

**Site Address: Land North West of
Wroxton Mill, Wroxton**

14/01491/F

Ward: Wroxton

District Councillor: Douglas Webb

Case Officer: Rebekah Morgan

Recommendation: Refusal

Applicant: Mr and Mrs James and Angela Perry

Application Description: Proposed new dwelling

Committee Referral: Member
Request

Committee Date: 27 November 2014

1. Site Description and Proposed Development

- 1.1 The application site is a parcel of land to the northwest of Wroxton Mill; the land has been historically used as additional garden for Wroxton Mill but is now in separate ownership. The site is approximately 2km to the southwest of the main built up part of Wroxton and approximately 1.2km to the east of Shutford.
- 1.2 The application seeks consent for a three bedroom dwelling. The proposal is for a 'T' shaped building with the majority of the accommodation on the ground floor and a master bedroom located in the roof space. The building would be constructed of stone with a slate roof and a pitched roof dormer window. The building would have an eaves height of between 2.3m and 4m and a ridge height of between 6.1m and 7.5m (due to change in land levels).

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 the 28th October 2014.

1 letter has been received from the new owners of Wroxton Mill raising no objections to the proposal.

3. Consultations

- 3.1 Wroxton Parish Council: No objections but made the following comments: 'Good design but question if situation is in policy – precedence? Neighbours have no objections. Unobtrusive, local materials'.

Cherwell District Council Consultees

- 3.2 Ecology Officer: No objections subject to conditions.

Oxfordshire County Council Consultees

- 3.3 Highways Liaison Officer: No objections subject to conditions

- 3.4 Minerals: No comments to make on this application.

Other Consultees

- 3.5 Thames Water: No objections

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- H18: New dwelling in the countryside
- C7: Landscape conservation – Topography and character
- C8: Landscape conservation – Sporadic development
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Submission Local Plan (January 2014)

Submission Local Plan (January 2014) (SLP) has been through public consultation and was submitted to the Secretary of State for examination in January 2014, with the examination beginning in June 2014. The Examination was suspended by the Inspector to allow further work to be undertaken by the Council to propose modifications to the plan in light of the higher level of housing need identified through the Oxfordshire Strategic Housing Market Assessment (SHMA), which is an objective assessment of need. Proposed modifications (August 2014) to meet the Objectively Assessed Need were subject to public consultation and the examination is set to reconvene in December 2014. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

The policies listed below are considered to be material to this case and are not replicated by saved Development Plan Policies:

- ESD13: Local Landscape Protection and Enhancement
- ESD16: The Character of the Built and Historic Environment

5. Appraisal

5.1 The key issues for consideration in this application are:

- Principle of the development
- Visual amenity and landscape impact
- Impact on residential amenity
- Highway Safety
- Ecology

Principle of the development

5.2 Paragraph 14 of the National Planning Policy Framework (NPPF) states that a presumption of sustainable development should be seen as a golden thread running through decision taking. It goes on to say that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted, unless any adverse impacts in doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in the Framework taken as a whole, or if specific policies in the Framework indicate the development should be restricted (e.g. Green Belt, AONB's, SSSI's etc.).

5.3 There are three dimensions to sustainable development, as defined in the NPPF,

which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.

- 5.4 Policy PSD1 contained within the Submission Local Plan 2014 echoes the NPPF's requirements for 'sustainable development' and where there are no policies relevant to the application, LPA's should grant permission, subject to the caveats mentioned above.
- 5.5 The NPPF promotes sustainable transport and at paragraph 34, states that decisions should ensure that development that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In this case, the site cannot be said to be located within a sustainable location, being within the open countryside and without access to public transport connections.
- 5.6 The site is clearly within the open countryside; limits of settlements are not defined within local planning policy, however, the group of three dwellings in this location do not constitute a settlement in policy terms.
- 5.7 Although the land subject to this application is used for domestic garden, it is still open and undeveloped land within the open countryside and accordingly Policy H18 of the adopted Cherwell Local Plan (new dwellings in the countryside) which restricts new dwellings to those 'essential for agriculture or other existing undertaking'. No such justification has been provided with the application.
- 5.8 It is considered that the erection of a dwelling on this undeveloped open land would result in inappropriate encroachment into the open countryside. Furthermore, the granting of this application would set an undesirable precedent for a similar development on other parcels of 'domestic land' within the area.
- 5.9 Although the applicant has suggested the building would be built to PassivHaus certification, this single element of sustainability does not outweigh the concerns regarding the proposed location in the open countryside.
- 5.10 The Council accepts that it cannot demonstrate a five year housing land supply, however, the contribution that a single dwelling would make does not outweigh the harm caused by allowing an unsustainable new dwelling in the open countryside and the precedent that it would set for other similar development.
- 5.11 This development represents unsustainable and inappropriate development within the open countryside contrary to Policy H18 of the adopted Cherwell Local Plan and government guidance contained within the National Planning Policy Framework.

