

APPLICATION NO	P17/3119/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	05.09.2017
PARISH	HARPSDEN
WARD MEMBERS	Will Hall Paul Harrison
APPLICANT	Thames Farm Developments Limited
SITE	Barn at Thames Farm, Reading Road, Lower Shiplake, RG9 3PH
PROPOSAL	Change of use of barn to 4 residential units (C3) plus associated parking in the form of proposed outbuilding, courtyard, landscaping, demolition and amendments to access onto Reading Road.
AMENDMENTS	As clarified by additional contamination information accompanying Agents emails dated 14 September 2017 and 6 October 2017.
OFFICER	Emma Bowerman

1.0 **SUMMARY**

1.1 This application is a resubmission of a very similar scheme that was refused planning permission by the Planning Committee on 5 July 2017. I am of the opinion that there are material considerations as to why the council should now grant planning permission for the development. These relate to an appeal that was recently allowed for 95 homes on the adjoining site. The relevant considerations are discussed in the report and the conclusion outlines why I consider that there are valid material considerations as to why the council should now approve the development.

2.0 **INTRODUCTION**

2.1 This application is referred to the Planning Committee as the officer's recommendation conflicts with the views of Harpsden Parish Council.

2.2 The application site (which is shown on the OS extract **attached** as Appendix A) is a 0.67 hectare site located to the west of the A4155 (Reading Road). The site contains a redundant barn, which is timber clad with clay roof tiles. The barn was constructed in 2000 for the purpose of storing materials related to the use of the adjoining agricultural land.

2.3 The built up area of Lower Shiplake lies to the east of Reading Road. The former Wyevale Garden Centre is to the north of the site. There are two existing accesses that serve the site. One is from the Reading Road and the other is off Harpsden Bridleway 2, to the north.

2.4 The strips of woodland along the eastern and northern boundaries of the site are protected by a Tree Preservation Order. The site is not within any areas of special landscape designation.

2.5 The site is within the parish of Harpsden, with the eastern boundary of the site positioned up to the parish boundary with Shiplake. The site is within the designated Joint Henley and Harpsden Neighbourhood Development Plan area.

3.0 **PROPOSAL**

- 3.1 This application seeks full planning permission to convert the barn into four residential units. The proposal includes some alterations to the elevations of the barn to facilitate the proposed change of use. A new outbuilding is proposed to provide parking for the homes.
- 3.2 The homes would be accessed from the existing access off Bolney Lane. The application proposes to close vehicular access to the converted barn directly from the Reading Road.
- 3.3 To the west of the site are two unfinished and dilapidated structures that would be demolished as part of the development. The application also proposes a courtyard area and landscaping, including private gardens for each of the homes.
- 3.4 The application plans are **attached** as Appendix B. The application is accompanied by a number of supporting documents, including a Design and Access Statement and Planning Statement. These are available to view on the council's website at www.southoxon.gov.uk.
- 3.5 The only differences between this application and P16/S4292/FUL is that the development is shown in the context of the wider Thames Farm development, with a small section of footpath that would link into the pedestrian infrastructure that would form part of the Thames Farm development. The plans also show an additional roof light in the east and west elevations of the barn.

4.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

4.1 **Harpsden Parish Council** – Object for the following reasons:

- The larger Thames Farm site is subject to judicial review and a decision would be premature before this is resolved.
- The previous reasons for refusal still stand
- The access is dangerous – traffic hazard
- There should be no additional buildings other than for agricultural purposes
- The development would be totally out of place and character - a blotch on the countryside.

4.2 **Shiplake Parish Council** – Object for the following reasons:

- The larger Thames Farm site is subject to two claims for judicial review
- The amendments make little difference to the concerns previously raised by Shiplake PC and the Planning Committee.

4.3 **Campaign for Preservation of Rural England (rights of way)** - Object for the following reasons:

- The development would detract from public enjoyment of the bridleway by urbanising its setting
- The vehicular access would add to the dangers of crossing the busy A4155.

4.4 **Oxfordshire County Council Highways Officer** – No objection subject to conditions regarding off-site highways works, vision splays, turning and car parking.

