

**Case Officer:** Katherine Daniels

**Applicant:** Blaze-Inn Saddles

**Proposal:** Amended design to 16/01525/F - Erection of a single storey building providing 3 no en-suite letting rooms amended to three bedroom cottage for holiday let.

**Ward:** Cropredy, Sibfords And Wroxton

**Councillors:** Councillor Brant, Chapman, and Webb

**Reason for Referral:** Referred by Assistant Director for Planning and Economy for the following reasons: property history and level of public interest

**Expiry Date:** 28 May 2024

**Committee Date:** 3 October 2024

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## **SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

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

1.1. The application site is located within Burdrop, a small settlement which forms part of the Sibford Gower/Ferris village settlement. The site lies immediately adjacent to The Pheasant Pluckers' Inn (formerly known as the 'Bishop Blaize') and is located within the current car park of the public house. Immediately to the west of the application site is the former bottle store which is attached to the public house and is now in use as a holiday let. Immediately to the east of the site lies the vehicle access to the car park.

### **2. CONSTRAINTS**

2.1. The site lies within the Sibford and Burdrop Conservation Area; the public house is identified as a Locally Significant Asset within the Conservation Area Appraisal. There are several grade II listed buildings within the vicinity of the site with the nearest being Barn Close some 20m east of the site. To the south of the site, beyond the car park and the pub garden the land drops away into the valley known as the Sibford Gap.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The proposal is for the erection of a building to form a holiday let. The proposals have been amended during the application process. The scheme is a single storey L-shaped building. The proposed building measures 7m to the front of the site, with a width of 4m. The return would have a total length of 11m.

### **4. RELEVANT PLANNING HISTORY**

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

82/00329/N - Change of use of the premises to a single dwelling (The application was withdrawn as a condition of the approval was that the liquor licence had to be surrendered prior to a decision being issued. The licence was not surrendered, and the pub was sold as a going concern) - Application withdrawn.

85/00698/N - Change of use to a single dwelling (resolution to approve the application but a condition of any approval was that the liquor licence had to be surrendered prior to the decision being issued. The landlord at that time wished to keep the pub open and withdrew the application) - Application withdrawn.

99/01783/F - Single storey extensions to bar area and to form a new freezer store and replacement garden store, as amended by plans received 5.11.99.- Application granted

06/00248/F - Single storey bar extension to provide non-smoking restaurant facility. - Application granted

06/01697/F - Change of use from licenced premises to dwelling house. - Application refused

07/00630/F - Resubmission of 06/01697/F - Change of use from licenced premises into dwelling house - Application refused

09/01275/F - Alterations and extension to barn to provide 4no ensuite letting rooms. - Application withdrawn

09/01557/F - Change of use from closed public house to dwelling - Application withdrawn

12/00011/CLUE Certificate of Lawful Use Existing - Use as a single dwelling house - Application refused. Appeal against subsequent enforcement notice dismissed at Public Inquiry

12/00678/F - Change of use of a vacant public house to C3 residential (as amended by site location plan received 18/07/12) - Application refused and appeal dismissed

12/00796/CLUE Certificate of Lawful Use Existing - Use as a single dwelling house - Application refused

13/00116/F - Retrospective - New roof to barn; 3 No rooflights and door installed to the upper floor - Application granted

13/00743/F - Erection of two new dwellings - Application withdrawn

13/00781/F - Change of use of a redundant barn/store into a 1-bedroom self-contained holiday letting cottage - Undetermined. Non-determination appeal allowed.

13/00808/CLUE Certificate of Lawful Use Existing - Change of use from A4 to A1 - Application refused

13/01511/CLUE - Certificate of lawful use existing - A1 use for the sale of wood burning stoves and fireside accessories - Application returned

14/01383/CLUP - Certificate of Lawful Use Proposed - Change of use from A4 to A1 - Application refused

15/01103/F - Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling - Application refused and appeal dismissed

16/01525/F - Erection of a two-storey cottage with 2 en-suite bedrooms, kitchen, dining, and lounge facilities. Permission is also required for the siting of a garden shed - Application refused.

16/02030/F - Erection of a single storey building providing 3 No en-suite letting rooms - re-submission of 16/01525/F - Application refused and appeal allowed

17/01981/F - Change of use from A4 to C3 (ACV Listed) - Application refused and appeal dismissed

18/01501/F - Change of use from Class A4 (ACV Listed) to Class C3 dwellinghouse – Appeal against non-determination – Appeal dismissed.

