

**Site Address: The Roebuck,  
Banbury Road, North Newington**

**15/00307/F**

**Ward:** Sibford

**District Councillor:** Cllr Reynolds

**Case Officer:** Aitchison Raffety

**Recommendation:** Refusal

**Applicant:** Mrs Jayne Hughes

**Application Description:** Erection of detached single storey dwelling

**Committee Referral:** Member Referral

**Committee Date:** 11 June 2015

## **1. Site Description and Proposed Development**

- 1.1 The application site is situated to the south of North Newington, off Banbury Road that runs along its eastern boundary. The site sits to the south, and forms part of, the residential curtilage of The Roebuck, a detached two-storey dwelling and a former public house. The Roebuck is a Grade II listed building, constructed in the late 17th Century. The building was a public house at the time of listing but was converted to a dwelling in 1998.
- 1.2 Access to the site is via single vehicular access onto Banbury Road. As part of the proposal, it is intended to move the access by 0.5m further south along Banbury Road.
- 1.3 The proposal seeks consent for a single storey detached dwelling to the south of The Roebuck. The proposed dwelling would be constructed from natural stone, with a slate roof along with timber windows and doors.
- 1.4 The site is located within an influencing proximity to a Grade II listed building and within the North Newington Conservation Area part of which is also designated as an Area of High Landscape Value. The site falls within the North Newington historic core part of which is a site of medium archaeological significance.

## **2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letters, site notice and press notice. The final date for comment was the 30 March 2015.

Two letters of objection have been received. The following matters were raised and summarised below:-

- The site is not infill
- The design of the dwelling is not appropriate
- Overlooking to neighbouring properties
- Dangerous entrance
- Lack of amenities within the village.

### **3. Consultations**

#### **3.1 North Newington Parish Council:**

Whilst the application has been reduced considerably in size, there should still be some measures in place to conserve the view and the area surrounding it.

The ridge height should be non visible and a restriction should be placed to retain the property as a single storey building and not allow for a further storey in the future.

The property should be sympathetic to the grade II status of The Roebuck Inn and to the local listed properties around it, rather than to more recent buildings.

Access will be through an already suitable driveway, although the public right of way which runs through the property should be formally diverted with the rights of ways office to ensure than it is not blocked off and no longer accessible.

#### **Cherwell District Council Consultees**

**3.2 Conservation Officer:** There have been 3 previous planning applications to erect a detached dwelling on this site; 2 have been refused and 1 withdrawn. The decision against 08/00184/OUT was appealed and the appeal dismissed. The main built heritage issues in the appeal were:

(a) The effect of the development on the character and appearance of the area, having special regard to its rural location and siting in relation to the built-up limits of the settlement.

(b) Whether the development would preserve or enhance the character and appearance of the [North] Newington Conservation Area, and preserve the setting of the listed building.

The Roebuck Inn sits on the north side of Banbury Road and due to the topology of the land and road alignment forms the gateway to the village when you approach from the south; this is despite the buildings/dwellings located on the west side of the road which as a ribbon development look and spatially feel adrift of the main village. The Roebuck commands the brow of the hill and because of the topology of the surrounding land is dominant in the view up the road to the village and definitely marks the visitors entrance into the settlement.

There are historic photographs from early in the C20 showing that previously there have been other structures on the east side of the road on the run up the hill to the village. These photographs illustrate very well the diluting effect the existence of additional buildings have on the sense of arrival and presence made by The Roebuck and how this diminishes the sense of a village gateway. The applicant also has included early maps from the C19 illustrating that previously there have been ancillary buildings. However the historic presence of a building which has been demolished is an interesting (but not unsurprising) fact and not an argument for replacement as today's context is different to the time when the maps were drawn.

The proposal is for a bungalow of contemporary design. The proposed dwelling draws no inspiration from the traditional forms of vernacular architecture within the village in except it is proposed to construct the building from stone. The gable widths are wide (wider than found in traditional construction), the roof pitch is slack (reminiscent of modern C21 estate housing), the fenestration is that of a modern house. Bungalows are not a traditional or vernacular house form. Traditional single storey buildings (eg. cart sheds) have a simple rectilinear footprint. This proposed building makes no pretence to be a converted agricultural building its form is simply that of a modern urban dwelling and therefore appears alien in this rural context.

In conclusion development, especially a contemporary and rather pedestrianly designed modern bungalow, on the proposed site would fail to preserve or enhance the character and appearance of this aspect of the [North] Newington Conservation Area, neither will it preserve the setting of the listed building.

Recommend refusal.

