

**Berryfield Farm
Hook Norton
Chipping Norton
OX7 5SD**

17/01460/F

Applicant: Lord and Lady Hay **Recommendation:** Refuse

Proposal: Erection of a replacement building to provide garaging and staff accommodation at first floor.

Ward: Deddington

Councillors: Cllr Bryn Williams
Cllr Hugo Brown
Cllr Mike Kerford-Byrnes

Reason for Referral: Member call-in – Cllr Kerford-Byrnes

Expiry Date: 7 September 2017 **Committee Date:** 31 August 2017

Recommendation: Refuse

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located to the southwest of Hook Norton, at a distance of approximately 1.4km and is accessed from the road that links Great Rollright to the west and Swerford to the east. The site is located in close proximity to the district boundary with West Oxfordshire. The main dwelling at Berryfield Farm is a large farmhouse, whilst this building would be constructed in close proximity to the Pole Barn and stables to the south of the site.
- 1.2. Corn Buntings and Bluebells have been located in close proximity to the site, which are Protected and Notable Species.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning consent is sought for the erection of a one and a half storey building, which would provide staff accommodation at first floor level and garaging and a machinery store below. The building would replace an existing building in the same location. The proposed building would be constructed from timber weatherboarding, with reconstituted stone slates on the roof and painted hardwood windows and doors. The building would have dormer windows on the front and rear roofslope and a hayloft door.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/00203/F	Erection of building to form guest and staff accommodation, garages and store	Application Withdrawn

- 3.2. Application 16/00804/F was refused as the proposed dwelling was considered to constitute residential development in the open countryside, beyond the built up limits of the nearest settlement, for which it had not been demonstrated that there was an essential need.

4. PRE-APPLICATION DISCUSSIONS

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

Application Ref.

Proposal

16/00390/PREAPP

Staff accommodation and replacement garaging

- 4.2. This report was issued on 9th February 2017, after the withdrawal and refusal of the two applications relating to the staff accommodation building. The report concluded that as no essential need for a new dwelling had been demonstrated and that this would need to be clearly demonstrated in any future application.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments will be 25.08.2017, after this report was written. Any further comments received will be reported to Committee in the written update.
- 5.2. No comments have been raised by third parties.

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 COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. HOOK NORTON PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAYS AUTHORITY: **No objections**, subject to a condition that the use is as specified.
- 6.4. THAMES WATER: No comments received.

NON-STATUTORY CONSULTEES

- 6.5. AGRICULTURAL CONSULTANT:
- 6.6. ARCHAEOLOGY: **No objections.**
- 6.7. ECOLOGY: No comments received.

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)

- ESD1 – Mitigating and Adapting to Climate Change
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design control

7.3. Other Material Planning Considerations

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

8. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety

Principle of development

- 8.2. Paragraph 12 of the Framework 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.
- 8.3. 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 Framework, will need to be applied in this context.
- 8.4. Policy ESD1 of the Cherwell Local Plan 2011-2031 Part 1 seeks to ensure growth is distributed to the most sustainable locations in the District as defined in the Plan. Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1 states that Hook Norton 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.

- 8.5. 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 settlement (other than those identified in the policies relating to housing allocation sites) when it is essential for agriculture or other existing undertakings.
- 8.6. Paragraph 55 of the 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.
- 8.7. The application site at Berryfield Farm sits approximately 1.4km to the southwest of Hook Norton in open countryside and therefore must be considered to sit outside the built-up limits of the settlement. As the proposal is outside the built-up limits of the settlement, it fails to comply with Policy Villages 1 and the proposals must be assessed against Saved Policy H18 of the Cherwell Local Plan 1996.
- 8.8. 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 other than those identified under Saved Policy H1 when:
 - (i) it is essential for agriculture or other existing undertakings, or
 - (ii) the proposal meets the criteria set out in Saved Policy H6; and
 - (iii) the proposal would not conflict with other policies in this plan.
- 8.9. The building is considered to be tantamount to a new dwelling. The building has two bedrooms, a bathroom and a kitchen and is therefore to be considered against Cherwell District Council's housing policies. The previous applications were withdrawn and refused after concerns were raised regarding the principle of development and the lack of justification for a new dwelling outside of the built-limits of the nearest settlement.
- 8.10. The applicants' agent has supplied a covering letter with the application providing justification for the proposed development. The agent states that Saved Policy H18 of the Cherwell Local Plan 1996 is not entirely consistent with Paragraph 55 of the Framework. Saved Policy H18 states that planning permission will only be granted '*where it is essential for agriculture or other existing undertakings*', whilst Paragraph 55 refers to a rural worker living permanently at or near their place of work in the countryside. The wording in Paragraph 55 still states that there must be an

'essential need' for the local planning authority to approve a new isolated home in the countryside.

