

APPLICATION NO.	P18/S4288/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	11.1.2019
PARISH	EAST HAGBOURNE
WARD MEMBER(S)	Pat Dawe Jane Murphy
APPLICANT	Mr Michael Way
SITE	Ridgewood Great Mead East Hagbourne Oxon, OX11 9BN
PROPOSAL	Dismantling of existing barn and construction of a new building of a similar size, design and siting for use as a dwelling.
OFFICER	Sharon Crawford

1.0 **INTRODUCTION**

1.1 The application has been referred to the Planning Committee because the recommendation conflicts with the views of the East Hagbourne Parish Council who object to the application.

1.2 The application site is located to the east of the main village of East Hagbourne. The existing barn on the site dates from 2008 and is accessed off Great Mead, a single-track lane. The existing barn is constructed in pressure treated, tongue and grooved weatherboarding for the walls and profile sheeting for the roof. The site has no special designation.

1.3 The site is identified on the Ordnance Survey Extract **attached** at Appendix 1.

2.0 **PROPOSAL**

2.1 The application seeks full planning permission for the dismantling of the existing building and the construction of a new building of a similar footprint, design and siting to the existing barn. The new building would provide for a three-bedroom, detached dwelling. Two bedrooms would be provided on the ground floor, with the third bedroom in the first-floor roof space. The materials proposed are timber cladding for the walls and artificial slate for the roof. Access would be as existing. Parking spaces for 3 cars is provided with an area for turning. A bin storage area and private amenity area is also included.

2.2 Prior approval has been granted in June 2018 (ref: P18/S1531/N4A) for the change of use of a barn to a single dwelling under Class Q(a) – change of use, and Q(b) – associated operational changes, of Part 3 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015.

2.3 A non-material amendment to the prior approval application was approved in August 2018 to enlarge windows in the north elevation and re-position a glazed door in the east elevation.

2.4 Reduced copies of the plans accompanying the application are **attached** at Appendix 2. Full copies of the plans and consultation responses are available for inspection on the Council’s website at www.southoxon.gov.uk

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

Full responses can be found on the Council's website

- 3.1 East Hagbourne Parish Council Objection; This has caused much discussion as it is the first time that we have had an application on the back of an N4A permitted development. We are all unhappy about the way this is done through essentially an upgrade (with a full planning application) to a building that has been permitted under the 2017 regulation for converting farm buildings.
On the one hand this should result in a much better dwelling than the conversion allows, is close to being in the same space and is not so very different from the permitted building. However, as the planning officer has suggested this is indeed a full planning application. It is in an area in which we would object to a planning application. In 2013 (P13/S1789) we successfully objected to a building on this site and a subsequent appeal was dismissed. The Council thus feels that the importance of maintaining our development policies, both those existing before the Neighbourhood Plan and those in the Plan itself (with referendum on 14 March) is of paramount importance and thus we must object to this planning application. We do not want to set any precedent for this type of application nor do we want a precedence for building in this area of the village.

OCC (Highways) No observations to date

Countryside Officer No observations to date

Drainage No observations to date

Contaminated land Land contamination was previously addressed under a planning condition discharge application reference P18/S3025/DIS. No objection, no further conditions needed.

4.0 RELEVANT PLANNING HISTORY

- 4.1 [P18/S3025/DIS](#) - Approved (11/10/2018)
Discharge of condition 3(risk assessment) on application number P18/S1531/N4A.

[P18/S2641/NM](#) - Approved (20/08/2018)

Non Material amendment to application ref: P18/S1531/N4A to windows enlarged in north elevation and glazed door re-positioned in east elevation

[P18/S1531/N4A](#) - Approved (27/06/2018)

Change of use of an agricultural barn to one residential dwelling. As amended by drawing no 230218 rev B addressing highway concerns.

[P18/S0120/O](#) - Refused (18/05/2018)

Outline application with all matters reserved except access, for a residential development of up to 78 dwellings (including 40% affordable housing)

[P13/S1789/FUL](#) - Refused (05/08/2013) - Appeal dismissed (10/06/2014)

Change of use from pony paddock to residential use and erection of a sustainable dwelling with attached garage.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies

- CSI1 - Infrastructure provision
- CSQ3 - Design
- CSR1 - Housing in villages
- CSS1 - The Overall Strategy

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

- 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
- D10 - Waste Management
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- D5 - Compatible mix of uses
- D7 - Access for all
- EP1 - Adverse affect on people and environment
- EP2 - Adverse affect by noise or vibration
- EP3 - Adverse affect by external lighting
- EP6 - Sustainable drainage
- EP7 - Impact on ground water resources
- G2 - Protect district from adverse development
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

5.3 Paragraph 216 of the NPPF allows for weight to be given to relevant policies in emerging plans, unless other material considerations indicate otherwise, and only subject to the stage of preparation of the plan, the extent of unresolved objections and the degree of consistency of the relevant emerging policies with the NPPF.

