

**Site Address: Land part of The
Long Barn and adjoining The
Claverings Millers Lane Hornton**

14/00847/F

Ward: Wroxtton

District Councillor: Douglas Webb

Case Officer: Bob Neville

Recommendation: Refusal

Applicant: Mr Norman Britton

Application Description: Resubmission of 14/00591/F - Erection of a detached single storey dwelling, double garage, driveway and associated landscaping

Committee Referral: Called in by ward member **Committee Date:** 10/07/2014

1. Site Description and Proposed Development

- 1.1 The site is an area of land, within the curtilage of The Long Barn, a barn conversion originally granted permission in 1989, situated off Miller's Lane at the northern edge of the village of Hornton. The site consists of an area of maintained grassland with a steep incline sloping down from east to west to Miller's Lane. It is accessed off Miller's Lane via an existing access drive which serves The Long Barn. There is extensive screening in the form of a mature hedgerow and trees to the western boundary, further vegetation to the north and south boundaries, whilst the top eastern boundary opens out onto existing garden area of The Long Barn with hedges and fields beyond.
- 1.2 The site sits partially within the Hornton Conservation Area and the 'Northern Valleys' Conservation Target Area, with the southern end of the site being incorporated. The site is also within an area designated as being of High Landscape Value, the geology in this area may also contain naturally occurring elevated concentrations of arsenic and nickel; as in many areas across the Cherwell district. There are several Grade II Listed Heritage Assets within the village the nearest being some 95m south of the site. There are no other constraints relevant to planning and this application.
- 1.3 Planning permission is sought for a new detached single storey dwelling, detached double garage, driveway, parking and associated landscaping; which is to provide the applicant with the means to remain living within the village of Hornton, albeit in a smaller property than his current barn conversion (The Long Barn), which he considers too large for his current status. The new dwelling would have a footprint of some 190m² and is to be set into the top of the bank of the site. The main dwelling would comprise of two distinct design elements; one of a more traditional nature being constructed of natural stone under a dual pitched slate roof and the other being the more contemporary element with large glazed areas set beneath a curved roof. The proposed garage will also set into the bank with the grass of the bank continuing over the garage roof.
- 1.4 The current application is submitted following the withdrawal of application 14/00591/F, on which the Case Officer expressed the opinion that the application was unacceptable in principle. The intention of the resubmission was that the proposal is presented to the planning committee for determination, following member call-in, rather than being dealt with under delegated powers. The current application was identical in its details, at the time of submission, to the previous application.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letters, site notice and press advert. The final date for comment is the 10 July. To date no comments have been received as a result of this process.
- 2.2 It is noted that eleven letters of support were submitted by local residents with regard to the previous application (14/00591/F); but at the time of preparation of this report no letters had been received in relation to the current application.
- 2.3 In the event of correspondence being received either from residents or other consultees, these will be provided as an update to committee.

3. Consultations

- 3.1 **Hornton Parish Council** - No comments received at the time of preparation of this report.

3.2 Cherwell District Council Internal Consultee:

Conservation Officer - This proposal is for the construction of a new single storey dwelling and detached garage at a site that is currently part of the garden of The Long Barn in Hornton. The site borders the Hornton Conservation Area and there are a number of grade two listed buildings nearby on Miller's Lane including: Cherry Orchard and The Glen.

As stated in the Design and Access statement, the site is currently largely screened by trees. While screened in this way I would not consider that the proposed development would be likely to unduly affect the character or appearance of the conservation area or the special interests of any listed buildings. If this screening were to be lost in future - the trees in question are outside of the conservation area – there would be an effect on heritage assets.

I believe that this effect would not necessarily be negative. I have some reservations about the proposed design but - on balance - believe that with a high standard of detailing and workmanship this development could make a positive architectural contribution to the area. Poor detailing or specification - stonework and roof-cladding in particular - could seriously harm the setting of the conservation area and listed buildings.

With regards to the design, I would suggest that the chimney should be omitted or replaced with a metal flue that would be less conspicuous and more in tune with the rest of the house. I would also question the green credentials of the design. The proposal includes very large areas of south-east and south-west facing triple-glazing. The size of this area and location of the chimney would suggest that this part of the house would be within the thermal envelope. This is not a 'passive' approach to design and I believe the occupants would be likely to experience overheating in summer and uncomfortably low temperatures in winter. Dealing with these conditions by artificial heating or air-conditioning could not be considered to be especially 'green'.

