

**Evelyns Farm
Brill Road
Horton Cum Studley
OX33 1BZ**

18/02150/F

Applicant: Mr B Hearn

Proposal: Demolition of three asbestos clad industrial units and asbestos clad garage, conversion of indoor pool building and former greenhouse to form a single dwelling together with new garage and work from home office, improved vehicular access and landscaping

Ward: Launton And Otmoor

Councillors: Cllr Tim Hallchurch
Cllr Simon Holland
Cllr David Hughes

Reason for Referral: Called in by Councillor Hallchurch

Expiry date: 5 February 2019

Committee date: 14 February 2019

Extension of time: 28 February 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: REFUSE PERMISSION

Proposal

Planning consent is sought for the demolition of three buildings on the site and to convert and extend the pool building and former greenhouse to form a single dwelling, with a new garage, vehicular access and landscaping

Consultations

The following consultees have raised **objections** to the application:

- CDC Conservation

The following consultees have raised **no objections** to the application:

- CDC Building Control, CDC Environmental Protection, OCC Highways

The following consultees are **in support** of the application:

- Horton-cum-Studley Parish Council, Councillor Hallchurch

Two letters of **support** have been received.

Planning Policy and Constraints

The site is located in close proximity to a Grade II listed building, Evelyn's Farm. The site is located within the Oxford Green Belt. Public Footpath 257/11/10 runs to the south of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Impact on the Green Belt
- Impact on the character of the area
- Impact on residential amenity
- Highway safety
- Ecology
- Environmental protection

The report looks into the key planning issues in detail, and Officers conclude that the proposal is unacceptable for the following reasons:

1. Principle of development is unacceptable
2. Inappropriate development in the Oxford Green Belt
3. Harm to character of the area and setting of adjacent listed building

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the north of the village of Horton-cum-Studley on the east side of Brill Road. The site is currently occupied by a number of buildings that, according to the applicant, were previously used in conjunction with a former horticultural nursery, builder's yard and the manufacture of prefabricated buildings. There is no planning history to verify these historic uses.

2. CONSTRAINTS

- 2.1. The site is located in close proximity to a Grade II listed building, Evelyn's Farm. The site is located within the Oxford Green Belt. Public Footpath 257/11/10 runs to the south of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning consent is sought to convert and extend the greenhouse and indoor pool building to form a single new dwelling. Also included in the application is demolition of a metal shed and three store buildings on the site although the said demolition does not require planning permission. The existing blockwork walls of the building would be finished in vertical timber cladding, whilst the existing glazing would be replaced with a mix of clear and patent glass, with zinc panelling and glazing to the roof of the building. A flat roofed linking element would be constructed between the two buildings to link the two structures into one building. The ground levels inside of the building would be lowered to improve headroom. A new garage would be erected to the north of the dwelling and this would be constructed from timber cladding under a tiled roof.
- 3.2. A formal landscaping scheme has been proposed which would create an orchard separating the new development from Evelyns Farmhouse. A new gravel driveway

would be created and the hedgerows at the access will be trimmed to give better visibility when accessing Brill Road.

4. RELEVANT PLANNING HISTORY

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

| <u>Application Ref.</u> | <u>Proposal</u> | <u>Decision</u> |
|-------------------------|---|-----------------------|
| 16/01764/OUT | Outline - Two dwellinghouses | Application Refused |
| 17/00833/CLUP | Certificate of Lawfulness of Proposed Use for B1 use of land for buildings and land outlined in red and agricultural use for building and land outlined in blue on Land Use Plan | Application Withdrawn |
| 17/01095/OUT | Demolition of outbuildings; erection of single dwelling house with associated access, landscaping and hardstanding | Application Refused |
| 18/01799/F | Demolition of three asbestos clad industrial units and asbestos clad garage, conversion of indoor pool building and former greenhouse to form a single dwelling together with new garage and work from home office, improved vehicular access and landscaping | Application Withdrawn |

4.2. The 2016 application (16/01764/OUT) was refused for four reasons. The first was that the development was considered to be in the open countryside, beyond the built-limits of the nearest settlement, for which no essential need had been demonstrated. The second reason was that the development was considered to constitute inappropriate development within the Green Belt which would not maintain the openness of the Green Belt. The third reason was that the proposed development was considered to cause harm to the rural character of the area and would represent a visual intrusion of residential development into the countryside. The fourth reason was that the development was considered to cause harm to the setting of the adjacent Grade II listed building, Evelyn's Farm.