21/04166/F – Permission is sought to re-position and amend the structure of the previously allowed 3 bedroom building. Refused and appeal dismissed.

23/00662/F – Retrospective – change of use of public house (sui generis) to hotel/bed breakfast (C1). Appeal against non-determination. Appeal dismissed.

## **5. PRE-APPLICATION DISCUSSIONS**

5.1. No pre-application discussions have taken place with regard to this application.

## **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 **4 July 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 20 letters of representation and the comments raised by third parties are summarised as follows:

- Would create the public house unviable.
- Property should be used as a public house.
- Impact on the character and appearance of the locality
- Would not be used as a holiday let.

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.

- 7.2. SIBFORD GOWER PARISH COUNCIL: **Does not object** to the principle, but wishes conditions are imposed similar to the 16/01525/F.
- 7.3. OCC HIGHWAYS: **No objections**
- 7.4. CDC LAND DRAINAGE: **No comments**
- 7.5. CDC ENVIRONMENTAL PROTECTION: **No comments**
- 7.6. OCC ARCHAEOLOGY: **No objections**
- 7.7. CDC CONSERVATION: **No objections** - The proposal will not lead to harm to the significance of designated heritage assets.

## **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 2015)

- PSD1 – Presumption in favour of Sustainable Development
- SLE3 – Supporting Tourism Growth
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient use of Land
- ESD 3 – Sustainable Construction
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Category A village

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

- C28: Layout, design, and external appearance of new development
- C30: Design control
- C33: Protection of important gaps
- S29: Loss of existing village services

### Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country (General Permitted Development) (England) Order 2015 (as amended) (GPDO)
- The Town and Country (Development Management Procedure) (England) Order 2015
- Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal 2012

- Neighbourhood Planning Act 2017
- Localism Act 2011

## 9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area, including designated heritage assets.
- Residential amenity
- Highway Safety

### Principle of Development

- 9.2. The site of the proposed holiday let is within a Category A village, as allocated in Policy Villages 1 of the CLP 2015. This policy allows for some limited residential development within the built-up limits of villages and separates villages into three categories of sustainability depending on the level of services within the village. Within Category A villages residential development is restricted to minor development, infilling and conversions. The site of the proposal is considered to be located within the built-up limits of the settlement.
- 9.3. The NPPF places substantial weight on supporting a prosperous rural economy. It sees sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities, and visitors, and which respect the character of the countryside as key opportunities for support. Policy SLE 3 of the CLP 2015 is consistent with the NPPF and supports tourism in sustainable locations.
- 9.4. Saved Policy T2 of the CLP 1996 indicates that within the built up limits of a settlement the provision of new hotels, motels, guest houses and restaurants will generally be approved subject to the other policies in the plan. The supporting text of this policy further states that: *'The Council considers that the provision of new hotel, motel, guest houses and restaurants within settlements is acceptable provided that the nature of the proposed development is compatible with the size and character of the settlement and there are no adverse environmental or transportation affects resulting from the proposal.'*
- 9.5. The proposal seeks to provide holiday let accommodation adjoining the public house to the west of the application site. The site has been subject to another application for the erection of a single storey building providing 3 en-suite letting rooms. This proposal is for the erection of a holiday let on the same site as the permitted en-suite letting rooms. The principle of developing the site is therefore considered to be acceptable.
- 9.6. Although the site would develop in some of the public house car park, the car parking area is considered to be acceptable for the public house to function as a public house. Therefore, it is unlikely that the loss of this parking area would affect the viability of the public house. There is still sufficient parking on site to accommodate the patrons. Further consideration on highway safety is considered in the paragraphs below.

- 9.7. The applicant has provided a business case to demonstrate the need for the holiday lets. Holiday let accommodation would provide additional income to the public house, and other services close to Burdrop and the Sibfords.
- 9.8. The proposal is for the erection of a new holiday let building, which has the appearance of a dwelling, within the existing confines of Burdrop, in a Category A village. The principle is therefore considered to be acceptable.

