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| <b>APPLICATION NO.</b>  | <a href="#">P15/S2000/FUL</a>                               |
| <b>APPLICATION TYPE</b> | FULL APPLICATION  |
| <b>REGISTERED</b>       | 11.6.2015   |
| <b>PARISH</b>           | WHITCHURCH  |
| <b>WARD MEMBER</b>      | Robert Simister   |
| <b>APPLICANT</b>        | Mr P Gibbons  |
| <b>SITE</b>             | The Summerhouse, High Street, Whitchurch on Thames, RG8 7DB |
| <b>PROPOSAL</b>         | Variation of condition 1 of planning permission P92/S0270.  |
| <b>AMENDMENTS</b>       | None  |
| <b>OFFICER</b>          | Marc Pullen   |

1.0 **INTRODUCTION**

1.1 This application is referred to the Planning Committee as the Officers' recommendation conflicts with the Parish Council's view.

1.2 The application site (which is shown on the OS extract **attached** as Appendix A) contains a detached building which was granted planning permission in 1959 to be used as a summerhouse and was subsequently applied for to be retained for the purpose of storage and recreational use. The site belongs to the Chilterns Area of Outstanding Natural Beauty and Whitchurch Conservation Area.

2.0 **PROPOSAL**

2.1 This application seeks permission to vary condition 1 of the planning permission granted under application P92/S0270. This application sought to retain the two buildings on site permanently, following a number of temporary permissions to retain the summerhouse and garage. Condition 1 of this permission reads:

2.2 *"That the buildings shall be used for recreational and leisure purposes only and shall not be used as a dwellinghouse*

*Reason: For the avoidance of doubt and to safeguard the character and amenity of this attractive riverside location within the Whitchurch Conservation Area and the Chilterns Area of Outstanding Natural Beauty."*

2.3 This application seeks to vary the above condition to permit the use of the building as a holiday home.

2.4 A copy of all the current plans accompanying the application is **attached** as Appendix B. Other documentation associated with the application can be viewed on the council's website, [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

2.5 A copy of the relevant documentation relating to application P92/S0270 is **attached** as Appendix C.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Whitchurch Parish Council – Object

- Increased traffic using access would pose potential problems for those using the gardens which the access runs through
- Creation of a holiday home in the Conservation Area will alter the character of

the area; contrary to the original planning permission

Drainage Engineer (South Oxfordshire - MONSON) - No strong views

Neighbour – 9 objections:

- Backland development would harm the privacy of neighbours and enjoyment of their gardens and character of the area
- Access across the neighbouring properties would be to the detriment of those occupants
- Change of use would change the character of the Conservation Area and the AONB, which were reasons for original condition
- Concern regarding the septic tank and drainfield within close proximity to neighbours. During periods of flooding will prevent them from being operational.
- The development would be visible from public view
- The loft space is not adequate enough to constitute a bedroom
- Regular use of the land would compromise the environment of the AONB
- Impact on the peaceful/tranquil enjoyment of neighbouring gardens
- A restrictive covenant stipulates the land to be used for private use only
- Noise and disturbance
- Impact on the flood plain, increased flood potential
- Falls outside of the village
- Issues of refuse collections
- Change of use would harm the setting of the old Georgian estate
- Harm to a number of wildlife habitats, including badgers
- Would not assist the rural economy

Chilterns Conservation Board - Object

- The riverside location should be protected against new isolated development
- The reasons for the condition should still apply today

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P92/S0270](#) - Approved (17/08/1992)

Retention of two existing buildings.

[P88/S0594/R](#) - Approved (04/10/1988)

Renewal of planning permission ref. no. SO/S/442/83 for timber summerhouse.

[P83/S0442](#) - Approved (14/09/1983)

RETENTION OF EXISTING TIMBER SUMMERHOUSE.

[P75/S0266/R](#) - Approved (11/07/1975)

RETENTION OF SUMMERHOUSE.

[P69/H0370](#) - Approved (28/07/1969)

Retention of timber summerhouse.

[P64/H0391](#) - Approved (26/05/1964)

RETENTION AND CONTINUED USE OF TIMBER BUILDING AS A BOAT AND GARDEN STORE AND SUMMER HOUSE

[P59/H0476](#) - Approved (24/06/1959)

CONSTRUCTION OF NEW TIMBER SUMMER HOUSE.

