
APPLICATION NO.	P09/E1096
APPLICATION TYPE	FULL
REGISTERED	15.12.2009
PARISH	PISHILL
WARD MEMBER(S)	Mr Rodney Mann The Reverend Angie Paterson
APPLICANT	The Trustees of the Stonor Park Settlement
SITE	Stonor Park Stonor (In the parish of Pishill with Stonor)
PROPOSAL	Demolition of ruined tower and construction of new dwelling on site in Stonor Park known as The Warren. (as amended/clarified by supplementary information accompanying letters from the agent dated 6 February 2010 (email), 25 February 2010, 8 July 2010 and 3 August 2010 together with plans accompanying letters from R Melville dated 3 August and 4 August 2010).
AMENDMENTS	As detailed above
GRID REFERENCE	474129/189308
OFFICER	Mr M.Moore

1.0 **INTRODUCTION**

- 1.1 The application has been referred to Committee because the recommendation conflicts with the views of the Pishill with Stonor Parish Council.
- 1.2 Members had the opportunity to visit this site and this was followed by a briefing session on 12 July 2010.
- 1.3 The site, which is identified on the **attached** plan, lies close to the top of a wooded hill within Stonor Park, a registered Park and Garden. It is surrounded by woods and the Stonor Deer Park. Access is taken via an existing track which commences close to the front of Stonor House, a Grade I listed building. On site at present is a ruined tower which was the entrance to a house which was demolished in the 1930's. The remainder of the house has been removed and there is now little evidence of its existence.
- 1.4 The site for the proposed dwelling is on a hillside but is generally level and was probably excavated at the time of the construction of the former dwelling in around 1875. On the eastern side of the site is a chalk cliff some 6 metres in height into which are a number of excavations which probably formed cellars or storage for the former dwelling. Otherwise, the land falls away from the site into the Stonor Valley.
- 1.5 The whole area lies within the Chilterns Area of Outstanding Natural Beauty.

2.0 THE APPLICATION

- 2.1 The application proposes the removal of the derelict tower and the erection of a three storey 5 bedroomed house with a footprint of 12.5 m by 10.5 m and a height of 9.5 m, together with a detached double garage with a small attached bin and garden store. The dwelling is proposed to be constructed in brick with stone quoins and a clay tiled roof. A hidden area of leaded flat roof with a glazed rooflight is proposed behind the pitched roof in the middle of the building. The garage would be located between the new dwelling and the chalk cliff and would be constructed in timber clad walls with a tiled roof (reduced copies of the plans are **attached**). Access would be taken using the existing track which is not proposed to be resurfaced. However, your officers believe it is bound to require some upgrading and some minor tree surgery will be necessary to ensure access can be obtained at all times. Towards the top of the hill, the existing track is currently impassable.
- 2.2 A total of 55 trees would be removed although they are mostly self set sycamores or fir trees and some lie outside the area which would become the garden of the new dwelling. The application site itself, includes the access and the generally flat excavated area and chalk cliff.
- 2.3 The application is accompanied by several supporting documents including a design and access statement and other documents relating to the Stonor Estate, its history and the applicant's case for the new house. **Attached** to this report is a copy of the applicant's briefing note which was presented to Members on 12 July 2010. In addition, as a result of the briefing, Members had a number of questions the responses to which are also **attached** to this report. In summary, the case for the applicant is that the new dwelling is considered essential to the running of the estate. The Stonor Estate has been within the same family for many hundreds of years and this family connection is an essential part of the historic asset. The dwelling would allow the present Lord Camoys to move out of the principal house and allow his son to move in. This would ensure a smooth transition to the next generation running the estate. The applicant is of the opinion that no other suitable properties exist on the estate and that the new dwelling would be sufficiently far from the house so as not to impact on its setting whilst being close enough to permit assistance in the day to day management of the estate. The applicant advises that no public subsidy is involved in the maintenance of the historic asset and Lord Camoys relies on monies generated outside the estate to keep it solvent. The submitted documents are available for inspection on the Council's website.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 Stonor Parish Council - Support commenting that control over lighting should be made together with a tie for the property to remain part of the estate.
- English Heritage - No objection. They support the case for retaining the link between the family and the estate as this link is considered to be highly significant historically. They go onto say that whether a dwelling is required to retain this link is for the Council to determine. They further comment that the siting chosen does not impact on the setting of the principal Grade I listed building.

