

Applicant: Mr R Bratt

Proposal: Erection of garage adjacent to approved dwelling and change of use of land to residential

Expiry Date: 4 October 2019

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is an area of land adjacent a former steel-framed agricultural barn, currently under residential conversion, set in open countryside, south of the village of Bodicote. The site is accessed via an existing gated access off Church Street. The existing building has been granted permission for conversion to a residential dwelling with associated curtilage. The surrounding land is in agricultural use. Land levels rise to the north with residential properties on the edge of the village of Bodicote sitting at an elevated position above the site. The site is bounded by mature hedgerows and trees to the west and north, with post and rail/wire fencing and open countryside to the other boundaries.
- 1.2. In terms of site constraints, the site is not within a conservation area and the building is not a listed building. Grade II listed Bodicote Mill lies some 190m to the west of the site. The site is within a Minerals Consultation Area and partially within an area at higher risk of flooding (Flood Zone 2). A Public Right of Way (PRoW) ref. Restricted Byway 137/12 terminates adjacent the entrance to the site and runs in a westerly/south-westerly direction. Further PRoWs run across land west (Footpath 137/8) and east (Bridleway 137/4) of the site. There are records of Small Heaths (Butterflies), a notable species, being present within the vicinity of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the extension of the area of land in residential use and erection of new 5 bay garage, hardstanding for four parking spaces and manoeuvring served by a new access drive. The proposed garage would have a footprint of ~129sqm and overall height of ~5.7m. The building would be sited ~9.8m to the north-west on the on-going barn conversion, and finished in materials to match the conversion, including vertical thermos ash cladding to the walls and black corrugated sheeting to the roof.
- 2.2. Amended plans have been received during the course of the application in response to officers raising concerns with regards to the scale of the proposals and the overall acceptability of the application. The amended plans reduced the scale of the proposed building (from a six-bay building with vehicle storage and tea and w.c. facilities) and following the receipt of the amended plans a re-consultation exercise was undertaken.

3. RELEVANT PLANNING HISTORY

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

Application Ref.

Proposal

Decision

15/01578/Q56	Prior approval for the conversion of barn to dwellinghouse under Schedule 2, Part 3, Class Q(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).	Un-determined
15/01780/CLUP	Certificate of Lawfulness of Proposed Use for the conversion of agricultural barn to dwelling	Application Permitted
16/01587/F	Conversion of agricultural building to dwelling following Certificate of Lawful Development 15/01780/CLUP	Application Permitted
17/00177/DISC	Discharge of condition 4 (cladding) of 16/01587/F	Application Permitted
18/00121/F	Minor material amendment to 16/01587/F - to increase structural steel columns in section, alterations to the window fenestration and increase in ridge height of 450mm and eaves height of 450mm	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 **20 September 2019**, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. Five letters of objection have been received during the course of the application. Two of the letters are as a result of a re-consultation exercise undertaken in light of amended plans being received. The comments raised by third parties are summarised as follows:
- Proposals excessive for the size of the house and will extend the residential use closer to the boundaries of the site.
 - The existing barn conversion is excessive, and the proposals would see the development of a further unnecessary large structure, not in keeping with the domestic nature of the conversion.
 - Increased traffic along bridle-way and single-track lane.
 - The proposed building is significant and dominant in relation to the actual dwelling, with unnecessary kitchen and toilet facilities.
- 5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register

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. BODICOTE PARISH COUNCIL: **Objects**, commenting on the lack of justification for the size of the garage for a residential property.

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY (LHA): **No objections**, subject to conditions relating to parking provision being implemented and retained going forward and restricting the use to residential.
- 6.4. ENVIRONMENT AGENCY: **No objection**, advising that they do not wish to be consulted on this type of application.

NON-STATUTORY CONSULTEES

- 6.5. ARBORICULTURAL OFFICER: **No objections**, subject to conditions in relation to tree protection measures during any construction phase.
- 6.6. ECOLOGIST: No comments received.

