

**Site Address: Land Adjacent Holly  
Barn Stables and North of The Firs  
Garage Sibford Gower Road  
Hook Norton**

**14/00142/OUT**

**Ward:** Hook Norton

**District Councillor:** Ray Jelf

**Case Officer:** Bob Neville

**Recommendation:** Refusal

**Applicant:** The Firs Garage

**Application Description:** Outline - Staff cottage

**Committee Referral:** At the discretion of the Head of Service due to the uniqueness of the proposal      **Committee Date:** 24/04/2014

**1. Site Description and Proposed Development**

- 1.1 The proposal relates to a garage and motor dealership known as Firs Garage, which is situated on a rural crossroads between Hook Norton and Sibford Gower. The site lies in a remote location, some 1.6km (1 mile) north of Hook Norton, in the open countryside and is rural in character. The garage site comprises of a number of buildings including a petrol filling station, service and repair workshops, showrooms and ancillary sales buildings. To the north of the garage site, separated by a large hedge (approx. 3m in height), is a stable yard with a manège that is served by a separate access off Sibford Gower Road.
- 1.2 The site is not within a conservation area and there are no listed Heritage Assets within the vicinity. The site is within an area designated as being of High Landscape Value (AHLV). There are no other constraints relevant to planning.
- 1.3 The application seeks outline permission for a staff cottage on the site of a former manège to serve the Firs Garage, with only access to be considered at this time; all other matters are reserved for future consideration.
- 1.4 The application was initially submitted as a resubmission of a previously refused scheme for outline permission for two staff cottages (reference 13/01502/OUT). However following a meeting on site where concerns were raised by the case officer, with the applicant and his agent, regarding the justification for dwellings on site, the number of dwellings to be considered as part of this application was reduced to one. Revised forms and supporting information was submitted to support the revisions.

**2. Application Publicity**

- 2.1 The application has been advertised by way of a site notice at the entrance to the site. The final date for comment was the 27.03.2014. No comments have been received as a result of this process.

**3. Consultations**

- 3.1 **Hook Norton Parish Council** - No objections
- 3.2 **Oxfordshire County Council Consultees:**  
**Highways Liaison Officer** - No objections

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

- 4.1 **Development Plan Policy**  
Adopted Cherwell Local Plan 1996 (Saved Policies)

- C7: Landscape conservation
- C8: Sporadic development within the countryside
- C13: Area of High Landscape Value
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- H18: New dwellings in the countryside

#### 4.2 Other Material Policy and Guidance

##### **National Planning Policy Framework (NPPF) - March 2012**

##### **Submission Cherwell Local Plan (SCLP) - January 2014**

The Submission Local Plan has been through public consultation and was submitted to the Planning Inspectorate (PINs) in January 2014 for Examination to take place in June 2014. The Submission Local Plan does not have Development Plan status but is 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:

ESD 13: Local Landscape Protection and Enhancement

ESD 16: The Character of the built and historic environment

##### **Planning Practice Guidance (PPG)**

### 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Policy context
- Principle of development
- Impact on the character and appearance of the area
- Highway safety

#### **Relevant Planning History**

- 5.2 B.83/52 - Bungalow (not agriculturally tied). Permitted.  
 B.387/60 - Petrol filling station with access. Permitted.  
 B.130/66 - Showroom, kiosk and petrol pump canopy. Permitted.  
 B.75/70 - Demolition of existing workshop and store, erection of new workshop. Permitted.  
 B.1073/72 - Extension to existing showroom for motorcars. Permitted.  
 B.701/71 - Car show room. Permitted.  
 75/00497/N - Erection of entrance canopy to existing garage workshop. Permitted.  
 78/00913/N - Extension to stores workshop. Permitted.  
 83/00520/N - Forecourt canopy. Permitted.  
 87/00219/N - Installation of car washer with water recycling plant. Permitted.  
 87/00389/N - Extension to vehicle repair garage. Permitted.  
 88/00096/N - Access to Sibford Road from car wash with security gate to same height as fence. Permitted.  
 90/00044/N - Erection of 6ft security fence (retrospective). Double row of evergreen trees inside fence; formation of hardstanding. Permitted.  
 91/00009/N - Construction of building for storage and preparation of new and second-hand vehicles. Permitted.  
 94/00726/N - Proposed garage showroom from existing covered area. Permitted.  
 95/00741/OUT - OUTLINE 1 dwelling (three bedroom bungalow). Refused.  
 05/01756/F - Showroom extension and improvements with alterations to toilets. Permitted.

