
APPLICATION NO.	P16/S0186/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	10.2.2016
PARISH	GORING HEATH
WARD MEMBER(S)	Robert Simister
APPLICANT	Mimo Trust
SITE	Enigma Estate Cold Harbour Lane Goring Heath, RG8 7SZ
PROPOSAL	Change of use from stable to office/workshop and applying for a retrospective application of a flue (Wood burner)
AMENDMENTS	None
GRID REFERENCE	462728/180084
OFFICER	Luke Veillet

1.0 **INTRODUCTION**

- 1.1 This application is referred to the Planning Committee as the Officer's recommendation conflicts with the views of the Parish Council.
- 1.2 The site is an agricultural barn that forms part of Enigma Estate. Enigma Estate once formed a collection of farm outbuildings, belonging to the adjacent Stapnells Farm. Stapnells Farm now forms a separate residence with Enigma Estate forming two separate dwellings. The application site (which is shown on the OS extract **attached** as Appendix A) is situated to the north of one of the dwellings in Enigma Estate. The application property is a large barn, divided across two floors and divided into different rooms. Planning permission for construction of the barn and use of the building as stables for personal equestrian use was granted under planning permission P99/S0268.
- 1.3 The site lies within the Chilterns Area of Outstanding Natural Beauty.

2.0 **PROPOSAL**

- 2.1 The application seeks planning permission to change the use of the building from an equestrian stable for personal use, to a mixed use of personal equestrian and office and workshop business use for manufacturing handmade cow hide accessory products. These items include handbags, laptop and mobile phone cases. The application also seeks retrospective planning permission for a flue, linked to a small domestic scale wood burner inside the building.
- 2.2 A copy of the 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.
- 2.3 In respect of the proposed business use, the applicant has explained their company "Enigma Products" is a small business, specialising in the production of handmade cow hide products. The applicant is at university and is seeking to expand the business, working on designing and producing the products outside of term time and at weekends. The products are currently manufactured by one person off site, however,

the applicant proposes to take over this process and manufacture the products herself, using sewing machines at the site. The intention is to use one room used as a workshop, another as an office/design space, another as a store room (existing), a kitchenette (existing) and a toilet/washroom on the both floors (existing). It is also proposed that the ground floor room to the south of the building, will remain as a tack room in connection with the applicant's personal equestrian use. Materials are not currently delivered, but are sourced and bought by the applicant off site. Delivery of materials is not required.

3.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

3.1 Goring Heath Parish Council – Object

The Parish Council have objected to the application on the basis the owners of the site, who were involved in a planning enforcement case for the unauthorised residential use of the building intentionally deceived the Council. They have also noted the proposed use goes against national and local planning polices, in respect of development in the countryside

3.2 Neighbours Objections (2)

One neighbour, whilst having no objecting in principle of the proposed use, has raised concerns about the level of impact the development would have on other issues on the estate including vehicular traffic and water provision. Further concerns were also raised over the erection of other stables in the adjacent field which are not used for their lawful use. The second neighbour raises similar objections with the additional objection that the proposed change of use is 'tantamount to a separate residential unit'.

3.3 Countryside Officer(South Oxfordshire & Vale of White Horse)

No Comments

4.0 RELEVANT PLANNING HISTORY

4.1 The estate has a complex planning history. The application site received planning permission in 1999 (P99/S0268) for the change of use of land, for exercising horses, a ménage and construction of the stable block for personal equestrian use only.

4.2 The application site was subject of an enforcement notice in 2010, as the stable was converted into a residential dwelling without planning permission. The notice was appealed and the appeal was dismissed. The notice required the residential use of the building to cease, however, there was no requirement to remove any internal domestic fittings or fixtures. As a result, whilst the residential use of the building ceased, the breach of condition in terms of the alterations of the building (such as additional doors) remained. This technical breach has now obtained immunity from enforcement action, through the passage of time.

4.3 The culmination of this history has left a large building that appears to be largely unused, aside from one room which is currently being used as a tack room (part of the lawful approved use). The remainder is largely vacant, with the residential fittings left in situ.

4.4 Planning Applications

[P13/S0714/DIS](#) - Approved (09/07/2013)

Erection of a single-storey side extension and internal alterations

Discharge of condition 5 on P12/S3019/LB

[P12/S3019/LB](#) - Approved (28/02/2013)

Erection of a single-storey side extension and internal alterations (As amended by revised plans and accompanying email from applicant dated 31st January and 12 February 2013).

[P12/S3018/HH](#) - Approved (28/02/2013)

Erection of a single-storey side extension and internal alterations (As amended by revised plans and accompanying email from applicant dated 31st January and 12 February 2013).

