

APPLICATION NO.	P16/S1613/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	8.6.2016
PARISH	EAST HAGBOURNE
WARD MEMBER(S)	Pat Dawe Jane Murphy
APPLICANT	Mr & Mrs Chris Drewe
SITE	Lower Cross Road, Blewbury Road, East Hagbourne, OX11 9LF
PROPOSAL	Proposed alterations and extension to garage and accommodation to form a two bedroom self catering holiday home.
AMENDMENTS	Plan ref 896.1 C showing widened access drive and car parking spaces. Plan 896 1 D reducing the red site area, confirming the increase in width of the access drive and providing amenity space for the accommodation.
GRID REFERENCE	453156/188379
OFFICER	Kim Gould

1.0 **INTRODUCTION**

- 1.1 The site lies within the built up limits of East Hagbourne within the East Hagbourne conservation area. Lower Cross Farm is located towards the eastern edge of the East Hagbourne with access from Blewbury Road. Lower Cross Farm was built in the 1980's. An OS extract showing the location of the site is **attached** as Appendix 1.
- 1.2 In recent years 2 no dwellings have been approved on appeal on this site.
- 1.3 The building which is the subject of this application was approved in 2010 as a garage and store at ground floor with an office at first floor under application ref P10/W0754.

2.0 **PROPOSAL**

- 2.1 This planning application seeks full planning permission to convert the existing building to a holiday home and to extend the building by adding a two storey extension to the eastern elevation. The development would create a 2 bed unit.
- 2.2 The submitted plans showing the existing elevation and floorplans are annotated to show that the building is currently being used as a bed sit at first floor with garaging and a store at first floor. A copy of the applicant's location plan and elevation plan are **attached** as Appendix 2. Full details of the planning application can be viewed on the council's website at www.southoxon.gov.uk

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 3.1 East Hagbourne Parish Council – Object
- Extant use is for garage and office but currently used as a bed sit
 - Effectively an application for a new dwelling
 - Looks across towards Fieldside where residents are very sensitive to developments on this site.
 - Quality of plans is poor
 - Residents in Fieldside should have been consulted
 - Size is substandard and therefore not acceptable as a dwelling

- How can it be prevented from being sold as a dwelling?

OCC (Archaeology) - No objection

Conservation Officer - No objection

(OCC) Highways– Holding Objection to original scheme – The access is required to be widened to 4.5m wide for a distance of 10m so as to allow two vehicles to pass each other. Parking spaces need to be to standard size. Excessive distances for residents to carry waste for collection.

Amended Plan received 896.1D – No objection now that access width has been increased to 4.5m for a length of 10m. Subject to conditions to secure parking and access.

Neighbour Approve (1) Subject to a condition which requires the window in the north elevation to be obscure glazed to protect privacy of Chestnut Barn. Will enhance the area next to Chestnut Barn.

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/S1994/MPO](#) - Agreed (21/08/2014)

To remove any restriction on the part of the land that has already been granted planning permission (203/83/LB) in July 1984. This covenant was agreed on the provision that the attached planning consent was agreed.

P13/S2218/FUL – Refused (06/09/03)

Erection of single dwelling with parking and access

Allowed on appeal (21/08/14)

[P10/W0754](#) - Approved (20/07/2010)

Erection of oak framed garage with office above.

P08/W0023 – Refused (19/03/08)

Demolish steel framed barns, stable and store and build a single dwelling.

Allowed on appeal (03/12/08)

5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy policies

CS1 - Presumption in favour of sustainable development

CSEN3 - Historic environment

CSQ3 - Design

CSR1 - Housing in villages

CSS1 - The Overall Strategy

CSEM1- Supporting a successful economy

5.2 South Oxfordshire Local Plan 2011 policies;

CON5 - Setting of listed building

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 of dwellings
- G2 - Protect district from adverse development
- 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
- TSM5 – Self catering holiday accommodation

South Oxfordshire Design Guide 2008

East Hagbourne conservation area study 2000

5.3 National Planning Policy Framework

National Planning Policy Framework Planning Practice Guidance

East Hagbourne Neighbourhood Plan (in preparation)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered in the assessment of this planning application are;

- Is the principle of residential development acceptable in this location
- Consideration of holiday let and permanent dwelling
- Policy H4 criteria
- CIL
- East Hagbourne Neighbourhood Plan
- Garden size
- Other issues

6.2 **Principle**

In 2008, the council took the view that the site lay outside the built up limits of East Hagbourne in determining an application to remove a steel framed barn, stable and store and erect a single dwelling. (P08/W0023). The appeal inspector did not agree with this view concluding that the appeal site lay within the built up area of the village and was an open space within it. A subsequent application to erect a single dwelling on the ménage adjacent to the site was also allowed on appeal in 2013 ref P13/S2218/FUL. As such, the site is considered to lie within the built up limits of East Hagbourne where the principle of residential development is acceptable under policy CSR1 of the South Oxfordshire Core Strategy.

6.3 **Holiday let and permanent dwelling**

The application seeks full planning permission to convert the existing building to a holiday let. Under planning law, there is no difference between the use of a dwelling as a permanent home or a holiday home unless conditions restricting the use of the property are imposed on the planning permission. Saved policy TSM5 of SOLP echoes this point stating that self-catering holiday accommodation will be considered under the normal housing policies. Conditions to restrict the use of buildings to holiday accommodation only are only required where it can be demonstrated that permanent residential uses would cause harm in planning terms. This is not the case with this current proposal as the principle of residential development is acceptable on this site and therefore any conditions to restrict its use to a holiday let would not be essential or necessary and therefore would fail the tests for conditions as set out in Circular 11/95. Notwithstanding your officer's opinion that this proposal should be considered as a permanent dwelling, any conditions to restrict its use as a holiday let would be difficult to enforce and would not meet the tests to impose a condition. One of the reasons the

Parish Council have objected surrounds the uncertainty of enforcing a holiday let on this site. It is therefore necessary to consider this proposal against the criteria set down in policy H4 of the SOLP.

