

Ward: Cropredy, Sibfords
and Wroxton

District Councillors: Cllr Ken Atack, Cllr G A Reynolds
and Cllr Douglas Webb

Case Officer: Caroline Roche

Recommendation: Approve

Applicant: Mr Peter and Renate Nahum

Proposal: Amendments to planning consent ref 14/01633/F for the extension to existing dwelling together with retention of the portacabin for the duration of the building works and the replacement of the existing asbestos roof, the extension of the approved cladding to the entire building and the enlargement of the existing store within the barn

Committee Referral: Member Request

Committee Date: 1 September 2016

1. Application Site and Proposed Development

- 1.1 The application site sits on high ground adjacent to the western side of Mollington Road immediately to the south of the village of Claydon. The site consists of a portal-framed building, agricultural in appearance, and which benefits from a lawful dwelling house in its south western corner; a portacabin which benefits from only temporary consent, and a small curtilage to the north west and south west of the barn. The remainder of the land within the applicant's ownership consists of an orchard to the rear of the barn and grassed areas surrounding the building.
- 1.2 The existing barn is part block built with elements of timber cladding and green profiled cladding whilst the roof is profiled sheeting. The barn sits behind a high hedge but glimpsed views of the building can be gained above the hedge.
- 1.3 The application seeks planning permission to amend an earlier planning permission as well as carry out additional works as listed above.
- 1.4 The site lies to the south of listed and curtilage listed buildings; there is a public footpath that runs along part of the access and across land within the applicants' ownership; and common swifts have been identified in the area.

2. Relevant Planning History

- 2.1 **14/02090/F** – Insertion of windows into existing dwelling. **Permitted**

14/01633/F – Extension to existing dwelling together with retention of portacabin for the duration of the building works. **Permitted**

14/00107/F - Extension to residential curtilage. **Permitted.**

13/01506/F – Demolition of the majority of the barn and extension to dwelling. Creation of a residential curtilage. **Refused**

10/01095/CLUE – To use the site as private residence. **Lawful Development Certificate issued**

3. Publicity

The application was publicised by way of neighbour notification letters, a site notice and an advertisement in the press. No correspondence has been received in relation to this consultation process.

4. Response to Consultation

Parish/ Town Council:

Claydon with Clattercote Parish Council – No objections overall but made a number of observations. These can be viewed in full on the Council website but in summary relate to the level of information included in the application submission, the sites history and the fact that they would not wish to see the barn demolished and replaced with a residential development.

5. Relevant National and Local Planning Policy and Guidance

Development Plan Policies

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

ESD13 – Local Landscape Protection and Enhancement
ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

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)

6. Appraisal

The key issues for consideration in this case are:

- Principle of the proposals
- Visual amenity impact on heritage assets
- Residential amenity
- Highway safety

Principle of the proposals

- 6.1 The first element of the proposal relates to amendments to an earlier consent granted early in 2015. This earlier consent allowed for an extension to the existing

dwelling (deemed lawful in 2010) within a larger proportion of the existing barn. However it was recognised at the time, in the report to committee, that as the whole barn was included within the residential curtilage (approved in 2014) the principle of the extension was not a material planning consideration but instead it was the physical external alterations that were to be considered.

- 6.2 This current application seeks amendments to the earlier scheme and can be summarised as alterations to the fenestration and openings previously approved. There are no proposed changes to the size of the extended dwelling as previously approved. Externally on the south west elevation the large barn opening would be retained and glazed with sliding barn doors installed and the other windows would vary slightly in the sizes to those previously approved. The north-west elevation would be altered by way of slight changes to the size of the windows.
- 6.3 Additional changes included in this application include replacing the roof covering with Kingspan Trapezoidal insulated roof panels with integrated translucent panels to act as non-opening roof lights, the use of the previously approved green metal cladding across the entirety of the external walls and the extension of the enclosed store within the existing barn.
- 6.4 The internal alterations would not normally require planning permission given that they do not create additional volume or result in an actual extension to the building however when earlier applications were permitted conditions were imposed restricting the construction of walls internal to the barn and the insertion of additional windows and doors.
- 6.5 Given that the residential use of the building has been established the principle of the physical alterations is supported as concluded previously and it is their impacts on visual amenities, heritage assets, residential amenities and highway safety which are left to be considered.

