

**Chequer Tree Farm
Ells Lane
Bloxham
OX15 5EE**

18/00594/F

Applicant: Clement Wyatt Gardens Limited

Proposal: Conversion of Office/Mess Room and Store (Former Stable) into Essential Agricultural Worker's Dwelling

Ward: Adderbury, Bloxham And Bodicote

Councillors: Cllr Mike Bishop
Cllr Chris Heath
Cllr Andrew McHugh

Reason for Referral: Public Interest

Expiry Date: 1 June 2018 **Committee Date:** 21 June 2018

Extension of Time: 25 June 2018

Recommendation: Refusal

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site forms part of a wider site formerly known as Chequer Tree Farm, which consists of a roughly rectangular agricultural field located on the northern edge of Bloxham outside of the built limits of the settlement. The site is located within open countryside retaining a rural agricultural character and appearance. The site is relatively level, sitting on a plateau, though with land levels dropping to the north.
- 1.2. The site is currently operating as Bloxham Nursery which the applicant indicates extends to about 1.79 hectares (4.28 acres) in total and has operated until now (due to a restrictive planning condition) mainly as a wholesale horticultural production unit, run by Clement Wyatt (Gardens) Limited. The Nursery is now amalgamated as part of Wyatt's Nursery at Great Rollright, which opened in 1988 and has produced and traded successfully for many years.
- 1.3. The application relates to an existing building, originally constructed as stabling, subsequently converted to provide office/mess-room accommodation, to support a horticultural nursery business on site. Within the wider site are three polytunnels. Two located towards the western boundary, used for the growing of plants, shrubs and trees. With a third polytunnel near to the office/mess-room building which the applicant advises is used primarily for display and sale of stock from the Nursery but also the growing of plants, shrubs and trees.
- 1.4. The site is accessed from Ells Lane via an existing gated access, serving a car park area and the site, with a mature hedgerow along the boundary with the adjacent highway. The wider site is sub-divided by post and rail fencing with hedgerows to the north, west and southern boundaries. The remainder of the site is either used for growing, stock display or is being prepared for horticultural use and other land that is yet to be cultivated in the eastern portion of the site, which is also used for the display of plants, trees and shrubs grown at the Nursery.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. In 2014 permission was granted on site for a Polytunnel and use of an existing stable building (originally granted approval in 2002) for office/mess room and general storage. This application seeks planning permission for the conversion, extension and change of use of the office/mess-room building to provide an essential agricultural workers dwelling to support the operation of the horticultural nursery business on site.
- 2.2. The existing single storey building is predominantly of brick finish under a corrugated metal roof, retaining original timber stable doors with white uPVC windows. The existing building currently provides storage, W.C. and mess-room facilities as well as office/meeting room space for the business operations on site.
- 2.3. The proposals would see the existing building being extended to the limits of the existing roof over-hang; with areas of glazing, timber weather-boarding and the introduction French doors and glazed doorway to the northern and eastern elevations; a flue introduced in to the south facing roofslope and two new window openings would also be introduced to the western elevation. The existing floor space (measured gross externally) would be increased from ~77 sq m to ~92 sq m (a 19% increase) with the overall height to the ridge being maintained at 3.3m. The proposals also indicate the use of the existing access and the provision of parking and turning.
- 2.4. The current application comes following the withdrawal of an earlier application 17/00010/F for the same development and is supported by additional evidence to that previously considered, which looks to demonstrate that there is an essential need for a permanent residence on the site.

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>
01/01972/F	Erection of stable block	Application Permitted
14/00349/F	Polytunnel and use of stables for office/mess room and general storage	Application Permitted
14/00402/F	Polytunnel	Application Permitted
15/01624/F	Erection of Polytunnel	Application Withdrawn
16/01518/F	Erection of polytunnel - Re-submission of 15/01624/F	Application Permitted
16/01773/F	Removal of Condition 4 (Landscaping Scheme) and No. 10 (5% sales restriction from the site) on planning permission 14/00349/F, and variation of Condition Nos. 5, 8 and 9 to reflect approved	Application Permitted

landscaping, access and parking details.

