

<b>APPLICATION NOS.</b>	<a href="#">P20/S3379/FUL and P21/S2504/LB</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION and LISTED BUILDING
<b>REGISTERED</b>	11.9.2020/9.6.2001
<b>PARISH</b>	TOWERSEY
<b>WARD MEMBER(S)</b>	Lynn Lloyd Ian White
<b>APPLICANT</b>	Punch Partnerships (PML) Ltd
<b>SITE</b>	Three Horseshoes, Chinnor Road, Towersey, OX9 3QY
<b>PROPOSALS</b>	<p><u>Application P20/S3379/FUL</u> Conversion of outbuilding to a dwelling utilising existing access, with associated landscaping and parking (As per amended plans and supporting information submitted 3 November 2020) (As per additional and amended drainage details submitted 8 December 2020)</p> <p><u>Application P21/S2504/LB</u> Change of Use of existing outbuilding (Sui Generis) to provide one dwelling (Use Class C3) utilising existing access, with associated landscaping and parking (as per amended plans showing the removal all rooflights and the relocation of the internal doorway which connects the main barn to the smaller outbuilding, submitted 9 August 2021), (as per amended plans to include the provision of two times small domestic outbuildings and patio area, submitted 6 September 2021), (as per flood resilience strategy and updated heritage statement submitted 23 November 2021).</p>
<b>OFFICER</b>	Caitlin Phillpotts

1.0 **INTRODUCTION AND PROPOSAL**

- 1.1 These applications have been referred to Planning Committee at the Development Manager’s discretion reflecting the level of public interest that it has attracted and in consultation with Councillor Ian White.
- 1.2 The application site is shown on the OS plan **attached** as Appendix A. The site contains the Three Horseshoes public house with ancillary barn and attached outbuilding, beer garden and car park, located within the built-up limits of Towersey, inside the Towersey conservation area. The site has an existing means of vehicular access onto the unmade access land (connecting onto the Chinnor Road and access lane) to the north of the site. A public right of way, Towersey Footpath 9, runs east to west along the adjoining access lane marked with the blue line on the OS plan extract **attached** as Appendix B.
- 1.3 The site contains a watercourse / small stream running north south across the gardens to the front (west) of the plot. The site is known to be at risk of pluvial flooding. Photographs **attached** as Appendix C, supplied as part of the consultation responses show the barn, pub gardens, access lane, areas of hardstanding and adjacent

highway, under a consistent level of flood water. This consistent level of flooding corresponds with the flat topography across the entire site and surrounding locality.

- 1.4 The application seeks planning permission for the part change of use at the site and the conversion of the detached barn at the site to a dwelling with associated parking and private outdoor amenity spaces. In the interest of clarity, I have shaded the area of land over which a change of use is sought on the site plan pasted below.



- 1.5 This application was submitted on 11 September 2020, at which time the application site (Three Horseshoes Public House and ancillary barn) was subject to a pending application for an Asset of Community Value status. A decision not to list the site as an ACV was issued by the council's Community Enablement Team on 4 January 2021. A copy of the decision letter is **attached** as Appendix D.
- 1.6 During the course of the planning application a bid to list the barn was submitted to Historic England, on which the council's conservation team were formally consulted. The barn and attached outbuilding were formally granted Grade II listed status on 10 March 2021 for its special architectural and historic interest. A full copy of the listing description is **attached** as Appendix E.

## 2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

Full copies of all consultation responses received during the course of the applications can be found on the council's website at;

<https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P20/S3379/FUL>

<https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P21/S2504/LB>

### 2.1 Application P20/S3379/FUL

#### **Towersey Parish Council : Objects**

##### Original submission

- Principle : Considers the smaller village has met its housing objectives to date and the proposed redevelopment would result in the loss of a community asset and threaten the long term viability of the pub
- Highways : the loss of some parking for the pub and the need for large construction vehicles would result in an increased risk to highways safety; raising concerns over issues of flooding and drainage and protected species

##### November 2020 amendment

- Principle : Confirms the public house is currently subject to a pending application for an Asset of Community Value status. Notes, the barn operates distinctly and separately from the pub and is used by a range of local groups and organisations for pre-booked events and activities and caters for weddings,

parties, funerals and music events that are independent of the activity in the Three Horseshoes. In this context the parish considers there to be two operational community facilities on the site the Barn and pub and as such the loss of the barn should be consider against policy CF1. It is felt the application does not contain sufficient or robust evidence to confirm compliance with policy CF1 and the proposed scheme is therefore not policy compliant.

- Highways : the loss of parking for the pub would result in indiscriminate parking on the highways leading to problems of congestion for the local bus route
- Technical details : the plans provided do not clearly demonstrate the garden areas for the proposed dwelling
- Compatible mix of uses and amenity : Does not consider the proposed location for the new dwelling to form a compatible mix of uses across the site where issues of noise and nuisance may arise given the proximity of the proposed dwelling to the pub and its associated activities

December 2020 amendment

- Objects, previous comments remain

June 2021 amendment (following listing)

- Principle : Considers the smaller village has met its housing objectives to date and the proposed redevelopment would result in the loss of a locally valued community asset despite it not being formally currently listed as such in the registers. Considers the use of The Barn, for weddings, parties, funerals and music events, operates complementary to, but independent from the public house and to this extent considers there to be two community facilities on the site. The Bran should be protected as such under national and local development plan polices which seek the protection of Assets of Community Value
- Highways : Notes, the loss of parking for the public house is a major concern as the existing customer parking space for the pub is insufficient and any reduction in the number of spaces is likely to be detrimental to public safety
- Heritage impact : Considers the proposed alterations to this listed building and its curtilage in the Conservation Area affect it's setting negatively

