

APPLICATION NO.	P20/S0909/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	5.3.2020
PARISH	LEWKNOR
WARD MEMBER	Caroline Newton
APPLICANT	Mr D Griffith
SITE	Moorcourt Barn Weston Road Lewknor
PROPOSAL	1. Demolition of existing green barn, closure of access to footpath track. 2. Erection of 1 dwelling with new access, garage, outbuilding, and associated works. 3. Provision of additional parking/car storage area to adjoining commercial unit (at The Barn/Str8six).
OFFICER	Simon Kitson

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 This application is referred to the Planning Committee at the Planning Manager's discretion following the Parish Council's objection, which conflicts with the recommendation of approval by the case officer.
- 1.2 The application site (attached at **Appendix A**) is comprised of a steel-clad agricultural storage building, known as 'Moorcourt Barn', set in a 0.44ha plot within a rural location between the villages of Lewknor and South Weston. The adjacent land is in use as a TVR car-repair facility operated by Str8six and the land immediately surrounding these properties is in agricultural use. Access to the site is via a short, shared farm track running along the south-east boundary and this is also part of a public right of way (Lewknor Footpath 22).
- 1.3 The site does not fall within a designated area, such as a Conservation Area or an Area of Outstanding Natural Beauty (AONB). There are no trees within the site protected by a Tree Preservation Order (TPO)
- 1.4 Following a recent approval for the conversion of the existing barn into a large residential dwelling (P19/S4174/N4B, **Appendix B**) consent is now sought for its demolition and replacement with a dwelling resembling a more traditional agricultural building. The proposal includes ancillary garaging, with a pool house, and there would be a new access point onto Weston Road. Part of the existing site would be used for expanded customer parking for the adjacent Str8six business and the entrance opening onto the farm track would be closed.
- 1.5 Copies of the detailed plans and statement accompanying the application are attached as **Appendix C**. Other documentation associated with the application can be viewed on the council's website, www.southoxon.gov.uk.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Lewknor Parish Council – Objection**

- The proposed development would fail to accord with the Council's development policies, and would detract from the character and appearance of the site and the landscape setting of this part of the parish, representing an urbanising impact on the surrounding countryside.

- If at a later date this application is granted then LPC would like it stipulated that the new access onto the road is completed first, the access onto the footpath is permanently blocked and the industrial car park is completed before any residential works are started, including the demolition of the existing barn.

Countryside Officer (South Oxfordshire & Vale of White Horse) – No objection, subject to condition

Drainage Engineer - No objection, subject to conditions

Highways Liaison Officer (Oxfordshire County Council) - No objection, subject to conditions

Contaminated Land Officer – No objection

Environmental Protection Team – No objection

Countryside Access – No comments received

South Oxfordshire District of CPRE – Objection

- The proposal is contrary to the NPPF and the Development Plan. It should be refused on this basis.
- Development should not be allowed outside of the Lewknor Neighbourhood Plan which is currently under preparation

Neighbour Objections (12) – Key issues raised:

- The principle of a new dwelling within this location is not established, irrespective of the prior approval scheme. It is contrary to local and national policy
- The site is located outside of any settlement allocated for housing and the proposal would not meet the council's infill criteria.
- The location is unsustainable in transport terms and it does not have convenient access to services and facilities.
- The proposal would conflict with the neighbourhood plan.
- There are likely to be ecological issues
- There are possible access issues with the proximity of the public footpath to the development site.
- The proposed building would be too large and out of character with the rural environment
- Concerns expressed over the manner in which the application was submitted and its timing
- Highway safety issues associated with the additional vehicle movements onto Weston Road

Neighbour No strong Views (2)

- Questions raised over delivery and construction activities should the application be approved

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P19/S4174/N4B](#) - Approved (09/01/2020)
Conversion of agricultural store to residential dwelling.

[P19/S0142/FUL](#) - Withdrawn (11/03/2019)

Demolition of existing barn, closure of existing vehicular site access from footpath and erection of 2 dwellings with store, new access and associated works

[P17/S1013/FUL](#) - Approved (20/06/2017)

Proposed new access to serve Moorcourt Barn from Weston Road and change of use of land to provide extended garden

[P16/S4139/PAR](#) - Approved (10/02/2017)

Change of use from barn to dwelling

[P16/S2365/PAR](#) - Refused (05/09/2016)

Change of use of buildings to dwelling.

