

Muddle Barn Farm  
Colony Road  
Sibford Gower  
Banbury  
OX15 5RY

**15/01693/F**

**Case Officer:** Nathanael Stock      **Ward(s):** Sibford

**Applicant:** Mr & Mrs G Besterman

**Ward Member(s):** Cllr George Reynolds

**Proposal:** Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping (revised scheme of 14/02157/F)

**Committee Date:**  
18<sup>th</sup> February 2016

**Recommendation:** Refuse

## **1. Application Site and Locality**

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

## **2. Description of Proposed Development**

2.1 Planning permission is sought for the demolition of the existing dwelling and all but one of the outbuildings, the erection of a replacement dwelling, and associated soft and hard landscaping.

2.2 The main part of the proposed dwelling would feature sitting room, dining room and two living rooms at ground floor level, with seven en suite bedrooms and a laundry room at upper levels. An orangery serving as kitchen/breakfast room would extend at ground floor level from the dwelling's north-east elevation, and from the kitchen a largely single storey, L-shaped wing would proceed in a south-east direction, providing pantry, utility, plant room, garages, a studio and home office. The far end of the L-shape would be two storey in height, and would feature workshop and gym at ground floor level with play room, bathroom and a second laundry room above.

2.3 The proposal also includes the formation of hardstanding to form a new access drive, brick wall and piers to form a new stable yard between the proposed dwelling and the existing barn to be retained, alterations to that barn and its use for equestrian purposes, the planting of

numerous trees and alterations to ground levels to form a landscaped terrace to the west of the dwelling.

- 2.4 The application relates to amended plans received 15.01.2016. The amendments include a re-orientation of the dwelling, a reduction in its scale and changes to its architectural design.
- 2.5 The application is a revised scheme of 14/02157/F which was previously withdrawn, for a similar proposal but, under the amended plans, of a substantially different design. The proposals originally submitted with this application were very similar to the previous application.

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

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

14/02157/F – Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping – withdrawn pending refusal

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

Eight letters of objection and three letters of support have been received. One of the letters of support is from the neighbour at New Barn Farm and relates to the amended plans received.

The issues raised in the letters of objection include:

(1) Visual impact – Proposed dwelling, as a large, three storey Georgian mansion style house, would be totally out of scale and character for this village and its immediate environment; this is an area of working family farms, with farmhouses and farm buildings, which nestle into the valleys and against the hillsides in this lovely / peaceful / beautiful, unspoilt countryside; the proposal appears to be completely out of character with the area; so much of our countryside these days seems to be given over to allowing the building of large individual dwellings thereby taking away amenity for the many of us who appreciate our landscape and choose to live in the country; A house the size of that in the application needs to be set in the middle of 600 acres not on the edge of 30 acres within metres of the original New Barn Farm House.

(2) Landscape impact – Proposal would be a 'blot on the landscape'

(3) Impact on the character of Colony Road – The entry of any property into Colony Lane would spoil the very nature of this country lane with its farm field entrances and small cottages.

(4) Impact on highway safety - the Temple Mill road itself is very small and not suitable for any higher scale usage. My children and many others walk to school on that road and as it is without pavements, any higher level of traffic would be unsafe.

(5) Additional traffic and light pollution; Proposal would bring extra people and traffic through the village and light pollution in the countryside

(6) Impact on local footpath – The well-used footpath from Haynes Barn to Colony Lane would also be affected.

(7) Precedent - Approval would set a dangerous precedent for further developments in the area

Non-material considerations raised include:

(1) Applications for a re-made driveway and gates (and possibly lighting) on to Temple Mill road would follow; these would be out of character in this unspoilt part of rural North Oxfordshire, where family run farms dominate the countryside.

The issues raised in the letter of support include:

(1) Benefits to visual amenity – the existing buildings are an ugly / rambling redundant range of non-descript barns and a 1960s Scandinavian style house which was permitted with an agricultural tie which has now been lifted. By no means do these buildings "blend in to the rolling countryside etc". They are an eyesore.

(2) Proposal more in keeping than existing buildings – Would be a sympathetically built stone house

(3) Benefits to landscape – Proposed dwelling designed to fit into the profile of the hillside in order to maximise the view whilst minimising its impact on the landscape. It is a delight to see a new country house in a mix of eclectic period designs being built in the countryside.