- 3.3 **Ecology Officer:** I do not have any objections on ecological grounds. But would recommend the following condition:

**K11 Nest Birds: No Works Between March and August**

All site clearance (including removal of shrubs and trees) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive, unless, in the case of a tree that is required to be removed for health and safety reasons, the Local Planning Authority has confirmed in writing that such works can proceed.

- 3.4 **Landscape Officer:** This proposal is for a fairly modest new bungalow in the garden of the former Roebuck Inn. The dwelling will be within the current built up area of the village.

Providing we receive some detailed landscape proposals for retaining existing vegetation on the Banbury Road and south side of the site I have no objection. These can be conditioned.

**Oxfordshire County Council Consultees**

- 3.5 **Highways Liaison Officer:** The comments to the 08/00184/OUT application were as follows:

The development fails to meet T8 of the Oxfordshire Structure Plan which states that development should only be permitted if adequate access is provided and with a mitigation of adverse transport impacts. The Highway Authority considers the access to the site sub-standard in terms of visibility. The proposed development will intensify the use of the access, and the movement generation, as a product of the development, will have a detrimental impact on highway safety for all users. The Highway Authority therefore recommend refusal of the application in the interests of highway safety.

In terms of this current application, the Highway Authority has now confirmed that no objections are raised subject to the imposition of a number of conditions relating to the access, driveway and parking provision. Notwithstanding any

details shown, the driveway and manoeuvring areas are to meet SUDS requirements.

- 3.6 **Rights of Way Officer:** North Newington Public Footpath 19 runs through the grounds of The Roebuck. The proposals will not affect the legal alignment of the footpath and I therefore have no comments to make.
- 3.7 **Archaeology:** The proposed development lies in an area of considerable archaeological potential. The site lies immediately north-west of earthworks relating to the shrunken medieval village. These features, which survive as earthworks, include building platforms and holloways as well as possible ruined fishponds.

The Roebuck Inn itself is of some antiquity, dating to the late 17<sup>th</sup> century. A watching brief undertaken at a property to the north of the site identified a stone wall relating to the earlier layout of the building. A small range of buildings are visible just along the south-westerly boundary of the site, the function of these buildings is unknown, and they appear to have been demolished sometime between 1910 and 1920 as they are no longer visible on OS mapping at that date.

Due to the close proximity to the medieval earthworks, and the positive watching brief to the north, as well as the early buildings that fall just within the plot, it is possible that this development may impact associated archaeological deposits.

We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action (watching brief) to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition along the lines of:-

- 1) The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any ground-works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason – To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

- 2) Following the approval of the Written Scheme of Investigation referred to in condition 1, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

Reason – To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2012)

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

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)

H14	Category 2 settlements
H18	New dwellings in the countryside
C2	Protected species
C5	Creation of new habitats
C7	Harm to the topography and character of the landscape
C8	Sporadic development in the countryside
C13	Areas of High Landscape Value
C18	Development proposals affecting a listed building
C27	Development in villages to respect historic settlement pattern
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

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

4	Promoting sustainable transport
6	Delivering a wide choice of high quality homes
7	Requiring good design
8	Promoting healthy communities
11	Conserving and enhancing the natural environment
12	Conserving and enhancing the historic environment

Planning Practice Guidance

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:-

Policy ESD13	Local landscape protection and enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided
Policy ESD16	The character of the built and historic environment should be protected and where development is allowed it should respect the local character context

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning History and the Principle of Development
- Impact on Conservation Area and Listed Building
- Landscape impact and Area of High Landscape Value
- Ecology
- Highway Safety
- Impact on Neighbouring Amenity

### **Planning History and Principle of Development**

- 5.2 The application site has been subject of previous applications. In 1996 consent for the erection of a two storey dwelling on the application site was refused for a number of reasons and subsequently dismissed on appeal (96/00608/OUT refers). At that time The Roebuck was still in use as a public house. The change of use from public house to residential was granted in 1998 (98/01049/F refers) A further application for the erection of a new dwelling on the application site was submitted in 2008 (08/00186/OUT refers). That application was also refused and subsequently dismissed on appeal. This forms an important material consideration in the determination of this application as the Appeal Inspector addressed the majority of the pertinent matters in the consideration of this application.
- 5.3 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.
- 5.4 The site lies on the southern edge of North Newington on land within the residential curtilage of The Roebuck. Built development lies to the east and west but there is open countryside to the south. Saved Local Plan Policy H14 categorises North Newington as a Category 2 settlement where residential development is restricted to conversions, infilling and small scale proposals that secure “significant” environmental improvement. The Appeal Inspector, in considering whether the application site complied with Policy H14 stated that “since the site is not a small gap in an otherwise continuous built-up frontage,

the proposal falls outside the Local Plan definition of infilling. As the appearance of the appeal site is not unpleasant, I am not persuaded that the appeal scheme would secure a significant environmental improvement". There has been no new built development surrounding the application site since this decision and so the relationship with the adjoining buildings remains unchanged and so the same conclusions as the previous Inspector need to be reached.

