

**Site Address: Manor Farm Bungalow,
Hornton**

15/00827/F

Ward: Wroxton

District Councillor: Douglas Webb

Case Officer: Rebekah Morgan

Recommendation: Approval

Applicant: Mr Finlay Scott

Application Description: Demolition of existing buildings and erection of replacement dwelling and outbuildings and associated hardstanding.

Committee Referral: Departure from Policy **Committee Date:** 6th August 2015

1. Site Description and Proposed Development

- 1.1 The site is in an isolated hill top location to the south of Hornton. It comprises a bungalow which in 2012 was granted a Certificate of Lawfulness enabling it to be lawfully occupied in breach of an agricultural occupancy condition.
- 1.2 The proposal is to demolish the existing bungalow, detached garage and adjacent farm buildings and to replace them with a two storey dwelling and associated outbuildings. The proposed dwelling will be sited where the existing agricultural buildings are located. The existing domestic curtilage would become paddock.
- 1.3 The application is a re-submission of application 13/01451/F with some changes to the design of the new dwelling and outbuildings. The previous application was approved 20th December 2013.

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 is the 30th July 2015. No correspondence had been received as a result of this consultation process at the time of writing this report. Any further comments received will be reported to committee members.

3. Consultations

- 3.1 Hornton Parish Council: No objections

Cherwell District Council Consultees

- 3.2 Environmental Protection Officer: No comments received

Oxfordshire County Council Consultees

- 3.3 Highways Liaison Officer: No comments received
- 3.4 Rights of Way Officer: No comments received

4. Relevant National and Local Policy and Guidance

- 4.1 Development Plan Policy

Cherwell Local Plan 2011-2031 Part 1:

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015.

The Plan was the subject of an independent examination conducted by an Inspector appointed by the Secretary of State. The Inspector's report was published on 12th June 2015 and the recommended main modifications required to make the Plan sound have been included in the adopted plan.

The Plan provides the strategic planning policy framework and sets out strategic site allocations for the District to 2031. Now adopted, the Plan forms part of the statutory development plan and provides the basis for decisions on land use planning affecting Cherwell District.

The Local Plan 2011-2031 – Part 1 replaces a number of the saved policies of the 1996 adopted Cherwell Local Plan. Those saved policies of the 1996 adopted Cherwell Local Plan which are retained remain part of the development plan. These are set out in Appendix 7 of the Local Plan 2011-2031.

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Local Plan and its associated documents are available on the Council's website: www.cherwell.gov.uk

The following policies are considered to be relevant to this application:

PSD1: Presumption in favour of sustainable development

Adopted Cherwell Local Plan (Saved Policies)

H17: Replacement dwellings
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 Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Principle of the development
- Highway safety
- Protected Species

Relevant Planning History

5.2 Planning permission was originally granted for the bungalow under application B.947/64. A condition of the permission restricted the occupancy to those employed or last employed in agriculture.

5.3 A Certificate of Lawfulness was granted in 2012 under 12/00270/CLUE to enable the bungalow to be occupied in breach of B.974/64.

- 5.4 Planning permission for a replacement dwelling was refused under application 13/00163/F for the following reason:

'The proposed dwelling would be contrary to Policy H17 of the Council's adopted Cherwell Local Plan and to the National Planning Policy Framework as it will be a new isolated house in the countryside for which there is no essential agricultural need. The house it is intended to replace is not substandard and the replacement would be of a significantly greater scale in a position which will be conspicuous in the landscape causing harm to the character and appearance of that landscape'.

- 5.5 Application 13/01451/F was granted consent (20th December 2013) for 'Replacement dwelling and associated outbuildings'.

