

**Land North West of Wroxton Mill
Wroxton
Oxfordshire**

15/02120/F

Ward: Wroxton

District Councillor: Cllr Webb

Case Officer: Matthew Chadwick

Recommendation: Refusal

Applicant: Mr & Mrs James & Angela Perry

Application Description: Erection of one dwelling

Committee Referral: Called-in by the Ward Councillor, Cllr Webb

Committee Date: 17.3.2016

1. Site Description and Proposed Development

- 1.1 The site is located approximately 1.7km to the southwest of Wroxton and 1km to the northeast of Shutford. The application site is located opposite the historic Wroxton Mill and historically has been used as part of the garden area of Wroxton Mill, but is now in separate ownership.
- 1.2 Planning permission is sought for the erection of one dwelling. The proposal is for a three bedroom, one a half storey dwelling that would be constructed from stone, with a timber framing under a slate tiled roof. The dwelling would be 'T' shaped and would have a maximum length of 20m, a maximum width of 13m, with a ridge height of 7m.
- 1.3 No listed buildings are within close proximity to the site and the site is not within a conservation area. Public Bridleway 418/10 runs immediately to the north of the site, at a minimum distance of 5m. The site is located within the Wroxton and Balscote Mills Local Wildlife Site. There are Protected Species within close proximity of the site, including the Smooth Newt, Eurasian Badger and Bluebell.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and site notice. The final date for comment is 25th February 2016. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 Wroxton Parish Council: The Parish Council strongly supports this application being firmly of the view that the location, Wroxton Mill, constitutes a discrete settlement in its own right and therefore is not caught by the provisions of Saved Policy H18 of the Cherwell Local Plan 1996. The applicant has submitted ample evidence by way of photographs and plans to demonstrate a long history of buildings on the exact site of the proposed dwelling, to say nothing both of the three other substantial houses which are located in close proximity (Beggars Barn, Maidenhill Cottages and Wroxton Mill itself).

The Parish Council also notes that the application is strongly supported by the owners of the adjoining properties and that the proposed structure is attractively designed and barely visible from the highway.

The Parish Council is concerned that failure to approve the application would leave a virtually useless plot which would be hard (due to mature boundary hedgerows) to reinstate as agricultural land and would therefore rapidly deteriorate to become an

eyesore or something worse.

Finally, the Parish Council does not consider that acceptance of these arguments would lead to the creation of a dangerous precedent, because it cannot think of another area within the parish which could potentially lend itself to similar arguments.

Cherwell District Council Consultees

3.2 Arboricultural Officer: No comments received.

3.3 Ecology Officer: No comments received.

3.4 Landscape Officer: The principle of such development in open countryside is under question. If justified the following points must be considered:

- The mature hedgerow and trees on the northern boundary is to be retained because it provides a visual screen for PRoW (Rc 418/11/10) users the immediately north of the site.
- The existing trees on the southwest boundary are to be retained for visual mitigation.
- The site's road frontage will require sufficient landscape mitigation for users of the PRoW to the south of the site.
- There is semi-mature tree and a young beech hedge on the southern boundary. The hedge should be retained and allowed to achieve a maintainable height for visual mitigation from the highway.
- Tree and hedgerow survey is required in accordance with BS5837. Tree and hedgerow protection areas are to be identified.
- Landscape proposals and aftercare in accordance with the HTA's National plant Specification is necessary.
- A hedgerow retention condition and minimum mature height requirement of 3 m is necessary.

Oxfordshire County Council Consultees

3.5 Highways Liaison Officer: No objections, subject to conditions requiring improved access, full specification details of the access road and the turning and parking areas.

3.6 Footpaths Officer: No comments received.

Other Consultees

3.7 Thames Water: No objections.

3.8 BBO Wildlife Trust: No comments received.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan (2011-2031) Part 1

Villages 1: Village Categorisation

ESD13: Local Landscape Protection and Enhancement

ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

H18: New dwellings in the countryside

C28: Layout, design and external appearance of new development

4.2 Other Material Policy and Guidance

National Planning Policy Framework (2012)

Planning Practice Guidance (2014)

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History;
- Principle of Development;
- Effect on Visual Amenity and Landscape Impact;
- Effect on Residential Amenity;
- Highways Safety;
- Ecological Impact.