- 5.5 In terms of Policy H18, in the previous appeal the Inspector concluded:  
'where visible in both close and distant views, the proposed dwelling would be seen in the context of existing buildings to the north, east and west of the site. It would not appear isolated, built development in the open countryside, unrelated to the existing village. In this respect, I find no conflict with the overarching aim in PPS7 to protect the countryside for the sake of its intrinsic beauty and character, or the intention of underpinning Policy H18, which is to ensure that the countryside is protected from sporadic development'
- 5.6 It is therefore concluded that the development cannot be considered contrary to Policy H18 and reference to this policy has therefore been removed from reason for refusal 1.
- 5.7 Policy H14 remains a saved Policy in the Local Plan and there have not been any overriding changes on site, such as new development that would alter the view taken by the Inspector. On that basis, the proposed dwelling is considered to be contrary to Policy H14 of the Saved Cherwell Local Plan in that it would represent an inappropriate location and form of development outside of the built up area of North Newington.

#### **Impact on the Conservation Area and setting of Listed Building**

- 5.8 The Roebuck is Grade II listed building and the site is situated within the North Newington Conservation Area which is also designated as an Area of High Landscape Value. Saved Policy C13 from the Adopted Cherwell Local Plan seeks to retain, conserve and enhance the appearance of the Area of High Landscape Value and control new development to ensure that it is sympathetic to the character of its context. The proposal is required to preserve or enhance both the character, setting and appearance of The Roebuck and this part of the Conservation Area as well as any features of architectural or historic importance that the building possesses.
- 5.9 The Roebuck, as a listed building, is a designated heritage asset, located within the designated heritage asset of the Conservation Area. The National Planning Policy Framework supports the conservation of designated heritage assets.
- 5.10 The Appeal Inspector in the 2008 decision went into great detail in terms of the impact on the Conservation Area and the setting of the listed building. The 2008 application was submitted in outline form, with limited detail on the scale, design and appearance of the proposed dwelling but a broad indication was given that the proposal would have been of a similar scale and size to The Roebuck, a two-storey detached structure. The Inspector found that there was insufficient detail submitted to properly assess the impact on the Conservation Area and setting of the Listed Building but did consider that a two-storey structure, with a shallow pitched roof would not be appropriate.

5.11 However, the Inspector was made aware of a previous structure on the site that has been demolished. She stated that *"I think it is likely that this former building would have had a visual and functional relationship with the inn and been subservient to the building in terms of its scale and external appearance"*.

5.12 In concluding on this matter, the Inspector stated the following:

*"I am unable to satisfy myself that the new dwelling would not detract from the important visual status of The Roebuck at the southern entrance to the village. I am concerned that it would be unduly dominant in the foreground views of the listed building when viewed from this direction, and would intrude unacceptably into the visual breathing space in front of the listed building's principal elevation, which faces the appeal site. The domestic paraphernalia arising from the subdivision of a plot to form a new curtilage and the construction of an independent dwelling with its separate parking/garaging and outdoor amenity space adds weight to my concern"*.

5.13 The application now proposed is a single storey dwelling constructed from natural stone and a slate roof. The Council's Conservation Officer has provided detailed comments on the scheme and has found that the proposed development would still fail to preserve or enhance the character and appearance of this aspect of the Conservation Area, neither will it preserve the setting of the listed building.

5.14 The second reason for refusal specifically relates to the design of the proposal in terms of its contemporary appearance, details and proportions and therefore its impact on the character and appearance of the North Newington Conservation Area and the setting of the Roebuck, a Grade II Listed Building. In respect of the 2008 appeal, the Inspector did state that:-

*'subject to the approval of details relating to the scale, external appearance of the dwelling and the layout and landscaping of the site at the reserved matters stage, I conclude that erecting a single storey dwelling on the appeal site would not harm the rural character or high landscape value of the area'*

5.15 Whilst the Inspector above concluded that a single story dwelling might be acceptable in terms of its impact on the rural character of the area and the area of high landscape value, it does not state that a single story dwelling would necessarily be acceptable as it would be dependent upon design and an assessment of its likely impact on the Conservation area and the setting of the Listed Building. The Inspector goes on to say in paragraph 16 that *'the appeal site is in a sensitive location at the gateway to the historic core of the village and on the edge of the open pastures to the south which lie within the Conservation Area and contribute to the setting of those buildings which lie within the Conservation Area and contribute to the setting of those buildings which can be seen when approaching from this direction, including the listed dovecote at Park Farm'*. The Inspector also criticised the design proposed considering that it did not emulate traditional vernacular.