August 2021 minor amendment

- No further comments

September 2021 minor amendment

- No further comments

2.2 **County Archaeological Services**

Original submission

- Comments with no objections

November 2020 amendment

- No further comments

June 2021 amendment (following listing)

- No objections raised noting, *the submitted amendments do not alter our original comments*

2.3 **Countryside Officer**

Original submission

- Holding objection requiring the submission of further surveys

November 2020 amendment

- Comments with no objections, noting the findings of the ecological report confirming no bats were found to be roosting in the barn

December 2020 amendment

- No further comments

June 2021 amendment (following listing)

- No objections raised, the amendments submitted do not alter the comments given in November 2020

2.4 **Drainage Officer**

Original submission

- Holding objection requiring the submission of further information including, an FRA demonstrating the building could be safely habitable against all potential forms of flooding and furthermore, submit an Emergency Evacuation plan

November 2020 amendment

- Requests amendment to error on the submitted Emergency Evacuation plan

December 2020 amendment

- Requests amendment to the submitted information relating to surface water drainage, flood mitigation measures and the emergency evacuation plans

February 2021 amendment

- Comments - I am now content that pluvial flooding to the proposed dwelling has been addressed. Regarding pluvial flooding – climate change allowances are not applicable and there is no guidance to specify raising FFL in accordance with climate change allowances. I will require details such as a drainage layout, construction details, exceedance plan and levels to be submitted to address SWD and flood proofing/exclusion measures. However, this can be dealt with by way of the recommended conditions attached

June 2021 amendment (following listing)

- Holding objection, requesting an updated FRA to be submitted to address the pluvial flood risk to a height of 70.35 m

October 2021 amendment (updated FRA)

- No objections in principle requesting the submission of a flood resilience scheme

November 2021 - addition of a flood resilience scheme

- No objections subject to a compliance condition to see the implementation of the flood resilience measures proposed and the attached foul and surface water drainage conditions

2.5 **Highways Liaison Officer (Oxfordshire County Council)**

Original submission

- Comments with no objections subject to the attached condition and informatives

June 2021 amendment (following listing)

- No objections raised subject to the attached conditions commenting, originally the proposal sought the provision of a three-bedroom dwelling this has now been altered to a two-bedroom dwelling, however two parking spaces have

remained allocated for the proposal, this meets Oxfordshire County Council guidance. I would expect the proposed development to generate between one and two trips in the peak hours and this estimate is in general accordance with the Trics database. The proposal is unlikely to have a significant adverse impact on the highway network.

2.6 **Countryside Access**

Original submission

- No objections subject to the attached informatives noting, the access to the Three Horseshoes is a public footpath

June 2021 amendment (following listing)

- No further comments

2.7 **Economic Development** (note this is logged as representation number 36 on P21/S2504/LB)

Original submission

- No comments

June 2021 amendment (following listing)

- Informally provided the comments below

*'if the development does not affect the ongoing operations of the pub then no objections should be raised... neither policies EMP3 or CF1 would be affected where the development is limited to the outbuilding.'*

2.8 **Neighbours**

Original submission : 40 objections

- Principle : Commenting, the local area has a number of recently permitted infill developments and the smaller village has met its housing objectives; considering the approval of the scheme proposed would set a precedent for further redevelopment proposal of the pub gardens shown to be retained; considers the proposed redevelopment and loss of a large section of existing beer gardens would result in the loss of a community asset and threaten the long term viability of the pub. Notes NPPF paragraph 92 which states that planning decisions should guard against the unnecessary loss of valued facilities and services and ensure that established facilities are retained for the benefit of the community;
- Highways & access : the loss of parking areas at the pub would result in issues of manoeuvring for delivery vehicles and increase indiscriminate parking on the highway presenting a risk to the safety of pedestrians and leading to problems of congestion for the local bus route, emergency and agricultural vehicles; does not consider the existing access to be suitable for the addition of a residential unit; is concerned large construction vehicles would result in an increased risk to highways safety and damage to the publicly maintain highway and shared boundaries; considers the proposed development would obstruct an existing right of access for the neighbouring site and existing public right of way across the site
- Compatible mix of uses and amenity : considers the proposed location for the new dwelling does not form a compatible mix of uses across the site where issues of noise and nuisance may arise given the proximity of the proposed dwelling to the pub and its associated activities, considers the proposed layout of the site would be incongruous to the existing pattern of development and result in an awkward relationship with the neighbouring public house with a limited degree of separation resulting in issues of overlooking

- Heritage impacts : commenting, the proposal would result harm to the fabric and character of the historic barn, finding the proposed scheme would harm the character of the site and surrounding conservation area
- Flooding & drainage: notes the existing water course running through the pb gardens raising concerns over issues of flooding and drainage (providing photos of flooding at the barn within the past 7 years)

