

PLANNING STATEMENT

Muddle Barn Farm

Colony Road
Sibford Gower
Banbury
OX15 5RY

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

December 2014

Mayfield House
256 Banbury Road
Oxford OX2 7DE
T: 01865 511444
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Proposed Site/Landscaping Plan

CONTENTS

PAGE

Introduction and Background	3
Site and Surrounding Area	4
Planning Policy Context	5
Planning History	8
Other Relevant Planning History	9
Other Material Considerations	11
Consideration of Proposed Development	12

Appendices

Appendix 1 - 14/01100/CLUE – Lawful Development Certificate

Appendix 2 - 14/00552/F - Bradshaws Bungalow

Appendix 3 - 13/01451/F – Manor Farm Bungalow

Appendix 4 - 13/00930/F – Haynes Barn, Sibford Gower

Appendix 5 - Householder Permitted Development Rights (Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order

Appendix 6 - Plan of Existing Dwelling with Permitted Development Rights extension

1. INTRODUCTION AND BACKGROUND

1.1 The statement has been prepared in support of a detailed planning application for the demolition of an existing dwelling and 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 The proposed development has been informed and supported by a detailed landscape and visual impact assessment. This has played a key role in the preparation of the submitted scheme, which has been designed by Yiangou Architects.

1.3 This statement should be read alongside the following plans and documents:

- 1759/001/A – Site Location Plan;
- 1759/010/A – Existing Site Plan;
- 1759/011/A – Existing Farmhouse Plans and Elevations;
- 1759/012/A – Existing Stable Plans and Elevations;
- 1759/013/A – Existing Stable Plans and Elevations;
- 1759/014/A – Existing Stable Plans and Elevations;
- 1759/015/A – Existing Stable Plans and Elevations;
- 1759/020/A – Existing Site Section;
- 1759/021/A – Permitted Development Diagram;
- 1759/100/A – Proposed Site Plan;
- 1759/110/A – Main House Proposed Ground Floor Plan;
- 1759/111/A – Main House Proposed First Floor and Second Floor Plan;
- 1759/117/A – Proposed Site Elevations;
- 1759/118/A – Proposed Site Elevations;
- 1759/119/A – Proposed Site Elevations;
- 1759/120/A – Existing Site Elevations;
- 1759/121/A – Existing Site Elevations;
- 1759/122/A – Proposed Stable Plans and Elevations;
- Design and Access Statement;
- Gloucestershire Wildlife Trust's survey report and emergence studies; and
- Landscape and Visual Impact Assessment prepared by Colvin and Moggridge.

1.4 The statement identifies the relevant planning policy context and assesses how this has been applied to similar proposals within the District. It sets out the planning history, which includes reference to a recent Lawful Development Certificate that confirms that there are no restrictions on the occupancy of the dwelling. It then draws together the findings and observations of the supporting documents, before setting out why the replacement dwelling accords with the key aims and objective of planning policy.

2. SITE AND SURROUNDING AREA

2.1 The site is located to the south west of Sibford Gower. The existing property sits alongside a large extent of equestrian buildings, within an extensive curtilage. In addition to the equestrian buildings, there are also a range of associated 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 land within the client'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.



Left - Aerial Photo of Existing site

Below – Site Location Plan



3. PLANNING POLICY CONTEXT

3.1 For the purposes of Section 38 (1) of the Planning and Compulsory Purchase Act 2004, the Development Plan for the area comprises the adopted Cherwell Local Plan (1996). Consideration should also be given to the non-statutory Cherwell Local Plan 2011. Work on this document was discontinued prior to adoption. However it has been approved at interim planning policy for development control purposes. The National Planning Policy Framework (March 2012) is also an important material consideration.

National Policy

National Planning Policy Framework (NPPF)

3.2 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, 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.

3.3 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).

3.4 Section 78 of the NPPF relates to design. Paragraph 56 confirmed 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.

3.5 Paragraphs 59-60 go on to add that design policies 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.

3.6 Planning policies and decisions 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.

Local Policy

Cherwell Local Plan (1996)

H17 – Replacement Dwellings

3.7 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.*

C13 – Areas of High Landscape Value

3.8 *The Ironstone Downs, the Cherwell Valley, the Thames Valley, North Ploughley, Muswell Hill and Otmoor are designated Areas of High Landscape Value within which the Council will seek to conserve and enhance the environment.*

3.9 The supporting text to this policy confirms that Permitted Development rights are not affected by an Area of High Landscape Value designation.

C28 – Layout, Design and External Appearance of New Development

3.10 *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

3.11 *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.*

Emerging Planning Policy

Draft Cherwell Local Plan 2011 – 2031

3.12 The Proposed Submission version of the Local Plan was submitted for Examination in January 2014. Whilst the Examination commenced earlier this year, it was recently suspended to allow the Council to reconsider how they proposed to meet a significant increase in their housing need. The Hearings are due to recommence in December 2014.

3.13 As the document has yet to be adopted, limited weight should be given to the policies. However, following policy is considered to be of some relevance:

Policy ESD 3 – Sustainable Construction

3.14 This draft policy requires all new homes to meet at least Code Level 4 of the Code for Sustainable Homes.

Policy ESD16 – The Character of the Built and Historic Environment

3.15 The draft policy states that ‘successful design is founded upon an understanding and respect of an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.

3.16 The design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement that accompanies the planning application. The Council expects all the issues within this policy to be positively addressed through the explanation and justification in the Design and Access Statement.’

4. PLANNING HISTORY

4.1 Planning permission was granted under application CHN.600/85 for the erection of a new agricultural workers dwelling at New Barn Farm, Sibford Gower on the 8th January 1986. Condition 5 attached to this planning permission states:

4.2 That the dwelling be occupied only by a person solely or mainly employed, or last solely or mainly employed, in the locality in agriculture, as defined in Section 290(1) of the Town and Country Planning Act, 1971, or in forestry, including any dependents of such a person residing with him or her or widow or widower of such a person.

4.3 More recently a Certificate for Lawful Use Existing (14/01100/CLUE) was granted for the 'use of dwelling in breach of condition 5 (agricultural occupancy) CHN600/85. This was approved on the 26 August 2014.

4.4 A copy of the approved Certificate has been attached at Appendix 1, which includes a copy of the approved site location plan (also see below), which represents the residential curtilage



**14/01100/CLUE –
Approved Site Location Plan**

5. OTHER RELEVANT PLANNING HISTORY

5.1 There have been other applications 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 for proposals to be assessed against.

Bradshaws Bungalow (14/00552/F)

5.2 This application related to a bungalow located in Middle Aston. The bungalow sits within a 1 hectare site and an Area of High Landscape Value.

5.3 The proposal was for a replacement two storey dwelling, which sat within the same location as the existing dwelling. The dwelling was 4.3 metres higher than the existing bungalow and was recognised as being larger in scale.

5.4 In determining the application, the planning officer recognised that permitted development rights would allow the dwelling to be significantly extended. The officer also recognises that the large curtilage could easily accommodate larger dwelling, which would sit comfortably within its setting.

5.5 Therefore, whilst the requirements of Local Plan policy H17 were recognised, the planning officer was able to conclude that there was no adverse harm arising from the proposed 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 and as such the principle of the development was considered to be acceptable.

5.6 Consequently the application was approved on the 20 June 2014. A copy of the decision notice, officer report and approved location and site plan has been attached at Appendix 2.

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

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

5.8 The siting of 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.

5.9 However, the officer recognised that the existing bungalow occupied a prominent location and was dwarfed by the scale of the adjoining large agricultural buildings. The officer considered the new siting of the replacement dwelling reduced its prominence by siting it at a lower level. The removal of agricultural buildings also helped to reduce the overall prominence of the site.

5.10 It was therefore concluded that whilst there was some conflict with Local Plan policy H17, the proposal accorded with the National Planning Policy Framework.

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

Summary of findings from similar applications

5.12 The above decisions allow the following conclusions to be formed:

- The requirements of Local Plan policy H17 are somewhat out of date. The key test for a replacement dwelling is demonstrating that any impact on the character of the surrounding landscape can be avoided.
- The potential additional floorspace that could be achieved through permitted development rights is a material consideration in establishing the floorspace of the existing dwelling.
- The replacement dwelling can be re-sited where this has been informed by a detailed landscape analysis and benefits of the re-siting can be identified.
- The removal of other buildings (e.g. agricultural) can assist in reducing the impact of proposed developments.