Impact on visual amenity and heritage assets

- 6.6 Some of the proposed amendments and additional physical alterations to the building would alter the appearance of the existing barn. It would have a more uniform appearance as all the walls would be clad in the same material. Despite the additional windows, the principle of which was previously approved, the building would retain the appearance of a barn in its overall scale, design and external materials. Furthermore, whilst elements of the barn are visible from the public domain it is partially screened behind a boundary hedge. As such the proposals are unlikely to adversely affect the character and appearance of the area or the wider rural landscape out on to which it looks.
- 6.7 Similar considerations apply to the potential impact on the setting of the listed buildings which lie to the North of the Site at Manor Farm. Essentially the barn in its altered form would have no greater impact than what already exists. Whilst the barn is close to curtilage listed buildings it is difficult to see or experience the listed building in the same context as the barn from public vantage points. As such it is considered that the application proposals would not materially harm the setting of the listed buildings.
- 6.8 The long term retention of the portacabin would not be appropriate due to its visual impact on the character and appearance of the site and surrounding area. However, it is recognised that it would be beneficial to the applicants to retain it for the period over which the works to the barn take place. As such its removal following the occupation of the barn should be required by condition on any permission given for this proposal.

- 6.9 For these reasons, and subject to the said condition, the proposal is considered not to adversely affect the visual amenities of the area or the setting of heritage assets as such the application would accord with CLP 1996 Policies C28 and C30, CLP 2011-2031 Policies ESD13 and ESD15 and Government guidance contained within the Framework.

Impact on residential amenity

- 6.10 Given the orientation of the window openings and the relationship the barn has with its neighbouring residential properties there will be no adverse overlooking resulting from the proposals. The change in roof materials would result in a slight increase in the ridge height of the roof (plus 0.3 metres approx.). However, this is unlikely to be noticeable given the scale of the building and is unlikely to result in any overbearing or loss of light given the nearest residential property is some 35-40 metres away.
- 6.11 For these reasons, the proposal is considered not to demonstrably harm neighbouring amenity and would thus accord with CLP 1996 saved Policy C30, CLP 2011-2031 Policy ESD15 and Government guidance contained within the Framework.

Impact on highway safety

- 6.12 The proposal results in amendments to a scheme that permitted the creation of additional habitable accommodation, thus potentially increasing the demand for parking. However there is sufficient space within the curtilage of the building to accommodate a large number of cars. As such parking provision and highway safety are not considered to be significant issues in this instance.

7. Conclusion and use of conditions

- 7.1 The use of the barn for residential purposes and the residential curtilage has been established through previous consented planning applications. This current proposal seeks amendments to an earlier consent and additional internal and external alterations which have been assessed as having minimal adverse visual impact and no adverse impact on heritage assets or neighbouring amenities or highway safety. The proposal would thus comply with Policies C28 and C30 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011- 2031 and the relevant paragraphs of the Framework.
- 7.2 Various restrictive conditions have been imposed on previous applications. These have included restricting new window openings, restricting the insertion of new walls within the barn and the demolition of elements of the barn. It is considered that those conditions which seek to protect the visual amenities of the area and retain the agricultural appearance of the barn meet the necessary tests of conditions and will be recommended if this application is to be approved. However, given that the barn in its entirety is part of the domestic curtilage and could essentially be used as part of the residential dwellinghouse, a condition which restricts the insertion of internal walls does not seem either necessary or reasonable and as such is not recommended on this occasion.
- 7.3 It is not considered necessary to impose conditions restricting extensions to the building or the erection of outbuildings within the curtilage as these were restricted when the extension to the residential curtilage was approved (14/00107/F).

8. Recommendation- Approve, subject to the following conditions:

- 1 The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development shall be carried out strictly in accordance with the following plans and documents: Application forms, and drawing no. S3028/SLP, S3028/011, S3028/11 and S3028/12 submitted with the application.

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

- 3 The green profile metal cladding to be used for the external walls of the building, the subject of this planning application, shall match in terms of colour, type and texture that used on the existing building.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy 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.

- 4 The roof of the building, the subject of this planning application, shall be finished in accordance with the Kingspan brochure details submitted as part of this application.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the materials used on the existing building and to comply with Policy 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.

- 5 Notwithstanding the development hereby approved, the external walls and roof of the building, the subject of this planning application, shall not be removed without the prior express consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over any demolition of the building in order to safeguard the visual amenities of the rural area and the satisfactory appearance of the completed development and to comply with Policy 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.

- 6 The portacabin hereby approved shall only remain on site for the duration of the building works relating to the application and shall only be occupied by the current owners of 'The Barnhouse'. Within two months of the occupation of the development hereby approved, the portacabin shall be removed from the site in its entirety.

Reason - The building, because of its design and siting, is not suitable for permanent retention and to comply with Policy ESD13 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.

- 7 Except where otherwise identified on the approved plans no windows or door shall be inserted into the external walls or roof of the building, the subject of this application, without the prior express consent of the Local Planning Authority.

Reason: To protect the visual amenities of the area and the agricultural character of the building and to comply with Policy 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.