[P10/E0026/DA](#) - Refused on appeal (30/07/2010)

Change of use of the building shown edged in blue on the attached plan from use as a stable building to use as a dwelling house.

[P09/E0546/LD](#) - Refused (16/12/2009)

Use of 'The Stables' as a single dwelling house (as clarified by additional information received 9 June 2009, further information received 28th July 2009 and supplementary information received 17 August 2009 and 14 September 2009).

[P05/E0604](#) - Refused (22/07/2005)

Change of use of part of stable block to living accommodation.

[P04/E0785](#) - Approved (02/02/2005)

Erection of a conservatory and open three bay garage. Installation of a septic tank and drainage and replacement of oil tank with new round plastic tank (as amplified and amended by drawings accompanying letter's from Applicant dated 4 September 2004 and 5 October 2004 and amended by certificates of ownership dated 8 November 2004 and 12 December 2004).

[P99/S0746](#) - Approved (02/12/1999)

Sub-division of existing dwelling house into two residential dwelling units. Extension to residential curtilage to create parking area.

[P99/S0298](#) – Approved (16/06/1999)

Use of land for exercising horses. Construction of a stable and ménage. (as amplified by applicants letter dated 11 May 1999 and drawing received 10 May 1999).

[P92/S0115](#) - Approved (17/02/1993)

Removal of the agricultural occupation condition, Condition 4 of planning permission ref: SO/S/91/80.

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) policies;

CS1 – Presumption in favour of sustainable development

CSEN1 - Landscape protection

CSQ3 - Design

CSR2 - Employment in rural areas

5.2 South Oxfordshire Local Plan (SOLP) 2011 policies;

- D1 - Principles of good design
- E5 - Business, industrial, warehousing and storage proposals
- E8 - Re-use or adaptation of rural buildings outside built up areas
- G2 - Protect district from adverse development
- G3 - Access to the development
- G4 - Protection of Countryside
- T1 - Safe, convenient and adequate highway network for all users
- T2 - Unloading, turning and parking for all highway users
- EP1 - Adverse affect on people and environment
- EP2 - Adverse affect by noise or vibration

5.3 National Planning Policy Framework

5.4 National Planning Policy Framework Planning Practice Guidance

5.5 South Oxfordshire Design Guide 2008

6.0 PLANNING CONSIDERATIONS

6.1 The main planning considerations in relation to this application are:

- The acceptability of the change of use of an equestrian building to commercial use
- The development's impact on character and appearance of the site, surrounding area and landscape within the AONB
- The development's impact upon the amenity of neighbouring occupiers
- Highways and parking considerations
- Any other material considerations

6.2 The acceptability of the change of use of an equestrian building to commercial use

The council's local plan policy CSR2 supports employment in rural areas. It notes planning permission will be granted for schemes for agricultural diversification and re-use of rural buildings. Policy E8 of the local plan explains that proposals for the re-use of rural buildings will generally be permitted provided the following relevant criterion is met:

- (i) they are of permanent and substantial construction and are capable of conversion without major or complete reconstruction;
- (ii) their form, bulk and general design are in keeping with their surroundings;
- (iii) the fabric and essential character of the buildings are maintained;
- (iv) there are no overriding amenity, environmental or highway objections;
- (v) in the case of proposals for B1 or B2 uses the floor space in the building or in the complex of buildings does not exceed 500 square metres.

In this case, the building, (although not built to the approved plans of the original planning permission) has been substantially complete for in excess of 10 years. The unauthorised works that were completed at the time mean no reconstruction or construction will be required to change the use of the building. The external

appearance will remain, which for the most part has the appearance of a traditional rural barn building, in keeping with the surroundings. The internal layout can incorporate the proposed use with minimal works. The building as whole has an approximate floor space of 230 square metres, with the majority (excepting the area set aside for the single tack room) being proposed to be used for the B1 business use. As such the floor space is well under the policy's 500 metre square limit. Potential amenity, environmental and highways considerations are addressed below. However, I am of the opinion the principle of the change of use of the building is acceptable and complies with the terms set out in the above policies.

6.3 The development's impact on character and appearance of the site, surrounding area and landscape within the AONB

In terms of the development's impact on character and appearance of the site, surrounding area and landscape within the AONB, the council's Core Strategy policy CSEN1 seeks to protect the district's distinct landscape from inappropriate development. It places high priority on the conservation and enhancement of the AONB. Local plan policies G2 and G4 support this and state the countryside will be protected for its own sake and protected from adverse development. Core Strategy policy CSQ3 (supported by Local Plan good design policy D1) states that all development shall be of a high quality and inclusive design, respond positively, respecting the character of the site and its surroundings.

