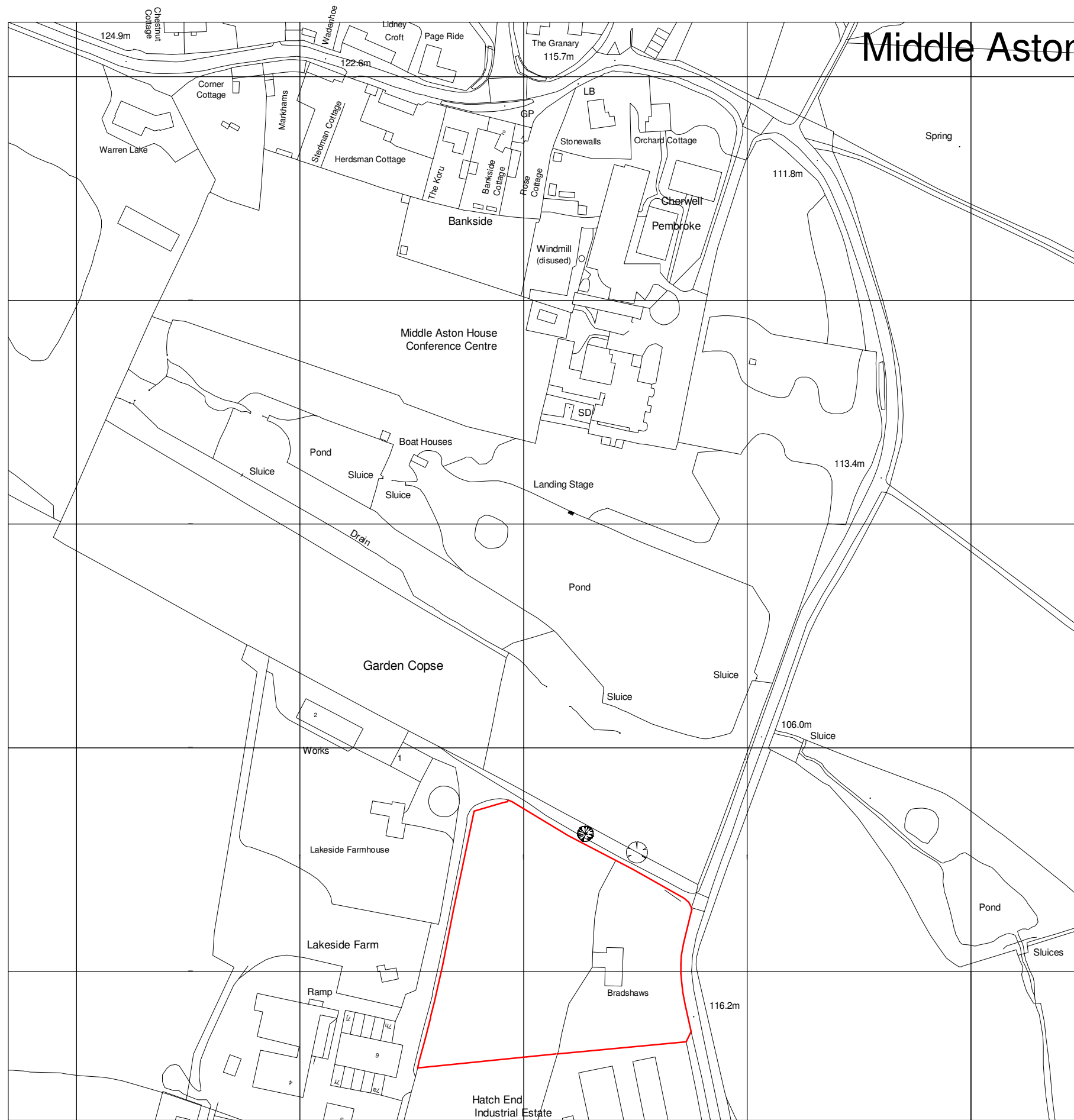
#### a) The following conditions,

- 1 That the development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission. Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the planning application forms, Planning Design and Access Statement produced by JPPC dated March 2014, the Tree Survey Report produced by Sarah Venners dated April 2014, Section 5 of the Initial Bat Report produced by Swift Ecology dated 3 March 2014, and the following approved plans, 14001/L001, 14001/PP010/A, 14001/PE010, 14001/PE011 and 14/001/PP030. Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, and in accordance with Government guidance contained within the National Planning Policy Framework.
- 3 Prior to the commencement of the development hereby approved, samples of the slate and timber boarding to be used in the construction of a proportion of the walls and 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 that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 4 Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on non-weathered limestone 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 materials used on the existing building and to comply with Policy C28 of the adopted Cherwell Local Plan.
- 5 Notwithstanding the provisions of Classes A, B, C and D of Part 1, Schedule 2

of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any new windows or openings other than those shown on the approved plans be inserted into the walls or the roof of the new dwelling, without the prior express planning consent of the Local Planning Authority Reason – To ensure and retain 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

**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 in a positive and proactive way through the efficient and timely determination of the application



# Middle Aston

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A3 ORIGINAL SHEET SIZE

25/03/2014 17:09:40

revision	date	description
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status

### PLANNING APPLICATION

project title REPLACEMENT DWELLING AT BRADSHAW'S, MIDDLE ASTON HALL, BICESTER, OXFORDSHIRE  
drawing title LOCATION PLAN

client name PERA INTERNATIONAL (C/O JPPC)

first issued 03/25/14 drawn JC scale 1 : 2000 job/drawing no/revision 14001/ L001/

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## Location Plan

1 : 2000

The Anderson Orr Partnership  
Chartered Architects RIBA #

The Studio, 70 Church Road, Wheatley, Oxford, OX33 1LZ  
• 01865 873936 • info@andersonorr.com • www.andersonorr.com

