

CHERWELL DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Mr Geoffrey Richard Noquet against the decision of Cherwell District Council to refuse planning permission for the erection of a single storey building providing 3 no. en-suite letting rooms – re-submission of 16/01525/F.

Appellant : Mr Geoffrey Richard Noquet
Appeal Site : The Pheasant Pluckers Inn, Burdrop, Banbury, OX15
5RQ

Description of : Erection of a single storey building providing 3 no. en-
development suite letting rooms – re-submission of 16/01525/F

LPA Reference : 16/02030/F
Planning Inspectorate : APP/C3105/W/16/3165654
Reference

INTRODUCTION

This application was reported to Planning Committee on the 15th December 2016. The decision to take this application to Planning Committee was taken by the Local Planning Authority due to the high level of public interest in the application and the complex planning history of the site.

The Case Officer's recommendation to Planning Committee was to approve the application. Planning Committee members resolved to refuse the application for the following reason:

The proposed single storey holiday let accommodation building, by reason of its prominent siting, scale and unsympathetic appearance is considered to be inappropriate development within the context, which will appear as an incongruous feature within the street scene causing undue harm to the character and appearance of the designated Conservation Area, the setting of the public house (a non-designated heritage asset), and disrupting views through to the surrounding valued countryside. The public benefits of this proposal do not outweigh this harm. Therefore the proposed development is contrary to Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1, saved policies C28, C30 and C33 of the Cherwell Local Plan 1996, and relevant guidance in the National Planning Policy Framework.

1. SITE LOCATION AND DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 1.1 The application site is located within Burdrop, a small settlement which forms part of the Sibford Gower/Ferris village settlement. The site lies immediately adjacent to The Pheasant Pluckers' Inn (formerly known as the 'Bishop Blaize') and is located within part of the current car park of the public house. Immediately to the west of the application site is the former bottle store which is attached to the public house and is now in use as a holiday let. Immediately to the east of the site lies the vehicle access to the car park.
- 1.2 In terms of site constraints, the site lies within the Sibford and Burdrop Conservation Area, the public house is identified as a Locally Significant Asset within the Conservation Area Appraisal and was designated as an Asset of Community Value (ACV) in February 2016. There are a number of grade II listed buildings within the vicinity of the site with the nearest being Barn Close some 20m east of the site. To the south of the site, beyond the car park and the pub garden the land drops away into the valley known as the Sibford Gap.

- 1.3 The appeal proposal seeks planning permission for the erection of a single storey building of stone construction under a slate roof to provide 3 no. ensuite letting rooms. The building is proposed to be attached to the rear of the existing holiday let, incorporating part of the existing car park boundary wall and as such will be partially sited within the existing public house car park.
- 1.4 The application which is the subject of this appeal was submitted following the refusal of application 16/01525/F, and whilst described as a resubmission of the refused application, the proposal is significantly different in terms of the actual proposed development, as a result of attempting to address the previous reasons for refusal.

2. RELEVANT PLANNING HISTORY

- 2.1 06/01697/F – Change of use from licensed premises to dwelling house. REFUSED 6 October 2006.
- 2.2 07/00630/F – Resubmission of 06/01697/F – change of use from licensed premises into dwelling house. REFUSED 29 June 2007
- 2.3 09/01257 – alterations and extensions to barn to provide 4no. ensuite letting rooms. WITHDRAWN
- 2.4 09/01557/F – Change of use from closed public house to dwelling. WITHDRAWN
- 2.5 12/00011/CLUE – Certificate of lawful use existing. Use as a single dwelling house. REFUSED. 15 February 2012
- 2.6 12/00678/F – Change of use of a vacant public house to C3 residential (as amended by site location plan received 18.07.12) REFUSED. 20 July 2012. APPEAL DISMISSED. 13 August 2013.
- 2.7 13/00116/F - RETROSPECTIVE – New roof to barn; 3 number rooflights and door installed to the upper floor. APPROVED. 21 March 2013
- 2.8 13/00116/F – Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage. NON DETERMINATION APPEAL.ALLOWED 17 February 2014. This application went to Committee on the 3rd October 2013 and members resolved that if they had the opportunity to determine the application, it would have granted planning permission.
- 2.9 13/00808/CLUE - Certificate of lawful use existing – change of use from A4 to A1. REFUSED. 12 July 2013.

