

**Site Address: The Barnhouse,  
Mollington Road, Claydon**

**14/01633/F**

**Ward:** Cropredy

**District Councillor:** Ken Atack

**Case Officer:** Rebekah Morgan

**Recommendation:** Approval

**Applicant:** Mr and Mrs Ulyett

**Application Description:** Extension to existing dwelling together with retention of portacabin for the duration of the building works.

**Committee Referral:** Member  
Request

**Committee Date:** 19<sup>th</sup> February 2015

**1. Site Description and Proposed Development**

1.1 The application site comprises of a large portal frame barn. The site history shows a small dwelling lawfully exists in the west corner of the building and the surrounding site (including the remainder of the barn) forms its domestic curtilage.

1.2 The application seeks consent for internal alterations to extend the dwelling within the barn and for the insertion of additional fenestration on the northwest and southwest elevations of the building. The application also seeks consent for the retention of a portakabin on the site to be used as temporary accommodation for the duration of the works.

**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 21st November 2014.

3 letters have been received. The following issues were raised

- Planning history on the site has resisted residential development
- Threatens the appearance of the historic entrance to the village
- Beyond the built up limits of the village
- Existing structure will not be enhanced
- Impact on listed building
- Intrusion into the open countryside
- Nothing to prevent the demolition of the vacant part of the barn
- Without architectural merit
- How long will the portakabin be on site if the building works don't start?

**3. Consultations**

3.1 Claydon Parish Council: Objects. The following comments were received:

The members of this Parish Council strongly object to this application and offer the following reasons:

Previous applications for development on this site stretch back over 26 years. Over this period considerably time and effort by numerous members of this Council and your department have been devoted to considering applications for development. Applications have been routinely refused and the reasons for refusal are the same today.

Those refusals lead to steps being taken to develop the site concealed within an agricultural barn. Even after bringing this to the attention of the planning department, Mr Jefferies was rewarded by the granting of a Certificate of Lawful Use. The

granting of this application would give credibility to this method of circumventing laid down planning regulations. This certificate was obtained by default and has created the on-going problem that we are faced with now.

The site is in a very prominent position at the entrance to the village which is designated as an Area of High Landscape Value. The desirability of this position is highlighted in the plan by the number of windows proposed for the southwest elevation. The proposal effectively doubles the dwelling area of what was granted in the Certificate of Lawful Use.

The northeast elevation shows eight glassed areas comprising doors and windows. This area is currently in the centre of a dark barn. It is again obvious that if this application is granted it will result in the demolition of the barn, which was always the intention. What is currently an agricultural barn will then become a residential development by default.

I would draw your attention to a document 14/00107/F – Committee date 10<sup>th</sup> July 2014. Under 5.1 Appraisal The key issues are:

Relevant Planning History

Principle of the development

Design, impact on visual amenity, Character of the countryside and Area of High Landscape Value

Neighbouring Amenity

Planning history has been stated.

Principle of the development. *The principle has always been to erect a large dwelling outside the bounds of the village. Only the name of the applicant has changed.*

Design etc., *The design is not in keeping with surrounding properties, particularly considering its proximity to listed and historic buildings. It will have an impact in this very prominent position. The character of this site is an agricultural barn and should remain so. The Area of High landscape Value, particularly in villages should be preserved for future generations.*

Although the new applicant would claim that this is not a new dwelling, the proposal is to more than double the existing area. The applicant has or, is proposing to move into the existing dwelling knowing its limitations. This does not constitute a need that would warrant the granting of this application.

Policy H18 of the ACLP (Policy of the NSCLP) requires that new dwellings beyond the built up limits of settlements are only approved in the event of them being essential for agriculture or other existing undertakings. This does not.

The aims of the local policy are valid but this application does not satisfy those aims.

In the applicants supporting statement, item 1.5 refers to as Portakabin. This appears to have been installed on the assumption that work will commence as it did in concealing the existing building within the barn.

Item 2.1 again refers to the concealed dwelling.