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03/04/2014 10:00:00

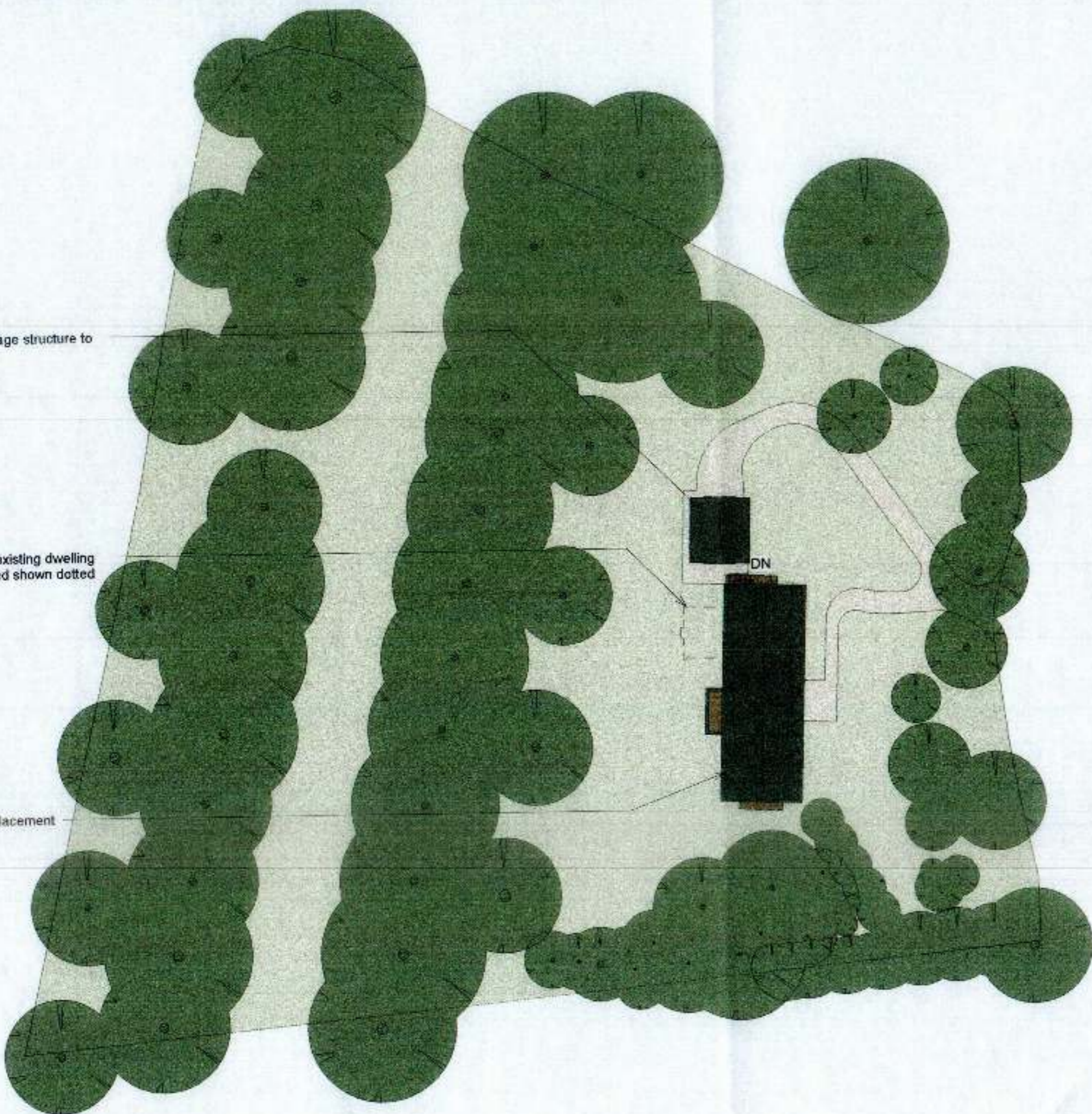
A3 ORIGINAL SHEET SIZE

14/00552/F

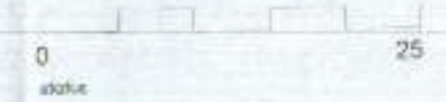
Existing garage structure to be retained

Footprint of existing dwelling to be removed shown dotted

Proposed replacement dwelling



revision	date	description
A	22/04/2014	General Arrangements



**PLANNING APPLICATION**

project title: REPLACEMENT DWELLING AT BRADSHAW, MIDDLE ASTON HALL, BICESTER, OXFORDSHIRE  
 drawing title: PROPOSED SITE PLAN  
 client name: PERA INTERNATIONAL (IC/O) JPC  
 first issued: 25/02/14    drawn: JC    scale: 1:500    job/drawing no/revision: 14001/ PP010/A

**SITE PLAN**  
 1 : 500

The Anderson Orr Partnership  
 Chartered Architects RIBA III

The Studio, 70 Church Road, Wharfedale, Leeds, LS3 1LZ  
 +44 (0)113 873933    info@andersonorr.com    www.andersonorr.com

## Appendix 3

13/01451/F – Manor Farm Bungalow

- Decision Notice
- Officer Report
- Location Plan
- Site Plan





**NOTICE OF DECISION**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**(AS AMENDED)**

**Name and Address of Agent/Applicant :**

Mr Finlay Scott  
c/o Quay Associates Ltd  
Mr Andrew Rockett  
The Pound  
Shenington  
OX15 6NB

**Date Registered :** 23rd September 2013

---

**Proposal :** Replacement dwelling and associated outbuildings

**Location :** Manor Farm Bungalow Hornton Banbury OX15 6DE

**Parish(es) :** Hornton

**UPRN :** 010011888098

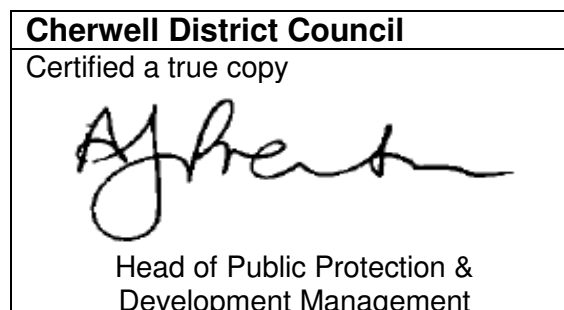
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**PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS**

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxon  
OX15 4AA



**Date of Decision :** 20th December 2013

**Head of Public Protection & Development  
Management**

## SCHEDULE OF CONDITIONS

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

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 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.

- 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.

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

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

- 10 Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.

Reason - To ensure and retain 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.