4.5 **Oxfordshire County Council Countryside Access** – Provided general information on rights of ways and requested that the applicant works with the Highways Team to provide and agree suitable improvements to the surface of the Bridleway.

4.6 **Southern Gas Networks Gas Transporter** – Provided guidance on safe practice around gas pipes.

4.7 **Forestry Officer** – No objection subject to a tree protection condition.

4.8 **Countryside Officer** – No objection

4.9 **Neighbour Representations** – Nine received in objection raising the following concerns:

- The development is linked to the larger Thames farm site, which is the subject of a judicial review
- Impact on highway safety – traffic problems
- Lack of parking provision
- The original barn was built without planning permission
- Conflict with the joint Henley Harpsden Neighbourhood Plan
- No contribution to local community
- Wrong location for new homes
- Rural location not suitable for young families / elderly
- Disproportionate for the size of the site – development far too big
- Impact on rural surroundings
- Surfacing part of Bolney Lane could make it a rat run / inappropriate for horses
- Access should not be onto a bridleway – it should have been closed over 10 years ago
- Design poor quality
- Refuse bins would be unsightly
- No details of positioning of septic tanks

5.0 **RELEVANT PLANNING HISTORY**

5.1 The application site and adjoining field have a complex planning history. The barn was allowed at appeal in 2001 under application P00/S0815. The Inspector who allowed the appeal attached a condition requiring the barn to be used for agricultural purposes.

5.2 In 2009 the council granted planning permission to change the use of the building from agricultural use to offices (P08/E1357). Then in 2011, the council refused planning permission to convert the barn into a single dwelling (P10/E1755). The application to convert the barn into a single dwelling was allowed at appeal in 2012.

5.3 Applications were subsequently submitted for office use of the barn in 2011 and 2014 (P11/E2262/EX and P14/S2924/FUL) and both were granted planning permission. A further application for the conversion of the barn to a single dwelling was allowed in 2014 (P14/S2882/FUL) and development has commenced on this permission.

5.4 Planning application P16/S4292/FUL for the change of use of the barn to four residential units was considered by the Planning Committee in July 2017. Contrary to my recommendation of approval, the committee chose to refuse the application for the following reasons:

1. The proposed homes would be positioned off a busy road, in a location that does not offer easy access to services and facilities. As such, the proposal would have an adverse effect on the safety of future occupiers, particularly pedestrians and cyclists, and general users of the highway. The development would therefore be contrary to the National Planning Policy Framework and policies T1, G2 and G3 of the South Oxfordshire Local Plan 2011. The proposal would also be contrary to the overarching principles of the Joint Henley Harpsden Neighbourhood Plan, which aims to deliver additional homes in locations where services and facilities are easily accessible.

2. The application site is rural in character and appearance and the additional built form of the garage would have an urbanising impact on the character of the site. The density of the development would also not be in keeping with the rural surroundings, further detracting from the character and appearance of the locality. The proposal would therefore be contrary to the National Planning Policy Framework, policies CSEN1 and CSQ3 of the South Oxfordshire Core Strategy, policies G2, G4 and C4 of the South Oxfordshire Local Plan 2011 and policy DQS1 of the Joint Henley Harpsden Neighbourhood Plan.
- 5.5 There have also been a number of planning applications on the adjoining field. Of most relevance is the refusal of an application for 95 homes in 2016 (P16/S0970/O), which is generally referred to as the Thames Farm development. The applicant appealed the council's decision and following a four day public inquiry in June 2017, the appeal was allowed.
 - 5.6 The council have proceeded with a legal challenge against this appeal decision and we have been refused permission in the first instance to proceed with our application for a judicial review. However, we have the right to renew our application and to present our case for this at a hearing and we have instructed a solicitor to renew our claim.
 - 5.7 The proposed converted barn in the context of the Thames Farm development is shown on the plan attached as Appendix C.
- 6.0 **POLICY & GUIDANCE**
 - 6.1 **National Planning Policy Framework (NPPF)**
 - 6.2 **NPPF Planning Practice Guidance (PPG)**
 - 6.3 **South Oxfordshire Core Strategy (SOCS) 2027**
 - CS1 - Presumption in favour of sustainable development
 - CSS1 - The Overall Strategy
 - CSEN1 - Landscape protection
 - CSB1 - Conservation and improvement of biodiversity
 - CSI1 - Infrastructure provision
 - CSM1 - Transport
 - CSM2 - Transport Assessments and Travel Plans
 - CSQ3 - Design
 - 6.4 **South Oxfordshire Local Plan (SOLP) 2011 saved policies**
 - E8 – Re-use /adaptation of rural buildings outside of built up areas
 - G2 - Protect district from adverse development
 - G3 - Development well served by facilities and transport
 - G4 - Protection of Countryside
 - C4 - Landscape setting of settlements
 - C6 - Maintain & enhance biodiversity
 - C8 - Adverse affect on protected species
 - C9 - Loss of landscape features
 - D1 - Principles of good design
 - D2 - Safe and secure parking for vehicles and cycles
 - D3 - Outdoor amenity area
 - D4 - Reasonable level of privacy for occupiers
 - EP3 - Adverse affect by external lighting
 - EP8 - Contaminated land
 - R8 – Public rights of way
 - T1 - Safe, convenient and adequate highway network for all users