2.2 States that the proposed *extension* will be within the shell of the building (agricultural barn). I would suggest this will only be until the barn is removed to result in an undesirable creation in this Area of High Landscape value and outside the bounds of the village.

2.5 The applicant draws your attention to policies C7 and C8 of the Local Plan and suggests that the proposal “is not in conflict”, which it most certainly is.

In the application for Planning Permission document, I query the negative answers to sections 17 and 18. Certainly the proposal does involve a change of use of non-residential floorspace.

I attach a statement made by me on the last occasion that this site was discussed before the full planning committee. It is as relevant for this application as it was for the last.

We very strongly object to this application.

(Attached to the comments is a statement relating to a previous application. This document is available to view in full via the Council's public access system).

### **Cherwell District Council Consultees**

3.2 Conservation Officer: I would consider the proposed extension to this existing dwelling to be inappropriate. 'The Barnhouse' is surrounded by heritage assets including a curtilage listed building only 6m away, the Manor Farm itself and a number of properties identified in the Article 4 Study (The Vicarage, Priory Cottage, Priors Mead). I would be concerned that the proposed development could harm the setting of these 'assets'. The Design and Access statement does not address this question and no justification for harm to heritage assets is offered.

3.3 Ecology Officer: No objections

### **Oxfordshire County Council Consultees**

3.4 Highways Liaison Officer: No objections

3.5 Archaeologist: There are no archaeological constraints to the scheme

3.6 Rights of Way Officer: No comments received

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

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

- C7: Character of the landscape
- C13: Area of High Landscape Value
- 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

Planning Practice Guidance (2014)

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.

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Impact on Visual Amenity and heritage assets
- Neighbouring Amenity

### **Relevant Planning History**

- 5.2 73/00799/B: Erection and extension of R.C portal framed agricultural building. Application Permitted.
- 5.3 88/00037/N: Demolition of Farm building, clearance of concrete yard and material stored and replacement with residential development (outline). Application refused and appeal dismissed.
- 5.4 95/01345/OUT: Outline. Construction of one dwelling. Clearance of cattle yard. Application refused.
- 5.5 02/02667/F: Change of use of barn to offices and storage. Application withdrawn.
- 5.6 03/01144/F: Part change of use of agricultural building to chiropractic clinic and storage for antiques furniture. Application refused.
- 5.7 05/01892/F: Cladding to existing agricultural building. Part retrospective. Application Permitted.
- 5.8 10/01095/CLUE: Certificate of Lawful Use Existing – To use site as private residence. Certificate granted.
- 5.9 13/01506/F: Demolition of majority of the barn and extension to dwelling. Creation of a residential curtilage. Application Permitted.
- 5.10 14/00107/F: Extension to residential curtilage. Application Permitted.

### **Principle of the development**

- 5.11 There is a long and complex planning history associated with the site and it clearly shows that the Council has historically resisted residential development on the site. However, part of the barn now has a lawful use as a dwelling and the remainder of the site (including the barn itself) forms its domestic curtilage.
- 5.12 The residential use is lawfully established on the site, the inclusion of the barn within the residential curtilage means that it also has a 'residential use' in planning terms. Although the application seeks to extend the floor area of the dwelling, the application cannot consider the principle of residential use as it is already established on the site.
- 5.13 This application seeks to extend the size of the dwelling within the residential curtilage and insert some additional fenestration into the building.
- 5.14 The principle of inserting additional windows into a dwelling and extending a dwelling within its curtilage is considered to be acceptable provided the proposal does not

cause harm to the visual amenities of the area, heritage assets or neighbouring amenity.