3.3 Oxfordshire County Council Consultees:

Highways Liaison Officer - No objection subject to conditions

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan 1996 (Saved Policies)

C7: Landscape conservation

C13: Area of High Landscape Value

C27: Settlement pattern

C28: Layout, design and external appearance of new development

C30: Design of new residential development

H14: Residential development in category 2 settlements

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF) - March 2012

Planning Practice Guidance (PPG)

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. 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:

Villages 1: Village Categorisation

ESD 13: Local Landscape Protection and Enhancement

ESD 16: The Character of the built and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant planning history
- Principle of development
- Neighbour and visual impact
- Landscape impact
- Highway safety

Relevant planning history

5.2 Site history:

B.168/64 - Site for residential development (refused).

B.642/70 - Site for one dwelling and access (refused).

B.1101/72 - Proposed agricultural access (approved).

CHN.714/79 - Construction of detached dwelling, garage and vehicular access (outline) (refused and appeal dismissed).

- 5.3 History specifically relating to the conversion of the Long Barn:
- CHN.266/89 - Conversion of existing redundant barn to dwelling, construction of access change of use of paddock to garden space (approved).
- CHN.9/94 - Renewal of CHN.266/89 for the conversion of existing redundant barn to dwelling, change of use of paddock to garden space (approved).
- 98/02197/F - Renewal of CHN.9/94 for the conversion of existing redundant barn to dwelling, change of use of paddock to garden space and creation of new highway access (approved).
- 03/01428/F - Renewal of 98/02197/F for the conversion of existing redundant barn to dwelling, change of use of paddock to garden space and creation of new access to highway (approved).
- 05/00350/F - Minor alterations to design conversion of redundant barn to dwelling as approved by 03/1428/F. Improve existing access to highway (approved).

Principle of development

- 5.4 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. Sustainable development has three dimensions: economic, social and environmental. 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. Government guidance requires housing applications to be considered in this context of sustainable development.
- 5.5 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.
- 5.6 Hornton is considered to be a 'Category 2' village within in the Adopted Cherwell Local Plan. The site is situated at the edge of the village and despite the lack of any other buildings on the eastern side of Miller's Lane is considered to be within limits of Hornton, due to its location within the curtilage of The Long Barn. New residential development is therefore to be assessed against Saved Policy H14 of the Adopted Cherwell Local Plan; this sets out that new residential development within the village is limited to:
- infilling (defined as the development of a small gap in an otherwise built-up frontage suitable for the erection of one or two dwellings);
 - the conversion of existing buildings and;
 - other small scale development that can be shown to secure significant environmental improvement within the settlement.
- 5.7 Given the location and context of the site Officers do not consider that the site is suitable to be considered as an infill plot; it is obviously not replacing or converting an existing building, and although the applicant highlights the proposals 'green'

credentials within the application's supporting documents, it will not, in Officer's opinion, secure significant environmental improvement within the settlement. Given these factors it is Officer's opinion that the proposals are contrary to the provisions and aims of Policy H14 and are unacceptable in principle.

- 5.8 The conversion of the Long Barn was originally granted permission in July 1989 under reference CHN.266/89. As can be seen by the planning history above the permission was renewed several times before the barn was finally converted in 2006 following an application in 2005 for minor amendments (05/00350/F) to the approved scheme. With this permission a significant amount of garden land was attached to the property, which is now considered to be the curtilage of The Long Barn, and extends further north-wards beyond the current application site.
- 5.9 Whilst it is conceded that the proposed site does fall within village limits, being within the curtilage of The Long Barn, it does sit beyond the actual physical built up limits of the village on the eastern side of Miller's Lane. The planning history of the site shows that the Planning Authority has resisted the development of the site for residential purposes several times in the past, amidst concerns that by permitting new dwellings on the site that it would extend the village boundary and, whilst every application must be assessed on its own merits, it may set a precedent for future expansion of the village's boundaries. This view was upheld by inspectors in dismissing an appeal against the Authority's decision to refuse application CHN.714/79 for outline permission for the construction of detached dwelling, garage and vehicular access on the site subject of this application. This current application could also be seen in this light and given the size of the curtilage of The Long Barn further applications could potentially be forthcoming along Miller's Lane.
- 5.10 Policy 'Villages 1' of the Submission Local Plan 2006-2031 provides a categorisation of the district's villages to ensure that unplanned, small-scale development within villages is directed towards those villages that are best able to accommodate limited growth. Hornton is a Category C village, where only conversions will be considered, this is on the basis that the level of community facilities (such as shops) in or around the village is not sufficient to sustain a higher level of growth. Whilst the Submission Local Plan carries little weight at this time, this is important insofar as it demonstrates that Hornton is not the most sustainable location for additional growth moving forward.
- 5.11 With regard to Policy H14 and its consistency with the NPPF, in a recent appeal decision against the Council's refusal against residential development in Milcombe (12/01580/F), a village of similar scale and facilities to that of Hornton, the inspector made the following comments in dismissing the appeal:

