

APPLICATION NO.	P16/S2040/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	13.6.2016
PARISH	MARSH BALDON
WARD MEMBER(S)	Sue Lawson
APPLICANT	R Wells
SITE	Durham Leys Farm, The Green, Marsh Baldon, OX44 9LP
PROPOSAL	Demolition of buildings. Erection of new dwelling with outbuilding and associated works and landscaping.
AMENDMENTS	None
GRID REFERENCE	456460/199304
OFFICER	Kim Gould

1.0 **INTRODUCTION**

- 1.1 This application is before Planning Committee as the officer's recommendation conflicts with the views of Marsh Baldon Parish Council.
- 1.2 The site lies towards the south-eastern corner of The Green in Marsh Baldon. It is currently in equestrian use and comprises 2 large utilitarian style agricultural buildings. Outside the red site area but within the applicant's ownership are a stable block and a ménage. Access is from an unmade track which serves some 23 properties directly off the village green. An OS extract is **attached** as Appendix 1
- 1.3 The site lies outside the conservation area but can be seen from within it and is considered to be part of its setting.
- 1.4 This application follows a pre-application advice request under ref [P16/S0722/PEM](#)

2.0 **PROPOSAL**

- 2.1 The application seeks full planning permission for the erection of a single, detached 4 bed dwelling on the site of existing buildings at Durham Leys Farm, Marsh Baldon.
- 2.2 An extract of the submitted plans is **attached** as Appendix 2. The full set of plans and accompanying information can be viewed on the council's website at www.southoxon.gov.uk

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 Marsh Baldon Parish Council – Objection. A full copy of their consultation response is **attached** as Appendix 3. Their concerns can be summarised as follows:
- Any decision on the application would be premature given the current preparation of the Neighbourhood Plan (NP).
 - The principle of a dwelling may be acceptable on this site
 - Emphasis of the NP is high quality development for smaller dwellings
 - Part of the site would lie outside the proposed village curtilage
 - The Parish Council may seek to alter the conservation area and the site may fall within that.
 - The proposal does not meet the definition of infill development
 - Housing Needs Survey does not identify a need for larger houses
 - Lack of detail of future use of surrounding land – ménage, stables etc.

OCC (Archaeology) - There are no archaeological constraints to this scheme. No objection

Conservation Officer - No objection subject to conditions relating to materials and boundary treatment.

Countryside Officer - I am satisfied that there are unlikely to be any significant ecological impacts if planning permission is granted. No objection

Forestry Officer - No objection subject to conditions relating to tree protection and landscaping.

Neighbour No Strong Views (1)

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P16/S0722/PEM](#) – Response (17/03/2016)

Demolition of existing buildings. Erection of new dwelling. Part 2 continuation of previous advice P15/S1825/PEM.

[P15/S1825/PEM](#) – Response (21/07/2015)

Demolition of existing buildings. Erection of new dwelling.

[P05/W0743](#) - Other Outcome (07/09/2005)

Extension of existing Equestrian building to provide replacement stables.

[P04/W0710](#) - Approved (10/08/2004)

Construction of a manege.

[P02/W0719/RET](#) - Approved (04/12/2002)

Change of use of agricultural building to commercial livery and equestrian school.

[P00/W0071/RET](#) - Approved (15/05/2000)

Change of use from agricultural land to mixed purposes for agricultural and commercial equestrian uses comprising the riding of horses and tuition.(Retrospective). (As amended by agent's letter dated 30 March 2000 and accompanying amended site area plan. As further amended by letter dated 9 May 2000 and accompanying letter).

[P99/W0573/RET](#) - Approved (03/12/1999)

The extension of existing pond and soil bund and the change of use of agricultural land and buildings to commercial livery, commercial fishing and commercial game shooting. (As amended by ownership certificate accompanying letter dated 16/8/99).