- 2.10 13/01511/CLUE - Certificate of lawful use existing – A1 use for the sale of wood burning stoves and fireside accessories. NOT PRECEDED WITH APPLICATION RETURNED
- 2.11 14/01388/CLUP - Certificate of lawful use proposed – change of use from A4 to A1. REFUSED. 14 October 2014. APPEAL DISMISSED
- 2.12 15/01103/F - Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling. REFUSED. 18 August 2015. APPEAL DISMISSED
- 2.13 16/01525/F - Erection of a two storey cottage with 2 en-suite bedrooms, kitchen, dining and lounge facilities. Permission is also required for the siting of a garden shed. REFUSED. 6 October 2016. The proposed dwelling was refused as it was inappropriate infilling and due to its prominent siting, scale and unsympathetic appearance would appear as an incongruous feature within the street scene causing undue harm to the conservation area and a non-designated heritage asset. Furthermore, the siting of the proposed residential use in close proximity to the public house and car park could give rise to conflicts between the amenity of future occupiers and the continued use of the public house.

3. RELEVANT DEVELOPMENT PLAN POLICIES

- 3.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 3.2 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:
- 3.3 Cherwell Local Plan 2011 - 2031 Part 1 (CLP 2031)
- PSD1: Presumption in Favour of Sustainable Development
 - Villages 1: Village Categorisation
 - SLE 3: Supporting Tourism Growth
 - ESD 15: The Character of the built and historic environment
- 3.4 Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

T2: New hotels, motels, guest houses and restaurants within settlements

C28: Layout, design and external appearance of new development

C31: Compatibility of proposals in residential areas

ENV1: Pollution control

3.5 Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

4. **STATEMENT OF CASE**

4.1 The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the conservation area
- Impact on a non-designated heritage asset

Principle of development

4.2 Government guidance contained within 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.

4.3 Paragraph 6 of the Framework 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 as well as contributing to building a strong economy.

4.4 Policy Villages 1 of the CLP 2031 groups villages into three separate categories (A, B and C). The site is recognised as being within a Category A village given its close association with Sibford Ferris/Sibford Gower. Category A villages are considered to be the most sustainable settlements in the District's rural areas given the level of services, community facilities and relative transport links that they have to offer.

4.5 The NPPF places substantial weight on supporting a prosperous rural economy. It sees sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the

countryside as key opportunities for support. Policy SLE 3 of the CLP 2031 is consistent with the NPPF and supports tourism in sustainable locations.

- 4.6 Saved Policy T2 of the CLP 1996 indicates that within the built up limits of a settlement the provision of new hotels, motels, guest houses and restaurants will generally be approved subject to the other policies in the plan. The supporting text of this policy further states that: *'The Council considers that the provision of new hotel, motel, guest houses and restaurants within settlements is acceptable provided that the nature of the proposed development is compatible with the size and character of the settlement and there are no adverse environmental or transportation affects resulting from the proposal'*.
- 4.7 There is significant planning history at the site and significant concerns have been raised with regard to the potential loss of the pub as a community facility. Comments have been received from the local community raising concerns regarding the viability of the current operating model for the public house, designated as an Asset of Community Value, given its restricted opening hours and current levels of service it provides.
- 4.8 The appellants have indicated that the public house was re-opened as a Pub on Sunday 10th July 2016 following a period of closure, providing bar facilities and serving Sunday Lunches; during the course of the application the applicants have further indicated that the pub is now open at lunchtimes from 12 till 2pm. The site also offers accommodation within the existing one-bed holiday cottage attached to the public house; this is advertised on their social media page and via the Airbnb website (Airbnb is described as a trusted community marketplace for people to list, discover, and book unique accommodation around the world). From viewing the website it is apparent that the holiday cottage is being let and a number of good reviews have been left by customers.
- 4.9 The applicants have indicated that the pub business is currently running at a loss and is not viable, with very few customers and that the main source of business related income is through the letting of the existing holiday cottage and that the proposed holiday lets are therefore vital for the long-term viability and sustainability of the Public House.
- 4.10 The site has previously been run as a successful public house and it is the opinion of the Local Planning Authority that the site retains such key attributes and attractions that would mean, with the right business model, the site could be operated successfully in the future without the need for the holiday let accommodation now