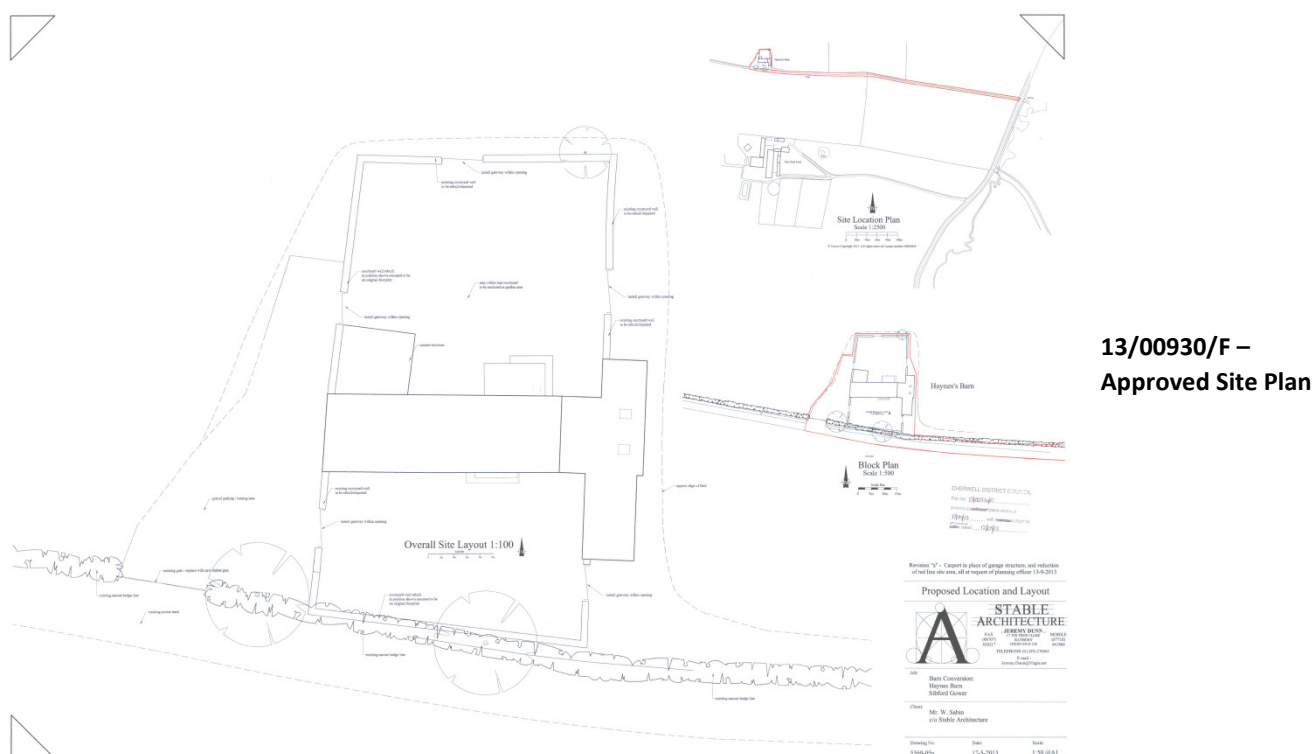
Haynes Barn, Colony Road, Sibford Gower (13/00930/F)

5.13 A planning application was recently approved for a barn conversion to residential at the above site, which is located some 130 metres to the north of Muddle Barn Farm.

5.14 The proposal involved some rebuilding works and established a new residential curtilage and a new vehicular access. A copy of the approved site plan can be seen below, with a full size version at Appendix 4, along with the decision notice and officer report

5.15 The officer recognised that the site fell within an Area of High Landscape Value and adjoined a public right of way, and considered that the proposal would not have an adverse impact on the area. In addition there was no objection from the Public Rights of Way Officer.

5.16 Consequently the application was approved on the 15 October 2013.



6. OTHER MATERIAL CONSIDERATIONS

Householder Permitted Development Rights

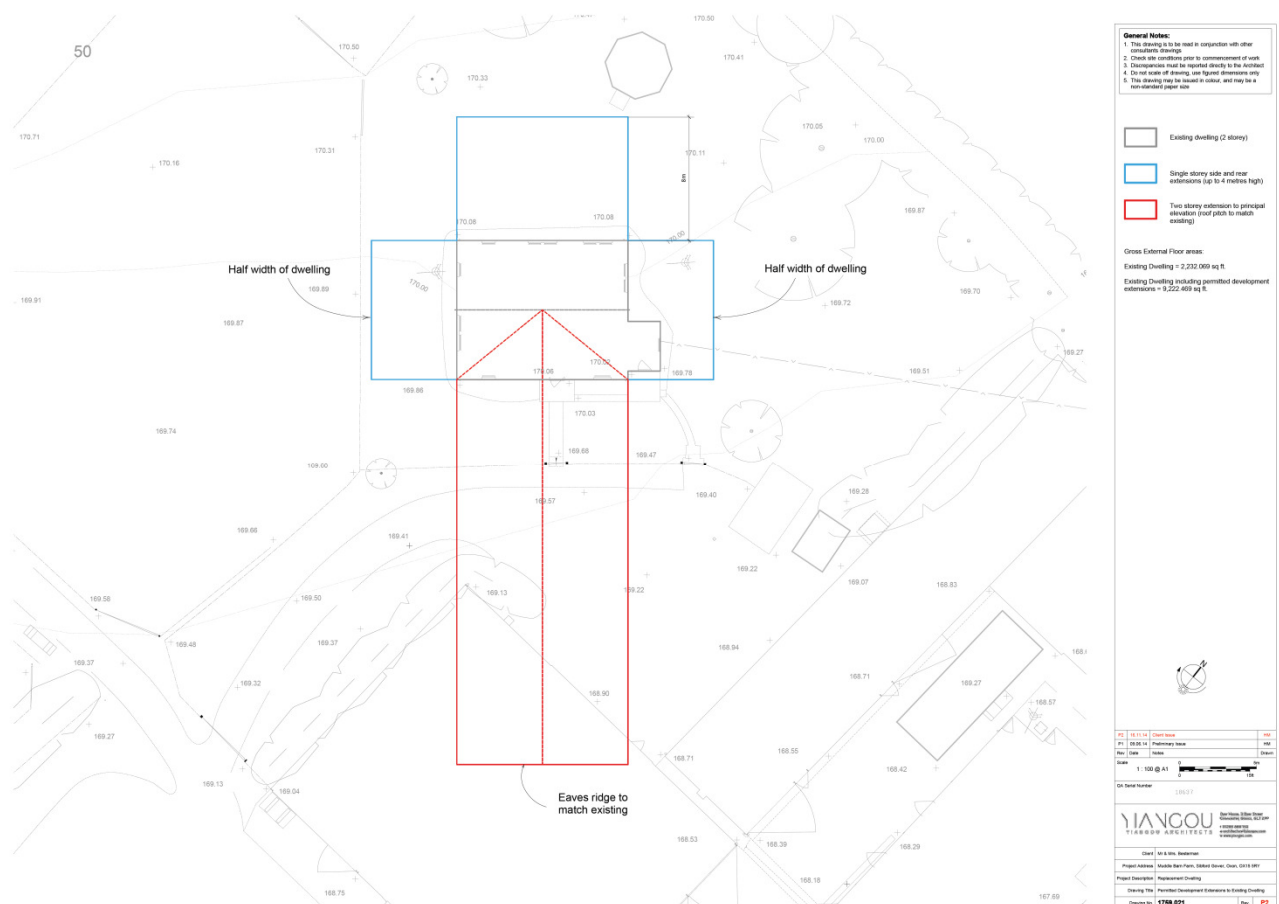
6.1 Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order, sets out permitted development rights in relation to 'development within the curtilage of a dwellinghouse'. Class A relates to 'The enlargement, improvement or other alteration of a dwellinghouse'. A copy of the relevant section has been attached at Appendix 5.

6.2 Yiangou Architects have applied these rights to the existing dwelling to establish the amount of additional floorspace that could be achieved. This would be provided in the form of single storey side and rear extension; and a forward projection with a roof pitch and ridge to match existing.