"I consider that the conflict with Policy H14 is more than just a "technical" one, and that if the appeal were to be allowed on this basis, it could make it difficult for the Council to resist non-infill development in other small villages, which cumulatively could damage the strategic objectives of housing policy for the district. Occupiers would be highly dependent on travel by car to employment, shops, services and facilities, and this limits its sustainability credentials. I therefore consider that the proposal does not constitute sustainable development as described in the National Planning Policy Framework (the Framework)".

These comments would also appear to be relevant to this application, in that Hornton is not a sustainable location and that Policy H14 should be given substantial weight.

- 5.12 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. Officers consider that the contribution that a single dwelling would make towards the shortfall in housing land supply would be very small. In this case it is considered that there are not sufficient benefits resulting from the proposal that would outweigh the harm identified above. The proposal would not constitute sustainable development and consequently the presumption in favour of development does not apply in this instance.

Visual and neighbour impact

- 5.13 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 that are sympathetic to the character of the context of the development. Also that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity, and that provides standards of amenity and privacy acceptable to the local planning authority.
- 5.14 Although the proposed dwelling will be sited at a much higher level than other properties within the vicinity, it will be set back into the side of the bank on site. This coupled with the existing screening that is present along Miller's Lane and the proposed hedgerow at the top of the site mean that, aside from properties immediately adjacent the site, views of the proposal from the public domain will largely be restricted to glimpsed views when travelling down Miller's Lane into Hornton and distance views across the valley to the south-west.
- 5.15 The site is partially within the Hornton Conservation Area. The Council's Conservation Officer expresses some reservations as to the overall design and appearance of the proposals, some of which have been resolved during the course of the application through minor design changes to the proposals, and the potential impact on the conservation area and other listed Heritage Assets within the vicinity; although, on balance he considers that any potential impact is somewhat mitigated by the siting of the proposal and the existing and existing boundary screening.
- 5.16 The design of the proposal is contemporary in its nature and would be a step away from the more traditional buildings seen currently within the village. At para. 60 the NPPF states that:

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness"

And further in para. 61 that:

"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations".

It is Officer's opinion that the proposed design, although 'different', has a degree of originality that would not have an adverse impact on the visual amenity of either the immediate area or that of the wider conservation area and which would provide suitable standards of amenity to its future occupants. The existing boundary screening could be secured and maintained through the use of appropriate conditions, should the application be permitted, and therefore any impact on the conservation area and listed heritage assets would not be so significant that it would

warrant a reason to refuse the application on design grounds.

- 5.17 Saved Policy C27 of the Adopted Cherwell Local Plan 1996 seeks to resist development that would fail to respect the historic village settlement pattern and considers that the settlement pattern of a village can be as important to its character as the buildings.
- 5.18 The proposed dwelling is set within a substantial plot, significantly larger than the majority of other properties within the site's vicinity, and is screened from the road by the existing hedgerow and trees. This, in Officer's opinion, is in direct contrast with the existing properties within the vicinity which, although in some instances are set back in their plots, the majority have active open frontages which face onto the street.
- 5.19 Whilst in some respects the proposals may appear to accord with some aspects of policies C28 and C30, in Officer's opinion the proposed layout fails to respect the historic settlement pattern, character and form presented within the immediate area, by virtue of being hidden away from the street-scene, and would therefore be contrary, in general, to the aims and provisions of policies C27, C28 and C30 and therefore again unacceptable in principle.
- 5.20 The proposed dwelling is set mid-plot giving some separation from properties along the eastern side of Miller's Lane. The nearest, and therefore most potentially affected property, is at The Claverings which, due to the drop in land levels, is bounded by the hillside, some planting and a post and rail fence. Although the proposed dwelling sits in an elevated position, given its orientation and distance, it is the Case Officer's view that there would be no significant harmful effect on the level of amenity currently enjoyed by this property in terms of over-domination, loss of light, overshadowing or loss of privacy.
- 5.21 The amenity of properties opposite the site on the western side of Miller's Lane will not, in Officer's opinion, be affected as a result of the development due to the established mature hedgerow and trees that bound and screen the site along Miller's Lane.
- 5.22 Officers therefore consider that the proposals are in compliance with Policy C30 of the Adopted Cherwell Local Plan, in that they will not detrimentally impact on neighbour amenity, and are therefore acceptable in this respect.