17/00010/F	Conversion of office/mess room and store (former stable) into manager's dwelling	Application Withdrawn
------------	--	--------------------------

- 3.2. Application 17/00010/F was withdrawn following the applicant being advised that it was to be recommended for refusal; as the proposals were not considered to accord with the rural housing strategy for the District as outlined in Policy Villages 1 of the Local Plan 2015, Policy BL2 of the Bloxham Neighbourhood Plan and Saved Policy H18 of the 1996 Local Plan, all of which seek to guide new residential development in the most sustainable manner. And further that the proposal would also lead to some domestication of the site, due to the introduction of a residential use and domestic curtilage, and that this would result in some visual intrusion into the countryside which would also weigh against 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>
17/00205/PREAPP	Conversion of office/mess room and store (former stable) into essential worker's dwelling and small extension to form staff rest room.

- 4.2. In response to the pre-application enquiry (17/00205/PREAPP) the applicant was advised that in officer's opinion there was no essential need for a permanent residential dwelling on site and that therefore there was conflict with the Council's housing strategy for the District; and the proposals were considered unacceptable in principle. Further concerns were raised with regard to the lack of residential amenity afforded to potential future occupants of the proposed dwelling. The response report was issued 01/09/2017.

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 24.05.2018, although comments received after this date and before finalising this report have also been taken into account.
- 5.2. The Council has received some 152 no. letters/emails of support and 2 no. letters/emails of objection as a result of the publicity undertaken. The comments of Third Parties is summarised as:

In support:

- The site is a well-used asset with connections to the village providing social benefits.
- The business provides employment for 8 people at the moment with potential to employ additional full and part time staff from the village.
- This proposal could be seen as a positive, in light of recent excessive housing development which has impacted on the village's infrastructure.
- A full time presence is essential/required for the purposes of:

- Security and crime prevention
- Providing skilled care for plants on site
- To provide emergency response (e.g. fire risk, power cuts and cover in inclement weather)
- The offer of a formal, legal covenant on the land would remove concerns regarding sale and speculative building.
- This conversion would enable the business continue as a viable concern. Failure would probably mean its closure.
- The proposal would have a limited visual impact and significantly not affect the character and appearance of the site and would be an improvement to what is currently there.
- The proposals would not impact on local residents.
- The proposal would not cause highway safety issues.
- Offers a local source for plants, avoiding the need to travel to other sites.
- Bloxham lost its plant nursery years ago, to have another one that you can walk to is a great facility for the village that is ever growing and provides access to locally grown plants.
- Both of Mr Wyatt's sites (Great Rollright and Bloxham) provide an excellent service and quality plants.
- As a village we should be encouraging small businesses such as this.
- A coffee shop/tea room will enhance services in the local area.

Objection:

- The proposals would seem to conflict with the Development Plan, including Bloxham Neighbourhood Plan, by being a change to residential use beyond the most sensitive built-up boundary in the village - the one who's breach could lead to coalescence with the estates currently advancing along the Bloxham Road from Banbury.
- The proposals have the potential for setting a precedent for developers. Would support the application if the Council could guarantee that this would not set a precedent for future development.
- The site forms part of a larger horticultural business. Historically successful local businesses have previously been lost to housing development.
- The local community should be protected against speculative development.
- Support has come from not only the village but from other areas. Support for the application represents a small percentage of the residents of Bloxham and when compared to the almost 1000 residents who voted for the Neighbourhood Plan.
- The issues experienced by the nursery are not unique to Bloxham Nursery.
- The application indicates that a qualified plantsman is needed to provide onsite care for plants. Occupation of an agricultural workers dwelling could not be restricted to a qualified plantsman by way of condition.
- None of the staff live within the village; opportunities should be explored to employ local residents.