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)

- ESD 1: Mitigating and Adapting to Climate Change
- ESD 6: Sustainable Flood Risk Management
- ESD 7: Sustainable Drainage Systems (SuDS)
- 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

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

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
- Highway safety
- Ecology and Biodiversity
- Flood-risk

Principle of development:

8.2. The application seeks to provide an increased area of land in residential use and garage to support the residential use originally approved under 16/01587/F. The original consent included a residential curtilage of similar size to the footprint of the existing barn on the site, in line with the provisions of Class Q of the GPDO; this being a fall-back position put forward at the time of the original application as to the justification for a new dwelling in this location. The restriction on the size of the residential land use was considered appropriate in the context of the site and its rural location and look to ensure that the residential use did not significantly intrude into the valued rural landscape.

8.3. The current proposals would see the development of a garage and hardstanding wholly beyond the extents of the original residential curtilage on agricultural/paddock land, resulting in a further change of use of agricultural land, extending the area of land in residential use by some 850 sq m (an approximate 73% increase on the original curtilage). The proposed building (a 5-bay garage) would be a substantial building, of a scale above that usually expected for a 5-bedroom residential property. No justification has been put forward for the need for such a large-scale structure, or for the substantial increase in land in residential use, both of which would intrude into the rural landscape.

8.4. Whilst officers consider that there is potential for a garage structure to be developed on the site to support the residential use, the proposals subject of this application by virtue of their siting and scale (in the case of the garage) and extent (in the case of the land subject of the proposed change of use) represent an inappropriate form of development that would result in demonstrable visual harm (discussed further below), through unjustified visual intrusion into the valued rural landscape and are therefore considered unacceptable in principle.

Design, and impact on the character of the area:

8.1. 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.

8.2. Paragraph 170 of the NPPF, advises of the need for planning decisions to look ensure that new development contributes and enhances the natural and local

environment by, in part, protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside.

- 8.3. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, positively contributing to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features. And further by Policy ESD13 of the CLP 2031, which states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 8.4. 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.
- 8.5. Views of the site are gained from a number of viewpoints from the PRoW network that cross the surrounding land; and it is acknowledged that the current on-development is prominent within the landscape.
- 8.6. As noted above the proposed garage building is substantially larger than what might be considered a typical domestic garage. The proposed structure would be sited to the north-west of the on-going development at the site and in officer's opinion is poorly related to the main dwelling, appearing somewhat divorced. Whilst materials are proposed to match those proposed on the main dwelling, the overall appearance of the building would appear somewhat more commercial than a residential garage; largely due to the number of bays proposed.
- 8.7. The proposed building, notwithstanding the setting into the landscape, given its siting and scale would be visible within the landscape and would significantly increase the built form at this location. The extent of the proposed hardstanding, again poorly related to the main dwelling, further exacerbates the harm that would be caused by what is a substantial increase in the area of residential use at the site.
- 8.8. The proposals are not considered to be sympathetic to the rural context of the site and are considered an inappropriate form of development that would cause undue visual intrusion into the valued rural landscape and open countryside; contrary to the provisions and aims of saved Policy C28 of the CLP 1996, Policies ESD 13 and ESD 15 of the CLP 2031 and Government guidance within the NPPF in respect of conserving and enhancing the natural environment.

Residential amenity:

- 8.9. Policy ESD15 of the CLP 2031 that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority, and 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'*.
- 8.10. Given the rural context of the site and the relationship with surrounding properties it is considered that the proposals would not result in any detrimental impacts on the amenity of neighbouring properties and are acceptable in this regard.

Highway safety:

- 8.11. The Local Highway Authority (LHA) has assessed the application and raises no objections to the proposals subject to the parking and manoeuvring areas being

constructed in accordance with the geometry of the submitted plans, being of permeable construction or drained within the site, kept free of obstructions at all times and used only for the specified purpose. I see no reason disagree with this opinion, and consider that the requirements of the LHA could be secured by way of appropriate conditions attached to any such permission if the Council were to approve the application,

- 8.12. The site is accessed off Church Street via an existing gated access. There is an existing driveway within the site which is to be retained and expanded upon to provide additional parking and manoeuvring and access to the proposed garage. The proposals are unlikely to result in a significant increase in vehicle movements to and from the site given that the proposals introduce no further accommodation and would be ancillary to the approved residential use on the site.
- 8.13. It is considered that the proposals would not result in any significant detrimental impact on the safety and convenience of highway users and are acceptable in this regard.

