

**Site Address: Land To Rear of Utility  
Building, Glebe Court, Fringford**

**16/00704/F**

**Ward: Fringford and Heyfords**

**District Councillor: Cllr I Corkin, Cllr J  
Macnamara & Cllr B Wood**

**Case Officer: Gemma Magnuson    Recommendation: Refusal**

**Applicant: Glebe Leisure – Mr R Herring**

**Application Description: Erection of warden's dwelling**

**Committee Referral: Called in by Cllr Wood**

**Committee date: 09 June 2016**

**1.    Application Site and Locality**

- 1.1 The site consists of an established touring caravan site with associated facilities, including two fishing lakes with car park for users, situated south-west of the village of Fringford. The site sits within a rural context is of high archaeological interest as part of a historic battlefield of an unknown date. The land is potentially contaminated. A SSSI is within 2km of the site.

**2.    Description of Proposed Development**

- 2.1 The proposed development would involve the erection of a one and half storey dwelling, with stone and timber clad walls, slate or tile roof and timber openings. The living accommodation would consist of one bedroom, with study, utility, kitchen, dining, sun room and sitting room at ground floor level.
- 2.2 The intention is for the dwelling to be occupied by a permanent warden; currently the applicant and his wife. The submission seeks to demonstrate that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site.
- 2.3 The current application follows three refused applications for a dwelling on the site, and a pre-application enquiry, and attempts to address the previous reasons for refusal.

**3.    Relevant Planning History**

App Ref

Description

Status

06/01392/F - Change of use of land to caravan park to provide 20 no. touring van pitches and new toilet/utility building – granted

Condition 6 of this decision stated that no caravans, motor caravans or tents shall be stationed anywhere on the land for more than 28 consecutive nights and a register of occupiers shall be kept and made available for inspection by an authorised Officer of the Local Planning Authority at all reasonable times – Reason – In order to limit the use of the site to that of touring and not long stay residential caravans and tents to comply with Policy T8 of the adopted Cherwell Local Plan.

14/00698/F - Erection of a permanent Warden's dwelling – refused

Refused on the following grounds:

The applicant has failed to establish that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site. The proposal therefore fails to meet the requirements of the National Planning Policy Framework and saved Policy H18 of the adopted Cherwell Local Plan 1996.

The proposal represents sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area and the environment within the designated Area of High Landscape Value, contrary to Government guidance contained within the National Planning Policy Framework, saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan 1996 and Policies ESD 13 and ESD 16 of the Submission Cherwell Local Plan.

14/01953/F - Erection of a permanent Warden's dwelling - Re-submission of 14/00698/F – refused

Refused on the following grounds:

The applicant has failed to establish that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site. The proposal therefore fails to meet the requirements of the National Planning Policy Framework and saved Policy H18 of the adopted Cherwell Local Plan 1996.

The proposal represents sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area and the environment within the designated Area of High Landscape Value, contrary to Government guidance contained within the National Planning Policy Framework, saved Policies C7, C8, C9, C13 and C28 of the adopted Cherwell Local Plan 1996 and Policies ESD13 and ESD16 of the Submission Cherwell Local Plan.

15/00124/PREAPP - Erection of permanent warden's dwelling

Officer conclusion: I am of the opinion that the additional information provided as part of this submission has failed to demonstrate the essential need for a permanent dwelling at the caravan park, and that the proposal is contrary to Government guidance contained within the NPPF and saved Policy H18 of the Cherwell Local Plan 1996. As a consequence, the proposal would represent sporadic development in the open countryside that would be detrimental to the open and rural character and appearance of the area, contrary to Government guidance contained within the NPPF, Policies ESD 10, ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C8 and C28 of the Cherwell Local Plan 1996.

15/02349/F - Erection of a wardens dwelling – refused

Refused on the following grounds:

The applicant has failed to establish that the dwelling is essential for the proper functioning of Glebe Leisure Caravan Park and that a warden needs to live permanently on site, contrary to the requirements of the National Planning Policy

Framework and saved Policy H18 of the Cherwell Local Plan 1996.