(4) The amended plans are a great improvement over the original proposals – Visually the house looks a great deal more suitable for the site. The roof line is lower, less and smaller chimneys, and the removal of the parapet, makes the whole scale of the property appear smaller. We will also feel less overlooked, now that the number of dormer windows has been halved from eight to four. We also like the fact that the orientation of the house is now east-west, parallel to the local field boundaries and to New Barn Farm. We are happy that this has reduced the impact on ourselves and the surrounding area. Far less in fact than the ugly and large farm buildings, currently on the site. We would therefore like to give our full support to this application and hope that a positive decision can be made without any further delay.

## 5. Response to Consultation

Parish/Town Council:

**Sibford Gower Parish Council** – Objects to the original submission as follows:

Relation to New Barn Farm: The development is immediately adjacent to New Barn Farm, and would appear to dominate it and to represent over-development at a specific site. *[Officer comment: Other points raised in relation to New Barn Farm are not material planning considerations.]*

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

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

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

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

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

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

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

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

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

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

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

In short we believe that this proposal contravenes all the cited policies, especially Local Plan Policies H17 and C30, and ESD13, and is an inappropriate development in open countryside in an Area of High Landscape Value.

Comments on the amended plans – Objects: Re. the apparent slight adjustment of the angle of the proposed buildings, we are not clear what effect this might have, but it could reduce the impact on the adjacent New Barn Farm a little. There still seems no serious discussion of the effect on New Barn Farm. Section 6 discusses the impact of the new buildings viewed from footpaths 348/2, 348/7 and 347, and concludes that the impact is ‘substantial’. The proposal is that this should be mitigated by new tree planting.

The survey divides the Sib Valley into two contrasting area types ‘Rolling Village Pasture’ and ‘Wooded pasture Valley and Slopes’. We can see no reason for this division, since the landscape on both sides of the Colony Road is identical, and in our view is correctly categorised as ‘Rolling Village Pasture’. However, the proposed new division might appear to justify extensive garden landscaping and planting around the house, which would indeed change the landscape nature of the valley as a whole. We are unhappy with this change in an area of High Landscape Value.

In other respects we wish to repeat our previous

**Sibford Ferris Parish Council** – Objects to the original submission: As this property sits close to the border with the parish of Sibford Ferris and the proposed dwelling will be highly visible, the councillors would like to make comment on the application.

The councillors support the comments made by Sibford Gower Parish Council in relation to the size and style of the proposed dwelling, which in their view would be inappropriate for its setting, both in terms of the landscape and the neighbouring properties.

In the view of the councillors, the proposed design does not fit with planning policies as stated in the Cherwell Local Plan:

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

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

No comments yet received to the amended plans

Cherwell District Council:

**Landscape** – No objection. I have considered this application in terms of LVIA and proposed landscape mitigation again, and think my comments of 16 February are still relevant.

*I mostly agree with the results in the landscape and visual effects in the LVIA and cannot justify a refusal on landscape and visual grounds. However, the receptor location 6 should be weighted higher than low because of the magnitude of change is quite noticeable for walker receptors where experience of the view is probably anticipated because it is hidden by the hill and woodland as one approaches northwards on Traitor's Ford Road. I would therefore score the sensitivity as high, magnitude of change is medium. The combined effect is therefore adjusted to Substantial. Also the inclusion of College Barn Farm in the middle distance will contribute to a combined cumulative effect of buildings within the visual envelope. A reduction in the building's scale from this aspect should be considered in order to reduce the combined effect to a medium result. I am not too concerned about the architectural style of building materials proposed other than to mention that the development's scale could inadvertently convey a building of power and authority where one did not previously exist.*

*With this adjustment and the fact that the LVIA conclusion admits that the.....' visual effect assessment of the development proposals on views have a severe to negligible' effect. This is because of the perceived detrimental effect on visual receptors at year 1, and in order to justify the development the landscape mitigation measures will in time integrate the development into the landscape. In this regard the LVIA has failed to address the timescales in which vegetative screening will be achieved. I think that this is crucial in respect of the growth rates of nursery stock and how the exposed site may be a detriment to the advanced nursery stock (as a general rule smaller nursery stock tend to establish better and quicker than advanced). It is essential to consider the maintenance of the planting to achieve successful establishment (replacements if needed) and growth. This issue must be addressed under a landscape maintenance condition.*

