

**Site Address: Foresters Lodge,
Springhill Road, Begbroke**

13/00054/F

Ward: Yarnton, Gosford and Water
Eaton

District Councillor: Councillors Gibbard and Stevens

Case Officer: Caroline Ford

Recommendation: Approval

Applicant: Mr and Mrs M Rowan-Hull

Application Description: Demolition of existing dwelling and outbuildings and erection of new dwelling

Committee Referral: Application of interest and because it represents inappropriate development in the Green Belt which is arguably outweighed by the quality of the architecture proposed

1. Site Description and Proposed Development

1.1 Foresters Lodge is a detached property situated at the end of Spring Hill Road away from other residential properties. The dwelling was initially approved as a forestry workers dwelling and the original part of the building is a single storey bungalow, which includes walls which are tile hung and a tiled roof. It has been extended over time and now includes a two storey extension to the side of the original bungalow, and to the rear of the original bungalow there are some single storey extensions which are brick built and with tiled roofs. The red line area shows a very large curtilage. The site is situated within the Oxford Green Belt and is outside of the Begbroke Conservation Area and there are no listed buildings within proximity. Public rights of way run close to the site, and the site may have some ecological potential. The applicant owns a total of 48 acres – 45 of which are within Begbroke Wood, the other 3 form the application site area.

1.2 The application seeks planning permission to demolish the existing dwelling and outbuildings and erect a new replacement dwelling. The application has been submitted following a refused planning application for a replacement dwelling. The proposed dwelling would be in a similar position on the site to the existing dwelling (to the north east corner of the site and away from Begbroke Wood). The proposed dwelling would be formed of four wings of accommodation, with two distinctive sets of crossed stone walls and a central courtyard. Accommodation would be arranged over two floors and the dwelling would be flat roofed, incorporating a high degree of glazing and would be of a modern contemporary appearance. Six bedrooms are proposed along with a studio office space for the applicant. The dwelling would be set within a landscaped setting and would be built to a high sustainability standard. The dwelling has been designed by the internationally renowned architectural practice Make and landscaping and woodland management proposals have been prepared by Charles Funke Landscape Architects.

Planning History

1.3 NE.47/67 (Permitted) Erection of house
NE.243/68 (Permitted) Bungalow to house forestry worker
NE.548/68 (Permitted) Shed for agricultural/ forestry implements
CHS.161/76 (Permitted) Erection of small pre-fab garage
CHS.468/77 (Refused) Relaxation or removal of condition 4 of NE.243/68 (condition 4 is the occupancy condition)
CHS.460/82 (Permitted) Extension to existing kitchen
CHS.41/90 (Permitted) Two storey side extension and rear kitchen extension (this permission included a condition to ensure this accommodation remained ancillary to the main dwelling)

CHS.764/90 (Refused) Erection of granny flat, double garage and verandha
11/00961/F (Withdrawn) Demolition of existing dwelling and outbuildings and erection of replacement dwelling
11/01015/CLUE (Permitted) Certificate of lawful use existing: Domestic dwelling occupied by occupants other than Forestry workers as conditioned in NE.243/68
11/01580/F (Refused) Demolition of existing dwelling and outbuildings and erection of replacement dwelling

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment is the 7th March 2013.

To date 1 letter has been received from the Oxford Green Belt Network. The following issues were raised

Material planning comments:

Concerned that this large site be strictly controlled within the Green Belt in terms of the scale permitted.

Present proposal for a large house based on a floor print established by a lawful development certificate appears to occupy a greater part of the site than the existing dwelling and to leave opportunity for further infill.

Council is requested to ensure that the scale of new development is limited to that allowed by policy and that a condition that an infill opportunity is not being created and that no further development of the site will be permitted.

3. Consultations

- 3.1 **Begbroke Parish Council:** No comments received to date

Cherwell District Council Consultees

- 3.2 **Design and Conservation Team Leader:** Full comments outlined below, but summary is that there is much to applaud in the design of the house. It is a high quality design, which provides innovative living space and pushes forward sustainability. Whilst it might be challenged whether this building is rooted in its place, its use of modern materials, clean lines and contemporary feel means that it can fit and be in keeping with the environment around it.

- 3.3 **Ecologist:** No fundamental objection, although a number of queries raised (expanded upon below). Various conditions requested

- 3.4 **Landscape Officer:** No comments received to date

Oxfordshire County Council Consultees

- 3.5 **Highways Liaison Officer:** No objection subject to a condition

Other Consultees

- 3.6 **Thames Water:** No objection on the grounds of water or sewerage infrastructure.

