

**Site Address: Bacon Farm, Whichford
Road, Hook Norton**

14/00549/F

Ward: Hook Norton

District Councillor: Cllr Jelf

Case Officer: Gemma Magnuson

Recommendation: Approval

Applicant: Mr & Mrs Rifat

Application Description: Demolition of existing dwelling and some outbuildings. Repairs to retained outbuildings. Erection of dwelling and new swimming pool.

Committee Referral: Major development

Committee date: 19 June 2014

1. Site Description and Proposed Development

- 1.1 This isolated site is situated north-east of the village of Hook Norton and south-east of the village of Sibford Ferris. The site currently consists of an unoccupied farmhouse and associated outbuildings, and is accessed via a track that connects Swalcliffe Grange and Whichford Road. The existing structures are not listed buildings, no listed buildings are in close proximity and the site is not in a Conservation Area. The site is within an Area of High Landscape Value. A Public Bridleway (BR 374/9 & BR 374/10) runs to the north of the Bacon Farm buildings. A legally protected species (the Roman Snail) has been identified to the north of the Bacon Farm buildings near to the access. The site is of medium archaeological interest. Part of the access lies within Flood Zones 2 and 3. The land is potentially contaminated and naturally occurring arsenic, chromium and nickel may be present. Part of the access lies within Swalcliffe Common, a Local Wildlife Site.
- 1.2 The Bacon Farm buildings sit within a residential curtilage defined by vegetation and a post and wire fence. The proposed development would involve the demolition of the existing dwelling and the majority of the outbuildings, and their replacement with a five bedroom dwelling with associated outbuildings and swimming pool. An existing stone built barn and detached brick built store would be retained and incorporated into the development.
- 1.3 The proposed dwelling would be two and a half storeys in height, with the second floor accommodation served by dormer windows. Construction materials would be natural stone, natural Cotswold stone tiles, brickwork and clay tiles to match the existing palette. Timber cladding is also proposed upon a link structure that would connect the house to the existing stone barn. Openings would be timber. The footprint of the dwelling would be shifted to the west in order to achieve a more central positioning within the plot. The swimming pool would be erected to the south-east of the plot, adjacent to the retained stone barn.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was 04 June 2014.

14 letters of objection have been received and in summary, raise the following issues:

- Highway safety concerns regarding access on to Tadmorton Heath Road (Whichford Road)
- Reference to CDC previously resisting the use of this bit of road for a

proposed nursery

- Recent widening of the road has led to an increase in the speed of vehicles
- Land ownership matters relating to the applicants right to use the access
- Traffic will increase as a result of the development
- Historically Bacon Farm has only been accessed from the track beside Grange Farm
- Allowing the new access would lead to more accidents
- Suggestion of a reduced speed limit to 50mph with speed cameras

Please refer to the electronic file for full comments.

3. Consultations

3.1 **Hook Norton Parish Council:** no objection.

Cherwell District Council Consultees (in summary)

3.2 **Environmental Protection Officer:** no comments received at time of writing.

3.3 **Landscape Officer:** no objection subject to the existing boundary vegetation being retained and protected during construction.

3.4 **Ecology Officer:** no objection, recommended informative.

3.5 **Private Sector Housing Inspector:** considers the existing dwelling to be substandard.

Oxfordshire County Council Consultees

3.6 **Highways Officer:** no objection subject to conditions.

3.7 **Archaeologist:** no archaeological constraints to this scheme.

3.8 **Rights of Way:** no comments received at time of writing.

Other Consultees

3.9 **Environment Agency:** low environmental risk, note recommended.