*For the owners, views of attractive landscape to the southwest are going to be important. Fortunately for the owners receptor experiences of the façade from publically accessible locations at long and middle distances in the west and south west are going to be limited due to intervening topography and structural vegetation: the SW façade can be exposed.*

*The localised visual effects of receptors on receptor locations VP1B and VP 2B I are an important factor: combined effects are substantial for both 1B and 2B. The existing field boundary hedgerow and hedge trees within the applicant's ownership are to be retained as the foundation for further structure planting mitigation. It is important to retain this boundary hedgerow with a minimum maintenance height, say 3 m and therefore subject to a hedgerow retention condition. A BS 5837 survey of the structural vegetation within an influencing distance of construction on the northern boundary. Root protection zones are to be identified and the extent of protective fencing to be included.*

*The relocation of the main drive to the south of the 4 prominent oak trees is welcomed. I would recommend that the new drive is built before demolition and construction work commences in order to avoid the root plates of these valuable amenity and screen trees. An arboricultural method statement should address the nature of the work to the land beneath these trees. An indication of the root protection zones, the compaction alleviation measures, due to the existing use of the track, is to be addressed under the AMS.*

*In order to ensure the appropriate level of landscape mitigation is agreed/achieved a landscape condition will be necessary.*

**Environmental Protection** – No objection subject to condition: Given the farming use is a potential contaminative land use and the users of the proposed development would be vulnerable to contamination, I'd like to see an assessment of the potential for land contamination to affect the development and recommend applying the standard contaminated land conditions to allow for a phased assessment of land contamination.

**Ecology** – No objection subject to conditions:

Sorry for the delay in getting back to you on this application. I carried out a site visit last week to the area proposed for development (red line) and up to 100m from it (where accessible) principally to check the accuracy of the submitted badger information. Whilst it is a sub-optimal time of year to assess most other aspects, badgers are active in winter and ground vegetation is low allowing activity to be spotted more easily. I therefore have the following comments:

I found the information within the ecological report submitted with the application to be accurate. I did not look at all the land within the applicants' ownership due to time constraints but confined it to the areas in which should a sett be present it could possibly be affected by development such that protective fencing or a licence would be required. This is the aspect relevant as a material consideration for the LPA.

The large badger sized hole to the West of the ménage noted in the report is still present but there were no signs of recent badger activity. I did not find any evidence of specific badger activity along the closest hedgerow to the proposed development (to the North), which would be of most concern, although there were a number of places where mammals (potentially badgers) have accessed through the hedge line further to the West of the development site. I did not note any setts or latrines in this hedgerow. In general the development site itself consists largely of buildings, hard standing and short turf and setts would be obvious here.

The claims that there are badger setts in the vicinity of the applicants land and adjacent plots may well be accurate and it is quite likely particularly along the boundary hedgerow of the owners land to the South as there is plentiful suitable foraging habitat for badgers here. We also know there are many records of badgers from the public around the Haynes Barn area to the North (these reports are not on TVERC datasets and therefore would not have shown up in the Ecological Consultant's desktop study). However setts in these areas would not be directly affected by development of the barns (there may be some impact on their routes for foraging but this is not protected by law). Setts within 30m of works are of concern or proven commuting routes but this is not the case here. The vast majority if not all of the current foraging grounds for badgers would remain intact.

In short I think it is unlikely that badgers will be significantly affected by the proposals as long as the precautions suggested within the ecological report are adhered to in order to protect foraging badgers which are undoubtedly in the area. There is no evidence to suggest a sett would experience illegal disturbance and a licence would not be necessary at this point. However badgers are a highly mobile species and should site clearance works not commence by July 2016 a brief update check for badgers on site would be advisable.

Standard tree protection measures for retained hedgerow at Northern boundary and retained trees should be included in any landscape conditions.