4.3. The lawful development certificate application (17/00833/CLUP) was withdrawn after concerns were raised from the Council regarding the lack of information to demonstrate the existing use of the site.

4.4. The 2017 outline consent (17/01095/OUT) was refused for the same four reasons as 16/01764/OUT. This decision was appealed (ref: APP/C3105/W/17/3182235) and was dismissed on all four reasons by the Planning Inspector.

4.5. The 2018 application (18/01799/F) was withdrawn after concerns were raised regarding the principle of development.

5. PRE-APPLICATION DISCUSSIONS

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

| <u>Application Ref.</u> | <u>Proposal</u> |
|-------------------------|---|
| 15/00308/PREAPP | Proposed erection of two high standard contemporary dwellings incorporating sustainable construction techniques and materials of appropriate scale and respectful of the character of their surroundings. |
| 17/00033/PREAPP | Demolition of existing redundant buildings on the site and erection of single dwellinghouse |
| 18/00046/PREAPP | Demolition of existing (derelict/asbestos) buildings. Rebuild on same footprint as existing buildings in agricultural-type style to remain in keeping with original and surrounding landscape |

5.2. All of the above pre-application responses were negative with regard to residential development on the site.

6. RESPONSE TO PUBLICITY

6.1. 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 31.01.2019, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

- The site may revert to commercial use if this application is not approved.
- The development would not cause harm to the setting of the listed building.
- The development will result in an improvement to the character of the area.
- The development would remove hazardous materials from the site.

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

7. RESPONSE TO CONSULTATION

7.1. 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.

WARD MEMBER, PARISH COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. COUNCILLOR HALLCHURCH: **Supports** the application.

7.3. HORTON CUM STUDLEY PARISH COUNCIL: **Supports** the application.

CONSULTEES

7.4. CDC BUILDING CONTROL: A Building Regulations application will be required.

- 7.5. CDC CONSERVATION: **Objects**. The proposed new dwelling along with the garage and the associated hardstanding and structures would have a cumulative impact that would be an unwelcome intrusion within the setting of the Listed Building.
- 7.6. CDC ECOLOGY: No comments received.
- 7.7. CDC ENVIRONMENTAL HEALTH: **No objections**.
- 7.8. NATURAL ENGLAND: No comments.
- 7.9. OCC HIGHWAYS: No comments received.
- 7.10. THAMES WATER: No comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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
- ESD1 – Mitigating Climate Change
- ESD10 – Biodiversity and the Natural Environment
- ESD13 – Landscape Character
- ESD14 – Oxford Green Belt
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H19 – Conversion of buildings in the countryside
- C28 – New development design
- C30 – Design Control
- ENV12 – Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council’s Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year

2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

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

- Principle of development
- Impact on the green belt
- Design, impact on the character of the area and on heritage assets
- Residential amenity
- Highway safety
- Ecology
- Environmental protection

Principle of Development

Policy Context

- 9.2. The National Planning Policy Framework (NPPF) 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.
- 9.3. Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking, which means approving development proposals that accord with an up-to-date development plan without delay. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 9.4. 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 has an up-to-date Local Plan and can demonstrate a 5.2 year supply from 2017-2022 (the previous period) and a 5.4 year supply from 2018-2023 (the current period).

9.5. Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

9.6. The principle of residential development in Horton-cum-Studley is assessed against Policy Villages 1 in the Cherwell Local Plan Part 1. Horton-cum-Studley is recognised as a Category C village in the Cherwell Local Plan 2011 – 2031 Part 1. Category C villages are considered the least sustainable settlements in the District's rural areas to accommodate growth and therefore residential development will be restricted to the conversion of buildings and infilling.

9.7. Policy ESD1 of the Cherwell Local Plan Part 1 states that Measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include:

- Distributing growth to the most sustainable locations as defined in this Local Plan
- 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

9.8. 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 when it is essential for agriculture or other existing undertakings, or the proposal meets the criteria set out in Saved Policy H6 (since replaced by Policy Villages 3 – relating to affordable housing schemes in rural areas) and the proposal would not conflict with other policies in this plan.

