
APPLICATION NO:	P08/W0978/RET
APPLICATION TYPE:	Full
REGISTERED:	1 September 2008
PARISH:	Holton
WARD MEMBER(S)	Ms. Anne Purse
APPLICANT:	Mr G Cox
SITE:	Holton House, Holton
PROPOSAL:	Alteration and improvements to existing outbuildings for purposes incidental/ancillary to Holton house (part retrospective).
AMENDMENTS:	None
GRID REF:	460451/206525
CASE OFFICER:	Mr Rob Cramp

1.0 INTRODUCTION

- 1.1 This application has been submitted following an enforcement investigation (WE06/230) into works undertaken to existing outbuildings which were not in accordance with planning permission P02/N0812.
- 1.2 Planning permission (P02/N0812) was granted on 25 November 2002 for the repair and maintenance of existing outbuildings for various purposes ancillary to the occupation of Holton House. During the course of construction it was found that substantial demolition and reconstruction works had been undertaken and the building modified in a manner not consistent with the approved scheme.
- 1.3 The current application seeks to regularise the above breach of planning control and to finalise the development in a manner that reinstates the former agricultural character and appearance of the outbuildings for various purposes ancillary to the occupation of Holton House.
- 1.4 The application has been referred to the Planning Committee at the request of ward Councillor Anne Purse in the interests of transparency as the applicant is a member of the Parish Council which has recommended that the application be approved.

2.0 DESCRIPTION OF DEVELOPMENT

- 2.1 Holton House is a large dwelling set in a spacious garden in the village of Holton on the urban/rural fringe. The site lies within the Oxford Green Belt. Holton House is not listed, but the neighbouring properties Holton Place House and Old Place are grade II listed.
- 2.2 To the north of the dwelling is a cluster of outbuildings constructed of stone and historically used for agricultural purposes. The area occupied by the above outbuildings together with an associated yard area is well defined by an enclosing stone wall, which marks the limits of the recognised residential curtilage of Holton House. To the north of the wall is a tract of former agricultural land, which is currently used as a formal garden but which is not recognised as part of the lawful residential curtilage of Holton House. A site plan is **attached** at Appendix A.
- 2.3 On 15 January 2003 planning permission (P02/N0812) was granted for the repair and maintenance of the existing outbuildings and their use for various purposes ancillary to the occupation of Holton House as a single dwelling, including garaging, storage,

greenhouse/orangery and changing rooms for a future proposed pool. The proposed development reinstated the general character and appearance of the former agricultural buildings. A copy of the plans and elevations of the building approved by planning permission P02/N0812 are **attached** at Appendix B.

- 2.4 In August 2006 the Council commenced an enforcement investigation (WE06/230) when it was found that significant portions of the outbuildings were in the process of being demolished and rebuilt contrary to the plans and terms of planning permission P02/N0812 which provided only for maintenance and repairs to the existing buildings. A first floor area had also been incorporated into part of the reconstructed roof space of the building with light and ventilation made possible by the inclusion of velux roof windows. The ground floor fenestration had also been altered. The development otherwise occupied the same footprint as the original outbuildings and the materials and manner of construction of the building generally matched the existing building.
- 2.5 As the development was not undertaken in accordance with planning permission P02/N0812, this planning permission was never implemented and cannot now be implemented.
- 2.6 In 2007 the owners of the site sought to regularise the unauthorised development by the submission of a part retrospective planning application (P07/W0651/RET) to retain the retrospective works already completed and to finalise the development by the incorporation of additional velux and dormer style windows and provision of domestic style windows and doors to all elevations. Notably, the first floor area constructed within the roof space served by the velux and dormer windows was not included on the plans. A dilapidated portion of the former outbuildings situated adjacent to the eastern boundary, which was not included in the previously approved scheme was also proposed to be restored as part of this revised scheme. A copy of the plans and elevations of the development refused in connection with planning application P07/W0651/RET are **attached** at Appendix C. The overall character of the development was one of a residential building in its own right rather than a building serving a subservient and ancillary function to the principal dwelling. Accordingly the above application was refused on 26 March 2008 on the basis that::
1. the siting, design and appearance of the development was contrary to the character of the Green Belt;
 2. the design and appearance would be out of keeping with the rural character of the locality and detrimental to the setting of the adjacent listed building;
 3. the proposed development was tantamount to the creation of a separate dwelling
 4. the development would be detrimental to the amenities of neighbouring residents
- 2.7 The current application now seeks to address the reasons for refusal of the previous application by providing for the following amendments:
- removal of all but 2 of the existing velux windows – the remaining windows being in the rear roof elevation only and one of these is connected with a ground floor w.c.;
 - deletion of the previously proposed dormer style windows from the front elevation;
 - provision of ledged and braced timber doors to all but one door opening, which is situated in the rear elevation only; and
 - provision of traditional timber windows to all window openings.
- 2.8 A copy of the plans and elevation of the development proposed by the current application are **attached** at Appendix D. The current proposal aims to give the building a more subservient character and appearance that is more appropriate to its context, setting and use as ancillary building; and a character that is more akin to the original

agricultural outbuildings. The development does not exceed the footprint of the original outbuildings occupying a total area of approximately 210 square metres. The development of stone construction with a slate roof to match the materials used in the original outbuildings.

