

**Site Address: Muddle Barn Farm
Colony Road, Sibford Gower**

**14/02157/F
Sibford Gower**

Ward: Sibford Gower

District Councillor:

Case Officer: Aitchison Raffety

Recommendation: Refusal

Applicant: Mr & Mrs G Besterman

Application Description: Demolition of existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping.

Committee Referral: Major

Committee Date:

1. Site Description and Proposed Development

- 1.1 The application site is located approximately 1km to the south west of Sibford Gower. Access to the land is taken off Colony Road, along a long access track which serves the application site and also New Barn Farm which is a residential property immediately adjacent. The site lies on a high area of ground which provides extensive views out to the south, west and east. Views to the north are more limited by the landform as it continues to rise slightly in this direction away from the site.
- 1.2 The application property comprises a range of buildings. A single residential property is located on the north eastern part of the site, surrounded by the established residential curtilage. To the south west lies a range of agricultural buildings which were last in use for equestrian purposes, evidenced by the presence of stables and also the three external exercise areas within the ownership of the property.
- 1.3 The application proposes the demolition of the existing dwelling and most of the associated equestrian buildings and structures, although the stable building which runs along the boundary with New Barn Farm is to be retained. The proposal then sees the replacement of these with a substantial residential dwelling located to the south of the existing house and south west of the main range of buildings. The main aspect of the new property would be to the south east over the extensive lawned area which is also proposed. To the rear of the new dwelling runs a range of outbuilding which then returns in a south eastern direction, creating a courtyard to the rear of the house. This range of outbuildings provides ancillary space associated with the main house, garaging, studio/office accommodation and further two bedroom property. The range provides accommodation across the ground floor, but with first floor accommodation within the wing furthest from the main house.
- 1.4 The new house is designed with a Georgian appearance, constructed from natural stone it incorporates accommodation across three floors. The ancillary wings to the rear would be constructed in red brickwork and the roof of the whole development in natural slate. The garden to the property would wrap

around the main house, giving an extensive curtilage to the south east around to the north of the dwelling.

- 1.5 The driveway which serves the existing property will be re-routed taking it further to the south of the exiting route, away from the boundary with New Barn Farm.

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 04 February 2015.

Two letters have been received in support of the proposals. The following matters were raised as summarised below:-

The existing house and associated buildings are unsightly and their replacement with a sympathetically designed stone house will be more in keeping with the area.

One letter of objection has been received which supported the comments made by Sibford Gower Parish Council. The existing dwelling had an agricultural tie and would not have been granted planning permission for any reason other than for agricultural use. It seems the previous owner failed to abide by the agricultural use which has resulted in a change of planning by the current owner to equestrian use.

3. Consultations

- 3.1 **Sibford Gower Parish Council:** objects to the application on the following grounds:

The use of the buildings and land is as farmland/livery stabling. This presumably is the permitted use. Despite the CLUE certificate does the change to residential use as a family home require further specific planning consent.

The current collection of buildings are of no architectural merit. In support of the application it may be argued that the development would represent an aesthetic improvement.

The development is adjacent to New barn Farm and would appear to dominate it and represent overdevelopment of the specific site.

Despite their utilitarian nature the present buildings are low and well shielded, they make little impact on the surrounding landscape. The replacement dwelling, five times the size of the original with an additional separate dwelling which is itself approximately the same size as the original dwelling.

The Design and Access Statement makes much of the fact the development would be placed at a lower level on the site, with the height of the new dwelling the same as the old. This does not alter the fact that the ground to roof elevation of the new building is approximately one third greater than the old, and the size of the building is much greater than the original.

The proposed development is situated on high land with magnificent views in every direction. These views extend as far as the Sibfords to the North, Hook Norton to the East, the Rollright Stones, Whichford Wood and Oatley Hill to the South and Broadway Tower to the East. It will be prominently visible across a wide area.

The overall bulk and increased height will create an unacceptable impact on the immediate vicinity, dominating the valley. Whatever the planting proposed the building will stick out like a sore thumb across a landscape characterised by traditional and modest farm buildings. The planting will further change the character of the valley in the summer, with no effect in the winter. This impact can be demonstrated by nearby properties. New barn farm is very visible in the valley from surrounding hill paths. The new house will be in the same position and approximately three times the size. The proposal is comparable in size with Gauthern's Barn on the other side of the valley, but at least partially hidden from many angles due to the bend in the valley.

