

APPLICATION NO.	P19/S2517/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	4.10.2019
PARISH	WARBOROUGH
WARD MEMBER(S)	Sue Cooper Andrea Powell
APPLICANT	Richard Pullen
SITE	The Old Post Office 5 Wharf Road Shillingford, OX10 7EW
PROPOSAL	Three bay timber framed & clay tiled roof with oak clad garage and store.
GRID REFERENCE	459462 / 192731
OFFICER	Neil Davies

1.0 INTRODUCTION

1.1 This application has been referred to Planning Committee at the request of the local member Councillor Sue Cooper.

1.2 The Old Post Office, which is shown on the attached location plan at **Appendix 1**, is a Grade II listed building located in a large plot in a small ribbon of dwellings just off the highway south west of the A4074 within the built-up limits of Shillingford and is washed over by the Oxford Green Belt.

1.3 The application site sits within the Shillingford Conservation Area, an area of archaeological constraint and a flood zone.

2.0 PROPOSAL

2.1 The application seeks planning permission to erect a three-bay timber framed and clay tiled roof with oak clad garage and timber store

2.2 The application was upgraded from a householder application to a full application following agreement with the applicant that the site for the garage was outside the residential curtilage of the dwelling.

2.3 The plans accompanying the application are attached at **Appendix 2**. Full copies of the supporting documentation and consultation responses are available for inspection on the Council's website at www.southoxon.gov.uk

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Warborough Parish Council - No objections.

Neighbour representations – Approve (x7)

Neighbour representations – Object (x1)

- Not in keeping with the landscape of the road

Countryside Access – None received

County Archaeological Services (SODC) - No objection subject to conditions.

- Archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the Local Planning Authority.

- Other than in accordance with the agreed Written Scheme of Investigation a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation

Conservation Officer – Objects

- The application does not comply with NPPF paragraph 196 because it poses less than substantial harm to the significance of the conservation area which is not outweighed by public benefits.
- The proposal does not preserve or enhance the character and appearance of the conservation area and therefore does not meet the requirements of section 77 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P19/S0508/HH](#) - Withdrawn (29/03/2019)

New oak framed garage, car port and shed. Reclaimed tiles to match other buildings. Oak timber panelling. (as amended by drawing no. 190105C/01 to amend internal depth to meet minimum standard received on 28 March 2019)

[P18/S2472/PEM](#) – Withdrawn (04/09/2018)

****OFFICE MEETING & LETTER****

Single dwelling.

[P62/M1143](#) - Approved (07/11/1962)

DEMOLITION OF COTTAGE AND ERECTION OF HOUSE WITH ACCESSES

5.0 **POLICY & GUIDANCE**

5.1 **Emerging local plan**

Paragraph 48 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.

Emerging South Oxfordshire Local Plan 2034.

The council has submitted the Local Plan 2034 to the Planning Inspector for an independent examination following public consultation.

On 10 October 2019 the Secretary of State for Housing Communities and Local Government issued a Holding Direction on the Council in relation to the emerging Local Plan 2034. The holding direction has been made under the provisions of Section 21A of the Planning and Compulsory Purchase Act 2004. This means that the emerging plan has 'no effect whilst the direction is in force', this is set out in section 21A(2) of the Planning and Compulsory Purchase Act 2004. The emerging Local Plan has no weight at this stage.

5.2 South Oxfordshire Core Strategy (SOCS) Policies

CSEN2 - Green Belt protection

CSEN3 - Historic environment

CSQ3 - Design

CSR1 - Housing in villages.

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

CON5 - Setting of listed building

CON7 - Proposals in a conservation area

D1 - Principles of good design

- G2 - Protect district from adverse development
- GB4 - Openness of Green Belt maintained
- H13 - Extension to dwelling
- T1 - Safe, convenient and adequate highway network for all users

- 5.4 Neighbourhood Plan policies;
Residents in Warborough and Shillingford voted for the adoption of their neighbourhood plan on 4th October 2018. The neighbourhood plans were approved by Council on Thursday 11th October 2018 and the plan is now made and must be used to help determine planning applications as part of the Development Plan.

Relevant policies:

- VC1 – Development principle and the character of the villages.
- H3 – Infill development
- H5 - Parking provision.