November 2020 amendment : 21 objections

- Principle : reaffirms the building is well used by the community for meetings and events and its conversion would result in the loss of a valued community asset commenting, the emerging neighbourhood plan does not include any plans to the see the pub and its site redeveloped for residential uses, considers the proposal to be contrary to the emerging Towersey Neighbourhood Plan
- Highways & access : again, raises concerns over issues relating to parking provisions, highways safety
- Heritage impacts :considers the barn to be a non-designated heritage asset which makes a significant contribution to the character of the surrounding conservation area, considers the barn should be listed and questions why Historic England have not been consulted; considers the raised floor levels required to meet flood risk requirement would result in harmful alterations to the fabric to the historic building
- Flooding & drainage: considers, there is a high risk of surface (pluvial) water flooding at the site, believing the images which have been supplied during the consultation responses demonstrate that flooding can occur and that this flooding further exceeds the spatial extent shown on the EA maps; raises concerns over the foul water drainage scheme and resulting impact on the existing drainage systems at the neighbouring properties
- Amenity standards : considers the raised floor levels required to meet flood risk requirement would present issues of usable floor space for the proposed dwelling; considers the proposed location for the new dwelling does not form a compatible mix of uses across the site where issues of noise and nuisance may arise given the proximity of the proposed dwelling to the pub and its associated activities

December 2020 amendment : 2 objections

- All previous objections remain and are re-iterated, further comments are listed below
- Flooding & drainage : notes the submitted Flood Risk Assessment does not account for climate change
- Highways & access : while highways don't object they do note that the parking will be below standard
- Amenity : due to the requirements to allow water to flow in times of flood the proposed dwelling would not be able to erect fences for privacy/security

June 2021 amendment (following listing) : 42 - objections

- Previous objections regarding the loss of the community asset, loss of employment, impact on the viability of the pub, compatible mix of uses, amenity, highways, loss of car and cycle parking, flooding and drainage are reiterated, the amendments submitted do no alter the comments to date
- Raises concerns that the plans proposed would grant a change of use of the land across the entire site, allowing for further residential development of the pub in the future
- Considers the change of use, conversion and associated residential gardens and means of enclosure, would harm the existing character of the site and

conservation area and result in a cramped form of development due to its proximity to the existing public house

- Makes reference to appeal decision APP/Q0505/A/12/2174210 Bennell Developments vs Cambridge City Council with key matters discussed being, the loss of a local facility important in sustaining the social life of the community; and if it would, whether such a facility would be viable to operate **attached** as Appendix E
- Comments on the lack of natural light and ventilation for the proposed dwelling due to the requirements to preserve the historic fabric of the listed building
- Notes inaccuracies in the D&A
- Raises concerns that a drain from Fairies Close which runs under The Barn may be compromised by the conversion works

August 2021 amendment : 4 objections

- All previous objections remain and are re-iterated
- Heritage impact : comments, The barn dates back over 400 years being originally a tithe barn... it is therefore one of the oldest buildings in the village... wychert (a local form of cob) is very characteristic of the area and this is the only publicly accessible building of this construction in the village. In this context considers, the conversion proposed would result in alterations which harm the historic and architectural interest of the building. Notes the comments from the consulting conservation officer regarding the degree of harm to the listed building and in this context considers that where the development is bringing no benefits to the village... there can be no reasons to approve
- Highways & access : questions the views of the consulting OCC highways liaison officer and asks that re-visit the site on a summer's weekend. Notes Towersey is a working farming community with heavy vehicles often using the adjoining highway which may be obstructed by additional on street parking due to loss of on-site parking proposed

September 2021 amendment : 18 - objections

- All previous objections remain and are re-iterated
- Highlights a number of research pieces that demonstrate 'stronger community cohesion in parishes that still have pubs' and notes that pubs in general are important social and cultural focal points for the villages
- Contests planning statement regarding the lack of revenue provided by The Barn with photographic evidence of events and parties and of sums paid

2.9 Application P21/S2504/LB

**Towersey Parish Council : Objects**

Original listed building application submission (following listing)

- Principle : Considers the smaller village has met its housing objectives to date and the proposed redevelopment would result in the loss of a locally valued community asset despite it not being formally currently listed as such in the registers. Considers the use of The Barn, for weddings, parties, funerals and music events, operates complementary to, but independent from the public house and to this extent considers there to be two community facilities on the site. The Bran should be protected as such under national and local development plan polices which seek the protection of Assets of Community Value
- Highways : Notes, the loss of parking for the public house is a major concern as the existing customer parking space for the pub is insufficient and any reduction in the number of spaces is likely to be detrimental to public safety

- Heritage impact : Considers the proposed alterations to this listed building and its curtilage in the Conservation Area affect it's setting negatively

August 2021 minor amendment

- No further comments

September 2021 minor amendment

- No further comments

2.10 **Conservation Officer**

June 2021 amendment (following listing)

- Objects commenting, I can see no justification at the present time for a scheme that would result in any harm to the listed building. There are very limited public benefits associated with the provision of one dwelling, and these do not in my view outweigh the loss of the building's community function by its association with the pub. On this basis I do not consider that the scheme is supportable in heritage terms

August 2021 minor amendment

- Notes, the scheme proposed would result in a low-level harm to the significance of the listed building. Paragraphs 199, 200 and 201 of the NPPF should be applied; officers should be satisfied that the scheme would present public benefits sufficient to outweigh the less than substantial harm to the significance of the listed building.

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September 2021 minor amendment

- Comments, the amended scheme has reduced further the harm previously identified. It is considered that all mitigation possible to convert this barn to residential use has been undertaken and that this scheme represents the least harmful means of converting the barn to residential use. A low level of less than substantial harm remains and arises from the loss of historic fabric where the new access will be created between the barn and the outbuilding.