- 11 Prior to the commencement of the development hereby approved, 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,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 adopted Cherwell Local Plan 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 adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **PLANNING NOTES**

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.



# NOTICE OF DECISION

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

### NOTES TO THE APPLICANT

#### TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

**Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

**Where the planning permission is complete and is not in outline**, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

#### OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 003 0200, fax 0300 003 0201 or E-mail at [building.control@cherwellandsouthnorthants.gov.uk](mailto:building.control@cherwellandsouthnorthants.gov.uk)
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

#### APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then;

- For **Householder** applications you must do so within **12 weeks** of the date of the decision
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision
- For **all other types** of planning applications you must do so within **6 Months** of the date of the decision

**Unless;**

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision which ever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0303 444 5531. Or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

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

**13/01451/F**

**Ward:** Wroxtton

**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

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

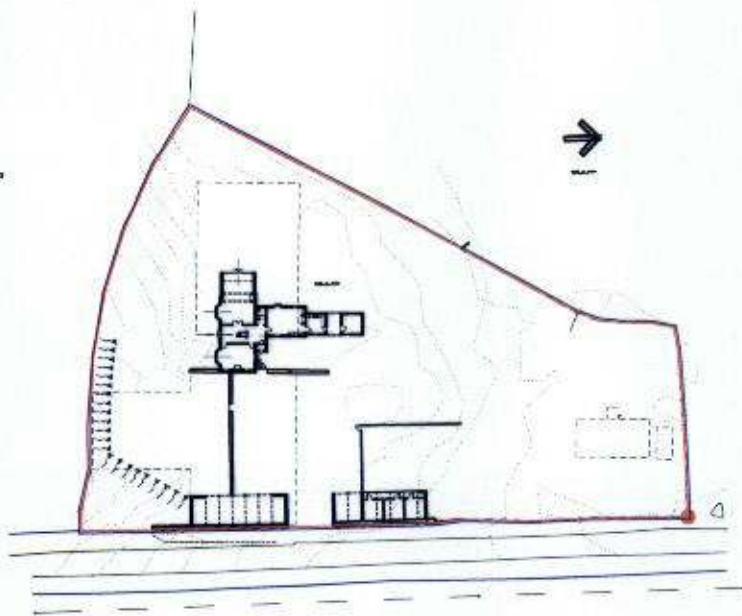
Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

#### **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



**CHERWELL DISTRICT COUNCIL**

Plan No 13/01451/F.....

Amended/**additional** plans received

on 04/12/13 with Applicants/Agent's

email  
Letter dated 04/12/13.....

NO	DATE	BY	REVISION TO NO (200) REV	CHK	APP

DRAWING TITLE **PLANNING**

**QUAY ASSOCIATES**

THE POUND  
SHENINGTON  
OXFORDSHIRE  
OX15 6NB

TEL/fax.: +44 (0) 1295 678 777  
mobile: +44 (0) 7798 525 535  
Email: ar@quaytect.com

DATE  
**FTK SCOTT Esq.**

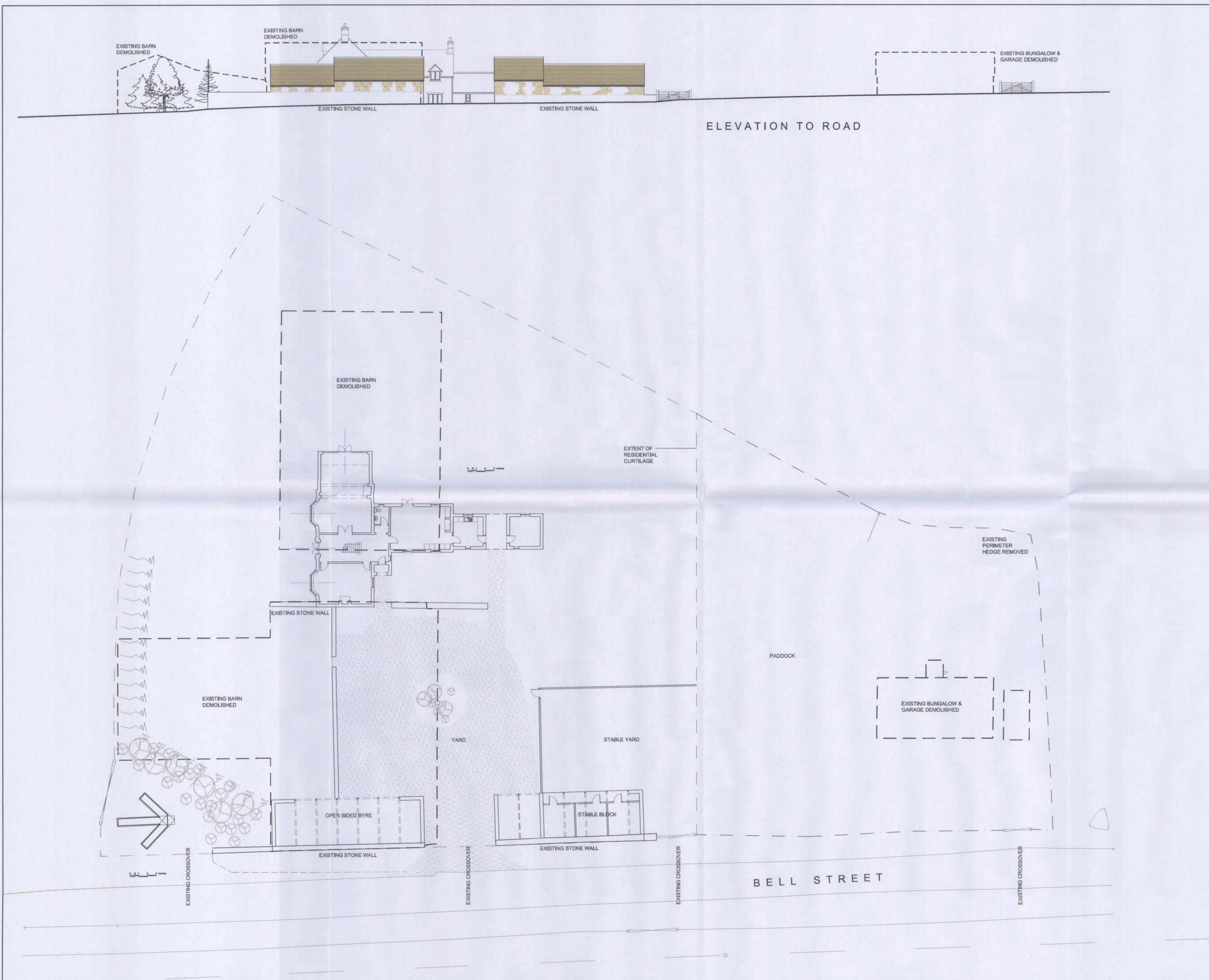
PROJECT  
**MANOR FARM  
HORNTON, BANBURY**

