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<b>APPLICATION NO.</b>	P09/E0727/RET
<b>APPLICATION TYPE</b>	Full
<b>REGISTERED</b>	16 July 2009
<b>PARISH</b>	Chinnor
<b>APPLICANT</b>	Mr M Varmuza
<b>SITE</b>	Land forming part of Sunley Wood, Red Lane, Chinnor, OX39 4BN
<b>PROPOSAL</b>	Retention of storage building
<b>AMENDMENTS</b>	Nil
<b>GRID REFERENCE</b>	476860/199194
<b>OFFICER</b>	Rob Cramp

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**1.0 INTRODUCTION**

- 1.1 This application has been submitted following the service of an enforcement notice (EE06/197) requiring the demolition and removal of an unauthorised storage building from land forming part of Sunley Wood, Chinnor.
- 1.2 The application seeks retrospective planning permission for the retention of the above building.
- 1.3 The application is referred to the Planning Committee as the recommendation of the case officer differs from that of the Parish Council.

**2.0 PROPOSAL**

- 2.1 Sunley Wood is situated on the southern side of Red Lane near Chinnor Hill. The land is comprised of woodland forming part of the ‘wooded dipslopes’ of the ‘Chilterns Escarpment’ landscape character area as identified by the South Oxfordshire Landscape Assessment (SOLA). It is also within the Chilterns Area of Outstanding Natural Beauty (AONB). The application site is shown on the OS extract **attached** at Appendix 1.
- 2.2 Sunley Wood previously formed part of a larger holding incorporating the neighbouring residential property known as Sunley Bank and its associated curtilage. The applicant retained the woodland, however, following the sale of Sunley Bank in 2006.
- 2.3 Situated in a clearing towards the centre of the site is a caravan which enjoys the benefit of a lawful development certificate (reference P05/E1102/LD); a derelict travellers caravan, a small former chicken shed and a small open sided storage shed, which have been stored on the land for a period exceeding ten years; and the recently constructed storage building which is the subject of the current application. This building was constructed commencing in 2005 and finished in 2006. It is of timber construction with feather edge timber cladding with a low pitched corrugated tin roof and concrete floor. It covers a footprint of 6m x 6m and has a height of 2.3m to the eaves and 2.9 metres to the ridge. A photograph of the building is **attached** as Appendix 2.
- 2.4 The applicant claims that the building was originally constructed in 2005 as an open sided pole barn for the storage of maintenance equipment and logs. Following the sale of the applicant’s home (Sunley Bank) in 2006, however, an urgent need arose

for the storage of items of a domestic nature belonging to the owner.

- 2.5 The applicant claims that the use of the building is primarily intended as a store facility for use by the occupier of the caravan, who carries out routine maintenance work on Sunley Wood as part of his rental agreement and by the owner of Sunley Wood. The occupier of the caravan is also self-employed as a landscape gardener and maintenance contractor. In this regard the applicant indicates that the equipment stored within the building consists of a tractor mower, cement mixer, gardening tools, other mowers and machinery belonging to the occupier of the caravan and woodland maintenance equipment belonging to the owner.

### 3.0 **CONSULTATIONS & REPRESENTATIONS**

- 3.1 Chinnor Parish Council Approve.

- 3.2 1 x Neighbour objection The continued development of this area of natural woodland constitutes a growing eyesore in what should be an area of peaceful woodland and natural beauty.

This eyesore is visible from neighbouring properties and the public footpath situated on the land to the east.

The development is damaging to the natural beauty of the Chilterns area of Outstanding Natural Beauty and contrary to the character of the area.

### 4.0 **RELEVANT PLANNING HISTORY**

- 4.1 Planning permission (P48/M0269) was granted for a bungalow within Sunley Wood on 21 December 1948. According to the applicant the bungalow, which was situated towards the centre of the wood was destroyed by fire sometime in the 1970's. The woodland was subsequently sold in 1982 to the applicant, who at that time was residing in the neighbouring property at Sunley Bank.