Ecology and Biodiversity:

- 8.14. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.
- 8.15. In respect to the application site, it is considered likely to be of low ecological value and the scale of the proposed development is unlikely to result in any significant impacts on any noteworthy features of ecological or biodiversity value.
- 8.16. No enhancement measures, such as landscaping enhancing habitats with native species and bat nesting opportunities are included within the detailed design. It is considered that the lack of this detail within the current application is not sufficient to warrant a reason to refuse the application on these grounds but that, if the Council were minded to approve the application, these details could be secured through an appropriate planning condition.
- 8.17. Such condition(s) would be reasonable and necessary to ensure that that the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

Flood-risk:

- 8.18. The site partially sits within an area of higher flood-risk (Flood Zone 2) and a detailed Flood Risk Assessment (FRA) and Drainage Strategy document has been submitted in support of the application. The Environment Agency raise no objection in response to the application. This type of development is considered a 'Less Vulnerable' use within PPG guidance, but such development is considered appropriate/compatible within Flood Zone 2 areas.
- 8.19. Policy ESD 1 demonstrates the Council's commitment to tackling issues relating to climate change within the district and includes provisions for development to minimise the risk of flooding and making use of sustainable drainage methods.
- 8.20. Policy ESD 6 further requires that development should be safe and remain operational (where necessary) and proposals should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding.

8.21. The FRA submitted in support of the application indicates that there is a low risk of flooding and that there would be no increase in flood-risk to the site or the surrounding areas. The FRA and drainage strategy indicates that the development proposals would incorporate SuDS and permeable surfacing to mitigate the potential impacts of Climate Change. This would be consistent with the requirements of Policies ESD 1 and ESD 7 of the CLP 2031, and acceptable in this regard.

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. It is considered that the proposals could be considered acceptable in terms of highway safety, ecology, flood-risk and residential amenity and could provide some limited economic and social benefits through the provision of additional of ancillary residential garage accommodation and employment and support to construction trade businesses during the construction phase.

9.3. However, by virtue of its inappropriate scale, design and siting within the rural landscape, it is considered that the proposed garage, associated hardstanding and expansion of residential curtilage would fail to reflect or reinforce local distinctiveness or the rural context intruding out into the open countryside; causing significant and demonstrable harm to the character and appearance of the visual amenities of the site and its valued rural landscape setting. It is considered that this harm would outweigh the limited benefits of the proposals in this instance and as such the proposals do not constitute a sustainable form of development.

9.4. Given the above assessment in the light of current guiding national and local planning policy, it is considered that the proposals represent an inappropriate form of minor development which is contrary to the provisions and aims of the policies identified above. The application is therefore recommended for refusal for the reasons set out below.

10. RECOMMENDATION

That permission is refused, for the following reason:

1. By virtue of its siting, scale and design the proposed substantial garage building and associated hardstanding, and by virtue of its extent and location the proposed change of use, are not considered sympathetic to the rural context of the site and are considered an inappropriate form of development, that would cause undue and unjustified visual intrusion into the valued rural landscape and open countryside. Further that it has not been demonstrated the proposals would provide a net gain in biodiversity opportunities at the site. The proposals are therefore contrary to the provisions and aims of saved Policy C28 of the CLP 1996, Policies ESD 10, ESD 13 and ESD 15 of the CLP 2031 and Government guidance within the NPPF in respect of conserving and enhancing the natural environment.

Planning Notes:

For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: Application form, Supporting Statement, Flood Risk Assessment (dated 05/08/2019), Drainage Strategy (dated 05/08/2019) and drawings labelled:4728/map, 20D, 21D, 22B and 23B.

Case Officer: Bob Neville

DATE: 03/10/2019

Checked By: Nathanael Stock

DATE: 04.10.2019