FILE  
**LOCATION  
PLAN**

DRAWN	CHECKED	DATE	ISSUED/REV	DESIGN	APPROVED	SIG
11250		JULY 2013				

PLAN NO.  
1270

SUBMIT NO. 1270/P06 REV A



REV	DATE	BY	DESCRIPTION	CHK	APP

PLANNING

**QUAY ASSOCIATES**

THE POUND  
SHENINGTON  
OXFORDSHIRE  
OX15 6NB

TEL./ fax.: +44 (0) 1295 678 777  
mobile: +44 (0) 7798 525 535  
Email: ar@quaytect.com

CLIENT  
**FTK SCOTT Esq.**

PROJECT  
MANOR FARM  
HORNTON, BANBURY

TITLE  
PROPOSED  
SITE PLAN

SCALE	DATE	DESIGN/DRAWN	CHECKED	APPROVED	SIT
1:200 @ A1	JULY 2013				

JOB No.  
1270

DRAWING No.  
1270/P01

## Appendix 4

South View Farm, Wigginton (14/01689/F)

- Decision Notice
- Officer Report
- Location Plan
  - Site Plan



**NOTICE OF DECISION**  
**TOWN AND COUNTRY PLANNING ACT 1990**  
**(AS AMENDED)**

**Name and Address of Agent/Applicant :**

Mr David Watt  
c/o Mr Philip Smith  
The Granary  
Spring Hill Office Park  
Harborough Road  
Pitsford  
Northampton  
NN6 9AA

**Date Registered :** 9th October 2014

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**Proposal :** Erection of a replacement dwelling and associated outbuildings

**Location :** South View Farm Hook Norton Road Wigginton Banbury

**Parish(es) :** Wigginton

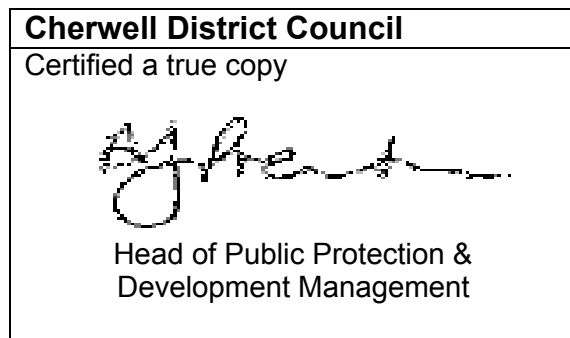
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**PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS**

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council  
Bodicote House  
Bodicote  
Banbury  
Oxon  
OX15 4AA



**Date of Decision :** 5th January 2015

**Head of Public Protection  
& Development Management**

## SCHEDULE OF 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, the application shall be carried out strictly in accordance with the following plans and documents: Application Forms, Planning Design and Access Statement and Drawing Numbers: SB/JS/361/T&H R, SB/JS/361/LS, SB/JS/361/LA1, SB/JS/361/LA2, 491.11B, 491.12 A, 491.13 A submitted with the application, Site Location Plan received from the agent on 10th November 2014 and Drawing Number 491.10 D received from the agent on 2nd December 2014.

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 full details of the tennis court shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.

Reason - To ensure the satisfactory appearance of the completed development and to comply with saved Policies C7, C13 and 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, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the dwelling 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 adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the walls of the outbuildings 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.

- 6 Prior to the commencement of the development hereby approved, samples of the slates to be used in the construction of the roofs of the dwelling and outbuildings 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.



- 7 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with saved Policies C7, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 8 The existing hedgerow along the front (north) boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with saved Policies C7, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 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 saved Policies C7, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10 The development hereby approved shall be carried out in accordance with the recommendations set out in of the Bat Survey carried out by Ecologylink on September 2014.

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

- 11 Prior to the commencement of development a timetable for the demolition of the existing dwelling shall be submitted to and approved in writing by the LPA and the approved scheme shall be implemented fully.

Reason - The principle of retaining both properties would be unacceptable as it would set a precedent for development that would, because of its cumulative impact, cause demonstrable harm to the visual appearance and character of the landscape. The demolition of the existing dwelling therefore accords with saved Policies C7, C13, C28, C30 and H17 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

## PLANNING NOTES

- 1 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
- 2 Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations.
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 In relation to condition 3, details of the design and materials of the fencing and surfacing should be submitted.
- 5 In relation to condition 7, the method statement will provide the basis for the RPA/protective fencing drawing.

## 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 outlined in the report.



# NOTICE OF DECISION

## TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

### NOTES TO THE APPLICANT

#### TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

**Where planning permission is given in outline** subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

**Where the planning permission is complete and is not in outline**, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

#### OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 003 0200, fax 0300 003 0201 or E-mail at [building.control@cherwellandsouthnorthants.gov.uk](mailto:building.control@cherwellandsouthnorthants.gov.uk)
- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.

- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

## **APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of the Local Planning Authority to refuse to grant planning permission or grant planning permission subject to conditions, you can appeal to the Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then;

- For **Householder** applications you must do so within **12 weeks** of the date of the decision
- For **Minor Commercial** applications you must do so within **12 weeks** of the date of the decision
- For **all other types** of planning applications you must do so within **6 Months** of the date of the decision

### **Unless;**

- The decision on the application relates to the same or substantially the same land and the development is already the **subject of an enforcement notice** then you must appeal within **28 days** of the date of the Local Planning Authority's decision on the planning application.
- If an **enforcement notice is served** relating to the same or substantially the same land and development as in your application and if you want to appeal the decision, then you must do so within **28 days** of the service of the enforcement notice, or 6 months (12 weeks for householder and minor commercial) of the date of this decision which ever is the sooner

Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel (0303 444 5000. Or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs)**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

## **PURCHASE NOTICES**

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

## **COMPENSATION**

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

**South View Farm,  
Hook Norton Road,  
Wigginton,  
OX15 4LH**

**14/01689/F**

**Case Officer:** Stuart Howden

**Recommendation:** Approval

**Applicant:** Mr David Watt

**Application Description:** Erection of a replacement dwelling and associated outbuildings

## **1. Site Description and Proposed Development**

- 1 1 The application site is situated on the south side of Hook Norton Road. The site, which is just under 1 hectare in area, accommodates a detached rendered dwelling together with a modern and brick agricultural buildings and a ménage. The site is accessed from two points of Hook Norton Road, one of which serves the dwelling and the other serves the farm entrance. The rear of the site slopes downwards towards a valley.
- 1 2 Planning permission is sought for a dwelling and four domestic outbuildings which are proposed to replace the existing residential dwelling at the site together with the other existing buildings at the site. The proposed dwelling would be centrally located on the site and would be two and a half storeys in height. The dwelling is proposed to be a depth of approximately 36.8 metres and a width of approximately 15 metres. The dwelling is proposed to be constructed from ironstone under a stone slate roof. The four outbuildings are proposed to be to the front of the site and would be in two pairs either side of the access driveway. The outbuildings are proposed to provide garaging, a workshop, machinery store and stabling. The existing boundary landscaping is proposed to be retained and reinforced and new landscaping is proposed. The proposed outbuildings, which would be one and a half storey in height, are proposed to be constructed from ironstone and brick under a stone slate roof.
- 1 3 There are no listed buildings within close proximity to the site and the site is not within a Conservation Area. The site is situated within an Area of High Landscape Value. A UK BAP Priority Habitat is situated within the site. A footpath is situated to the east and south of the site (FP 409/1).

## **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 13<sup>th</sup> November 2014. No correspondence has been received as a result of this consultation process.

## **3. Consultations**

- 3 1 Wigginton Parish Council. No objections but would prefer local 'brown' ironstone.

### **Cherwell District Council Consultees**

- 3 2 Ecology Officer. The bat survey found that there are two species roosting within the main house and shed/gym/playroom building. The stables are used as a night-time feeding roost only. The mitigation that is required for roosts of this significance is 'like-for-like'. Therefore a bat loft has been incorporated into both the stable buildings. This

will be supplemented by bat boxes built into the external walls of the stables. Other mitigation, involving the timing of works and ecological supervision, will be required before and during the demolition of the existing house, but this will be detailed in the Habitat Regulations licence that will need to be obtained prior to any works commencing. Since the mitigation is appropriate in both size and location, I consider that a licence is likely to be granted.

- 3.3 Landscape Planning Officer: The landscape scheme is generally acceptable in terms of landscape mitigation, landscape design and species used, however there is a concern over the impact of the proposed stables on the root systems of the hedgerow.

Because the roadside boundary hedgerow and trees are important for landscape mitigation purposes, the RPAs and protective fencing proposals in accordance with BS5837 are necessary. The measured survey drawing will provide the basis for the RPA/protective fencing drawing. A minimum hedgerow maintenance height is also necessary and important to ensure the development is adequately screened for road users. I originally advocated a height of 3 metres above ground level.

- 3.4 Arboricultural Officer: Same as Landscape Planning Officer.

#### **Oxfordshire County Council Consultees**

- 3.5 Local Highways Authority: No objections.

#### **Other Consultees**

- 3.6 Thames Water: Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

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

- 4.1 Development Plan Policy

##### **Adopted Cherwell Local Plan (Saved Policies)**

H17	Substandard dwellings
C2	Legally Protected Species
C7	Landscape Conservation
C13	Area of High Landscape Value
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

##### Planning Practice Guidance (2014)

##### Submission Cherwell Local Plan (January 2014)

The Submission Local Plan (January 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in

January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. 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.

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

PSD1 Presumption in Favour of Sustainable Development  
ESD10 Protection and Enhancement of Biodiversity and the Natural Environment  
ESD13 Local Landscape Protection and Enhancement  
ESD16 The Character of the Built and Historic Environment

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History,
- Principle of the Development,
- Design and Landscape Impact,
- Residential Amenities,
- Highway Safety,
- Ecology

### Relevant Planning History

- 5.2 00/02176/F – Construction of ménage, as clarified by the agent's letter dated 29 11 00 – Approved
- 5.3 00/02177/F – Erection of stable block, as clarified by the agent's letter dated 29 11 00 – Approved
- 5.4 01/00399/F – Change of use from tack rooms to holiday accommodation – Approved
- 5.5 01/01446/F – Two storey extension to either side of dwelling, alteration to front porch and double garage – Approved
- 5.6 95/00896/F – Pole barn – Prior Approval Not Required
- 5.7 03/02197/F – Single storey rear extension – Approved
- 5.8 06/01960/AGN – Erection of Agricultural Building – Prior Approval Not Required
- 5.9 08/01806/F – Change of use of tack rooms to holiday accommodation – Approved
- 5.10 09/00081/F – Retrospective – Construction of a Timber Lungeing Ring and installation of a Steel Horse Walker – Approved
- 5.11 09/00087/F – Retrospective – Construction of 10 stables inside existing agricultural building – Approved

- 5 12 11/00326/F – Conversion of garage and insert dormers to front elevation Single storey extension to rear elevation and alterations to dwelling – Approved
- 5 13 13/00685/F – Removal of redundant outbuildings including equestrian facilities, horse walker and associated facilities Erection of 7 bedroom detached stone house with leisure facility and garaging Reversion of existing house to staff accommodation, conversion of single storey barn to estate officer and construction of new stable Alteration of existing access points with new masonry walls and iron gates – Withdrawn

The above application was withdrawn as there were concerns with the proposal for numerous reasons including

- Siting of proposed dwellinghouse,
- Design of proposed dwellinghouse,
- Scale of proposed dwellinghouse, and
- The use of the existing dwelling as staff accommodation