6.3 A diagram showing how this could be achieved can be seen below with a full size version attached at Appendix 6.

6.4 This confirms the following in respect of the existing floorspace:

	Floorspace (sq m)
Existing Dwelling	207.4
Existing Dwelling with Permitted Development	856.8



Additional Floorspace that could be achieved using Permitted Development Rights – Prepared by Yiangou Architects

7. CONSIDERATION OF PROPOSED DEVELOPMENT

7.1 The existing site accommodates a dwelling and an extensive range of equestrian buildings and associated facilities. 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 residential curtilage. The extent of the ownership totals some 12.3 hectares, extending to the east and west of the cluster of built form.

7.2 In planning policy terms the site does not fall within a nationally designated landscape (e.g. AONB), however it does fall within an Area of High Landscape Value, which is a local designation. There are no other site specific designations. The landscape context is considered in full detail in the accompanying Landscape and Visual Impact Assessment.

7.3 The proposed development is a replacement dwelling with a comparably sized curtilage to the existing one. The detail is set out in full detail in the accompanying Design and Access Statement. Briefly, the design can be described as late Georgian Regency, utilising local materials, including a mix of stone and brick, and timber sash/casement windows.

7.4 In addition to demolishing the existing dwelling, it is also proposed to demolish an extensive amount of large equestrian buildings.

7.5 When taken in isolation, the proposed replacement dwelling is larger than the dwelling it is replacing. However there are two important material considerations, which were both referred to in the recent applications for replacement dwellings referred to in section 5 of this report.

1. Use of Permitted Development Rights

7.6 It has been demonstrated that the existing dwelling could be significantly extended through the use of Householder Permitted Development Rights. Section 6 of this report confirms that the dwelling could be extended to a size comparable with the replacement dwelling. Indeed, the permitted development rights could theoretically permit a larger dwelling.

2. Equestrian buildings to be removed

7.7 The amount of equestrian buildings that are being removed is extensive. These are large scale buildings that total 1,245 sq m, which is some 388 sq m larger than the replacement dwelling. When added to the existing building, the proposed development would result in a total reduction in floorspace of 595 sq m. This is without taking into consideration the potential floorspace that could be created through the use of permitted development rights.

7.8 The main policy of relevance is Local Plan policy H17 – ‘Replacement Dwellings’, which was referred to by the planning officers in determining the other planning applications for replacement dwellings. The examples establish that the key test for a replacement dwelling is demonstrating that any impact on the character of the surrounding landscape can be avoided. In considering this, regard can be had to the removal of other buildings (e.g. equestrian) and additional floorspace that can be achieved through permitted development.

7.9 It has also been established that the re-siting of the replacement dwelling is welcomed, where it can assist with resulting landscape impact. This is particularly the case where the re-siting has been informed by a thorough assessment of the landscape context.

7.10 The initial landscape assessment prepared by Colvin and Moggridge landscape consultants, identified that the southern part of the curtilage was at a lower level and less prominent in the surrounding viewpoints of the site. The re-siting allows the replacement dwelling to have the same ridge height as the existing dwelling, whilst taking advantage of the reduced prominence.

7.11 In addition to the above, the landscape and visual impact assessment goes on to identify further landscape benefits from the proposals, including:

- 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.

7.12 This allows the landscape and visual impact assessment to conclude that the overall visual effect on views will be slight or negligible; and that the proposed development will not detract from or block any noteworthy views. Indeed the assessment is able to conclude that the proposed development is considered to have a positive effect by bringing about an enhancement of landscape views by:

- The removal of an everyday farmhouse and redundant modern farm building and replacement with a finely designed Georgian style house, set amongst trees, adding interest to cross-countryside views;
- The removal of uniform Lawson Cypress hedges which are prominent in views; and
- Incidentally establishing backdrop planting to New Barn Farm, softening its impact on the skyline.

7.13 This allows the clear conclusion to be formed that the proposed development will comply with the principles of Local Plan policy H17. The proposal will not result in any adverse visual or neighbour impact. The proposed design of the replacement dwelling is of a high quality, which is sympathetic to the site's setting. Indeed, it has been established that benefits can be delivered by the proposed development. For these reasons it is respectfully requested that planning permission is granted.

Appendix 1

14/01100/CLUE – Lawful Development Certificate

Public Protection & Development Management

Andy Preston – Head of Public Protection & Development Management



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Carter Jonas
Mrs Jenifer Coppock
Mayfield House
256 Banbury
Oxford
OX2 7DE

RECEIVED
29 AUG 2014

Bodicote House
Bodicote
Banbury
Oxfordshire
OX15 4AA

www.cherwell.gov.uk

Please ask for: Stephanie Betts
Email: Stephanie.betts@cherwell-dc.gov.uk

Direct Dial: 01295 221820
Our Ref: 14/00833/CLUP

26 August 2014

Dear Sir/Madam

Application Ref: 14/01100/CLUE

Location: Muddle Barn Farm, Colony Road, Sibford Gower, Banbury

Proposal: Certificate of Lawful Use Proposed – Use of dwelling in breach of Condition 5 (Agricultural Occupancy) CHN600/85

I am writing regarding the above application for a Certificate of Lawfulness.

The application has been assessed and it has been determined that the development is lawful as set out on the enclosed certificate.

Yours faithfully

Bob Duxbury
Development Control Team Leader

Enc



DISTRICT COUNCIL
NORTH OXFORDSHIRE

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.

Signed.....Cracke..... (Council's Authorised Officer)

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

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 to enforcement action.



Appendix 2

14/00552/F - Bradshaws Bungalow

- Decision Notice
- Officer Report
- Site 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

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 1m² 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)

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
- 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**. 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
	<p data-bbox="285 750 580 784">Approval subject to,</p> <p data-bbox="337 784 744 817">a) The following conditions,</p> <ol style="list-style-type: none"><li data-bbox="337 851 1415 1019">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.<li data-bbox="337 1052 1415 1422">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.<li data-bbox="337 1456 1415 1736">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.<li data-bbox="337 1769 1415 2072">4 Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² 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.<li data-bbox="337 2105 1415 2136">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

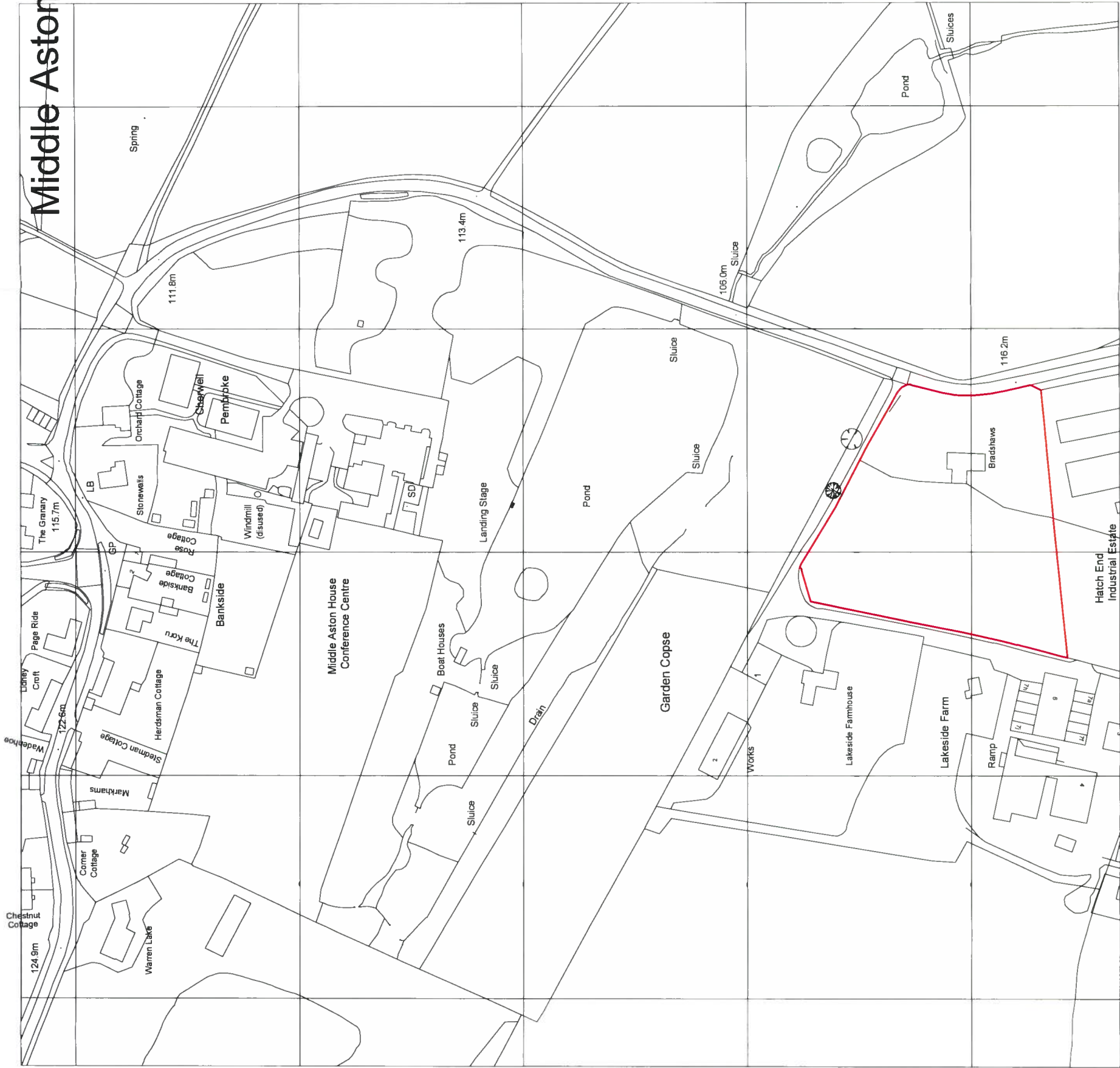
In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council in a positive and proactive way through the efficient and timely determination of the application