2.11 **Neighbours**

Original listed building application submission (following listing) : 42 - objections

- Previous objections regarding the loss of the community asset, loss of employment, impact on the viability of the pub, compatible mix of uses, amenity, highways, loss of car and cycle parking, flooding and drainage are reiterated, the amendments submitted do no alter the comments to date
- Raises concerns that the plans proposed would grant a change of use of the land across the entire site, allowing for further residential development of the pub in the future
- Considers the change of use, conversion and associated residential gardens and means of enclosure, would harm the existing character of the site and conservation area and result in a cramped form of development due to its proximity to the existing public house
- Makes reference to appeal decision APP/Q0505/A/12/2174210 Bennell Developments vs Cambridge City Council with key matters discussed being, *the loss of a local facility important in sustaining the social life of the community; and if it would, whether such a facility would be viable to operate **attached*** as Appendix E
- Comments on the lack of natural light and ventilation for the proposed dwelling due to the requirements to preserve the historic fabric of the listed building
- Notes inaccuracies in the D&A



- Raises concerns that a drain from Fairies Close which runs under The Barn may be compromised by the conversion works

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- Highways & access : questions the views of the consulting OCC highways liaison officer and asks that re-visit the site on a summer's weekend. Notes Towersey is a working farming community with heavy vehicles often using the adjoining highway which may be obstructed by additional on street parking due to loss of on-site parking proposed

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- Highlights a number of research pieces that demonstrate 'stronger community cohesion in parishes that still have pubs' and notes that pubs in general are important social and cultural focal points for the villages
- Contests planning statement regarding the lack of revenue provided by The barn with photographic evidence of events and parties and of sums paid

3.0 **RELEVANT PLANNING HISTORY**

3.1 [P21/S1553/PEM](#) – Pre application response issued (14/05/2021)

Conversion of outbuilding to a dwelling utilising existing access, with associated landscaping and parking.

[P16/S2817/PEM](#) – Pre application advice (22/09/2016)

Erection of single two storey dwelling and creation of new access

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 Not applicable

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

STRAT1 - The Overall Strategy

CF1 - Safeguarding Community Facilities

EMP3 - Retention of employment land

H1 - Delivering New Homes

H8 - Housing in the Smaller Villages

H16 - Backland and Infill Development and Redevelopment

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES5 - Outdoor Amenity Space

DES6 - Residential Amenity

DES8 - Promoting Sustainable Design  
ENV1 - Landscape  
ENV3 - Biodiversity  
ENV4 - Watercourses  
ENV5 - Green Infrastructure in New Developments  
ENV6 - Historic Environment  
ENV7 - Listed buildings  
ENV8 - Conservation Areas  
ENV9 - Archaeology and Scheduled Monuments  
ENV12 - Pollution - Potential Sources of Pollution  
EP3 - Waste collection and Recycling  
EP4 - Flood Risk  
TRANS5 - Consideration of Development Proposals

## 5.2 **Emerging Towersey Neighbourhood Plan**

Towersey Neighbourhood Area was formally designated on 24 August 2016. The Parish Council has started the process of gathering evidence and engaging with the local community. This is to give the plan a direction and draft policies that will form the neighbourhood plan. With no formally drafted or made policies to date, the plan carries very limited weight in decision making.

## 5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)  
Developer Contributions SPD  
Technical housing standards - nationally described space standard  
Oxfordshire County Council Parking Standards for New Residential Development  
Sections 88 - Localism Act 2011

## 5.4 **National Planning Policy Framework and Planning Practice Guidance**

## 5.5 **Other Relevant Legislation**

Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

## 6.0 **PLANNING CONSIDERATIONS**

### 6.1 **The relevant planning considerations are the following:**

- **Current policy**
- **Principle**
- **Impact on the historic and architectural interest of the listed building**
- **Design and character**
- **Residential amenity**
- **Access & parking**
- **Biodiversity and protected species**
- **Drainage and flooding**
- **Other material planning considerations**

6.2 **Current Policy**

The acceptability of the development proposed is assessed under national and local development plan policies which allow for the change of use of existing employment land to C3 use ( residential) and the redevelopment and conversion of existing Grade II listed buildings within the built-up limits of the ‘smaller village’ of Towersey, as set out in Appendix 7 of the adopted South Oxfordshire Local Plan (SOLP) 2035.

Smaller villages as defined in the settlement hierarchy have no defined requirement to contribute towards delivering additional housing (beyond windfall and infill development) to meet the overall housing requirement of South Oxfordshire in accordance with policy H8 of the SOLP. Policy H8 of the adopted Local Plan supports developments within the smaller villages in accordance with Policy H16.

Policy H16 of the adopted Local Plan relates to backland and infill development and redevelopment. This states that within smaller villages and other villages, development should be limited to infill and the redevelopment of previously developed land or buildings. Infill is defined as part of this policy as the filling of a small gap in an otherwise continuous built-up frontage or on sites within settlements where the site is closely surrounded by buildings. The scale of the infill should be appropriate to its location.

6.3 **Principle : loss of a community facility**

Paragraphs 92 to 103 of the NPPF require planning polices to *promote healthy and safe communities*, specifically paragraph 93 requires decision making to *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs*. In accordance with these aims policy CF1 of the SOLP ensures existing essential community facilities and / or services, including but not limited to *drinking establishments and halls or meeting places for the principal use of the local community, will not be lost through change of use or redevelopment*.

6.4 The proposed scheme would involve the loss of the existing barn which currently and historically has provided additional function room space associated with the Three Horse Shoes Public House. I note the number of concerns raised during the public consultation process with regards to the loss of the existing facility to residential development, which has clearly over the years provided space for important and locally valued private functions such as birthdays, weddings and other social occasions.

