

**Field To Rear Of Cedar Barn
North Side
Steeple Aston**

17/01694/F

Applicant: Mark & Kate Kewley

Proposal: Erection of single dwelling, involving formation of new driveway served off an existing access, car parking and turning area, creation of new opening through side boundary wall, erection of new boundary walls and enclosures and associated landscaping

Ward: Deddington

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

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

Expiry Date: 17 October 2017 **Committee Date:** 23 November 2017

Recommendation: Refusal

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located towards the centre of the village of Steeple Aston, forming part of the historic core of the village, to the south of North Side. The site is contained within the designated Steeple Aston Conservation Area. The 'red line' site area consists of a section of the existing residential curtilage of Cedar Lodge and agricultural land to the east of the dwelling. The site slopes noticeably down from north to south, towards the valley bottom that separates North Side and South Side.
- 1.2. The western part of the site currently forms a section of the driveway/curtilage of Cedar Barn. Cedar Lodge itself is Grade II Listed, and the wall which intersects the two sections of land is curtilage listed. The listing description describes Cedar Lodge as a substantial building, thought to be mid-18th century, made of limestone and marlstone rubble some wooden lintels, with Stonesfield slate and Welsh slate roofs and brick stacks. The building benefits from a large garden curtilage to the south, and the agricultural paddock land to the east is also within the same ownership. The existing dwelling has two accesses to North Side and features a large driveway/courtyard area to the front, separated from North Side by a large stone wall.
- 1.3. The boundaries to the paddock as existing are treated predominantly with low picket fencing to the south and east, and larger stone walls to the west and north. The paddock is currently used for grazing and in planning terms is agricultural land. There is an existing metal storage shed located in the far northwest corner of the paddock area.
- 1.4. Constraints relevant to planning in this case include naturally elevated arsenic identified on the site, which is relatively common across the Cherwell District, and the Common Pipistrelle which has been identified within the locality.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning consent to erect a residential dwelling on the site. The dwelling would be part single, part two storey, and have 2 bedrooms. Materials used would natural stone and timber cladding, with slate roof and corrugated metal sheeting above, with timber doors and windows. Access is gained from North Side using one of the two existing accesses for Cedar Lodge. The applicant would create an area within the site for a shared car access with gates and landscaping.
- 2.2. The building would have an 'L' shape comprising two distinct two parts, sited either side of the stone wall connected by a flat roof valley. The applicant proposes to also remove a section of this curtilage listed wall in order to provide this access from the kitchen to living/dining area.
- 2.3. The curtilage area of the site would contain planted fruit trees to the south-east of the dwelling, encompassing the existing paddock land. A small area would be kept separate to the south-west of the dwelling, which indicates it would be utilised for vegetable planting. To the north of the dwelling is an area for parking and bin and cycle storage.

3. RELEVANT PLANNING HISTORY

- 3.1. There is no planning history directly relevant to the proposal.

4. PRE-APPLICATION DISCUSSIONS

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

<u>Application Ref.</u>	<u>Proposal</u>
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17/00091/PREAPP	Pre-Application Enquiry - Proposed single new dwelling
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- 4.2. The pre-application enquiry submission showed a single storey dwelling contained entirely within the paddock. Officers considered that a dwelling on this site could not supported, as it would be sporadic, backland development failing to follow the existing historic pattern of development, and would result in an unnecessary and unjustified erosion of the undeveloped and open character of this part of the Conservation Area causing demonstrable harm to the character of the Conservation Area. Officers advised that the design of the dwelling would not alleviate this harm.
- 4.3. A revised plan was submitted to prior to the Council issuing its response to the pre-application enquiry. This plan showed an 'L' shaped dwelling which straddled the paddock and the curtilage of Cedar Lodge. It was advised that the new proposal would have an impact on the curtilage listed wall, appearing more contrived and would still not address the objection to an encroachment on to the central area of undeveloped land.

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. The final date for comments was 21.09.2017,

although comments received after this date and before finalising this report have also been taken into account.