Relevant Planning History

5.2 14/01491/F – Erection of one dwelling – Recommended for refusal by case officer, refused at Planning Committee by Councillors, for the following reasons:

- 1 The proposed dwelling constitutes residential development beyond the built up limits of the settlement for which no justification for essential need has been submitted. In its proposed location the dwelling would be an unsustainable form of development which would furthermore detract from the open and spacious, rural character of the area. As such the proposal is considered to be contrary to government guidance contained within the National Planning Policy Framework and Policy H18 of the adopted Cherwell Local Plan.
- 2 The proposed dwelling, by virtue its design and siting would cause harm to visual amenity, would not be in keeping with the character of the area, and would therefore neither conserve nor enhance the rural character of the area. As such the proposal would cause harm to the character and amenity of the area which falls within a designated Area of High Landscape Value, contrary to government guidance contained within the National Planning Policy Framework and Policies C7 and C28 of the adopted Cherwell Local Plan.

Principle of Development

5.3 Paragraph 12 of the NPPF notes that the development plan is the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.

5.4 Cherwell District Council can demonstrate a five-year supply of deliverable housing sites therefore the presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.

5.5 Policy ESD13 of the Cherwell Local Plan 2011 – 2031 Part 1 states that development will be expected to respect and enhance local landscape character. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside.

5.6 Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1 states that Wroxton is a Category A village and that minor development, infilling or conversions within the built-

up limits of the village may be acceptable. However, this site is not considered to be within the built-up limits for the reasons that are expanded on below.

- 5.7 Saved Policy H18 of the Cherwell Local Plan 1996 states that planning permission will only be granted for the construction of new dwellings beyond the built-up limits of a settlement (other than those identified in the policies relating to housing allocation sites) when it is essential for agriculture or other existing undertakings.
- 5.8 Paragraph 55 of the National Planning Policy Framework states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as:
- The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - The exceptional quality or innovative nature of the design of the dwelling. Such a design should:
 - Be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - Reflect the highest standards in architecture;
 - Significantly enhance its immediate setting; and
 - Be sensitive to the defining characteristics of the local area.
- 5.9 The application site at Wroxton Mill sits approximately 1.7km to the southwest of Wroxton and therefore must be considered to sit outside the built-up limits of the settlement. Wroxton Parish Council have stated that Wroxton Mill is considered to be a discrete settlement in its own right and therefore Saved Policy H18 does not apply. Officers do not agree with this view for the following reasons.
- 5.10 Wroxton Mill is not identified as a Category A or B settlement under Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1. As such, if it were to be treated as a village, it would fall within Category C “all other villages”. Policy Villages 1 states that Category C villages are capable of accommodating infilling or conversions. The proposed dwelling is clearly not a conversion. Furthermore it would occupy a greenfield site with no other buildings surrounding it, and so could not conceivably be viewed as “infill” development.
- 5.11 Nevertheless, officers do not consider Wroxton Mill to be a “village” for the purposes of Policy Villages 1 in any case, as it does not demonstrate any of the characteristics of a village. The settlement is not a civil Parish in its own right, as many of Cherwell’s villages are. Moreover it is a small group of disparate buildings comprising only three dwellings and does not have even the minimum services or facilities that a village would, including most notably a church. As the proposal is outside the built-up limits of the nearest settlement – Wroxton – and does not constitute a village in its own right, it fails to comply with Policy Villages 1 and the proposal must be assessed against Saved Policy H18 of the Cherwell Local Plan 1996.
- 5.12 The applicant has submitted photographic evidence that there was once a building on the site, with the photographs dated from 1959. This building is no longer standing and there is no evidence of the building on site. It is also questionable, from the photograph evidence provided, if the building was indeed occupied as a dwelling. Therefore the site must be considered as greenfield land, and any development on the site must be

considered to be a new dwelling and not a replacement.

- 5.13 Given the location of the site within the open countryside, Saved Policy H18 of the Cherwell Local Plan 1996 applies (the Development Plan) which states that unless the dwelling is essential for agricultural use or for low cost affordable housing (Policy H6), the proposal is unacceptable in principle. No justification for a new dwelling in this open countryside location has been provided, and therefore it is considered that the proposal would fail to comply with Saved Policy H18.
- 5.14 Without a demonstrated need, the proposal would introduce a new dwelling into the open countryside, would fail to comply with Policy Villages 1 and Saved Policy H18 and therefore the proposal is unsustainable development that is unacceptable in principle.