- 3.7 **London Oxford Airport:** No comments received to date

- 3.8 **Local Wildlife Site Officer (BBOWT):** No comments received to date

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

GB1:	Development in the Green Belt
H17:	Replacement dwellings
C2:	Development affecting protected species
C4:	Creation of new habitats
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development

South East Plan 2009

CO4:	Green Belt
SP5:	Green Belts
NRM5:	Conservation and improvement of biodiversity
BE1:	Management for an urban renaissance
CC2:	Climate Change
CC4:	Sustainable design and construction
NRM11:	Development design for energy efficiency and renewable energy

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Cherwell Local Plan – Proposed Submission Draft (August 2012)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD14: Oxford Green Belt

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development including within the Green Belt
- Paragraph 55 of the NPPF
- Visual amenity
- Residential amenity of neighbouring properties
- Highway safety
- Ecology

Relevant Planning History

5.2 The site has quite an extensive history as can be seen above. Originally approved as a small forestry workers dwelling, the property has been extended over time which has resulted in the current dwelling, which is a combination of the original dwelling with extensions of varying scales and design and constructed from various materials.

5.3 The applicant submitted two applications to the Council in June 2011. One was a certificate of lawfulness application, which aimed to demonstrate that the dwelling had been occupied in breach of a condition attached to the original planning permission (NE.243/68) that restricted the occupancy to Forestry workers. On the balance of probabilities taking into account the information submitted, this application was approved, therefore the dwelling no longer benefits from an occupancy restriction. The second application sought planning permission to demolish the dwelling and erect a replacement dwelling. This was withdrawn following Officer concern that the proposal was materially larger than the existing dwelling, which would have a greater impact on the openness of the Green Belt and that no very special circumstances had been submitted to outweigh the harm to the Green Belt. Concern was also raised over the red line site area, which reflected the residential curtilage, but which was questioned due to the planning history indicating a smaller residential curtilage.

5.4 A re-submitted application was received in October 2011. The application sought permission for a replacement dwelling of a similar scale to the proposal that was withdrawn and was accompanied by supporting information. Upon assessment of the application, the conclusion reached was that the proposal was not acceptable and the application was refused for the following reason:

In the opinion of the Local Planning Authority, the proposed replacement dwelling is not similar in scale to the existing dwelling and consequently the proposal has a materially greater impact upon the openness of the Green Belt than the existing dwelling due to the proposed dwelling being substantially larger and more conspicuous in the landscape when viewed from the Oxford Green Belt. Furthermore, the proposal results in the inappropriate change of use of agricultural land to domestic curtilage, which will result in a significant change in the character and appearance of the site due to the associated domestic activity and paraphernalia, which would detract from and cause the unacceptable erosion of the open agricultural character of the countryside. The proposals therefore constitute inappropriate development for which the Local Planning Authority do not consider that any very special circumstances have been demonstrated to outweigh the identified harm that would be caused to the Green Belt. The proposal is therefore considered to be contrary to PPG2: Green Belts, Policy CO4 of The South East Plan and Policy GB1 and H17 of the adopted Cherwell Local Plan and Policies GB1 and H18 of the non statutory Cherwell Local Plan.

5.5 Following this refusal, the applicant engaged a new Planning Consultant and Architect to consider an alternative scheme. The Case Officer was contacted for pre-application advice and the agent was advised of the need to consider the planning history of the property and planning policy when coming up with an alternative scheme. The initial plans submitted appeared to raise similar concerns in terms of the scale of the development however the supporting information setting out the concept of the proposal seemed to suggest a more thoroughly considered and justified proposal. As such, the Case Officer suggested that the applicant consider progressing with an application for an 'outstanding or innovative' house under the provisions of paragraph 55 of the National Planning Policy Framework, which could form a 'very special circumstance' to justify the proposal. The Case Officer was clear that should this route be taken a very high level of justification would be required as well as truly exceptional design and levels of sustainability and that all other planning policy would need to be taken into account as well as any third party comments at an application stage. In order to demonstrate the quality and innovativeness of the proposal, the applicant was advised to ensure the proposal was critiqued by a Design Body. Two reviews have been undertaken by the Kent Architecture Centre by a Design review panel, both sessions of which the Case Officer attended. The current planning application has therefore been submitted in this vein and this will be expanded upon within the principle section as well as the appraisal.

