
APPLICATION NO.	P09/E0410
APPLICATION TYPE	Full
REGISTERED	23 rd April 2009
PARISH	Towersey
WARD MEMBER(S)	Mrs Dorothy Brown
APPLICANT	Mr & Mrs Alan Poore
SITE	Thame Mowers, Chinnor Road, Towersey
PROPOSAL	Change of use of part of showroom to provide two bedroom residential unit.
AMENDMENTS	None
GRID REFERENCE	473368/204781
OFFICER	Tom Wyatt

1.0 **INTRODUCTION**

- 1.1 This application is referred to Committee as the Officer's recommendations conflict with the views of the Parish Council.
- 1.2 The application site, which is shown on the OS extract **attached** as Appendix A, is located to the south of the main built up area of the village of Towersey. The site currently comprises an existing single storey timber clad building that is used as a sales area in relation to the business. Other single storey structures are also present on site in relation to the business, which also includes servicing of garden machinery.
- 1.3 The site lies immediately to the south of the Phoenix Trail cycle path and to the north of a garden nursery business. Otherwise the site and its surroundings is dominated by the local agricultural landscape.

2.0 **PROPOSAL**

- 2.1 The applicant seeks planning permission for the change of use of part of the sales area of the building to allow the formation of a two bedroom dwelling with living/kitchen area and bathroom. An office and reception area would remain in approximately one third of the building in connection with the servicing side of the business. The intention is to close down the sales part of the business due to a downturn in demand.
- 2.2 The applicant has explained that the proposed residential unit would allow the owner of the business to live on the site and enable the sale of their existing dwelling to release capital to reinvest in the business.
- 2.3 The change of use would not alter the external appearance of the existing building to any significant extent. Two additional windows and an additional door would be installed on the front (south) elevation. Additional windows and a door would also be added to the rear (north) elevation and a small extension would be constructed to provide a wc and boiler room. The existing space to the rear of the building would be used as an enclosed garden courtyard area. An existing open porch on the front elevation would be removed. A copy of the proposed plans is **attached** at Appendix B whilst other documents relating to the application can be found on the Council's website, www.southoxon.gov.uk

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 **Towersey Parish Council** – The application should be approved. The proposal would allow investment in the site, which may secure the long term future of the business. The business provides local employment opportunities. There are other dwellings on adjacent land, and the addition of the proposed dwelling is considered acceptable.
- 3.2 **Highway Authority** – No comments received
- 3.3 **Contaminated Land Officer** – A condition to investigate for and remediate any contamination should be imposed on any planning permission.
- 3.4 **Neighbours** – 2 letters of support received (from the same person) raising the following issues:
- the proposed use would be more environmentally friendly
 - improved security

4.0 RELEVANT PLANNING HISTORY

- 4.1 P01/N0325 - Erection of one 4 bedroom bungalow to be used in connection with the business on this site. Refusal of Planning Permission on 26 June 2001. The application was refused for the following reasons:

That the proposal would be contrary to policies G1, G5, EN1, EN4 and H1 of the Oxfordshire Structure Plan and policies G1, G5 and H6 of the adopted South Oxfordshire Local Plan. The site lies outside the built up limits of Towersey in a rural location and the erection of a new dwelling would consolidate the existing scatter of development to the detriment of the rural character of the area. Furthermore there is no agricultural justification or exceptional circumstances that require the applicant to live on the site in order to run his business.

That in dismissing an appeal in August 2000 against the refusal of this Council to grant planning permission for the erection of a new dwelling on the site, the Inspector stated:-

"I therefore conclude that the introduction of a new dwelling in this location would have an adverse impact on the character and appearance of the surrounding area, and would conflict with the objectives of the development plan policies already highlighted above. It would also run counter to national planning guidance in PPG7 which makes it clear that the guiding principle in the countryside is that development should both benefit economic activity and maintain or enhance the environment. In this case no agricultural or similar justification has been put forward, and although the appellant has cited security concerns in support of the proposal, this matter is not sufficient to justify a new dwelling, particularly one associated with a business that does not have to be undertaken from a rural location."

