

**Applicant:** Mr and Mrs Frank Butt

**Proposal:** Replace redundant stables and hay barn with single storey 1 bed cottage - Re-submission of 16/00954/F

**Ward:** Launton And Otmoor

**Councillors:** Cllr Tim Hallchurch  
Cllr Simon Holland  
Cllr David Hughes

**Reason for Referral:** Cllr David Hughes has requested that it is dealt with by the Planning Committee

**Expiry Date:** 11 July 2017      **Committee Date:** 3 August 2017

**Extension of Time:** 7 August 2017      **Recommendation:** Refuse

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The site is located to the rear of dwellings in Church Lane and those served by a private drive. It comprises an area of paddock and is occupied by a timber stable block. To the west and north are private gardens and to the east and south are the grounds of Weston Manor Hotel. Also to the south, separated from the application site by two paddocks is a footpath known as Monks Walk.
- 1.2. The site is located within the Conservation Area and is within the Oxford Green Belt. There are also several listed buildings in the vicinity, including the Grade II\* listed Weston Manor Hotel and St Mary's Church, however they are some distance from the application site. A number of protected and notable species, including bats, swift and hedgehog, have been recorded in the area.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. Consent is sought for the demolition of the stable block and the erection of a single storey 'L' shaped two bedroom dwelling. The dwelling is to be constructed from natural stone with a shallow-pitched tiled roof, with large glazed openings in the western elevation.
- 2.2. It would be positioned more centrally in the site than the existing stables, with planting proposed to the north and eastern boundaries. The access would remain as existing, to the side of Ladygrass.
- 2.3. The application was deferred from the Planning Committee Meeting on 6 July 2017 to allow for a formal site visit which is to be carried out immediately before this Committee Meeting.

### **3. RELEVANT PLANNING HISTORY**

#### **3.1 The following planning history is considered relevant to the current proposal:**

CHS.64/82 - erection of a stable with fodder storage and tack room APPROVED 10 February 1982

16/00954/F - Demolition of stable block (CHS.64/82) and erection of dwelling with revised access REFUSED 15 August 2016

### **4. PRE-APPLICATION DISCUSSIONS**

#### **4.1 The following pre-application discussions have taken place with regard to this proposal:**

- PRE-APP REFERENCE NO: 15/00204/PREAPP. Advice was sought for the erection of a dwelling in the same location as now proposed. No details of the design of the building were submitted for consideration. The advice given was that the erection of a new dwelling would introduce a domestic form and character of development that is likely to harm the openness of the Green Belt and therefore would be inappropriate development. The siting of the dwelling would not relate well to the appearance and character of the area due to the backland location. The report was issued on 7 October 2015.

### **5. RESPONSE TO PUBLICITY**

#### **5.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.**

#### **5.2 The comments raised by third parties are summarised as follows:**

In favour -

- Not intrusive
- Workable layout
- Village needs smaller properties for downsizing to free up large family houses
- Improvement in outlook – existing stables are unsightly

Against -

- In Green Belt land and a conservation area and does not meet the special circumstances to warrant development.
- The reasons for recommendation for refusal last time have not changed.
- The location is not where development is suggested in the Neighbourhood Plan.
- Low roof profile but sceptical it would be built like this.
- The dwelling is larger than the building it replaces
- Impacts a historic path.

#### **5.3 The comments received can be viewed in full on the Council's website, via the online Planning Register.**

### **6 RESPONSE TO CONSULTATION**

- 6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

#### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.1 WESTON ON THE GREEN PARISH COUNCIL: **No objections**. Supports the application as the building is small and unobtrusive and does not affect the character of the village but the design and materials should be better in keeping with Ladygrass. Permitted development rights should be restricted so the property remains single storey with no right to dormers, rooflights etc.