I would suggest the following conditions to any permission:

#### K23 Use of Native Species

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

Reason KR3

#### K12 Nesting Birds: No Works Between March and August Unless Agreed

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

Reason KR1

#### K16 Out of Date Survey

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

Reason KR1

#### K15 Carry Out in Accordance with Survey

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

Reason KR1

\*It should be noted this includes restrictions on the demolition process and an update bat survey if certain conditions are not met.

#### K17 Biodiversity Enhancement

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



enhancement measures shall be carried out and retained in accordance with the approved details.

Reason KR2

**Conservation Officer** – Objects to the original proposal:

There are aspects of the design which are of concern:

- a. Orientation
- b. Architectural Style
- c. Scale, massing and juxtaposition of the three key elements of house, kitchen and courtyard
- d. Proportions, rhythm and solid/void ratio of the main house
- e. Dormers and their relationship to the principal elevations and the conflict with the chimney stacks
- f. Scale, height, design and articulation of the courtyard buildings

a. Orientation:

- The development will have an impact on views from many properties both near and far and it is critical the orientation is well considered; especially in light of the CDC area of high landscape value and setting of the conservation areas. The landscape analysis with the proposed house photo montages are discussed below.

- Houses in this rural area tend to follow cardinal points, or have a strong relationship to post enclosure field boundaries; this includes Muddle Barn Farm. In more complex landscape forms they adapt to the site.

The orientation of the proposed new house does not follow the field pattern. The contours on the application site do not appear to be insurmountable to support the change in orientation.

An enclosure map may show an earlier field pattern which could help to justify the disregard for the existing field pattern.

- The existing modern house looks alien both in design and orientation. It is set on NE/SW/SE/NW axes and this should not be followed without good justification. There is no objection to the removal of the modern house or to the other outbuildings.

b. Architectural Style

- Georgian/Regency is a very broad term and with any style of architecture there are both good and bad examples; historically and in modern reproductions.

- To design a Georgian house successfully, the proportions, rhythm of solid to void and detail need to be handled with great care.

- In Cherwell District there has been a strong vernacular architectural tradition which was overlooked when the more fashionable Georgian pattern book styles were introduced to many of the parishes. The Georgian style was often adapted and included a higher proportion of solid (wall) to void (openings). In some instances buildings were re-fronted. The design of the proposed new house needs to respond to local interpretations of the Georgian style if 'Georgian-Regency' is the chosen style. It would perhaps be useful for the Applicant to look at some listed properties in the District alongside some of the conservation appraisals.

- Local stone was used predominantly (or local red brick) the use of materials that tie with the locality is encouraged.

- The plan, sections and elevations should be strongly interrelated so the building has integrity. Positions of chimneys and windows are very much related to the plan and elevation – if something is adjusted in elevation to benefit the elevation this will have a knock on effect on the plan. The elevations will have more of an effect on the landscape views and these should generate the plan.

- The roofs and tall chimneys make the scale of the building quite dominant in the landscape. The detail of the roof with its flat top will result in an odd detail.

- Dormers were occasionally included as part of original Georgian designs, sometimes hidden behind parapets; but often added later. The relationship of roof dormers tend to relate to the principal elevations below eaves if they are part of the original design i.e. normally centred on windows.

Can the Applicant look into moving the position of the dormers to relate to the elevation below eaves and also avoid them clashing with the chimneys thus avoiding large lead flashings?

c. Scale, massing and juxtaposition of the three key elements of house, kitchen and courtyard

Overall plan arrangement:

- A proposed house of such scale is likely to confuse the understanding of historic land ownership in the area.

- Designing believable organically grown extensions as part of a single application is difficult.

- The general form of the proposed kitchen extension and junction of the courtyard outbuildings needs further thought as the juxtaposition is cumbersome.

- There are a number of historic precedents where courtyard buildings lead off the corner of the main house, or are built off a dividing garden wall, sometimes service wings are built off the rear wall of the main house. The proposed kitchen extension link with hip-roofed wing is awkward and should be rethought. The Applicant should check the relationship at the corner as it seems to change slightly on the first and second floor plans.