- 5.2. A number of public comments have been received, both objecting and in support. The comments raised by third parties are summarised as follows:

Object

- Development on a piece of land within the green centre of village, within Conservation Area.
- Windows give the appearance of a residential property rather than agricultural building
- Precedent for future development in the green centre
- Loss of privacy
- Contrary to Mid-Cherwell Neighbourhood Development Plan which puts this development outside the Village Settlement Area

Support

- Infill development
- Attractive, modest, sensitive building in keeping with locality, through use of materials
- Landscaping and removal of corrugated shed will improve site
- No visibility from opposite side of Steeple Aston
- Would allow young people to return to the village (*Officer comment: It would not be reasonable to require this by condition or obligation, and so no weight can be given to this benefit.*)

Comments have also been made by the owner of Cedar lodge, on behalf of applicants, in support of the application.

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

- 6.2. STEEPLE ASTON PARISH COUNCIL: **No objections** - pleased that a much needed two bedroomed house will be built in the village

STATUTORY CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections** – the officer makes note that the shared access arrangement would cause a safety concern if vehicles would to

enter/exit simultaneously. However, given the low speed and number of these manoeuvres, it is not demonstrated that there would be severe harm caused to highway safety. It is also noted that the pedestrian footpath is on the opposite side of the road, and traffic on North Side is relatively light.

NON-STATUTORY CONSULTEES

6.4. CDC CONSERVATION: **Objects**

The proposed development lies in the Steeple Aston Conservation Area in land historically associated with Cedar Lodge. The proposals have been the subject of pre-application discussions.

The proposed development comprises a development on two different aspects and land parcels. The structure to the east is contained on paddock land and the structure to the west is within the original boundary of Cedar Lodge. These two aspects of the development will be considered separately as there are different issues.

Development to the east

Concern was expressed at pre-application stage with the principle of development in this location, primarily due to its location within the distinctive open square in the centre of Steeple Aston; this is referred to in both Steeple Aston Conservation Area and the emerging Mid Cherwell Neighbourhood Plan – Heritage and Character Assessment.

- *The **Steeple Aston Conservation Area Appraisal** summarises the character of Steeple Aston ‘The village has developed around an open square containing paddocks, orchards and gardens. The plots within the square are a legacy of the pre-Inclosure closes, possibly from the reduction of the manor in the 16th century. These areas of land played a major role in forming the structure of the settlement and in controlling further development. Many boundaries remain intact from this period.’*

- *The central square lies within the character area of Central Valley and is part of the core significance of the character of the area . It is described as ‘The square of paddocks, orchards and gardens forms the centre of the conservation area, split in two by the stream and crossed north to south by a footpath known as ‘The Tchure’. The area is free of development, and respects the pre- Inclosure closes. This openness is a major part of the central character of the village. It visually supports the trees and vegetation throughout the remainder of the settlement’.*

- *The **Mid Cherwell Heritage and Character Assessment** of Steeple Aston identifies one of the key characteristics of the settlement as ‘Rectangular village layout enclosing an open area of orchards, grazed land and gardens’ and ‘Historic enclosed green space crossed by a public footpath’. It is also listed as one of the ‘Positive aspects of character ‘The surviving historic layout of the settlement in a linear manner along a rectangle of roads around a narrow but steep valley’ and ‘The village’s central green space which enhances the rural setting of the village’*

- *The section on Green Spaces and Public Realm describes the area in more detail. 'At the centre of the village there is a non-publically accessible area of green space that includes gardens, grazed land and orchards. A brook flows through this green space, lined by mature deciduous and coniferous trees which create a sense of separation between the north and south sides of the village. Parts of this green space are famed and the presence of livestock in historic enclosure strongly enhances the rural characteristics of the village'.*

- *The area is also discussed in relation to views 'The village's location around a small valley on high ground along the western side of the Cherwell Valley gives rise to attractive and often far reaching views through the village and across the landscape. Through the village the dip in landform between North Side and South Side creates intermittent views across the central green space between the two sides of the village. The most notable location for these views is along Paines Hill, where there are interesting and attractive views along the road from both its northern and southern ends. The central green space is an important open part of views along the street. From along the public footpath through the village's central green space there are views across the surrounding gardens and paddocks and onto the rear of properties that back onto the green space. These views have an enclosed and historic character'.*

- *In Issues to be addressed the 'Lack of public open access to the central green space' is identified and in Sensitivity to change 'The undeveloped central greenspace at the centre of the village' and '...the historic layout of the village still evident today'.*