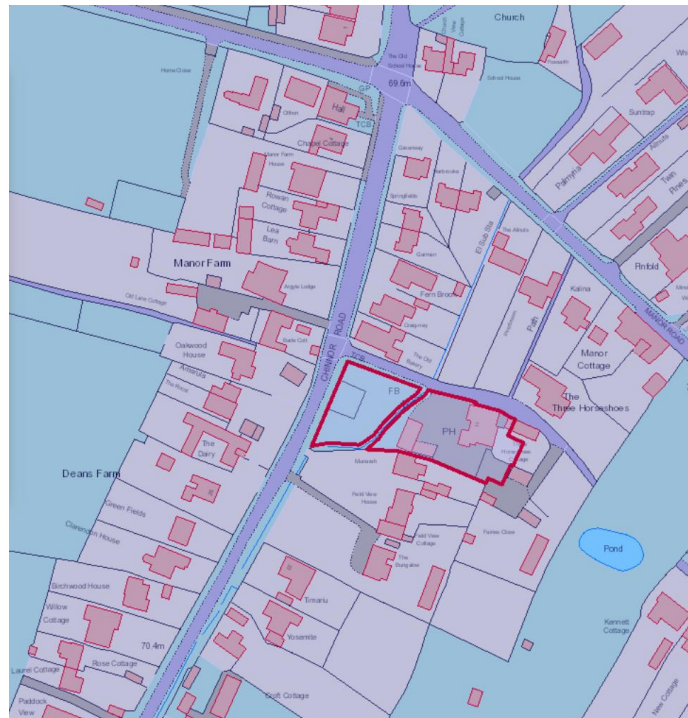
6.5 Over the past two years a number of applications have been submitted to the council seeking for the public house and ancillary barn to be listed as an Asset of Community Value. In discussing the merits of the most recent application the council’s Head of Corporate Services notes, a pub being used and operating as a pub is not a reason in its own right for listing in an ACV. Whilst many pubs will operate at the heart of their communities, for example providing a venue for various groups to meet, and in their very operating nature engender social interactions, such use is not non-ancillary to their principal use as a public house. The reasonable test is whether there are uses taking place that are non-ancillary to the use and function of the public house, and on the basis of the information provided in the nomination, the extent to which this is the case. I am minded to agree with the final conclusions of the council’s Head of Corporate Services on this matter and consider, the existing and historic uses of public house and ‘The Barn’ are not in their own right non-ancillary uses of the asset (The Three Horse Shoes Public House), sufficient in either quantum or scale to justify a listing and / or appraisal of pub and barn as an Asset of Community Value, in accordance with section 88 of the Localism Act 2011.

- 6.6 This aside, I am in no doubt that more generally the existing public house provides an essential community facility and service both because it is the only drinking establishment in a settlement and where it is fundamental to the quality, convenience, and enjoyment of everyday life in a settlement. In this context the public house is afforded protection under policy CF1 of the SOLP irrespective of its status as Asset of Community Value. Further, I note Appeal Ref: APP/Q0505/A/12/2174210 highlighted by a member of the local community during the public consultation process as a point of comparison. In this case, the Planning Inspectorate dismissed an appeal for the change of use of a pub to C3 residential housing finding the LPA's development plan to be silent on this matter and that the proposed scheme would result in the loss of a community facility. In contrast, the SOLP specifically identifies public houses as community facilities and outlines a clear and rigorous process for their loss through change of use under relevant policy CF1. A full copy of this appeal decision is **attached** as Appendix F.
- 6.7 However, in this case the existing public house is shown to be retained, alongside the development proposed and the existing barn / ancillary function room proposed to change use does not provide a hall or meeting place for the principal use of the local community, which is currently only accessible via private hire, in connection with the commercial uses at the site. In this context I do not consider the existing barn / outbuilding to be a drinking establishment, hall or meeting place for the principal use of the local community in its own right and / or an essential community facility as understood by policy CF1 of the SOLP.
- 6.8 I note Towersey Memorial Hall (as advertised on its website) *is a newly refurbished and well-equipped village hall (with Wi-Fi) for hire. Situated at the heart of Towersey village... The hall is equipped with Wi-Fi providing free internet access... making it is an ideal venue for functions, children's parties, charity or club events, weddings and for informal business gatherings receptions.* In accordance with the aims of the NPPF I am satisfied that the development proposed would not result in the unnecessary loss of valued facilities and services, which are not currently available more readily in the settlement nor would it reduce the community's ability to meet its day-to-day needs.
- 6.9 **Principle : loss of employment land**  
Paragraphs 119 to 125 of the NPPF clarifies planning policies should *promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions, and requires local planning authorities to take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs.* In particular, they should support proposals to use *retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of settlements,* where they are otherwise compatible with other policies in the development plan as a whole.
- 6.10 Policy EMP3 of the SOLP requires existing employment land to be retained *in order to promote and grow a balanced, sustainable economy and local services* and applies strict criteria for proposals which seek the redevelopment or change of use of employment land to non- employment uses. The existing barn provides a function room operating in connection with the existing commercial use of the pub. The pub and approximately two thirds of the existing beer gardens is shown to be retained as part of the proposed scheme and the primary function of the commercial uses of the site are to be retained. During the course of this application, the council's economic development team have offered informal views on the proposed scheme commenting, *if the development does not affect the ongoing operations of the pub then no objections*

*should be raised... neither policies EMP3 or CF1 would be affected where the development is limited to the outbuilding.* In this context I am satisfied that the proposed scheme accords with the council's policies which seek to protect existing employment uses and the aims of the NPPF and provides a new housing unit in an area of high housing demand which would not undermine the existing key economic sector at the site or the vitality and viability of the settlement as a whole.