- There should be a stronger hierarchy between the main house and the courtyard. The proposal includes a very sizeable courtyard, the footprint of which is greater than the main house. Areas of this first floor are not yet allocated a use which suggests the plan area could be reined in.

- The height of the courtyard ridge compared with the eaves of the main house is odd in elevation, the earlier version with parapet disguised this. The relationship would be better if the courtyard buildings were subservient to the main house.
- The ridge heights are tall for a subsidiary set of courtyard outbuildings. South east and north-west elevations: is there a need for such a high roof on the wing which has no upper floor, it seems to be driven by the depth of the open shed for the cars. The north-east wing is narrower in plan depth but 2-storeys in height. The ridges of the two wings are very similar and the first floor plan should really show the attic plan in the north-west.
- The studio appears to be double storey with a run of glazing – although the Historic England publication 'Conversion of Traditional Farm Buildings' (<https://www.historicengland.org.uk/images-books/publications/conversion-of-traditional-farm-buildings/>) suggests this can look better than individual rooflights of north light, it is not considered appropriate here, given the views of this roof from the north east. If a north studio light is required this could take the form of a traditional lean-to glazed greenhouse against a tall wall, or some other more formal lantern precedent may be found in books on stable blocks etc.
- There is a 'cottage' element with dormers which looks alien within the north east wing. First floor attics sometimes included groom's accommodation in lofts etc, again local precedent may help to guide the design. The Historic England publication 'Conversion of Traditional Farm Buildings' fig 59 shows a pleasing arrangement of fenestration with loft door gable by the same architect, however, the elevations of the proposed courtyard buildings in this scheme do not achieve the same success and need further work. This includes the main gable elevations, the door with side windows and its relationship to the pantry and WC windows is odd coupled with the junction of eaves, and gutter between wing and kitchen. The small window next to the kitchen extension would sit better with more solid wall around it. Door and window arrangements should be based on a local historic precedent. The rhythm of the fenestration would work better if it looked more like service buildings/coach house/stables/dairy etc.
- What brick is envisaged? None of the renderings show this.
- The chimneys to the outbuildings are more prominent than one might expect on outbuildings.
- The orangery-style kitchen extension is very much an add-on and would look better centred on the north-west elevation of the main house. A subservient link to the single storey wing could make the junction between the kitchen and the northwest wing of the courtyard less awkward. The hipped roof beyond the conservatory
- The relationship of the eaves of the kitchen extension to the string course of the main house looks very similar and needs to be stronger. There is a drafting error: the south west elevation shows the lantern above the parapet but this is not shown on the north west elevation. The lantern light would be better hidden behind a parapet.
- The articulation and detail of the courtyard buildings needs further development. Next to a formal house, a more formal arrangement might be expected; or if of a more vernacular form, the placement and design of the fenestration should be based on good examples within the district.

- The archway would look better centred on the centreline of the entrance to the courtyard.

[Makes further comments on the individual elevation drawings, and also makes comments on the floor plans and the Landscape and Visual Impact Assessment]

Oxfordshire County Council:

**Highways** – No objections

Other External Consultees:

**None**

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

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

The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

ESD1 - Mitigating and Adapting to Climate Change  
ESD3 - Sustainable Construction  
ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment  
ESD12 - Cotswolds AONB  
ESD13 - Local Landscape Protection and Enhancement  
ESD15 - The Character of the Built and Historic Environment

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

C28 - Layout, design and external appearance of new development  
C30 - Design of new residential development  
H17 - Replacement dwellings  
H18 - New dwellings in the countryside