The proposal will replace an undistinguished chalet bungalow with a mock Georgian mansion. This may be appropriate for the deep Cotswolds, but is completely out of keeping with the traditional vernacular architecture of the Banbury ironstone area, and in particular of the Sib valley. The new proposal will permanently alter the landscape.

NPPF paragraphs 59-60 do not permit prescription in style but does suggest concentrating on overall scale, density, massing, height, landscape, layout in relation to neighbouring buildings and the local area more generally, and states that it is proper to seek to promote or reinforce local distinctiveness.

Local Plan H17 permits replacement of a dwelling outside the limits of an existing settlement provided that 'the proposed replacement is similar in scale and within the same curtilage'. This proposal is of a quite different scale, and is five times the floor area of the original dwelling. The claim that this can be mitigated by invoking permitted development guidelines seems irrelevant, a still leaves a shortfall of over 1000 sq feet.

Local Plan C30 requires compatibility with appearance, character, layout, scale and density of existing dwellings in the vicinity. This has not been demonstrated in relation to New barn farm.

Local Plan C13 Areas of High Landscape value. The valley in which the property stands is designated as an AHLV. This does not affect permitted development rights but it must be asked whether the development is compatible with the aim of the Council to conserve or enhance the environment in these areas.

Emerging Policy ESD 16 requires justification in terms of complimenting and enhancing the context and an explanation of the design rationale. This has not been provided/

This proposal represents inappropriate development in an AHLV, contrary especially to policy H17.

3.4 Severn Trent Water

Raises no objections to the proposals

Cherwell District Council Consultees

3.5 Landscape Officer:

I mostly agree with the results in the landscape and visual effects in the LVIA and cannot justify a refusal on landscape and visual grounds. However, the receptor location 6 should be weighted higher than *low* because of the magnitude of change is quite noticeable for walker receptors where experience of the view is probably anticipated because it is hidden by the hill and woodland as one approaches northwards on Traitor's Ford Road. I would therefore score the sensitivity as **high**, magnitude of change is **medium**. The combined effect is therefore adjusted to **Substantial**. Also the inclusion of College Barn Farm in the middle distance will contribute to a combined cumulative effect of buildings within the visual envelope. A reduction in the building's scale from this aspect should be considered in order to reduce the combined effect to a **medium** result.

I am not too concerned about the architectural style of building materials proposed other than to mention that the development's scale could inadvertently convey a building of power and authority where one did not previously exist. With this adjustment and the fact that the LVIA conclusion admits that the.....' *visual effect assessment of the development proposals on views have a severe to negligible*' effect. This is because of the perceived detrimental effect on visual receptors at year 1, and in order to justify the development the landscape mitigation measures will in time integrate the development into the landscape. In this regard the LVIA has failed to address the timescales in which vegetative screening will be achieved. I think that this is crucial in respect of the growth rates of nursery stock and how the exposed site may be a detriment to the advanced nursery stock (as a general rule smaller nursery stock tend to establish better and quicker than advanced). It is essential to consider the maintenance of the planting to achieve successful establishment (replacements if needed) and growth. This issue must be addressed under a landscape maintenance condition.

For the owners, views of attractive landscape to the southwest are going to be important. Fortunately for the owners receptor experiences of the façade from publically accessible locations at long and middle distances in the west and south west are going to be limited due to intervening topography and structural vegetation: the SW façade can be exposed.

The localised visual effects of receptors on receptor locations VP1B and VP 2B are an important factor: combined effects are substantial for both 1B and 2B. The existing field boundary hedgerow and hedge trees within the applicant's ownership are to be retained as the foundation for further structure planting mitigation. It is important to retain this boundary hedgerow with a minimum maintenance height, say 3 m and therefore subject to a hedgerow retention condition. A BS 5837 survey of the structural vegetation within an influencing

distance of construction on the northern boundary. Root protection zones are to be identified and the extent of protective fencing to be included.