3.10 **Severn Trent Water:** no comments received at time of writing.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H17:	New residential development in category 2 settlements
C1:	Nature Conservation
C2:	Protected Species
C7:	Topography and character of landscape
C8:	Sporadic development in the open countryside
C9:	Compatibility with rural location
C13:	Area of High Landscape Value
C28:	Layout, design and external appearance of new development
C30:	Design of new residential development
ENV12:	Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Cherwell Local Plan (January 2014)

The Submission Local Plan has been through public consultation and was submitted to 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:

ESD16: Character of the built and historic environment

ESD10: Biodiversity and the natural environment

ESD13: Local landscape protection and enhancement

ESD16: Character of the built environment

Policy Villages 1: Village Categorisation

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of the development
- Visual amenity
- Neighbour amenity
- Highway safety
- Protected species

Relevant Planning History

5.2 Relevant planning history includes application ref: 12/00522/F that gained planning permission for alterations to and amalgamation of existing buildings to form single dwellinghouse, and extension of outbuilding and formation of swimming pool on 23 July 2012. The resultant dwelling would have five bedrooms and largely retain the positioning of the existing dwelling towards the east of the curtilage. The proposed swimming pool would be situated to the north-west of the site rather than the south-east, as is proposed as part of the current application.

5.3 The existing dwelling benefits from full permitted development rights and is not subject to an agricultural tie.

Principle

5.4 In establishing the acceptability of the principle of the one-for-one replacement of a dwelling in this location regard should be paid to Government guidance contained within the National Planning Policy Framework and saved Policy H17 of the adopted Cherwell Local Plan.

5.5 The purpose of the planning system is to contribute to the achievement of sustainable development. Government guidance states that sustainable development has three dimensions; economic, social and environmental. The social role includes the supply of housing required to meet the needs of present and future generations. Development should contribute to building a strong responsive and competitive economy, support strong, vibrant and healthy communities through the creation of a high quality built environment and contribute to protecting and enhancing the natural,

built and historic environment.

- 5.6 With specific regard to housing development, Local Planning Authorities are required to consider housing applications in the context of the presumption in favour of sustainable development and are required to deliver a wide choice of high quality homes.
- 5.7 Saved Policy H17 of the adopted Cherwell Local Plan relates to the one-for-one replacement of an existing statutorily unfit or substandard dwelling. The Policy states that such replacement will normally be permitted provided that the existing building is not listed and capable of restoration, or suitable for an appropriate alternative and beneficial use. In cases where the existing building lies outside of 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. The proposal should meet the requirements of other Policies in the plan.
- 5.8 The Council recognises that it will occasionally be necessary to permit the replacement of an unfit or substandard dwelling in the countryside. The protection of the character of the countryside will be a primary objective in all cases, and proposals for substantially larger and more conspicuous dwellings in the landscape will be resisted.
- 5.9 In this case, the site is considered to lie outside the built limits of any settlement and is within the open countryside.
- 5.10 The terminology used in saved Policy H17 is now out of date, insofar as the Housing Act does not refer to buildings being 'statutorily unfit'. The Housing Act 1985 also allowed Environmental Health Officers to judge whether properties were considered to be unfit, however since 2006 this terminology has not been used and instead the Housing Act 2004 uses the Housing Health & Safety Rating System to judge properties for the presence of Serious Hazards.
- 5.11 In the case of this property, the agent has stated that the existing dwelling is constructed with solid walls and has little or no insulation in any wall, floor or some roof spaces. The windows are small and allow little natural light into the rooms beyond. Even with investment in upgrading the building, it is not considered that it could reach the standards required by current Building Regulations in terms of energy performance. Therefore, in comparison to the modern requirements of a building, the dwelling is considered substandard.
- 5.12 The Private Sector Housing Inspector has assessed the submitted information and considers it likely for the dwelling to contain actionable hazards in relation to dampness and excess cold under the Housing Health & Safety Rating System, Part 1 of the Housing Act 2004. The dwelling is therefore considered substandard. It is considered that if substantial works were carried out to the existing dwelling it is possible to improve its condition considerably in order to remove actionable hazards, although it is still unlikely to meet the same standards as a new build dwelling.
- 5.13 It is therefore considered that the principle of the one-for-one replacement of the dwelling is acceptable, insofar as its 'substandard' condition is accepted, in accordance with saved Policy H17 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Visual Amenity including AHLV

- 5.14 Government guidance contained within the NPPF attaches great importance to the design of the built environment and 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.