9.9. Saved Policy H19 states that 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.

Assessment

- 9.10. The Planning Statement submitted with the application states that this proposal is for a conversion and is therefore compliant with Policy Villages 1. However, Policy Villages 1 only applies to development *within* villages and in the appeal decision for 17/01095/OUT the Inspector found that the application site was located *outside* of the built-limits of Horton-cum-Studley and therefore the development would not comply with Policy Villages 1. Furthermore, the dwelling is not considered to be a conversion, as discussed below.
- 9.11. Saved Policy H19 relates to the conversion of buildings in the open countryside. One of the requirements of this policy is that *the building can be converted without major rebuilding*. The application buildings relate to two buildings that were originally constructed as greenhouses to serve the plant nursery business on the site; however, one of the buildings was latterly converted to a building accommodating a swimming pool to serve Evelyngs Farmhouse.
- 9.12. Greenhouse buildings are lightweight buildings by the very nature of their construction. A structural survey has been submitted alongside the planning application which says that the buildings are capable of being converted to residential use but would require a significant amount of works to function in this new use, with underpinning of the foundations, lowering of the floor levels of the building up to 1m and the external ground levels, new glass frames, new blockwork walls due to the lowering of the floor levels and new structural supports to support the extra load. Given the findings of this report and observations from the site visit, it is considered that the amount of works necessary to enable the building to be used for residential purposes would be too significant to comprise a conversion and that the proposals do not comply with the provisions of Saved Policy H19.
- 9.13. This conclusion is consistent with Paragraph 79 of the NPPF, which states that should re-use redundant or disused buildings and enhance its immediate setting and as above, it is considered that given the scope of the works that the development would not constitute a re-use of buildings and would instead be tantamount of a new building.
- 9.14. As the development would constitute a new dwelling in the open countryside, Saved Policy H18 is relevant. This states that new dwellings in the open countryside should be only when they are essential for agriculture or other existing undertakings. No essential need has been demonstrated for the dwelling and it is not a rural exception site under Policy Villages 3 of the Cherwell Local Plan 2011 – 2031 Part 1.

Conclusion

- 9.15. The proposed development does not comply with Policy Villages 1 of the Cherwell Local Plan 2011 – 2031 Part 1, as the development would constitute minor development outside the built-up limits of a Category C village, in a location that is inherently unsustainable being remote from services and facilities and reliant on the private car. The proposal would not constitute a conversion of a rural building given the scope of works required to change the use of the building, and no essential need has been demonstrated for the dwellings under Saved Policy H18 of the Cherwell Local Plan 1996, and therefore the principle of residential development on the site is not considered to be acceptable.

Impact on the green belt

Policy Context

- 9.16. Notwithstanding that the proposal is considered unacceptable in principle as unsustainable isolated new housing development in the countryside, the site is also in the Oxford Green Belt and so must be assessed against Green Belt policy. Policy ESD14 of the Cherwell Local Plan 2011 – 2031 Part 1 states that the Green Belt will be maintained in order to:
- Preserve the special character and landscape setting of Oxford;
 - Check the growth of Oxford and prevent ribbon development and urban sprawl;
 - Prevent the coalescence of settlements;
 - Assist in safeguarding the countryside from encroachment;
 - Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.17. The policy goes on to state that development proposals within the Green Belt will be assessed in accordance with National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG). Furthermore it states development will only be permitted if it maintains the openness of the Green Belt and does not conflict with the purposes of the Green Belt or harm its visual amenities. Finally it states proposals for residential development in the Green Belt will be assessed against Policies Villages 1 and Villages 3 of the Cherwell Local Plan 2011-2031 Part 1.
- 9.18. Paragraph 133 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 9.19. Paragraph 134 of the NPPF states the five purposes of the Green Belt. These are similar to those set out in ESD14 of the Cherwell Local Plan 2011 – 2031 Part 1. The five purposes are:
- To check the unrestricted sprawl of large built-up areas;
 - To prevent neighbouring towns merging into one another;
 - To assist in safeguarding the countryside from encroachment;
 - To preserve the setting and special character of historic towns; and
 - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 9.20. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.21. Paragraph 144 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.22. Paragraph 145 of the NPPF of the NPPF states that the construction of new buildings should be regarded as inappropriate development in the Green Belt, apart

from a number of exceptions. One of these exceptions is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

