

APPLICATION NO.	P18/S2253/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	2.7.2018
PARISH	ROTHERFIELD GREYS
WARD MEMBERS	David Nimmo-Smith Charles Bailey
APPLICANT	Mr Clive Hemsley
SITE	Grey Meadows Rotherfield Greys, RG9 4QJ
PROPOSAL	Removal of condition 6 - laying out and construction of an access, driveway or other hard standing on application ref P17/S1779/FUL (as clarified by amended application form)
OFFICER	Proposed removal of existing timber building and separate store and erection of a replacement purpose-built art studio and store for private use. Tom Wyatt

1.0 **INTRODUCTION**

1.1 This application is referred to Planning Committee because of the Parish Council's objection.

1.2 The application site, which is shown on the OS extract **attached** as Appendix A, lies in a rural location to the rear of a property known as Greys End, which along with the neighbouring housing to the south west and north east, is a substantial property set within large spacious grounds. The site is located within the Chilterns Area of Outstanding Natural Beauty.

1.3 Planning permission has recently been granted under application P17/S1779/FUL for the removal of an existing timber building and store and erection of a replacement art studio and store for private use.

2.0 **PROPOSAL**

2.1 The application seeks the removal of Condition 6 of planning permission P17/S1779/FUL, which restricts the construction of hardstanding, including that relating to an access or driveway. The wording of the condition is as follows:

Notwithstanding the provisions of the Town and Country (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order), no development comprising of the formation, laying out and construction of an access, driveway or other hardstanding within the application site shall be undertaken without the prior written permission of the Local Planning Authority.

Reason: The specific circumstances of this site warrant the Local Planning Authority having control over any further development as specified in the condition in the interests of amenity and in accordance with Policies CSEN1 of the South Oxfordshire Core Strategy and G2, D1, G3, G4 and E8 of the South Oxfordshire Local Plan 2011.

2.2 The application submission advises that the removal of the condition is sought to allow the provision of a temporary access to facilitate the construction of the artist's studio. The application submission further advises that the access would be removed and the

land reinstated following the construction period. Works to provide the temporary access have already taken place. The approved site plan relating to application P17/S1779/FUL is **attached** as Appendix B whilst other documentation associated with this application and the current application can be viewed on the council's website, www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 **Rotherfield Greys Parish Council** – Objects to the removal of the condition and the driveway should be removed.

Forestry Officer – There is a lack of information regarding the nature of the temporary access.

Highways Liaison Officer (Oxfordshire County Council) - No objections subject to reinstatement of the highway verge.

Neighbours – Two representations of objection received:

- The condition should not be removed
- Erosion of landscape qualities of the AONB
- Impact on highway safety from intensified access
- Concern about longer term ambitions for the use of the site

One representation with no objections based on the provision of a temporary access during construction works.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [SE18/323](#) -

Breach of condition 6 of planning permission P17/S1779/FUL. Formation of driveway.

[P17/S1779/FUL](#) - Approved (21/07/2017)

Variation of Condition 2 of P16/S2721/FUL for an alternative design, form and siting of the approved art studio with reference to amended drawing 1101.PL.004e.

Proposed removal of existing timber building and separate store and erection of a replacement purpose-built art studio and store for private use.

[P16/S2721/FUL](#) - Approved (01/02/2017)

Proposed removal of existing timber building and separate store and erection of a replacement purpose-built art studio and store for private use.

[P15/S4319/FUL](#) - Approved (12/02/2016)

Proposed use of existing timber buildings as an art studio building and associated store for private use.

[P14/S3258/FUL](#) - Refused (14/01/2015) - Appeal dismissed (25/08/2015)

Proposed alterations to existing building to create a single dwelling and change of use of surrounding land for residential amenity purposes.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

CS1 - Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSQ3 - Design

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 (SOLP 2011) policies;

- C4 - Landscape setting of settlements
- 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
- G2 - Protect district from adverse development
- G3 - Development well served by facilities and transport
- G4 - Protection of Countryside
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.4 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues in relation to this application are:

1. The impact on the character and appearance of the site and its surroundings
2. Other material considerations

6.2 Condition 6 as outlined in Para. 2.1 above was imposed to allow the council to retain control over hardsurfacing within the site due to the site's sensitive rural location within the Chilterns AONB. Under Section 85 of the Countryside and Rights of Way Act 2000 the council has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Paragraph 172 of the NPPF and Policy CSEN1 of the SOCS transpose this duty into planning policy.