**5.0 POLICY & GUIDANCE**

**5.1 National Planning Policy Framework & National Planning Practice Guidance**

**5.2 South Oxfordshire Core Strategy 2012 (SOCS) policies;**

- CS1 - Presumption in favour of sustainable development
- CSB1 - Conservation and improvement of biodiversity
- CSEN1 - Landscape protection
- CSEN3 - Historic environment
- CSEM1 - Supporting a successful economy
- CSR1 - Housing in villages
- CSR2 - Employment in rural areas
- CSS1 - The Overall Strategy

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

- C8 - Adverse affect on protected species
- CON7 - Proposals in a conservation area
- D1 - Principles of good design
- D2 - Safe and secure parking for vehicles and cycles
- D3 - Outdoor amenity area
- D4 - Reasonable level of privacy for occupiers
- D10 - Waste Management
- E8 - Re-use or adaptation of rural buildings outside built up areas
- EP2 - Noise and vibrations
- EP6 - Sustainable drainage
- EP8 - Contaminated land
- G2 - Protect district from adverse development
- G4 - Protection of Countryside
- H4 - Housing sites in towns and larger villages outside Green Belt
- R9 - Recreational development associated with the River Thames
- T1 - Safe, convenient and adequate highway network for all users
- TSM1 - Tourist industry
- TSM2 - New and improved tourist attraction in the area
- TSM3 - Conversion of existing buildings to tourist facilities, pubs and restaurants
- TSM5 - Self catering accommodation

**5.4 South Oxfordshire Design Guide 2008**

**6.0 PLANNING CONSIDERATIONS**

**6.1** The main planning considerations in the determination of this application are:

- The principle of holiday accommodation
- The impact on the character and appearance of the site and its surroundings
- The impact on the amenity of neighbouring occupiers
- Highway considerations
- Other material considerations

**Principle of converting into holiday let**

- 6.2** A number of the council's planning policies are supportive of proposals that would enhance the economy and improve tourist facilities in the district, including policy CSR2 of the SOCS. The conversion of existing buildings for use as serviced accommodation is permitted under policies TSM3 and TSM5 of the SOLP, subject to compliance with the criteria of policy E8 of the SOLP and the assessment of highway and neighbour impacts. Policy E8 permits the conversion of rural buildings subject to a number of

considerations. The application seeks to vary the use of the building only and does not refer to making any alterations to the external appearance of the building. Officers are satisfied that the building is of permanent and substantial construction and is capable of conversion without significant alterations. As such Officers are satisfied that the proposal complies with criterion (i) of Policy E8.

- 6.3 The appearance of the building will remain unchanged and despite its variation of use the proposal would remain in keeping with the rural character of the site and surrounding area. Criteria (ii) and (iii) are therefore satisfied. The building is not in the Green Belt or for office use and so criteria (iv) and (vi) would not apply. The proposal is specifically for holiday accommodation and not general residential use and I am therefore satisfied that there would be no conflict with criterion (viii). The last remaining criterion deals with standard amenity considerations and these are discussed in other sections of the report. On the basis of the above assessment, I consider that the principle of the development is therefore acceptable.

#### **Economic benefit**

- 6.4 Paragraph 28 of the NPPF seeks to support economic growth in rural areas in order to promote a strong rural economy. This approach is supported within the SOCS through policies CSEM1 and CSR2, which are permissive policies seeking to support the prosperity and improvement of the economy of rural areas through diversification, re-using rural buildings and schemes which support the tourism of rural areas. Officers consider the conversion of the existing building, with existing access is an appropriate form of development which would have a positive impact on the rural economy.