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

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

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

## **7. Appraisal**

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

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

#### Principle of development

- 7.2 Policy H17 of the Cherwell Local Plan 1996 supports the one-for-one replacement of dwellings, but only if the existing dwelling is “statutorily unfit or substandard”. No evidence has been submitted to demonstrate that the existing dwelling fits this criteria.
- 7.3 Even if this was to be demonstrated, part (ii) of the policy requires that the proposed replacement is “similar in scale and within the same curtilage”. The proposed dwelling would be considerably larger than the existing dwelling: The existing dwelling has a gross external floor area (GEA) of approx. 179 sq m, whereas the main dwelling proposed would have a GEA of approx. 660 sq m. The additional wing measures 338 sq m, giving an overall GEA for the proposed buildings of approx. 998 sq m. This represents an approx. 557% increase over the GEA of the original dwelling. The proposed dwelling would not be similar in scale to the existing dwelling. The residential curtilage of the existing dwelling, observed on site visit and also seen on aerial mapping, is closely related to the dwelling, defined by fences/walls to its west, south-west and south-east sides, hedge/trees to the north and the neighbour’s outbuilding to the east. No part of the proposed dwelling would be within this curtilage.
- 7.4 The proposed dwelling would therefore conflict with Policy H17 of the 1996 Plan. Although the proposal also includes the demolition of existing agricultural buildings, the cumulative floor area of which amounts to approx. 1,233 sq m. Such buildings are not mentioned in Policy H17. Attention therefore turns to Policy H18 of the Cherwell Local Plan 1996.
- 7.5 Policy H18 relates to new dwellings within the countryside beyond the built up limits of settlements. Such dwellings will be supported if proven to be essential for agriculture or other existing land based businesses. The proposed dwelling does not meet these criteria. The proposed dwelling would therefore conflict with Policy H18.
- 7.6 The applicant, in the submitted Planning Statement (cf. paras 5.12 and 7.6) accompanying this application, advances the argument that the proposed dwelling would not significantly exceed, in floor area terms, or visual impact, the existing dwelling plus extensions to the dwelling achievable under its permitted development rights. However, this argument rests on a loophole of the 2010 General Permitted Development Order, which was closed in the present version introduced in 2015, relating to extensions forward of the principal elevation of a dwelling not fronting or close to a highway. The 2015 regulations now preclude any extension forward of the principal elevation of a dwelling.
- 7.7 Although Policies H17 and H18 are part of the Local Plan that was adopted in 1996, and therefore relatively old policies, they have been saved as part of a more recent review of the Local Plan, which involved some assessment of the relevance of policies. Whether the decision maker considers the proposal as a replacement dwelling or a new dwelling – and for the reasons set out above either may be reasonably applied, the proposal fails this policy test, a test which it is considered remains relevant.

- 7.8 Policy H18 aligns well with paragraph 55 of the Framework in seeking to control isolated new dwellings in the countryside. The applicant contends that a replacement dwelling can serve as a special circumstance and officers agree. However, in being so much larger, and for reasons discussed below relating to landscape and visual impact, it is not considered that the dwelling is not an appropriate 'replacement' and limited weight should be given to this as a special circumstance. Of the circumstances named, the site does not include heritage assets, the proposal is not for an agricultural or other land based worker, the proposal does not re-use buildings or provide enhancement to its immediate setting (for the latter see discussion below re landscape and visual impact) and would not be of so exceptional a quality or innovative nature as to fulfil the fourth named criteria. Overall, therefore, the proposed dwelling conflicts with paragraph 55 of the Framework.
- 7.9 The applicant notes that permission has been granted for a replacement dwelling in Hornton (ref. 13/01451/F) that was significantly larger than the dwelling it would replace and not within the same curtilage as the existing dwelling. However, the Hornton case is materially different for at least three reasons: (1) The dwelling was re-sited so as to replace an existing agricultural building which was considered to have an adverse effect on visual amenity, the proposal thereby resulting in some visual benefit. (2) The dwelling did not have the same degree of visual impact on its wider surroundings. (3) It was proportionately not as different in size to the dwelling it replaced as the present case.
- 7.10 It is therefore considered that the proposed dwelling, by virtue of its scale, and its location relative to the existing dwelling, is unacceptable in principle and is not supported by saved Policies H17 or H18 of the Cherwell Local Plan 1996 or paragraph 55 of the Framework.