- 5.15 Saved Policies C7, C8 and C9 seek to resist development that would cause demonstrable harm to the topography and character of the landscape, or constitute sporadic development within the open countryside. Development that is incompatible with its rural location is also likely to be resisted.
- 5.16 Saved Policy C13 of the adopted Cherwell Local Plan seeks to conserve and enhance the environment within an Area of High Landscape Value (AHLV).
- 5.17 Saved Policies C28 and C30 of the adopted Cherwell Local Plan seek to control new development to ensure that it is sympathetic to the character of its context, and that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 5.18 The proposed dwelling would replace an existing dwelling at the site and it is considered that the principle of a dwelling with associated curtilage in this location is acceptable.
- 5.19 Due to the isolated location of the site, its position within a valley and boundary planting around both the site and adjacent fields, it is not clearly visible from public viewpoints. Whilst acknowledged that the height of the proposed dwelling would exceed that of the former, thus increasing the chance of being viewed within the landscape, it is not considered that the views would be overly prominent or harmful, particularly given the presence of other similar structures that can be viewed in the wider area.
- 5.20 The proposed footprint of the building is not considered to be excessive and would sit comfortably within the curtilage. The curtilage itself is clearly defined and the development would not involve the enclosure of additional agricultural land. The restoration and retention of the stone barn is positive, and the agricultural character of the unit would be retained as a result. The choice of materials would be in-keeping with those existing and the local palette.
- 5.21 It is considered that the proposed dwelling would not result in significant harm to the topography or character of the landscape, and as this would involve the replacement of an existing structure, would not constitute sporadic development in the open countryside. The proposed dwelling would retain the agricultural character of the former farmyard and is compatible with the rural character of the site and wider area. The environment within this AHLV would be conserved and the development would not result in significant harm to the visual amenities of the wider locality, in accordance with Government guidance contained within the NPPF and saved Policies C7, C8, C9, C13, C28 and C30 of the adopted Cherwell Local Plan.

Neighbour Amenity

- 5.22 Due to the isolated location of the site there are no neighbouring properties in close proximity that could be affected by the development in terms of a loss of privacy or amenity. The proposal accords with Government guidance contained within the NPPF and saved Policy C30 of the adopted Cherwell Local Plan that seeks standards of amenity and privacy acceptable to the Local Planning Authority.

Highway Safety

- 5.23 The red line indicated on the site location plan includes two existing access points to the farm; a track alongside Swalcliffe Grange to the north and a track off Whichford Road to the south. All letters of objection have raised concerns regarding the use of the track to the south to access the site due predominantly to the quantity of vehicles

using the road, particularly during peak hours, the speed at which vehicles travel and the position of the access beyond the brow of a hill.

- 5.24 Oxfordshire County Council Highway Authority have assessed the proposal, including a visit to the site. They do not consider that a refusal on the grounds of significant harm on the grounds of highway safety could be sustained at Appeal.
- 5.25 The reasoning behind this stance is that the access already exists and already serves one dwelling at Bacon Farm. Whether or not previous occupants of the dwelling preferred to use the northern access, it is understood that the right to use the southern access has not altered. Therefore, today, the occupants of Bacon Farm are able to use the access as much as they desire, beyond the control of the Local Planning Authority.
- 5.26 The proposed one-for-one replacement of the dwelling would not intensify the use of the site from that existing, the access would continue to serve one dwelling as it does at present. The prevention of the use of the southern access is not, therefore, considered reasonable.
- 5.27 However, in light of the concerns regarding highway safety, it is considered reasonable to prevent construction vehicles connected to the development from using the southern access via condition.
- 5.28 To conclude, whilst the use of the access may be undesirable due to its position and the behaviour of other road users, as it already exists and would continue to serve one dwelling, the harm would not increase so significantly from existing circumstances as to warrant the refusal of the application on the grounds of highway safety.
- 5.29 As the proposed development is not expected to increase traffic movements beyond those existing, the proposal is considered to accord with Government guidance contained within the NPPF in terms of sustainable transport.