- *It is therefore considered that the undeveloped green space is considered fundamental to the significance of the settlement of Steeple Aston. There is an objection in principle to residential development in this area regardless of design. It should also be noted that were this development to be permitted it would be a very small property within a large plot of land, the principle of residential would have been established and the site would be vulnerable to large, intrusive extensions.*

- *It is appreciated that the development has been located in a discrete area of the site and that the aesthetic appearance of the design has been modelled on a simple agricultural building. However, notwithstanding the objection in principle, there are some specific elements of concern / harm that can be identified with the portion of the development that lies within the paddock area.*

- *The entire paddock of land is included within the red line area of the site and the development description includes 'erection of new boundary walls and enclosures and associated landscaping' thus indicating that the area would become residential garden space. It is appreciated that the current plans show a fruit tree orchard and meadow grass around the area, but if the*

space is classified as residential curtilage / garden there would be no control over future development of the site.

- The design shows patio doors opening out on to the paddock area and this would involve large areas of glazing. At a site visit on 27th April 2017 a walk was taken along The Tchure, (when the trees were partially in leaf) and there was a distinct glinting coming through the trees from the area in close proximity to the proposed development site. It was unclear which building or part of building this came from, but could have been a greenhouse, rooflights or solar panels. The effect on site was marked and detracted from the central green space.*

- The proposed development also leads to harm through the loss of part of the original stone boundary wall which forms part of the original curtilage of Cedar Lodge.*

Development to the west

There are no objections in principle to development in this location.

The current design shows a single storey building in this location of relatively small proportions, but there would be no objections to a two storey structure of slightly larger length.

The general design of an outbuilding or barn would be considered to be suitable in this location.

The proposal to utilise the existing opening from North Side and to create a shared access for both Cedar Lodge and the new development is considered positive as this retains the important historic boundary wall. There are no objections to the provision of car parking space, and cycle and bin storage to the northern frontage of the plot.

There are no objections to the provision of a kitchen garden to the south / rear of the plot or to access to the paddock or proposed orchard through the existing opening.

There are no objections to the creation of a boundary between Cedar Lodge and the new development, but a solid wall may be more appropriate than a hedge.

Development as a whole

The proposed development (taken as a whole) is considered to cause harm to the essential character and core significance of the Steeple Aston Conservation Area, as identified by both the Steeple Aston Conservation Area Appraisal and the Mid Cherwell Heritage and Character Assessment.

There is not considered to be a public benefit to outweigh this harm as a single dwelling could be provided on the site without the need for this harm.

The proposed development is therefore considered to be contrary to the National Planning Policy Framework.

The proposed development is also considered to be contrary to Policy ESD 15 of the Cherwell Local Plan 2011-2031 as it does not:

- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- Conserve, sustain and enhance designated and non-designated heritage assets including buildings, features, archaeology, conservation and their settings and ensure new development is sensitively sited and integrated in accordance with advice in NPPF and NPPG.*
- Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*

6.5. CDC ENVIRONMENTAL PROTECTION: **No objections**

6.6. CDC ARBORICULTURE: **No objections** – subject to conditions for tree retention and that the recommendations as set out in the Arboricultural Impact Assessment are adhered to.

6.7. CDC ECOLOGY: **No objections** – subject to condition regarding nesting birds and note for applicant regarding separate legislation.

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)

- PSD1 - Presumption in Favour of Sustainable Development
- BSC1 - District Wide Housing Distribution
- ESD1 – Mitigating and Adapting to Climate Change
- ESD3 - Sustainable Construction
- ESD7 - Sustainable Drainage Systems (SuDs)
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village Characterisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- C33 – Protection of important gaps of undeveloped land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Steeple Aston Conservation Area Appraisal 2014

8. APPRAISAL

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

- Principle of development
- Impact on Heritage Assets
- Design, and impact on the character of the area
- Residential amenity
- Highway safety
- Ecology

