

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

14/02090/F

Ward: Cropredy

District Councillor: Ken Atack

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Mr and Mrs Ulyett

Application Description: Insertion of windows into existing dwelling.

Committee Referral: Member
Request

Committee Date: 19th 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 to insert external windows on the northeast and southwest elevation of the building. The windows would be located within the section of the building that forms the dwelling.

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 5th February 2015.

2 letters have been received. The following issues were raised

- The proposal would not compliment or enhance the historic entrance to the village
- It would cause harm to the character of the area
- The barn does not lend itself sympathetically to the insertion of residential windows

3. Consultations

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

It is the decision of this Parish Council to object to this application on the following grounds:

- 1) This building exists only as a result of the granting of a Certificate of Lawful Use. This was achieved by concealing the development within the agricultural barn. It was granted in spite of reports by the Council during the development and a visit by CDC Planning stating no evidence of habitation could be seen. Granting the proposal would set an undesirable precedent for similar extensions to development.
- 2) The appearance of the existing building is still agricultural in character and therefore appropriate to a rural location. Consideration must be given to the appearance of the proposed development in what is a very prominent position at the entrance to the village.
- 3) The area is designated as an Area of High Landscape Value and the proposed installation of windows looking out from this prominent position would be contrary to the preservation of this asset. There is also a belief that this would be contrary to guidance contained in the Cherwell Local Plan, Policies C13 and C28.
- 4) The existing Certificate of Lawful Use as a private residence was granted by default. It was known that a planning application for residential development

on this site would be refused and so the existing development was concealed within the barn. The Certificate of Lawful Use Existing also states that use of part of the site as a private residence is for Mr and Mrs Jefferies and that it clearly applies to part of the barn as designated on the plan attached to the certificate. It was stated at the last planning meeting on the 10th July 2014, relating to this property that it was in the process of being sold by M Jefferies to his son in law and daughter. This latest application asks under “Certificates” (Certificate of Ownership) for confirmation of ownership and has been left blank. Clarification of ownership should be confirmed.

Item 6 of the application: It is quite clear from a letter sent to you by the applicant dated 19th Jan 2015 that guidance has been given by a “Senior Planning Officer” in your department. Therefore this should be shown on the application.

Mr Ulyett also refers to two applications currently submitted. This Council requests that all applications are considered at the same time. He also states that “any householder has the right to submit applications”. This does not mean that “any householder” has the right to be allowed to further develop a building that was erected by concealing it within a barn because they knew that an application to develop would have been refused.

The existing building could not be described as “highly desirable” but the applicants knew this when they moved in. Mr Ulyett further states that he “should be afforded the same right as anyone else” and we must agree, providing that he complies with laid down planning regulations.

There is a long history of attempts to obtain planning permission on this land dating back to 1988. All have been refused and this Council can see no reason in this latest proposal other than to strongly object.

Cherwell District Council Consultees

3.2 Conservation Officer: No comments received

3.3 Ecology Officer: No objections

Oxfordshire County Council Consultees

3.4 Highways Liaison Officer: No objections

3.5 Archaeologist: No comments received

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 The planning history on the site shows that part of the barn has a lawful use as a dwelling and the remainder of the site forms its domestic curtilage. Therefore, the residential use is lawfully established on the site and this application can only consider the changes set out in the submitted documents.

- 5.12 The application seeks consent to insert windows into the section of the building that forms the dwelling. The principle of inserting additional windows into a dwelling 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

- 5.13 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”*.
- 5.14 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.
- 5.15 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.
- 5.16 The submitted proposal included the insertion of 10 external windows (a net increase of 8). It was considered this would result in an overly domestic appearance to the building as the six windows on the southwest elevation were clustered together in a small space. Your officers sought amendments to reduce the total number of windows to 8, with two windows being removed from the southwest elevation.
- 5.17 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.
- 5.18 Manor Farm situated to the north of the site is a Grade II Listed Building. This application seeks to insert additional windows and 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.
- 5.19 The site is located within an area of high landscape value. The proposed alterations would not significantly change views of the building and would not have a negative impact on the character of the landscape.
- 5.20 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

- 5.21 The application seeks only to add insert additional windows 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 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

- 5.24 The Parish Council has raised concerns regarding the ownership of the site. The submitted application form has been completed; the relevant certificate of ownership has been signed to state the applicant is the landowner.
- 5.25 It should be noted that the Certificate of Lawful Use for the private residence applies to the land and not to a specific owner. Therefore, it still applies even if the land changes ownership.

Engagement

- 5.26 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 2286/06 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 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.

Planning Notes

1. 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.