Principle of the development including within the Green Belt

- 5.6 At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. The NPPF describes there as being three dimensions to sustainable development: economic, social and environmental. Gains in terms of each of these dimensions should be sought jointly and simultaneously through the planning system.
- 5.7 As the site is within the Green Belt, the principle consideration for this proposal is whether the proposal constitutes appropriate development in the Green Belt. The NPPF advises that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' (Paragraph 87). It goes onto advise that 'when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations' (Paragraph 88). Paragraph 89 advises that 'Local Planning Authorities should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: ...the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.
- 5.8 The adopted Cherwell Local Plan and the South East Plan form the development plan and planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Both the adopted Cherwell Local Plan and the South East Plan include policies relating to development within the Green Belt and which are largely in line with the advice of the NPPF, in that development must represent appropriate development, not conflict with the purposes of including land within the Green Belt and should not harm the openness or visual amenities of the Green Belt. The emphasis for the need to demonstrate very special circumstances to justify 'inappropriate development' is contained therein. These policies carry significant weight as it is considered that they are consistent with the principles and policies set out in the NPPF.
- 5.9 The existing dwelling has a floor area of 198m². There are three existing outbuildings on the site, which bring the total amount of built development on the site to 406m² (however the view taken previously was that the floor space of the outbuildings should not be taken into account because these were approved for forestry purposes and are outside of what would appear to be the historic residential curtilage). The proposed dwelling has a floor area of just over 600m² representing a percentage increase of approximately 200% (based on the dwelling alone) and approximately 47% (based on all built development on site). The comparison between the dwelling alone is considered to be a significant increase in floor space and which is materially larger than the building it is to replace therefore constituting inappropriate development in the Green Belt. Whilst the comparison between built development on the site could be considered to be more proportionate, the previous view taken was that the footprint of the outbuildings, which were built for forestry purposes should not be included (albeit that they are to be demolished and not replaced) and it is considered reasonable to continue to take this view. Therefore in order to be considered acceptable, very special circumstances would need to be demonstrated which would need to outweigh the harm to the Green Belt by reason of the inappropriateness.
- 5.10 As the previous refusal reason at paragraph 5.4 demonstrates, concern was raised over the red line area and the fact that this was shown to represent the residential curtilage. This was not considered to be lawful without further information to prove that the land had been within this use for over 10 years and the change of use of the land to residential curtilage was not considered to be acceptable within the Green

Belt as this represents inappropriate development (the use of land for a residential purpose is considered to have a materially greater impact upon the openness of the Green Belt than the use of the land for agriculture/ forestry with for example domestic paraphernalia that does not constitute development – such as washing lines, trampolines etc). As such very special circumstances would need to be demonstrated, and it was not previously considered that this had been the case. The current application includes the same red line as previously put forward and therefore this will need to be considered as to whether there are any very special circumstances that would outweigh the harm to the Green Belt.

- 5.11 Also relevant is Policy H17 of the adopted Cherwell Local Plan, which relates to proposals for the one for one replacement of an existing statutorily unfit or substandard dwelling. This policy states that the replacement of an existing statutorily unfit or substandard dwelling will normally be permitted provided:
- I. The existing building is not a listed building capable of restoration or suitable for an appropriate alternative and beneficial use;
 - II. In cases where the existing building lies outside the limits of an existing settlement, the use of the building as a dwelling has not been abandoned or extinguished and its proposed replacement is similar in scale and within the same curtilage;
 - III. The proposal meets the requirements of the other policies in the plan
- 5.12 The use of the property as a dwelling has not been abandoned and as demonstrated above the proposal does not represent a dwelling which is similar in scale to the existing. The application is not supported by information to demonstrate that it is substandard other than to say that the dwelling does not meet current energy performance and sustainability tests; however it is clear to Officers from information submitted to the previous application that there are a number of physical defects and limitations to the property including work needed to the roof structure, little insulation, walls and windows in need of repair and services not to current standards.
- 5.13 The NPPF also includes Paragraph 55 (referred to above), which states that ‘Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: ...
- The exceptional quality or innovative nature of the design of the dwelling. Such a design should:
- Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - Reflect the highest standards in architecture;
 - Significantly enhance its immediate setting; and
 - Be sensitive to the defining characteristics of the local area
- 5.14 The application has been submitted to meet these criteria and it is argued that this would represent a very special circumstance to justify the proposal. The following appraisal will need to consider these criteria and whether the proposal meets these and then consider the weight that these should be given so as to conclude whether harm to the Green Belt is outweighed.
- 5.15 The NPPF also contains a section to require good design. Paragraph 56 advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It also emphasises the need for development to respond to local character and history and reflect the identity of local surroundings and materials; while not preventing or discouraging appropriate innovation, and that the development should be visually attractive as a result of good architecture and appropriate landscaping. The NPPF also advises at paragraph 62 that Local Planning Authorities should have local design review arrangements in place to provide assessment and support to ensure high

standards of design. In assessing applications, local planning authorities should have regard to the recommendations from the design review panel. Paragraph 63 states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Paragraph 55 of the NPPF