The proposal to represent sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area contrary to Government guidance contained within the National Planning Policy Framework, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policies C8 and C28 of the Cherwell Local Plan 1996. The proposal to represent sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area contrary to Government guidance contained within the National Planning Policy Framework, Policies

#### **4. Publicity**

- 4.1 The application was publicised by way of neighbour notification letters and a notice displayed near to the site. The final date for comment was 26 May 2016. Twelve responses were received; ten letters and one petition with seven signatures and comments in support of the application, and one objection to the application. The following issues were raised (please note that these have been summarised – refer to electronic file for full versions):

##### Support

- Their presence on the site is a reassurance to us residing in the small hamlet of nearby properties, to maintain our privacy and security
- The applicants have created a delightful setting in the countryside for others to enjoy, the upkeep of their boundaries and management of visitors on site is very important to us
- Aware the applicants need to provide surveillance 24/7 and we believe that can be achieved by them living on site as they would be best placed to represent our interests
- A resident warden would bring confidence to people on site in an emergency situation as they would be familiar with hospitals, doctors etc. if needed. Also added security to an already existing system
- A resident warden is something that is expected of a site of this standard, most sites have a warden on site 24 hours
- If the applicants would stay on site permanently it would benefit everyone
- It is insane not to have planning for an on site warden, perhaps the Council would like to think about the tourist cash this site brings to the area
- An on site dwelling for a permanent warden would be an advantage and probably encourage more use of the site; it would not detract from the general appearance of the site or area
- This is the only site we visit that does not have someone on site 24/7 for the security of the site
- It would be beneficial to be manned 24 hours to maintain the grounds and communal areas, also in the event of an emergency or late arrival – help would be available instantly

- Don't need 24/7 security; we look after our own stuff, but a visible presence on site would be to everyone's benefit

- We have had experience personally of an event of not having a resident warden housed on site, our son having set fire to his tent and himself then had to wait whilst owners were contacted to open gates for emergency services to take him to hospital all taking more time than necessary. We can see no legitimate reason why this application should be turned down as the site should bring a lot of business to locals. It's no good in an emergency if the warden etc. is living in a house in Bicester what a ridiculous comment. I hope the local planners see some sense.

- A beautiful tranquil site perfect for relaxation. The grounds are well kept, the only downfall is no warden on site at all times, something we believe the site would benefit greatly from

- Always arrive out of hours, a warden's dwelling would facilitate us locating our pitch more quickly and also make contact available for questions and advice on local attractions. Caravanning is not just pitching up in a field, but exploring the local countryside and attractions

- The opportunity to contact the owners 24/7 would make this site perfection, whilst they are available on a phone the peace of mind of them located on site would make you feel more secure that should you need assistance, they would be instantly on hand

- The owners and others involved do a wonderful job of keeping their guests safe and well catered for. It is such a difference when you go to sites and no-one is around to help. We had a few enquiries and they were there ready to hand to answer our queries – brilliant in our opinion a house here would be beneficial to all those concerned with the site whether campers, fishers (remainder of comment illegible)

- As the owner of Barnstones Caravan Park I confirm I created the park 40 years ago, first 5cl and is now one of the premier sites in North Oxfordshire with 40 pitches. Its development has been possible because of my presence on site to oversee and manage its day to day running. It would have been impossible to achieve this without living in a bungalow on the site as there is a demand for personal attendance from my visitors 24/7. Because of these demands and its expansion, I found it necessary to provide an additional member of staff to assist me in the running of the site, so 15 years ago I provided a permanent caravan pitch. This allows for a warden to be in attendance at all times and enables me to share the work load.

- My husband and I have run and owned Anita's Caravan Park from its inception in 1993, developing the site from scratch. We have expanded over the years providing camping and glamping experiences as well as pitches for tourers. We would never have started this venture had we not been able to be present at all times; this is possible as our house The Yews is on the site area. It is essential to provide security at all times for a successful facility as it is for the benefit of campers. Their safety and feeling of security is paramount when camping either alone or with a family. Applications for a warden on a lone campsite should be viewed with favour and encouragement. The surrounding area, as we have found, benefits financially and socially.

Object

- No objection to a full time warden but object to building a house on a very small caravan site

- Two practical alternatives to a new build; already a static caravan in situ ideal for a site warden, that has previously been inhabited by a member of the applicant's family. Since the last application the applicant has bought a house, a warden could occupy the Winnebago that has accommodated applicant and his wife over last two years. These would not alter appearance of site and surroundings, and would be similar to other sites noted by the Council

- Although the applicant and his wife have been living on site for over two years, during the day they both work at Globe Works, Stoke Lyne Road, Fringford. This is the applicants other company Bicester Sweepers. As a consequence, neither the applicant or his wife appear to be on the caravan site during the day. I don't believe that changing the Winnebago for a permanent dwelling will make a difference to their daytime occupation.