Visual Amenity and landscape impact

- 5.12 The proposed dwelling would be situated on an area of undeveloped land which forms an integral part of the rural character of the area and the land is within an Area of High Landscape Value (AHLV) which seeks to preserve the beauty and character of the area.
- 5.13 The design of the building attempts to replicate a converted barn with the large areas of glazing representing features such as barn door openings. However, the plan form fails to follow the linear form traditionally associated with rural buildings. Furthermore, features such as a chimney stack and dormer window are unlikely to be found on a converted agricultural building.
- 5.14 To summarise, the design is not traditional or reflective of the local vernacular.

Although the building is proposed to be set back in the site, the lack of screening along the front of the site will result in the development being a prominent feature within the street scene.

- 5.15 The site is currently screened from the open countryside but if approved it would be difficult to insist that the planting is retained for more than the five years normally required by conditions. It is not unreasonable to assume that future occupiers may want to take advantage of the views gained from this location and therefore there is no guarantee the house would always remain so well screened. Furthermore, during different seasons the building may become more prominent.
- 5.16 In terms of the proposal's impacts on the character of the open countryside and AHLV; consideration has to be given to the proposed location in the open countryside and the proposed design.
- 5.17 The proposal represents poor quality design which is not reflective of the local vernacular. The proposal to build on a very open, undeveloped parcel of land will have a detrimental impact on visual amenity, the character of the countryside and the AHLV. The proposal is therefore contrary to government guidance on requiring good design and conserving and enhancing the natural environment contained within the National Planning Policy Framework and Policies C7 and C28 of the adopted Cherwell Local Plan.

Impact on Residential Amenity

- 5.18 Due to its remote location, position in relation to the nearest properties and orientation, it is not considered that the proposal would be detrimental to residential amenity by way of overlooking, overshadowing and overbearing.

Highway Safety

- 5.19 The Local Highway Authority has raised no objections to the application, subject to a number of planning conditions. The proposal includes sufficient on site parking for the property. The proposal is considered acceptable in terms of its impact on highway safety.

Ecology

- 5.20 The Council's Ecologist commented that *'the ecological survey report found that although the application site forms part of the larger Wroxton and Balscote Mills County Wildlife Site (CWS), it does not support any of the species-rich grassland or notably plants for which the CWS is designated. Therefore I cannot object to this development on the grounds of it causing harm to a designated site.*

Given the habitat on site and previous sightings of grass snakes in the vicinity, there is potential for them to be present within the application site. Therefore a precautionary method of working has been recommended within the report in order to ensure no reptiles are harmed during any site clearance. Ecological enhancements in the form of bat roosts and bird nesting boxes have also been proposed'.

- 5.21 As part of this application, due regard has been given to the EC habitats directive and as such, there is not considered to be any ecological constraints to the proposal.

Engagement

- 5.22 With regard to the duty set out in paragraphs 186 and 187 of the Framework, the applicant was advised during pre-application discussions that the principle of the development was considered unacceptable. Amendments would not overcome this

issue and therefore were no sought. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

6. Recommendation

Refusal;

REASON(S) FOR REFUSAL

1. The proposed dwelling constitutes residential development beyond the built up limits of the settlement for which no justification for essential need has been submitted. In its proposed location the dwelling would be an unsustainable form of development which would furthermore detract from the open and spacious, rural character of the area. As such the proposal is considered to be contrary to government guidance contained within the National Planning Policy Framework and Policy H18 of the adopted Cherwell Local Plan.

2. The proposed dwelling, by virtue its design and siting would cause harm to visual amenity, would not be in keeping with the character of the area, and would therefore neither conserve nor enhance the rural character of the area. As such the proposal would cause harm to the character and amenity of the area which falls within a designated Area of High Landscape Value, contrary to government guidance contained within the National Planning Policy Framework and Policies C7 and C28 of the adopted 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 the decision has been made in an efficient way following advice offered during pre-application discussions.