#### STATUTORY CONSULTEES

- 6.2. OXFORDSHIRE COUNTY COUNCIL HIGHWAY LIAISON OFFICER: **No objections** subject to conditions relating to improving visibility and retention of parking and manoeuvring.
- 6.3. HISTORIC ENGLAND: Raise no comments and recommends that advice is sought from CDC Conservation Officer
- 6.4. THAMES WATER: No comment to date

#### NON-STATUTORY CONSULTEES

- 6.5. CDC ECOLOGIST: No comment to date

### **7 RELEVANT PLANNING POLICY AND GUIDANCE**

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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 (CLP 2031 Part 1)

- ESD14 – Oxford Green Belt
- ESD15 - The Character of the Built and Historic Environment
- VIL 1 – Village Categorisation

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout design and external appearance of new development
- C30 – Design Control

#### Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

- Weston on the Green Neighbourhood Plan 2017-2031 (Draft): This document remains at an early stage of preparation and has not yet been through formal examination. Therefore, in accordance with Paragraph 216 of the NPPF, only limited weight can be attributed to it in determining this application.

## 8 APPRAISAL

8.1. The key issues for consideration in this case are:

- Planning history
- Principle of development (including Green Belt)
- Visual amenity, design and impact on the character of the area
- Historic Environment
- Residential amenity
- Highway safety
- Impact on trees

### Planning History

8.2. Permission has recently been refused for a new dwelling to replace the existing stables on the site (ref: 16/00954/F). Permission was refused because the proposal was considered to be inappropriate development in the Green Belt that caused harm to the visual amenities, openness and purposes of including land in the Green Belt, and because the proposal was considered to be out of keeping with the surrounding pattern of development in conflict with Policy Villages 1 which limits new residential development in this part of Weston on the Green to infilling or conversions. The key consideration in this case is therefore whether the revisions to the design and scale of the proposal overcome these previous reasons for refusal.

### Principle (including Green Belt)

8.3. The site lies within the Oxford Green Belt. Paragraph 87 of the NPPF states that “inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances”. Paragraph 88 states that “when considering any planning application local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt, by reason of its inappropriateness and any other harm, is clearly outweighed by other considerations.”

8.4. Paragraph 89 of the NPPF states that the construction of new buildings should be regarded as inappropriate unless it falls within one of the exceptions listed. This includes “limited infilling in villages” and “limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”. The site was last used as stables for horses owned by the applicant and this falls under the definition of previously developed land as set out in the NPPF. Therefore the erection of a dwelling in the location proposed could be considered not inappropriate under Paragraph 89. However a new dwelling would in your officer’s opinion introduce a domestic form and character of development that is likely to harm the openness of the Green Belt and therefore would represent inappropriate development. It would also conflict with one of the purposes of including land in Green Belt, which is to safeguard the countryside from encroachment, as it would introduce residential development on land to the rear of existing residential

properties which currently has a distinctly rural, non-residential character and appearance.