T2 - Unloading, turning and parking for all highway users

6.5 **Joint Henley and Harpsden Neighbourhood Development Plan (JHHNP) 2027**

EN1 – Biodiversity

DQS1 – Local Character

6.6 **Emerging South Oxfordshire Local Plan 2032**

The Local Plan 2032 provides draft allocations for strategic development sites. With the exception of Nettlebed, the plan proposes to devolve the delivery of houses in villages to the Neighbourhood Plan process.

6.7 **South Oxfordshire Design Guide (SODG) 2016**

Sections 6 (outbuildings) and 7 (building conversions).

7.0 **PLANNING CONSIDERATIONS**

7.1 The key planning considerations in the determination of this application are:

- the principle of the development
- highway safety and traffic impact
- design and appearance
- landscape and impact on the character of the area
- trees

Other relevant matters include neighbour amenity and the amenity of future occupiers, housing mix, ecology and environmental matters.

The principle of the development

7.2 The principle of the conversion of the barn to four dwellings has to be considered on its merits. The planning status of the barn is that:

- The structure itself is lawful
- The building is currently redundant
- The building could be used for agricultural purposes
- The building could be used as a single dwelling

7.3 The principle of converting the barn to residential use has been established through previous planning applications. The barn has an extant planning permission to be converted to a single dwelling and the applicant has commenced development of this permission. This therefore represents a valid fall-back position.

7.4 The Joint Henley and Harpsden Neighbourhood Plan (JHHNP) does not contain any policies that consider the conversion of rural buildings to dwellings. The development should therefore be assessed under the relevant sections / policies of the National Planning Policy Framework (NPPF) and the South Oxfordshire Local Plan (SOLP).

7.5 The NPPF is generally permissive towards the conversion of rural buildings for housing where the development would re-use redundant or dis-used buildings and lead to an enhancement to the immediate setting.

7.6 The external alterations proposed under this application to convert the barn to four dwellings are similar to those permitted to facilitate the conversion to a single dwelling. As with the conversion to a single dwelling, the external alterations proposed to the barn would not harm the character and appearance of the surroundings.

- 7.7 The proposed conversion of the barn to four dwellings would be in general conformity with policy E8 of the SOLP. Policy E8 is supportive of proposals for the re-use of rural buildings subject to a number of amenity and environmental considerations.
- 7.8 There has also been a recent shift towards greater flexibility of use within buildings. This is highlighted under recent legislation that allows the conversion of agricultural buildings under permitted development (PD) rights. Subject to a number of other criteria, agricultural buildings can be converted into up to three dwellings without the need for planning permission.
- 7.9 The proposal would bring back into use an empty building at a time when there is an identified need for additional housing. The conversion of the barn to four homes would represent a more efficient use of the site than the conversion to one large house. The provision of four homes would contribute towards housing needs and I consider that the principle of the development is acceptable.