It is considered that these conclusions are equally applicable to the current proposal.

- 4.2 P99/N0683 - Erection of a detached dwelling house with connection to the business already on the site. Refusal of Planning Permission on 15 December 1999 and appeal dismissed on 22 August 2000.
- 4.3 P98/N0602 - Extension to existing building for storage of parts, horticultural machine sales, counter and reception. Planning Permission on 25 November 1998. This planning permission is subject to a Condition requiring that the extended part of the building is only used for the storage of parts and sales of horticultural machinery. A further condition requires that the retail sales remains ancillary to the primary use of

the building as a workshop/store.

- 4.4 P97/N0535 - Use of building for repair of agricultural, horticultural and forestry equipment. Planning Permission on 15 September 1997.
- 4.5 P96/N0522 - Mobile home for a temporary period of two years. Refusal of Planning Permission on 23 October 1996.
- 4.6 P95/N0128 - Change of use of land from nursery to storage of garden and agricultural machinery and associated materials in connection with landscape business. Erection of storage building. New access. Planning Permission on 03 May 1995.

5.0 **POLICY & GUIDANCE**

- 5.1 Policies of the Adopted South Oxfordshire Local Plan 2011 (SOLP):
 - G1, G2, G3, G4, G6, C1, EP2, EP8, D1, D2, D3, D4, D7, D8, D10, H4, H5, H6, E3, E4, E5, E6, E8, T1, T2
- 5.2 Government Guidance:
 - PPS1, PPS3, PPS7, PPS23
- 5.3 Supplementary Planning Guidance
 - South Oxfordshire Design Guide December 2008 (SODG)

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The planning issues that are relevant to this application are:
 - 1. The principle of the development
 - 2. The impact on the character and appearance of the site and surrounding area
 - 3. The impact on the amenity of neighbouring occupiers
 - 4. Other material considerations

The Principle of the Development

- 6.2 The site lies in the countryside for the purposes of the South Oxfordshire Local Plan 2011 (SOLP). In such locations, new residential development is generally unacceptable, and in this regard two applications for a new dwelling on the site were refused in December 1999 and June 2001 with the former application also being dismissed on appeal.
- 6.3 Evidently the current proposal does not involve the construction of a new dwelling but the conversion of part of an existing building. As such the proposal falls mainly to be assessed against Policy E8 of the SOLP, which relates to the re-use of rural buildings. This is a permissive policy but is subject to several criteria, which are outlined below.
- 6.4 Criterion (i) states that buildings should be of permanent and substantial construction and should be capable of conversion without major reconstruction. The existing building is permanent and appears in good structural condition. Minimal alterations are proposed and as such the proposals accords with this criterion.
- 6.5 Criterion (ii) seeks to ensure that the form, bulk and general design of the building is in keeping with the surroundings. The site has a rural setting and the existing building is a well screened modest single storey structure that is not visually prominent in the surrounding area. With few alterations being proposed, the development is acceptable in relation to this criterion.

