

**The Bishops End  
Burdrop  
Banbury  
OX15 5RQ**

**13/00781/F**

**Ward:** Sibford Gower

**District Councillor(s):** Cllr Reynolds

**Case Officer:** Graham Wyatt

**Recommendation:** Approve

**Applicant:** Mr Geoffrey Noquet

**Application Description:** Change of use of a redundant barn/store into a 1 bedroom self contained holiday letting cottage.

**Committee Referral:** At the request of Cllr. Reynolds.

## **1. Site Description and Proposal**

- 1.1 **The applicant has appealed this application as the Council failed to determine the application within the statutory 8 week period. Therefore, the Council can no longer issue a decision on the application. It is brought before the committee to enable a view to be formed so that we can inform the Planning Inspectorate of the decision the Council would have made had it determined it within the statutory period.**
- 1.2 The application site is the Bishop Blaize public house, on the edge of Burdrop, overlooking the Sib valley. The building is within the Conservation Area but the property is not listed. To the front of the building is a barn, arranged perpendicularly to the main building, with a gable facing the road and a lean-to roof dropping from the level of the car park towards the 'front' of the public house building. The building has two floors.
- 1.3 The proposal seeks to convert the building into a self contained holiday let. The ground floor would provide a kitchen/dining area with stairs leading to the first floor which would then provide a bedroom and bathroom. The levels at the site allow access to the first floor from the car park and access to the ground floor from the front of the pub.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of a press notice, site notice and neighbour letters. The final date for comment on this application was 11<sup>th</sup> July 2013. Twenty four letters of objection were received (although some commentators sent in two objections) have been received as a result of the consultation process. The following material planning considerations were raised:
  - Loss of bottle store would not allow the public house to function;
  - Lack of parking at the site;

### 3. Consultations

- 3.1 **Sibford Gower Parish Council** – (Verbatim) This is a revival of a previous application (09/01275/F). The application was withdrawn when the applicants were informed that they would need a bat survey before proceeding with the work. They then proceeded without a bat survey and without planning permission to carry out the conversion, and applied for retrospective planning permission for the completed development. Despite the objections of Sibford Gower Parish Council this was granted (13/00116/F: New roof to barn; 3 No rooflights and door installed to upper floor). The barn was then ostensibly used as a base for a new unauthorised business in wood burning stoves; the intention is now to make the barn redundant by moving the “business” into the main property.
- 3.2 This would appear to be a very dubious procedure under planning law. Nevertheless the Parish Council was minded in 2009 to accept the earlier proposal for holiday letting accommodation, on condition that a section 106 agreement was reached which contained the following conditions:
- Permission should be granted for this change of use only in connection with the business of the public house and on condition that the public house was reopened.
- There should be an absolute legally binding provision that the conversion could never be sold separately from the public house.
- 3.3 Given the history of applications concerning this property we think that, if Cherwell is minded to consider this application, these two conditions are essential to prevent abuse of any permission granted.
- 3.4 **Sibford Ferris Parish Council** – Sibford Ferris Parish Council does not object to this proposal subject to certain conditions being imposed. Permission should be granted for this change of use only in connection with the business of the public house, if possible on condition that the public house was reopened. There should be a legally binding provision that the conversion could never be sold separately from the public house nor that it can become a residential property without the holiday letting restrictions. Given the history of applications concerning this property we think that, if Cherwell is minded to consider this application, these two conditions are important given the ongoing planning applications and appeals in relation to the property as a whole.

#### Oxfordshire County Council Consultees

- 3.5 **Highways** – No objection.
- 3.6 **OCC Archaeologist** - The proposals outlined in your letter would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

## **4. Relevant National and Local Policy and Guidance Policy Considerations**

### 4.1 Development Plan Policy

#### **Adopted Cherwell Local Plan (Saved Policies)**

H19: Conversion of buildings in the countryside

C28: Layout, design and external appearance of new development

Other Material Policy and Guidance

#### **National Planning Policy Framework**

## **5. Appraisal**

### 5.1 The issues raised by this development are:

- Planning history and background;
- Design of the converted building;
- Parking and highway safety; and
- Other matters.