- 5.16 As set out above, the application has been designed and formulated to meet the criteria of Paragraph 55. This is set out as a very special circumstance to justify the development in the Green Belt. The proposed dwelling has been submitted with a thorough design and access statement and supporting information to provide the context, brief and full details of the proposal both in terms of the dwelling, the landscaping and the sustainability of the proposal.
- 5.17 The proposal provides a thorough background to the site and its context as well as the requirements and brief of the applicant. Essentially the site lies on the Western edge of Begbroke in a relatively isolated location. The site is slightly elevated and surrounded by an ancient ridge and furrow field to the South East, Begbroke Wood (within the ownership of the applicant) to the South West and land within the ownerships of Blenheim Estate and Merton Collage. Over time the site has evolved and vegetation not indigenous to the area has been introduced. Springhill Road has a distinctive character when accessing the site with dry stone walling and large Horse Chestnut trees. The land itself slopes up towards the south west, the site is accessed from the north from Springhill Road and has a close relationship with the woods and its associated nature, which benefit from a network of pathways, a rich mix of species and clearings within the forest.
- 5.18 The applicant's brief was to provide a family dwelling for themselves and their five children. There was a desire for daytime and night time accommodation to be divided, resulting in the accommodation over two floors. The ground floor has an open plan layout, with a borderless transition between the inside and outside so they can experience the site even when inside the house. The aim was to tailor the building to accommodate its various functions and be interlinked by a shared space – the courtyard. A key concept has been to ground the house within its woodland setting, which has resulted in key features such as reflecting the different elements of nature. A large tree is to be planted in the middle courtyard bringing nature into the heart of the building. The house will be broken down into components and fit between the trees to reflect and respond to their context. A key aim was to provide a house that will adapt for the family and its future and will be multi purpose providing space for the applicant's to work as well as for their children.
- 5.19 The proposed dwelling has been positioned within a similar location to the existing, which benefits from the longest exposure to the sun. This position was also felt best to integrate the house with the surrounding landscape, to minimise the impact of the house on the openness of the Green Belt and allow new landscaping treatment and the house design to complement each other. The design of the house includes visible walls at the entrance to the site representing the grounding of the building. The dissection of the walls will symbolise this grounding and will also echo buttresses found elsewhere in the district and locally. These will form a defensive structure with the private home tucked behind. A second set of stone walls establishes the entry to the site and acts as a division between different wings of the house. Four wings of accommodation are provided, one for the adults, one for living space, one for the teenagers and one for the smaller children. Three wings are to be two storeys, all with flat roofs and the living space will be single storey, again flat roofed but with a roof terrace above it. The 'teenager' wing is proposed to be to a degree self contained, with its own access, a small kitchenette and which provides private space for the two older children, but also flexibility for the future (e.g. as an annex for elderly relatives). A series of 'timber boxes' have been incorporated into the house, accommodating for

example stairs, bathrooms and storage. These features ensure the stability of the house, provide an aesthetic function and are functional in terms of providing storage and circulation space and also a contrast to the glazing. The use of timber here provides a further experience of linking with the woodland, providing a strong structural element, grounding for the building and an atmospheric experience. The construction of the house will also include slab edges expressing the horizontality of the design and are aimed to provide a strong and clean counterbalance to the large vertical stone walls. The slabs overhang at first and roof levels, providing shading as well as incorporating louvres to allow daylight through. A high level of glass is incorporated and this importantly emphasises the relationship between the house and the surrounding nature. Full access throughout the site to the building regulations is to be provided with level accesses. The materials have been chosen to reflect local and traditional structures, but with a contemporary interpretation. The major walls are of stone with the timber boxes. Horizontal slabs forming floors and roofs will be constructed from reconstituted local stone and high levels of glazing will be used.

- 5.20 Landscaping has been thoroughly considered to enhance the site and its setting within the woodland. To the front of the site, a ridge and furrow pattern is to be introduced reflecting and drawing on the historic ridge and furrow arrangement to the south east of the site, which provides the context. Planting in the form of woodland trees (native species) and landscaping (including meadow grasses and seasonal bulbs) will be introduced to the south west of the site, drawing the woodland towards the site, and dissolving the border between the garden and the woods and instilling the house within its context and surroundings. The courtyard forms part of the landscaping with a single tree planted, surrounded by furrows and grass/ meadow grass, but otherwise simple in its design. The landscape scheme essentially seeks to work in harmony with the surrounding built form and integrate it with its surroundings. A full woodland management scheme has been provided to ensure the future management of the forest and the new landscaping, which includes drainage ditch maintenance and bramble clearance amongst others.
- 5.21 The house is to be future proofed to allow for future changes and will be built to Lifetime Homes criteria, including the ability to install a lift, to allow for additional sanitary accommodation, the provision of extra wide corridors, flexibility with internal walls and largely step free access throughout, allowing the property to respond to future needs.
- 5.22 Consideration has been given to the sustainability credentials of the building with a clear solar gain strategy incorporating features for summer time anti-overheating such as overhangs, louvers, external shading devices and planting as well as a winter time solar gain strategy including the orientation of the house, large amounts of south facing glazing and thermal mass for the storage of solar gain. Measures will be introduced to allow 100% natural ventilation, including stack ventilation and it will be built to achieve high levels of thermal mass including summer time and winter time insulation. The stone walls as well as forming a strong feature, aid with the sustainability of the house, acting as a thermal store during the winter, absorbing solar gain during the day and releasing warmth at night and to absorb internal heat gains. The dwelling has been built to incorporate passive design features integrated with the architecture, to reduce the carbon impact and use efficient systems to further reduce primary energy use. The high levels of insulation to be incorporated are to achieve U values in line with PassivHaus standards. Furthermore, rainwater harvesting for irrigation will be incorporated as well as features such as cycle storage and water butts for example.
- 5.23 The accompanying energy statement assesses the predicted energy performance and carbon dioxide emissions of the proposed dwelling. The methodology to determine the CO₂ emission comprises a three step approach, to use less energy, to supply energy efficiently and to use renewable energy. The improvements in the