[P14/S3832/FUL](#) - Approved (01/07/2015)

Change of use from agriculture to part car storage, rebuilding of cars and engines and part servicing of TVR vehicles and single storey extension.

[P11/E2472](#) - Refused (31/05/2012) - Appeal dismissed (07/02/2013)

Change of use from agriculture to part car storage, rebuilding of engines and part servicing of vehicles and single storey side extension (as clarified by part amended application form received on 25th April 2012).

[P10/E0085](#) - Refused (09/06/2010) - Appeal dismissed (03/10/2010)

Change of use to B8 storage and single storey side extension (resubmission of planning application P09/E0557). (As clarified by revised design and access statement and route plan accompanying agent's email dated 5 April 2010).

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 The development does not require an Environmental Statement.

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Core Strategy (SOCS) Policies:

CS1 - Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSQ3 - Design

CSR1 - Housing in villages

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

EP1 - Adverse affect on people and environment

EP2 - Adverse affect by noise or vibration

EP4 - Impact on water resources

EP6 - Sustainable drainage

EP8 - Contaminated land

G2 - Protect district from adverse development

G4 - Protection of Countryside

- H12 - Replacement dwelling
- H4 - Housing on sites within the built up areas of towns and villages
- R8 - Protection of existing public right of way
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users

South Oxfordshire Emerging Local Plan 2034 Policies

The council is currently progressing the emerging local plan through the examination stage. The plan currently carries limited weight. Relevant policies include;

- DES1 - Delivering high quality development
- DES2 - Enhancing local character
- DES5 - Outdoor amenity space
- DES6 - Residential amenity
- ENV1 - Landscape and countryside
- EP3 - Waste collection and recycling
- H4 - Housing in the larger villages

5.2 **Lewknor Neighbourhood Plan (LNP)**

A plan is currently under a six-week consultation, expiring 31 July 2020. It has not been subject to any formal examination or referendum and as such, any policies within it carry limited weight in the determination of a current application.

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)
Developer Contributions SPD

5.4 **National Planning Policy Framework (NPPF) and Planning Practice Guidance (NPPG)**

5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Current policy**
- **Design and character**
- **Residential amenity**
- **Access and Parking**
- **Environmental Issues**

6.2 **Current Policy**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and Section 70 (2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the development plan unless “*material considerations indicate otherwise*”. The adopted development plan currently comprises: the SOCS and saved policies within the SOLP. The emerging Local Plan for South Oxfordshire 2034 is progressing through the examination stage and the Lewknor

Neighbourhood Plan is currently under consultation. Neither carry significant weight at this stage.

- 6.3 In terms of compliance with the development plan, the site does not fall within the built-up limits of Lewknor and it would not comprise 'infill' housing development. Although the scheme might reasonably be described as a redevelopment proposal, there is no support for this within SOCS Policy CSR1, where a site lies outside of a settlement. Even if the LNP were at a more advanced stage, it would not in its current form support the residential development of a site outside of the defined boundaries shown on Map 2 (p35).
- 6.4 Notwithstanding the above, there are in this instance significant "*material considerations*" which lend support to the principle of the redevelopment of the site, irrespective of the conflict with either of the councils' spatial strategies. There remains an extant prior approval at the site for the conversion of the existing barn building into a substantial residential dwelling, together with all alterations reasonably necessary to facilitate its conversion (P19/S4174/N4B). This followed an earlier prior approval for the conversion of the building (P16/S4139/PAR) and consent for changes to its notional garden area and access arrangements. Confining the development of the site to these schemes would miss opportunities to improve other aspects of the appearance of the site.
- 6.5 It is noted that the Parish Council and some respondents to the consultation argue that permitted development (PD) schemes cannot be weighed in the planning balance. Whilst officers do understand their frustration and that they perceive this to be an abuse of the PD regime, there is established case law supporting the applicant's position which the council is obliged to take into consideration. Both national appeal decisions and a recent high court judgement have accepted PD 'fallback' positions as valid material planning considerations. The example provided: *Mansell v Tonbridge And Malling Borough Council [2017]* is possibly the most pertinent. This confirmed that PD schemes are relevant where there is a 'possibility' of the Class Q GPDO fallback position being implemented, such as a clear intention of the landowner to develop, and maximise the value of the site. It is a lawful position to assign material weight to this. In that case, that district council had not erred in law in granting approval for an alternative scheme which represented a more comprehensive and coherent redevelopment of the site than the scheme which would otherwise have been implemented.
- 6.6 There is a detailed site history, with previous approvals for commercial development, prior approval for residential conversion of the barn and improvements to the layout and site access arrangements. Officers are of the opinion that this is not a speculative application; there is a realistic prospect of the PD scheme being implemented. As such, it is considered that the extant approvals represent a compelling and realistic fallback position which should be considered alongside the potential improvements to the appearance of the land arising from the use of a design which may be more suited to the wider rural landscape. The proposal would be no less sustainable than the extant scheme and, if considered against SOLP Policy H12, which allows for replacement dwellings in remote locations, this would easily comply with the strict volume limits. The principle of the proposed development is considered acceptable, subject to compliance with other development plan policies.