- I don't believe the business would be compromised if the dwelling is refused as there has never been a permanent warden in attendance.

- Although there are recorded cases of minor crime on the site, this is not a high crime area. The level of crime noted in Mr Herring's application seems a small amount taken over the 20 or more years that the site has been operating.

- This is the fourth application for a wardens dwelling and there does not appear to be any new and compelling evidence offered which could change the Council's original decision. This would be an unnecessary and spurious development in an area already under siege from developers.

4.2 Correspondence connected to the proposal was also provided in the Design and Access and Planning Statement accompanying the application at Appendices 1 and 3 from Thames Valley Police and NFU Mutual Insurance.

4.3 Thames Valley Police have provided best practice points relating to Crime Prevention Through Environmental Design (CPTED) and Safer Places – The Planning System and Crime Prevention, with links to Secured By Design New Homes Guide 2014, Safer Places The Planning System and Crime Prevention and ICO CCTV Code of Practice.

## **5. Response to Consultation**

5.1 Fringford Parish Council: no comments or objections

5.2 Cherwell District Council Environmental Protection: no objection

5.3 Oxfordshire County Council Highway Authority: no objection subject to condition

5.4 Thames Valley Police: no comments received

## **6. Relevant National and Local Planning Policy and Guidance**

### **Development Plan Policies**

6.1 The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though

many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1

VIL1 - Village Categorisation

ESD13 - Local Landscape Protection and Enhancement

ESD15 - The Character of the Built and Historic Environment

#### Cherwell Local Plan 1996 (Saved Policies)

C8 - Sporadic development in the open countryside

H18 – New dwellings in the countryside

C28 - Layout, design and external appearance of new development

C30 - Design of new residential development

### **Other Material Planning Considerations**

National Planning Policy Framework ("the Framework")

Planning Practice Guidance ("nPPG")

## **7. Appraisal**

7.1 The key issues for consideration in this case are:

- Principle of the development
- Visual impact
- Residential amenity
- Highway safety

### Principle of the Development

- 7.2 Government guidance contained within the Framework explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development; economic, social and environmental. The central thrust of the Framework (cf. para 14) is that development must be sustainable, i.e. *capable of being sustained*, and the business planned on a sound financial basis.
- 7.3 Policy Villages 1 of the Cherwell Local Plan 2011-2031 relates to residential development within the built-up limits of villages, where development is directed towards those villages best able to accommodate limited growth.
- 7.4 The Cherwell Local Plan 1996 is considered to be out of date with regards to the Framework in some respects as it was adopted prior to 2004. However, it also advises that due weight should be given to relevant Policies within existing plans according to their degree of consistency with the Framework. The Cherwell Local Plan 1996 does contain a number of saved Policies which are consistent with the Framework and relevant to the consideration of the proposal. The site is located within the open countryside, beyond the built-up limits of a settlement. The acceptability of the principle of the development therefore stands to be considered against Government guidance contained within the Framework and saved Policy H18 of the Cherwell Local Plan 1996.

7.5 With regard to new isolated homes in the countryside, the Framework advises that they should be avoided 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. It is considered that the applicant's case is predicated on the essential need for a rural worker to live permanently at or near their place of work in the countryside.

7.6 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 settlements when: it is essential for agriculture or other existing undertakings, or the proposal meets the criteria set out in Policy H6 (affordable housing), and the proposal would not conflict with other Policies in the Plan. It is considered that the applicant's case is predicated on the essential need for 'other existing undertakings'. It is necessary to establish whether the proposed dwelling is,

*(a) Essential - including its provision, its siting and its size*

*(b) Economically sustainable - i.e. capable of being sustained by the enterprise*

7.7 As previously stated, this is the fourth attempt by the applicant to demonstrate that there is an essential need for a rural worker to live permanently on site. All previous submissions have, in the opinion of the LPA, failed to demonstrate an essential need. The current application follows pre-application advice where, again, it was considered that the case then put forward did not demonstrate an essential need.

7.8 The current submission explains that Glebe Leisure is an established rural leisure and tourist site located near Fringford that comprises two enterprises – a holiday caravan and camping site with 3 AA pennant award rating and fishing lakes. The leisure park has been created from scratch by the owners – the applicant and his wife. The applicants would like to achieve four AA pennant status for the site. The criteria for the achievement of a four AA pennant rating, as set out in the AA Quality Standards, is as follows:

7.9 Parks with this rating have achieved an extremely high standard in all areas. As well as fulfilling all the criteria for lower rated establishments, four pennant parks must offer additional facilities.