Highway safety and traffic impact

- 7.10 The proposed homes would be access via an existing gated access point on Harpsden Bridleway 2. The southern access point that leads to Reading Road would be closed off.
- 7.11 A garage / carport building would provide two parking spaces per dwelling and four visitor spaces would be provided. The parking spaces would be provided around a courtyard with sufficient manoeuvring space to ensure that all spaces are useable. A cycle store would also be provided.
- 7.12 The County Council highways officer has commented that the proposal is unlikely to have a significant adverse impact on the highway network. He has raised no objection to the application subject to conditions.
- 7.13 One of the conditions requires the developer to resurface Bolney Lane from the site access to the junction with Reading Road. This is because this surface is in a very poor condition and additional traffic movements would result in the further deterioration of the surface. This can be secured through a condition requiring the approval of off-site highway works and a programme of implementation.
- 7.14 When considering the earlier application for this development (P16/S4292/FUL), the Planning Committee raised concern that the proposal would have an adverse effect on the safety of future occupiers, particularly pedestrians and cyclists. The Inspector considered highway safety in relation to 95 homes on the adjoining site and concluded that *“Residents of the proposed housing scheme would have safe pedestrian access to Lower Shiplake and safe cycling access to the village and Henley. The proposed development would not be detrimental to highway safety....”*
- 7.15 Based on the comments contained in this recent appeal decision, I consider that it would be very difficult for the council to demonstrate that four homes would have an unacceptable impact on highway safety. Subject to the conditions recommended by the highways officer, I consider that the development would be acceptable with regards to its highway impacts

Design and appearance

- 7.16 The external works required to facilitate the conversion of the barn would include the insertion of windows, doors and roof lights, and the addition of porches. The existing

dormer windows would also be lowered. The alterations would be similar to those approved under the previous application to convert the barn into one large dwelling.

- 7.17 The proposed conversion works would retain the character and appearance of the original building. The fenestration would be plain in appearance and the specification of windows and doors can be secured through a condition to ensure that the details are appropriate. In general, the proposed conversion works comply with the advice in the Design Guide and in my opinion would be acceptable in design terms.
- 7.18 The proposed carport / garage would have a simple functional appearance. The building would be subservient to the homes in the converted barn and would not compete with the barn in terms of scale and height. Appropriate materials could be secured through a condition. In my opinion the design and appearance of the garage / carport building would be appropriate to the character of the local area and would comply with the guidance for residential outbuildings in the council's Design Guide.

Landscape and character of the area

- 7.19 The barn is an existing structure that already has an impact of the surrounding landscape. I do not consider that any of the proposed alterations to the barn would result in this building having a materially greater landscape impact.
- 7.20 In relation to the proposed garage building, when considering the earlier application for this development (P16/S4292/FUL), the Planning Committee raised concern with this element of the development. The committee considered that the additional built form of the garage would have an urbanising impact on the character of the site and that the development would not be in keeping with the rural surroundings of the site.
- 7.21 In considering the appeal against the refusal of 95 homes on the adjoining site, the Planning Inspector described the character to the west of the Reading Road as "*developed countryside*" and concluded that 95 new homes would "*not have any significant adverse effect on the character and appearance of the area.....*"
- 7.22 This appeal decision is a material planning consideration. Given that an Inspector considered that 95 homes of the adjoining site would not have any significant adverse effect in terms of character and appearance, I am of the opinion that it would be difficult for the council to demonstrate that the proposed garage block would be unduly harmful.
- 7.23 Based on the merits of the development and the comments contained in a recent appeal decision, I consider that the converted barn and associated development would not be out of place in these surroundings and would have an acceptable impact on the overall character and appearance of the area.

Trees

- 7.24 The belt of woodland trees to the north of the site are protected by a Tree Preservation Order. These trees are of significant amenity value as they soften / screen the site from the adjacent public right of way and highway. The woodland is close to the northern elevation of the barn and would restrict morning and late afternoon sun reaching into the proposed homes from the north.
- 7.25 The floorplan has been designed with an open plan layout to allow light in from the south and this would reduce the pressure to extensively prune / remove the protected trees. Our forestry officer has no objection subject to the imposition of a tree protection

condition. As such, I consider that the development would have an acceptable impact on the trees on site.