proposed. As such this limits the weight to be attributed to this benefit when considering the overall impacts of the proposal. Nevertheless, it is also considered that the proposed additional letting rooms would have the potential for increased income and assist the long-term viability of the public house, and is a diversification strategy of public house businesses that is being successfully employed by many other similar establishments across the country.

- 4.11 It is considered that the proposal would provide additional tourist accommodation in a sustainable location, which subject to remaining ancillary to the public house, would assist in its long term viability and sustainability as an asset of community value. The proposal therefore is considered to accord with the provision of Policy Villages 1 and SLE 3 of the Cherwell Local Plan 2011-2031 in terms of delivering sustainably located tourism proposals, however both policies also require proposals to be considered in light of the protection and enhancement of the historic environment and in accordance with the requirements of ESD15 which will be considered below.

Design and Impact on the character of the conservation area

- 4.12 Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 Part 1 seeks to ensure that new development contributes positively to an areas character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features including skylines and views in particular within designated areas, such as conservation areas. Policy C30 of the Cherwell Local Plan 1996 seeks to ensure that the scale, appearance, character, layout and density of new development is compatible with existing development and ensures a suitable standard of residential amenity.
- 4.13 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.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 4.14 Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 132 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the*

heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

4.15 The site of the proposal currently sits within the car park of the public house, and sits on the very edge of the village, within the conservation area. Due to the lower levels of the land where the public house and the holiday let sit and the gradual slope of the application site, currently the public house is not an intrusive feature within the street scene and therefore open views of the wider countryside can be achieved from the green opposite the application site. These views are currently only slightly restricted by the roof of the public house and the existing stone boundary wall, and over these existing features open views can currently be enjoyed to the south and west. The proposed new building would sit on a higher ground level than the public house and holiday let and would therefore be a prominent feature within the existing street scene and would restrict the views which are currently enjoyed over the open car park into the valued open country side beyond. The building would be an incongruous feature within the street scene which would restrict views from within the conservation area out into the countryside and from the open countryside back into the conservation area and so would disrupt the historic inter-relationship between the two and the view currently enjoyed of the valued countryside.

4.16 The proposed building, by reason of its prominent siting, scale and unsympathetic appearance, is considered to be inappropriate development within the context of surrounding development, which will appear as an incongruous feature within the street scene causing undue harm to the character and appearance of the designated conservation area, disrupting views through to the surrounding valued countryside. Therefore the proposed development is contrary to Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28, C30 and C33 of the Adopted Cherwell Local Plan 1996.

Impact on a non-designated heritage asset

4.15 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1 seeks new development proposals which conserve, sustain and enhance designated and non-designated heritage assets including buildings, conservation areas and their settings. Furthermore, the National Planning Policy Framework at paragraph 131 seeks to ensure that new development makes a positive contribution to local character and distinctiveness and paragraph 135 seeks to ensure that the significance of a non-

heritage asset is taken into account when determining applications having regard to the scale of any harm or loss and the significance of the heritage asset.