Principle of development

- 8.2. Paragraph 14 of the National Planning Policy Framework states that a presumption of sustainable development should be seen as a golden thread running through decision taking. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles should be sought jointly and simultaneously through the planning system.
- 8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point of 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.
- 8.4. Cherwell District Council can demonstrate a five-year supply of deliverable housing sites. Therefore, as the NPPF advises, the presumption in favour of sustainable development will need to be applied in this context.
- 8.5. Policy ESD1 of the Cherwell Local Plan (2011-2031 Part 1) states that measures will be taken to mitigate the impact of development within the District on climate change. This will include; distributing housing growth to the most sustainable locations as defined by Policy Villages 1, and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.6. On balance, this application site is considered within the built up limits of Steeple Aston, given its relative close proximity to other dwellings and the loose-knit nature of dwellings and outbuildings in the immediate context. The principle of residential development is therefore assessed against Policy Villages 1 in the Cherwell Local Plan Part 1.

- 8.7. Steeple Aston is recognised as a Category A village in the up to date local plan. Category A villages are considered the most sustainable settlements in the District's rural areas to accommodate growth, and residential development will be allowed for the conversion of non-residential buildings, infilling and minor development within the built up limits of the village. This development is not for the conversion of an existing building, and nor is it considered infilling which is defined as "development of a small gap in an otherwise continuous built up frontage".
- 8.8. Development is therefore considered to be 'minor development'. In assessing whether proposals constitute acceptable 'minor development', regard will be given to the following criteria:
- The size of the village and the level of service provision
 - The site's context within the existing built environment
 - Whether it is in keeping with the character and form of the village
 - Its local landscape setting
 - Careful consideration of the appropriate scale of development, particularly in Category B (satellite) villages.
- 8.9. Therefore, the principle of the development could be acceptable in general sustainability terms, but subject to other material planning considerations which are discussed below.

Impact on Heritage Assets

- 8.10. The dwelling would be sited within a designated Conservation Area, set within close proximity to a number of Grade II listed buildings and result in the loss of part of a curtilage listed wall.
- 8.11. Government guidance contained within the NPPF attaches great importance to the design of the built environment and 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, LPAs should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
- 8.12. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 8.13. ESD15 states that new development proposals should: *"Conserve, sustain and enhance designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG."*
- 8.14. Saved Policy C23 of the Cherwell Local Plan 1996 states that there will be a presumption in favour of retaining walls and other features which make a positive contribution to the character and appearance of a conservation area

Paragraphs 126 and 131 of the NPPF makes clear that Local Planning Authorities should take in to account the desirability of sustaining and

enhancing the significance of heritage assets, putting them into viable uses consistent with their conservation

- 8.15. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The importance of preserving and enhancing the historic environment is emphasised in both local and national planning policy, and Policy ESD15 of the Cherwell Local Plan states that development should “conserve, sustain and enhance designated heritage assets...and their settings”.
- 8.16. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.17. The Steeple Aston Conservation Area Appraisal makes numerous references to the importance and significance of this open square historically. Paragraph 7.1 states: *“These areas of land played a major role in forming the structure of the settlement and in controlling further development. Many boundaries remain intact from this period.”* The boundaries of the paddock are still clearly defined in this location, with high stone walls flanking the west and north boundaries. It was clear from my site visit that the stone walls distinguish and define the areas of existing built development and of open space.
- 8.18. The Steeple Aston Conservation Area Appraisal also notes the significance of the central valley as a key character area, below is text taken from paragraphs 8.3.1 and 8.3.2 respectively.
- “The square of paddocks, orchards and gardens forms the centre of the conservation area, split in two by the stream and crossed north to south by a footpath known as ‘The Tchure’. The area is free of development, and respects the pre- Inclosure closes. This openness is a major part of the central character of the village.”*
- “...within the main area, views are terminated by the undulations of the road, the characteristic stone boundary walls and overhanging tree cover. Glimpses of open fields to north and south can be seen through the mature trees and over the manicured gardens.”*
- 8.19. The importance of the openness of the central valley to the character of the Conservation Area is made explicitly clear in the Steeple Aston Conservation Area Appraisal.
- 8.20. It is therefore considered that the proposal would cause significant harm to the character of the Conservation Area, in particular where the development protrudes into the area of open paddock land, and indeed that any new residential development in this area must be resisted.
- 8.21. The new dwelling and change of use of the land by its very nature and location would erode this important and significant agricultural character, causing less than substantial harm to the character and appearance of the Steeple Aston Conservation Area.