- 8.5. A supporting statement has been submitted with the application. It argues that the proposal will not result in any greater coverage on the site than the stable block and has no greater impact on openness than the existing use of the site. It is also argued that the existing use for equestrian purposes includes parking facilities for a horse lorry, fencing, jumps and mobile field shelters for which planning permission would not be required. They consider that this would not be much different to the extent of domestic paraphernalia associated with a dwelling. It also states that the use of the land for equestrian purposes has been accepted through the issuing of the planning permission in 1982.
- 8.6. In response to this argument, your officers would highlight that planning permission was granted for the stables, fodder store and tack room and not for the change of use of the surrounding land for equestrian purposes. It is therefore not the case that the land outlined in blue to the south of the redline area has an established use for equestrian use and, in the absence of a Certificate of Lawfulness to demonstrate this, little weight can be afforded to this argument. Furthermore, equestrian activity is not uncommon in the countryside or the Green Belt and is supported in principle by both local and national policy.
- 8.7. It is acknowledged that the scale of the proposed dwelling is much reduced in comparison to the previously refused scheme, and is more simple and low key in appearance. Nevertheless it is considered that the character of the site would change with the introduction of a residential use and additional fencing, ornamental planting and hedges could be erected/planted along with other domestic paraphernalia placed on the land such as washing lines, play equipment and garden structures that would not require planning permission, adversely affecting the openness of the Green Belt. This is likely to be in excess of the equipment/paraphernalia associated with a stable block of the modest size currently on the site.
- 8.8. Notwithstanding the above argument, Policy ESD14 of the Cherwell Local Plan 2011-2031 states that “development proposals within the Green Belt will only be permitted if it maintains the Green Belt’s openness and does not conflict with the purposes of the Green Belt or harm its visual amenities”. It further states that “proposals for residential development will also be assessed against Policies Villages 1 and 3”.
- 8.9. The visual amenities of the Green Belt will be considered in the following section of this report. Regarding Policy Villages 1, this provides a categorisation of the district’s villages based on their relative sustainability, and the amount and type of development that could be appropriate in sustainability terms within the built up limits of a village depends on its categorisation. Weston on the Green is a Category A village where normally minor development, infilling and conversions of suitable buildings is acceptable. However Policy Villages 1 only allows infilling and conversions where the site is within the Green Belt. Given the location of the site on land to the rear of existing residential properties, and without a frontage onto the road, and given the existing stables are not being converted, the proposal is contrary to Policies Villages 1 and ESD14 of the Cherwell Local Plan 2011-2031 as it does not accord with the definition of infilling or represent a conversion.
- 8.10. It is argued in the Planning Statement at paragraph 27 that Policy Villages 1 is inconsistent with the NPPF and national guidance as it goes beyond the parameters set out within the NPPF. Whilst it does appear that Policy Villages 1 is stricter in that it does not allow for the redevelopment of previously developed sites in those parts

of villages that lie within the Green Belt, this does not mean that it is inconsistent with or in conflict with the NPPF. Rather Policy Villages 1, when read together with ESD14, provides a local application of Green Belt policy in Cherwell District to be read alongside the NPPF. The Local Plan has been through thorough Examination and these Policies were found to be consistent with national guidance. Therefore full weight should be attributed to the requirements of Villages 1 in assessing this application.

Visual amenity, design and impact on the character of the area

- 8.11. Policy ESD15 of the Cherwell Local Plan 2011-2031 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. This includes a requirement for new development to respect the traditional pattern of routes, spaces and plots and the form scale and massing of buildings.
- 8.12. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 seek to ensure that the layout, scale and design of a development are of a high standard. Saved Policy C30 in particular exercises control to ensure that new housing development is compatible with the appearance, layout and density of existing dwellings in the vicinity.
- 8.13. The NPPF states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development. Paragraph 58 requires that development responds to local character and history reflecting the identity of local surroundings and materials while not preventing or discouraging appropriate innovation.
- 8.14. The site is well screened in public views by dwellings from the Right of Way to the west leading from Church Lane southwards and from the north and east by mature trees/hedges and dwellings. Monks Walk to the south of the site is not a public right of way but lies within the curtilage of Weston Manor Hotel, a Grade II\* listed building. The site and proposed dwelling will be visible from this path therefore the design of any new building is considered to have some impact on the character and appearance of the area, and this increases the importance of good quality design. In any event, Paragraph 61 of the NPPF states that good design “goes beyond aesthetic considerations (and) should address the connections between people and places and the integration of new development into the natural, built and historic environment.
- 8.15. The previously refused scheme (ref: 16/00954/F) was for a 1½ storey dwelling of solid stone construction with a strong residential character and appearance. The proposed dwelling is much reduced in scale and is simpler in form, being of a comparable height and overall volume to the existing stable building. It has a low pitched roof and is an ‘L’ shape design similar to the existing timber stables. However it is considered that the low pitched roof is not in keeping with surrounding development and the building’s somewhat plain and utilitarian appearance, along with the use of irregular and non-traditional windows, results in a building that does not respond well to the local character of the area. The form and design of the stable was acceptable as it was suitable for the purpose with a utilitarian, temporary, appearance whereas the building now proposed with solid stone walls and a residential use gives the appearance of a much more permanent structure and as such should better reflect the local vernacular.
- 8.16. Furthermore, it remains the case that the site is poorly related to existing residential development, being to the rear of existing properties with no frontage onto the street. As such it would appear as backland development unrelated to the historic

settlement pattern. This is not a typical or traditional arrangement and no amendments or revisions to the design will overcome this fundamental concern.