### **Impact on visual amenity and heritage assets**

- 5.15 Policy C28 of the adopted Cherwell Local Plan states *“Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required”*.
- 5.16 The building has historically been used for agricultural purposes; it is a steel portal frame building that has been partially clad in corrugated metal sheeting. The building is visible as you travel towards Claydon along the Mollington Road and from the surrounding open countryside.
- 5.17 Any proposed alterations need to respect the rural character and nature of the site; however, it would be unreasonable to refuse any external changes to the building given that a residential use is lawfully established on the site.
- 5.18 The extension of the dwelling within the barn (residential curtilage) would result in external changes to the barn in the form of additional fenestration on two elevations. Your officers have sought amendments to reduce the overall number of windows and reduce the size of the entrance porch.
- 5.19 The proposed windows would be powder coated metal and the colour of the finish could be conditioned. This style of window is more typically found in industrial/agricultural buildings where there is an ancillary office or workshop requiring windows. Therefore, the windows would not appear out of keeping on the building. The Council would not want to see the use of materials such as uPVC on this site.
- 5.20 Given that the lawful use of the site is residential, it would be unreasonable not to allow any external changes to the building and your officer consider that a reason for refusal due to design considerations would be difficult to defend at an appeal.
- 5.21 Concerns have been raised regarding the visual appearance of the building if the remainder of the barn was demolished. Conditions have been recommended to prevent the demolition of part of the building without the express consent of the local planning authority. This will enable the Council to retain control over the visual appearance of the site.
- 5.22 The proposal includes the siting of a portakabin for the duration of the works. Your officers' site visit noted that this is already on site. The portakabin is located within a well screened corner of the site and is not clearly visible from the main road. The building appears to have been refurbished and is in a good state of repair. It is not uncommon for temporary buildings to be used on site while work is undertaken.
- 5.23 A planning condition has been recommended to ensure the portakabin only remains on site to provide alternative accommodation whilst the proposed works are taking place.
- 5.24 Manor Farm situated to the north of the site is a Grade II Listed Building. This application seeks to make internal alterations to the building and insert additional fenestration, it does not alter the overall scale or position of the building; therefore the proposal would not have a detrimental impact on the setting of the listed building.

- 5.25 The site is located with an area of high landscape value. The proposed alterations would not significantly change views of the building in terms of its overall scale and prominence within the landscape. The proposal is not considered to have a negative impact on the character of the landscape.
- 5.26 The proposal would not have a detrimental impact on the rural character of the site, the wider visual amenities of the area, the setting of the listed building or the wider landscape character of the open countryside. The proposal complies with government guidance contained within the National Planning Policy Framework and Policies C7, C13 and C28 of the adopted Cherwell Local Plan.

### **Neighbouring Amenity**

- 5.27 The application seeks for internal alterations to the building and to add insert additional fenestration into the northeast and southeast elevations of the existing dwellings. Additional windows in these two elevations would not result in harmful overlooking of the neighbouring residential properties.
- 5.22 As the proposal is limited to internal alterations and the insertion of additional windows, the general outlook from the neighbouring properties would remain unchanged.
- 5.23 The proposal would not cause harm to neighbouring amenity and accords with the core principles of the National Planning Policy Framework and Policy C30 of the adopted Cherwell Local Plan.

### **Other Matters**

#### **Engagement**

- 5.24 With regard to the duty set out in paragraphs 186 and 187 of the Framework, amendments have been sought during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient determination of the application.

## **6. Recommendation**

**Approval**, subject to the following 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 application shall be carried out strictly in accordance with the following plans and documents: Application forms, site location plan and drawing number 2286/05 rev A.

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, samples of the colour/finish of the windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

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.

4. Notwithstanding the development hereby approved, the remaining walls and roof of the barn shall not be removed without the prior express consent of the Local Planning Authority.

Reason - To ensure the satisfactory appearance of the completed development, to protect the amenities of neighbouring properties and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The portakabin hereby approved shall only remain on site for the duration of the building works relating to the application and shall only be occupied by the current occupants of 'The Barnhouse' for the duration of the works. Within two months of the occupation of the development hereby approved, the portakabin shall be removed from the site in its entirety.

Reason - The building, because of its design and siting, is not suitable for permanent retention and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

1. In relation to condition 5, if the proposed works are not due to commence within three months of the date of this decision, the portakabin should be removed from the site and only reinstated for the duration of the approved works in accordance with Condition 5.

2. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.

### **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 and timely way.