1. **APPLICATION SITE AND LOCALITY** 
   1. The application relates to an area of garden land associated with Shrubbery Cottage, a two storey residential property with rooms in the roof space on the edge of the village of Sibford Ferris. There are residential properties adjacent to the north, west and east and Sibford School sports field lies adjacent to the southwest.
   2. In terms of site constraints the site sits on the edge of the Sibford Ferris Conservation Area and historic village core, which is of some archaeological interest. There are no listed buildings within the immediate vicinity of the development site. The site is within an area where the geology is known to contain naturally occurring elevated levels of Arsenic, Nickel and Chromium and an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels; as seen in many areas across the district. A Public Right of Way (Ref. Bridleway 347/18/40) runs along the access to the site continuing in a westerly direction.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
   1. The application seeks householder planning permission for the erection of a single storey outbuilding within the residential curtilage to provide detached annexe ancillary residential accommodation. The proposed building would be of prefabricated construction of accessible design produced by ‘HebHomes’. The building would measure 13m x 5.3m with an overall ridge height of 4.9m; initially providing ancillary 1-bedroom accommodation, with a potential future use as a studio again ancillary to the existing residential use on the site; to meet the applicant’s immediate and future needs.
   2. The application was initially submitted for full planning permission for a new dwelling. However, following officers raising concerns as to the acceptability of the principle of a new dwelling in the location proposed, the scheme was amended, (1) reducing the scale of the building, re-siting it closer to the existing cottage and (2) applying for only householder permission for a detached ancillary annexe building. The application was subsequently re-advertised in light of the amendments made to the scheme.
3. **RELEVANT PLANNING HISTORY**
4. The following planning history is considered relevant to the current proposal:

|  |  |  |
| --- | --- | --- |
| Application Ref. | Proposal | Decision |
| 97/00323/F | Two storey extension to dwelling. Demolition of porch and alterations. Felling of one elder tree, one eucalyptus tree and one hawthorn tree in a conservation area. | Application Permitted |
| 97/00324/CAC | Demolition of porch and insertion of dormer window into existing west elevation. | Application Permitted |
| 04/00296/F | Construction of detached double garage. Alterations to existing (attached) garage | Application Permitted |
| 12/00599/F | 3 no. dormers, 1 no. conservation rooflight and loft conversion | Application Permitted |

1. **PRE-APPLICATION DISCUSSIONS**
2. No pre-application discussions have taken place with regard to this proposal*.*
3. **RESPONSE TO PUBLICITY**
   1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 27.09.2018.
   2. Ten letters/emails of support from local residents were received during the application. There were no letters of objection received.
   3. The comments received can be viewed in full on the Council’s website, via the online Planning Register.
4. **RESPONSE TO CONSULTATION**
   1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council’s website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

* 1. SIBFORD FERRIS PARISH COUNCIL: Raises no objections, subject to the proposals being built in accordance with the details of the submission.

STATUTORY CONSULTEES

* 1. LOCAL HIGHWAYS AUTHORITY (LHA): **No objections.**

NON-STATUTORY CONSULTEES

* 1. ARCHAEOLOGY: **No objections.**
  2. BRITISH HORSE SOCIETY: **No comments received.**
  3. CONSERVATION: **No objections**, subject to approval of specific materials.
  4. ENVIRONMENTAL PROTECTION: **No objections.**
  5. OCC RIGHTS OF WAY OFFICER: **No objections.**
  6. OPEN SPACES SOCIETY: **No comments received.**
  7. RAMBLERS ASSOCIATION: **No comments received.**

1. **RELEVANT PLANNING POLICY AND GUIDANCE**
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
3. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031.  The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

* PSD1: Presumption in Favour of Sustainable Development
* ESD 3: Sustainable Construction
* ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
* ESD 13: Local Landscape Protection and Enhancement
* ESD 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

* C28: Layout, design and external appearance of new development
* C30: design control

1. Other Material Planning Considerations

* National Planning Policy Framework (NPPF)
* Planning Practice Guidance (PPG)
* Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012
* Cherwell Residential Design Guide Supplementary Planning Document (SPD) (July 2018)

1. **APPRAISAL**
2. The key issues for consideration in this case are:

* Principle of development
* Design, and impact on the character of the area
* Residential amenity
* Highway safety

Principle of development:

1. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
2. Paragraph 8 of the NPPF sets out the Government’s view of what sustainable development means in practice for the planning system. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced.
3. Policy PSD1 contained within the CLP 2031 echoes the NPPF’s requirements for ‘sustainable development’ and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
4. The site is an existing residential property and the proposed development would be sited within the existing residential curtilage. Whilst the proposals would result in a new unit of self-contained residential accommodation, in a location that would conflict with the Council’s current rural housing strategy and associated policies, the application is made on the basis that the proposals would solely be for annexe ancillary use associated with the existing dwelling. This is key to the proposal’s acceptability. Subject to the use remaining ancillary and not introducing a new separate planning unit the principle of development is considered acceptable in general sustainability terms subject to further considerations discussed below.