NOTES

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A3 ORIGINAL
SHEET SIZE

Middle Aston



PLANNING APPLICATION

project title REPLACEMENT DWELLING AT BRADSHAW'S, MIDDLE ASTON
drawing title LOCATION PLAN
client name PERA INTERNATIONAL (C/O JPPC)
first issued 03/25/14 JC drawn scale 1 : 2000 job/drawing no./revision 14001/ L001/

The Anderson Orr Partnership
Chartered Architects
RIBA #
The Studio, 70 Church Road, Wheatley, Oxford, OX33 1LZ
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Location Plan

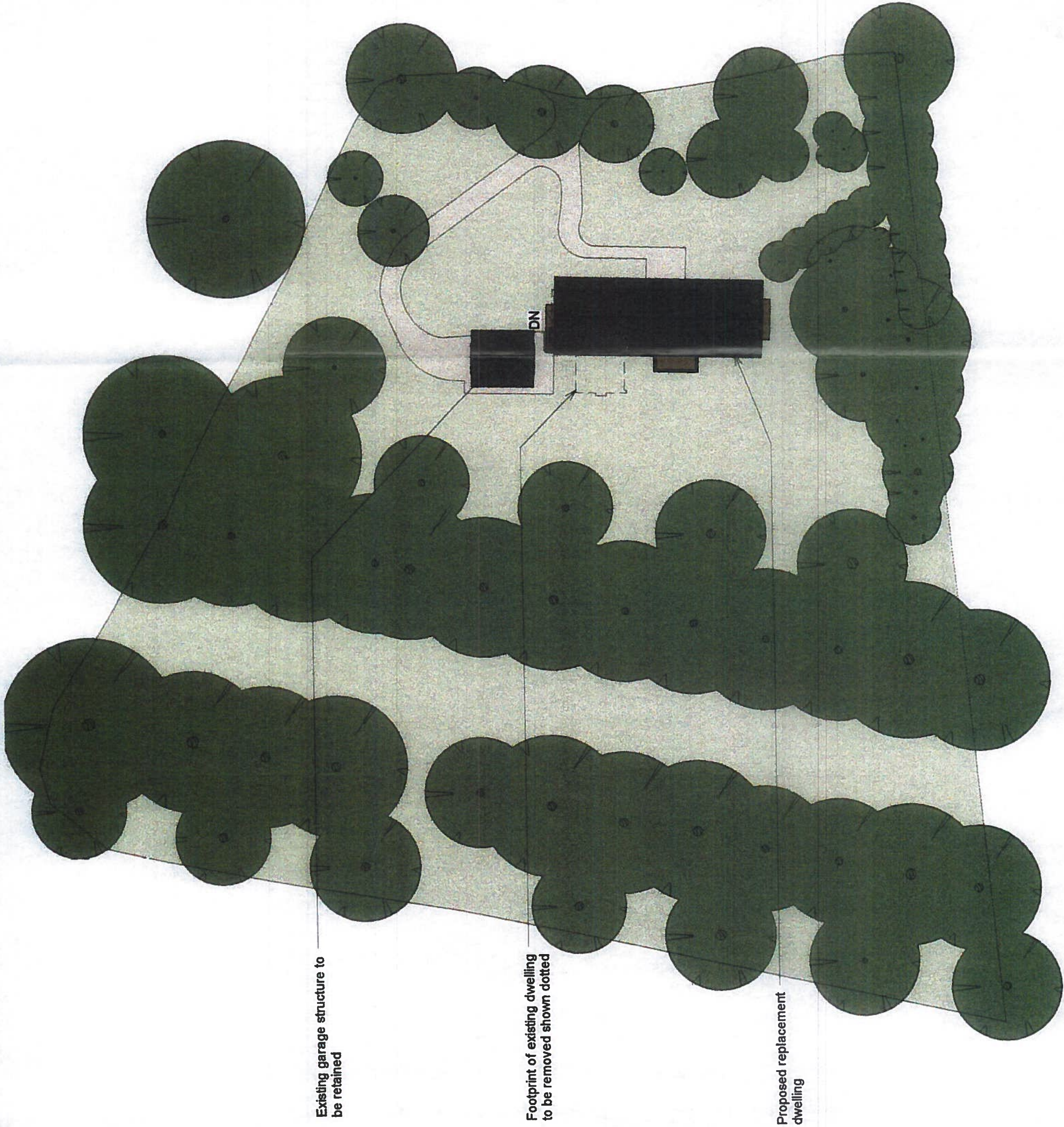
1 : 2000

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A3 ORIGINAL
SHEET SIZE

14/00552/f



revision	22/04/2014	General Amendments
A		description

0 25

status

PLANNING APPLICATION

project title	REPLACEMENT DWELLING AT BRADSHAW'S, MIDDLE ASTON
drawing title	HALL, BICESTER, OXFORDSHIRE
client name	PERA INTERNATIONAL (C/O JPPC)
first issued	25/03/14
drawn	JC
scale	1:500
job/drawing no/revision	14001/PP010/A

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SITE PLAN
1:500

Appendix 3

13/01451/F – Manor Farm Bungalow

- Officer Report
- Site Location Plan
 - Site Plan

**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:** 19th 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 1m² 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

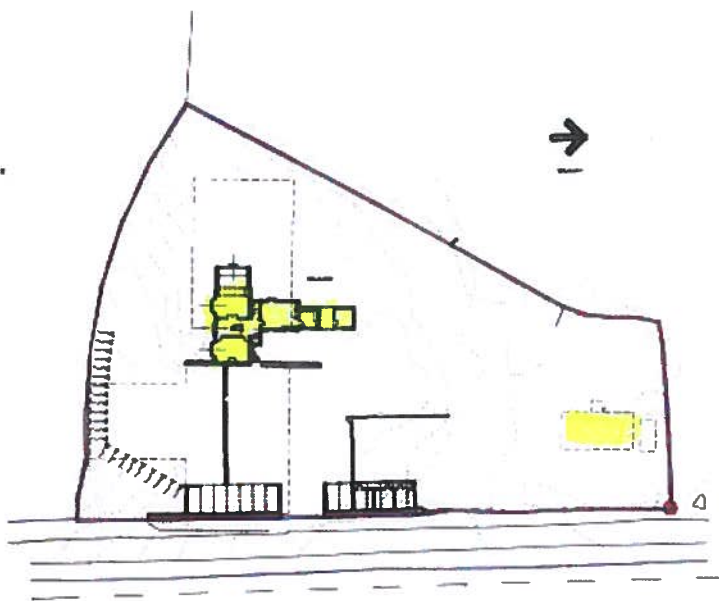
Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