Neighbourhood Plan

Following the independent examination of the East Hagbourne neighbourhood plan, the district council has agreed that the plan should proceed to referendum. The referendum took place on Thursday 14 March 2019 and the vote was 93.5% in favour of adopting the plan. Section 3 of the Neighbourhood Planning Act 2017 gives neighbourhood plans full legal effect once they have passed their local referendum.

Relevant NP policies;

- SD1 – Sustainable Development
- VC2 - Conserving and enhancing key views
- VC3 - Retaining small village character and promoting good design
- VC4 – Assets of Local distinctiveness
- VC5 – Conserving and enhancing Heritage Assets
- VC6 – Lighting
- H1 – Housing Provision
- TA2 – Footpaths and pavements
- TA3 – Parking

5.4 **Emerging South Oxfordshire Local Plan 2032.** Policy H16 and Appendix 7
The Local Plan and supporting documents is being prepared for submission to the Secretary of State after which, a Planning Inspector will then be appointed to carry out an Independent Examination of the Local Plan. The Local Plan does not allocate sites for development in villages and instead devolves delivery of new houses in these locations to the Neighbourhood Plan process. In the emerging Local Plan, East Hagbourne continues to be a smaller village and a neighbourhood plan is likely to be in place shortly, which seeks to achieve limited growth through suitable redevelopment sites and infill development only and limited affordable housing. The emerging Local Plan has limited weight at this stage

5.5 Supplementary Planning Guidance/Documents

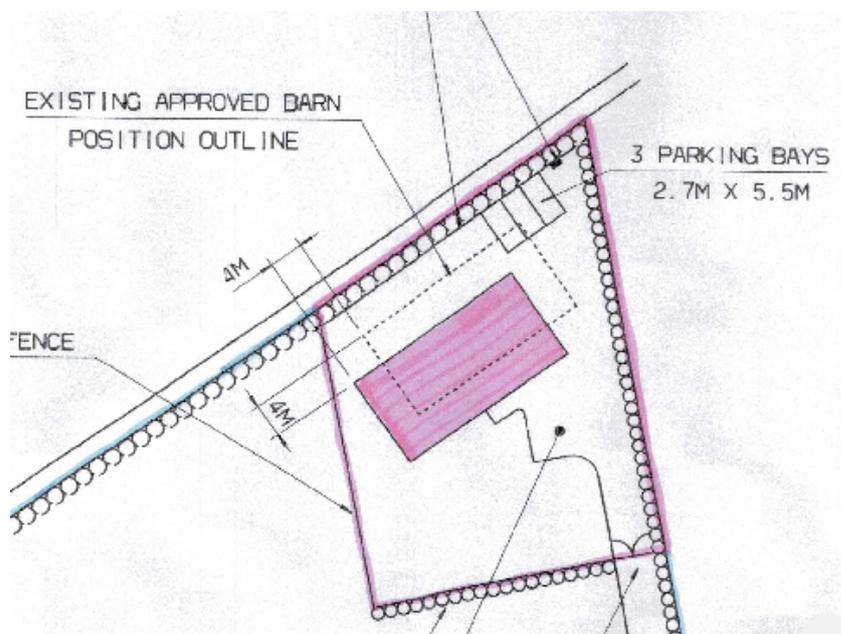
South Oxfordshire Design Guide 2016 (SODG 2016)

5.6 **National Planning Policy Framework (NPPF)**

5.7 **National Planning Policy Framework Planning Practice Guidance (NPPG)**

6.0 **PLANNING CONSIDERATIONS**

6.1 Whilst this is an application for a new dwelling, it is a material consideration that prior approval has been granted for the conversion of the existing barn which is a building of a similar size, design and siting to the current proposal. This application seeks permission to dismantle the existing building and to erect a new building 4 m in from the west and south boundaries than the current location as indicated below. The pitch and ridge on the roof are also propped to increase by approximately 1m in height from some 5.5m to some 6.5m to allow for a room within the roof space.