- 25 pitches per campable acre (maximum)
- Quality shop on-site (or within a reasonable distance)
- 24-hour warden
- Reception area open during the day, with tourist information available
- Internal roads, paths and toilet blocks lit at night
- Spacious vanity-style washbasins or similar, including some in cubicles
- Fully-tiled or equivalent shower cubicles with doors, dry areas, shelves and hooks (at least one per gender for every 30 pitches)
- Some combined toilet and washing cubicles, at least 2 for up to 150 pitches, 4 for over 150, and 6 for over 300
- Toilet blocks heated October to Easter
- Baby changing facilities (if applicable)
- At least half of all pitches must have electric hook-ups
- Minimum 10% hardstandings, where necessary
- A late arrivals enclosure or arranged agreement for late arrivals
- Good security and supervision

7.10 The LPA must consider whether the case put forward by the applicant demonstrates an essential need for a permanent dwelling on the site. Many of the issues with regard to the acceptability of the principle of the dwelling have been previously considered as part of the three previous applications and one pre-application request 14/00698/F, 14/01953/F, 15/00124/PREAPP and 15/02349/F, where in all cases the Local Planning Authority were unconvinced of the need for a permanent dwelling on the site.

7.11 Please refer to the Officer reports for 14/00698/F, 14/01953/F, 15/00124/PREAPP and 15/02349/F for the full assessment of the cases previously put forward. The main issues have been summarised below:

- CCTV can be monitored remotely, including contacting emergency services. A number of settlements are nearby: Bainton, Stoke Lyne, Fringford, Stratton Audley, Caversfield and Bicester where alternative accommodation could be sought, and any resultant delay in reaching the site would not be significant.

- Campers could contact the emergency services themselves if required, potentially using an emergency telephone within the site.

- The dwelling was discreetly positioned away from view; the entrance would not be visible from the dwelling and vice versa.

- The site benefits from an office that could be used as a base for a night time security guard. Daytime activities could also operate from here. The office is ideally situated within the site to view both the campsite and fishing lakes.

- Apparent lack of attempt to secure the site via alternative means. Suggestions were made within both Officer reports for 14/00698/F and 14/01953/F, although no alterations appeared to have occurred.

- The applicant or a family member has been living on site unauthorised for the last 2 -3 years in different accommodation, although the level of anti-social behaviour on the site does not appear to have reduced during this period, suggesting that human presence on the site does not act as a deterrent itself, or at least, not in the location in which it has been situated (static caravan adjacent to the entrance and Winnabego in position of proposed dwelling).

- Existing staff are employed at the site including two part-time office/booking clerks providing 24/7 cover for the site. Could these not perform the roles of a warden? A fishing warden is also employed from dawn until dusk. Perhaps these could alleviate the inconvenience of opening the gate to the car park?

- Lack of detail regarding the extent or frequency of the specified incidents – police incident reports were supplied although these were undated. A journal was also supplied that was assumed to represent a fair reflection of the activity that occurred since 2006 (please note this was mislaid as a result of the use of external consultants and does not appear on the electronic file). This information has not been submitted with the current application.

- Similarly priced dwellings to the proposed build cost of the proposed dwelling existed within the vicinity of the site at the time of the applications.

- Financial information was provided with 14/01953/F that raised questions with regard to the ability of the business to finance the dwelling. The Officer noted that the dwelling would initially be paid for by the applicant who would then repay himself over ten years, which would absorb all the profit from the business for the next



decade and mean that no income could be taken for the applicant who would need to be the primary wardens on site in order to occupy the proposed dwelling. The dwelling did not, therefore, appear to be a viable proposition.

- With regard to precedent, it had been understood at the time that, with the exception of Barnstones Caravan and Camping Site, the campsites in the District have developed around existing dwellings, mostly farms, where the owners and applicants reside. However, the owner of Barnstones has confirmed as part of the current application that they did live on site during the development of the Caravan and Camping Site.

- Glebe Court, a permanent, open market dwelling adjacent to the site was marketed on 09 March 2013 and subsequently sold on 06 January 2014 for £720,000. This was considered material to the case although the reasons behind the sale had not been supplied.

