

Case Officer: Bob Neville

Recommendation: Approval

Applicant: Mr & Mrs T Woolhouse

Proposal: Variation of Condition 2 (plans) of 18/01746/F - minor amendments to Design Scheme

Expiry Date: 9 August 2019

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an existing barn/outbuilding attached to a large detached dwelling, of natural stone and slate roof, sitting within a substantial plot on the edge of the village of Burdrop. There are residential properties to the north, west and south with open countryside to east. Also adjacent to the north is Sibford Surgery. The site is accessed off a narrow village street with hardstanding and a double garage providing off-street parking.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application comes following the granting of planning permission for the change of use of, and extension to, existing single storey attached residential barn to allow use for short-term holiday let accommodation (Use Class C3) at the site under ref. 18/01746/F, and is submitted as a S73 application seeking to vary conditions 2 (approved plans condition) of the permission to allow for minor material amendments and an amended design.
- 2.2. The amendments sought include:
- Addition of single door in the east elevation to allow for the fixing shut of the existing double doors.
 - Use of stone as external material on east elevation to match the existing front elevation (rather than the previously approved timber cladding).
 - Minor re-location of windows on south and east elevations.
 - Additional door on east elevation to serve boot-room, and change to door detail on that elevation to provide more light.
 - Minor internal alterations to allow for larger bedroom and bathroom.
- 2.3. The applicants have also confirmed that: *'There are no changes proposed to either the proposed footprint or floorspace of the barn or to the ridge height of the barn'*.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01576/CLUE	Certificate of Lawfulness of Existing Development for the erection of a rear extension	Application Permitted

17/00380/CLUP	Change of use of adjoining barn to residential accommodation for single dwelling use with main house, re-roofing of barn with natural slate to match main house; insertion of conservation roof lights; replacement of doors to road with like-for-like replacement of doors to garden with window/new door	Application Permitted
18/01746/F	Change of Use of, and extension to, existing single storey attached residential barn to allow use for short-term holiday let accommodation (Use Class C3)	Application Permitted

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. 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 **2 August 2019**.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. 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

- 6.2. SIBFORD GOWER PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. None undertaken.

NON-STATUTORY CONSULTEES

- 6.4. DESIGN AND CONSERVAITON: **No objections.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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:

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

- Villages 1: Village categorisation
- SLE 3: Supporting Tourism Growth
- ESD15: 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

7.3. 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)

8. APPRAISAL

8.1. The National Planning Policy Practice Guidance (PPG) advises:

In deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application. A local planning authority decision to refuse an application under Section 73 can be appealed to the Secretary of State, who will also only consider the condition/s in question. (Paragraph: 031, Reference ID: 21a-031-20180615)

8.2. As such, the assessment in this case is limited to considering the merits of the applicant's request for the revision of Condition 2 of 18/01746/F (approved plans condition), to allow for a revised design of the proposed converted barn to form holiday let accommodation.

8.3. Given the context of the site nature of the proposed amendments to the approved scheme, it is considered that the potential impacts would be those on the overall appearance of the building its visual amenities and setting within the surrounding conservation area.

Principle of development:

8.4. The principle of development has been established with the granting of the previous permission 18/01746/F. The proposals are not considered to introduce any further considerations that would result in the principle of development not being seen in the same favourable light.

Design, and impact on the character of the area:

8.5. 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. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which

contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.

- 8.6. The site is within the Sibford Ferris, Sibford Gower and Burdrop Conservation Area, which was designated as such in 1985. 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.
- 8.7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.8. The proposals are for minor amendments to the permitted scheme which include revised and new fenestration, internal reconfiguration and the omission of the use of timber cladding as a finish material on the rear elevation.
- 8.9. The most noticeable change to the previously approved scheme, appreciable from the public domain, would be the introduction of an additional door on the front elevation. This is shown to be a timber door of simple design which would be consistent with character of the existing barn structure; and officers consider that this would not appear out-of-place or be to the detriment of the visual amenities of the site or its wider street-scene setting.
- 8.10. External amendments are also made to the rear elevation, with the introduction of a glazed screen/door, revised fenestration positioning and the use of stone for the finish of the external wall, as oppose to timber cladding. These elements would not generally be visible from the public domain. They are considered to be consistent with the character of the existing building and not to the detriment of visual amenities.
- 8.11. The amendments to the previously approved scheme (18/01746/F), in terms of revised design and materials, assessed within this application, are not considered to give rise to any further significant visual impacts above that which was previously considered acceptable with the granting of the previous consent. Again, subject to approval of specific materials it is considered that the proposals would not be to the detriment of the visual amenities of the site or its setting on the edge of the village. The proposals are considered to sustain the character and appearance of the surrounding conservation and are therefore considered acceptable in this regard.