- 4.16 The public house is identified as a Locally Significant Asset within the Conservation Area Appraisal for Sibford Gower and Burdrop and is therefore a non-designated heritage asset within the Conservation Area. The Bishop Blaize Public House is a significant building within the vernacular tradition of the area. It is also a visually significant building within the village and wider landscape setting, being located on the lip of the Sibford Gap valley. This significance is enhanced by its slight physical separation from the neighbouring buildings and the noticeable difference in levels.
- 4.17 It is the Council's opinion that the proposed building due to its siting, relationship and external detailing is not considered to respect the vernacular tradition of the area. The physical form of the building and siting would result in a prominent building within the street scene which does not replicate that of an historic ancillary building. Its elevated position in relation to the public house and bottle store further competes in prominence with and detracts from the setting of the public house, and is not an appropriate relationship for an ancillary building.
- 4.18 The proposed openings are alien in their location on the building and their size, and do not relate to the site's historic context. The presence of an additional building in this location is considered to sit uncomfortably with the adjacent former bottle store, now holiday let, due to its siting and scale in relation to the existing building. Furthermore, the proposal also ties back the public house to the settlement and closes the gap between the two. It therefore degrades the significance of the main building by destroying the visual interest of the original complex which sits physically detached from the village due to its separation and lower ground level. The result is the degradation of the significance of the appearance and character of the streetscape and therefore that of the non-designated heritage asset and the conservation area. The proposal is therefore considered not to conserve the character and appearance of the non-designated heritage asset and that of the conservation area and is considered to be contrary to Local Plan policy ESD15 and paragraph 131 and 135 of the NPPF.

5 Conclusion

- 5.1 The proposed building would, by reason of its prominent siting, scale and unsympathetic appearance, be considered to be inappropriate development within the context, which will appear as an incongruous feature within the street scene causing

undue harm to the character and appearance of the designated conservation area, the setting of the public house (a non-designated heritage asset), and disrupting views through to the surrounding valued countryside. Therefore the proposed development is contrary to Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 Part 1 and saved Policies C28, C30 and C33 of the Adopted Cherwell Local Plan 1996 and paragraphs 131 and 135 of the NPPF.

Date: 8th February 2017

PINS REF: APP/C3105/W/16/3165654

Suggested Conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, H.M. Land Registry Site Location Plan and drawings labelled: Proposed 3 Holiday Rooms 1:100 Floor Plan/Roof Plan, Proposed Single Storey Holiday Rooms 1:100 Elevations and A3 'Holiday Rooms' south and west elevations, and north and east elevations.
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, a sample of the Welsh Slate 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 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 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 stone using lime mortar, 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 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 and Government guidance contained within the National Planning Policy Framework.
5. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, full details of the doors and windows at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the doors and windows and their surrounds shall be installed within the building in accordance with the approved details.
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 and Government guidance contained within the National Planning Policy Framework.
6. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, revised south elevation and floor plan

drawings (showing a revised fenestration layout, omitting one of the windows to the central holiday let unit, replicating the layout of the end units) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to 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 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first use/occupation of the development hereby approved, and notwithstanding the details submitted, 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.

8. 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 and Government guidance contained within the National Planning Policy Framework.

9. The building hereby approved shall be used for short term holiday lets only and shall remain ancillary to the property currently known as the 'Pheasant Pluckers Inn' (formerly Bishops Blaize/Bishops End) and as such shall not be sold, leased or used as an independent dwelling unit or for any other purpose including those within Class C of Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason - The building, because of its design and siting, is not suitable for permanent residential accommodation and to safeguard the sustainability and viability of the community facility, in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996, Policies SLE3 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

10. The building hereby approved shall be used for short term holiday lets only and shall not be let or occupied by any person, or connected group of persons, for more than 28 days in any one calendar year, and a register of occupiers shall be kept for each unit, including as a minimum the name of the occupier(s) and the date of arrival and date of departure, and this shall be made available for inspection by the Local Planning Authority at all reasonable times.

Reason - The building, because of its design and siting, is not suitable for permanent residential accommodation and to safeguard the sustainability and viability of the community facility, in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996, Policies SLE3 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.