- 8.11. The agent has put forward an argument that there is an essential need for a permanent worker to be present on the site. The applicants are often away from Berryfield Farm on business functions and permanent accommodation is required for a full time member of staff to manage the polo ponies and other livestock grazed on the site. The agent has stated that a 24 hour presence is required on the site and has suggested a condition that would tie the new dwelling to the agricultural activities on the site.
- 8.12. The agent has stated that the level of salary which would be provided for a worker that would manage the livestock on the site would be too low to rent or buy a property in a nearby village, though in any case this would not serve the essential need for having a permanent presence on the site.
- 8.13. The Council has consulted an Agricultural Consultant on the application to assess whether there is an essential need for the new dwelling. The Agricultural Consultant has undertaken a site visit and has made his recommendation based on the information gathered at this visit, where he met with the applicant and the applicants' agent and from the information submitted with the application.
- 8.14. The Agricultural Consultant has stated that the farmhouse is generally occupied by at least one family member at any time and that the applicants employ a groom who attends the farm six days a week to deal with routine husbandry and feeding regimes and in the event of a problem occurring out of these hours then the applicants' veterinary surgeon could be called.
- 8.15. The Agricultural Consultant has found that the level of stock held at the farm is low. Polo ponies are generally hardy and while they may be held indoors during the competition season they are normally held at grass for the majority of the year. Any issues that may arise out of groom's working hours could be met from the house or its annexe. Furthermore, the Agricultural Consultant has found that the agricultural stock is at a very low level and that the welfare requirements of eight non-breeding sheep do not give rise to an essential need to be present 24 hours a day, 365 days a year.
- 8.16. The Agricultural Consultant has recognised that – in terms of security – the access drive to the site is not served by an alarm system nor is the tack room alarmed. However, if security is seen to be an issue then works to install alarms could be undertaken. This is not seen to be an issue that would mean that there is an essential need for a new dwelling on the site. Similarly, whilst it is recognised that the cost of buying or renting a dwelling in the locality may be difficult on the wage of a rural worker, it is the essential need for a dwelling which is the key issue, not the economic argument for an on-site dwelling.
- 8.17. The Agricultural Consultant concludes that there is no essential need for a dwelling on the site. The agricultural business is not at a sufficient level to justify a permanent presence on the site. Therefore, given that the proposed development would fail to comply with Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the Framework, the principle of development is not considered to be acceptable.

Design and impact on the character of the area

- 8.18. Government guidance contained within the Framework requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.19. Saved Policies C28 and C30 of the Cherwell Local Plan 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context as well as compatible with the existing dwelling. Proposals to extend an existing dwelling should be compatible with the scale of the existing dwelling, its curtilage and the character of the street scene.
- 8.20. 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.
- 8.21. Policy ESD13 of the Cherwell Local Plan 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, cause undue harm to important natural landscape features and topography, be inconsistent with local character, impact on areas judged to have a high level of tranquillity, harm the setting of settlements, buildings, structures or other landmark features, or harm the historic value of the landscape.
- 8.22. The proposed development would replace the existing open sided building on the site. The replacement building would retain part of this open sided appearance, which would provide a car parking area. The building would have garaging and storage at the ground floor level, with the staff accommodation above. The building would be constructed from timber boarding, as the existing building is. The replacement building would be of a larger scale than the existing building but in design terms the building is considered to be acceptable, given its appearance as an outbuilding to the larger house on the site. The use of dormer windows is considered to be unfortunate, giving the building an overly domestic appearance for what is effectively an outbuilding to the main house. However, on balance, given the acceptability of the design of the building in all other regards, the dormer windows are considered to be acceptable and would not cause harm to the visual amenities of the area.

Residential amenity

- 8.23. 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.

Highway safety

- 8.24. The Highways Liaison Officer has offered no objections to the application, provided that the building remains ancillary to Berryfield Farm. It is therefore considered that the proposed development would not cause harm to the safety of the local highway network.

9. 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. The proposal would not cause undue harm to the character and appearance of the area, and would not impact on residential amenity or highway safety. However the application site is located outside of the built-up limits of the settlement of Hook Norton and the proposal is therefore considered to be contrary to Policy Villages 1. Furthermore, it is considered that no essential need has been demonstrated for a new dwelling on the site, so the proposal would fail to comply with Saved Policy H18. Therefore the proposal is considered to be unjustified and unsustainable residential development in an isolated rural location, remote from services and facilities.

10. RECOMMENDATION

That permission is refused, for the following reason:

1. The proposed dwelling constitutes residential development in the open countryside, beyond the built up limits of the nearest settlement, for which it has not been demonstrated that there is an essential need. In its proposed location the dwelling would therefore be an unjustified and unsustainable form of development. As such the proposal is considered to be contrary to Policy ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy H18 of the Cherwell Local Plan 1996, and government guidance contained within the National Planning Policy Framework.

PLANNING NOTE

For the avoidance of doubt, the plans and documents considered by the Council in reaching its decision on this application are: 01B and 10C.

Case Officer: Matthew Chadwick

DATE: 15/08/17