Principle of the development

- 5.6 This application differs from the previously approved scheme (13/01451/F) in terms of small design elements. The drawing room has been increased in size projecting slightly further to the west, however, the first floor accommodation above this section has been removed (including dormer windows) and the gable end has been amended to reflect a more traditional design. The office sited in the outbuilding to the rear has been increased in size and a covered vehicular entrance feature has been incorporated between the outbuildings positioned adjacent to the road.
- 5.7 Overall, the design concept reflects the previously approved scheme. Amendments have been requested to remove the covered a vehicular entrance feature as it does not reflect the rural nature of the site and to remove the proposed chimney (serving the drawing room); this feature is situated on a side elevation and appears at odds with the overall design of the building. It has also been requested that the orientation of the office is amended so that it projects away from the road rather than towards it. Yours officers are confident that these amendments would result in a satisfactory design and the amended drawings should be received prior to the committee meeting.
- 5.8 The principle of replacing a dwelling is assessed against Policy H17 of the adopted Cherwell Local Plan. Development is restricted by this Policy to the replacement of statutorily unfit or substandard dwellings. The requirement that dwellings have to be statutorily unfit has been largely set to one side in recent years, and it is considered that this policy does not fully comply with guidance set out in the National Planning Policy Framework, as the Framework does not seek to restrict the replacement of dwellings in this way.
- 5.9 The second criterion set out in Policy H17 of the adopted Cherwell Local Plan states that where a property lies outside the limits of an existing settlement, the property should not have been abandoned and the replacement property should be of a similar scale and within the same curtilage.
- 5.10 The use of the dwelling has not been abandoned, however, the proposed dwelling is not within the same curtilage and is considerably larger due to it being a two storey building with dormer windows in the loft space rather than being a bungalow and it would occupy a greater footprint.
- 5.11 Whilst the proposal does not comply with the strict interpretation of Policy H17 it is important to make an evaluation in conjunction with the supporting text, which states *'the protection of the character of the countryside will be a primary objective in all cases, and proposals for substantially larger and more conspicuous dwellings in the countryside will be resisted'*. The bungalow occupies a hilltop position and given the lack of trees/screening in the locality, it is quite prominent. However, the scale of the large agricultural buildings dwarf the existing dwelling.

- 5.12 The proposal seeks to remove the agricultural buildings and the existing bungalow. The new dwelling would be located further to the south of the existing bungalow, therefore taking it off the hilltop. Furthermore, the removal of the large agricultural buildings would significantly reduce the overall prominence of the site.
- 5.13 The significant difference between this proposal (and previously approved application 13/01451/F) and the previously refused scheme (13/00163/F) is the repositioning of the proposed dwelling and the removal of the agricultural buildings. Although, the proposed dwelling is no longer within the curtilage of the existing bungalow, the overall result would be a significant improvement in the visual appearance of the site and a reduction in its prominence.
- 5.14 As stated above, concerns have been raised regarding some of the proposed alterations to the previously approved design and minor amendments have been sought.
- 5.15 The overall design concept for the proposed dwelling and outbuildings is considered to be acceptable for the location and it is considered that the development would not cause any substantial harm to the character of the countryside.
- 5.16 Therefore, although it is accepted that there is some degree of conflict with Policy H17 of the adopted Cherwell Local Plan, the proposal is considered to accord with the supporting text and the National Planning Policy Framework as the proposal aims to protect the character of the countryside.

Highway Safety

- 5.17 The proposal can easily accommodate sufficient parking and manoeuvring areas within the site, enabling vehicles to enter and leave the site in a forward gear.
- 5.18 At the time of writing the report, comments have not yet been received from the Local Highway Authority. However, no objections were received on the previously approved scheme (13/01451/F) and this scheme does not differ significantly in terms of parking provision and layout.
- 5.19 The proposal would not cause harm to highway safety and complies with government guidance contained within the National Planning Policy Framework.

Protected Species

- 5.20 The Council's Ecologist provided detailed comments on the refused application (13/00163/F) and these are still considered to be relevant for the current proposal. Conditions were recommended and these have been included in the recommendation set out at the end of this report.

Engagement

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

6. Recommendation

Approval, subject to the following conditions:

1. That the works to which this consent relates shall be begun not later than the expiration of three years beginning with the date of this consent.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application Form and drawing nos. 1270/P01, 1270/P02, 1270/P03, 1270/P04, 1270/P05 and 1270/P06 received 23 September 2013.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason - To ensure 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. Prior to the commencement of the development hereby approved, samples of the tile to be used in the construction of the roof of the development 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.

5. 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 - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

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

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

7. Prior to the commencement of the development a temporary bat nesting box shall be erected as a receptor for any bats found during the works. The box shall be retained in situ until the completion of the proposed bat loft.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy

Framework.

8. Within 6 months of the first use of the dwelling, the existing bungalow and garage shall be demolished and the land restored to paddock.

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. *All birds are protected whilst breeding which typically occurs from March - August. It is an offence under the Wildlife and Countryside Act 1981 (as amended) to disturb birds or their nests at this time. Should nesting birds be known to use the building or are found using it prior to demolition works commencing an ecologist or Natural England should be contacted for advice on how to proceed. Nesting opportunities lost should be replaced on any new build.*

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 the decision has been made in an efficient and timely way.