Policy TSM5 of the SOLP advises that proposals for self-catering holiday homes will be considered in relation to the housing policies. In this case, as the site lies within the built up limits of East Hagbourne. As such, the proposal should be assessed within the context of policy H4.

6.4 Policy H4 criteria

Policy H4 of the SOLP allows for residential development within the villages and towns of the District providing it accords with the following criteria:

- i. **An important open space of public, environmental or ecological value is not lost nor an important public view spoilt** – The proposal involves the conversion and modest extension of an existing building on a site where recent residential development has been allowed. As such it is not considered to be an important open space.
- ii. **The design, height, scale and materials of the proposed development are in keeping with its surroundings.** The building which is the subject of this proposal exists and the extension will be constructed using materials which match those on the existing building. Although the size of the building will increase it will remain a modest building in comparison to the surrounding properties and will not appear out of keeping in the locality.
- iii. **The character of the area is not adversely affected.** The site lies within the built up area of East Hagbourne although development on this site is of a much lower density than some of the surrounding development along Blewbury Road. The proposed development would be located within the East Hagbourne Conservation Area. Therefore special attention has to be paid to the desirability of preserving and enhancing the character or appearance of the this area. The conservation area is characterised by a variety of designs and sizes of properties, generally fronting onto the main road through the village but also including some backland development. The building which is the subject of this application site lies within the conservation area and its proposed conversion will not detract from the established character or appearance of the area.
- iv. **There are no overriding amenity, environmental or highway objections.**
Residential amenity The neighbour at Chestnut Barn which lies directly north of the site has confirmed that they have no objection subject to a condition which would require that the window in the north elevation is obscure glazed to prevent overlooking. This window exists and is currently a window which serves a bedsit and originally an office. As such, your officers consider it would not be reasonable to require this window to be obscure glazed. In the eastern elevation which faces properties in Blewbury road, albeit across a distance of some 40m, there are rooflights which serve a landing and a bedroom. It is not considered that these would result in any direct overlooking into private rear gardens. When originally submitted there was no residential curtilage allocated to the proposed dwelling. This has now been done. The size of the garden in relation to the council's standards is discussed below.
Highways. When originally submitted there was a holding objection by the Highway Authority as the driveway close to the main road was too narrow and the provided car parking spaces were not to standard. An amended plan has ensured that the proposed development would accord with the Council's standards in relation to off street parking and access and the Highway Authority now have no objection to the scheme subject to

conditions relating to parking and turning areas to be retained and the driveway to be widened to 4.5m for a length of 10m.

- v. **If the proposal constitutes backland development it would not create problems of privacy and access and would not extend the built up limits of the settlement.** The site is located behind properties which front Blewbury Road. However, there are other dwellings on this part of the Lower Cross Farm site and an existing driveway will serve these dwellings without creating problems of privacy. As the building exists and the site lies within the built up limits of East Hagbourne, the proposal will not extend the built up limits of the settlement. Whilst this proposal does constitute backland development, it would not be at odds with the local pattern of development where other properties are located behind those fronting the road.

6.5 **Community Infrastructure Levy (CIL)**

The council's CIL charging schedule has recently been adopted and applies to relevant proposals from 1 April 2016. CIL is a planning charge that local authorities can implement to help deliver infrastructure and to support the development of their area, and is primarily calculated on the increase in footprint created as a result of the development.

This development is CIL liable. The increase in floor area is 26sqm. The CIL charge applied to new residential development in this case is £150 per square metre of additional floorspace (Zone 1) this equates to £3,900 in CIL contributions. 15% of the CIL payment will go directly to East Hagbourne Parish Council (in the absence of an adopted Neighbourhood Plan) for spending towards local projects.

6.6 **Garden Sizes**

Policy D3 of the SOLP requires a private outdoor garden or outdoor amenity space to be provided for all new dwellings. The amount of land to be provided for garden or amenity space is determined by the size of the dwelling proposed, the character of surrounding development and by plot coverage standards. The policy states that "private outdoor sitting areas should not be overlooked by adjacent outdoor sitting area, living/dining rooms or kitchens. The South Oxfordshire Design Guide advises that 2 bedroom dwellings should have a minimum of private garden of 50 sq.m. When originally submitted as a holiday let, there was no curtilage allocated to the proposed dwelling. Amended plans have secured a garden area of some 48sq m which, whilst slightly below the council's standards, is acceptable in my view.

6.7 **East Hagbourne Neighbourhood Plan**

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 East Hagbourne Neighbourhood plan 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.

The application must be determined within the context of the current Development Plan policies and status of the site and the emerging neighbourhood plan has limited weight at this stage.

7.0 CONCLUSION

7.1 The principle of residential development is acceptable on this site and the proposal would not be unneighbourly or harm the established character or appearance of the East Hagbourne conservation area. The proposal accords with Development Plan policies.

8.0 RECOMMENDATION

8.1 **To grant planning permission subject to the following conditions:**

1. **Commencement within three years.**
2. **In accordance with approved plans.**
3. **Materials of extension to match those on the existing building.**
4. **Removal of permitted development rights Class E – outbuildings.**
5. **Removal of permitted development rights Class A – extensions.**
6. **Details of boundary treatment to be submitted.**
7. **Turning area and parking area to be retained.**
8. **Driveway to be widened to 4.5m for a length of 10m.**

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