- An AA Inspection report dated June 2015 indicated that the applicant and his wife worked off-site and visitors were asked to call a mobile number on arrival. This was supported by a response from a neighbour suggesting that the applicants work at the adjacent Bicester Sweepers site during the day, and was considered material to the case although no further information had been supplied with regard to the situation.

- The applicant considered that the incidents cited in the submission would have been more severe if no-one had been living on or adjacent to the site at the time they occurred, although there was no evidence to support this claim. There has always been someone living on or adjacent to the site and so nothing to compare with.

- The benefits of natural surveillance are understood, although it was considered that the visitors themselves provide surveillance and can alert the emergency services if necessary.

- CCTV has been installed on the site and signage erected at the entrance. It was suggested that this may have had some success, since there had been no reported incidents at the site since May 2014. (It is worth noting that this signage now appears to have been removed).

- Alternative methods of securing the site have not been explored.

- Could the employment of a temporary night time warden during off-peak season overcome the problems identified at the site without the financial burden of a year round warden?

- It was not considered that the relevant planning Policy was overburdening the business; the planning system does not seek to restrict the growth of rural enterprises and tourism, but the NPPF and saved Policy H18 are clear that an essential need must be provided for new dwellings in the countryside.

- On 23 February 2016 there were 11 dwellings available for sale within 3 miles of the site priced between £179,950 and £230,000. Rental properties were also available starting at £680pcm although these had not been explored.

7.12 With regard to the current submission, the applicant considers that an on-site presence is necessary for the proper management, maintenance and security of both the fishing lakes and the camping and caravan site. There is currently no

permanent residential property within the site for the owners or a warden or site manager to live in.

- 7.13 The applicant took the decision to sell their permanent dwelling, Glebe Court, which was ideally positioned to serve the purpose of a warden's dwelling directly adjacent to the site to the north-west, during January 2014.
- 7.14 The reasons behind the decision to sell the dwelling are stated to be that the growth of the business associated with the caravan park proved that it was impossible to run and monitor the site without actually being on site and seeing caravanners in and out of the site, and that the dwelling was not considered well located to see what was happening on site due to the landscaping between the two. In addition, the separation of the activities at Glebe Leisure from the remaining dwellings was considered to be of benefit to the hamlet, and the size of the dwelling was considered unsuitable for a dedicated warden for the site due to its large size and running costs.
- 7.15 Since the sale of the existing dwelling for the sum of £720,000 in January 2014, the applicants have purchased a retirement home, with the remainder of funds intended to finance the construction of the warden's dwelling now proposed. The applicants have also been living on site in an unauthorised Winnebago since December 2013, a matter that the Enforcement Team are currently seeking to resolve. A static caravan was positioned adjacent to the entrance to the site in February 2011 that was occupied by the son of the applicant, although this is understood to be vacant at the time of writing.
- 7.16 The construction of the dwelling would not, therefore, be financed by the Glebe Leisure enterprise. The cost of the dwelling is not reliant upon a profit turnover of Glebe Leisure. Typically, such dwellings would need to be capable of being supported in business terms for the cost of construction and loan repayments in order to provide assurance to the Local Planning Authority that there is a direct link between the business and the dwelling. If this is not the case, there would be no incentive for the business venture to continue following erection of the dwelling.
- 7.17 Full account details have not been supplied with any submission to date, although noting - as stated above – that it is not the intention for the dwelling to be reliant upon the profits of Glebe Leisure.
- 7.18 The applicant considers that it would be more costly to buy a small dwelling off-site as opposed to building from new, that it would be inconvenient, and that it would not meet the business needs of Glebe Leisure. No information has been submitted in support of these statements. Renting is also considered to represent a poor business choice, given the substantial annual costs with no end return.
- 7.19 Information supplied with the application ref: 14/01953/F indicates that the applicants are ultimately responsible for supervising the duties performed by 7 employees on the site consisting of the following (on 07 January 2015):
- 1 no. cleaner working 20 hours per week
  - 1 no. gardener performing ground maintenance 5 hours per week
  - 1 no. fishing warden working dawn until dusk for cash commission plus free fishing
  - 1 no. grass mower and woodland maintenance person working 30 hours per week in high season
  - 2 no. part-time office/booking in clerks covering 24/7
  - Bi-annual hedge cutters