- 5.5 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

- 5.6 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The main issues in the consideration of this application are;

Impact on the openness and visual amenity of the Oxford Green Belt.
Design and scale of the outbuilding.
Impact on the setting of the Listed Building.
Impact on the Shillingford Conservation Area.
Compliance with Neighbourhood Plan Policies.
Impact on neighbours.
Archaeological constraints.
Impact on trees.
Impact on Highways.
Flood issues.
Other Issues.

- 6.2 **Impact on the openness and visual amenity of the Oxford Green Belt.**

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. This is set out in the advice from Central Government in the National Planning Policy Framework.

The five purposes of the green belt are;

- to check the unrestricted urban sprawl of large built up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 6.3 Para 145 of the NPPF advises that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt except for the following purposes;
- Buildings for agriculture and forestry;
 - The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - Limited infilling in villages;
 - Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
 - Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 6.4 New residential outbuildings are not listed as an exception under paragraph 145 of the NPPF. Therefore, it follows that they would represent inappropriate development within the Green Belt and would be, by definition, harmful to the Green Belt. Although Policy H13 of the South Oxfordshire Local Plan does not specifically address outbuildings in the Green Belt, this policy is superseded by the policies of the NPPF. As such, the principle of the development within the Green Belt is not acceptable.
- 6.5 There is general acceptance through Inspectorate decisions that outbuildings within The Green Belt should be assessed in a similar way to new housing (as infill development) which would fall within Policy CSR1 of the Core Strategy (SOCS). It is therefore important to establish the settlement strategy for Shillingford which is defined in Appendix 4 of the SOCS. Shillingford is split into two areas; Smaller Village to the north east of the A4074 and Other Villages to the south west. The application site sits to the south west of the A4074 where infill development is restricted to an area of 0.1 hectares sufficient to accommodate 2-3 houses.

The proposed outbuilding would be sited some 17 metres from the main dwelling close to the existing gated entrance and boundary wall to the south in a section of open ground, acknowledged to be outside the curtilage of the listed building, resembling a small orchard and currently used for off-road parking. This area once accommodated a Cottage that was demolished some years ago following planning permission for a new dwelling in 1962. Whilst this permission remains extant the garage structure would not be of the same use and therefore not regarded as an exception to Green Belt policy. The area to the south of the house is approximately 28 metres wide, (0.11 hectares in area), with an additional 31 metres or so to the next residential dwelling, also a listed building.

I am of the opinion that the combined area of land between the residential properties forms an important gap in the built-up frontage and reinforces the rural nature of the

village and should therefore be considered as a whole rather than individual units. The combined area is 0.24 hectares in size and would be sufficient to accommodate 5-6 houses and far exceeds the limits of CSR1 for an 'Other Village'. Following the principle that infill is defined as 'The filling of a small gap in an otherwise built-up frontage or on other sites within settlements where the site is closely surrounded by buildings' I believe that the significant separation between properties in an area of largely undeveloped land which makes a positive contribution in managing the balance of built form and openness of the area, would not satisfy the exceptions of the NPPF, Policy CSR1 and would be harmful to the openness of the Green Belt.

Furthermore, I do not consider that there are any 'very special circumstances' in this case, which would allow for a departure from Green Belt policy. As previously highlighted the applicant/agent has acknowledged that the proposed garage structure would be located outside the curtilage of the dwelling and as such there would be no permitted development fall-back position for the erection of ancillary buildings.