08/02104/F - 1 No. dwelling for provision of on site security with kennels for guard dogs. Withdrawn following the applicant being advised that the application was recommended for refusal.

13/01502/OUT - Erection of 2 no. staff cottages. Refused.

### **Policy context**

- 5.3 The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development. These are environmental, social and economic.
- 5.4 The adopted Cherwell Local Plan 1996 is considered to be out of date with regards to the NPPF in some respects as it was adopted prior to 2004. However the NPPF also advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF. The adopted Cherwell Local Plan does contain a number of saved policies which are relevant to the consideration of this proposal and those within the Submission Local Plan 2006-2031 are also considered to be consistent with the NPPF.
- 5.5 The site is outside of the limits of Hook Norton and as it is not within the village, new residential development is to be assessed against Saved Policy H18 of the Adopted Cherwell Local Plan; this sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan.
- 5.6 Paragraph 55 of the NPPF also states that: Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
  - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
  - the exceptional quality or innovative nature of the design of the dwelling
- 5.7 Saved Policy C7 of the adopted Cherwell Local Plan 1996 seeks to resist development that would harm the character of the countryside and policy C8 seeks to resist sporadic development within the countryside. Policy C13 only permits development which will conserve or enhance the Area of High Landscape Value.
- 5.8 Saved Policies C28 and C30 of the adopted Cherwell Local Plan seek standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the context of the development. Further, extensions to dwellings should be compatible with the scale of the existing dwelling, its curtilage and the character of the street scene.

### **History and context of the site**

- 5.9 The garage site has steadily developed and expanded over the years (as can be seen from the site history), since a bungalow was first approved on the site in 1952 and petrol station followed later, approved in 1960. The Firs Garage has now operated for over 53 years and currently offers a complete range of garage services, including sales and servicing, and employs some 35 full time staff.

- 5.10 The actual site where the dwelling is proposed has not always been in the same ownership as the Firs Garage; supporting information states that the land was purchased in 2004. It has previously been used as an equestrian site with a manège and stables being developed on site.
- 5.11 The original bungalow situated on the garage site is now used as offices, which incidentally do not appear to benefit from planning permission, Whilst no occupancy restrictions were imposed on the dwelling when planning permission was granted, there does not appear to be any subsequent planning permission for a change of use of the dwelling to offices in association with Firs Garage. It is however appreciated that if the applicant can prove to the Council that the change of use has been in place continuously for ten years or more, the Council may be in a position to consider the existing use of the former dwelling to be lawful.
- 5.12 In addition to the various buildings that have been developed in association with the operation of the garage, a mobile home has also been stationed at the site. This also does not appear to benefit from planning permission and is the subject of a separate investigation by the Council's planning enforcement team.

### **Principle of development**

- 5.13 This application is in essence still a resubmission of the previously refused application 13/01502/OUT; albeit that the number of proposed dwellings has now been reduced. The principle of a dwelling on, and adjacent, the current site has also been assessed on two previous occasions prior to the 2013 application; (1995 and 2008). Although the policy context has changed significantly since the earlier assessments, most notably with the introduction of the NPPF, it is considered that the principle of securing residential development in a remote rural location remains the main thrust of the proposal and that the majority of the observations and conclusions made by previous case officers are still pertinent to this current application and current planning policy.
- 5.14 Previous reasons for refusing the proposed development of a residential property on the site have been relatively consistent in their content despite the changes in both national and local planning policy over the years. These are the impact of the development on the character and appearance of the rural open countryside and more latterly that the proposal is also in conflict with policy, including the NPPF, relating to new residential development outside of the built up limits of settlements and sporadic development. Little appears to have changed in the context of the site since the first application for a dwelling in 1995, aside from the obvious in change of land ownership of the site.
- 5.15 Policy H18 seeks to ensure that new dwellings beyond the built up limits of settlements are permitted where an essential need can be demonstrated. The supporting text to policy H18 states that:
- 'Essential' will normally be interpreted as a proven necessity for a worker to live at or very close to the site of their work i.e. it is necessary for the proper functioning of the enterprise for a new dwelling to be occupied by a worker in connection with it. Sufficient details should be provided to enable an assessment of the size, nature and viability of the existing or proposed enterprise together with details of the number and tenure of existing dwellings related to the holding or estate. Where there is any doubt that a dwelling is required for the proper functioning of an enterprise, or where a new business is being proposed, it will be necessary to supply adequate financial information to demonstrate that the proposals are sound. In particular the Council will wish to be satisfied that such need as might exist could not be reasonably secured in a nearby settlement.*
- 5.16 The applicant has indicated there is an on-going issue of thefts from the site and that there is an essential need for a dwelling occupied by staff, based on security and operational requirements. Given this position the applicant needs to provide evidence that it is essential for the proper functioning of the garage enterprise that someone lives on

