

Site Address: Bacon Farm, Whichford Road, Hook Norton

14/01542/F

Ward: Hook Norton

District Councillor: Cllr Jelf

Case Officer: Ernest Addae-Bosompra

Recommendation: Approval

Applicant: Mr & Mrs Rifat

Application Description: Demolition of existing dwelling and some outbuildings, repairs to retained outbuildings and erection of a family dwelling and new swimming pool (Alternative to 14/00549/F)

Committee Referral: Major development

Committee date: 18 December 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 previously approved scheme (Ref 14/00549/F) 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. 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.
- 1.3 The current application seeks to materially alter the approved scheme under application Ref 14/00549/F by incorporating a single storey side extension to the west elevation of the dwelling. The proposed extension will be used as an office with a door providing access to the courtyard and one linking it to the dining room. The extension will measure 4m deep, 5.5m wide and 3m in height. The external materials and roofing of the single storey rear extension will match the approved scheme. Other alterations to the approved scheme involve using the outbuilding for storage of biomass fuel and logs. The utility room/boots room at ground floor will be widened to adjoin the garage.

- 1.4 A schedule of materials to be used in the construction of the external surfaces of the new development have been stated as follows;
- The dwelling will be constructed in Local ironstone from Great Tew Quarry and a photo of the stone sample is available for inspection and shown in the discharge of condition document.
 - Natural Cotswold stone roof tiles will be used for all the principal buildings as shown in the discharge of condition document.
 - Red dreadnought clay tiles will be used for the Barn to match the existing tiles where repairs are required as stated in the discharge of condition document
 - A timber cladding - A 225mm horizontal oak cladding, featheredge with fat edge showing nom 10mm, left to weather- will be used to clad the north elevation of link to the Barn.
 - The windows will be painted timber sash windows as shown on proposed elevations
 - Vertically boarded oak doors as shown on drawings number 051-303 and 304
 - Parking area and surfacing specification as stated in the discharge of condition document and drawing number 051 -001 –Rev A
 - Use of percolated uPVC drains by OSMA as stated in the Discharge of conditions.
 - Exact specification of soakaway to depend on soil percolation test as stated in Discharge of condition document

Aboricultural method statement

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 27th October 2014.
- 2.2 1` letter of objection has been received.
- Barn walls are not in reasonable condition
 - Walls on the rear elevation are leaning forward
 - Barn not suitable for conversion
 - Main issue is tanking of the retaining walls
 - Likelihood of undermining the existing foundations

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 objections
- 3.3 **Ecology Officer:** no objection, recommended informative.
- 3.4 **Landscape Officer;**- no objection subject to conditions

Oxfordshire County Council Consultees

- 3.5 **Highways Officer:** no objection subject to conditions

Other Consultees

3.6 **Environment Agency:** Low environmental risk, no objections

3.7 **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

Planning Practice Guidance

Submission Cherwell Local Plan (January 2014)The 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:

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
- Protected Species
- Submission of details

Relevant Planning History

- 5.2 Relevant planning history includes application ref; 14/00549/F that gained permission on 24th June 2014 for the demolition of existing dwelling and some outbuildings, repairs to retained outbuildings, and erection of dwelling and new swimming pool. The resultant dwelling would have five bedrooms and largely retain the positioning of the existing dwelling towards the east of the curtilage. The current application seeks to alter the design of the approved scheme by the inclusion of a single storey extension to the west elevation of the approved scheme. Other alterations to the approved scheme involve using the outbuilding for storage of biomass fuel and logs. The utility room/boots room at ground floor will be widened to adjoin the garage.
- 5.3 It is also proposed to discharge Condition 1 – drainage plans, Condition 3 – sample panel of proposed stone, Condition 4- Schedule of materials specification, Condition 6- Boundary treatment details, Condition 7- Parking area, Condition 8 – Details of landscaping, and Condition 10 – Arboriculture Method Statement of the approved application ref; 14/00549/F
- 5.4 The existing dwelling benefits from full permitted development rights and is not subject to an agricultural tie.

Principle

- 5.5 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.
- 5.6 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. In this case, the site is considered to lie outside the built up limits of any settlement and is within the open countryside.
- 5.9 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.

- 5.10 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.
- 5.11 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. In any event the principle is established through the approval of 14/00549/F which is extant.

Visual Amenity including AHLV

- 5.12 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.
- 5.13 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.
- 5.14 Saved Policy C13 of the adopted Cherwell Local Plan seeks to conserve and enhance the environment within an Area of High Landscape Value (AHLV).
- 5.15 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.
- 5.16 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. The proposed extension would be comfortably accommodated within the new housing development without appearing cramped. The new development therefore complies with Policies C28 and C30 which seeks to ensure that all new development is compatible with the character, appearance, scale and layout of existing dwellings in the vicinity.
- 5.17 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.
- 5.18 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.

- 5.19 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

- 5.20 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

- 5.21 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. Oxfordshire County Council Highway Authority has assessed the proposal, including a visit to the site. They do not have any objections provided that suitable conditions are attached.
- 5.22 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.
- 5.23 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.
- 5.24 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.
- 5.25 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.
- 5.26 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

- 5.27 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

- 5.28 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.

Submission of details

- 5.29 The Local ironstone from Great Tew Quarry is considered a good match. Having seen the photo it is considered acceptable. Natural Cotswold stone roof tiles is considered acceptable and is a good match
- Red dreadnought clay tiles used for the Barn to match the existing tiles where repairs are required is considered a good match but a sample will have to be submitted
 - A timber cladding - A 225mm horizontal oak cladding, featheredge with fat edge showing nom 10mm, left to weather is considered acceptable but a sample will have to be submitted
 - The windows will be painted timber sash windows as shown on proposed elevations. These are similar to those approved in the last application ref; 14/00549/F. They are considered acceptable but a sample will have to be provided for inspection.
 - Vertically boarded oak doors as shown on drawings number 051-303 and 304 are a good and is considered acceptable. Condition 5 can be discharged.
 - Landscaping, Parking area and surfacing specification as stated in the discharge of condition document and drawing number 051 -001 –Rev A is considered acceptable and can be discharged.
 - Use of percolated uPVC drains by OSMA is considered acceptable.
 - Details of specification of soakaway will have to be submitted.
 - Detailed response of aboricultural method statement to be reported verbally

Engagement

- 5.30 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems arised during the course of the application which represents sustainable development and has been determined within the statutory timeframe. It is considered, therefore, that the duty to be positive and proactive has been discharged.

Conclusion

- 5.31 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 and changes which form part of this new application 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.
- 5.32 The materials submitted for the external materials are similar to those approved in the last application and are considered to be a good match but samples will have to be

submitted

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, aboricultural method statement, discharge of Condition document ref; DisCon051-WIL01, Letter ref nw/5807 dated 19th August 2014, proposed boundary treatment, drawing numbers, 051 – 002, 002 – Rev A, 004, 004 – C,303, -003 Rev A, -304, 003 – C, 003- A, 001 – Rev A (All 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. Notwithstanding the photo of a stone sample shown in the discharge of condition document, 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. 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.

5. 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

6. 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.

7. 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.

8. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason – To ensure that the development is provided with a risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

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.

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.