Landscape impact

- 5.23 Saved Policy C7 of the Adopted Cherwell Local Plan 1996 seeks to resist development that would harm the character of the countryside. Policy C13 only permits development which will conserve or enhance the Area of High Landscape Value.
- 5.24 Give the context of the site, existing and proposed boundary screening and the nature of the proposed development, whilst there will be an impact on the immediate area of the landscape surrounding the development, with the construction of the dwelling into the side of the slope that exists on the site, it is the Case Officer's considered opinion that any harm caused will be localised and the harm caused to the wider landscape would not be so significant that it would warrant a reason to refuse the application on these grounds alone.

- 5.25 Officers therefore consider that the proposals are in compliance will Policy C7 and C13 of the Adopted Cherwell Local Plan, in that they will not detrimentally impact on the character of the countryside and will conserve the Area of High Landscape Value, and are therefore acceptable in this respect.

Highway Safety

- 5.26 The site is served by an existing access off the main road into the villages of Hornton; which currently serves the Long Barn. A further access for the proposed dwelling would be created off the existing driveway. It is Officer's opinion that here is ample opportunity for vehicles to enter and leave the site in a safe manner.
- 5.27 The County's Highways Liaison Officer raises no objections to the proposal subject to full specifications of the parking and manoeuvring area (including construction, layout, surfacing and drainage) being submitted and approved. These details could be dealt with through the addition of suitably worded conditions should permission be granted.
- 5.28 The views of the County's Highways Officer are supported by the Case Officer and It is considered that the development of a dwelling on the site will not have a detrimental impact of the safety of highway users and as such, accords with central Government advice contained within the NPPF.

Other Matters

- 5.29 Records show that the site is within an area that may contain elevated concentrations of naturally occurring arsenic, chromium and nickel; as is seen in many areas across the Cherwell district. Although no formal response has been received from the Council's Environmental Protection Officer, it is considered that the potential for contamination will not affect restrict the ability to approve this development, if that were considered appropriate.
- 5.30 Records also show that the southern tip of the site is within the 'Northern Valleys' Conservation Target Area. Given scale, siting and nature of the proposed development it is considered unlikely that it will have any significant impact on the Conservation Target Area.

Engagement

- 5.31 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicant's agent has been made aware of the Council's concerns with the proposals during the course of both the current and previous submissions. It is considered that the duty to be positive and proactive has been discharged through the dialogue that has been undertaken with the agent and the efficient and timely determination of the application.

Conclusion

- 5.32 The applicant has expressed his desire in wishing to remain residing within the village of Hornton; albeit in a property of a lesser scale. Whilst this desire is understandable, given the quiet rural nature of the village, the application still stands to be assessed against the Local Development Plan unless other material considerations dictate otherwise. It is the Officers view that the desire to remain within the village is not a material consideration that should override Local Plan Policy in this instance. It is considered the site is not in a sustainable location and is therefore contrary to policies

with the Adopted Cherwell Local Plan and Government guidance contained within the NPPF as outlined below.

6. Recommendation - Refusal for the following reason

1. Hornton is a Category 2 settlement as defined in the Adopted Cherwell Local Plan 1996. Within such settlements, new residential development is restricted to conversions, infilling and small-scale development which can be shown to secure significant environmental improvements. The proposed development does not accord with these provisions and therefore represents unsustainable development. The proposal is therefore contrary to Government guidance contained within the National Planning Policy Framework and saved Policy H14 of the Adopted Cherwell Local Plan 1996.
2. The proposed new dwelling fails to respect the historic settlement pattern presented within the immediate area, contrary to Saved Policies C27 and C28 Adopted Cherwell Local Plan 1996.

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), the applicant's agent has been made aware of the Council's concerns with the proposals during the course of both the current and previous submissions. It is considered that the duty to be positive and proactive has been discharged through the dialogue that has been undertaken with the agent and the efficient and timely determination of the application.