- 4.2 In 2005 an enforcement investigation (EE05/155) was commenced into the siting of a mobile home in the woodland for residential purposes without the benefit of planning permission

- 4.3 On 7 December 2005 a certificate of lawfulness (P05/E1102/LD) was issued for the siting of the residential mobile home in the wood, on the basis that the land had been so used for a period of more than 10 years and the use was therefore immune from enforcement action.

- 4.4 In 2006 the applicant sold his residence at Sunley Bank but retained the woodland at Sunley Wood. In the same year the Council opened a planning enforcement investigation (EE06/197) into the erection of the storage building, which is the subject of the current application. In a letter dated 6 January 2006 in connection with the above investigation, the applicant's agent indicated as follows: *"The structure is used primarily as a timber store. Your will appreciate that the wooded location produces a lot of timber that can be used for domestic purposes such as heating, and it needs to be stored somewhere dry. In addition, following the sale of Sunley Bank my client needs somewhere secure to store domestic machinery such as mowers, garden equipment, etc."*

[Note:- Contrary to the above claims the observations of Council officers would suggest that the building is used primarily for the storage of items unrelated to the

use of the site as a woodland or for the siting of a domestic caravan.]

- 4.5 On 26 May 2009 the Council issued an enforcement notice requiring the storage building to be demolished and removed from the land on the basis that:
- the development is harmful to the Area of Outstanding Natural Beauty;
  - the development is contrary to the character, appearance and distinctiveness of the countryside, the site and the surroundings; and
  - the location of the storage building, unrelated as it is to the use of the land is contrary to the principles of sustainability.

[Note:- An appeal against the enforcement notice remains pending.]

- 4.6 The current application now seeks to regularise the breach of planning control, by seeking retrospective planning permission for the retention of the building.

## 5.0 **POLICY GUIDANCE**

- 5.1 South Oxfordshire Local Plan (SOLP) 2011 policies:

Policy G2 – Protection and enhancement of the environment.

Policy G3 – Locational strategy

Policy G4 – Development in the countryside and on the edge of settlements.

Policy G6 – Promoting good design.

Policy C1 – Landscape character.

Policy C2 – Areas of Outstanding Natural Beauty.

Policy C9 – Landscape features.

Policy D1 – Good design and local distinctiveness

- 5.2 South Oxfordshire Landscape Assessment

- 5.3 PPG18 – Enforcing Planning Control  
PPS7 – Sustainable Development in Rural Areas.

## 6.0 **PLANNING CONSIDERATIONS**

- 6.1 Sunley Wood falls within the 'wooded dipslopes' of the 'Chilterns Escarpment' landscape character area as identified by the South Oxfordshire Landscape Assessment (SOLA). It is also within the Chilterns Area of Outstanding Natural Beauty (AONB).
- 6.2 The SOLA states that: *"This character area forms the most visually significant and distinctive landform unit within the whole of the South Oxfordshire District"* and that the 'wooded dipslope' particularly are characterised by woodland of *"high nature conservation value"*.
- 6.3 Concerning planning and development issues the SOLA generally concludes that *"the high quality of the dipslope... means that most forms of new development will potentially have an adverse impact on the AONB"*.
- 6.4 Policy C2 of the SOLP states that development within Areas of Outstanding Natural Beauty (AONB's) will not be permitted if it would harm the beauty or distinctiveness of the area. PPS7 also provides that Areas of Outstanding Natural Beauty will have the highest status of protection in relation to landscape and scenic beauty.