- 6.6 Criterion (iii) seeks to ensure that the fabric and essential character of the building is maintained. The proposal would accord with this criterion.
- 6.7 Criterion (iv) relates to development within the Green Belt, which is not relevant to this proposal.
- 6.8 Criterion (v) seeks to ensure that there are no overriding amenity, environmental or highway objections. Amenity and highway issues are discussed below. The proposal relates largely to conversion works of an existing well insulated building. There do not appear to be any issues in terms of impact on wildlife or other environmental constraints.
- 6.9 Criterion (vi) relates to re-use for Class B1 or B2 business use, which is not relevant to this proposal.
- 6.10 Criterion (vii) states that in respect of proposals for residential use, other uses should have been explored and found to be unacceptable in planning terms. This criterion is key to the principle of the development, and it makes it clear that a residential use of a rural building will generally be the last resort, once other potential uses have been explored. Clearly a residential use will often be financially more viable than a business or community use for example, however, financial considerations are only given limited weight as it is the acceptability of the use of the building in relation to such matters as its character, form, and siting that are of greater relevance.
- 6.11 Clearly the current use of the building is acceptable in planning terms and it is likely that other commercial uses of the building would also be acceptable in principle. The site is not in a particularly sustainable location and it is likely that visitors to the site will travel by private car. However, this scenario is common to the majority of rural buildings and would not justify a use with a potential reduction in traffic movements, such as a residential use. It is clear that the existing use is acceptable and in any case the applicant has not explored other alternative uses to a residential use. Hence in light of this the proposal fails to comply with criterion (vii) of Policy E8 of the SOLP.
- 6.12 No argument has been put forward in relation to the functional requirement of the applicant to live at the site in relation to the running of the business. Whilst there are clear functional and financial benefits from doing so, there is a clear lack of need as found by the Inspector in his decision to dismiss the appeal against the refusal of the proposed new dwelling in August 2000 when he stated, ‘in this case no agricultural or similar justification has been put forward, and although the appellant has cited security concerns in support of the proposal, this matter is not sufficient to justify a new dwelling, particularly one associated with a business that does not have to be undertaken from a rural location.’
- 6.13 Even if the applicant were to demonstrate that other non-residential uses of the building would be unacceptable in planning terms, the proposal would also need to comply with Policy E6 of the SOLP. This Policy states that the redevelopment or change of use of redundant land or buildings in employment use to non-employment uses will be permitted if it can be demonstrated that the existing use is no longer economically viable and the site has been marketed at a reasonable price for at least a year for that any other suitable employment or service trade uses. Whilst the sales part of the business may not be particularly profitable it has not been demonstrated that the business is unviable and no marketing of the premises has taken place. As such, the proposal also fails to comply with Policy E6.

The Impact on the Character and Appearance of the Site and Surrounding Area

- 6.14 The existing building is not particularly attractive, but it is relatively unobtrusive in the surrounding rural landscape. The proposed change of use involves relatively minor alterations to the appearance of the building, and a residential use will not have any significant negative impact on the character and appearance of the site or surrounding area.

The Impact on the Amenity of Neighbouring Occupiers

- 6.15 The site is beyond the southern edge of the main built up area of Towersey and this physical separation is enhanced by the presence of the Phoenix Trail path. There are residential properties in close proximity to the site to the south, however, these properties do not share access with the site and are well screened by vegetation from the application site. The proposed residential use would be well contained within the site, and would have no discernible impact on the amenity of the adjoining occupiers. Indeed, the closest neighbour has written in support of the application.

Other Material Considerations

- 6.16 The development would utilise the existing access, parking and turning area. The number of traffic movements associated with a residential use, particularly as the proposed occupiers would also be employed at the site, are likely to be less than those associated with the existing sales part of the business or an alternative employment use. As such, the proposal will not be detrimental to highway safety or congestion.
- 6.17 No trees or other important vegetation would be affected by the proposals. There is a mature line of vegetation alongside the Phoenix Trail, which would continue to help screen and soften the development from this elevated cycle path.
- 6.18 The Contaminated Land Officer has requested that a condition requiring an investigation for, and if necessary, remediation of any contamination on the site is attached to any planning permission. Given the existing and former use of the site, I consider that it is reasonable for such a condition to be imposed having regard to Policy EP8 of the SOLP and guidance contained within PPS23.
- 6.19 The proposed dwelling would benefit from sufficient external amenity space. Sustainability measures for the efficient use of water and energy could be secured through an appropriately worded condition to satisfy the requirements of Policy D8 of the SOLP should planning permission be granted.

7.0 **RECOMMENDATION**

7.1 **That planning permission be refused for the following reason:**

The application site lies in a rural location to the south of the main built up area of Towersey where there is a general presumption against new housing development with regard to Policy H6 of the South Oxfordshire Local Plan 2011 (SOLP). However, the principle of the conversion of the existing building may be acceptable provided that all of the relevant criteria of Policy E8 of the SOLP are complied with. In relation to Criterion (vii) of Policy E8 the applicant has not

demonstrated that other non-residential uses of the building have been explored and found to be unacceptable in planning terms. Furthermore, the proposal fails to comply with Policy E6 of the SOLP as it has not been demonstrated that the existing employment use or any other suitable employment or service trade use is economically unviable.

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