Assessment

- 9.23. The applicant has stated that the application site is previously developed land and that the development would have a positive impact on the openness of the green belt, due to the reduction in buildings across the site.
- 9.24. In Paragraph 13 of the appeal decision for 17/01095/OUT, the Inspector states that *'on the evidence submitted by the appellant and my observations on site, I am satisfied that at least part of the appeal site had the characteristics and use of previously developed land'*. The Inspector did not go on to explain what part of the site he considered to be previously developed land.
- 9.25. An application for a lawful development certificate (17/00833/CLUP) was withdrawn on 13th June 2017. This sought to demonstrate that part of site had a lawful B1 use. The information submitted as part of this application was insufficient to demonstrate this and was withdrawn by the applicant's agent after the Council advised that it was to be refused on this basis. Given that there is no planning history for the site and that the lawful development certificate was not granted, the site is not in lawful B1 use and, on the basis of the available evidence, the lawful use is either agricultural (as part of the plant nursery that operated from the site) or as the residential garden of Evelyn's Farm.
- 9.26. Section 336 of The Town and Country Planning Act 1990 (as amended) provides a definition of 'agriculture'. The definition includes "horticulture, fruit growing, seed growing...and nursery grounds", and the activities that were undertaken on the wider site were likely to be included in this definition. The courts have held that residential gardens in the countryside can constitute previously developed land. Therefore, the greenhouse that was converted to residential use to be used a swimming pool is considered to be previously developed land. However, the rest of the land to which this application relates has a lawful use of agricultural and therefore this is *not* previously developed land. For this reason the proposal would constitute inappropriate development in the Green belt.
- 9.27. Notwithstanding the above, the proposal will be assessed as to whether it would have an impact on the openness of the green belt. In the Planning Statement, the agent states that the development would result in a reduction in floor area of 118.79m² and 372.83m³ in terms of volume of buildings. It is recognised that the proposal would remove three of the existing store buildings on the site and replace these with a single garage to serve the dwelling. However, it is considered that the new residential use with an increased number of movements from the current use of the site and the paraphernalia that is associated with a residential use would cause harm to the openness of the green belt and that as a result, the development would also constitute inappropriate development in this regard as well. In addition, the demolition of these buildings does not require planning permission which reduces the weight to be given to their demolition.

9.28. The development would also conflict with one of the five purposes of the Green Belt set out in the NPPF, which is 'to assist in safeguarding the countryside from encroachment'. The new residential use, along with the size of the area of land changing use to residential would also cause harm to the Green Belt by encroaching into the surrounding countryside. This harm is further exacerbated by the hardstanding and car parking area proposed for the development, and the size of the garden, domestic features which would alter the rural character of the Green Belt.

Conclusion

9.29. It is considered that the proposal would constitute inappropriate development in the Green Belt, would result in a reduction in openness to the Green Belt and would also cause harm through encroachment into the countryside.

9.30. The NPPF advises that substantial weight should be attached to harm to the Green Belt and harmful development should not be approved except in very special circumstances. Very special circumstances will not exist unless the harm to the Green Belt is outweighed by other considerations.

9.31. It is not considered that there are very special circumstances to outweigh the harm to the Green Belt and therefore the proposal would be contrary to Policy ESD14 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the NPPF.

Design, impact on the character of the area and on heritage assets

Policy Context

9.32. Government guidance contained within the NPPF 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.

9.33. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

9.34. Paragraph 195 of the NPPF states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

- 9.35. Paragraph 196 of the NPPF states that Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 9.36. 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. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.37. 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 required to meet high design standards, and should respect the historic environment including Conservation Areas and listed buildings.
- 9.38. Section 66(1) of the same Act 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.

Assessment

- 9.39. The proposed development would be located to the north of the village of Horton-cum-Studley on the approach to the village on Brill Road. The area has a rural character and appearance with a fairly sporadic pattern of development in the area.
- 9.40. The introduction of a residential use onto a muted, agricultural site that contributes to the rural character of the area would cause harm to the rural character and appearance of the site and would introduce a more urban form of development, with associated residential paraphernalia including hardstanding, parking areas and residential garaging.
- 9.41. The site is located in close proximity to Evelyn's Farm, which is a Grade II listed building. The rural character of the site currently contributes to the historic agricultural setting of the heritage asset and its historic use as a farmhouse. The existing buildings on the site are not of any architectural significance but as previously stated have a typical and subservient rural appearance that contribute to the setting and significance of the listed building and appear as though they are ancillary buildings to the farmhouse, a common arrangement within a rural setting.
- 9.42. The Heritage Statement submitted with the application concludes that the development would not cause harm to the setting of the listed building, given that the scale of the buildings would not increase and that the demolition of the store buildings would enhance the setting of Evelyns Farmhouse.
- 9.43. In paragraph 21 of the appeal decision for 17/01095/OUT, the Inspector stated that *'the present dilapidated buildings do not enhance the setting of the listed building and I am satisfied that the wholesale clearance of the site would improve this setting'*. It is recognised that a number of structures would be removed as part of this development. However, the proposals would not result in the wholesale clearance of the site and that two buildings would be retained, a new garage constructed, along with hardstanding and landscaping.