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

01/01/13 with Applicants/Agent's

Letter dated 01/12/13

1	24.12.13	17	Standard to the 1990 Act	04	00
10	01/12	17	Proposed	04	00

Drawn To Scale **PLANNING**

QUAY ASSOCIATES

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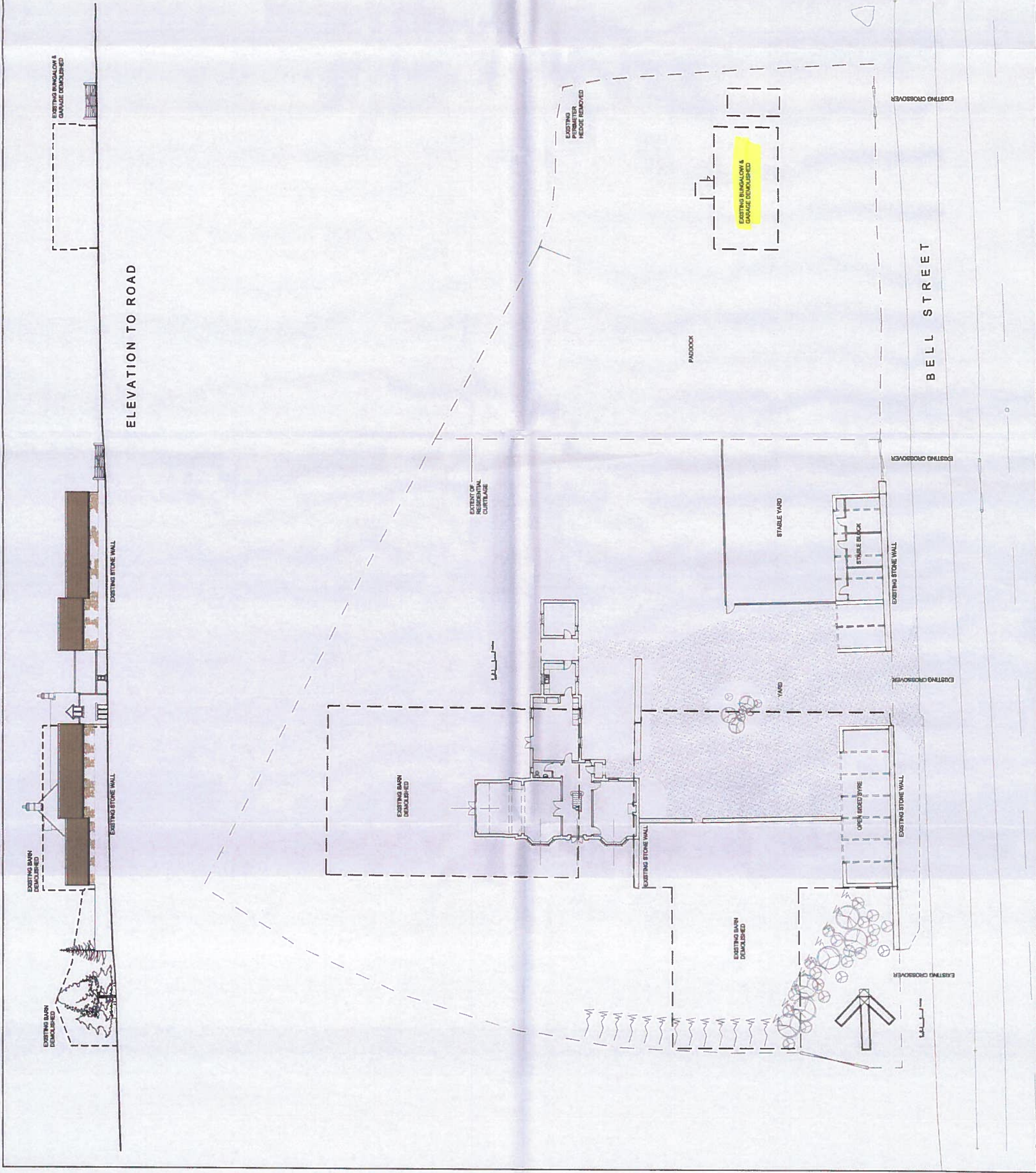
MANOR FARM
HORNTON, BANBURY

LOCATION
PLAN

DATE	DATE	DATE/NO	DATE	DATE	DATE
1:1250	JULY 2013				

1270

1270/P06 A



DATE	BY	DATE	BY	DATE	BY

PLANNING	
QUAY ASSOCIATES	
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FTK SCOTT Esq.	
MANOR FARM HORNTON, BANBURY	
PROPOSED SITE PLAN	

DATE	BY	DATE	BY	DATE	BY
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Appendix 4

13/00930/F – Haynes Barn, Sibford Gower

- Officer Report
- Site Plan

**Site Address: Haynes Barn, Colony
Road, Sibford Gower**

13/00930/F

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Mr W J Sabin

Application Description: Conversion of barn to dwelling and attached timber garage

1. Site Description and Proposed Development

1 1 The application property is a redundant, stone agricultural building. It is currently accessed via a bridle way from Colony Road. The building is located approximately 70m to the north of New Barn Farm.

1 2 The application seeks consent to convert the building to a single dwelling with an attached, associated garden area and access drive.

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 29th August 2013.

7 letters of objection have been received. The following issues were raised:

- Impact on badgers

The Oxon Badger Group forwarded links to a number of YouTube videos.

1 letter of support has been received.

3. Consultations

3 1 **Sibford Gower Parish Council:** Raises no objection but made the following comments:

'This seems a well thought out application sympathetic to the barn, there seems no obvious alternative to the preservation of this traditional barn. Nevertheless it needs careful consideration, because the proposal is bound to give rise to considerable local discussion.'

1) It is in a prominent position in the Sib Valley, highly visible from both Sibford Gower and Sibford Ferris. It sits on one of the most used public footpaths from both villages towards Ditchedge Lane, and at a junction with a footpath across the fields. It is much used on a daily basis by dog walkers and pony riders.

2) There is confirmed evidence of barn owls. At least one pair hunt the Sib Valley and are a prominent feature of night life in the autumn. It is always assumed that they nest in Haynes Barn, and this appears confirmed by the protected Species Survey. Special provision should be made, and work should not take place during the breeding season.'

Cherwell District Council Consultees

3 2 **Ecology Officer:** *'With reference to the submitted ecological information in the protected species survey report, the Phase 1 and 2 bat survey reports and based on the evidence of a site visit earlier this week there are currently the following ecological constraints on site:*
Nesting birds within the barn, some evidence of use by bats in the wall crevices, barn owls using the box inside the building, suitable habitat for reptiles and evidence of badgers in the vicinity.

I would concur with the ecological report submitted that currently the nearest definite badger sett is approximately 26m away in the hedgerow. There are many rabbit holes in the vicinity of the barn and one other possible sett entrance (based only on its size but no evidence of badger use) to the South Western corner of the barn within the hedgerow. There looks to have been a lot of earth movement around the barn at some point before the spring but currently there is no evidence of other active or inactive badger setts being present. However due to the presence of the nearby sett entrance, numerous reports of badger activity and the mobile nature of badgers I would recommend that a further update check for badgers prior to any development or site clearance would be a sensible precaution.

Should permission be granted therefore I would recommend conditions'.

- 3 3 **Rights of Way Officer** *'There are two public rights of way that will be affected by this development. Sibford Gower Bridleway 2 (248/2) runs along the track that forms the access to the barn and Sibford Gower Footpath 7 (248/7) joins this track just to the east of the barn. These routes are not shown on any of the plans and are not mentioned within the application. These routes must be added to the plans and I would be happy to liaise with the applicants if any advice is needed on this.'*

An increase in vehicular movements over the bridleway will have an impact on users of the bridleway although I do not believe that this will be significant. Some work may be required to repair/improve the track and any work should be agreed with OCC's Countryside Access Team before being undertaken. I also note that the gates onto the road may be changed and this will also need to be agreed with OCC prior to the work being undertaken'.

- 3 4 **Environmental Protection Officer** No comments received

Oxfordshire County Council Consultees

- 3 5 **Highways Liaison Officer** No objections, subject to conditions

Other Consultees

- 3 6 **Severn Trent Water** No comments received

4 Relevant National and Local Policy and Guidance

- 4 1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

C13	Area of High Landscape Value
C28	Layout, design and external appearance of new development
C30	Design of new residential development
H19	Conversion of rural buildings

- 4 2 Other Material Policy and Guidance

National Planning Policy Framework

5. Appraisal

- 5 1 The key issues for consideration in this application are

- Conversion without major re-build
- Design
- Impact on the character and appearance of the open countryside

- Ecology
- Highway Safety
- Neighbouring Amenity

Conversion without major re-build

- 5 2 The existing barn appears to be in a good structural state. A structural survey was submitted with the application and this has concluded that the barn could be converted without the need for major reconstruction. I have no reason to question the conclusions of this report.
- 5 3 The design does include a small amount of re-build to re-instate the single storey sections of the building on the east side of the barn. This small amount of re-building work is considered to be acceptable in principle.