Effect on Visual Amenity and Landscape Impact

- 5.15 Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.”*
- 5.16 Saved Policy C28 of the Cherwell Local Plan 1996 reflects Government guidance in relation to the design of new development by seeking to ensure that such development is in harmony with the general character of its surroundings and is sympathetic to the environmental context of the site and its surroundings.
- 5.17 The design of the proposed dwelling attempts to replicate a converted barn with the large areas of glazing representing features such as barn door openings. However, the plan form fails to follow the linear form traditionally associated with rural buildings. Furthermore, features such as a chimney stack and dormer window are unlikely to be found on a converted agricultural building.
- 5.18 To summarise, the design is not traditional or reflective of the local vernacular. Although the building is proposed to be set back in the site, the lack of screening along the front of the site will result in the development being a prominent feature within the street scene.
- 5.19 The site is currently screened from the countryside to the north and west but if approved it would be difficult to insist that the planting is retained for more than the five years normally required by conditions. It is not unreasonable to assume that future occupiers may want to take advantage of the views gained from this location and therefore there is no guarantee the house would always remain so well screened. Furthermore, during different seasons the building may become more prominent.
- 5.20 In terms of the proposal's impacts on the character of the open countryside consideration has to be given to the proposed location in the open countryside and the proposed design.
- 5.21 The proposal is not reflective of the local vernacular. The proposal to build on a very open, undeveloped parcel of land will have a detrimental impact on visual amenity and the open and rural character of the countryside. The proposal is therefore contrary to government guidance on requiring good design and conserving and enhancing the natural environment and contrary to Policies ESD13 and ESD15 in the Cherwell Local Plan 2011 – 2031 Part 1, and Saved Policy C28 of the Cherwell Local Plan 1996.

Effect on Residential Amenity

- 5.22 Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should consider amenity of both existing and future

development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

- 5.23 The application site is not located in close proximity to any residential properties and therefore there would be no significant harm from the proposals on the residential amenity of neighbours.

Highways Safety

- 5.24 The Highways Liaison Officer has offered no objections to the proposals, subject to a number of planning conditions. Therefore, it is considered that the proposal would not have a detrimental impact on Highway Safety in accordance with Government guidance contained within the National Planning Policy Framework.

Ecological Impact

- 5.25 The Ecology Officer has not commented on the proposals, but did comment on the previous scheme, stating that *the ecological survey report found that although the application site forms part of the larger Wroxton and Balscote Mills County Wildlife Site (CWS), it does not support any of the species-rich grassland or notably plants for which the CWS is designated. Therefore I cannot object to this development on the grounds of it causing harm to a designated site. Given the habitat on site and previous sittings of grass snakes in the vicinity, there is potential for them to be present within the application site. Therefore a precautionary method of working has been recommended within the report in order to ensure no reptiles are harmed during any site clearance. Ecological enhancements in the form of bat roosts and bird nesting boxes have also been proposed*.
- 5.26 With the inclusion of planning conditions it is therefore considered that the development could result in a net gain in biodiversity and would not have a detrimental impact on local ecology.

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 is located outside of the built-up limits of the settlement of Wroxton and is therefore considered to be contrary to Policy Villages 1. Furthermore, no essential need has been demonstrated for a new dwelling on the site, so the proposal would fail to comply with Saved Policy H18. The design of the dwelling is considered to not be reflective of local vernacular and would build upon undeveloped land in the open countryside which would cause unacceptable harm to visual amenity and the character, quality and appearance of the countryside.

6. Recommendation

Refusal, for the following reasons:

1. The proposed dwelling constitutes residential development in open countryside, beyond the built up limits of the nearest village, for which no justification for essential need has been submitted. In its proposed location the dwelling would be an unsustainable form of development which would furthermore detract from the open and spacious, rural character of the area. As such the proposal is considered to be contrary to government guidance contained within the National Planning Policy Framework, Policy Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, and Saved Policy H18 of the Cherwell Local Plan 1996.

2. The proposed dwelling, by virtue its design and siting would cause harm to visual amenity, would not be in keeping with the character of the area, and would therefore neither conserve nor enhance the rural character of the area. As such the proposal would cause harm to the character and amenity of the area, contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.