building fabric have reduced regulated CO2 emissions by 14.8%. A range of renewable energy measures have been considered for suitability for this project and the most suitable strategy would be a combination of a ground source heat pump, PV and solar thermal panels. This system would potentially reduce regulated and total CO2 emissions by a further 28.9% and 19.9% respectively over the clean strategy. The development is expected to reduce carbon emissions by 39.4% over the baseline Part L Building Regulations regulated CO2 emissions and reduce total regulated and unregulated emissions by 28.4%. The 39.4% CO2 regulated reduction greatly exceeds the required target reduction of 25% for the dwelling to achieve Code for Sustainable Homes Level 4. The submitted sustainability statement outlines further the sustainability measures that have been adopted to achieve Code for Sustainable Homes Level 4, which is achieved scoring more credits than the code requires.

- 5.24 As mentioned, the proposal has been reviewed by the South East Design Review Panel on two separate occasions. Both responses found the design highly promising and which has the potential to meet the very exacting tests of the NPPF for a new dwelling in the countryside. The first meeting elicited debate as to the form of the development, which panel members considered could benefit from being simpler. The panel considered greater reading of the local context in terms of history, geology and topography was needed to inform the house of the defining characteristics of the area. At this stage, a landscape Architect had not been involved and it was felt that this was important to examine how the house would sit within its surroundings, to inform the proposed design and to refine the concept of how it would relate to the woodland. The blank stone walls at the entrance were of concern, exaggerating the scale of the house and which resulted in a severe presence. The internal courtyard was considered an appealing feature and comments in relation to the importance of the proposed materials, as well as the need to relate to the surrounding woodland were made. Furthermore, the creation of an energy efficient structure by using the building fabric, its mass and orientation was supported rather than relying on applied technology.
- 5.25 The second design review meeting focussed on a more refined proposal being simpler and more coherent than the first proposal. The previous aspects queried were found to have been successfully addressed. They further commented that much of the success of the new dwelling would be down to matters of detailed design, particularly the innovative interpretation of the dry stone wall, which forms a strong element of the design. Further exploration of the concept behind the strong boundary walls was suggested. Additionally detailing of the glazing would be key in order to compliment the final composition of the home as well as of the wooden service pods. With regard to the changes and enhancements to the landscape design, these were welcomed, particularly the extension of the ridge and furrow meadow to form the foreground for the building works, which work to ground the house in its context forming an appropriate setting for the building. A final query was raised with regard to car parking to ensure that the quality of the space to the front of the site is not eroded by the presence of vehicles.
- 5.26 The Council's Urban Designer has reviewed the scheme and provides comments on various elements. She considers the high defensive wall and modular structure set around a courtyard to be reminiscent of an Oxford college (or Arabian Kasbah). She considers that while the external facades have been carefully considered in terms of design and detail, the building itself is a very internalised structure, and a clear design objective has been to maximise the privacy of the family and its public face is not inviting. That said, she considers the form of the building has been clearly considered and will provide a high quality living environment and piece of architecture that pushes forward sustainability and high quality design in the district. She considers the design and detail of the building to have been well considered with a holistic approach having been taken to the combination of natural local materials, such as the Cotswold Stone for the walls and innovative materials and detail that promote a

sustainable approach to the site. The approach to sustainability has been an especially important part of the design and the Council is keen to promote higher levels of sustainability throughout the District and she welcomes the approach that has been taken on this scheme. With regard to the landscape design, she comments that this has been an important part of the building concept, with the building structure and 'Pods' 'fitting between the trees'. The central courtyard is also a key feature of the design and draws the landscape into the heart of the house. In her view, the potential entry into the site is disappointing. The architectural concept is focused on the internal function of the building and has little consideration for the public realm or entry to the site. A blank solid stone wall greets you from the driveway and the house has been configured to be as private as possible. She also has some concerns about the replication of the ridge and furrow pattern. The existing pattern is quite a subtle structure and she is anxious that it's replication in this area may dilute the value of the original structure in the adjacent field and confuse the historical relationship with the site. Her summary of the proposal is set out above and she concludes by advising that this is a high quality scheme that has been carefully considered in relation to its context and function. The scheme promotes high levels of sustainability and would advance the design and technology of domestic architecture across the District.