**6.11 Principle : redevelopment and residential infill**

Policy H16 of the SOLP 2035 relates to infill and redevelopment, which it permits within “smaller villages” such as Towersey. Infill development is defined by Policy H16 as ‘*the filling of a small gap in an otherwise continuous built-up frontage or on other sites within settlements where the site is closely surrounded by buildings. The scale of infill should be appropriate to its location*’. The existing building shown to be converted forms the end of a short line of buildings fronting onto the Chinnor Road, set well back from the highway behind good sized gardens to the front. The site lies within the built-up limits of the settlement and is closely surrounding by buildings on all sides. In my view, the proposed scheme accords with the definition of infill as outlined above and as such the principle of ‘new’ housing on the site is supported by policies STRAT1, H1 and H16 of the SOLP 2035.



**6.12 Impact on the historic and architectural interest of the listed building and its site**

The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development which affects a listed building, its setting and / or the wider historic or archaeological environment, the local planning authority shall have special regard to the desirability of preserving the area or building, its setting or any features of special architectural or historic interest which either possesses. Paragraphs 189 to 208 of the NPPF reflect this requirement, stating that when considering the impact of a proposed development on the significance of a designated area and / or heritage asset, great weight should be given to the asset's conservation. Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

- 6.13 Oxfordshire County Council Archaeological Services (SODC) has been formally consulted on this application and notes, *the site is located in an area of archaeological interest. However, the development is of a relatively small scale and I therefore consider that there are no archaeological constraints to this scheme.*
- 6.14 The barn and attached outbuilding have been designated Grade II listed during the course of this application for their special architectural and historic interest. In this event the planning application remained live whilst the applicant, their agent and heritage consultant prepared a revised scheme which was submitted for pre application advice under P21/S1553/PEM. Specific advice was sought from the council's conservation team on the acceptability of the proposed scheme, with regards to its impact of the historic character of the listed building and the contribution this makes to the surrounding conservation area. A full copy of the council's response is **attached** as Appendix G.
- 6.15 In light of the advice provided, the scheme was revised and submitted to the council for consideration under the current listed building application. Having reviewed the scheme proposed which saw the first floor accommodation removed the council's conservation officer raised a number of concerns including; the loss of historic fabric due to the creation of a doorway opening between the barn and the outbuilding; lack of clarity on the proposed partial removal / alteration of the elm timber partition; the visual and logistic impact of the glazed structure siting alongside the unrendered witchert walls; visual impact of the proposed rooflights; lack of flood resilience measures proposed and the potential conflict between this and the preservation of this listed building; lack of domestic storage arrangements and the potential impact of these on the setting of the listed building. Also noted was the value of the barn as a venue for the Towersey Folk Festival as referenced in the list description, and a proposal to add a bronze plaque to commemorate the barn as a location of the festival.
- 6.16 Following this, further amendments have been submitted to the council for consideration, details of which are available to view on the council's website at <https://data.southoxon.gov.uk/ccm/support/Main.jsp?MODULE=ApplicationDetails&REF=P21/S2504/LB> . The scheme now proposed involves the loss of historic fabric by way of the doorway opening between the barn and the outbuilding retained; heritage justification provided for the partial removal / alteration of the elm timber partition; further justification provided for the glazed structure siting alongside the unrendered witchert walls and an agreement in principle to accept the conservation officer's suggested pre-commencement condition relating to these details; the rooflights removed; flood resilience measures proposed and found to be acceptable, providing some planning gain with regards to the protection of the listed building going forward; modest outbuilding for domestic storage proposed within the curtilage of the proposed dwelling and deemed to have no significant impact on the setting of the listed building; the addition of a bronze plaque to commemorate the barn as a location of the festival is now proposed.
- 6.17 Having reviewed the final scheme submitted the conservation officer is satisfied that, *all mitigation possible to convert this barn to residential use has been undertaken and that this scheme represents the least harmful means of converting the barn to residential use. Noting, a low level of less than substantial harm remains and arises from the loss of historic fabric where the new access will be created between the barn and the outbuilding.*
- 6.18 In accordance with paragraph 202 of the NPPF, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including,



where appropriate, securing its optimum viable use. In my view, the removal of the modern non-hydroscopic building materials across the building and their replacement with appropriate heritage materials, the addition of appropriate flood resilience measures which will ensure the protection of the listed building in times of flooding and the provision of a single dwelling in an area of high housing demand present modest public benefits which, on balance, outweigh the low level of less than substantial harm to the listed building.

**6.19 Design and character : landscape setting**

The existing pub and barn are set back from the adjoining highway behind a large beer garden laid to lawn, bounded by a stream, mature hedging and neighbouring boundary wall. This area currently comprises an area of important green space which goes some way to inform the setting of the listed barn, the surrounding conservation area and the wider rural character of the small settlement, making it worthy of some protection.