- The proposals would not be sympathetic to the rural character/context; converting an already unsympathetic building which is not a traditional farm type building.
 - The site has potential for highway safety issues, as a result of shortage of parking.
 - The application talks about future expansion, yet comments of support talk about closure.
- 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

- 6.2. BLOXHAM PARISH COUNCIL: The Parish Council does not offer a definitive view on the application but makes the following comments:
- There are reservations that the proposal meets the criteria of planning policy in relation to living standards expected of a dwelling. The provisions made in the application for existing staff of the nursery involve the use of the bathroom facilities of the proposed dwelling and the use of the second bedroom as a mess room and office. There is some concern about the suitability of this use as both a residential property and workplace.
 - It is not clear if the loss of facilities for existing staff would necessitate a further building on site and if another building could be sited without impact on the rural nature of the site and in accordance with Saved Policies C28/C30 and ESD 15 of the Local Plan and BL11 of BNDP.
 - Suggests that there could be a covenant placed on the land to prevent any future development of the land for housing. This proposal has not come forward formally as part of the application. The usual condition imposing an agricultural tie is proposed.
 - The Parish Council would expect to see any dwelling revert to its former use as a mess room and storage area should the dwelling no longer be needed for an essential worker.
 - If the garden centre expands further as a retail business the car park does not seem adequate and it is reasonable to assume that traffic would increase.

STATUTORY CONSULTEES

- 6.3. LOCAL HIGHWAY AUTHORITY: No comments received.

NON-STATUTORY CONSULTEES

- 6.4. AGRICULTURAL ADVISOR: Advises that in his opinion there is no essential need demonstrated for an agricultural worker's dwelling at the site.
- 6.5. BUILDING CONTROL: No objections.
- 6.6. BUSINESS SUPPORT UNIT: 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)

- PSD 1: Presumption in Favour of Sustainable Development
- Policy Villages 1: Village Categorisation
- SLE 1: Employment development
- ESD1: Mitigating and Adapting to Climate Change
- 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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New Dwellings outside built limits
- H19: Conversion of buildings in the Countryside
- C8: Sporadic development in open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control

BLOXHAM NEIGHBOURHOOD PLAN 2015-2031 (BNP 2031)

- BL2: Housing development
- BL3: Policy on connectivity
- BL4: Parking
- BL6: Adapting to Climate Change
- BL9: Amenity of Existing Residents
- BL11: Rural Character of the Village
- BL13: Policy to Protect Employment land

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. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. Paragraph 6 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. Paragraph 7 states that: *'there are three dimensions to sustainable development: economic, social and environmental'*. It is clear from this that sustainability concerns more than just proximity to facilities, it clearly also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 8.4. Policy PSD1 contained within the CLP 2031 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 8.5. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council can demonstrate a 5.7 year housing land supply. Therefore the policies controlling the supply of housing in the development plan can be considered up to date and given full weight in determining applications.
- 8.6. Policy ESD1 of the CLP 2031 states: *'measures will be taken to mitigate the impact of development on climate change and deliver the goals of sustainable development'*. This includes distributing housing growth to the most sustainable locations as defined in the Local Plan, and delivering development which reduces the need to travel. The local plan has a strong urban focus with large amounts of housing planned at Bicester and Banbury. The policy relating to rural housing growth is therefore more restrained.
- 8.7. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Bloxham is recognised as a Category A village, considered to be one of the most sustainable villages within the district given its services, facilities and proximity to the urban centre of Banbury. Within Category A villages new residential development will be considered for the conversion of non-residential buildings, infilling and minor development within the built up area of the settlement. Policy BL2 of the BNP 2031 is consistent with the provisions and aims of Policy Villages 1.
- 8.8. Given the context of the site and its location clearly being beyond the built up limits of the village, the proposal therefore stands to be assessed against Saved Policy H18 of the CLP 1996.
- 8.9. Policy H18 of the CLP 1996 sets out that the construction of a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. Paragraph 55 of the NPPF echoes these provisions. Whilst the proposals are for the conversion and extension of an existing building on site, the net result would be tantamount to the creation of a

new dwelling and Policy H18 is therefore considered relevant in assessing the principle of development.