The relocation of the main drive to the south of the 4 prominent oak trees is welcomed. I would recommend that the new drive is built before demolition and construction work commences in order to avoid the root plates of these valuable amenity and screen trees. An arboricultural method statement should address the nature of the work to the land beneath these trees. An indication of the root protection zones, the compaction alleviation measures, due to the existing use of the track is to be addressed under the AMS.

3.6 Ecology Officer

The survey submitted with the application is satisfactory and I agree with its conclusions. I recommend the following conditions:

No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason KR1

The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Sections 4.4 'Bats' of the extended phase 1 survey assessment and Bat Survey Report submitted with the application, which was prepared by Wild Service Ecology Consultancy dated July 2014.

Reason KR2

Prior to the commencement of the development hereby approved, full details of a scheme for the location of two bat roosting tubes or similar bat provision and at least two swallow nesting opportunities within the new building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of any building these provisions shall be installed on the site in accordance with the approved details.

Reason KR3

All species used in the planting proposals associated with the development shall be native species of UK provenance.

Oxfordshire County Council Consultees

3.6 Highways Liaison Officer:

Recommendation:

No objection subject to conditions

Conditions:

D1 Access: Specification/Improvements/Widened

Prior to the construction of the dwelling hereby approved, the existing means of access between the land and the highway shall be improved with the existing geometry, formed, laid out and constructed strictly in accordance with Oxfordshire County Council's specification and guidance.

Reason DR1

D12 Road Construction, Surface and Layout

Prior to the commencement of the development hereby approved, full specification details of the access drive including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling the development shall be constructed in accordance with the approved details.

Reason DR2

D15 Parking and Manoeuvring Areas Retained

Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason DR1

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H17	Replacement dwellings
H18	New dwellings in the Countryside
C8	Landscape conservation
C13	Area of High Landscape Value
C28	Layout, design and external appearance of new development
C30	Design of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

Policy EN34 Conserve and enhance the character and appearance of the landscape

Submission Local Plan 2006 – 2031

The Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved.

The Examination commenced on 3 June 2014. On 4 June 2014 the Inspector temporarily suspended the examination to enable the Council to prepare modifications to the plan to accommodate additional homes across the district. The Examination reconvened on 9 December 2014.

The main policies relevant to this proposal are:-

ESD 13 Local Landscape Protection and Enhancement

ESD 16 The character of the built environment and historic environment

5. Appraisal

5.1 The key issues for consideration in this application are:-

- Principle of Development
- Planning History
- Landscape Impact
- Impact on Neighbouring Amenity

Planning Policy and Principle of Development

5.2 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory

Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

- 5.3 The site lies in open countryside for the purposes of the Local Plan, where there is a general presumption against development. Policy H17 of the adopted Local Plan provides guidance on the replacement of dwellings in the countryside as an exception to the normal restrictions which exist in such areas. It does however relate specifically to "*statutorily unfit or substandard dwellings*". The existing house on the site was constructed following the granting of planning permission in 1985 and there is no suggestion in the submission documents that it is unfit. The policy relates to "*one-for-one*" replacement of dwellings which indicates a limit on their size would be enforced.
- 5.4 The supporting text to the policy indicates that its role is one of protection of the countryside and natural environment from encroachment that would harm its character and appearance. It is clearly aimed at seeking to avoid more conspicuous dwellings in the landscape and it is relevant to understand the purpose of the policy in understanding its relevance. The emerging Local Plan does not contain an equivalent policy and indicates a change in position by the Council on this matter. Whilst the Local Plan has yet to be adopted and carries only limited weight, it does indicate a direction of travel for policies in the District and is a material consideration in assessing planning applications.
- 5.5 The NPPF sets out the presumption in favour of sustainable development as the golden thread which runs through all aspects of planning. Paragraph 55 deals with isolated houses in the countryside and indicates that such proposals should be restricted except in special circumstances. It provides a list of some of the examples *where a new house could be justified but this* is not intended to be exhaustive and the overall approach to the policy is to seek the protection of the countryside from encroachment. These include including agricultural dwellings, re-use of redundant buildings, or securing the optimum viable use of a heritage asset. Paragraph 55 also permits dwellings of exceptional quality or innovative design in the open countryside. The applicant has not sought to rely on this as part of the justification for the proposals. I consider therefore that the application is in conflict with paragraph 55.
- 5.6 The applicant has highlighted a number of other examples in the District where replacement or extensions to existing dwellings have been permitted, similarly in breach of policy H17. It is evident that the proposed development due to its size compared to the existing dwelling does not comply with policy H17 and there is consequently conflict with the development plan as a result. However it is necessary to have regard to the reasons for this policy and its aims and also look at the harm caused through the policy breach. In this instance the key issue in my view is the impact of any proposed replacement dwelling on the landscape and visual character of the locality. This is the position which has been adopted by the Council in similar circumstances and is an appropriate response to the adopted and emerging planning policy.
- 5.7 The application does include two units of accommodation, the second smaller one is located within the range of outbuildings, and provides a two bedroom residence. There is no specific reference to the use of this accommodation