- 5.27 From the above assessment and taking the comments into account it is concluded that the development proposed is a very high quality scheme that has been carefully considered and takes into account the context and setting of the development. The proposal raises standards of sustainability and design more generally and represents a unique and groundbreaking proposal within the District. Taking the criteria of Paragraph 55 of the NPPF into account, the proposal is considered to meet these four criteria. The proposal is outstanding in its design and construction methods and conditions can be used to ensure that the detailing and final finish can be controlled and built to the high standard intended. The building proposed is innovative in nature and represents a unique proposal that will see modern architecture combined with raising standards of sustainability in an area that can accept change. This is considered to help raise the standards of design generally in rural areas and will form an opportunity for exceptional development to occur. As described, whilst some queries have been raised with certain features of the scheme (e.g. the high stone wall), it is considered that the justification, thought and rooting of the proposal within its context, reflects the highest standards in architecture and will help to raise the standards of architecture within the local area. The NPPF encourages good design, as set out and this is considered to have been met. The proposal is considered to clearly define and draw on the existing characteristics of the local area, with a strong link to the woodland setting, both within the dwelling and by creating a closer link between the house and its surroundings. The reflection of the ridge and furrow within the adjoining field is sensitive to and sympathetic to this nearby characteristic. Furthermore, the landscaping proposed to extend the woodland into the garden of the property as well as the management scheme proposed for the existing woodland, will enhance the immediate setting of the building and help to embed the property further into its surroundings. This is considered to enhance the immediate setting of the development and improve the surrounding area.
- 5.28 The proposal has been designed to meet the criteria of paragraph 55, which your Officers consider have been met. This has been put forward as a very special circumstance in which to overcome the harm to the Green Belt by way of inappropriateness given the significant increase in the scale of the proposed dwelling. In this case, it is considered that the outstanding nature of the dwelling, which will raise standards of design architecturally and by the high sustainability credentials of the house, as well as the fact that the house has been designed to draw on and reflect the defining characteristics and history of the site setting the proposal within its context, that the very special circumstance put forward does outweigh any harm that is caused by way of inappropriateness. The existing dwelling on the site, particularly because of the way that it has been extended, does not enhance or provide an

architecturally pleasing arrangement and similarly the various outbuildings are not of any merit and the removal of all development on the site and its replacement with the proposed dwelling, represents an overall improvement to the local area.

- 5.29 The openness of the Green Belt is a key consideration given this forms one of the key characteristics of the Green Belt. The applicant's agent argues that there would be limited greater impact upon the openness of the Green Belt because, taking into account the footprints of the proposal compared to the existing dwelling and outbuildings (ground floor only) as well as the maximum height of each dwelling that the proposal would not have a materially greater impact upon openness. It is however considered that the proposed dwelling is larger and therefore will have a greater impact upon the openness of the Green Belt. The justification, thought and grounding that the building benefits from, responding to its context as well as the outstanding design and the minimal difference in footprint and maximum height (albeit only a small element of the existing dwelling reaches the maximum height whereas almost all of the proposed dwelling is this maximum height) is considered to represent an acceptable form of development. Furthermore, the use of glazing and the outside courtyard, with pods of accommodation surrounding it will produce a light structure, supported by more solid construction, helping to reduce the impact on the openness of the Green Belt of what is an overall large structure. The sustainability credentials of the building, including innovative building techniques, high thermal mass and natural ventilation will introduce an energy efficient building that will push forward and promote sustainability objectives within the District. As such, it is considered that whilst the development is considered to contravene Green Belt policy and guidance, the applicant has presented a very special circumstances case which overcomes this policy objection and is therefore acceptable in principle. Permitted development rights however have been removed to extend the dwelling to ensure any further development is strictly controlled.
- 5.30 As described above, the red line curtilage is the same as previously submitted and refused and is therefore still an issue. The scale of the dwelling justifies a relatively large residential curtilage and furthermore, the overall special circumstances given as well as the extension of the woodland setting within this area to draw the proposed dwelling into the woodland, which has formed a key concept of the proposal is therefore considered to represent a very special circumstance to justify the approval of the development, with the red line as set out. A condition has been recommended to remove permitted development rights for any outbuildings and this will control development, although there is the potential for other domestic paraphernalia, however given the proposed landscaping, which will give the south east edge of the site a rural woodland feel, this is considered to be less likely. This is therefore considered to be acceptable.

Visual impact

- 5.31 The assessment as set out above, and which demonstrates the architectural innovation and high standards to be achieved including responding closely to its context, is considered to justify the scheme within its location. The site is not widely seen in the public domain, although some long distance views can be gained from the A44. The dwelling is clearly contemporary in appearance and will represent a change in the area, however it is considered that this has been carefully considered and evolved to sit comfortably on the site causing limited overall harm to the local area. The proposal represents an opportunity to promote high levels of sustainability and contemporary architecture on a site that can accept change, in this case particularly because the dwelling responds so closely to its surroundings. The use of the stone walls and the concern this gives to the Council's Urban Designer is noted, however they are considered to represent a feature that is acceptable in this location. As such, it is concluded that the proposal is acceptable in visual terms and which complies with policy C28 of the adopted Cherwell Local Plan.