Design

- 5 4 The proposed fenestration has made use of the existing openings within the barn with the addition of some small windows and roof lights. The proposal utilises the footprint of previous single storey extensions to the barn, the design is sympathetic to the rural character of the building.
- 5 5 The NPPF identifies the need for good design including individual buildings. The external alterations to the barn and the retention of key features such as the barn door openings are considered to be sympathetic, therefore preserving the traditional character and appearance of the building.
- 5 6 Minor amendments were sought regarding the size of some openings and the size of the domestic curtilage. Concerns were also raised regarding the proposal for a detached garage. The application has been amended, the detached garage has been removed and replaced with a smaller carport which is attached to the barn within the courtyard area. This has allowed the redline area to be reduced in size.

Impact on the character and appearance of the countryside

- 5 7 Policy H19 of the adopted Cherwell Local Plan sets out provisions for the conversion of rural buildings with criteria that need to be met. Point (ii) states 'the proposal would not cause significant harm to the character of the Countryside or the immediate setting of the building'. Furthermore, Policy C13 of the adopted Cherwell Local Plan identifies Areas of High Landscape Value where the Council will seek to conserve and enhance the environment.
- 5 8 The domestic curtilage of the site is restricted to the front and rear existing courtyards and the land required for vehicular access. The surrounding land will remain in agricultural use. The curtilage has been designed so that the stone wall of the courtyard denotes the garden area, this removes the need for any additional fencing to the front of the barn therefore retaining the rural character of the area.
- 5 9 The application site is within an area of high landscape value and as such careful regard needs to be paid to the impact on this designated area. In my opinion the conversion is sensitively planned and will not have an adverse impact on the area of high landscape value.
- 5 10 The County Council rights of way officer has highlighted the proximity of public footpaths to the site. As the footpaths do not cross the proposed domestic curtilage, their use would not be prevented by the development. Therefore, all of the matters raised can be dealt with by way of condition.
- 5 11 The proposal will not have an adverse impact on the character or appearance of the open countryside and respects its landscape setting. Therefore accords with the provisions of the NPPF and Policies H19 and C13 of the adopted Cherwell Local

Plan

Ecology

- 5 12 The presence of a protected species is a material consideration when a planning authority is considering a development proposal
- 5 13 Paragraph 98 of Circular 06/05 Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes on to advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”
- 5 14 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard to the purpose of conserving (including restoring/enhancing) biodiversity” and,
- 5 15 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”
- 5 16 Articles 12 and 16 of the EC habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places
- 5 17 As bats have been identified in the barn designated for development at the site, the applicant’s will require the prior acquisition of a statutory bat licence from Natural England To this end the Council has a duty to determine whether the proposed development meets the requirements of the EC habitats Directive There are 3 tests, the first 2 of which (that of imperative reasons of overriding public need and there being no satisfactory alternative) are often difficult to reconcile with private developments However, it can be reasoned that the existing barns would benefit from re-use and may continue to deteriorate if not maintained and to ‘do nothing’ would be a missed opportunity given their historic integrity Given the benefits associated with bringing the existing building into active use, in line with guidance in the NPPF, with the design and nature of the proposed conversion not being detrimental to the character of the locality or the buildings themselves, no satisfactory alternative to the proposed scheme has been identified Renovation and conservation of the existing building is more environmentally acceptable to demolition and rebuild particularly given the buildings historic context
- 5 18 With regard to the third test, it is considered that the scheme has been sensitively designed and is acceptable given the sensitive location with a range of mitigation and enhancement measures that can be implemented through an appropriately worded condition
- 5 19 Given the consideration of the three tests, the type and extent of the bat species affected by the development it is concluded that NE would grant a license and as such planning permission could be granted

- 5 20 Concerns have been raised regarding the impact of the proposal on badgers The

Council's ecologist has inspected the site and is satisfied there are no badgers currently present on the site and it is very unlikely that they were present at the time the application was submitted. Conditions have been recommended requiring an up to date badger survey to be carried prior to the commencement of development, if badgers are found on the site, appropriate mitigation measures will need to be agreed with the LPA.

- 5 21 Consequently it is considered that art 12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the NPPF and Policy C2 of the adopted Cherwell Local Plan.

Highway Safety

- 5 22 The Local Highways Authority has raised no objections to the application. Therefore I consider the application to be satisfactory in terms of highway safety, and complies with government guidance on promoting sustainable transport contained within the National Planning Policy Framework.

Neighbouring Amenities

- 5 23 The barn is situated in an isolated position with no immediate neighbouring properties. The proposal will not have a detrimental impact on neighbouring amenities and complies with the core principles of the NPPF and Policy C30 of the adopted Cherwell Local Plan.

Engagement

- 5 24 With regard to the duty set out in paragraphs 186 and 187 of the Framework, minor amendments were sought during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient determination of the application.

Conclusion

- 5 25 In my opinion the proposal provides a suitable use for this redundant building and the conversion is sympathetic to the character and appearance on the existing barn and its setting. Therefore the proposal achieves sustainable development and accords with the provisions of the NPPF and Policies H19, C13, C28 and C30 of the adopted Cherwell Local Plan.

6. Recommendation

Approval, subject to the following conditions

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

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 application forms and the following plans and documents: Drawing numbers 5569-04a, 5569-05a and 5569-06a received 13 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 to comply with Government guidance contained within the National Planning Policy Framework.

- 3 Prior to the commencement of the development hereby approved, samples of the slates 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.

- 4 Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone to match the stonework on the existing building, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the garage, extension and boundary walls 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 on achieving good design contained within the National Planning Policy Framework.

- 5 Prior to the commencement of development full design details of the doors, windows, at a scale of 1:20, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the completed development is in keeping with and conserves the special character of the existing building and to comply with Policy H19 of the adopted Cherwell Local Plan.

- 6 Prior to the conversion of the barn hereby approved, the existing means of access between the land and the highway shall be formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason - In the interest of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 7 Prior to the commencement of the development hereby approved, full specification details of the access drive including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling, the development shall be constructed in accordance with the approved details.

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

- 8 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 interest of highway safety and to comply with Government advice contained in the National Planning Policy Framework

- 9 The rooflight/s shall be a conservation grade rooflight/s which shall fit flush with the roof plane

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

- 10 That, notwithstanding the provisions of Classes A to E (inc) of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 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 - In order to safeguard the character and appearance of the existing building to comply with Policy H19 of the adopted Cherwell Local Plan and Government guidance on conserving and enhancing the historic environment contained within the National Planning Policy Framework

- 11 That, notwithstanding the provisions of Classes A, B and C of Part 1, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 and its subsequent amendments, no new window(s) or other openings, other than those shown on the approved plans, shall be inserted in the walls or roof of the building without the prior express planning consent of the Local Planning Authority

Reason - In order to safeguard the character and appearance of the existing building to comply with Policy H19 of the adopted Cherwell Local Plan and Government guidance on conserving and enhancing the historic environment contained within the National Planning Policy Framework

- 12 The carport(s) shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority

Reason – In the interest of highway safety and to comply with Government advice contained in the National Planning Policy Framework

- 13 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a further update survey no older than three months for badgers and badger evidence which shall include details of whether a development licence is required, any mitigation required and the location and timing of the provision of any protective fencing around setts/commuting routes, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details

Reason - To ensure 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

- 14 The development hereby approved shall be carried out strictly in accordance with the method statement set out in Section D, page 11 of the Phase 1 and 2 Bat Survey report submitted with the application prepared by Ridgeway Ecology, dated 24th July 2013

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

- 15 Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for barn owls which shall include the recommendations within Section E 2 11 of the Protected Species Report submitted with application, prepared by Ridgeway Ecology, dated 17th April 2013 but which shall also include full details of the location on plans and design of alternative nest sites to be provided, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the commencement of the development, the alternative nesting sites shall be provided in accordance with the approved document and retained

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

- 16 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 the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site

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

- 17 The development hereby approved shall be carried out strictly in accordance with the method statement for the protection of reptiles set out in section E 2 10 of the of the Protected Species Report submitted with the application prepared by Ridgeway Ecology, dated 17th April 2013

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

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

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

- 19 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing opportunities for nesting birds on site with reference to findings within the submitted ecological reports, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details