Design, and impact on the character of the area:

1. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
2. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. Policy ESD 15 of the CLP is consistent with the advice and guidance within the NPPF with regard to the conservation of the historic environment.
3. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
4. The site is within the Sibford Ferris, Sibford Gower and Burdrop Conservation Area, which was designated as such in 1985 and reviewed in 2012. Conservation areas are designated by the Council under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990; with the aim being to manage new development within such areas to ensure that the character or appearance of the Conservation Area, and the special architectural or historic interest which it may possess, is preserved and where possible enhanced.
5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Likewise Section 66 of the same Act states that: ‘*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority…shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’*. Therefore significant weight must be given to these matters in the assessment of this planning application.
6. The proposed building would be sited within the existing garden area to the southwest of Shrubbery Cottage, sitting against an established mature boundary hedgerow. Given their siting and scale the proposals would be visible from the adjacent bridleway. However, it is considered that they would not be prominent within the main Sibford Ferris street-scene.
7. The applicant has provided manufacturers’ specification details and images of the proposed house-type. It is considered that the general scale and design of the proposed building would be appropriate within the context, subject to approval of specific exterior finish materials, with the Council’s Conservation Officer advising that timber clad walls under either a clay or slate tile roof would be appropriate. It is considered that whilst there is a lack in terms of specific materials details at this stage that appropriate details could be secured by way of appropriate conditions attached to any such permission.
8. Subject to appropriate finish materials being approved and retention of existing boundary features, it is considered that the proposals would sustain the visual amenities of the site and the character and appearance of the surrounding conservation area. The proposals are therefore considered acceptable in this regard.

Residential amenity:

1. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: ‘new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’. The NPPF further advocates that new development creates *‘places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users’* (Para. 127).
2. The proposals would provide accessible residential accommodation to meet the needs of the applicant and close family. Given the context of the site, the single storey nature of the proposed development and the site’s relationship with surrounding residential properties it is considered that the proposed would not likely result in any significant impacts on residential amenity and are again considered acceptable in this regard.

Highway safety:

1. The LHA has assessed the proposals and raises no objections and officers see no reason not to agree with this opinion.
2. The proposals are for ancillary accommodation and are unlikely to result in any significant increase in vehicle movements to and from the site. They would not affect access utilising existing arrangements. They would result in a slight loss of an area currently used for parking. However, it is considered that sufficient space remains for the parking and manoeuvring of vehicles within the site.
3. It is considered that the proposals would unlikely result in any significant detrimental impacts on the safety and convenience of highway users and are therefore considered acceptable in terms of highway safety.
4. **PLANNING BALANCE AND CONCLUSION**
5. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
6. It is considered that the proposal assessed within this application is an acceptable form of development that causes no significant harm to neighbour amenity or highway safety; subject to approval of specific construction finish materials, the design and scale of the proposals are considered sympathetic to the character of the context of the site, and would sustain the character and appearance of the surrounding Conservation Area and providing standards of amenity which are considered acceptable. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out below.

|  |
| --- |
| 1. **RECOMMENDATION**   That permission is granted, subject to the following conditions:   1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.   Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.   1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Site Location Plan and drawings labelled: Site Layout and Block Plan - ND02-A, Proposed Dwelling Elevations - ND03-0A and Ground Floor Plan 1:100.   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.   1. Prior to the commencement of the development hereby approved above slab level, a schedule of materials and finishes for the external walls and roof of the development hereby approved, and samples of such materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved schedule and materials and shall be retained as such thereafter.   Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.   1. Notwithstanding the details submitted prior to the installation of the doors and windows within the development, full details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. The doors and windows shall be installed within the building in accordance with the approved details and shall be retained as such thereafter.   Reason: To ensure the satisfactory appearance of the completed development and to ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.   1. All rainwater goods shall be traditional cast iron or metal painted black and permanently so retained thereafter.   Reason: To ensure that the completed development is in keeping with and conserves the special character of the surrounding Conservation Area, to comply with Saved Policy C28 of the Cherwell Local Plan 1996, Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.   1. The detached annexe accommodation hereby approved shall be used solely as ancillary accommodation to the existing dwelling house and as such shall not be sold, leased or used as an independent dwelling unit.   Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.  PLANNING NOTES:   1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved. 2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900. 3. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive. 4. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel and in Souldern, Somerton, Upper Heyford, Lower Heyford and Kirtlington elevated levels of naturally occurring arsenic exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to residents occupying the completed development, there exists a potential risk to residents using the garden for home grown produce or where regular contact with the soil occurs due to ingestion and dermal contact. A risk may also occur to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. The applicant is therefore requested to ensure contact with the soil is minimised, especially where young children are present and not to grow home grown produce until such a potential risk has been shown to be negligible. In addition, to ensure that all site workers are informed of this potential risk and that appropriate health and safety requirements are used to protect the site workers. For further information please contact the Council’s Environmental Protection Officer. 5. 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. 6. 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. Reason: To ensure the public right of way remains available and convenient for public use. 7. 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. Reason: To ensure the public right of way remains available and convenient for public use. |

|  |  |  |
| --- | --- | --- |
| Case Officer: | Bob Neville | DATE: 28/09/2018 |
| Checked By: | Nathanael Stock | DATE: 01.10.2018 |