- 2.9 The proposed development is intended to be used for various purposes ancillary to the use of Holton House as a single dwelling including a home office/study, garage, games rooms, outside wc and au-pair accommodation. The first floor area within part of the roof space of the building is intended to be used for domestic storage only. In this regard the removal of all but 2 of the existing velux windows (one of which is connected to a ground floor wc) and the deletion of the previously proposed dormer windows render the roof cavity incapable of use as a living space.

3.0 **RELEVANT PLANNING HISTORY**

- 3.1 On 15 January 2003 the Council granted planning permission (P02/N0812) for the repair and maintenance of the existing outbuildings for uses ancillary to Holton House.
- 3.2 On 2 August 2006 the Council issued a certificate of lawful development (P06/W0683/LD) for a proposed garage/workshop building to be used for activities ancillary to the residential occupation of Holton House..
- 3.3 In August 2006 the Council also commenced an enforcement investigation (WE06/230) when it was found that significant portions of the outbuildings were in the process of being demolished and rebuilt contrary to the plans and terms of planning permission P02/N0812.
- 3.4 On 26 March 2008 the Council refused a retrospective planning application (P07/W0651/RET) which had sought to regularise the unauthorised development by the retention of the retrospective works already completed and the completion of the development by the incorporation of additional velux and dormer style windows to a first floor area and the provision of domestic style windows and doors to all fenestrations. A dilapidated portion of the former outbuildings situated adjacent to the eastern boundary, which was not included in the previously approved scheme, was also proposed to be restored as part of this revised scheme. The overall character of the development was one of a residential building in its own right rather than a building serving a subservient and ancillary function to the principal dwelling and was refused accordingly.
- 3.5 The current application now provides for an amended development which seeks to address the reasons for refusal of the previous proposal.

4.0 **CONSULTATIONS & REPRESENTATIONS**

- 4.1 Holton Parish Approved
Council

- 4.2 2 x Neighbour Objections
- Applicant disingenuous regarding claims that he has no intention of using the building as a separate self-contained dwelling.
 - It is essentially the same development as that proposed by the previously refused application (P07/W0651/RET) and should be similarly refused.
 - Not part of the residential curtilage of Holton House.
 - Increased footprint from previously approved development.
 - Drive through access to rear yard will increase noise and pollution
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- Remaining roof lights will cause light pollution and destroy amenity of countryside.
 - Proposed home office constitutes a change of use involving increased traffic and disturbance to neighbours
 - First floor are capable of residential use
 - Amounts to a new development in the countryside and Green Belt
 - Oppressive impact on surrounding properties
 - Contrary to Policies G1,G2, G4, G6, H6, H13, H18, GB2, GB4, CON5 and D1 of the local plan.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Local Plan 2011

- G1 - General restraint and sustainable development
- G2 - Protection and enhancement of the environment
- G4 - Development in the countryside and on the edge of settlements
- G6 - Promoting good design
- GB2 - New Buildings in the Green Belt
- GB3 - The Use of Land in the Green Belt
- GB4 - Visual Amenity
- CON5 - The setting of listed buildings
- D1 - Good design and local distinctiveness
- D4 - Privacy and daylight
- H6 - Locations where new houses will not be permitted
- H13 - Extensions to dwellings

5.2 National Guidance:

- PPG2 – Green Belts
- PPG15 – Planning & the Historic Environment
- PPG18 – Enforcing Planning Control
- PPS1 – Delivering Sustainable Development
- PPS3 – Housing
- PPS7 – Sustainable Development in Rural Areas

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to consider in determining this application are:

- the principle of development;
- whether the development accords with housing policies;
- impact on Green Belt;
- impact on character of the site and area;
- impact on the settings of nearby listed buildings
- impact on neighbour amenity