- 6.5 The erection of the storage building and its use for storage purposes unrelated to the use of the land as a wooded site represents an unnecessary and invasive form of development which is harmful to both the beauty and distinctiveness of the AONB. This is particularly the case given that the building is located within what has been judged to be the most visually significant landform unit in the District.
- 6.6 Furthermore Policy G2 seeks to protect the district's countryside and environmental resources from adverse development; Policy G3 states that new development should be located close to services and facilities and not in isolated rural locations; and Policy G4 seeks to protect the countryside for its own sake. Policy D1 states that the building should respect the character of the existing landscape, while Policy G6 states that permission will not be granted for developments which are of a scale or type that is inappropriate to the site and its surroundings.
- 6.7 Sunley Wood is adjoined to the east, south and west by three residential properties each enjoying substantial grounds, including extensive areas of natural woodland. Sunley Bank to the south has an access driveway that runs along the full length of the western boundary of Sunley Wood with unobstructed views of the storage building to within 18 metres at its closest point. Hedgerley Wood, which is situated to the east has an access driveway that runs along the eastern boundary of Sunley Wood with more obscured and distant views of the storage shed (approximately 70 metres at its closest point). A public right-of-way over the property to the east similarly has limited and distant views of the shed (approximately 85 metres).
- 6.8 The storage shed, which is the subject of the current application, is one of a number of structures situated on the land for which planning permission has not been obtained. The existing residential caravan, derelict traveller's caravan, former chicken shed and small open sided storage shed are all immune from enforcement action by the passage of time. The more recently constructed storage building, however, serves to exacerbate the urbanising impact that these other elements have already had on the woodland. In this regard the development is visible to varying degrees from neighbouring lands including a public right-of-way to the east.
- 6.9 Aerial photographs show a clear reduction in tree cover in the 2006/07 aerial photograph, from that of previous photographs, in the area occupied by the storage building and other development, coinciding with the investigation into the unauthorised erection of the storage building.
- 6.10 Although the agent has suggested that the building is primarily intended for the storage of timber harvested from the woodland, past site visits by Council officers would suggest that the building has primarily been used for the storage of domestic and other items belonging primarily to the owner of the land who lives approximately 9 miles away from the site. The storage activities are therefore substantially unrelated to the use of the land as woodland (including the storage of chairs, tables, an architect's drawing board, architect's drawings,

a pram and elephant tusk ornaments to name just a few). Although the building is also used for the storage of various tools and equipment, (including a cement mixer, tractor mower, electric chipping machine, various motor mowers and hand tools) not all of these relate to the use or maintenance of the woodland. Some of this equipment is allegedly owned or used by the occupier of the caravan in connection with his landscaping business. However the building, in terms of its size, scale and the permanence of its construction and attachment to the land, is considered excessive for purposes incidental to the residential use of a structure as temporary as a caravan. The building has never been observed by Council officers to be used for the storage of timber harvested from the woodland, despite the applicant's claim that this is the primary purpose of the building. The only timbers observed stored in the building have been building materials, which according to the owner were left over from the construction of the building itself.

- 6.11 The erection of the storage building in an isolated location in the countryside, for the storage of item substantially unrelated to the use or maintenance of the woodland or for purposes incidental to the occupation of the caravan is contrary to principles of sustainability and Policy G3 of the SOLP 2011.

7.0 **CONCLUSION**

- 7.1 The application building is harmful to the special character of the Chilterns AONB and the wooded dipslopes of the Chilterns Escarpment landscape character area as identified by the South Oxfordshire Landscape Assessment. The erection of a building in an isolated location in the countryside, for the storage of item substantially unrelated to the use of the land is also contrary to principles of sustainability

8.0 **RECOMMENDATION**

- 8.1 **That the application be refused for the following reasons:**

- 8.2 **1. That the development is harmful to the beauty, distinctiveness and landscape quality of the Chilterns Area of Outstanding Natural Beauty contrary to Policies C1 and C2 of South Oxfordshire Local Plan 2011.**
- 8.3 **2. That the development is harmful to the character, appearance and distinctiveness of the countryside, the site and the surrounding area contrary to Policies G2, G4, G6 and D1 of the South Oxfordshire Local plan 2011.**
- 8.4 **3. That the location of the building in an isolated location in the countryside, for storage purposes substantially unrelated to the use of the land, is contrary to principles of sustainability and Policy G3 of the South Oxfordshire Local Plan 2011.**

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