6.7 **Design and character**

The existing barn building has a bulky, utilitarian character and appearance which does not make a positive contribution to the character and appearance of the area. Although this is not within the AONB, there is a distinctly rural character to the surroundings and many of the nearest residential dwellings, ancillary and barn buildings have traditional forms and detailing more consistent with the historic local vernacular. The residential development of the current building, whilst achievable, would be constrained by the functional form and layout of the building. Officers accept that the proposed replacement takes opportunities to improve the appearance of the site and its contribution to the wider landscape setting.

6.8 ***Extant approval – front and side***



The volume of the proposed main building would be materially less than the existing, with the agent suggesting a reduction of 598 cu.m. The design would also resemble a converted threshing barn, with glazed midstreys projections. The bulk and massing would be reduced through the use of low eaves, a steeper roof pitch and more cohesive fenestration detailing. This is considered to be a demonstrable improvement over the existing extant scheme and how it is perceived within public views of the site.

Proposed – front and side



It is noted that ancillary garaging and a pool building are also proposed. However, these would have simple functional forms consistent with the council's design guidance and they would not compete with the scale and appearance of the main dwelling. These would be likely to be approved if submitted under subsequent householder applications in the future. Permitted Development restrictions over further ancillary buildings are strongly recommended should the Committee be minded to approve this application. It is important that the Council retains control over future development of the site, particularly in relation to structures or fencing which may have an urbanising impact.

6.9 The proposal to orientate the dwelling perpendicular to the existing building is considered to be an improvement over the current site layout. This would allow for a rough semi-enclosed courtyard arrangement, with the parking located centrally within the site and the external areas returned to grass, supplemented by planting. A detailed landscaping plan should be conditioned and agreed before any construction.



- 6.10 This aspect of the proposal would also improve the relationship with the adjacent public right of way along the eastern site boundary; both visually, by improving the appearance of the site within the immediate public realm and functionally, by closing the existing access between the site and the footpath. The additional parking for Str8six vehicles would also help address issues associated with the commercial car repair storage activities overspilling outside the confines of that site, as has been observed over many of the previous site visits.
- 6.11 In response to the Parish Council's closing paragraph, officers agree that the new access onto Weston Road should be completed first, with the access onto the footpath permanently blocked thereafter. The commercial car park should be made available for use prior to any above ground construction of the dwellinghouse and outbuildings.
- 6.12 Subject to appropriate landscaping, including boundary treatments appropriate to the rural vernacular, officers are in agreement that this proposal would, when weighed strictly against the Class Q PD scheme, better respect the defining characteristics of the area and respond more positively to the rural environment. In this regard, there would not be conflict with SOCS Policy CSQ3, which requires development proposals to reinforce local distinctiveness, or SOCS Policies CSEN1, SOLP G4 and the NPPF, which collectively seeks to protect the intrinsic natural beauty of the countryside and, where possible, enhance it.
- 6.13 **Residential amenity**
The proposal would provide a garden area in excess of the minimum recommended standards set out under Section 7 of the SODG. Furthermore, there are no neighbouring residential properties directly impacted by a house within this location. The Council's Environmental Health Team are satisfied that there would be no adverse acoustic impacts associated with the adjacent car repair workshop and this has been thoroughly assessed under several of the previous consents.
- 6.14 **Access and parking**
The extant prior approval found the highway impacts associated with a residential use to be acceptable. Similarly, the council have previously consented to the alternative access point onto Weston Road, with the closure of the existing entrance. It is agreed that this would be an improvement for the users of the public footpath.
- 6.15 The Local Highway Authority raise no objection to the visibility standards proposed at the point of access and the level of parking provision, which accords with the standards set out under Appendix 5 to the SOLP. Officers do not disagree with the expert advice

provided. The applicant is advised to discuss the routing of the construction vehicles with the Parish Council should permission be granted.