SODC – Environmental Health	-	No objection although would require standard condition on contamination.
SODC – Countryside Officer	-	No objection – conditions required for bat mitigation.
SODC – Forestry Officer	-	No objection although conditions required regarding replanting and full details of works to trees in the access.
SODC – Conservation Officer	-	Comments on a number of design issues. Has concluded that the site does not lie within the curtilage of the principal listed building at Stonor.
OCC (Highways)	-	No objection.

4.0 **POLICY & GUIDANCE**

4.1 The following are considered of most relevance in the determination of the application:

PPS1, PPS3, PPS5 and PPS7

South Oxfordshire Local Plan Policies:

G2	-	Protect district from adverse development
G3	-	Development well served by facilities and transport
G4	-	Protection of Countryside
G6	-	Appropriateness of development to its site & surroundings
C1	-	Development would have adverse impact on landscape character
C2	-	Harm to the AONB
C6	-	Maintain & enhance biodiversity
C8	-	Adverse affect on protected species
CON5	-	Setting of listed building
CON11	-	Protection of archaeological remains
EP6	-	Sustainable drainage
EP8	-	Contaminated land
D1	-	Contaminated land
D8	-	Conservation and efficient use of energy
H6	-	Restraint on new houses in the Countryside

5.0 **PLANNING CONSIDERATIONS**

5.1 Policy H6 of the adopted South Oxfordshire Local Plan makes clear that housing development in isolated rural locations, such as is the case here, will be strongly resisted. The applicant has suggested that the site is 'previously developed land' which is defined in Annex B to PPS3 which was revised in June this year. The annex advises that the definition does not include land where '*the remains of the permanent structure....have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings)*'. I consider that this is the case here. The property was substantially demolished in the 1930's and the only visible remains are the derelict tower. In any event PPS3 further advises that 'There is no presumption that land that is previously developed is necessarily suitable for housing development'. The only exception to Policy H6 would normally be where an overriding case of agricultural need has been made both functionally and financially. It is necessary therefore for Members to consider whether or not there are any overriding material considerations which would justify the grant of planning permission. The main issues are therefore considered to be:

- i) Whether there are a sufficiently special set of circumstances that would justify a departure to the normal application of policies based on the retention of the historic link between the family and the estate,
 - ii) if there is a case, is this proposal the best way of retaining this link,
 - iii) would the grant of planning permission secure this link in the long-term,
 - iv) is the scale, bulk and design of the development in keeping with its surroundings and is there an acceptable impact on the character of the area having regard to its status as a registered park and garden within the AONB
 - v) whether the tree loss is acceptable and finally
 - vi) whether there are there any ecological issues.
- i) Whether there are a sufficiently special set of circumstances that would justify a departure to the normal application of policies based on the retention of the historic link between the family and the estate

5.2 There can be no doubt that Stonor Park (the principal house, formal gardens, chapel and other outbuildings and deer park) are a magnificent historical asset. Also of importance is the link between the Camoys family and the estate which stretches back 850 years. I consider that the retention of the link between what is left of the park, the principal buildings and the Camoys family do constitute a special set of circumstances which need to be properly considered to establish whether or not the policy presumption against the development should be set aside.

English Heritage have produced a document (Enabling Development and the conservation of significant places) which is of assistance. It stresses that when granting planning permission in the form of an enabling development, (that is where a permission is granted because it secures the retention of the historical asset, which outweighs any policy presumption against the development), then it must be demonstrated that the amount of enabling development is the minimum necessary to secure the future of the place. I consider that no relevant information has been submitted in respect of this point.

- ii) If there is a case, is this proposal the best way of retaining this link

5.3 Having concluded that there are a special set of circumstances, I consider that it is necessary to consider whether this proposal is the best way of retaining this link. A house of the type that is proposed in this location will take some time to construct. Dependent upon the quality of the materials, the standard of workmanship and the style of fittings, it will also cost a considerable amount of money notwithstanding the fact that the land is within the applicant's ownership. I do not consider that other possibilities have been adequately explored. For instance, it would be preferable to use either an existing property or a set of outbuildings. I accept that a new property within the existing complex of estate buildings may be more likely to have detrimental impact on the setting of the principal building on the estate. There is the possibility of converting an adjoining barn although this has been earmarked for a visitors centre. I do appreciate the difficulties of conversion together with the requirement to make best use of the assets as a visitor attraction. There are a number of houses within the Park which are occupied either by estate workers or by the applicant's sister. At least one of them however, is rented out to someone unconnected with the estate. In the recent past, the former Dower House, which was sold from the estate in 1975, has been available for purchase at a price which is probably similar to the build costs of the new dwelling. In the last letter from the agent it has been indicated that it would not be affordable. However, no comparative figures have been submitted.