- 8.10. The application submission sets out the applicant's case for the resident Plantsman or Nursery Manager to be on site to be able to deal with emergencies (including significant changes in weather conditions, appropriate care of plant and adaption of growing conditions and fire risk), be available for suppliers and collections, able to deal with unexpected visitors, and able to deter thieves.
- 8.11. Prior to the submission of this current application the applicant entered into pre-application discussions (17/00205/PREAPP), to discuss this current proposal. At that stage officers advised that in their opinion there was not an essential need for a permanent residence on site. The applicants have subsequently provided an 'Essential Needs Appraisal' to support the current application, which sets out the grounds on which they consider an essential need exists.
- 8.12. Given the nature of the assessment the Council sought independent advice from an external consultant, Rhodes Rural Planning. Notwithstanding the supporting information submitted with this application, the Council's consultant confirmed in its report dated May 2018 (RRP 2018) the opinion of officers, in that, while there would be clear benefits to the on-going and expanding business *there was not an essential need for a permanent residential dwelling on the site and that the nursery could be managed from an off-site location.*
- 8.13. The report of the Council's consultant highlights that, while the applicant contends that it is necessary for an experienced and skilled plantsman to be on site to regulate temperature and ventilation to control growing conditions, there are alternative solutions that would negate the need for a permanent residential presence; particularly in terms of the type of heating to be employed within the polytunnels where thermostatically controlled convector or cabinet heaters, which could regulate growing conditions and control upper and lower temperatures ranges; and that these could be supported by back-up generators, in the case of power supply disruption. Furthermore this would only be an issue for limited periods of the year.
- 8.14. The applicant also indicates that a worker is required on site to monitor the use of new heated production areas which he wishes to commence. As noted the above, it is considered that the majority of instances of temperature variations, including frost protection, could be handled using a precautionary approach and on site monitoring systems to alert remote workers. In relation to the heated production this has yet to begin and is therefore not part of the existing established business – a permanent dwelling can only be supported in principle where it relates to an existing business activity. It is unclear how much maintenance or attention future heating systems would require or why it could not be dealt with on a remote basis or by a night time worker at the site.
- 8.15. The applicant contends that having a residential dwelling on site would act as a deterrent to instances of theft and vandalism. Unfortunately security is an issue that is experienced by many rural businesses and not something confined to the applicant's business. While an on-site presence may deter some instances of criminal activity it is not considered essential to the operation of the business, and therefore is not considered to demonstrate an essential need for a permanent dwelling on the site. This view has been confirmed by numerous Planning Inspectors at appeal. Security issues can be addressed by other means and are not sufficient to justify a dwelling.
- 8.16. The supporting text to Saved Policy H18 also states that: *'Where there is any doubt that a dwelling is required for the proper functioning of an enterprise, or where a new business is being proposed, it will be necessary to supply adequate financial information to demonstrate that the proposals are sound. In particular the Council will wish to be satisfied that such need as might exist could not be reasonably secured in a nearby settlement'.*