#### **Planning history and background**

5.2 There is a long and substantial planning history relating to this site. That history, with relevant commentary has been set out in some detail in both the application report to 12/00678/F and in the Council evidence and eventual decision letter for 12/00020/ECOU. It is not necessary to repeat that history here, beyond noting that a withdrawn application in 2009 did seek to carry out works to the store, but that application was not progressed.

5.3 It should be noted that the lawful use of the site is a public house (A4). Until recently, the unauthorised use was as a dwellinghouse (C3) although at the time of writing this report it would seem attempts to revert the main building back to a pub (A4) had taken place which would comply with the requirements of enforcement notice 12/00020/ECOU. Whether the revision back to its lawful A4 use has occurred is a matter upon which we are seeking legal advice but that is not relevant for the assessment of the acceptability of this application.

5.4 Concerns have been raised that the store is in fact a “bottle store” and its loss would preclude the effective running of the pub. However, regardless of its designation within the use of the pub, the fact remains that there is ample room within other areas of the building where bottles and drinks can be stored. The change of use of the store to a holiday let will not hinder the operation of the building as a public house.

- 5.5 Many of the representations on the application have suggested that the application should be refused solely because it is retrospective, and that the applicants should be forced to put the building back to its former state. It is important to note that retrospective applications are a lawful way to proceed; they are provided for in the Acts and the relevant Orders and as such the Council must determine the application wholly on its merits as with any other planning application.

### **Design of the converted building**

- 5.6 The design of the building remains largely unaltered externally to that which was approved under application 13/00116/F which allowed the new roof to the barn with three rooflights and a new door to the upper level. Internally, the development proposes a kitchen/dining room and lounge at ground floor. Internal stairs lead to the first floor where a bedroom a bathroom are proposed.
- 5.7 Being within the Conservation Area, to be acceptable the proposal must either preserve or enhance the character or appearance of the Conservation Area. For the same reasons as above, I consider that the proposal preserves the character of the Conservation Area. Furthermore, as the proposal does not harm the viability of the public house, the proposal does not affect the potential for that use to return; a consideration which is in itself important for the character of the area.
- 5.8 It is not uncommon for public houses and private dwellings to seek to utilise additional accommodation to create holiday lets. These are normally considered acceptable provided the new accommodation is created within an existing building which is not extended or altered significantly. The development should also not have a detrimental impact on the amenities of adjoining occupiers.
- 5.9 Policy H19 of the Adopted Cherwell Local Plan 1996 allows the conversion of buildings in the countryside providing it can be achieved without extensive re-building or alterations and would not cause significant harm to the character of the countryside. In this instance, it is considered that as the development represents a proportionate and well designed conversion that will not be unduly prominent nor detract from the character and appearance of the existing property or wider area as a whole. The proposal will not have a detrimental impact on the amenities of adjoining occupiers to an unacceptable level.

### **Parking and highway safety**

- 5.10 Oxfordshire County Council Highway Authority have raised no objection to the application on the grounds of highway safety as sufficient parking to serve the dwelling would be retained on site. I see no reason to disagree with this assessment and consider the proposal to accord with Government guidance contained within the NPPF.

## 5.11 Other matters

Sibford Gower Parish Council have suggested that the application be the subject of a legal agreement to ensure that the use is association with the pub and that the building cannot be sold separately from the main building. These matters can be dealt with by condition and it is not necessary to require a legal agreement in this instance.

### Conclusion

- 5.12 In conclusion therefore taking into account the above appraisal it is considered that the proposal is acceptable and complies with the Government guidance contained in the NPPF and the other relevant development plan policies listed above.

### Recommendation

#### The Committee is asked to endorse the following

Had the application still been before the Council for determination it would have been approved with the following conditions

#### Conditions

1. That 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 following plans and documents: Drawing No. 1, 2, 3, 4, 5, 6 and Design and Access Statement submitted in support of the application

Reason - For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with the National Planning Policy Framework March 2012.

3. That the building shall be used only for the purpose of holiday lets only and for no other purpose whatsoever, including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy BE1 of the South East Plan 2009 and Policies C28 of the adopted Cherwell Local Plan.

4. The premises shall not be let to any person or connected group of persons for a period exceeding eight weeks in any one calendar year.

Reason: To ensure the premises are available for short term holiday let purposes.

5. Prior to the commencement of the development hereby approved, a plan showing a car parking provision for four 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 Government advice in the National Planning Policy Framework March 2012.

### **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.

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