site 24 hours a day.

- 5.17 The applicant declares that the site has been the subject of theft which is both costly and time consuming to resolve. However, this is an issue to some extent for most rural based enterprises and is not unique to the application site. Examination of the supporting documentation has found very little further information to that which was previously assessed and considered insufficient to support an essential need for dwellings on site. Only two individual major incidents have been detailed within the supporting statement. Other documented incidents appear to cover a period between 2002 and 2012, but no details of numbers of incidents or specific dates have been offered. Also, no evidence has been provided in the form of insurance claims or police crime numbers that demonstrate that theft is an acute and prevalent problem at this particular site. The applicant has suggested that not all instances of theft or damage have been reported to the police due to slow response times and that minor instances are also not lodged with the insurance providers because of the impact on premium costs. While this might be the case, it is considered that the applicant has still failed to provide sufficient evidence to support and demonstrate this supposed essential need for the dwelling in its proposed location.
- 5.18 Notwithstanding the incidents that have been recorded by the applicant, and the above comments, on balance I am not convinced that there is an essential need for the dwellings in the proposed location on the grounds of security and crime prevention; as has been found by previous case officers in 2008/9 and 2013. Other matters raised by the applicant such as operational requirements and staff retention would not alter this position and are not considered as essential to the continuing operation of the garage site.
- 5.19 The applicant contends that the proposed dwelling will be located where the site is most vulnerable to break-ins and will act as a visual deterrent. Notwithstanding the applicant's comments, the proposed location is not considered ideal. It will offer little in the way of direct surveillance to the site where vehicles and buildings are located, due to the existing high boundary hedge and it is not a prominent location. Given these factors the crime prevention value that it can offer by its presence is considered to be limited.
- 5.20 It has been suggested that the unauthorised mobile home at the site may have been a deterrent to theft, but again there has been no conclusive evidence submitted that the levels of nuisance at the site has stopped or even been reduced as a result of the mobile home or that this would be the case should a house be erected in a similar location. An argument could be had for relocating the mobile home to within the existing boundary of the site and it still having the ability to act as functional security measure.
- 5.21 The applicant considers the costs of introducing security guards would be prohibitive; one quote for a security guard and associated accommodation has been submitted in support of this opinion. The quote submitted suggests annual costs of £70,000 per annum. Whilst the potential cost for a contract security guard is obviously a significant expense, it has not been demonstrated that any other options for security arrangements have been comprehensively explored. Notwithstanding that the former dwelling on site has largely been converted to offices, it is not clear why it could not be used as accommodation of some form for the security presence that is sought on site; which could significantly reduce the potential costs of employing an on site security presence. This issue has again been discussed with the applicant verbally on site, as in the previous application in 2008/9, which revealed that it was considered that the level of amenity that this dwelling would provide for a staff member (and possibly his family) was a concern to the applicant and also given it's positioning on site in relation to the garage activity it was also considered unsuitable. Whilst this issue is appreciated, officers consider that the existing dwelling could provide a level of accommodation suitable for a security guard during the night time period.
- 5.22 Given the above comments and the submitted supporting information it has to be questioned as to whether it has been demonstrated that there is even an overriding need, let alone an essential need, for a new dwelling on the site. It would seem that a security presence is only required when the garage is not operational and when the normal daily activities and employees are not present on site. Given these circumstances, officers fail

to understand why a security guard cannot be employed on a full time basis; to be present on the site overnight (not necessarily in a dwelling) to handle the security dogs where necessary and live in a nearby settlement. There are several villages within a five mile radius of the site and the towns of Chipping Norton and Banbury are also only 6 and 9 miles away respectively, which are considered to be within a reasonable commuting distance from the site.