- 9.44. Overall, therefore, the new residential use would cause harm to the setting of the neighbouring listed building and this view is shared by the Council's Conservation Officer, who has stated that, '*the proposed new dwelling along with the garage and the associated hardstanding and structures would have a cumulative impact that would be an unwelcome intrusion within the setting of the Listed Building*'. It is not considered that there are sufficient public benefits associated with the proposal to outweigh this harm caused to the heritage asset.

Conclusion

- 9.45. It is considered that the proposal would cause harm to the rural character of the area by reason of its urbanising nature. For the same reason, it is considered that the cumulative impact of all of the elements associated with the residential use that the development would not cause harm to the setting of the nearby listed building. It is not considered that the public benefits of one dwelling would outweigh the harm caused to the listed building.

Residential amenity

- 9.46. Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 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.
- 9.47. The proposal would be sited a sufficient distance away from the neighbouring dwelling and that through an appropriate landscaping scheme, the scheme could be acceptable in this regard. The proposals would therefore not cause harm to the residential amenities of neighbours or future occupiers.

Highway safety

- 9.48. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.49. The Highways Officer has not commented on this proposal however offered no objections to the previous scheme for a single dwelling on the site, subject to conditions. As such, the proposals would not cause harm to the safety of the local highway network, subject to conditions.

Ecology

Policy context

- 9.50. 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.
- 9.51. Paragraph 170 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 Cherwell Local Plan 2011 - 2031 Part 1.

Assessment & conclusion

9.52. The Ecological Appraisal submitted with the application offers a number of recommendations that should be complied with in the event of an approval, including avoiding any disturbance to birds during the nesting season. The Ecology Officer had offered no objections to the previous scheme, subject to the recommendations set out in the previous ecological report. As such, the proposals would not cause harm to biodiversity, subject to the recommendations set out within the Ecological Appraisal, and the development is acceptable in this regard.

Environmental protection

9.53. Saved Policy ENV12 from the Cherwell Local Plan 1996 states that development on land which is known or suspected to be contaminated will only be permitted if:

- (i) adequate measures can be taken to remove any threat of contamination to future occupiers of the site;
- (ii) the development is not likely to result in contamination of surface or underground water resources;
- (iii) the proposed use does not conflict with the other policies in the plan.

9.54. The Environmental Protection Officer has raised no objections to the proposed development. As such, it is considered that the development would not cause harm with regards to future land contamination.

10. PLANNING BALANCE AND CONCLUSION

10.1. 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.

10.2. The principle of development is not considered to be acceptable, given that the development would be located in open countryside outside of the built-up limits of the village and that no essential need has been demonstrated. The proposed development would constitute inappropriate development within the Green Belt that would result in a reduction in the openness of the Green Belt and would encroach into the countryside, for which no very special circumstances have been demonstrated. The proposed development would also cause harm to the rural character and appearance of the area and would cause harm to the setting and significance of the nearby listed building due to cumulative impact of the residential use and other residential features.

11. RECOMMENDATION

RECOMMENDATION - **REFUSAL** FOR THE REASONS SET OUT BELOW

REASONS FOR REFUSAL

1. The proposed development 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 development would therefore be an unjustified and unsustainable form of development. The works required to change the use of the buildings are too significant for the proposal to constitute a conversion of an existing building. As such the proposal is contrary to Policy ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies H18 and H19 of the Cherwell Local Plan 1996, and government guidance contained within the National Planning Policy Framework.

2. The proposed development constitutes inappropriate development within the Green Belt which, by reason of its residential use and siting, would not maintain the openness of the Green Belt and which would conflict with the purposes of including land within it. There are no very special circumstances which would outweigh the harm caused to the Green Belt and the proposals are therefore contrary to Policy ESD14 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. The proposed development, by reason of its residential use, garaging and associated paraphernalia, would represent a visual intrusion of residential development into the countryside and would cause unacceptable harm to the rural character of the area and to the setting of the adjacent Grade II listed building Evelyn's Farm. As such the proposal is contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan 2011 - 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework.

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