#### Heritage Impact

- 9.9. The site is within the Sibford Gower with Burdrop Conservation Area. 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.*
- 9.10. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 205 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.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.11. The proposal has been sited on the same location as the approved development of three ensuite bedrooms (16/02030/F). This development was allowed at appeal, and it was concluded a development in this location would not result in harm to the designated heritage asset.
- 9.12. The applicant has amended the scheme to reduce the overall scale of the building. The proposal is of a similar style to the front as the existing permission for the 3 ensuite rooms but would be an L-shaped development rather than a linear building.
- 9.13. The building has been designed to reflect a traditional farm building reflecting the character and appearance of the locality. The current design is a much-improved design to that originally submitted and is considered now to be designed sympathetically with the host building and its surroundings.
- 9.14. The Conservation Officer has been consulted on the application and, following negotiations with the applicant, it is considered overall that the proposal is acceptable in heritage terms. The Conservation Officer advises that the proposal would not result in harm to the designated heritage assets.
- 9.15. Overall, therefore, the proposal is considered to be acceptable in terms of impact on the character and appearance of the locality, including designated heritage assets.

#### Residential Amenity

- 9.16. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the LPA. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things 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.

- 9.17. The proposal has sufficient distance from the neighbouring properties to not result in a detrimental impact on the amenities of the adjoining neighbours through overlooking.
- 9.18. In regard to the amenities of the future occupiers of the building, the proposal does not include any external space for the building. The proposal seeks to provide holiday let accommodation rather than a permanent dwelling. It is important and necessary that a condition is imposed to ensure the proposal is not used as a separate dwelling, as the proposal would not have sufficient amenity space outside for a separate dwelling in its own rights.
- 9.19. In conclusion, the impact on the future and existing residents is considered to be acceptable and, provided suitably worded conditions are imposed, would accord with the aforementioned policies.

#### Highway Safety

- 9.20. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.21. In addition, paragraph 115 highlights that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 9.22. The Local Highway Authority has raised no objections to the proposal; therefore, it is concluded that the proposed scheme would not create a danger to those using the highway network. Therefore, the proposal is acceptable in highway terms.

### **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. Burdrop is considered to be located within a Category A village, which is one of the more sustainable villages within the Cherwell area. The proposal would result in an infilling of an existing gap within the village, on the same location of an existing permission for a building containing 3 ensuite rooms associated with the public house. Therefore, the proposal is considered to be acceptable in principle, in accordance with Policy SLE2 and Policy Villages 1 of the CLP 2015.
- 10.2. The site is located within the conservation area, and close to Listed Buildings. The proposal is on a similar footprint to the previous approval for the 3 ensuite rooms. The Conservation Officer considers that there would not be harm to the designated heritage asset as a result. Therefore, the proposal would preserve the character, appearance and setting of the conservation area.

10.3. It is noted that the proposal develops part of the car park for the existing public house, and there are concerns on the loss of this area for the viability of the public house. The Local Highway Authority has not objected to the scheme.

10.4. Overall, the proposal is considered acceptable, and in accordance with Policy.

## **11. RECOMMENDATION**

### **DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

#### CONDITIONS

##### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

##### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans: Block Plan, Proposed elevations and floor plans, Ground Level received 20 June 2024.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. No development above slab level shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond and pointing technique. The sample panel shall be constructed in a position that is readily accessible for viewing in good natural daylight. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area and the significance of heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. A schedule of materials and finishes to be used in the external walls and roof of the building shall be submitted to and approved in writing by the Local Planning Authority prior construction above slab level. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.



Reason: To safeguard the character and appearance of the area and the significance of heritage assets in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Full details of the use of the garden area associated with the public house and holiday accommodation, including any new boundary treatments, within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure, in respect of those holiday let which are intended to be screened, shall be erected prior to the first occupation of the holiday let.

Reason: To safeguard the character and appearance of the area, to safeguard the privacy of the occupants of the existing and proposed holiday let, and to ensure the viability of the public house is not impacted as a result of the development and to comply with Policies SLE3 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.

6. The building hereby permitted shall:
  - (a) be used for short-term holiday lets only and shall not be let or occupied by any person, or connected group of persons, for more than 28 days on any one calendar year. A register of occupier(s) including their name(s) and the dates of their arrival and departure shall be kept for each unit and made available for inspection by the Local Planning Authority at all reasonable times; and
  - (b) remain ancillary to the property currently known as the Pheasant Pluckers Inn (formerly Bishops Blaize/Bishops End) and shall not be sold, leased, or used as an independent dwelling unit.

Reason: The building, due to the lack of private amenity space, is not suitable for permanent residential accommodation and in the interests of general amenity and sustainable development and in accordance with Saved Policy T7 of the Cherwell Local Plan 1996, Policies SLE3, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town, and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall, or other means of enclosure shall be erected, at any time.

Reason: In order to retain the open character of the development and area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.