The main issues to consider in this case are;

- The principle of the development, including:
 - Development Plan
 - Fall-back position
- Matters of detail / technical issues, including:

- Character and visual amenity,
- Trees and landscaping
- Highway safety and traffic impact,
- Neighbour amenity,
- Provision of gardens
- flood risk and surface / foul drainage,
- CIL
- Pre-commencement conditions

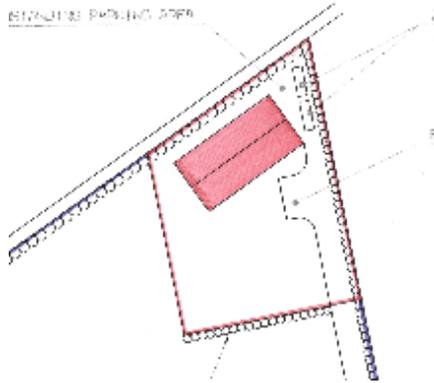
- 6.2 **The Principle of Development.** Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of South Oxfordshire, the most relevant parts of the Development Plan are the Core Strategy which was adopted in December 2012, the saved policies of the South Oxfordshire Local Plan 2011 and the now adopted neighbourhood plan. Development which is not in accordance with an up-to-date development plan should be refused unless material considerations indicate otherwise.
- 6.3 East Hagbourne is designated as a ‘smaller village’ in the Core Strategy. Policy CSS1 sets out an overall strategy for the District, which seeks, among other things, to support and enhance the larger villages as local service centres, while focusing ‘major new development’ at Didcot and supporting the roles of Henley, Thame and Wallingford. Only infill development is envisaged within the smaller villages or some allocations where brought forward in neighbourhood plans.
- 6.4 There are some dwellings at the entrance to Great Mead but further east into Great Mead buildings are loosely consolidated and are mostly farm buildings. The application site clearly falls beyond the built-up limits of the village. The construction of a dwelling in this location does not represent infill development and it is not a site allocated for housing in an adopted / made plan. In addition, the site is not previously developed land because the site is in agricultural use. The development therefore conflicts with the development plan, insofar as it does not meet with the policy CSR1 criteria against which proposals for development in the “smaller” villages are assessed. In addition, Policy H1 of the NP will only support new dwellings outside the allocated site or infill sites only where the dwelling is necessary or suitable for a countryside location.
- 6.5 **Fall-back position.** Changes of use from agriculture to residential can be permitted development subject to the provisions of Class Q(a) – change of use, and Q(b) – associated operational changes, of Part 3 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015.

Prior approval has already been granted in June 2018 (ref: P18/S1531/N4A) for the change of use of the existing barn to a single dwelling under Class Q(a) – change of use, and Q(b) – associated operational changes, of Part 3 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015.

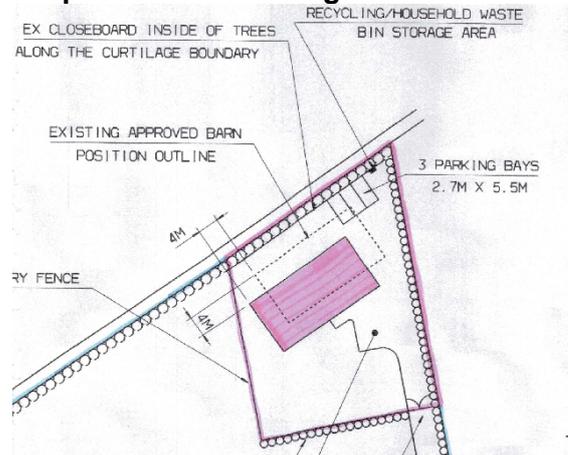
A non-material amendment to application ref: P18/S1531/N4A was also approved in August 2018 to enlarge windows in the north elevation and re-position a glazed door in the east elevation. The prior approval scheme and approved non-material amendment plans are attached at Appendix 3.