### **The Principle of the Development**

- 5 14 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption in favour of sustainable development should be seen as a golden thread running through decision taking To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system
- 5 15 Paragraphs 14 and 49 of the NPPF go on to say that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or if specific policies in the Framework indicate that development should be restricted (eg Green Belt, AONBs SSSIs etc)
- 5 16 Paragraph 55 of the NPPF notes that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances There is no specific mention of the principle of replacement dwellings within the countryside in the NPPF, but given that this proposal would replace an existing isolated dwelling at the site it is considered that there is no conflict with paragraph 55 of the Framework
- 5 17 Saved Policy H17 of the adopted Cherwell Local Plan notes that proposals for the one-for-one replacement of an existing substandard dwelling will normally be permitted There is no evidence to suggest that the existing dwelling is substandard That said, the supporting statement to saved Policy H17 notes that the primary objective of this policy is to protect the character of the countryside Thus, I am of the opinion that it would not be reasonable to resist the proposal on the grounds of lack of information in terms of buildings being unfit and substandard, especially when considering one of the key principles of the NPPF is to contribute to the achievement of sustainable development
- 5 18 Saved Policy H17 notes that in cases where the existing building lies outside the limits of an existing settlement, the use of the building as a dwelling should not have been abandoned or extinguished and its proposed replacement should be similar in scale and within the same curtilage Proposals for substantially larger and more conspicuous dwellings in the landscape will be resisted as this would have a detrimental impact upon the rural character of the landscape
- 5 19 Given the above, it is considered that the principle of a dwelling at the site is



acceptable, but this largely depends on the proposed development not unduly affecting the visual appearance and rural character of the landscape. Furthermore, the proposed development should also prevent detrimental harm to the neighbour amenity, highways safety and ecology. These issues will be discussed below.

### **Design and Landscape Impact**

- 5 20 Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 5 21 Paragraph 109 of the Framework notes that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 5 22 Saved Policies C28 and C30 of the adopted Cherwell Local Plan exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling.
- 5 23 Saved Policy C13 of the adopted Cherwell Local Plan states that the council should seek to conserve or enhance an Area of High Landscape Value. Saved Policy C7 relates to Landscape Conservation and seeks to restrict development that would demonstrably harm the topography and character of the landscape.
- 5 24 The proposed dwelling and outbuildings would be partially visible from Hook Norton Road and Public Footpath 409/1 to the east and south east of the site. However existing landscaping would contribute in partially screening the proposed dwelling and outbuildings from this footpath from the south. The proposed dwelling would only be slightly visible from Wigginton Road to the south of the site. The Landscape Officer notes that the landscaping scheme proposed is acceptable in terms of landscape mitigation as planting to the east of the site is proposed which would contribute in screening views of the proposed structures from the footpath to the east of the site. The landscaping to north of the site is also proposed to be retained which would help screen views of the site from Hook Norton Road. I hold the view that all hedgerows and trees on the Hook Norton Road frontage should be retained (at a minimum height of 2 metres above ground level) in order to reduce the impact upon the rural character of the area therefore this has been conditioned.
- 5 25 The existing landscaping to the front of the site is considered important for landscape mitigation purposes. These trees and hedges could possibly be influenced by the demolition of the existing structures together with the new hardstanding and outbuildings which are proposed. For this reason an Arboricultural Method Statement has also been conditioned.
- 5 26 Concerns were raised in the previous proposal at the site given the siting of the proposed dwelling to the rear of the site near to where the land slopes downwards and due to the scale of the proposed dwelling. In this application the proposed dwelling has been positioned closer to the road compared to this previous proposal and I hold the view that the scale of dwelling is considerably less compared to the dwelling proposed in the previous application at the site. The proposed dwelling would also be more characteristic of the area than the dwelling which was previously proposed in terms of design, materials and style. That said, I am of the opinion that the proposed dwelling is relatively large in scale, but given the scale and number of agricultural buildings on site it is considered that the proposed dwelling together with

the proposed outbuildings would not have a substantially greater impact upon the character of the landscape given what is already on the site. The overall reduction of built footprint would be approximately 50%. The design and materials are considered acceptable.

5 27 As limited information has been submitted regarding the design and materials of the tennis court proposed in this application a condition has been submitted requesting these in order to safeguard the visual amenities of the locality and the character of the landscape.

5 28 Given the above, I am of the opinion that the proposed dwelling would prevent detrimental harm to the visual appearance and rural character of the landscape subject to the aforementioned conditions.

### **Residential Amenities**

5 29 The proposed dwelling and outbuildings would be sited so as to prevent detrimental harm to any neighbouring properties in terms of loss of light, overdomination and loss of privacy.

### **Highway Safety**

5 30 The Local Highways Authority have no objections to the proposal. The accesses are considered acceptable and the on-site parking at the site would be commensurate for a dwelling of this scale in this location. It is therefore considered that the proposal would not cause detrimental harm in terms of highway safety.

### **Ecological Impact**

5 31 The Ecology Officer has no objections to the proposal in principle. The Ecology Officer notes that the bat survey found that there are two species roosting within the main house and shed/gym/playroom building. The stables are used as a night-time feeding roost only. The mitigation that is required for roosts of this significance is 'like-for-like'. Therefore a bat loft has been incorporated into both the stable buildings. This will be supplemented by bat boxes built into the external walls of the stables. Other mitigation, involving the timing of works and ecological supervision, will be required before and during the demolition of the existing house, but this will be detailed in the Habitat Regulations licence that will need to be obtained prior to any works commencing. Since the mitigation is appropriate in both size and location, the Ecology Officer considers that a licence is likely to be granted.

### **Engagement**

5 32 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 and timely determination of the application.

### **Conclusion**

5 33 The proposal is considered to be of a design, scale and style that is sympathetic to the context of the development. The proposal is also considered not to have an adverse impact on the residential amenity, ecology or highway safety. Overall, the proposal is considered to have no significant adverse impacts, therefore the application is recommended for approval and planning permission should be granted subject to appropriate conditions.