- 8.17. In terms of financial sustainability whilst there is limited financial information submitted with the application, the applicant states that the business is already 'financially sustainable'. However, as noted in the RRP 2018 report *'The nursery at Bloxham has only been trading for a year as a retail nursery, and it is traded as a part of Wyatts Nursery. It is therefore impossible to ascertain whether the nursery venture at Bloxham is a sustainable business. It has only one year's trading history and that is wrapped up in Wyatts Nursery. In addition, Clement Wyatt (Gardens) Ltd still exists as a company and its relationship with Wyatts Nursery is unknown from the submitted information'*. As such it is not considered that the applicant has demonstrated the enterprise is financially viable to accommodate a new dwelling on the site.
- 8.18. There does not appear to be any serious consideration given within the application submission to accommodating workers within the existing housing stock in the locality apart from stating that: *'There are some substantial and expensive houses a short distance along Ell's Lane, but there are no affordable houses within a distance that would hear any alarms'*. The results of search carried by RRP highlighted a number of properties that would have potential for housing an employee of the nursery within the locality of the site. Therefore on the basis of the information provided it is not demonstrated there is a functional essential need for a new dwelling on the site that could not be accommodated within existing housing stock.
- 8.19. The site currently has an authorised use as a horticultural nursery with ancillary retail sales and is *not* a retail garden centre as expressed in a number of the letters of support. There is also a small garden design/re-design service with plants, trees and shrubs grown and supplied from the site and re-landscaping work undertaken at clients' properties by staff employed and based at the site. This is an ancillary operation to the principal horticultural activities undertaken at the Nursery.
- 8.20. The sale of produce grown on the site along with a small element of goods not produced on site, provided those sales remain ancillary to the lawful horticultural use of the site, does not require planning permission. The removal of Condition 10 granted consent in 2016 (16/01773/F) does not permit unrestricted retail sales from the site and, were retail sales from the site to exceed what could be considered ancillary, then a material change of use would occur and planning permission.
- 8.21. When visiting the site officers were aware that a number of products were being sold (including pots and planters and other branded goods, i.e. fertilisers, compost and gardening aids), which clearly were not produced at the site, and the levels of these goods not produced on site were considered to exceed what could be considered ancillary to the horticultural use and contrary to the authorised use. Officers have subsequently made the applicant's agent aware of these concerns.
- 8.22. While not necessarily for assessment in this application, it is considered that further expansion of the site, including potential café/tearoom, as suggested in some letters of support and increased retail sales including products not produced on site would result in a material change of use of the site requiring planning permission.
- 8.23. Policy SLE 1 of the CLP 2031 and BL 13 of the BNP 2031 look to retain existing employment sites. While not an allocated employment site, the site does provide employment opportunities in this location (the applicant and four other members of staff), although it is noted that these employees are not resident within the immediate area.
- 8.24. The existing building is clearly in use and integral to the current business operations at the site. The change of use of the building would result in the loss of the dedicated office, storage and welfare facilities, currently provided by the building, which would be to the detriment of the business. While the applicant indicates that the employees could use the facilities within the proposed dwelling, this would impact on the amenity of the occupants of the dwelling and it is likely that the

Council would be put under pressure to allow further buildings in the future to replace the lost dedicated facilities.

- 8.25. The applicant also contends that the principle of converting the building to a residential dwelling should be tested against Saved Policy H19 of the CLP 1996. Policy H19 states:

Proposals for the conversion of a rural building, whose form, bulk and general design is in keeping with its surroundings to a dwelling in a location beyond the built-up limits of a settlement will be favourably considered provided:-

- i). the building can be converted without major rebuilding or extension and without inappropriate alteration to its form and character;*
 - ii). the proposal would not cause significant harm to the character of the countryside or the immediate setting of the building;*
 - iii). the proposal would not harm the special character and interest of a building of architectural or historic significance;*
 - iv). the proposal meets the requirements of the other policies in the plan.*
- 8.26. Saved Policy H19 of the CLP 1996 allows for the conversion of buildings outside of the built up limits, and is in line with the Government's current direction in looking to bring back into use redundant rural farm buildings.
- 8.27. However, Policy H19 has to be read in the context of the supporting text which states: *'It is intended that this policy should encourage the conversion not of buildings of modern construction but of traditional farm buildings whether or not they are listed as being of architectural or historic interest whose usefulness has been displaced by modern farming methods.'* In this context this policy is considered to comply with paragraph 55 of the NPPF which seeks to avoid isolated development in the countryside apart from in a number of circumstances such as the optimal viable use for a heritage asset or the reuse of a redundant building which would lead to an enhancement to the immediate setting.
- 8.28. In the current case, the building that would be converted is a more modern, former stable building which, while of more substantial construction than would usually be expected of a stable building of this scale, is not considered of any particular architectural interest or merit worthy of retention under Saved Policy H19 of the CLP 1996 and further that use of the building is clearly not redundant, providing office and welfare facilities to the existing horticultural business on the site. Therefore, it is not considered that the conversion of this building can be supported on this basis.
- 8.29. Overall, the proposal is considered to be contrary to the housing strategy for Bloxham and the rural areas as outlined in Policy Villages 1 of the CLP 2031 and BL2 of the BNP. It is considered that an essential need for a permanent residential dwelling has not been demonstrated. The proposed development also conflicts with Saved Policy H18 of the CLP 1996 which seeks to restrict new development outside of the built up limits. Given the modern construction of the building it is not considered to gain support from Saved Policy H19 of the CLP which relates to traditional buildings. There are further concerns with regards with regards to potential occupant amenity (discussed below) which cumulatively result in officer opinion being that the proposals do not represent sustainable development and are therefore unacceptable in principle.