The prior approval provides for a dwelling in this location of the same footprint and of a similar siting. Whilst the existing building is some 5.5m and the proposed building is some 6.5m in height the overall impact will be very similar. In this case, I consider that there is a strong fall-back position because prior approval has already been granted for the residential conversion of the barn on the site. A comparison of the approved and proposed schemes is illustrated below

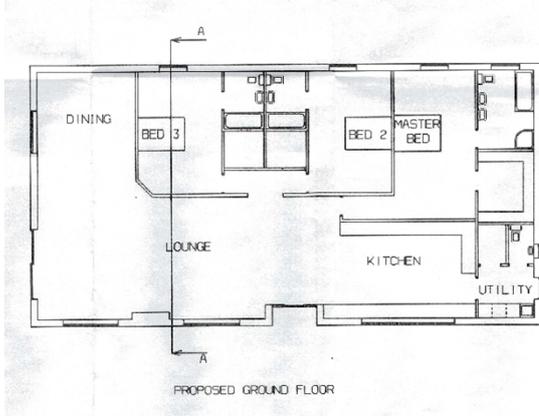
6.6 **Scheme with prior approval/fall-back position**



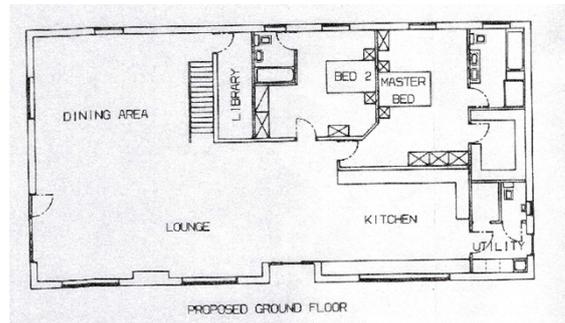
Proposed new dwelling



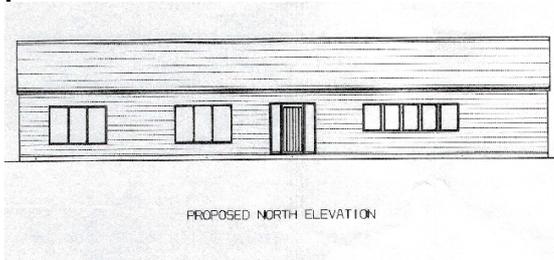
6.7 **Scheme with prior approval/fall-back position**



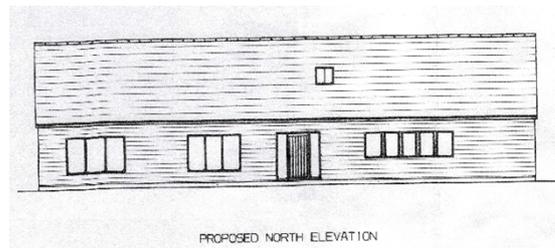
Proposed new dwelling



6.8 **Scheme with prior approval /fall-back position**



Proposed new dwelling

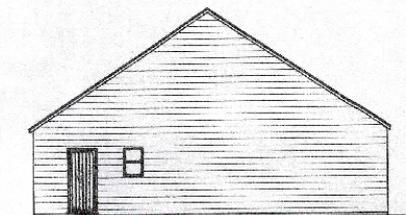


6.9 **Scheme with prior approval**



PROPOSED WEST ELEVATION

Proposed new dwelling



PROPOSED WEST ELEVATION

6.10 **Conclusions on the principle of residential development.**

This application is not in accordance with the council's housing policy, specifically Policy CSR1 and Policy H1 of the NP. Policy CSR1 does not permit housing development outside of settlements for the smaller villages. However, I conclude that there is a strong fall-back position for a similar form of development and this is sufficiently compelling as a material consideration to outweigh the conflict with policy.

6.11 **Matters of detail / technical issues**

Impact on the character and visual amenity of the area. The adopted Local Plan, the Core Strategy and Neighbourhood Plan contain policies that seek to protect landscape character and features and set requirements about the quality of development, to ensure that it is appropriate to the site and its surroundings and enhances local distinctiveness.

Policy CSQ3 of SOCS seeks to ensure that all new development is of high quality design.

Policy D1 of SOLP seeks to protect local distinctiveness and ensure that the principles of design are taken in to account.