- 8.22. The Conservation Officer states “...*the undeveloped green space is considered fundamental to the significance of the settlement of Steeple Aston*” and objects to the principle of residential development in this central valley.
- 8.23. Notwithstanding the above paragraph, it is noted that the part of the site within the open paddock is not clearly visible from the majority of the public domain and therefore the impact of the paddock element of the building on the appearance of the Conservation Area is more limited in this case, as the paddock is not readily visible from the public domain. However, it must be emphasised that there are glimpsed views across the valley from points along Tchure Lane and Paines Hill. Having regard to this, it is noted that while the dwelling has been designed in a way to appear of an agricultural nature, the heavy use glazing and the introduction of a chimney in particular are not appropriate in this case. It is also likely that the glazing and metal roof would be visible from across the valley in sunny conditions, causing detriment to the rural appearance of this open space.
- 8.24. There are a number of listed buildings on this part of North Side of traditional appearance, built predominantly in stone. The dwelling would be visible in the gap that currently forms the entrance to Cedar Lodge from North Side, which also provides the proposed entrance to the application dwelling.
- 8.25. The design of the building as viewed from North Side is considered to poorly relate to the existing built form of the locality. Of particular note is the use of fenestration, twinned with the choice of materials i.e. coursed stone and timber boarding, would therefore appear neither contemporary nor traditional in this context. The differing size and style of the windows, and the fact that they would sit proud of the façade, together with the setback of the upper timber section behind the face of the stone wall, is considered wholly inappropriate in this location, failing to reinforce local distinctiveness. The building would clearly be read in the same context of the Grade II Listed Cedar Lodge, sharing the same access and courtyard area. The dwellings design and appearance is therefore considered to have a significant and demonstrable impact on the setting of this designated heritage asset and character and appearance of the designated Steeple Aston Conservation Area, failing to conserve, sustain or enhance these designated heritage assets. This impact cannot be mitigated through landscaping/tree planting.
- 8.26. The ‘red line’ site area is considered large in this context, encompassing the whole of the upper paddock area from the stone wall to the north down to the existing picket fence to the south. This area is currently defined in planning terms as agricultural. The granting of this dwelling would in turn grant a change of use of the entirety of this ‘red line’ area to residential. Despite the applicant providing a site plan indicating that trees will be planted in this location and labelling it as ‘orchard’ land, there is no distinction through fencing or other that this land is separated from the dwelling.
- 8.27. In addition, Court of Appeal decision “Barnett v Secretary of State [2009] EWCA Civ 476” states:

“Permission to construct a new dwelling on non-residential land will carry with it permission to use the new building for residential purposes: see section 75(3) of the 1990 Act. Thus there is the sense a built-in application for a change of use of land in such cases, and the extent of the land covered by the implicit permission for a change of use will normally be ascertained by reference to the site as defined on the site plan. Thus the

part of the site not built on can be used for purposes ancillary to the dwelling unless there is some obvious restriction shown on the permission itself. The site boundary shown on the plans defines the area of the new use."

- 8.28. It is therefore considered that the 'red line' site area would constitute the new dwellings residential curtilage. This is a substantial area of existing open, agricultural land which currently contributes to the significance of the Conservation Area and a number of Grade II Listed Buildings, which would be lost to residential development. Officers are minded that in granting a change of and thus establishing the principle of residential development in this 'red line' area, there would be severe implications on the protection of future development on this site and would weaken the significance of other areas of existing open space within Steeple Aston.
- 8.29. Paragraphs 133 and 134 of the NPPF both require the decision maker to weigh this harm against the public benefits of the proposal. Where the proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.30. As noted in the above paragraphs, the proposal is considered to cause less than substantial harm to the designated Conservation Area. Further, the proposed development would lead to a loss of part of the existing stone wall which separates the curtilage of Cedar Lodge and the open paddock, to make way for a passage between the kitchen and dining room of the proposed dwelling. It is considered that this would result in less than substantial to the curtilage listed wall. This would clearly result in a loss of historic fabric and alter the existing form and appearance of the wall. It is also clear that the benefits of this alteration are largely of a private nature, providing social housing in the form of one dwelling and allowing a local family to return to the area. This is therefore extremely limited and does not outweigh this harm, and therefore the proposal would therefore fail to comply with Paragraph 134 of the NPPF.
- 8.31. Clearly as the proposal would result in a loss of curtilage listed wall, a Listed Building application is also required for works to proceed. Given the above, officers would recommend a refusal of this application given the harm caused to the wall without sufficient public benefit, also resulting in clear and significant harm to the setting of the Grade II Listed Cedar Lodge. So as stated above, while a Listed Building application in this case would be required, given officers' recommendation it was not considered reasonable or necessary in this case to invite a Listed Building application for these works.