**6.20** The site plan proposed sees the area of open green space to the front sub-divided, with approximately one third given over to the private gardens of the proposed dwelling, as marked with the area shaded on the plan below. Three modest timber framed storage buildings / sheds are to be located to the side and rear of the dwelling to accommodate any domestic paraphernalia, with the small gardens and patio area to the rear of the dwelling to be enclosed with a combination of soft planting and post and rail fences. The large gardens to the front of the proposed dwelling are to remain largely unaltered, are to be separated from the retained pub gardens by a line of soft planting and include the provision of a small bridge to provide access across the existing stream.

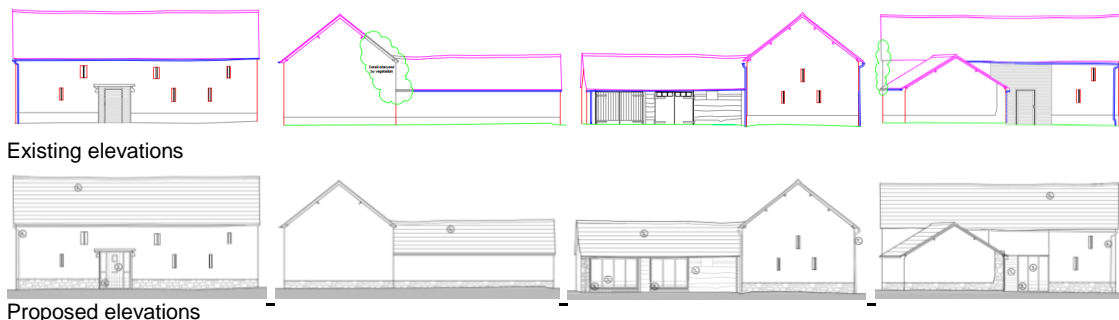


- 6.21 The scheme proposed sees the existing area of open green space to the front of the public house (and barn) retained. In my view, this is an important part of the proposed scheme and, in this case, I consider it reasonable and necessary to attach conditions relating to the removal of permitted development rights for the addition of outbuildings, hardstanding, gates, walls and fences under the provisions of Part 1 Classes E and F and Part 2 Class A of the Town & Country General Permitted Development Order 2015 (As amended).

Subject to the suggested conditions I am satisfied the proposed scheme would preserve the existing setting or the listed building and the wider surrounding conservation area and would not harm the landscape setting and rural character of the wider settlement in accordance with policies STRAT1, DES1, DES2, DES3, ENV6, ENV7 and ENV8 of the SOLP and technical guidance set out in the SODG.

6.22 **Design and character : existing building**

The scheme now proposed sees the external character and appearance of the existing building(s) largely retained besides the oversized glazing details in place of the existing barn doors across the north and east elevations and the addition of a domestic door across the front (west) elevation.



The proposed alterations are modest in relation to the existing building. Given the visual quietness, design and quality of the alterations proposed I do not consider the proposed scheme would result in harm the external character of the existing of Grade II listed building(s). Further, I consider the contribution the existing building makes to the historic character of the wider surrounding conservation area will be preserved.



In my opinion the proposals form an appropriate visual relationship with the existing building and would not harm the character or appearance of the Grade II listed building or the wider surrounding conservation area. The proposal therefore complies with policies STRAT1, DES1, DES2, DES3, ENV6, ENV7 and ENV8 of the South Oxfordshire Local Plan (SOLP) and technical guidance set out in the South Oxfordshire Design Guide (SODG).

**6.23 Residential amenity : impact on the surrounding residential properties**

Given the scale, design and position of the proposed conservation of the existing barn and outbuilding to a dwelling, I do not consider that the proposed development would result in any harm to the amenity of the neighboring properties in terms of light, outlook or privacy.

**6.24 Residential amenity : impact on amenity of the proposed dwelling**

I note the concerns about the amenity of the occupiers of the proposed dwelling having regard to the proximity of the retained public house and large beer gardens. However, the existing site is surrounded by residential dwellinghouses and gardens, many of which have shared boundaries with the existing access lane, parking areas and beer gardens serving the pub. In this context, I consider the proposed arrangement and mix of uses across the site to be largely consistent with the existing pattern of development in the surrounding area and do not consider the proposed scheme would result in any undue harm to the amenity of the occupiers of the proposed dwelling when compared with the residential properties surrounding the pub.



**6.25 Biodiversity and protected species**

Section 40 of the Natural Environment and Rural Communities Act 2006 confirms the public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Paragraphs 174 and 179 to 182 of the NPPF reflect this requirement, stating that when considering the impact of a proposed development on protected features of a habitats site and / or a protected species, the local planning authority shall have special regard to conservation of biodiversity.