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

- 20 Prior to the commencement of the development hereby approved, full details of the external lighting shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details

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

- 21 No materials, plant, temporary structures or excavations of any kind should be deposited / undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place

Reason To ensure the public right of way remains available and convenient for public use

Planning Notes

1 Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of this permission hereby granted, 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

2 No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team or necessary legal process

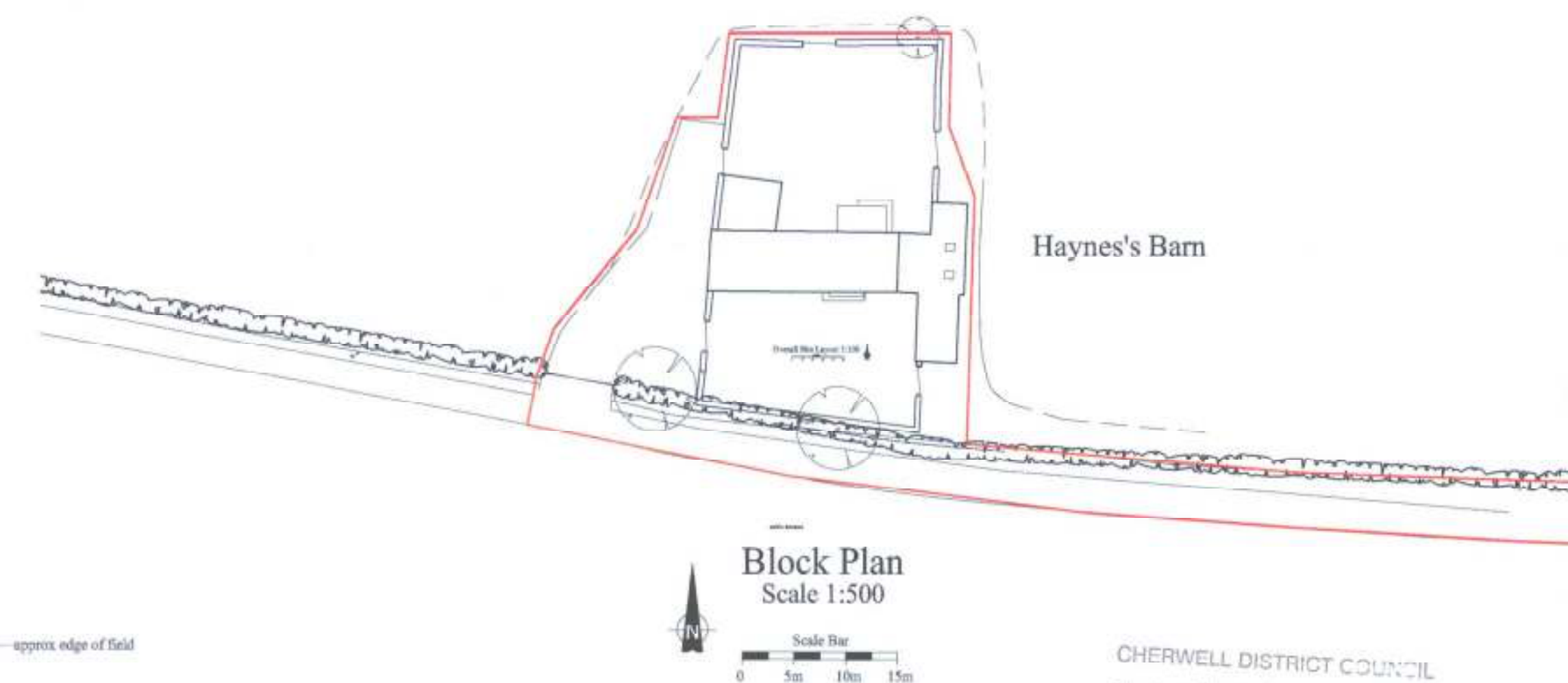
3 No construction / demolition vehicle access may be taken along or across a public right of way without prior permission and appropriate safety/mitigation measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants or their contractors to put right / make good to a standard required by the Countryside Access Team

4 No vehicle access may be taken along or across a public right of way to residential or commercial sites without prior permission and appropriate safety and surfacing measures approved by the Countryside Access Team. Any damage to the surface of the public right of way caused by such use will be the responsibility of the applicants, their contractors, or the occupier to put right / make good to a standard required by the Countryside Access Team

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

Signed Case Officer:**Date:** 15/10/13**Possible
to delegate****Signed SPO/TL****Date:** 15-10-13**decision:** Y ☒ / N ☐



CHERWELL DISTRICT COUNCIL
Plan No. 13/00345
Amended plans received
13/01/13 with Amendment 1's
13/01/13
13/01/13

Revision "a" - Carport in place of garage structure, and reduction of red line site area, all at request of planning officer 13-9-2013

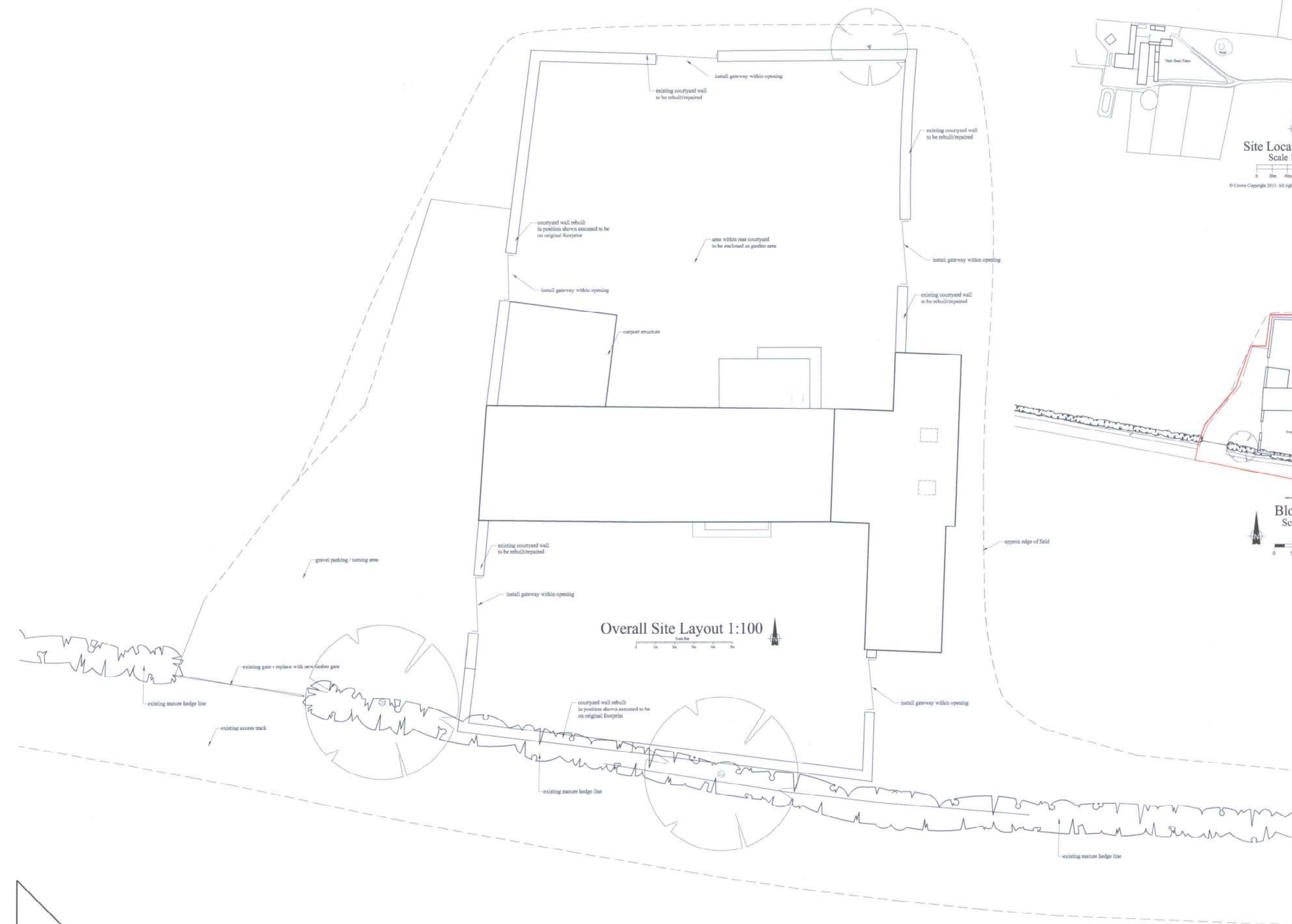
Proposed Location and Layout



Job: Barn Conversion:
Haynes Barn
Sibford Gower

Client: Mr. W. Sabin
c/o Stable Architecture

Drawing No: 5569-05a Date: 17-5-2013 Scale: 1:50 @A1



Appendix 5

Householder Permitted Development Rights (Schedule 2, Part 1, of the Town and Country Planning (General Permitted Development) Order

