

Case Officer: George Smith

Recommendation:

Applicant: Mr & Mrs T Woolhouse

Proposal: Demolition of existing stable block, erection of replacement stable block

Expiry Date: 25 July 2019

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a paddock to the rear (northeast) of the detached dwelling of Nicholas Corner. The dwelling lies within the designated Sibford Gower with Burdrop Conservation Area. However, the paddock falls outside this designation. There are a number of Grade II listed buildings to the south of the dwelling. This paddock is accessed via a Public Right of Way (348/19/10), which runs from the west adjacent to Nicholas Corner and alongside the dwelling's garden. Access into the paddock can also be gained from the north via a field gate off Hawkes Lane to the west.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The applicant seeks planning consent for a new stables building and the demolition of an existing stables building further to the south. The stables would have a height of 3m, an eaves height of 2.1m and an L-shape floor plan. The building would have 3 individual stables and a store/tack room. The building would be made of timber in brown stain under an asphalt roof.

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>
18/01859/F	Demolition of existing stables and erection of replacement stables	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 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 17.07.2019, although comments received after this date and before finalising this report have also been taken into account.

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: **No objections** – subject to no additional stabling

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections**

NON-STATUTORY CONSULTEES

- 6.4. CDC ECOLOGY: **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 Part 1)

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG5 - Development involving horses
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

- 8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity

Principle of development

- 8.2. The proposed development would involve the erection of a L-shaped stable block building within an existing paddock in the open countryside. Saved Policy AG5 of the Cherwell Local Plan 1996 states that proposals for horse related development will normally be permitted provided the proposal would not have an adverse effect on the character and appearance of the countryside or the amenity of neighbouring properties and the proposal complies with other policies in the Plan. The principle of such development in this location is thus considered to accord with the above policy. Matters of visual impact and residential amenity are assessed later in the report.

Design and impact on the character of the area

- 8.3. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 8.4. Policy ESD 15 of The Cherwell Local Plan 2011-2031 Part 1 requires development 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. Further, development proposals will be required to conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation areas and their settings. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset.
- 8.5. Policy ESD 13 of the Cherwell Local Plan 2011-2031 expects development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 8.6. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek a standard of layout, design and external appearance, including the choice of external finish materials that are sympathetic to the character of the context of the development.
- 8.7. The proposed stables would be positioned in an existing paddock, set against the fence/vegetation to the north, separated from the road. The proposed stables would replace an existing 'outbuilding' which appears to be a field shelter. Whilst the paddocks to the rear of the dwelling do have significantly changing land levels, the stables would be built towards the bottom of the hill which slopes down to meet the field boundary. The stables would also be built in materials typical for its use in a rural location, and would be viewed against the backdrop of vegetation which runs behind the siting of the stables.
- 8.8. The proposed stables are also located a sufficient distance from Listed Buildings so as to not cause any harm to their setting and there is not considered to be any additional harm to the setting of the designated Conservation Area with the paddock retaining its rural nature and appearance.

Residential amenity

- 8.9. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users. Policy ESD 15 of the Cherwell Local Plan 2011-2031 requires all development to consider the amenity of both existing and future development. Saved Policy ENV1 of the Cherwell Local

Plan 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.

- 8.10. The proposed stable is positioned a sufficient distance from neighbouring properties and would be sited even further away from the existing stables building, so as to avoid any harm in terms of a loss of privacy, or overshadowing, loss of outlook, over domination or environmental pollution

Highway safety

- 8.11. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users, and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.12. The Local Highway Authority (LHA) was consulted on this application but no objections have been raised. The proposed stable building is of a small scale and intends to make use of the existing access to the site. I consider that the proposal would not cause any significant harm in the way of highway safety and, in the absence of any objection from the LHA, it is considered that the proposal accords with the above policy.

Ecology

- 8.13. Government guidance contained within the NPPF requires the protection and enhancement of biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Policy ESD10 echoes Government guidance, requiring relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones.
- 8.14. The Ecologist has raised no objections to the application, but requested a planning condition dealing with the demolition of the stables, making the applicant aware of their duty to protect nesting birds and bats, in accordance with separate legislation.

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. The proposed development would not result in harm to the setting of designated heritage assets, the visual amenities of the wider landscape, residential amenity, protected species or their habitat, or highway safety, in accordance with the relevant local and national planning policies.

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 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 form and the following plans and documents:

- Planning and Design Statement Ref: PC/HS/171131/P4
- Location Plan – 171131-04 Rev B
- Site Plan and Design Scheme – 171131-10 Rev A

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and comply with Government guidance contained within the National Planning Policy Framework.

3. The new stable block building hereby approved shall not be used unless and until the existing stables block has been demolished to the satisfaction of the local planning authority.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped 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.

Planning notes

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.

Case Officer: George Smith

DATE: 24.07.2019

Checked By: Nathanael Stock

DATE: 25.07.2019