Protected Species

- 5.30 Part of the site lies within Swalcliffe Common, a Local Wildlife Site (LWS). The legally protected Roman Snail has also been identified close to the existing access to the site. A Bat Survey accompanies the application, albeit out of date, although as the barn will remain unconverted and the structures proposed for demolition are unlikely to contain bats, requesting an update to the survey is not considered reasonable.
- 5.31 The Roman Snails are likely to be living within the vegetation adjacent to the access and are unlikely to be affected by the development. It is considered that the development would not adversely affect protected species or their habitat, in accordance with Government guidance contained within the NPPF and saved Policies C1 and C2 of the adopted Cherwell Local Plan that seek to protect species and their habitats.

Engagement

- 5.33 With regard to the duty set out in paragraphs 186 and 187 of the Framework, additional information regarding the current condition of the dwelling was required during the application process so the Agent was contacted and the information subsequently received. It is considered that the duty to be positive and proactive has been discharged.

Conclusion

- 5.34 The principle of the one-for-one replacement dwelling in this isolated location is considered acceptable as the existing dwelling is substandard, in accordance with saved Policy H17 of the adopted Cherwell Local Plan that allows for the one-for-one replacement of substandard dwellings. The proposed dwelling would not result in significant harm to the visual amenities of the locality, including the rural character of the landscape and the environment within this Area of High Landscape Value, neighbour amenity or privacy, highway safety or convenience, or protected species and their habitat, in accordance with Government guidance contained within the NPPF and saved Policies H17, C1, C2, C7, C8, C9, C13, C28 and C30 of the adopted Cherwell Local Plan.

6. Recommendation

Approval, subject to 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 development shall be carried out strictly in accordance with the following plans and documents: Application forms, Design and Access Statement ref: W1051_CF-DAS, Structural Inspection dated 01 December by OMK Design Consultancy Ltd and drawings: Location Plan 051, Block Plan, Proposed Ground Floor, Proposed First Floor, 051-001 dated April 2014, 051-002 dated April 2013, 051-003-A, 051-003-B and 051-003-C all dated April 2013, 051-004 dated April 2014, 051-004-C dated April 2013

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 stone sample panel (minimum 1m² in size) shall be constructed on site in natural stone, 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 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 schedule of materials and finishes for the external walls and roof(s) of the development hereby approved, including samples where appropriate 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 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 details of the doors and windows hereby approved, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with 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 full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure shall be erected, in accordance with the approved details, prior to the first occupation of the dwelling.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas 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 and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

8. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 C28 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. All construction traffic serving the development shall enter and leave the site via the northern access only and not via the southern access onto Whichford Road.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

12. 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 and retain the satisfactory appearance of the completed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. The garage shown on the approved plans shall not be converted to provide additional living accommodation without the prior express planning consent of the Local Planning Authority.

Reason - In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. The applicant should contact 08708 506 506 or consult the Environment Agency website to establish if consent will be required for the works they are proposing. Please see <http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx> Any works in, over, under, or within 8 metres of the top of the bank of a designated Main River will also require our formal consent. Please contact 08708 506 506 to find out more information about Flood Defence Consents.
2. There is a possibility, due to the age, construction and location of the building, that bats could be uncovered during the works. Should bats be encountered, all work in that area must cease until a licenced bat worker has been consulted for advice on how to proceed. Particular care must be taken when roof tiles or slates are removed (remove gently by hand and check the underside for bats before stacking). The applicant and contractors should be aware that all bats and their resting places are protected from harm and disturbance by law and that to proceed without seeking professional advice if bats are found could result in prosecution.
3. All wild birds and their nests receive protection under the Wildlife and Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore in order to avoid contravention of this legislation any site works likely to affect potential bird nesting habitat should be timed to avoid the main bird nesting season which runs from March to August. If this is not possible, a check should be carried out prior to any clearance or demolition works to ensure there are no active nests present.
4. With regard to Condition 7 the surfacing to the parking area should be permeable paving and Sustainable Drainage Systems (SUDS) compliant.

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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