Neighbour impact

- 5.32 Given the distances involved between the site and any neighbouring residential properties nearby, there is unlikely to be any impact by way of loss of light, loss of privacy or over dominance. The proposal therefore complies with policy C30 of the adopted Cherwell Local Plan.

Highway safety

- 5.33 The site includes off road parking provision and relates to a one for one replacement of a dwelling therefore, whilst representing a larger property does not raise significant highway safety implications. The Highway Authority raises no objections subject to a condition to require five parking spaces to be provided and the specification details of this. This has been recommended and the proposal is considered to be acceptable in highway safety terms.

Ecology

- 5.34 NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)
- 5.35 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.
- 5.36 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm 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”
- 5.37 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”
- 5.38 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have

regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

- 5.39 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 5.40 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.41 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met.
- 5.42 In respect to the application site, a bat survey carried out in March and April 2011 which found no evidence of bats within any of the existing buildings has been submitted. In December 2012, a further survey was carried out. This updated information further found no evidence of bats within any of the existing buildings. It therefore demonstrates that bats do not form a constraint to the development.
- 5.43 The Council's Ecologist has considered the submitted bat survey information and has confirmed that it is sufficient to confirm that bats are not currently a constraint to the development. She advises that should demolition work not commence within 12 months of the previous survey, an update would be prudent given the buildings location. She comments that she would have expected a phase 1 ecological survey on the site due to its interest and to assess whether there might be any other protected species that could be affected by the work – for example reptiles or BAP species. However on this point she raises a number of questions as to various points made within the ecology section of the submitted reports and these have been raised with the applicant's agent for clarification. In general she has no objections; she advises that the landscaping appears to be fine and could represent an enhancement for some species on site. The development is largely on an area already developed and as such is unlikely to affect the adjacent woodland significantly. There are many records of tree sparrows (a Red Status bird of Conservation Concern) in the vicinity and on site and an enhancement for this species would be to include several nesting boxes on any mature trees available towards the woodland edge. There is no mention of any enhancements for biodiversity on the new dwelling and it would be beneficial if some opportunities for roosting bats or birds were included within the built environment of the house in order to achieve a net gain for wildlife. There do not appear to be proposals for external lighting but should any be proposed this should be minimal, directed such that lightspill onto vegetation is avoided and preferably responsive such that it is only on when needed to avoid impacts on bats which may use the woodland and surrounding area for foraging. All matters of clarification will be updated at committee. She recommends a number of conditions which have all been included.
- 5.44 Given the above assessment, it is considered that art.12(1) of the EC Habitats Directive has been duly considered in that there was no evidence of bats found. Other clarification is to be sought in terms of other species that could be affected, however it is considered that it is unlikely there will be any long term harm caused to any protected species at this stage. The proposal therefore accords with the National

Planning Policy Framework -Conserving and enhancing the natural environment and Polices C2 and C4 of the adopted Cherwell Local Plan.

5.45 The landscaping as described previously clearly represents an important aspect of the scheme and the overall concept. The suggested planting and landscaping is supported in terms of the extension of the woodland within the residential curtilage towards the dwelling and the overall setting that this will create. The creation of the ridge and furrow is also considered to be acceptable despite the concern of the Council's Urban Designer as this draws on and embeds the new house within its surroundings and further reflects the context of the development. A landscaping scheme has been submitted and this is with the Council's Landscape Officer for comment. Any update on their comments will be provided at committee if received.

5.46 The Local Wildlife Site Officer at BBOWT has also been consulted with regard to the appropriateness and potential impact of the suggested woodland management changes on the Local Wildlife Site of Begbroke Wood as suggested by the Council's Ecologist and again, an update on this matter will be given at committee if received. The vegetation to be removed is not considered to be worthy of protection or to pose a constraint to the development. The landscaping scheme will mitigate against the loss of any vegetation.

Other matters

5.47 The comments of the Oxford Green Belt Network are noted and appreciated. As has been thoroughly discussed, the proposed dwelling is larger than the existing dwelling on the site and in pure Green Belt terms represents inappropriate development. However the quality of the submission representing a truly outstanding piece of architecture and to be built to the high standards of sustainability represents a very special circumstance, which is considered to outweigh the normal presumption against such development within the Green Belt. The applicant has been through a very thorough design process, and their submission meets the requirements of paragraph 55 to create an innovative and exceptional dwelling responding to the defining characteristics of the local area, therefore this proposal does not set a precedent for large scale dwellings in the Green Belt – it is supported by very clear justification and concept. Their concerns in terms of the opportunity for further infill is noted, however this is unlikely given whilst the proposal is larger and meets the criteria of being a truly exceptional proposal, it also represents a replacement dwelling therefore any new dwelling, which is strictly controlled by Green Belt policy would unlikely be acceptable. The appraisal has further responded to the points made.