- 5.23 The applicant refers to the Council's Local Plan being out-of-date and that there is a lack of housing supply within the district in his supporting statement. Even if the Council does not have a 5 year supply, the proposed dwelling would not make a significant contribution towards this, and as it is to be sited on land outside the built-up limits of the village it will result in harm to the rural character of the site and the AHLV. The proposal would not constitute sustainable development and consequently the presumption in favour of development does not apply in this instance.
- 5.24 Notwithstanding the above comments, what needs to be assessed is the functioning of the garage and whether this can continue without the proposed dwelling. The personal circumstances of the business, such as staffing problems, late night working and security are not matters that are considered essential activities that would warrant approval of this application. There is no evidence to suggest that the dwelling is essential to ensure the proper functioning of the site as a garage, which has traded successfully for over 50 years.
- 5.25 As stated in the previous case officer's report, the Council is sympathetic to the needs of the garage but also has to consider the long term implications of the decisions it makes. While all planning applications are considered on their own merits, to allow a dwelling on grounds of staffing issues and thefts would set a precedent for other rural based enterprises which suffer similar issues that residential accommodation can be secured based on these issues alone. Both the NPPF and the Local Plan make it clear that the home must be an "essential need" and in this instance, I do not believe that this is the case.

#### **Impact on the character and appearance of the area**

- 5.26 The site for the proposed dwelling would occupy an existing ménage to the north of the garage. Whilst the dwelling would be shielded by the large hedge on the southern boundary, it will still be clearly visible in the landscape as one travels south from Sibford.. Although details of the appearance of the dwelling have not been submitted for approval as part of this application, and as such a full assessment of the visual impact cannot be made, it is considered that a domestic property would have formal parking and garden areas which would lead to an overt domestication of the site, this in turn, would harm the rural character of the area at this point. It is considered that the erection of a dwelling in this location represents an unnecessary and sporadic development in this part of the countryside which would cause material harm to the rural character and appearance of the area and the Area of High Landscape Value in which it is set.

#### **Highway Safety**

- 5.27 The County's Highways Liaison Officer raises no objections to the proposal subject to construction details of the parking and driveway being submitted and approved. These details could be dealt with during the determination of any reserve matters application should outline permission be granted. The site is served by an existing gated access off the Sibford Gower road. There is ample opportunity for vehicles to enter and leave the site in a safe manner. It is therefore considered that the development of a dwelling on the site will not have a detrimental impact of the safety of highway users.

#### **Engagement**

- 5.28 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through dialogue with the applicant and his agent

during the determination of the application.

### **Conclusion**

- 5.29 Given the above assessment, Officers conclude that the application is contrary to the guidance set out in the National Planning Policy Framework, Policies C7, C8, C13 and H18 of the adopted Cherwell Local Plan and policies ESD13 and ESD16 of the Submission Cherwell Local Plan. Furthermore, if this proposal were granted planning permission based, it is likely to set an unwelcome precedent for pressure by other rural businesses for a dwelling. It is therefore recommended for refusal for the reasons set out below.

### **6. Recommendation - Refusal**

1. The applicant has failed to establish that the dwelling is essential for the proper functioning of the garage and that one or more people need to be readily available at most times at the site. Therefore, the proposal fails to meet the requirements of the National Planning Policy Framework and policy H18 of the Adopted Cherwell Local Plan 1996.
2. The proposal represents a sporadic development in the countryside that would be detrimental to the visual amenities and open rural character of the area and the Area of High Landscape Value in which it is set, contrary to the advice within the National Planning Policy Framework, policies C7, C8 and C13 of the adopted Cherwell Local Plan 1996 and policies ESD13 and ESD16 of the Submission Cherwell Local Plan.

#### **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.