6.4 In terms of the change of use of the building, the proposed mixed personal equestrian and business use is unlikely to have any adverse impact upon the AONB or countryside. The building exists already and has the appearance of a traditional barn. The change of use is contained within the building and a condition can be applied to control related business activities such as storage and any spilling out into the open surroundings. In terms of the wood burner flue, I also consider this to be acceptable. It is small in scale and of a design that is in keeping with the building. It is not for industrial purposes but has been installed to provide heat to the building. Furthermore, the countryside officer who was consulted, raised no objections in respect of any potential impact on the countryside or protected species. Neither the proposed or retrospective development causes harm to the landscape or special qualities of this part of the AONB, as such it accords with the above policies.

6.5 The impact on the amenity of neighbouring occupiers

Local Plan policy E5 states that proposals relating to business, industry, warehousing and storage will not be permitted where the scale and type of the development is inappropriate to its surroundings. They will also not be permitted where they are not in keeping with the surrounding area in terms of their design and because they cause problems such as noise, smell, dust, loss of privacy or they cause other environmental problems noted in Local Plan policies EP1 to EP9. Policy EP1 states that proposals will not be permitted where they have an impact in terms of smell and fumes on people and other living organisms. It further clarifies that the primary legislation for control over polluting emissions from development is the Environmental Protection Act 1990.

6.6 In this case, the proposed change of use for the business is of a very small scale. It proposes one room being used for a workshop and one room for an office where products will be manufactured by using sewing machines. There are no other employees at this time and the products will be designed and produced by the applicant. The business is of a scale that in normal residential circumstances is likely to be considered as an incidental use to the enjoyment of a dwelling, not requiring planning permission. The business is unlikely to have any detrimental impact on the

surrounding dwellings. The building is set to the rear of the nearest residential property and is likely to contain any noise from the sewing process so it is unlikely to have an effect on neighbouring amenity. Furthermore a condition can be attached to limit potential inappropriate uses of the building that may conflict with this policy. With regards to the flue, it is connected to a wood burner, akin to any small traditional fire place. It is for domestic heating and again is unlikely to have any impact on neighbouring amenity in terms of the smoke it produces. As such, I consider the proposed and retrospective development does not have an adverse impact on neighbouring amenity and accords with the above mentioned policies.

6.7 Highways and parking considerations

Policy T1 and T2 of the Local Plan state that all new development, where appropriate, will provide safe and convenient access to the highway and sufficient areas for loading, unloading, turning and parking. In this case, the building is accessed by a separate gate off the lane before Enigma Estate. Inside the gate there is sufficient space for the parking of a number of vehicles, which can turn and manoeuvre as necessary. Whilst it is acknowledged the road servicing the site and dwellings is of a poor quality when the level of proposed activity and the lack of deliveries are taken into account, I consider that there are not any overriding concern. As such, I am of the opinion the current access and parking areas are sufficient and accord with the above policies.

Other material considerations

- 6.8 The Parish Council's and neighbours' objections have been noted. These objections predominantly concern the site's owner and her behaviour in connection with a previous enforcement appeal. Other matters raised concern alleged unauthorised development on the site. These issues are not material planning considerations. Whilst I acknowledge the general concern about the impact on the local infrastructure and site's sustainability, I am of the opinion that conditions can be applied to address these issues. Other uses would require planning permission so any new business activity would be assessed on its merits and its suitability at the location. The proposed use is a mixed "sui-generis" use in planning terms, so to change to any other use, would require further planning permission. Furthermore, the proposed use of the floor space can be limited by condition. This will ensure the site is not developed to an unacceptable level that could have a detrimental impact upon neighbour's amenities or local infrastructure.

7.0 **CONCLUSION**

- 7.1 The change of use of the barn from an equestrian use to a mixed use of personal equestrian and workshop and office in connection with a manufacturing handmade cowhide accessories does not have adverse upon amenity, environmental or highways considerations and is an acceptable re-use for a rural building. The development, including the flue for the wood burner, respects the character of the site and its surroundings, and is of a high quality which ensures the conservation of this part of the Area of Outstanding Natural Beauty. The development is of a small scale and involves making handmade products. This in turn contributes to the economy of the rural area. It also puts a currently largely unused existing building into active use. As such I conclude the development accords with South Oxfordshire Core Strategy 2027 Policies CS1, CSQ3, CSEN1 and CSR2; South Oxfordshire Local Plan 2011 Policies D1, E5, E8, G2, G3, G4, T1, T2, EP1 and EP2.

8.0 RECOMMENDATION

That planning permission is granted subject to the following conditions

1 : Commencement 3 yrs - Full Planning Permission

2 : Approved plans

3: Limited specified use - only for personal equestrian use and manufacturing of handmade items.

4 : No external storage

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