Design, and impact on the character of the area:

- 8.30. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP which looks to promote and support development of a high standard which

contribute positively to an area's character and identity by creating or reinforcing local distinctiveness.

- 8.31. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. It also states development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.
- 8.32. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the urban context of that development. Further, saved Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density with existing dwellings in the vicinity. Policy BL11 of the BNP 2031 further seeks to ensure all new development respects the local character and historic and natural assets.
- 8.33. The existing building is a simple former stable building of little architectural merit. The building is of more substantial construction than would be expected for a building of the nature as originally proposed i.e. for horse shelter and associated storage. The building has previously been converted to its current use and, while the original timber stable doors have been retained, it is considered that inappropriate uPVC windows have been installed which are not in keeping with the character or appearance of the original structure.
- 8.34. Given the context of the site and existing boundary hedgerows the building has limited visual impact on the character and appearance of the wider area. The proposals would introduce glazed screens, timber weather-boarding and glazed doors replacing the original stable door openings. This again is not considered to sustain the original character or appearance of the structure as originally constructed, with an appearance more domestic in its nature. This domestication of the site would be further compounded by the introduction of the associated residential curtilage, albeit limited in its area.
- 8.35. This domestication of the building and its immediate setting would be contrary to the existing rural character of the site and its setting within the wider landscape. However, views of the proposed would be limited from the public domain, and largely limited to localised views from within the nursery, as experienced by those occupying and visiting the site.
- 8.36. On balance, subject to approval of appropriate construction and finish materials (which could be dealt with by way of appropriate conditions attached to any such permission were the Local Planning Authority (LPA) minded to approve the application), it is considered that any visual intrusion into the open countryside above that which is currently experienced is not so significant that it would warrant a reason to refuse the application on these grounds alone.
- 8.37. The proposals would see loss of the existing dedicated facilities serving the existing business provided by the existing building. While there are no current proposals for replacing this building and the dedicated facilities it currently provides, it is likely that the building would need to be replaced to fulfil the existing need which could potentially see further intrusion into the wider landscape. However, this would need to be considered at the time of any such proposals coming forward which would require planning permission.

Residential amenity:

- 8.38. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'. Policy BL9 of the BNP 2031 echoes the provisions of Local Plan policies and seeks to ensure that the amenity of neighbouring properties is protected.
- 8.39. Given the rural context of the site, and its isolated location and the nature of the proposals it is considered that the proposed development would not result in any significant impacts on the amenity residential properties within the area and could be considered acceptable in this regard.
- 8.40. The proposals would see the extension and conversion of the existing building which in terms of internal floor space and facilities officers consider would provide for acceptable standards of internal amenity for a single person or couple.
- 8.41. However, given the proximity of the building to the business operations of the site there is a significant concern with regards to the potential lack of privacy that would be afforded to any future occupants. The residential curtilage would be defined by the application's site boundary and external amenity space would be limited to the small courtyard area adjacent the building; this area would be overlooked by visitors to the site during the hours of operation of the site. The glazed screens and windows would look directly out on to the display and car park areas of the site with little to no defensible space giving rise to significant privacy issues.
- 8.42. As noted above the applicant advises that employees of the nursery would share the facilities of the proposed dwelling. While this could be acceptable when the proposed occupants are working at the site, on days off, holidays etc. the intrusion of workers using the house would have a further detrimental impact on the amenity of any such occupant.
- 8.43. Both local and national guidance looks to support proposals which make places better for people and provide places to live which would afford a good standard of living. In this instance it is considered that the proposals would result in a poor living environment as a result of the lack of outdoor amenity space and lack of privacy, contrary to the provisions and aims of the Development Plan policies identified above.
- 8.44. Notwithstanding the above comments, the applicant has indicated his willingness to accept a condition restricting occupancy to an agricultural worker employed at the Nursery and any of his/her dependants. Officers consider this is the only situation in which the lack of occupant amenity could in any way be considered acceptable, and if the LPA was minded to approve the application such a condition would be appropriate and necessary.