Residential amenity:

- 8.12. 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'.
- 8.13. The proposals have previously been considered acceptable with regards to residential amenity, subject to the proposed barn conversion remaining ancillary to the main dwelling, with the granting of the original consent (18/01746/F). The proposed internal reconfiguration and revised fenestration positions are not considered to be to the detriment of the living environment that would be created, above that which has previously been considered acceptable.
- 8.14. It is considered that the proposals assessed within this application raise no further considerations in terms of residential amenity above those previously permitted and the application is therefore again considered acceptable in this regard.

Highway safety:

- 8.15. The minor amendments assessed within this application would have not greater impact on the safety and convenience of highway users than that which has previously been assessed and considered acceptable with the granting of the previous consent 18/01746/F. Subject to the same conditions being imposed in relation the use of the site remaining ancillary to the main dwelling and the retention of parking provision officers consider the proposals to be acceptable in terms of highway safety.

Other matters:

- 8.16. As this application is a S73 application, it is necessary to repeat all conditions attached to the original permission, as amended, as the result of the approval of this application would be a new planning permission. The PPG makes it clear that: *“where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and un-amended”*.
- 8.17. The conditions attached to the original consent 18/01746/F have been updated to reflect the variation to the approved plans condition (condition 2) the subject of this application. Whilst it is considered appropriate to reapply the conditions attached to the original consent 18/01746/F, Condition 5 in relation to timber cladding has been updated to reflect the change in materials, and the now proposed use of natural stone.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. 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.
- 9.2. Given the above assessment in the light of current guiding national and local policy context, it is considered that the amendments now proposed under this current application to the previous consent (18/01746/F) continue to represent an appropriate form of development at the site which would be consistent with the identified Development Plan policies. The application is therefore recommended for approval as set out below.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than 30/11/2021.

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: Planning and Design Statement and drawings numbered: 171131-01, 171131-03 and 171131-30.

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 their installation within the development hereby approved, full details of

the timber doors and timber 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. Thereafter the doors and windows shall be installed within the building in accordance with the approved details, and retained as such thereafter.

Reason: To ensure that the completed development is in keeping with and conserves the special character of the historic environment and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the construction of the roof of the development hereby approved above, a sample of the natural grey 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 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.

5. The natural stone to be used on the external rear walls of the development shall be of the same type, texture, colour and appearance as the stone on the existing main dwelling and shall be laid dressed, coursed and pointed to match that of the existing dwelling, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. 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.

7. The parking area shown on approved drawing number 171131-30 shall be kept free of obstructions at all times and used only for the parking and manoeuvring of vehicles, and retained as such thereafter.

Reason: In the interests of highway safety, to ensure a proper standard of development and to comply with Government guidance contained within the National Planning Policy Framework.

8. The accommodation hereby approved shall not be used other than to provide:

- a. Residential accommodation ancillary to the main dwelling house;

Or

- b. Holiday accommodation which shall not be occupied by any one person(s) for more than 28 days in a calendar year. In regard to this use a register of occupiers shall be kept for the 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 siting in relation to the existing dwellinghouse and lack of external amenity space is not suitable for permanent residential accommodation without it being cramped or causing harm to the amenities of the occupants of the adjoining dwellings in accordance with Saved Policy C28 of the Cherwell Local Plan 1996, Policies SLE3, and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

9. The residential accommodation hereby approved shall not be sold or used as a separate permanent dwelling unit independent from the existing main dwelling, and shall, upon the cessation of its use, become an integral part of the existing dwelling.

Reason: In the interest of highway safety and that the site is unsuitable to accommodate a separate dwelling without it being cramped or causing harm to the amenities of the occupants of the adjoining dwellings, and in order to comply with Policies C28 and C30 of the adopted 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.

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. The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Environmental Protection Team Leader for further advice on this matter.
3. 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.
4. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the

Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

5. 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.
6. 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.
7. 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.
8. 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: 08/08/2019

Checked By: Nathanael Stock

DATE: 09.08.2019