5.48 The proposed development is unlikely to affect the public rights of way nearby. The previous refusal reason has been overcome by the very special circumstances case put forward for this proposal and the design currently proposed represents a scheme that responds to its context more fully and which as described is considered to be an exceptional scheme.

Engagement

5.49 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. The Case Officer has fully engaged with the applicant at pre-application stage aiding the formal process. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

5.50 As has been set out, the proposed replacement dwelling is significantly larger in size than the existing building and therefore represents inappropriate development in the Oxford Green Belt. However the very special circumstances put forward by the applicant and the fact that the proposal meets the exacting standards set by

paragraph 55 of the NPPF, by representing a very high standard of architecture and drawing closely and having been heavily influenced by the surrounding landscape and context as well as by raising standards in terms of sustainability, are considered to outweigh the presumption against such development. The proposal is considered to meet the requirement within the NPPF that development represents sustainable development. The proposal is considered to be acceptable in all other regards and it is considered to therefore comply with the above mentioned policies. The proposal is recommended for approval as set out below.

6. Recommendation

Approval, subject to:

- a) The end of the 21 day consultation period on the 07 March 2013;
- b) The receipt of no further objection from consultees or third parties;
- c) 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 condition, the application shall be carried out strictly in accordance with the following plans and documents: Application forms, design and access statement, appendices to design and access statement, planning statement and drawings numbered P2000, P2001, P2002, 00360/10/S10, 00360/10/S11, 00360/10/S12, 00360/10/S13, P2010, P2011, P2012, P2020, P2021, P2022 and 767-LAN-PLN-01
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 schedule of materials and finishes for the external walls and roof(s) of the development including samples of each material hereby approved 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 schedule.
Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
 4. Prior to the commencement of the development hereby approved, a stone sample panel including the detailing of the construction technique (minimum 1m² in size) shall be constructed on site, 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 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 BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
 5. Prior to the commencement of the development full design details of the green roofs, solar panels and glazing 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 comply with Policy BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, a plan showing a car parking provision for five spaces to be accommodated within the site to include layout, surface details, and drainage, 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 spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter. Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Policy T4 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, a plan showing full details of the finished floor levels in relation to existing ground levels on the site for the proposed dwelling 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 finished floor levels plan.

Reason - To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

8. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, 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 CEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy NRM5 of the South East Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C4 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first occupation of the development hereby approved, the buildings and structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.

Reason - In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policies H5 and BE1 of the South East Plan 2009, Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. Notwithstanding the provisions of Classes A to E (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 1995 and its subsequent amendments, the approved dwelling(s) shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling(s), without the prior express planning consent of the Local Planning Authority.
Reason – To ensure that the special character and the openness of the Green Belt are protected in accordance with Policy CO4 of the South East Plan, Policy GB1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
12. No removal of hedgerows, trees or shrubs or works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.
Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy NRM5 of the South east Plan 2009, Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.
13. All species used in the planting proposals associated with the development shall be native species of local provenance.
Reason - To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.
2. Under UK and European law it is illegal to disturb, kill or injure bats, or destroy their roosting places. All contractors working on site should be briefed as to the possibility of bats being present, the legislation protecting them and what to do should bats or evidence of bats be found. Any roof tiles to be removed should be removed carefully by hand and lifted vertically, not slid off, to avoid inadvertent injury to bats. If bats or evidence of bats are found during the works at any point, all work in that area is to cease until a suitably qualified ecologist or licensed bat worker has been consulted for advice on how to proceed.
3. The application provides an opportunity to enhance Biodiversity for example to improve opportunities for roosting bats or birds in order to achieve a net gain for wildlife. For further information, please contact the Council's Ecologist on 01295 227912.
4. The applicant is advised that any proposals for external lighting should be minimal, directed such that lightspill onto vegetation is avoided and preferably responsive such that it is only on when needed to avoid impacts on bats which may use the woodland and surrounding area for foraging.

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as local planning authority, has determined this application in accordance with the development plan unless material considerations indicated otherwise. The development is considered to be acceptable on its planning merits as whilst the proposal represents inappropriate development in the Green Belt, the applicant has presented a very special circumstances case which overcomes this policy objection. The high quality, exceptional architecture and innovative nature of the proposal will help to increase and reflect the highest standards of architecture as well as improving standards of sustainability meeting the criteria set out by paragraph 55 of the National Planning Policy Framework. The proposal is considered to pay proper regard to the character and appearance of the site and surrounding area and also has no undue adverse impact upon the residential amenities of neighbouring properties or highway safety. The proposal is unlikely to cause any short or long term harm to European Protected Species. As such the proposal is in accordance with Policies CO4, SP5, NRM5, NRM1, CC2, CC4, BE1 and BE6 of The South East Plan, Policies H17, GB1, C2, C4, C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. For the reasons given above and having proper regard to all other matters raised the Council considered that the application should be approved and planning permission granted.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.