#### Design, Layout and Appearance

- 7.11 The dwelling has been designed in a Georgian / Regency style. Under the amended plans received January 2016, the dwelling has been re-sited so as to be oriented in line with the existing field pattern. The dwelling would be approached via an access drive sweeping around from a westward direction to northward, culminating in a turning circle that would be bounded to its north and east by the L-shaped wing. A parking courtyard would be sited to the north side of this wing and a stable yard to the eastern side. The main dwelling faces westward, surrounded by terrace with steps down to a lawn bounded by ha ha.
- 7.12 The dwelling itself would have three storeys, the third storey in the roof, served by a total of four dormers, two each to west and east elevations. Both elevations would feature a central door at ground floor and two windows to either side with five at first floor level. The doors would have Georgian/Regency style canopies and the windows would have stone surrounds. To the north and south elevations the roof would have a double bay appearance, the roof between being set in, up to a flat roof. The two bays would each a centrally set window, with the same stone surround. The dwelling is proposed to be constructed in limestone, with stone quoins. The single storey orangery to the northern side is proposed in the same style and materials.
- 7.13 The largely single storey, L-shaped wing has a hipped roof, which sits awkwardly with the orangery when looking at the west elevation. This part of the building is proposed to be faced in local stone. The southern end of the wing would be a cottage-style, two storey height, with gable end, flush dormer to the east elevation and one rooflight to either side.
- 7.14 Given its Georgian / Regency style and its visual sensitivity, the Design and Conservation team has been consulted on the proposal. The Conservation Officer raised concerns with the original proposal in terms of its orientation; architectural style; the scale, massing and juxtaposition of the three key elements of house, kitchen and courtyard; the proportions, rhythm and solid/void ratio of the main house; the dormers and their relationship to the

principal elevations and the conflict with the chimney stacks, and the scale, height, design and articulation of the courtyard buildings.

- 7.15 As noted above, the amended proposal has been re-oriented so as to follow the existing field pattern and bear a stronger relationship to post-enclosure field boundaries.
- 7.16 In terms of architectural style, the Georgian/Regency style has been retained, but its fenestration pattern simplified, the number of dormers reduced and their positions improved, and the solid to void ratio appears to have been altered. The proportions and rhythm are as per the original submission. It is considered that the amended proposal more successfully responds to local interpretations of the Georgian style.
- 7.17 Under the amended plans, the juxtaposition of the house, kitchen and courtyard is less cumbersome, and the courtyard buildings have been scaled down and are more subordinate to the main dwelling, improving the visual hierarchy between the different elements. The orangery style kitchen has been centred on the north elevation of the main dwelling, and the archway to the rear parking courtyard has been centred on the mid-point of the entrance to the courtyard, as encouraged by the Conservation Officer.
- 7.18 Overall, the design, layout and appearance of the amended proposal is considered to have addressed the concerns raised by the Design Conservation team in relation to the proposals as originally submitted, and the proposed design is considered acceptable in this location, subject to conditions for materials, joinery and detailing to be agreed in writing, in order for the quality of the design to be carried through to implementation.
- 7.19 However, for the reasons noted earlier in this report, it is considered that the proposal's design is not so exceptional or innovative as to justify support as a 'paragraph 55 dwelling'.

#### Impact on Heritage Assets

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

#### Landscape and Visual Impact

- 7.21 The proposed dwelling is designed to be seen and therefore to make a statement in the local landscape, and has regard both to views into and views from the site. The applicant's agent has contested that this is the case, but the size and architectural appearance, as well as its siting well away from that of the existing dwelling, and the associated landscaping proposed are all good indications.
- 7.22 The application is accompanied by a Landscape and Visual Assessment (LVIA) by Colvin & Moggridge, originally dated December 2014 but revised January 2016 to relate to the amended proposals. The LVIA follows the general guidance of the Landscape Institute and Institute of Environmental Management and Assessment.
- 7.23 The LVIA confirms that the site lies in a good quality landscape and within the Cotswolds Character Area as identified in the National Character Area profiles as recently revised by Natural England; that the existing dwelling sits at 170m AOD and the proposed dwelling would be at 167.6m AOD.
- 7.24 The LVIA concludes that, subject to removal of existing small scale paddock landscape, associated fences and prominent Lawson Cypress hedges, restoration of hedged field boundaries and the planting of hedgerow trees, the proposal would have a "moderate to

slight" impact on the character of the landscape and "slight to negligible" visual effect. It is stated that the building would "not detract from or block any noteworthy views" and would have "little long-term effect on landscape character or visual amenity".