within the submission documents which support the application. It is assumed that the intention would be for use by staff or members of the family although this is unclear. The creation of a second residential unit within the site would conflict with policy H17 and also paragraph 55 of the NPPF which both seek to limit new dwellings in the countryside.

- 5.8 Conditions can in principle be used to control the occupation of accommodation and I have considered the potential for this in my analysis. Whilst part of the range of outbuildings proposed, the second unit of accommodating is wholly independent and has been designed with its aspect away from the main residence and its associated outdoor spaces. I am concerned that such a unit would create a second dwelling in the countryside which conflicts with the general approach of restraint of recognised planning policies. It is relatively remote from the main house and in my view provides for a separate dwelling which is not necessarily linked to this.
- 5.9 The issue of the impact of the proposed development on the local area is discussed below. The applicant's agent has however sought to justify the scale of development partly by reference to the use of permitted development rights which exist for the existing dwelling on the site. The assessment which is made is based on using an area of the site significantly beyond the established garden of the property as its curtilage. This is based on the redline area which was submitted as part of the Certificate of Lawful Use application 14/01100/CLUE). The red line area does not in my assessment identify the residential curtilage and the application related solely to the compliance with a condition attached to the original planning permission for the dwelling (CHN/600/85). The condition in question was an agricultural tie which had not been complied with for a period in excess of 10 years. This established an unrestricted residential use for the dwelling. The red line area identified incorporates a number of buildings on the site, beyond the garden and which no evidence is provided to suggest these were part of the residential curtilage of the dwelling. The Certificate of Lawfulness application did not establish the residential curtilage as the red line area. The garden to the dwelling is well defined on site and there is in my view a clear area where permitted development rights would apply.
- 5.10 The assessment of permitted development rights undertaken as part of the application requires development well beyond the established residential curtilage of the existing dwelling. I do not therefore consider this to be a correct representation of the level of development that could be carried out without the benefit of planning permission. The actual level would be far less and the size and scale of the resultant extended property would be consequently reduced. Whilst the potential for use of permitted development rights is a material consideration, its relevance must be seen in context. The application is for a specific development that is markedly different and which involves substantial demolition of existing buildings and replacement with a substantial dwelling and associated outbuildings. It is these proposals which are to be assessed and the potential use of permitted development rights in such a context has not been shown to be a viable alternative. In view of my assessment as to the actual extent of alterations which could be carried out without planning permission I give this matter little weight in the overall planning balance.

Landscape Impact and Design

- 5.11 Design remains a key aspect of national planning policy and is highlighted in paragraph 56 of the NPPF which states;