Principle of Development

- 6.2 On 15 January 2003 planning permission (P02/N0812) was granted for the repair and maintenance of the original outbuildings and their use for various purposes ancillary to the occupation of Holton House as a single dwelling. Regrettably the applicant exceeded the terms of the above planning permission by demolishing and rebuilding significant portions of the original building structures, whereas the planning permission only provided for works of repair and maintenance. In fairness to the applicant, however, it must be acknowledged that the outbuildings were in a derelict state of repair prior to these works commencing and the works to reconstruct portions of the building have been undertaken to a high standard and in a manner that matches the materials and construction of the original buildings. The applicant also chose to make a number of amendments to the development which did not correspond to the approved development, although the development still occupies the same footprint as the original outbuildings and substantial portions of the original building have also been retained.
- 6.3 On 2 August 2006 the Council also issued a certificate of lawful development (P06/W0683/LD) for a proposal for a new garage/workshop building over part of the land occupied by the current development to be used for purposes ancillary to the residential occupation of Holton House. In granting this lawful development certificate, the Council in effect acknowledged that: 1) the land on which the existing outbuilding are erected is within the residential curtilage of Holton House; and 2) that as an alternative to the current proposal the applicant could construct a new and generally unsightly modern building for purposes ancillary to the enjoyment of Holton House under permitted development rights (i.e. without the need for planning permission).
- 6.4 The principle of development of an ancillary building within the curtilage of an existing dwelling for purposes incidental or ancillary to the enjoyment of the principle dwelling is therefore well established by the previous grant of planning permission (P02/N0812); the grant of a certificate of lawful development (P06/W0683/LD); and the principles enshrined in the Town & Country Planning (General Permitted Development) Order (as amended).

Housing Policy

- 6.5 Policy H13 of the SOLP 2011 provides that ancillary buildings within the curtilage of a dwelling will be permitted provided that:
- (i) in the Green Belt...extensions would be limited to no greater than 40% of the volume of the original dwelling;
 - (ii) the scale and design of the proposal is in keeping with the character of the dwelling and the site and with the appearance of the surrounding area;
 - (iii) the amenity of the occupants of nearby properties is not materially harmed;
 - (iv) the proposal would not be tantamount to the creation of a separate dwelling; and
 - (v) adequate and satisfactory parking and amenity areas are provided for the extended dwelling.
- 6.6 In the circumstances of the present case the development constitutes the alteration and partial reconstruction of pre-existing outbuildings with negligible change to the volume of the buildings and the development maintains the scale, design and general appearance of the original outbuilding complex with a character appropriate to the setting of the site and its surroundings. The proposed use of the finished development for purposes incidental or ancillary to the use of Holton House as a single dwelling house would not have a materially greater impact upon the amenity of occupants of neighbouring properties. More than sufficient parking and amenity area remains within

the substantial grounds of Holton House for use in connection with the development.

- 6.7 The applicant has clearly indicated his intention to use the outbuilding only for purposes which are ancillary or incidental to the use of Holton House as a single dwelling and not for the purposes of a self-contained dwelling. These assurances, however, are not to the satisfaction of the objectors who are concerned at the potential of the building to be used as a separate dwelling. The conversion of the building to a separate self-contained dwelling, even for the accommodation of staff or relatives would be tantamount to the creation of a separate dwelling and would be contrary to Policy H13 above as well as Policy H6 which identifies those areas in which new housing will be permitted. The use of the building as ancillary accommodation (i.e. not of a self-contained nature) would otherwise accord with the above housing policies.
- 6.8 As with the development proposal previously approved by planning permission P02/N0812, any planning permission should include a condition to require that the building shall be occupied and used only in connection with and ancillary to the occupation and use of the existing property Holton House as a single dwellinghouse, and shall not be occupied or used separately from the principal dwelling. In this regard the building shall not be used as a separate self-contained dwelling or for any commercial purpose. Subject to the imposition of such a condition the proposed development would accord with housing policies H6 and H13 of the SOLP 2011.

Green Belt

- 6.9 The site lies within the Oxford Green Belt where there is a general principle of restraint against new development.
- 6.10 In the circumstances of the present case, however, the development constitutes the alteration, reinstatement and partial reconstruction of pre-existing outbuildings within the established curtilage of an existing residential property. The development does not extend outside the footprint of the original outbuildings and therefore has no greater impact on the openness of the Green Belt.
- 6.11 Policy GB2 of the SOLP 2011 allows for the replacement of residential development in the Green Belt but only where they are consistent with the relevant housing policies of the local plan in this case Policy H13 (see paragraphs 5.5 - 5.8 above). The proposed development therefore accords with Policy GB2 of the SOLP 2011.