Design, and impact on the character of the area

- 8.32. 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. All new development will be expected to meet high design standards. Development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. Where development is in the vicinity of any of the Districts distinctive historic assets, delivering high quality design that compliments the asset will be essential.
- 8.33. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new development to ensure that the standards of layout, design and external

appearance are sympathetic to the character of the urban or rural context of that development.

- 8.34. Saved Policy C30 of the Cherwell Local Plan 1996 exercises control to ensure that new housing development is compatible with the appearance, layout and density of existing dwellings in the vicinity.
- 8.35. Policy ESD10 of the Cherwell Local Plan (2011-2031 Part 1) has regard for the protection of trees, with an aim to increase the number of trees in the District.
- 8.36. The dwelling in this location is considered to constitute unacceptable backland development, particularly referring to the element within the existing area of open paddock. The paddock as existing is south of and set entirely behind Cedar Barn and Rectory Farmhouse. The paddock is also set behind the residential properties along Paines Hill which are to the east, and is accessed from the existing curtilage of Cedar Lodge which is to the west. The dwelling would have a poor relationship with the existing built development on North Side, and the most substantial part of the building (i.e. the element within the paddock) would lack a physical or visual relationship with the existing street frontage, predominantly hidden from views on North Side. The dwelling would result in a sporadic, sprawling pattern of development that would not relate well to the existing built form along North Side or Paines Hill.
- 8.37. The form and grouping of the buildings in this location are also considered detrimental to the character of the area. The dwelling would be an 'L' shape of two separate dual pitched roofs. The development straddles two parcels of land and a curtilage listed wall. The double garage of the adjacent Cedars Barn is located in close proximity. Given their spatial relationship the three elements are read together. It is considered that their combined siting would have a negative impact on the character of the area, creating a contrived and awkward juxtaposition and a tight-knit relationship which would not be in keeping with the surrounding built form. The scale of the element that is visible from the public domain on North Lane appears to replicate that of an outbuilding/garage which is also considered to cause harm to the built form.
- 8.38. The proposal would therefore fail to relate well to the existing built environment, and the development would be out of keeping with the character and form of the village. Given the above, the proposal is not represent acceptable 'minor development, failing to comply with Policy Villages 1 of the CLP 2031 Part 1.
- 8.39. As detailed in the above section, the detailing of the proposed dwelling is also considered to cause significant and demonstrable harm to designated heritage assets and the character and appearance of the area.
- 8.40. The Arboricultural Officer has raised no objections to the application, given the Arboricultural Method Statement ensures the retention of the protected tree to the west of the dwelling. It is recognised that the number of trees planted would have a positive impact on the character of the area; however, as noted in the above section, this would clearly not mitigate the impact of the proposal on designated heritage assets or the character and appearance of the area.

Residential amenity

- 8.41. Policy ESD15 of the Cherwell Local Plan (2011 – 2031 Part 1) states that new development proposals should consider the amenity of both existing and future development, including matters of privacy outlook, natural lighting, ventilation, and indoor and outdoor space.

- 8.42. Saved Policy C30 of the Cherwell Local Plan (1996) states that new housing development should provide a standard of amenity and privacy acceptable to the Local Planning Authority.
- 8.43. The only dwellings that through their siting could be materially impacted by the proposal are Cedar Barn and Cedar Lodge.
- 8.44. Cedar Barn: The dwelling is largely enclosed and screened from Cedar Barn by existing stone walls and the neighbour's detached garage. In addition there are no openings which face towards this property above the existing boundary wall.
- 8.45. Cedar Lodge: The proposed dwelling would share a driveway with Cedar Lodge, however, this property benefits from a large plot and the separation distance is sufficient for there to be no material harm caused. Notwithstanding this, there is a large intervening tree which restricts any loss of privacy.
- 8.46. Given the proposed location of the dwelling and its relationship with neighbouring properties, it is not considered that there would be any significant material impact caused by the proposal in regard to loss of light, outlook or privacy.