**6. Recommendation**

**Approval**, 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, the application shall be carried out strictly in accordance with the following plans and documents Application Forms, Planning Design and Access Statement and Drawing Numbers SB/JS/361/T&H R, SB/JS/361/LS, SB/JS/361/LA1, SB/JS/361/LA2, 491 11B, 491 12 A, 491 13 A submitted with the application, Site Location Plan received from the agent on 10<sup>th</sup> November 2014 and Drawing Number 491 10 D received from the agent on 2<sup>nd</sup> December 2014

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 full details of the tennis court shall be submitted to and approved in writing by the Local Planning Authority Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling

Reason - To ensure the satisfactory appearance of the completed development and to comply with saved Policies C7, C13, C28 and C30 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, a stone sample panel (minimum 1m<sup>2</sup> in size) shall be constructed on site which shall be inspected and approved in writing by the Local Planning Authority Thereafter, the external walls of the dwelling 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 adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 5 Prior to the commencement of the development hereby approved, samples of the brick to be used in the construction of the walls of the outbuildings 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

- 6 Prior to the commencement of the development hereby approved, samples of the slates to be used in the construction of the roofs of the dwelling and outbuildings 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

- 7 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS 5837 2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with saved Policies C7, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 8 The existing hedgerow along the front (north) boundary of the site shall be retained and properly maintained at a height of not less than 2 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with saved Policies C7, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 9 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 saved Policies C7, C13 and C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 10 The development hereby approved shall be carried out in accordance with the recommendations set out in of the Bat Survey carried out by Ecologylink on September 2014

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

- 11 Prior to the commencement of development a timetable for the demolition of the existing dwelling shall be submitted to and approved in writing by the LPA and the approved scheme shall be implemented fully

Reason - The principle of retaining both properties would be unacceptable as it would set a precedent for development that would, because of its cumulative impact, represent unsustainable development and cause demonstrable harm to the visual appearance and character of the landscape. The demolition of the existing dwelling therefore accords with saved Policies C7, C13, C28, C30 and H17 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

### PLANNING NOTES

- 1 Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
- 2 Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations.
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 In relation to condition 3, details of the design and materials of the fencing and surfacing should be submitted.
- 5 In relation to condition 4, the method statement will provide the basis for the RPA/protective fencing drawing.

### 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 outlined in the report.

Signed Case Officer: 

Date: 5.1.15

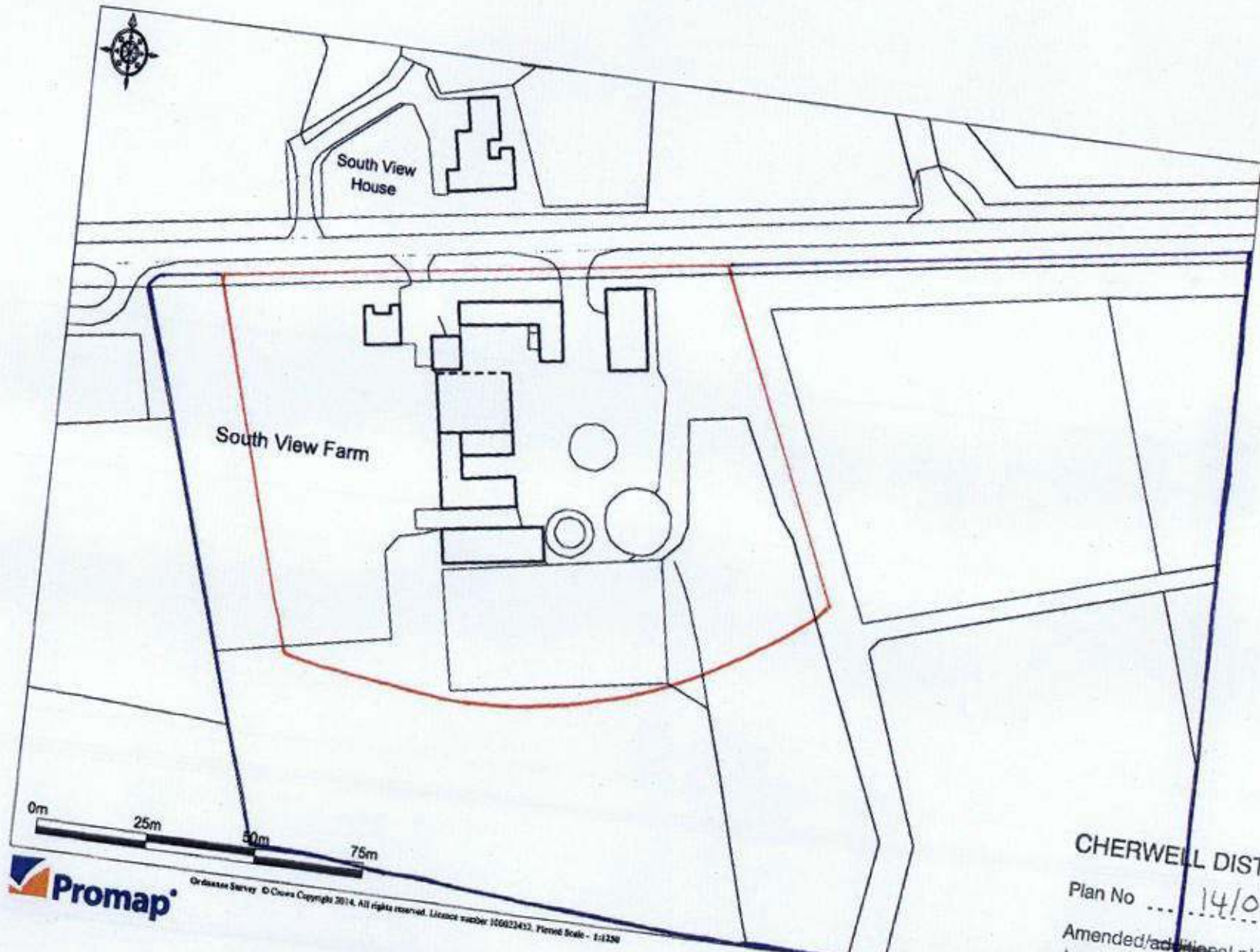
Possible  
to delegate

Signed SPO/TL

Date:

decision: Y  / N





**Promap**

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CHERWELL DISTRICT COUNCIL

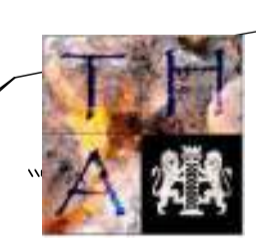
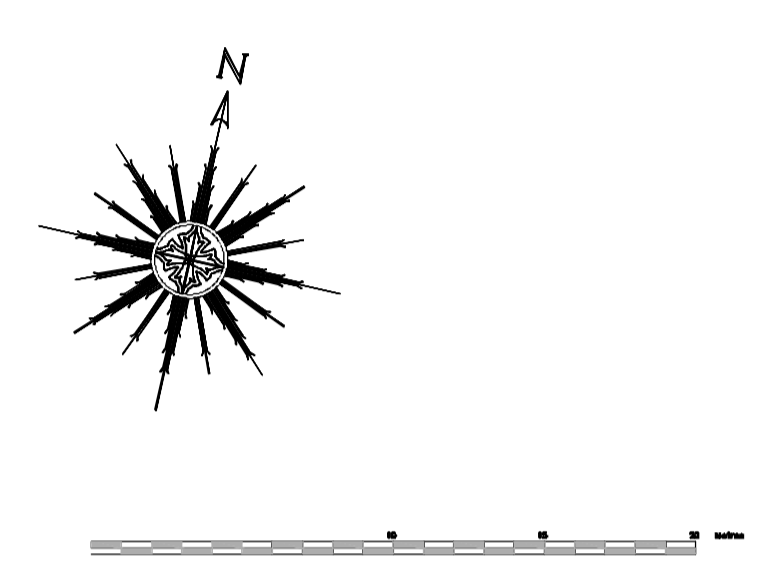
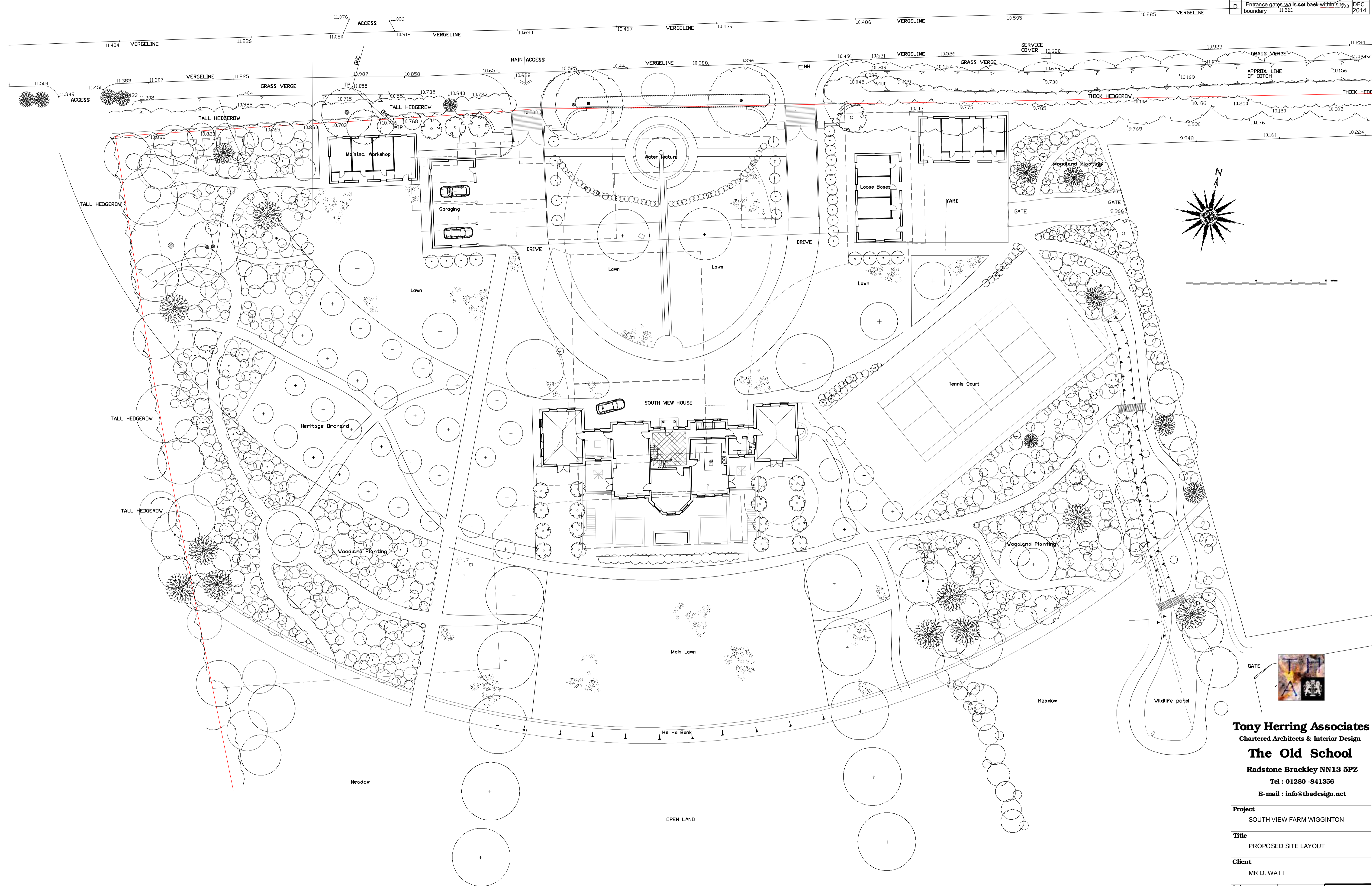
Plan No ..... 14/016891F

Amended/additional plans received  
10/11/14

with Applicants/Agent's  
Letter dated 10/11/14

E-MAIL

REVISIONS	Date
A Original Dwelling replaced with New House	MAY 2014
B Workshop & Store added adjct. garage	July 2014
C Site landscape co-ordinated with Specialist	AUG 2014
D Entrance gates walls set back within site boundary	DEC 2014



**Tony Herring Associates**  
 Chartered Architects & Interior Design  
**The Old School**  
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<b>Project</b>	
SOUTH VIEW FARM WIGGINTON	
<b>Title</b>	
PROPOSED SITE LAYOUT	
<b>Client</b>	
MR D. WATT	
Scale	Date
1 : 250	May 2014
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