5.16 In this case, it is considered that the design of the dwelling proposed fails to draw its inspiration from traditional forms of vernacular architecture, except that it is proposed in stone. The gable spans are wider, the roof pitch shallower and



the window detail modern. Traditional single storey buildings have a very simple rectilinear footprint, the proposal, which has the appearance of a modern bungalow has not been designed to resemble a historic farm building, and as proposed would therefore appear alien in its rural context.

- 5.17 On this basis, the design of the proposed dwelling is considered to be inappropriate as it would adversely impact the setting of the Grade II listed The Roebuck and would fail to preserve the character and appearance of the Conservation Area. As such, it would comply with the requirements of the NPPF in this regard, as well as saved policies C28 and C30 of the adopted Cherwell Local Plan.

#### **Landscape Impact**

- 5.18 The application site lies within an Area of High Landscape Value and regard was given to this at the 2008 appeal. The Inspector noted that “where visible in both close and distant views, the proposed dwelling would be seen in the context of existing buildings to the north, east and west of the site. It would not appear as isolated, built development in the open countryside, unrelated to the existing village”.

- 5.19 In addition to the Inspector’s views, the Council Landscape Officer has raised no objections to the proposal subject to details of landscaping and retention of existing boundary treatments.

- 5.20 On this basis, the development is considered appropriate in terms of landscape impact and compliant with saved Policy C13 of the adopted Cherwell Local Plan

#### **Ecology**

- 5.21 In light of no objections being raised by the Council’s Ecology Officer, there are no ecological issues relevant to the application, subject to the imposition of a condition on any approval.

#### **Highway Safety**

- 5.22 OCC Highways initially continued to raise concerns in terms of the suitability of the proposed access and the intensification of its use. The comments from OCC are noted and were also made to the 08/00184/OUT application. The Inspector in determining the appeal however concluded that due to vehicular speeds entering the village from the south, which is uphill, its previous use as a public house and the only slightly reduced vision splays, that the proposal would not harm highway safety.

- 5.23 Together with the above appeal decision, and relocated access point to the south, the highway authority have re-assessed the proposal and have now confirmed that no objections are raised subject to a number of conditions as specified in the consultation response.

#### **Impact on Neighbouring Amenity**

- 5.24 The application site benefits from strong boundary treatment on the eastern, western and southern boundaries. The nearest dwelling to the application site

is The Hollies to the east. The proposed dwelling would be 5m from the boundary with The Hollies and 10m from the nearest elevation.

- 5.25 Given the boundary treatment and the single storey nature of the proposed dwelling, it is considered that the proposal would not be unduly dominant on The Hollies. This view was shared by the Inspector in the 2008 decision.
- 5.26 On that basis, the proposal is considered to comply with Policies C28 and C30 of the adopted Cherwell Local Plan in regard to impact on neighbouring amenity.

### **Engagement**

- 5.27 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

### **Conclusion**

- 5.28 The application site has been subject to a dismissed appeal in 2008. The application now submitted has sought to address the previous reasons for the dismissed appeal.
- 5.29 However, the application still fails to comply with the requirements of the NPPF and saved Policies H14, C28 and C30 of the adopted Cherwell Local Plan in that the proposed development would not constitute infill development and due to its design fails to protect the setting of the North Newington Conservation Area and the setting of the Roebuck, a Grade II Listed Building.

## **6. Recommendation**

**Refusal**, for the following reason:

1. The site would not constitute infill development for the purposes of saved Policy H14 of the adopted Cherwell Local Plan and the site is considered to be situated beyond the built up limits of the village. The proposal for a dwelling in this location, is considered to comprise unacceptable development which would be contrary to Policy H14 of the saved adopted Cherwell Local Plan.
2. The design of the proposed dwelling, by virtue of its contemporary appearance, detailing and proportions would fail to preserve or enhance the character and appearance of the North Newington Conservation Area and will also fail to preserve the setting of the Grade II Listed The Roebuck. As such, the proposed dwelling would be contrary to the requirements within Paragraphs 131 and 134 of the National Planning Policy Framework, as well as policies C28 and C30 of the saved adopted Cherwell Local Plan.

**Statement of Engagement**

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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.