“The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

- 5.12 The NPPF does however make it clear that the imposition of architectural styles and tastes should not stifle innovation in design, but reinforcing local distinctiveness is appropriate. It is against this national policy which the application should be judged along with policies C28 and C30 of the Local Plan which remain relevant and up to date elements of the development plan.
- 5.13 The new dwelling has been stated as being designed with a Georgian appearance and is a substantial 10.1 metres in height and with a stated floor area of 965 sq m including out buildings and garaging. The proposals would include the demolition of buildings with a floor area of 1245 sq m and there is therefore a reduction in built floorspace with the development as proposed of approximately 23%. The new dwelling would be significantly taller than the existing range of buildings which comprise modern agricultural style structures and the modest existing dwelling. The position of the new property has been chosen in order to keep the overall maximum ridge height equal to that of the existing residential property on the site. This is achieved through positioning the new house at a lower elevation within the site.
- 5.14 In terms of the design of the new property it is accepted that as an individual property it has been designed to a high quality with careful use of detailing and use of materials which are appropriate for the area. However the NPPF at paragraph 60 highlights the importance of local distinctiveness in the design process. Substantial Georgian properties are not a traditional form of building within the north Oxfordshire countryside. The local area exhibits a very strong local vernacular building style and whilst it is accepted that new development should slavishly follow historic forms of building, it is important for new developments to provide a high quality of design which responds to and reinforces local distinctiveness. In this case although the design in isolation is of a high standard the choice of a Georgian design presents a pastiche which is not justified through any established characteristics of the local area. It similarly does not represent an innovative form of design. It would in my assessment appear out of keeping and inappropriate for this location and fails to meet the requirements of the NPPF and policies C28 and C30 of the Local Plan.
- 5.15 The application site lies on a hill with views of the existing group of buildings visible within the landscape from a variety of public viewpoints. These include the roads to the south and south east of the site (including Traitors Ford Lane) as well as the public footpath network in the area.
- 5.16 Close distance views will be available from footpaths 348/2 and 348/7 which run to the north of the application site. The landform and existing boundary planting will filter views of the house, which given its position lower on the southern slope of the hill will further reduce visual impacts. The upper parts of

the new dwelling would be clearly visible, even following the maturing planting planned as part of the development. Footpath 347/2 also extends to the eastern side of the valley, providing views across to the site. The new dwelling would be clearly visible within these views. Existing landscaping and the lower level of the existing buildings limits the visual impact of these on the wider area and New Barn Farm is also well screened.

- 5.17 The road which runs to the south of the site past Leys Farm and Traitors ford Lane also provide clear public views over towards the application site. The existing buildings are visible from these locations. The new house would appear readily visible from these locations. Although these views are over a relatively large distance, the new house would be readily apparent given the open aspect which the design provides as well as its overall scale and height.
- 5.18 Views are available across the landscape from the north on the edge of Sibford Gower and footpath 348/7. From these locations New Barn Farm provides a screen to the application site and views would be limited to the upper parts of the roof and seen in context of existing built development. I do not consider there to be any significant visual impact from this direction.
- 5.19 It is recognised that visibility of development is not a reason to refuse planning permission. It is necessary to consider the impact that any particular proposal would have on the visual appearance and character of a particular area in reaching a conclusion on an individual proposal. In addition it is necessary to consider the benefits that would be delivered through the removal of the modern structures on the site which it is accepted are not visually attractive, although they are typical for such a rural location.
- 5.20 The site does fall within an Area of High Landscape Value. Under policy C13 of the local plan this remains a relevant designation to which weight is attached. It recognises the quality of the landscape within the wider area and seeks to conserve this and prevent harmful development. This approach is consistent with paragraph 109 of the NPPF and the environmental strand to sustainability within paragraph 7 of the document. The designation of an Area of High Landscape Value is a recognition of its quality and sensitivity to development.
- 5.21 The scale and massing of the new dwelling together with its design which would in my view draw attention to the development would be readily visible within the landscape. The application is accompanied by an LVIA, however it is considered that this does not fully reflect the impact of the new dwelling and places significant weight on the removal of the existing buildings, and replacement with a "*finely designed*" dwelling. This assessment does not take account of whether the design is appropriate to the area and as a consequence places considerable weight incorrectly on the positive benefits of the proposal. In contrast it is considered that the new dwelling would appear as a visible addition to the landscape, occupying an elevated location with views from a number of public vantage points from a number of directions. The dwelling would appear out of character with the area, which has a very strong local vernacular tradition.
- 5.22 The height and scale of the dwelling would result in a prominent form of development which would detract significantly from the visual appearance of the area. The reduction in floor area of approximately 23% is not in itself

sufficient to justify the development, particularly given the relative far more limited impact that the existing buildings have on the landscape, and their much lower height and elevation. The site lies within an attractive area of countryside designated as an Area of high Landscape Value, where it is particularly important to secure a high quality, sensitive design for new developments. It is considered for the reasons set out that the proposals in their current form fail to respect their setting and would result in significant harm to the visual character of the landscape. The proposals would therefore conflict with policies C8, C13, C28 and C30 of the Local Plan.