- 7.25 The LVIA Figures do show that the proposed dwelling would be clearly visible in the local landscape, and demonstrably more so than the existing dwelling, particularly from Sibford Ferris to the east (Viewpoint 4), footpath 347/2 to the east (Viewpoint 5), Sharps Hill to the south (Viewpoint 6), and the Macmillian Way and Area of Outstanding Natural Beauty to the west (Viewpoint 2A). The proposal would have a significant and demonstrable impact on the character and visual amenity of the local landscape.
- 7.26 The Council's Landscape Officer considers the proposal's visual impacts to be substantial, particularly from Viewpoints 6, 1B and 2B, and comments on the proposed architectural style that its scale "could inadvertently convey a building of power and authority where one did not previously exist".
- 7.27 It is noted that the Council's Landscape Officer does not object to the application, subject to conditions for landscape mitigation, landscape maintenance, hedgerow retention and an arboricultural method statement.
- 7.28 However, as noted by that officer, the proposal would clearly have a substantial visual impact. One of the core planning principles (para 17 of the Framework) is to recognise "the intrinsic character and beauty of the countryside". The landscape is noted by the applicant's landscape consultant as being of good quality. Indeed, it is an attractive landscape that is relatively unadulterated. The proposed dwelling would be imposing in this context and would be a prominent new element in several views within the local landscape. By reason of its scale, siting and design, it is considered that the proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape and thereby conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraph 17 of the Framework.
- 7.29 In coming to this conclusion, regard is had to the proposal's proximity to and visibility from the Cotswold AONB. For these reasons and those discussed above, the proposal is considered to have a significant and demonstrable impact on the setting of the Cotswold AONB.
- 7.30 The existing dwelling does not have any particular visual merit and its demolition and the removal of outbuildings is considered acceptable in visual terms.
- 7.31 It is noted that the planting of trees does not itself require planning permission.

#### Accessibility, Highway Safety and Parking

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

#### Effect on Neighbours' Amenity

- 7.33 The proposed dwelling is located at a sufficient distance (approx. 48 – 50m) so as not to materially impact on the living conditions of New Barn Farm, the only neighbouring occupier. As noted above, the originally submitted was oriented in a different direction and would have near-directly faced the neighbour, albeit at the distance noted above. The neighbour objected



to the original proposal, but has written in support of the amended proposal. No other neighbours are materially affected by the proposals. Overall, the proposal would safeguard the living conditions of local residents and the proposal would accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 in this regard.

Other matters - Ecological Implications, Flood Risk, Sustainability

- 7.34 The Council's ecology officer is satisfied that the proposal would have no adverse effects on protected species or other important wildlife. The proposal would not have a significant or demonstrable effect in terms of flood risk. The proposal would not result in any significant benefit or harm in respect of economic or social sustainability, but would have a significant and demonstrable impact on the character and visual amenity of the area and the local landscape and is therefore considered not to be an environmentally sustainable form of development.
- 7.35 The proposal would not contribute a net addition to the District's housing supply, and the Council can currently demonstrate a 5.3 year housing land supply. Thus it is not considered that any significant weight can be attached to the proposal's benefits in this regard.

**8. Conclusion**

- 8.1 The proposal would not adversely affect residential amenity, local highway safety, ecology or flood risk. However, the proposal would result in a much larger dwelling than the one it would replace, on a different siting and not within the curtilage of the existing dwelling, and would not be for an agricultural or other land based business. It would therefore conflict with Policies H17 and H18 of the Cherwell Local Plan 1996 and paragraph 55 of the Framework. In addition, by virtue of its scale, design and siting, the proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape and thereby conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraph 17 of the Framework.

**9. Recommendation – Refuse, for the following reason:**

The proposal would result in a considerably larger dwelling than the one it would replace, on a different siting and not within the curtilage of the existing dwelling, and would not be for an agricultural or other land based business. Therefore, by virtue of its scale and siting, the proposal would not constitute an appropriate replacement dwelling and would result in a new dwelling in an isolated location in the countryside. In addition, by virtue of its scale, design and siting, the proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape. The proposal therefore conflicts with Policies H17 and H18 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and paragraphs 17 and 55 of the National Planning Policy Framework.

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