SCHEDULE 2

Article 3

PART 1

DEVELOPMENT WITHIN THE CURTILAGE OF A DWELLINGHOUSE

Class A

Permitted development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1. Development is not permitted by Class A if—

- (a) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—
 - (i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10 %, whichever is the greater,
 - (ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater,
 - (iii) in any case, by more than 115 cubic metres;
- (b) the part of the building enlarged, improved or altered would exceed in height the highest part of the roof of the original dwellinghouse;
- (c) the part of the building enlarged, improved or altered would be nearer to any highway which bounds the curtilage of the dwellinghouse than—
 - (i) the part of the original dwellinghouse nearest to that highway, or
 - (ii) any point 20 metres from that highway,whichever is nearer to the highway;
- (d) in the case of development other than the insertion, enlargement, improvement or other alteration of a window in an existing wall of a dwellinghouse, the part of the building enlarged, improved or altered would be within 2 metres of the boundary of the curtilage of the dwellinghouse and would exceed 4 metres in height;
- (e) the total area of ground covered by buildings within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (f) it would consist of or include the installation, alteration or replacement of a satellite antenna;
- (g) it would consist of or include the erection of a building within the curtilage of a listed building; or
- (h) it would consist of or include an alteration to any part of the roof.

A.2. In the case of a dwellinghouse on any article 1(5) land, development is not permitted by Class A if it would consist of or include the cladding of any part of the exterior with stone, artificial stone, timber, plastic or tiles.

Interpretation of Class A

A.3. For the purposes of Class A—

- (a) the erection within the curtilage of a dwellinghouse of any building with a cubic content greater than 10 cubic metres shall be treated as the enlargement of the dwellinghouse for all purposes (including calculating cubic content) where—
 - (i) the dwellinghouse is on article 1(5) land, or
 - (ii) in any other case, any part of that building would be within 5 metres of any part of the dwellinghouse;
- (b) where any part of the dwellinghouse would be within 5 metres of an existing building within the same curtilage, that building shall be treated as forming part of the resulting building for the purpose of calculating the cubic content.

Class B

Permitted development

B. The enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

Development not permitted

B.1. Development is not permitted by Class B if—

- (a) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;
- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which fronts any highway;
- (c) it would increase the cubic content of the dwellinghouse by more than 40 cubic metres, in the case of a terrace house, or 50 cubic metres in any other case;
- (d) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse—
 - (i) in the case of a terrace house by more than 50 cubic metres or 10%, whichever is the greater,
 - (ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater, or
 - (iii) in any case, by more than 115 cubic metres; or
- (e) the dwellinghouse is on article 1(5) land.

Class C

Permitted development

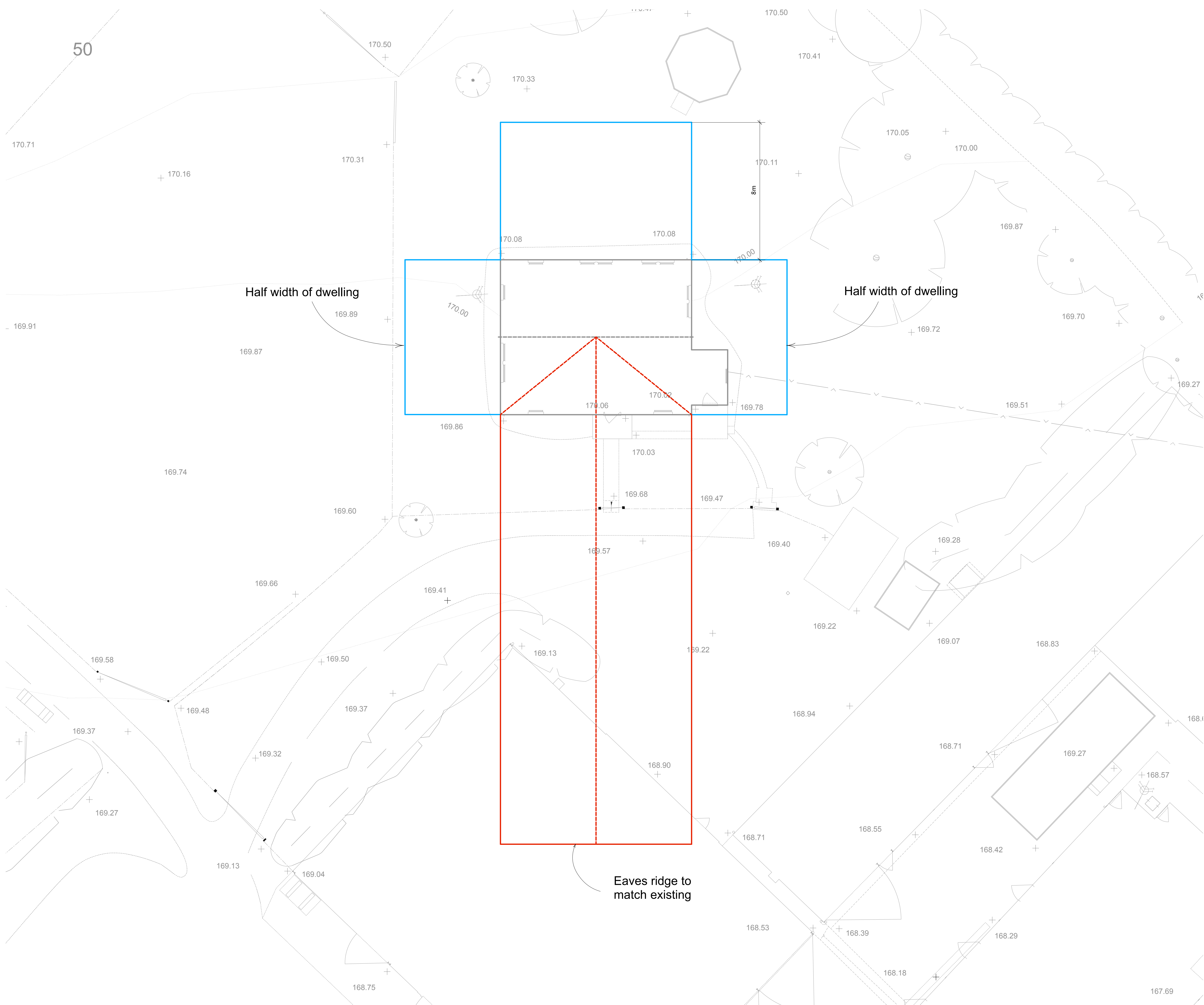
C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1. Development is not permitted by Class C if it would result in a material alteration to the shape of the dwellinghouse.




Appendix 6

Plan of Existing Dwelling with Permitted Development Rights extension



General Notes:

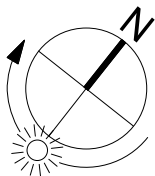
1. This drawing is to be read in conjunction with other consultants drawings
2. Check site conditions prior to commencement of work
3. Discrepancies must be reported directly to the Architect
4. Do not scale off drawing, use figured dimensions only
5. This drawing may be issued in colour, and may be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

-  Existing dwelling (2 storey)
-  Single storey side and rear extensions (up to 4 metres high)
-  Two storey extension to principal elevation (roof pitch to match existing)

Gross External Floor areas:

Existing Dwelling = 2,232.069 sq ft.

Existing Dwelling including permitted development extensions = 9,222.469 sq ft.



P2	16.11.14	Client Issue	HM
P1	09.06.14	Preliminary Issue	HM
Rev	Date	Notes	Drawn

Scale 1 : 100 @ A1
0 5m
0 15ft

QA Serial Number 18637

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Client	Mr & Mrs. Besterman		
Project Address	Muddle Barn Farm, Sibford Gower, Oxon, OX15 5RY		
Project Description	Replacement Dwelling		
Drawing Title	Permitted Development Extensions to Existing Dwelling		
Drawing No.	1759.021	Rev.	P2