6.16 **Environmental factors**

Various environmental issues have been considered under the previous applications and deemed to be acceptable.

6.17 The Council's Environmental Health Team do not consider the site to contain contaminated land, as defined under Section 78A(2) of the Environmental Protection Act 1990 and the Drainage Team are satisfied that foul and surface water drainage details can be agreed as a condition of consent, without the need for further information up front.

6.18 The Council's ecologist has previously visited the property and notes that it provides suitable habitats for reptiles. They consider that a reptile mitigation strategy can be agreed by condition and the agent is agreeable to this approach.

7.0 **CONCLUSION**

7.1 Whilst the site lies outside the built-up limits of Lewknor, within an area where there are strict controls over the provision of new housing, the current scheme is no less sustainable than the extant prior approval scheme that it would replace. Officers are satisfied that the alternative redevelopment proposal would be more sympathetic to the defining rural character of the surroundings and there would be general improvements to the appearance of the land and the relationship with the public realm. There are no overriding issues in terms of highway safety, neighbouring amenity, ecology or environmental impacts.

8.0 **RECOMMENDATION**

8.1 **That full planning permission is granted, subject to the following conditions:**

1. **The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.**
2. **That the development hereby approved shall be carried out in accordance with the details shown on the approved plans, except as controlled or modified by conditions of this permission.**
3. **Prior to the commencement of the development hereby approved, including any works of site clearance, a reptile mitigation strategy, which should include details of measures to be taken to avoid harm to reptiles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.**
4. **The exterior of the development hereby permitted shall only be constructed in the materials specified on the plans hereby approved or in materials which shall previously have been approved in writing by the Local Planning Authority.**
5. **That the existing green barn building on the site shall be demolished entirely before the new dwelling hereby permitted is first occupied, and any demolished material which is not to be utilised in the new development shall be removed from the land, unless an alternative scheme for the phased demolition of the building(s) and removal of**

materials is first submitted to and approved in writing by the Local Planning Authority.

6. Prior to the construction of any part of the dwellinghouse or outbuildings the new access in the northeast corner of the site onto Weston Road shall be provided and available for use for the construction of the remainder of the house and outbuilding construction project. The new access is to be formed and laid out and constructed strictly in accordance with the local highway authority's specifications and all ancillary works specified shall be undertaken.
7. The existing access to the green barn from the track to the east of the site (Lewknor Footpath 22/ bridleway 277/22) shall be permanently stopped up within 14 days of the opening of the new access as required to be provided under condition 6 above. Following its closure, vehicular access to/from the dwelling site shall not be taken from the track to the east (Lewknor Footpath 22/ bridleway 277/22)
8. The vision splays shown on drawing no. 1.30, Rev B, shall not be obstructed by any object, structure, planting or other material with a height exceeding or growing above 0.9 metres as measured from carriageway level.
9. The new parking provision for the commercial site shall be made available for use prior to any above ground construction of the dwellinghouse and outbuildings hereby approved.
10. Prior to the first occupation of the dwelling hereby approved the turning area and car parking spaces as shown on drawing MOR6 1.30rev B shall be provided within the curtilage of the house site so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway. The turning area and parking spaces shall be constructed, laid out, surfaced, drained and completed to be compliant with sustainable drainage (SuDS) principles. The turning area and car parking spaces shall be retained unobstructed except for the parking and manoeuvring of motor vehicles at all times.
11. No Permitted Development within Part 1, Classes A, B or E shall be undertaken without planning permission from the council.
12. No fences, walls, gates or other means of enclosure shall be erected within the curtilage of the dwellinghouse without planning permission from the council.
13. Prior to any above ground works of construction, a scheme for the landscaping of the site must be submitted to, and approved in writing by, the Local Planning Authority. The scheme must be implemented prior to first occupation of the the dwellinghouse
14. Prior to the commencement of development, a full foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved.

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