- 6.26 The proposed scheme includes the retention of the existing watercourse, areas of soft landscaping and existing native hedging across the site. At the request of the council's ecologist this application includes the submission of an ecological survey and preliminary roost assessment which found no evidence of bats roosting within the barn and outbuilding shown to be converted. In light of this the council's ecologist is satisfied that the proposed scheme would not result in harm to any protected species and or their habitats and raises no objections to the proposed scheme in accordance with policies STRAT1, ENV3 and ENV12 of the SOLP and the NPPF.
- 6.27 **Drainage and flooding**  
The application site does not lie inside of any flood zones but due to the flat topography across the site and existing watercourse, is at significant risk of flooding from surface water extent (fluvial flooding). Paragraphs 159 to 169 of the NPPF confirms inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development may be appropriate in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Local plan policies ENV12 and E4 of the SOLP 2035 are informed by a strategic flood risk assessment and look to manage flood risk from all sources. In accordance with the NPPF and guidance set out in the NPPG for applications lying outside of any flood zones policy E4 of the SOLP does not require the 'sequential test' to be applied. However, this policy requires all development proposals to be assessed against the current South Oxfordshire Strategic Flood Risk Assessment or any updates and the Oxfordshire Local Flood Risk Management Strategy to address locally significant flooding. The local planning authority will have special regard to the cumulative impacts in, or affecting, local areas susceptible to flooding and take account of advice from the Environment Agency and other relevant flood risk management authorities. For all development proposals affected by flooding appropriate mitigation and management measures must be approved by the LPA, implemented and maintained.
- 6.28 As noted by the council's consulting drainage engineer on review of the originally submitted scheme, there are photographs appended by Field View House (**attached** as Appendix C), that show the barn, external greenward, access / hardstanding areas and adjacent highway under a consistent level of flood water. This consistent level of flooding corresponds with the flat topography across the entire site and surrounding locality.
- 6.29 Having reviewed the proposed scheme now under consideration as part of this application, updated Drainage Strategy & Flood Risk Statement (updated 2020-12-02), proposed flood resilience measures (as shown on drawing 20-3210-102 Rev P12), Flood Warning and Evacuation Plan (dated 30/11/2020) and Infiltration SuDS GeoReport the council's consulting drainage engineer is satisfied that the proposed development accords with the current South Oxfordshire Strategic Flood Risk Assessment and the Oxfordshire Local Flood Risk Management Strategy, would not increase the likelihood of locally significant flooding and that the flood resilience measures proposed, provide appropriate mitigation and management measures suitable for the water sensitive development in times of flooding.
- 6.30 To ensure the proper provision of foul and surface water drainage as part of the proposed development and to ensure no encroachment of the foul drainage system into the surface water drainage system and flooding and pollution is not exacerbated in the locality this recommendation of approval is subject to foul and surface water drainage conditions, in accordance with policies EP4 and ENV12 of the SOLP and paragraphs 159 to 169 of the NPPF. Provisionally, the applicant and their agent have agreed to the suggested pre-commencement conditions.

**6.31 Access and parking : highways**

The final views provided by Oxfordshire County Council's Highways Liaison Officer confirm,

*The proposal seeks the change in use of an existing outbuilding. A number of revised plans have been submitted prior to the original Highway Authority comments in which a recommendation of no objection subject to condition was made. After reviewing the latest drawing, the Highway Authority does not change its overall recommendation.*

*Originally the proposal sought the provision of a three-bedroom dwelling this has now been altered to a two-bedroom dwelling, however two parking spaces have remained allocated for the proposal, this meets Oxfordshire County Council guidance.*

*I would expect the proposed development to generate between one and two trips in the peak hours and this estimate is in general accordance with the Trics database.*

*The proposal is unlikely to have a significant adverse impact on the highway network. After investigation and reviewing the supplied documents, the Highway Authority has no objection subject to the suggested condition(s) being applied to any permission which may be granted on the basis of highway safety.*

In light of the views expressed above, subject to the suggested parking condition and highways informatives being attached I am satisfied the development proposed would not present any risk to highway safety.

**6.32 Access : public right of way**

Having reviewed the proposed scheme Oxfordshire County Councils Public Rights of Way Officer is satisfied that subject to the development being undertaken in accordance with recommendations made, by way of the attached informatives, the development proposed would not present any risk to users of the existing Towersey Footpath 9.

**6.33 Other material planning considerations**

Policy DES8 of SOLP states that all new development has to demonstrate how they are seeking to reduce greenhouse emissions through location, building orientation, design, landscape and planting. This is a conversion of an existing listed building with limited scope for reducing greenhouse emissions beyond any assessment made under Part L of Building Control Regulations.

**6.34 Community Infrastructure Levy**

The proposed development is liable to pay CIL.

**7.0 CONCLUSION**

7.1 In your officer's opinion the proposal complies with the relevant Development Plan policies and, subject to the suggested conditions, the proposed development would be acceptable in terms of its relationship to the character of the existing listed building, its site, setting and the wider conservation area. It is also acceptable in terms of its impact on neighbouring amenity, highways safety, users of the existing public footpath network and locally significant flooding. Subject to implementation in accordance with the approved details the building is considered suitable for conversion to a dwelling house.

8.0 **RECOMMENDATIONS**

8.1 **Application P20/S3379/FUL**

**Grant Planning Permission subject to the following conditions.**

- 1 : Commencement three years - Full Planning Permission**
- 2 : Development in accordance with approved plans**
- 3 : Landscaping (including hard surfacing and boundary treatment) to be agreed**
- 4 : Surface water drainage works (details required)**
- 5 : Foul drainage works (details required)**
- 6 : Flood resilience measures implementation**
- 7 : External ducts and flues (details required)**
- 8 : Joinery Details**
- 9 : Keep public right of way free from obstruction**
- 10 : Parking & Manoeuvring Areas Retained**
- 11 : Withdrawal of P.D. (Part 1 Class E) - no buildings etc**
- 12 : Withdrawal of P.D. (Part 2 Class A) - no walls, fences etc**
- 13 : Withdrawal of P.D. (Part 1 Class F) - no hardstanding**

**Application P21/S2504/LB**

**Grant Listed Building Consent subject to the following conditions.**

- 1 : Commencement 3 years - Listed Building Consent**
- 2 : Approved plans (listed building)**
- 3 : External ducts and flues (details required)**
- 4 : Joinery Details**
- 5 : Submission of details in relation to works to listed building**

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