Other matters

- 7.26 Given the distance to surrounding buildings, the proposal would not impact on the amenity of any neighbours. The proposed layout would provide amenity spaces for all of the units and create an appropriate living environment for future occupiers.
- 7.27 With regards to mix, the development would provide 4 x 3 bedroom homes. Although this would not represent a mix of house sizes, I consider this to be preferable to the extant permission for 1 x 7 bedroom home. In terms of affordable housing, the 2014 Ministerial Statement imposed a new threshold for affordable housing and the result is that the council is not currently seeking affordable housing on 11 homes or less, unless in an Area of Outstanding Natural Beauty.
- 7.28 The existing barn is a modern steel framed structure which is in a good condition with very few opportunities for bats. As such, the council's countryside officer has confirmed that there are no ecological reasons to object to the proposal.
- 7.29 The council's environmental protection officer has confirmed that the requirement to carry out a contaminated land assessment could be added as a condition to ensure that any contamination is remediated and the site is suitable for residential use.
- 7.30 The development would CIL liable at a rate of £150 per square metre (index linked). The money collected from the development can be pooled with contributions from other development sites to fund a wide range of off-site infrastructure to support growth, including schools, transport, community, leisure and health facilities.
- 7.31 As Harpsden have a Neighbourhood Plan in place, the Parish Council would receive 25 percent of the CIL money collected from the development (as oppose to 15 percent without a Neighbourhood Plan). The Parish Council could chose to spend it on local projects or contribute towards strategic infrastructure.

8.0 CONCLUSION

- 8.1 The Planning Committee considered this development at a meeting in July 2017. I recommended that planning permission be granted as I considered that the development was acceptable on its own merits. The councillors of the Planning Committee disagreed with my recommendation and choose to refuse planning permission. The council has therefore recently concluded that this development is not acceptable.
- 8.2 In my opinion there are now valid material planning considerations for the council to reconsider this development and grant planning permission. The Inspector who considered the recent appeal for 95 homes on the adjoining site concluded that the addition of 95 homes would have an acceptable impact on highway safety and the character of the area.
- 8.3 This appeal decision is a material consideration and the process of challenging the Inspectors decision does not diminish the weight that should be applied to this decision. I note that we are not challenging the Inspectors decision in relation to his consideration of highway safety or the impact on the character of the area. Our challenge relates purely to the following matters:

- (1) the inspector failed to address the proposed development's conflict with the spatial strategy policies in the development plan;*
- (2) the inspector failed to address the council's arguments concerning the application of a 20% buffer as advised in paragraph 47 of the National Planning Policy Framework.*

- 8.4 Given the comments made by the Inspector, I consider that it would be difficult for the council to defend the refusal of this development, which is significantly less harmful than 95 new dwellings on the adjoining site. In my opinion, reasons for refusal in relation to highway safety and the impact on the character of the area could not be sustained at appeal.
- 8.5 The barn has an extant planning permission to be converted into one home. This application proposes the conversion of the barn to four homes and would represent a more efficient use of an empty building. The relevant planning policies and guidance are generally supportive of the conversion of rural buildings and the proposal would support the delivery of additional homes at a time of housing need.
- 8.6 In my opinion the proposed development would comply with the relevant Development Plan Policies and, subject to the attached conditions, would not be detrimental to highway safety or the character and appearance of the local landscape. When considered against the development plan as a whole, the proposal would represent a sustainable form of development and would contribute towards boosting housing numbers.

9.0 **RECOMMENDATION**

9.1 **That planning permission is granted subject to the following conditions:**

- 1. Planning permission – three years to implement.**
- 2. Development in accordance with approved plans.**
- 3. Detailed specification of all new external openings and materials for barn.**
- 4. Detailed specification of materials for garage.**
- 5. Details of all boundary treatments.**
- 6. Details of external lighting.**
- 7. Landscaping scheme.**
- 8. Tree protection.**
- 9. Removal of structures shown for demolition.**
- 10. Removal of permitted development rights for alterations, extensions and outbuildings.**
- 11. Contaminated land assessment.**
- 12. Existing driveway to be returned to grass prior to occupation.**
- 13. Off-site highway works to be agreed.**
- 14. Vision splay protection.**
- 15. Car parking and turning area to be provided.**
- 16. No garage conversion into accommodation.**
- 17. Cycle parking to be provided / retained.**

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