- 6.6 **Design and scale of the outbuilding.** The Old Post Office sits in a generous plot and whilst the proposed outbuilding would be located on an existing gravelled parking area and lawn at a distance of some 17 metres from the main house it would not have an excessively large footprint and or ridge height. It would employ an uncomplicated design, avoiding any overtly domestic features such as first floor accommodation and dormers. Therefore, I do not consider that the size, scale or design of development would result in an over-development of the plot or that it would compete with the main dwelling.
- 6.7 **Impact on the setting of the Listed Building.** Policy CON5 states that permission will not be granted for development which would harm the setting of a listed building whilst Policy CSEN3 of the SOCS seeks to conserve and enhance the historic environment. The Conservation Officer has no objection per se to the design of the building because the scale of the proposed outbuilding is not out of keeping with the size of the plot and it is of a traditional and simple design (ie. a subservient domestic garage outbuilding). As such, there is no objection to the proposal in terms of impact on the setting of the adjacent listed building.
- 6.8 **Impact on the Shillingford Conservation Area.** The garage structure would be located adjacent to the front of the site close to the road and vehicular entrance. The current openness of the site affords views across an orchard and garden associated with No.5 Wharf Road with the flatness of the land allowing longer views across agricultural land towards the distant Chiltern Hills AONB. The open nature of the site makes a positive contribution to the character of the conservation area and enables a good appreciation of the setting of the conservation area. Wharf Road has a loose knit character with large garden areas and open spaces between dwellings. The Conservation Officer has objected to the scheme on the grounds that the proposal would consolidate the built form on the frontage and erode the loose knit character. There is agreement with the supporting documentation submitted by the agent advising 'The character of the village is formed by the juxtaposition of dwellings and other buildings along Wharf Road and their relationship with the street. Shillingford was originally an agricultural settlement and many of the buildings have agricultural origins. There are gaps in the built-up frontage but where these exist, they serve to reinforce the rural nature of the village.' That said, whilst the design of the building is in keeping with the agricultural and rural nature of the village, it would nevertheless result in the infilling of a gap which is making a positive contribution in managing the balance of built form and openness. Whilst garaging is desirable the Conservation Officer is unconvinced that it is a necessity that would justify the harm caused to the character and appearance of the

Conservation Area especially the distant views of the Chiltern Hills; there is an existing garage and an existing hardstanding on the frontage along with the area of gravel inside the gated access to the garden/orchard area of the site currently used for parking.

In summary the application does not comply with NPPF paragraph 196 because it poses less than substantial harm which is not outweighed by public benefits. The proposal does not preserve or enhance the character and appearance of the conservation area and therefore does not meet the requirements of section 77 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.9 **Compliance with Neighbourhood Plan Policies.** The Warborough and Shillingford Neighbourhood Plans (WaSNP) has been made and holds full weight in the decision-making process with the relevant policies relating to this application highlighted earlier in the report. The scale, design and materials would give rise to a high-quality structure that would sit to the south of the main house where open views of the countryside are available to the east and west. Located within the Shillingford Conservation Area the Neighbourhood Plan highlights the need to avoid blocking off the open views to the river and the Clumps. The overall height of the structure would sit at 5.5 metres, some 3.5 metres higher than the boundary wall. Whilst it would be difficult to defend the argument that it blocked off views of the river and Clumps from any public vantage point it would nevertheless prevent longer views from Wharf Road across agricultural land towards the distant Chiltern Hills AONB; a point recognised and highlighted by the Conservation Officer.

The WaSNP policy regarding Infill (H3) defines Infill as a small gap in an otherwise continuous built up frontage capable of accommodating one or two houses, the development of which will not involve the outward extension of the built-up areas of the villages, is not considered back land (building in the rear garden of properties, which can require unsuitable access and reduce the privacy of adjoining properties) and does not result in harm to the conservation areas' rural character or appearance through loss of glimpsed views to greenery beyond the building line.

In the case of Warborough and Shillingford infill development is identified as a site that is:

- between two buildings and capable of accommodating one or two houses
- not an important open feature that adds to the character of the area
- visually linked in the sense that the infill does not detract from the existing frontage
- not considered backland (building in the rear garden of properties, which can require unsuitable access and reduce the privacy of adjoining properties)

As highlighted earlier in this report the distance between the two residential dwellings is in excess of 30 metres and 0.24 hectares in area; a size capable of accommodating 5-6 dwellings and therefore contrary to Policy H3.

Both I and the Conservation Officer share the view that the gaps in the built-up frontage serve to reinforce the rural nature of the village and the proposed garage would result in an unacceptable loss of a gap which is making a positive contribution in managing the balance of built form and openness that allow views of the Chiltern Hills beyond the boundary line; again contrary to Policy H3.

Whilst garaging is desirable as it would provide additional covered and secure off-road parking which would comply with the parking policy of the Neighbourhood Plan its necessity would not justify the harm caused to the character and appearance of the Conservation Area given existing parking arrangements on the site that could be

developed through increasing the gravelled area inside the gated access to the garden/orchard area of the site currently used for parking.

