

APPLICATION NO.	P14/S3832/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	18.12.2014
PARISH	LEWKNOR
WARD MEMBER(S)	Stephen Harrod
APPLICANT	Str8six Ltd
SITE	The Barn, Weston Road Lewknor, OX49 5RU
PROPOSAL	Change of use from agriculture to part car storage, rebuilding of cars and engines and part servicing of TVR vehicles and single storey extension.
	Retention of New Barn for Showroom/ storage purposes (as clarified by agent's email and accompanying plans dated 31st March 2015)
AMENDMENTS	None
OFFICER	Simon Kitson

1.0 **INTRODUCTION**

- 1.1 This application has been referred to the Planning Committee as the officers' recommendation of approval is at odds with the Parish Council's objection.
- 1.2 This proposal relates to 'Moorcourt Barn', a disused agricultural building approximately 535 sq.m. in area (shown in red on the OS extract **attached** as Appendix A) and 'New Barn' an adjacent commercial unit lawfully used for the repair and maintenance of TVR cars (shown in blue). The site is located in a rural location between the villages of Lewknor and South Weston.
- 1.3 Planning permission for the change of use of the building has previously been refused, with the council's decision upheld at appeal, under planning application ref: P10/E0085 and P11/E2472. The appeal decisions are **attached** as Appendix B.

2.0 **PROPOSAL**

- 2.1 This application seeks permission for the change of use and extension of Moorcourt Barn, as described in the description. As amended, the proposal would retain the adjacent New Barn for ancillary use in connection with the workshop.
- 2.2 A copy of the proposed plans is **attached** as Appendix C and other documentation associated with the application can be accessed via the council's website, www.southoxon.gov.uk.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Lewknor Parish Council – Objection. The proposal is not in accordance with the Local Plan. If approval is granted, a number of conditions are recommended in order to control use and activity at the site.

Highways Liaison Officer (Oxfordshire County Council) – Approval, subject to conditions controlling scale of business, use of existing barn and highway safety.

Countryside Access - No strong views

Health & Housing - Env. Protection Team – No objection, subject to conditions

restricting hours of use. No noise complaints have been received over the operation of the business at the existing property.

Neighbours – 14 letters of objection:

- The application is identical to the previous refusals and the Inspector's reasons for refusal still apply
- Inappropriate change of use to industrial, with a resultant impact upon the character of the village
- The barn would require considerable alterations to make it viable for the proposed use.
- Increase in vehicular traffic on a road with no pavements and used by walkers.
- Increase in use of road by HGVs and vans.
- The extension to the garage would increase noise pollution
- Precedent for further inappropriate development
- Lack of clarity over proposed use
- Impact upon nearby conservation area
- If approval is granted, conditions should be applied strictly limiting the nature and scale of the operation.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P11/E2472](#) - Refused (31/05/2012) – Dismissed on appeal (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) – Dismissed on appeal (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).

[P09/E0557](#) - Refused (21/07/2009)

Change of use of barn to B8 storage use and single storey side extension.

[P90/N0825](#) - Other Outcome (25/02/1991)

A) Use of landing strip for up to 65 days per annum B) Siting of mobile toilet unit C) Retention of mobile administration unit

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies (SOCS);

CS1 - Presumption in favour of sustainable development

CSS1 - The Overall Strategy

CSEM1 - Supporting a successful economy

CSEM4 - Supporting economic development

CSEN1 - Landscape protection

CSQ3 - Design

CSR2 – Employment in rural areas

5.2 South Oxfordshire Local Plan 2011 (SOLP) policies;

C4 - Landscape setting of settlements

C9 - Loss of landscape features

D1 - Principles of good design

E3 - Employment generating development in the countryside

- E4 - Employment generating development conflicting with Structure Plan
- E5 - Business, industrial, warehousing and storage proposals
- E8 - Re-use or adaptation of rural buildings outside built up areas
- EP2 - Adverse affect by noise or vibration
- EP3 - Adverse affect by external lighting
- 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

South Oxfordshire Design Guide 2008

5.3 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance

6.0 PLANNING CONSIDERATIONS

6.1 The planning issues that are relevant to this application are:

1. The principle of the development
2. The impact on the character and appearance of the site and surrounding area
3. The impact on the amenity of neighbouring occupiers
4. Highway considerations
5. Other material considerations

The Principle of the Development

6.2 Planning permission for the conversion of Moorcourt Barn to Class B8 storage and B2 industrial use has been previously refused and dismissed at appeal. A number of consultation responses have made specific reference to this point and officers fully appreciate that many aspects of the current submission have been carried over from the previous proposals. However, following pre-application discussions and dialogue with the Local Highway Authority, officers accept that there are number of key differences which justify further consideration of the proposed change of use.

6.3 The NPPF is generally supportive of sustainable growth and expansion of all types of business and enterprise in rural areas and this is supported in principle by the Development Plan, via SOLP Policy E8 and SOCS Policy CSR2. In the appeal decision letter ref: P11/E2472, the Inspector noted that the highway conditions are 'typical of rural roads across large areas of the country' with no 'unusually hazardous features' and there is no evidence that the visibility levels from the existing access are substandard. However, in dismissing the appeal, the Inspector raised significant concern over the potential separate use of the existing New Barn for an alternative B2 (industrial) use and the effectiveness of a personal condition securing the proposed use of Moorcourt Barn. The issue with a personal permission was more in relation to the scant detail over the scale and nature of the business rather than the principle of this approach. It is notable that the Inspector made explicit reference to Paragraphs 187 and 203 of the NPPF, which state that local authorities should 'look for solutions rather than problems' and consider the use of planning conditions where they would overcome 'otherwise unacceptable' aspects of a development proposal.