- 7.20 In addition, the applicants would share some of the above duties, especially during unsociable hours.
- 7.21 The signed affidavit dated 26 March 2016 suggests that the staffing levels have now significantly decreased to consist only of cover by other family members during the Christmas period, including one part time employee covering daytime hours and management of the fishing lakes during this time. No further explanation regarding the loss of staff, including the 24/7 employees, has been supplied with the submission.
- 7.22 A summary of the warden's role has been supplied at Appendix 2 of the Design and Access and Planning Statement and would include the following:
- Signing in of campers to the site
  - Hospitality services
  - Allocation of eco-pods
  - Cleaning and preparation of pods
  - General site and facilities cleaning and maintenance
  - Service failures
  - Fish husbandry
  - Walking the site
  - Security
- 7.23 The applicant advises that he has investigated the employment of a night time warden, although it is not considered the best option for the business as it would be expensive and would only perform the role of security rather than general maintenance, requiring them to be called out to the site in any case.
- 7.24 The applicants are the site owners, site managers and profit benefactors, and whilst Glebe Leisure does provide them with some income, the email dated 07 January 2015 confirms that they have other business interests. One of these is understood to be 'Globe Works/Bicester Sweepers' adjacent to the site to the north-west, although the applicant has confirmed in their affidavit that *at least one of them* is on site at all times.
- 7.25 The applicant has explained that the reason behind the reluctance to explore alternative methods for securing the site, such as a new entrance barrier, is that it would not help to achieve the 24 hour presence required on site in order to achieve the desired 4 AA pennant status, and that it would not be economically viable to employ a night-time warden for this purpose. However, neither of these are sufficient reasons to justify the erection of a permanent dwelling at the site.
- 7.26 A search undertaken on 31 May 2016 indicates that the following dwellings are available for sale within 3 miles of the site:
- £175,000 – 1 bed terrace, Bicester
  - £180,000 – 1 bed flat, Bicester
  - £190,000 – 1 bed terrace, Bicester
  - £195,000 – 1 bed terrace, Bicester
  - £199,950 – 2 bed maisonette, Bicester
  - £200,000 – 1 bed terrace, Bicester
  - £205,000 – 1 bed terrace, Bicester
  - £219,950 – 3 bed semi-detached, Bicester
  - £220,000 – 1 bed terrace, Bicester
  - £229,995 – 1 bed terrace, Bicester
  - £230, 000 – 1 bed flat, Stratton Audley
  - £230,000 – 1 bed flat, Stratton Audley

- 7.27 Rental properties are also available within a 3 mile radius starting at £625pcm.
- 7.28 Officers remain of the view that the need for a permanent dwelling on the site has not been sufficiently demonstrated. The submission continues to lack the necessary detail to provide a clear and compelling case for the erection of a permanent warden's dwelling on the site.
- 7.29 It is an established principle that rural workers proposing a remotely located dwelling have to demonstrate that it is essential for there to be an on-site presence, that the business itself can support the construction of that dwelling, and that the dwelling is capable of being sustained by the enterprise. In summary, the applicant has so far failed to provide sufficient evidence on all three points.
- 7.30 The need should arise from the needs of the business, and not the personal wishes of the applicant, e.g. to achieve a particular pennant status. The fact that the applicant chose to sell a permanent dwelling that, through some modification of landscaping, could have provided the 24 hour presence now desired severely weakens their case.
- 7.31 The dwelling would not be financially linked to the business and as a result, no assurances that Glebe Leisure would continue to operate following construction of the dwelling can be provided.
- 7.32 The site appeared to be operating with 24/7 staff, managed by the applicants, on 07 January 2015, although the reasons as to why this is no longer the case have not been fully explained.
- 7.33 There do not appear to have been any police incidents in the last two years, indicating that the installation of CCTV and signage may have been (and may still continue to be) a successful deterrent. Were security to be pursued as a justification for the dwelling, it is considered that there are alternative methods of securing the site, and these must be fully explored before any permanent dwelling is considered.
- 7.34 In summary, it has not been demonstrated that there is an essential need for a dwelling at the application site, or for a dwelling of this size and in the location proposed, or that the dwelling is economically sustainable. It is therefore considered that the enterprise would be unable to sustain the proposal in the long-term and the proposal therefore fails to accord with the presumption in favour of sustainable development, and would fail to accord with saved Policy H18 of the 1996 Plan and paragraphs 14, 30, 55, 93 and 95 of the Framework.