Highway safety

- 8.47. Paragraph 32 of the NPPF states that planning decisions should take account of whether safe and suitable access to a site can be achieved for all people. However development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. Further, Policy ESD 15 of the Cherwell Local Plan 2031 Part 1 states that: *"New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions."*
- 8.48. The application site is accessed through an existing entrance to Cedar Lodge, which is proposed to be shared between the properties, formalised through the erection of swing gates to each and marked by planting. The Highway Liaison Officer has not raised any objection to the proposal, stating that, while there is likely to be a conflict should a situation arise of cars exiting and entering the site at the same time from the same direction, this is considered to be low harm given the likelihood of the event and the relatively small vehicular movements along North Side. Officers agree with this assessment.

Ecology

- 8.49. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

- 8.50. Paragraph 109 of the NPPF states that: The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity where possible. This requirement is echoed by Policy ESD10 of the CLP 2031 Part 1.
- 8.51. The Ecological Officer has not raised any objections to the proposed development. The Officer has recommended a condition be attached regarding timing of works to avoid bird nesting season, and I see no reason to disagree with this condition. There are therefore no concerns in regard to Ecology.

Other matters

- 8.52. A third party has raised the Steeple Aston policy map contained within the Mid-Cherwell Neighbourhood Development Plan, stating that the paddock is outside of this area.
- 8.53. The Mid-Cherwell Neighbourhood Plan Area extends across several parishes including Steeple Aston, and work is under way on the preparation of a draft Neighbourhood Plan for the area. Draft Policies were published for public comment in January 2017, but as yet no formal consultation has been undertaken in respect of a draft Plan, and no Plan has been submitted to Cherwell District Council. As such, in accordance with Paragraph 216 of the NPPF, officers consider that little weight can be attached to the Neighbourhood Plan at this stage.

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. By virtue of its form and appearance, the proposed new dwelling would appear as contrived development that would poorly relate to the existing built form, and is sited in a location that would represent a significant and demonstrable visual intrusion into the existing rural character of the area, thereby causing demonstrable harm to the setting of the Grade II Listed Cedar Lodge and the designated Steeple Aston Conservation Area.
- 9.3. The proposal would also result in the loss of a section of a curtilage listed wall. The benefits of the scheme are largely of a private nature, which is not considered to outweigh the less than substantial harm identified. The proposal is therefore contrary to the Policies set out in section 7 of this report for the reasons as set out below.

10. RECOMMENDATION

That permission is refused, for the following reason(s):

1. The proposal, by virtue of its siting and form, would fail to integrate successfully with the existing built form of the settlement resulting in sporadic, backland development. Therefore the dwelling would fail to represent acceptable 'minor development' in a Category A settlement, failing to accord with Policy Villages 1 of the Cherwell Local Plan (2011-2031 Part 1), and government guidance contained within the National Planning Policy Framework.

2. The proposed development by reason of the inappropriate form, massing, detailing, appearance and extent of the site area, would result in less than substantial harm to designated heritage assets, in particular the designated Steeple Aston Conservation Area. It is considered to represent a visual intrusion into the important open space and fails to integrate well with the significant rural character, qualities and setting of the site and would detract from the character and appearance of the area without public benefits outweighing this harm, contrary to Policy ESD15 of the Cherwell Local Plan (2011-2031), C28 and C30 of the Cherwell Local Plan (1996) and government guidance contained within the National Planning Policy Framework.
3. The proposed development, by virtue the partial loss of a curtilage listed wall, is considered to cause less than substantial harm to the historic character and significance of the Grade II Listed Cedar Lodge. It has not been demonstrated that the loss of this historic fabric is justified or that the harm would be outweighed by public benefits, and as a result fails to comply with Policy ESD15 of the Cherwell Local Plan (2011 - 2031 Part 1) and Government guidance contained within the National Planning Policy Framework.

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