#### Historic Environment

- 8.17. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 states that new development proposals should conserve, sustain and enhance designated and non-designated heritage assets.
- 8.18. The proposed development is located in the Weston-on-the-Green Conservation Area. It is considered that the proposed development would not have a negative impact on the conservation area, as it would not be visible from the public domain due to its location to the rear of Ladygrass and the screening provided by trees surrounding the property.
- 8.19. The dwelling due to its location and scale will not result in any significant detriment to the setting of the nearby listed buildings including the two Grade II\* listed buildings (St Mary's Church and Weston Manor Hotel).

#### Residential amenity

- 8.20. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 8.21. The proposed dwelling will not in my opinion result in any significant loss of amenity currently enjoyed by the surrounding dwellings due to the distances to the dwellings and their relationship. I am also satisfied that an acceptable living environment could be achieved for future occupiers of the proposed dwelling.

#### Highway safety

- 8.22. The Highway Authority has not raised any objections to the proposal and it is therefore considered that the creation of an additional dwelling will not result in any significant adverse impact on highway safety subject to conditions relating to improving visibility to the highway from the access and the retention of parking and manoeuvring within the site.

#### Impact on trees

- 8.23. A partial tree survey has been provided and the root protection zones have not been plotted for the trees. Notwithstanding this lack of information the trees surrounding the application site, adjacent to the proposed dwelling, are mature but not prominent in public views and as such they are not candidates for preservation orders as the level of public amenity afforded by them is not significant. Measures to protect trees during construction could be secured by condition, were permission to be granted.

### **9.0 PLANNING BALANCE AND CONCLUSION**

- 9.1 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 9.2 Economic role – The NPPF states that the planning system should do everything it can to support sustainable economic growth. Whilst there will be an economic benefit provided by the construction of the proposed dwelling, this benefit will be limited given the proposal is for a single dwelling.
- 9.3 Social role – The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. The development will provide a small unit of accommodation but this benefit is not considered to outweigh the harm to the Green Belt resulting from inappropriate development. Furthermore, in view of the Council's current ability to demonstrate a 5 year housing land supply, there is not an overriding need to allow the development contrary to the housing strategy in the Local Plan.
- 9.4 Environmental role – for development to be acceptable it must contribute to the protection and enhancement of the natural and built and historic environment. These issues have been covered in the sections above. The development is considered to be inappropriate development in the Green Belt resulting in harm to the openness and visual amenities of the Green Belt.
- 9.5 To conclude the proposal does not constitute infilling or conversion and is therefore contrary to Policy Villages 1 of Cherwell Local Plan 2011-2031, and fails to relate well to the pattern of existing development in the area. It is also considered that the development does not comply with Policy ESD 14 of the Cherwell Local Plan 2011-2031 Part 1 as the development is considered to be inappropriate development in the Oxford Green Belt and harmful to the visual amenities, openness and purposes of including land within the Oxford Green Belt.

## **10. RECOMMENDATION**

10.1 That permission is refused, for the following reasons:

1. The proposed development does not constitute infilling or conversion as defined in the Cherwell Local Plan 2011-2031 Part 1 and by virtue of the siting would fail to relate well to the surrounding pattern and form of development to the detriment of the character of the area. The proposal is therefore contrary to Policies Villages 1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development is considered inappropriate development in the Oxford Green Belt and harmful to the visual amenities, openness and purposes of including land within the Oxford Green Belt, contrary to Policy ESD14 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development, by virtue of its utilitarian design and form with a low pitched roof and irregular fenestration would not positively respond to or reinforce the local character of the area and would be contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.