#### Visual Impact

- 7.35 Government guidance contained within the Framework 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. Planning decisions should aim to ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Developments should also respond to local character and history, and reflect the identity of local surroundings and materials. Planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Further, the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 7.36 Saved Policy C8 of the Cherwell Local Plan 1996 seeks to resist sporadic development in the open countryside. Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained. Saved Policies C28 and C30 of the adopted Cherwell Local Plan state that control will be exercised over all new development to ensure that it is sympathetic to the character of its context. Further, all new housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 7.37 Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 continue the general thrust of Government guidance contained within the Framework and the Cherwell Local Plan 1996.
- 7.38 Viewed in isolation, the design of the dwelling is not considered offensive, and the site is within close proximity to a small cluster of buildings that appear to be associated with Glebe Farm to the north-west. However, the proposed dwelling would not appear as part of this cluster, instead being positioned over 250 metres to the south-east, and it remains that the case the site is positioned within the open countryside beyond the built-up limits of a settlement.
- 7.39 Whilst the site benefits from dense boundary vegetation that would screen the dwelling from view of the public domain, officers consider the proposal to constitute sporadic development within the open countryside that would not be sympathetic to its rural context.
- 7.40 By virtue of its location, the proposed development would represent sporadic development in the open countryside and would not be sympathetic to the rural character and appearance of the landscape, contrary to Government guidance contained within the Framework, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies C8 and C28 of the Cherwell Local Plan 1996.

#### Residential Amenity

- 7.41 The proposed development is a sufficient distance from all neighbouring properties in order to avoid significant harm in terms of a loss of amenity or privacy.
- 7.42 The proposal accords with Government guidance contained within the Framework that seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and saved Policy C30 of the Cherwell Local Plan 1996 that seeks standards of amenity and privacy acceptable to the LPA. Further, the development accords with Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031 that states that development should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

#### Highway Safety

- 7.43 Oxfordshire County Council Highway Authority has assessed the proposal and raises no objection subject to conditions requiring the dwelling to be used as a warden's dwelling and the provision of off-street parking spaces. The first of these conditions is considered unreasonable; a warden dwelling is not expected to generate movements that differ so significantly from a private dwelling as to warrant a restriction of use on the grounds of highway safety.
- 7.44 The provision of parking spaces is considered reasonable. The dwelling would make use of the existing access and there is sufficient space on site for the spaces to be provided. The proposed development accords with Government guidance

contained within the Framework in terms of the promotion of sustainable transport that states that developments should create safe and secure layouts.

## **8. Conclusion**

- 8.1 The proposal would not adversely affect residential amenity or highway safety. However, it has not been demonstrated that the proposed dwelling is capable of being sustained by the current enterprise, or that there is an essential need for a dwelling to serve the business. Further, if a need could be substantiated, it has not been demonstrated that there are no other buildings or locations within close proximity to the site capable of meeting the needs of the business. In addition, it has not been demonstrated that the current enterprise would be able to sustain the cost of the dwelling.
- 8.2 The proposal would therefore represent an inappropriate form of development within the open countryside; that would not comply with the Framework's presumption in favour of sustainable development; and insufficient justification has been provided to demonstrate why the proposed development should override local or national planning policy
- 8.3 It is therefore considered that the proposal is contrary to Government guidance contained within the Framework, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 and saved Policies H18, C8 and C28 of the Cherwell Local Plan 1996. Furthermore, if this proposal were granted planning permission based on the submitted cases, the decision is likely to set an unwelcome precedent for future dwellings to be erected in association with rural businesses in the open countryside. It is for the above reasons that I recommend that the application is refused.

## **9. Recommendation - Refuse, on the following grounds,**

1. The applicant has failed to demonstrate that there is an essential need for a dwelling to serve Glebe Leisure Caravan Park or that there are no other buildings within close proximity to the site capable of meeting the needs of the business should such a need be demonstrated. In addition, the applicant has failed to demonstrate that the proposed dwelling is capable of being sustained by the enterprise. The proposal therefore represents an inappropriate and unsustainable form of development that is contrary to the requirements of the National Planning Policy Framework and saved Policy H18 of the Cherwell Local Plan 1996.
2. The proposal represents sporadic development in the open countryside that would be detrimental to the open rural character and appearance of the area contrary to Government guidance contained within the National Planning Policy Framework, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and saved Policies C8 and C28 of the Cherwell Local Plan 1996.

## **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) 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 application has been determined in a timely and efficient manner.

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