6.4 Following the appeal decisions, officers maintain that the storage and distribution uses previously proposed (P09/E0557 & P10/E0085) are highly unlikely to be acceptable, due to the nature of the local highway network and the likelihood of HGVs serving such a use. There are also a number of valid concerns over the cumulative impact of the potential separate occupation of the existing unit if the council were to permit the

relocation of Str8six to Moorcourt Barn (P11/E2472). The use of New Barn by Str8six was originally regularised through application P09/E1311/RET, which described the use as comprising 'part car storage, rebuilding of engines and cars and part servicing of cars'. This use was secured through Condition 3 of the planning permission. However, it is apparent that this condition does not prevent an alternative occupier to Str8six from using the building, which in conjunction with the use of Moorcourt Barn may result in an unacceptable impact upon highway safety on the local road network.

- 6.5 These points were discussed with the agent and officers have received written confirmation that the owner agrees for the existing building to be retained in connection with the Str8six operation. In light of the detailed information outlining the proposed use of the agricultural building and the undertaking to retain the current B2 unit as ancillary to the business operation, officers now consider that the council has enough information to appropriately address the main areas of contention through the imposition of planning conditions.
- 6.6 As previously observed, the proposed reuse of the building is broadly acceptable with regard to Policy E8 of the SOLP and guidance contained within the NPPF. Policy E8 outlines several other criteria, which the development also has to comply with. These are considered below.

The Impact on the Character and Appearance of the Site and Surrounding Area

- 6.7 Policy E8 states that the building proposed for conversion/re-use should be of permanent and substantial construction and should be capable of conversion without major or complete reconstruction. The existing building is a substantial agricultural building with fully enclosed sides. It is functional in appearance but appears in good condition and is clearly capable of reuse for the Class B2 use proposed without major alterations. The proposed extension is modest in scale and would not represent a significant alteration to the appearance of the building. Subject to controls over external storage, hardsurfacing and lighting, officers are satisfied that the proposed re-use of the building would have a minimal visual impact on the rural character and appearance of the surrounding area.

The Impact on the Amenity of Neighbouring Occupiers

- 6.8 The application site is located in a relatively isolated position with the nearest residential properties being approximately 200 metres away and the council's Environmental Protection team have no record of any complaints pertaining to the use of the adjacent barn by the existing business. On the basis that the existing business would be relocated, with no significant intensification of activity, officers accept that the proposed use of the site is unlikely to generate any significant noise pollution, provided that a condition is imposed restricting hours of operation.
- 6.9 Lighting, which can be controlled by condition, would not directly affect neighbouring amenity. The main impact on the amenity of surrounding occupiers would stem from the traffic associated with the proposed use although this impact would mainly relate to the impact on the amenity of the local highway network for use by the local community rather than the impact from highway noise or other disturbance on individual properties.

Highway Considerations

- 6.10 The NPPF (Paragraph 32) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Officers consider that the parish council and neighbouring properties have legitimate concerns that an additional B2 or B8 unit would result in a potential intensification of activity and a marked increase in the type and frequency of traffic movements. However, if the council were to retain control of the existing building for

ancillary purposes and the scale of the Str8six operation, this would significantly reduce the likelihood of a material increase in the number of commercial vehicles.

- 6.11 The local highways authority has observed that vehicular traffic and speeds are likely to be low, having regard to the characteristics of the carriageway. No objection is raised to the proposal, on the basis of the applicant's statement setting out the scale of the business and the undertaking to retain the existing unit for ancillary purposes. This is subject to the conditions set out below.

Other Material Considerations

- 6.12 If the committee are minded to grant planning permission, officers consider that pre-commencement conditions to control the hard and soft landscaping of the site, including any external lighting, would be essential, in order to help reduce the impact of the commercial activity within the wider rural setting.

7.0 CONCLUSION

- 7.1 The proposal is broadly in accordance with the relevant development plan policies and national planning policy. The proposal would not cause material harm to the overall character and appearance of the surrounding area. Subject to the attached conditions, the proposal is also considered acceptable in terms of the impact upon the amenities of neighbouring occupiers and it would not be prejudicial to highway safety.

8.0 RECOMMENDATION

- 8.1 **That planning permission be granted subject to the following conditions:**

1. **Commencement of development within three years.**
2. **Development in accordance with the approved plans.**
3. **Ancillary occupation –the existing building known as ‘New Barn’ shall only be used for storage or display purposes ancillary to the vehicle repair operation at Moorcourt Barn. No other use of this building shall be undertaken without the grant of planning permission from the local authority.**
4. **Specified use – the building known as ‘Moorcourt Barn’ shall only be used for the B2 purposes set out in the application statement by Str8six dated 30 September 2014. No car sales unrelated to the business shall be undertaken at the site.**
5. **No surface water drainage to highway.**
6. **Restricted working hours to between 8am and 6pm Monday to Friday and 9am to 1pm on Saturdays.**
7. **Turning areas and car parking to be provided in accordance with the approved plan. No parking of staff or stock vehicles outside the confines of the application site.**
8. **Lighting details to be submitted to and approved by the local authority.**
9. **Hard and soft landscaping details to be submitted to and approved by the local authority.**
10. **All areas of hardstanding are to be SuDS (sustainable drainage) compliant.**

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