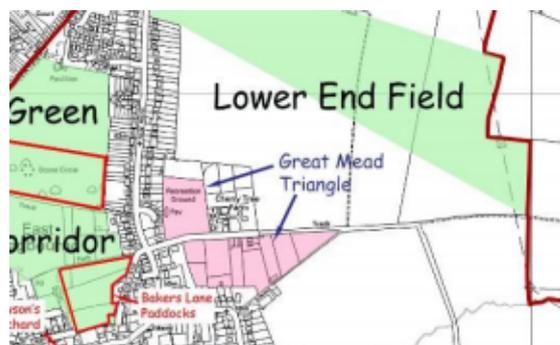
Policy C4 of SOLP – aims to protect landscape setting

Policy VC2 of the NP aims to conserve and enhance key views

Policy VC3 of the NP aims to retain the small village character and promoting good design

Policy VC4 of the NP aims to protect assets of Local distinctiveness

6.12



Extract from Figure 3 East Hagbourne Neighbourhood Plan referendum version pg 21

- Assets of Local Distinctiveness (Policy VC4)**
- Parsonage Lane
 - Hacca's Brook and its setting
 - The Railway Embankment
 - The Cemetery
 - The Great Mead Triangle

6.13 The East Hagbourne Landscape and Character Assessment 2017, part of the NP process, identified 13 areas within the Parish of East Hagbourne which it recommended should be retained and enhanced for their contribution to the character of the village and their value to the community. The application site falls within the Great Mead triangle which has been identified as one of the areas to be maintained and enhanced. The design and siting of the proposed building is very similar to the existing barn but

the changes to the roof will allow for the use of a fibre cement slate, a better quality of material than the existing profile sheeting roof covering. Whilst the building will be marginally higher, the quality of materials is improved.

The red edged, residential curtilage is relatively tightly contained around the building to restrict the amount of residential paraphernalia in this rural setting, thereby protecting the landscape from residential incursions. Conditions are recommended to withdraw permitted development rights for extensions and outbuildings for the same reason.

Overall, the current scheme provides for some opportunities to improve upon the prior approval scheme by securing better quality materials and conditions that will protect the landscape setting of the area.

6.14 Trees and landscaping.

There are no trees within the red edged application site, mature hedges mark what will be the residential curtilage. The existing boundary vegetation will be retained and offers an adequate level of screening for the site.

6.15 Highway safety and traffic impact. With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows:

Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.

The NPPF makes it clear that developments should only be refused on transport grounds where the residual cumulative impacts are severe.

6.16 The access details are the same as that submitted with the prior approval. The Highway Engineer had no objection to the prior approval subject to the addition of conditions and these have been added to the current recommendation. The current application proposes three parking spaces and a larger turning area which meet the council's standards and is acceptable.

6.17 Neighbour amenity

Policy D4 of the SOLP requires new development to secure an appropriate level of privacy for existing residents. In this case there are no neighbours nearby.

6.18 Provision of gardens. Minimum standards for new residential development are recommended in the South Oxfordshire Design Guide and in saved Policy D3 of the Local Plan. The proposed dwelling would have three bedrooms, two on the ground floor and one in the roofspace. A minimum of 100 square metres for three bed dwellings is required. The proposed new dwelling has a red edged curtilage of some 50 sqm but also includes a larger paddock/field area that forms blue edged land that is well in excess of the minimum standard. I consider that the red edged curtilage should be kept fairly small to reduce the amount of residential paraphernalia in this rural setting and that the scheme is acceptable in this respect.

6.19 **Flood risk and surface / foul drainage.**

The application site is within Flood Zone 1 (least probability of flooding) and as such, there are no objections to the development in relation to flood risk.

6.20 **Community Infrastructure Levy (CIL).** The council's CIL charging schedule has been adopted and applies to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development.

In this case CIL is liable for the development because it involves the creation of a new dwelling.

6.21 **Pre-commencement conditions.** There are no pre-commencement conditions as materials have been agreed as part of the application and other condition requirements are linked to the occupation of the dwelling.

7.0 **CONCLUSION**

7.1 The site lies outside the built-up limits of East Hagbourne, which is classified as one of the "smaller" villages in the district: It is not identified for development in the Development Plan. The proposal does not represent infill development as defined by the Core Strategy nor development of previously developed land and there is conflict with the housing policies of the development plan. However, I conclude that the established fall-back position allowing for the conversion of the existing building represents a compelling material consideration that outweighs the conflict. In other respects, the development accords with other relevant development plan policies.

8.0 **RECOMMENDATION**

8.1 **Planning Permission**

1 : Commencement three years - Full Planning Permission

2 : Approved plans

3 : Materials as on plan

4 : Vision splay details

5 : Turning Area & Car Parking

6 : Refuse & Recycling Storage (Details required)

7 : Withdraw permitted development rights Classes A and B

8 : Withdraw permitted development rights Class E

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