iii) Would the grant of permission secure this link in the long-term

5.4 I appreciate that there should be a proper succession to retain the 850 year link. The applicant's son, who we are advised would be running the estate in due course, is currently working in China. Whilst William Stonor has confirmed his intentions to return to this country within the next 3 years, there are no absolute guarantees this he would return to run the estate. His letter suggests that he has only recently set up an advisory business. The proposed dwelling is remote from the principal estate offices and is likely to involve driving to the estate office. Having established that a car journey is required, I would suggest accommodation could be found in a nearby settlement rather than on the estate itself.

5.5 The applicant has offered to enter into a Section 106 Agreement which would provide that the house would not be sold separately from the rest of the estate. However, the trustees would wish to be able retain the ability for 'short term' lets of the new property. They consider 3 years to be a short-term let. I have sought to establish what would happen to the income generated but have not been given an answer at this stage. This potentially means that someone could be living in the new property wholly unconnected with the estate for a period of up to 3 years at a time. I am not therefore satisfied that the grant of planning permission would secure the link in the long-term. When a case is made on agriculture need grounds the occupation of property is tied to someone wholly engaged in agriculture and would be linked to the holding as a whole. This first requirement would not be achieved in this case.

iv) Is the scale, bulk and design of the development in keeping with its surroundings and is there an acceptable impact on the character of the area having regard to its status as a registered park and garden within the AONB

5.6 At present, the site is relatively discrete, particularly in the summertime. The proposal would involve the loss of 55 trees. Although these trees are not of any particular intrinsic value or already have some health difficulties, their removal will open up the site to views from the Stonor valley. The agent has advised that the proposal has been designed to have the appearance of a small country house. It will however sit within a large landscape and will clearly appear as a brand new development in open countryside. PPS7 suggests that *'very occasionally the exceptional quality and innovative nature of the design of the proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground breaking for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise the standards of design more generally in rural areas. The value of such a building will be found in its reflection of the highest standards and contemporary architecture, significant enhancement of its immediate setting and its sensitivity to the defining characteristics of the local area'*. Although of a satisfactory design, I do not consider that the proposed dwelling fulfils the criteria set out in Planning Policy Statement 7. However, I accept that, given its isolation from the principal collection of buildings on the estate, it does not adversely impact on the setting of the other historical assets associated with Stonor Park.

The agent has indicated that the house will be constructed to achieve Code Level 3 in the code for sustainable homes, the achievement of which could be secured by condition.

v) Tree loss

5.7 Although 55 trees are to be removed, in the scale of the woodland setting, they loss is not of sufficient significance to justify a refusal of planning permission. Many of them are small and others are suffering from rot and decay.

vi) Ecological issues

5.8 Evidence of bat activity has been identified in the cellars of the former building and potential roosting sites in trees proposed for removal. Work is on going to determine the significance of this constraint. However, early indications are that this is unlikely to be a major constraint on the proposed development and could be dealt with by condition.

6.0 **CONCLUSION**

6.1 There can be no doubt that the preservation of the Stonor Park Estate as a single entity in the same household represents a special set of circumstances. However, I am not convinced that the applicant has demonstrated that this proposal is the minimum necessary to achieve the retention of the link, that the link would be secured through the grant of this permission and whether this is the most appropriate way of retaining the link. The proposal does represent the construction of a substantial house in the countryside which would conflict with national and local planning policies.

7.0 **RECOMMENDATION**

7.1 **The application is recommended for refusal for the following reasons:**

That the development involves the construction of a new dwelling in an isolated rural location within the Chilterns Area of Outstanding Natural Beauty. As such the proposal represents an inappropriate form of development in an unsustainable location, which would detract from the rural character and appearance of the area, contrary to polices G2, G4, C1, C2 and H6 of the adopted SOLP and the advice contained in PPS1, 3, 5 and 7. Insufficient justification exists to set aside the policies.

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