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSEN2 - Green Belt protection

CSEN3 - Historic environment

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

5.2 South Oxfordshire Local Plan 2011 policies;

- C8 - Adverse affect on protected species
- C9 - Loss of landscape features
- CON6 - Demolition in conservation area
- CON7 - Proposals in a conservation area
- D1 - Principles of good design
- G2 - Protect district from adverse development
- GB4 - Openness of Green Belt maintained
- H4 - Housing sites in towns and larger villages outside Green Belt
- 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

National Planning Policy Framework Planning Practice Guidance

5.4 Neighbourhood Plan

Paragraph 216 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.

Marsh Baldon are working towards the adoption of a neighbourhood plan and are at stage 1 in the process - (Area designation). The neighbourhood plan has limited weight at this stage.

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered in the determination of this application are:

- i. Whether the principle of a dwelling on this site is acceptable
- ii. Impact on the visual amenity and openness of the Oxford green belt
- iii. Policy H4 criteria
- iv. Impact on the historic environment
- v. Species protection
- vi. Weight to be afforded to the Neighbourhood Plan
- vii. CIL
- viii. Other issues.

6.2 **Principle**

The site lies within the Oxford green belt where there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the openness of the green belt. The NPPF sets out those developments which are not inappropriate. Included is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land) which would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development. In this particular case, as the building is not in agricultural use and used as a livery business the site is a brownfield site. Policy CSR1 of the SOCS allows for the redevelopment of sites within the built up limits of smaller villages such as March Baldon. In your officers' opinion, this site lies on the edge of but within the built up limits of Marsh Baldon. As such, the principle of redeveloping the site by the erection a new dwelling on this site is acceptable.

6.3 **Impact on the visual amenity and openness of the Oxford green belt**

The proposal would involve taking down a large, utilitarian agricultural building and two smaller buildings of no architectural merit and replacing them with a well-designed single detached dwelling which would result in a reduction of volume on the site of approximately 50%, thus increasing the openness of the green belt significantly. There are residential properties in the immediate vicinity of the proposed development and as such it would be in keeping with the surrounding development.

6.4 **Policy H4 Criteria**

Policy H4 of the SOLP allows for residential development within the town and villages of the District provided the following 5 criteria are met:

- i. **An important open space of public, environmental or ecological value is not lost nor an important public view spoiled.** This site is currently in equestrian use. The development would remove 3 buildings on the site. It is not of environmental or ecological value.
- ii. **The design, height, scale and materials of the proposed development are in keeping with its surroundings.** The buildings to be removed are of no architectural merit and one is out of proportion with the existing surrounding development. The removal of these buildings and their replacement with a single dwelling would provide development more in keeping with the height, design and scale of the development in the locality.
- iii. **The character of the area is not adversely affected.** Your officers are of the opinion that the character of the area would be enhanced by the removal of the existing buildings which would open up the site and allow views into the countryside beyond the site.
- iv. **There are no overriding amenity, environmental or highway objections. Highway/parking issues.** The site would be accessed from the unmade track which serves some 23 other properties on The Green. No objections have been raised by the Highway Authority. There would be off street parking and turning provision within the site and the private garden would exceed the council's standards for a house of this size. The Parish Council have suggested that the applicant contributes to the upkeep and repair of the track. Your officers do not consider that this is a reasonable request given that the track is used by many other properties and such a request would have to be secured by way of a legal agreement. It is not considered that such an obligation would meet the required tests which are that such an obligation should be necessary in planning terms, directly related to the development and fairly and reasonably related in scale to the development.
Neighbour impact. The two dwellings which are closest to the site and therefore are most affected by the proposal are Durham Leys Farm to the west and Durham Leys Barn to the north. Both of these properties are orientated to face The Green. The proposed dwelling is orientated so the property faces south looking towards open countryside. The only windows in the north (rear) elevation at first floor are 2 rooflights which would result not result in direct overlooking. The proposed development would not be unneighbourly by way of overlooking or from being oppressive or overbearing on the occupiers of neighbouring dwellings.
- v. **If the proposal constitutes backland development it would not create problems of privacy and access and would not extend the built limits of the settlement.** The proposal does constitute backland development as it sits behind frontage development facing The Green. The proposal is considered acceptable because there are no issues relating to privacy or access and would not extend the built limits of the settlement.