#### **Impact on the character and appearance of the area**

- 6.5 Policy TSM3 of the SOLP relates to the conversion of existing rural buildings for use as serviced accommodation subject to the proposal being in keeping with the character, appearance and setting of the building. The site falls within the Chilterns AONB and the Whitchurch Conservation Area. Policies CSEN1 and CSEN3 of the SOCS respectively relate to conserving and enhancing the District's landscape qualities and the historic significance and importance of its Conservation Areas.
- 6.6 The site is rural in character and the building has the appearance of a rural, riverside summerhouse. The building was erected in 1959 and has not been significantly altered or extended since but has been refurbished following the most recent 1992 planning permission. The refurbishment included the provision of a kitchen, living area, first floor bedroom space and utilities which were supported by a septic tank. The implications of the physical appearance of the existing summerhouse are not discussed under this application as the application does not seek approval for any physical works to the building or the site. As such Officers are satisfied that this development would have no detrimental visual impact on the Chilterns AONB or the Whitchurch Conservation Area.
- 6.7 The wider area contains limited outbuildings. The current use of the building allows for unlimited recreational and leisure use, which evidently encompasses a very wide array of uses with the exception of residential accommodation. However, the wider area of this part of Whitchurch-on-Thames is residential in character with a number of properties which vary in character and appearance within predominately large sprawling gardens.
- 6.8 The site contributes to the wider characteristics of Whitchurch-on-Thames, including the Chilterns AONB, the riverside character of the River Thames and the Whitchurch Conservation Area. The proposed development would retain the spacious and verdant

character of the area and Officers do not consider that the proposed change of use would significantly alter the character of the building, with the main change being to allow overnight stays in addition to how the building can currently be enjoyed. The proposed development is not considered to cause any greater impact on either the landscape qualities of the Chilterns AONB or the character and appearance of the Whitchurch Conservation Area compared to the current use of the building.

### **Impact on the amenity of neighbouring occupiers**

- 6.9 Policy D4 of the SOLP seeks to ensure that proposals for new dwellings should be designed and laid out so as to secure a reasonable degree of privacy for occupiers and should not cause any unacceptable harm to the amenities of neighbouring properties through loss of privacy, daylight or sunlight. Policy H4, Criterion (v) reiterates the need to safeguard neighbouring amenity by protecting the privacy of neighbours in close proximity to backland development. Officers consider that the use of the building as holiday accommodation would not pose any significant harm on the privacy of those neighbours living nearby, given the distance between the summerhouse and those closest neighbouring properties. Further to this Officers are satisfied that given the distance to the closest neighbours, the use of the summerhouse for holiday accommodation would not cause any adverse light or noise harm.
- 6.10 The proposed access to the site would cross through existing residential plots and without a valid fallback position this may well constitute significant additional harm through noise disturbance to the amenity of the occupiers of these plots. However, the fallback position is such that the access could be used intensively in connection with existing lawful recreational and leisure uses of the site. In light of this Officers do not consider that the use of the access in connection with the proposed use could be said to be detrimental to the occupiers of the adjacent properties compared to the existing situation if realised to its potential.

### **Highway considerations**

- 6.11 This application seeks to gain access from the High Street and along a pre-defined access across the front garden and side of Thames Bank, Thames Bank South and Meadow Court. The owner of the application site holds a legal right to pass over this land in order to access the building. Officers consider that visitors to the site in connection with its current use would have a legitimate right to use this access and this would continue with the proposed use. The current authorised use of the site could potentially involve a high number of vehicle movements and having regard to this fallback position Officers do not consider that there are grounds to resist the proposal based on the frequency of vehicle movements to and from the site.

### **Foul drainage**

- 6.12 A building control application, reference B92.1219 was submitted and approved for a septic tank north of the summerhouse as part of the refurbishment of the building. This septic tank is to be retained to serve the building under its proposed use. Having regard to the existing use and existing septic tank, Officers do not consider the proposed variation of condition would result in any increased usage or additional waste flows which could result in harm compared to the existing situation. As such the proposed development satisfies policies EP1, EP4, EP7.

### **Trees and Protected species**

6.13 A number of representations have raised concerns with regard to badger setts on site and the potential harm on trees on site. As the proposed development does not refer to any physical works on site Officers are unable to assess the impact on badgers and trees. The trees are protected by virtue of falling within the Conservation Area and as such any works to these trees will require consent from the Council. Any badgers on site would be protected under the Protection of Badgers Act 1991. Any potential harm to these setts could result in prosecution. A licence would be required should any future development cause any disturbance to any badger sett.

### **7.0 CONCLUSION**

7.1 Planning permission is granted as the proposal complies with the relevant Development Plan Policies and, subject to the attached conditions, would not be harmful to the character and appearance of the site and surrounding area, or neighbouring amenity in comparison to the lawful use of the land.

### **8.0 RECOMMENDATION**

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

- 1. That the buildings shall only be used for self-catering holiday accommodation or recreational and leisure purposes only.**

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