Highway safety:

- 8.45. While no formal comments have been received in relation to this current application from the Local Highway Authority (LHA), at the time of preparation of this report, it is noted that no objections were raised in respect of the previous application 17/00010/F; subject to conditions being imposed in relation to the proposed dwelling being ancillary to the horticultural/nursery use and that full details of parking and manoeuvring areas to be secured. Given that the current proposals are essentially identical as those previously assessed under application 17/00010/F, in terms of highway safety issues, it is considered unlikely that the LHA would now reach a different recommendation.

- 8.46. While the site is located just outside Bloxham, which is considered one of the more sustainable rural villages within the district, the site itself would result in a reliance on the use of motor vehicles to attend the site. And while comments are made by third parties, with regard being able to walk to the site, there is currently no footpath linking the site back into the village's existing footpath network. This therefore impacts on the site's sustainability credentials.
- 8.47. The proposals would be accessed via the existing gated access off of Ells Lane which serves the nursery, albeit that a separate driveway and parking and turning area would be created. It is considered that the proposed change of use to a single residential would not result in any significant increased vehicular movements to and from site and would not affect existing levels of parking within the site. While the proposals indicate parking and turning, this is not shown formally laid out on the submitted plans. However, it is considered that it is likely the acceptable details could be provided, and that these could be secured by way of appropriate conditions attached to any such permission.
- 8.48. While the comments made by third parties on the application, in respect of traffic congestion on Ells Lane at peak school drop-off and pick-up times are noted, it is considered that the development proposed within this application is unlikely to exacerbate this problem; and that this would be more of an issue for consideration if expansion/intensification of the nursery use was proposed.
- 8.49. It is considered that, subject to full details of the parking and manoeuvring area being secured and the proposals remaining ancillary to the nursery/horticultural business, the proposed development would not be to the detriment of the safety and convenience of highway users and would therefore acceptable in this regard should the LPA be minded to approve the application. And further that the likely requirements of the LHA could be secured through appropriate conditions attached to any such permission.

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. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposals represent an inappropriate form of development at the site which would be contrary to the districts rural housing strategy and associated Development Plan policies which look to promote new residential dwellings to more sustainable locations, and further would provide a poor living environment for future occupiers.
- 9.3. Notwithstanding the above, there remains a need to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is therefore necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 9.4. While there would clearly be benefits to business through the convenience of having a presence on the site, no essential need has been demonstrated. In addition, the proposals would result in a substandard unit of residential accommodation being created that would fail to sustain the rural character of the site, with a poor living

environment and in an unsustainable location; as such the weight to be attributed to the benefit of providing this additional residential unit is reduced.

- 9.5. Overall, the limited benefits of the proposals are not considered such that they would outweigh the conflict with the provisions and aims of the environmental and sustainability policies of the Development Plan and Government guidance within the NPPF and the principle of delivering sustainable development enshrined within the current policy context. As such it is considered the harm and conflict with development plan policy clearly outweighs any benefits in this case and the application is therefore recommended for refusal as set out below.

10. RECOMMENDATION

That permission is refused, for the following reasons:

1. The proposals constitute residential development beyond the built up limits of Bloxham, 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 the housing strategy for Bloxham and the rural areas as outlined in Policy Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Policy BL2 of the Bloxham Neighbourhood Plan and Saved Policy H18 of the Cherwell Local Plan 1996, and Government guidance within the National Planning Policy Framework.
2. The proposed development, by virtue its of design and siting, given the close proximity to the existing nursery business operations, would result in a substandard living environment, with lack of privacy and amenity for future occupiers of the proposed development. The proposal is therefore contrary to Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policy C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Bob Neville

TEL: 01295 221875