Impact on Neighbouring Amenity

- 5.23 New Barn Farm is an established residential property which shares the main access drive with the application site. The property is located to the north east of the group of buildings within the application site. There is an unusual relationship between the two properties in that the boundary runs through some of the buildings. Others belonging to New barn Farm lie directly on the boundary, this refers to the stone barns to the south east of the main house. The new outbuildings are a minimum of 27 metres from the closest point to the buildings at New Barn Farm, with the main new dwelling a minimum of 55 metres away. These distances are significant and the main element of New barn Farm is further beyond these. Over such distances I do not consider there to be any issues regarding overlooking or overbearing on New Barn Farm.
- 5.24 In reaching these conclusions it is recognised that the new dwelling will be 10.1 metres in height with windows facing towards new barn Farm which will change the relationship of the site to the adjoining property. I do however consider that removal of a large proportion of the existing buildings which themselves lie close to New barn Farm and also the realignment of the access driveway away from the garden to the property represent material benefits to which weight should be attributed when considering this issue. I therefore consider that the development would accord with policy C30 in respect of the protection of amenity and privacy of the existing property.

Ecology

- 5.25 The application is accompanied by an extended phase 1 survey and assessment and bat survey. The Council's ecologist has examined this document who has agreed with its conclusions and recommendations which are summarised as follows;

Habitat – Priority habitat hedgerows are unlikely to be affected. Retention of hedgerows, filling gaps within hedgerows and tree protection measures along the northern boundary are recommended.

Reptiles – The site has very limited potential habitat for reptiles, which are small and unlikely to be affected by development. The site is itself isolated from suitable reptile habitat and there are no issues with reptiles therefore.

Great Crested Newts and Amphibians – The pond on the adjoining land is not affected and the site is largely hardstanding short/bare habitat. There are no

records of great crested newts within 1km and on balance they are not a consideration.

Bats – Old droppings were found in the existing house, although it seems that it is no longer used for roosting. The other buildings have negligible potential for roosting. It is recommended that the house is demolished between May and August with the roof and soffits removed by hand tools and all works overseen by an ecologist. Lighting should be controlled within any new development and none to be installed over hedgerows and trees. Bat roosting places to be installed in the structure of the new building.

Badgers – There was no evidence of badgers on site although one hole was found to the west of the site which does provide potential foraging habitat. As a precaution steps should be taken during construction to avoid trapping badgers and a watching brief maintained on the hole to the west and not to infill this without undertaking a badger survey.

Birds – The buildings, garden and hedgerows provide nesting habitat for birds. Swallows were found in building 1. All works affecting buildings should be done outside of the bird nesting season and compensation measures provided as part of the development.

Engagement

- 5.26 With regard to the duty set out in paragraphs 186 and 187 of the Framework, concerns raised during the application process have been put to the agent and addressed accordingly. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.27 The proposal does not follow the restrictions set out in policy H17, however it is recognised that there is no replacement for this policy in the emerging Local Plan and such an approach is not supported by the NPPF. The supporting text to the policy confirms the reasoning behind the policy is one of protection of the natural environment from encroachment. The key issue therefore to consider in respect of policy H17 is the impact of the development on the landscape.

6. Recommendation

Refusal, for the following reason:

1. The proposed dwelling by reason of its size, scale, design and location would appear as a visually prominent and discordant feature within the landscape which would significantly detract from the visual amenity and character of the attractive landscape in which it is located contrary to policies C8, C13, C28 and C30 of the Cherwell Local plan, policies ESD13 and ESD16 of the Submission Local Plan and Government Guidance contained within the National Planning Policy Framework.

2. The proposal for the replacement of a single dwelling with two residential units within the site represents an intensification of residential use in an isolated rural location which conflicts with policy H17 of the Cherwell Local Plan and paragraph 55 of the National Planning Policy Framework.

3. The design of the proposed dwelling is unrelated to the architectural characteristics found within the locality and fails to enhance local distinctiveness. It fails to represent good design and therefore represents an inappropriate form of development within the open countryside contrary to policies C28 and C30 of the Cherwell Local Plan and paragraphs 56 and 60 of the National Planning Policy Framework.

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.