Impact on Character of the Site and Area

- 6.12 Policies G2 of the SOLP 2011 seek to protect the district's countryside, settlements and environmental resources from adverse developments. Policy G4 seeks to protect the countryside for its own sake by preventing new built development in the countryside, in gaps between settlements and on the edge of settlements where the built-up area would be extended. Policy G6 provides that planning permission will not be granted for proposals which are not of a high quality and inclusive design, which fail to protect and reinforce local distinctiveness, or which are of a scale or type that is inappropriate to the site and its surroundings. Policy D1 requires that all new development be undertaken in accordance with principles of good design and should protect and reinforce local distinctiveness.
- 6.13 The proposed development involves the alteration, reinstatement and partial reconstruction of pre-existing outbuildings which substantially maintain the scale, design, materials and general appearance of the original outbuilding complex. The works to reconstruct portions of the building have been undertaken to a high standard and in a manner that matches the materials and construction of the original portions of the building that still remain.

- 6.14 Unlike the previously refused application (P07/W0651/RET) which sought to introduce architectural elements that would have given the building a more domestic appearance, the current proposal aims to reinstate those building elements that reinforce the simple and subordinate character of the low key agricultural buildings that formerly existed. In this regard the proposed development respects local distinctiveness with a character and appearance that are appropriate to the site and its location on the rural urban fringe. The simple and subservient character of the proposed building is also appropriate to its proposed use for purposes ancillary to the use and occupation of the principal dwelling at Holton House.

Impact on the Settings of Nearby Listed Buildings

- 6.15 It should be emphasised that neither Holton House nor the outbuilding which are the subject of the current application are listed. Nor is the application site situated within a conservation area. There is therefore no conservation imperative to either retain the fabric of the existing buildings; or reinstate them to their original form and appearance.
- 6.16 The neighbouring properties at Holton Place House and Old Place, however, are both grade II listed and it is important that the settings of these buildings are protected from adverse development.
- 6.17 The proposed development seeks to retain, reinstate and partially reconstruct a pre-existing complex of former agricultural buildings which form part of the historic setting of the neighbouring listed buildings. As evidenced by the retrospective works already completed, this development is being undertaken to a high standard. The development is generally of the same scale, character and appearance as the original outbuilding complex using materials that match materials used in the original buildings. The development is therefore in accordance with Policy CON5 of the SOLP 2011.

Neighbour Amenity

- 6.18 To the east of the application site are the neighbouring residential properties of Old Place and Holton Place. The development abuts the common boundary with these neighbouring properties with the dividing wall serving as the external wall of the eastern most elevation of the application building. In order to reinstate the outbuilding at this end of the development, which is currently in a derelict state, a new roof gable is required to be constructed on top of the dividing wall. The development at this point is separated by a distance of at least 18.5m from the premises at Old Place and 19.5m from the premises at Holton Place. The boundary wall is owned by the applicant.
- 6.19 The proposed development seeks to reinstate and partially reconstruct a pre-existing complex of former agricultural buildings which form part of the historic setting of the area. The proposed building is to the same general scale and form as the original outbuildings as evidenced from photographic records. Although the original outbuilding has been in a derelict state for a number of years, the proposed reinstatement of the building will not unduly impose upon the visual amenity of the neighbouring properties and will not result in an unacceptable overshadowing impact. If anything the reinstatement of the building will represent an improvement to the complex of outbuildings which has remained in a derelict state for a number of years.
- 6.20 Unlike the previously refused application (P07/W0651/RET) the current proposal provides no rooflights or dormer windows to the first floor roof cavity that might give rise to overlooking or a loss of privacy to neighbouring properties.

6.21 The proposed use of the building for purposes ancillary or incidental to the use of Holton House as single dwelling should not give rise any loss of amenity to neighbouring properties. In this regard the development accords with Policies D4 and H13 of the SOLP 2011.

7.0 **CONCLUSION**

7.1 The proposed development which involves alteration and improvements to an existing complex of outbuildings for purposes ancillary to the use of Holton House as a single dwelling accords with relevant policies relating to ancillary residential building, the Green Belt, the countryside, the setting of listed buildings and neighbour amenity.

8.0 **RECOMMENDATIONS**

8.1 **That planning permission be granted subject to the following conditions:**

1. **That the building shall be occupied and used only for purposes incidental to the use of Holton House as a single dwellinghouse and not as a separate self-contained dwelling or for commercial purposes.**
2. **That the materials to be used for the external walls and roofs shall be of the same colour, type, texture as those used on the existing building.**
3. **That the building shall not be occupied or used until a detailed specification of the type, design and external finish of all windows and external doors has been submitted to and approved in writing by the Local Planning Authority and the features maintained as such thereafter.**
4. **That notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Amendment) (No.2)(England) Order 2008 (or any Order revoking or re-enacting that Order) no external improvements or alterations, including the provision of additional rooflights, window or door openings shall be carried out to the building hereby approved without the prior written permission of the Local Planning Authority.**

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