I am therefore of the opinion that the proposal does not accord with Policies H3 and VC1 of the Neighbourhood Plan

- 6.10 **Impact on neighbours.** The proposal is single storey in height and contains no side windows. Sitting behind a high boundary wall over 30 metres from the only neighbour affected by the development at 15 Wharfe Road, to the south, I am of the view that the proposal would not materially harm the amenities of neighbouring properties.
- 6.11 **Archaeological constraints.** The application was subject to consultation with the County Archaeological Officer who has commented on the archaeological significance of the site. It is therefore likely that further archaeological features will be encountered by this development. He has no objection to the proposal but has recommended two conditions to require the submission of a written scheme of investigation (WSI) and the implementation of the WSI.
- 6.12 **Impact on trees.** There are several trees on the site, the largest of which sits close to the entrance to the proposed garage. These are automatically protected by virtue of their location within the Conservation Area. Informal discussion with the Forestry Officer confirmed that the proposal is unlikely to require the removal of any trees on the site, however their longevity should be secured through a General Tree Protection condition had the proposal been acceptable in other terms.
- 6.13 **Impact on Highways.** The application site sits on Wharf Road where dwellings are generally located to the east side of the highway, a farm and one other house sit on the opposite side of the road close to where the entrance to the proposal is located. A single garage is attached to the host dwelling with sufficient space to accommodate a second car in front of the doors with additional off -road parking provided on a gravelled area inside the entrance gates to the south of the main house. The entrance to the proposed site is set back from the road with good visibility splays along the road. Currently used for access and egress for parking I am of the view that the new garage complex would not have a significant impact on highway safety.
- 6.14 **Flood issues.** The site sits with Flood Zone 2 and partially in Flood Zone 3. This is however a minor development to a non-residential building. It is not envisaged that there would be any material increase to ground level following the development and with no indication of power requirement through trenchwork there are no flood issues likely to affect the proposed garage.
- 6.15 **Other Issues.** The Council's CIL charging schedule has been adopted and will apply 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 floorspace created as a result of the development. In this case CIL is not liable as the proposed development would not result in a floorspace increase in excess of 100 square metres.

7.0 CONCLUSION

- 7.1 Your officers recommend that planning permission should be refused. The site lies within the Oxford Green Belt, where there is a general presumption against new development in order to conserve the special and historic character of the City and to preserve the countryside outside it. The proposed garage would represent inappropriate development within the Green Belt and is therefore by definition harmful. Having regard to the position of the building in this open and undeveloped part of the

site the development would significantly harm the openness of the Green Belt. There are no 'very special circumstances' that would outweigh the harm caused by virtue of inappropriateness or to the openness of the Green Belt. The proposal is contrary to Policy CSEN2 of the adopted South Oxfordshire Core Strategy, Policy GB4 of the South Oxfordshire Local Plan 2011, Green Belt policy of the National Planning Policy Framework and Policies H3 and VC1 of the Warborough and Shillingford Neighbourhood Plan. The proposal would also fill an important open space in the Shillingford conservation area which would be harmful to the character and appearance of the Conservation Area contrary to the requirements of section 77 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CSEN3 of the South Oxfordshire Core Strategy and Policy CON7 of the South Oxfordshire Local Plan and does not comply with NPPF paragraph 196.

8.0 RECOMMENDATION

8.1 Refusal of planning permission for the following reasons;

- 1 : The site lies within the Oxford Green Belt, where there is a general presumption against new development in order to conserve the special and historic character of the City and to preserve the countryside outside it. The proposed garage would not constitute limited infilling and would be inappropriate development within the Green Belt and is therefore by definition harmful. Having regard to the position of the building in this open and undeveloped part of the site the development would significantly harm the openness of the Green Belt. There are no 'very special circumstances' that would outweigh the harm caused by virtue of inappropriateness or to the openness of the Green Belt. The proposal is contrary to Policy CSEN2 of the adopted South Oxfordshire Core Strategy, Policy GB4 of the South Oxfordshire Local Plan 2011, Green Belt policy of the National Planning Policy Framework and Policies H3 and VC1 of the Warborough and Shillingford Neighbourhood Plan.**

- 2. The provision of a building on this open site would consolidate the built form on the frontage of Wharf Road, eroding the loose knit and rural character of this part of the Shillingford conservation area contrary to the provisions of section 77 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy CSEN3 of the South Oxfordshire Core Strategy, Policy CON7 and G2 of the South Oxfordshire Local Plan, Policy VC1 of the Warborough and Shillingford Neighbourhood Plan and paragraph 196 of the NPPF.**

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