6.3 The site has been subject to several recent applications, including application P14/S3258/FUL for a residential use of the site. This application was refused and subsequently dismissed on appeal. The application proposal included a new trackway through the site, and in dismissing the appeal the Inspector commented as follows in respect of this trackway, "while I accept that materials could be controlled by condition, and note the degree to which the site is screened from publicly accessible areas, the imposition of a manmade feature of that sort on what is currently a paddock, would clearly detract from the landscape and scenic beauty of the AONB."

6.4 I do not consider it is appropriate for Condition 6 to be removed as control over permanent hardstandings on the site is required to conserve the landscape qualities of the AONB. However, there is justification for a temporary access way to be provided to allow for construction activities to take place on the site, particularly in relation to the transport of materials and construction equipment over the approximate 100 metre gap between the public highway and the position of the building approved under application P17/S1779/FUL. This access is over an area of grassland and it is not unreasonable for a temporary surface to be provided to facilitate access, particularly during the winter months.

6.5 A temporary access way would still have a detrimental impact on the landscape qualities of the AONB. However, the harm would be temporary and justified by the required construction activities. To avoid any visual and landscape harm beyond the

construction period a condition requiring the land, including the highway verge, to be reinstated to grass is recommended.

Other Material Considerations

- 6.6 The ground works and surfacing with hardcore materials to form the temporary access have already been carried out and any potential impact on the adjacent trees has occurred. The trees are not subject to a Tree Preservation Order and there is no benefit in requiring further information regarding the access at this stage.
- 6.7 There is a long established gated access into the site from the public highway via a wide area of highway verge, which falls within the National Trust's ownership. Any planning permission for a temporary hardsurface does not give the applicant a right to undertake works on third party land, and the agreement of the land owner would still be required. The use of the established gated access would inevitably increase during the construction period, but again this is temporary and would be the case irrespective of the outcome of this application. The Highway Authority has raised no objections subject to the reinstatement of the highway verge.

7.0 **CONCLUSION**

- 7.1 The provision of a temporary access track is justified in relation to facilitating access for the construction activities associated with planning permission P17/S1779/FUL. However, the removal of Condition 6 of this planning permission is not appropriate due to the potential harm to the landscape qualities of the Chilterns Area of Outstanding Natural Beauty.

8.0 **RECOMMENDATION**

- 8.1 **To delegate authority to the head of planning to grant planning permission subject to the following conditions (full wording is used for Conditions 1 and 6 for the purposes of clarity):**
1. **Prior to the first use of the building approved under application P17/S1779/FUL any material used to form areas of hardstanding including an access or driveway shall be removed from the application site and the land within the application site, including the highway verge, shall be restored to grass at the same ground level as existed prior to the implementation of planning permission P17/S1779/FUL.**
 2. **Development to be carried out in accordance with the approved plans of application P17/S1779/FUL.**
 3. **Materials to be as agreed under application P18/S0207/DIS.**
 4. **Landscaping scheme to be implemented in accordance with the details agreed under application P18/S0207/DIS.**
 5. **External lighting to be first agreed in writing.**
 6. **With the exception of the temporary access associated with the application hereby permitted, which shall be removed in accordance with the requirements of Condition 1, no development comprising of the formation, laying out and construction of an access, driveway or other hardstanding within the application site shall be undertaken without the prior written permission of the Local Planning Authority notwithstanding the provisions of the Town and Country (General Permitted Development Order) 2015 (or any Order revoking or re-enacting that Order).**
 7. **No overnight accommodation of the building.**
 8. **Use as private artist studio only.**

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