6.5 Impact on the historic environment

The site lies outside but adjacent to the Marsh Baldon conservation area and is part of the rural fringe setting of the village. The redevelopment of this site offers an opportunity to increase the views out towards the open rural setting of Marsh Baldon. However the presence of these agricultural buildings does currently visually allude to the established rural character of the area. The council's conservation officer has raised no objection to the proposal and has advised that "the design approach is acceptable and the overall appearance of the replacement buildings will be more traditional in appearance than the existing buildings to the benefit of the conservation area's setting." The scale, design and appearance of the proposed development is appropriate in your officers' opinion and will enhance the appearance of the views from within the conservation area. The quality of the materials will be of particular importance for this development in particular the roof tiles which will be most visible from the conservation area. As such a condition is recommended which requires details of the proposed materials to be submitted and approved prior to the commencement of development.

6.6 Species Protection

A bat survey was submitted with the planning application. The council's countryside officer has confirmed that there are unlikely to be any significant ecological impacts if planning permission is granted.

6.7 Weight to be afforded to the Neighbourhood plan

The Parish Council have objected to this proposal on grounds which include that it is premature to determine this application as the Neighbourhood Plan has yet to be completed and adopted. The Government advises within the Planning Policy Guidance (PPG) that where a proposal accords with an up-to-date development plan it should be approved without delay as required by the presumption in favour of sustainable development. The PPG also advises that the Development Plan comprises Local Plans and Neighbourhood plans where these have been supported by the local community at referendum and subsequently made by the local planning authority. The Marsh Baldon Neighbourhood is not advanced and has not yet been to referendum and therefore cannot be considered as part of the Development plan. Central Government advice is very clear when it comes to advising on the weight local authorities should afford when considering proposals where a Neighbourhood Plan is in preparation. In the Planning Policy Guidance it clearly states that:

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

Within the Parish Council's objections they have also suggested that the conservation area boundary may be changed to include the site. The application must be determined within the context of the current Development Plan policies and status of the site. The proposed development lies outside the conservation area. It would be contrary to the advice within the NPPF, which is to approve applications which accord with up to date development plans without delay, to refuse this application on prematurity grounds in your officers' opinion.

6.8 Community Infrastructure Levy

The proposal is CIL liable but as the buildings to be demolished are in use and the development will result in a reduction in floor space on the site, no CIL payment will be required.

6.9 **Other issues**

The Parish Council have objected to the proposal on the grounds that the proposed 4 bed dwelling does not meet the demand for smaller housing in Marsh Baldon. Whilst there may be a demand for smaller housing within the village, the local planning authority has an obligation to determine the application as submitted. There is no planning reason to refuse this application on the grounds of its size. The Parish Council are in the process of preparing a Neighbourhood Plan. Sites for housing will be considered within this together with the preferred size of dwellings. Once this process has been completed, the Neighbourhood Plan will be a material planning consideration in the determination of planning applications.

7.0 **CONCLUSION**

7.1 I recommend that planning permission is granted because the principle of residential development is acceptable on this site. The amount of built form on the site would be significantly reduced which would increase the openness and enhance the visual amenity of the Oxford green belt. The proposal would not be unneighbourly and would be in keeping with the surrounding development. The proposal accords with Development plan policies.

8.0 **RECOMMENDATION**

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

- 1 : Commencement three years - full planning permission.**
- 2 : Approved plans.**
- 3 : Sample materials required (walls and roof).**
- 4 : Withdrawal of permitted development (Part 1 Class A) - no extensions etc.**
- 5 : Withdrawal of permitted development (Part 1 Class E) - no buildings etc.**
- 6 : Landscaping scheme (trees and shrubs only).**
- 7 : Tree protection (detailed).**
- 8 : Details of boundary treatment to be submitted.**

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