

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 7th April 2014

Report of Additional Representations



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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Report of Additional Representations

14/0225/P/FP Walcot Barns Forest Road Charlbury	
Date	18/02/2014 18/02/2014
Officer	Miss Dawn Brodie
Recommendation	Refuse
Parish	CHARLBURY
Grid Ref:	434910,219473

Application details

Conversion of barns to dwelling, workshop, office and parking. Construction of semi subterranean extension to form living space.

Applicant

Oxford Design Studio, 4 Spelsbury Road, Charlbury, Oxfordshire OX7 3LP

Additional Representations

I Applicant's Agent

- I.1 The applicant's Agent has provided the following comments in support of the scheme:
Principle of the Proposed Development

I note that the officers' report indicates that policy H10 of the adopted Local Plan 2011 identifies the criteria whereby proposals for the conversion of redundant agricultural buildings will be considered. The report also sets out paragraph 55 of the National Planning Policy Framework (NPPF), although provides no commentary as to why little weight has been attached to this paragraph. I also note that the first reason for the refusal of planning permission indicates that the proposal is contrary to the NPPF but provides no assessment as to why.

Para 214 of the NPPF states that for 12 months from the day of publication (March 2012), decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the framework. Para 215 of the NPPF states that in other cases and following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Para 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. One of the special circumstances identified is:

Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.

Having regard to the above, para 55 allows for the re-use of redundant buildings for residential purposes without meeting the sequential test demonstrating that the building is not capable of being reused for employment, holiday accommodation or community uses as set out in policy H10 of the adopted Local Plan 2011. Given the inconsistency with para 55 it is suggested that the amount of weight that can be attached to policy H10 of the adopted Local Plan 2011 is limited.

Notwithstanding the above, I would suggest that policy H10 of the adopted Local Plan 2011 is out of date for other reasons.

Para 14 of the NPPF states that:

Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework as a whole; or

Specific policies in the Framework indicate development should be restricted.

Para 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year housing land supply of deliverable housing sites.

Policy H10 of the adopted Local Plan 2011 is a policy that deals specifically with the supply of housing. Having regard to para 49 of the NPPF and the fact the Council is currently unable to demonstrate a five year housing supply, policy H10 is not considered to be up-to-date. Having regard to para 14 of the NPPF, the Council should resolve to grant planning permission unless doing so would significantly and demonstrably outweigh the benefits. As such, I am pleased to note that officers consider that the design approach is appropriate and would preserve the character and appearance of the wider Cotswolds AONB and the setting of the adjacent Oxfordshire Way. I also note that no objections have been raised by the County Council as highway authority. Charlbury Town Council also 'applaud' the proposal to bring Walcot Barn back into use.

Conversion

I note officers concerns that the proposed development would involve major reconstruction. Other than the provision of a new roof structure, the proposed conversion would not involve major reconstruction. I also note that concerns have been raised regarding the structural integrity of the building and whether this will be further undermined by the proposed semi-subterranean addition. There is no reference in the officer's planning assessment to the Structural Survey that has been submitted in support of the application. The Structural Report was prepared by Tim Oliver of OMK Design Consultancy based in Woodstock. Tim is a qualified structural engineer with 25 years experience. OMK Design Consultancy were the structural engineers involved in the Grand Designs scheme at Barton on the Heath. Para 2.1 of the submitted Structural Report states that 'all of the intact structural fabric of the main barn appears both sound and stable'. Para 2.1 continues that 'it is our view that the existing structure is of adequate strength, stability and in suitable condition for the proposed development proposals presented on the Oxford Design Studio scheme. Para 3.3 of the Structural Report provides a method statement for the conversion and extension of the barn.

Whilst concern has been expressed regarding the impact the proposed subterranean development will have upon the structural integrity of the barn, officers have acknowledged that the addition will not be prominent in wider views, would not be harmful to the character of the immediate setting or the agricultural form of the building.

I would also suggest that the recent amendments to the GPDO which come into place on the 6th April are a material consideration. The amendments to the GPDO allow for the change of use of redundant agricultural buildings in the open countryside for residential purposes. The amendments also allow for the building operations that 'are reasonably necessary' to convert the building, including the replacement and rebuilding of roofs and exterior walls.

Whilst it is acknowledged that these new provisions do not apply within the Cotswolds AONB, it does clearly set out the Government's clear intent of allowing the conversion of redundant agricultural buildings for residential purposes

Ecology

In terms of the concerns that have been raised in terms of the impact the proposed development may have upon protected species and particularly Great Crested Newts, Dr Guy Parker of Wychwood Biodiversity has provided the additional clarification:

No evidence of Great Crested Newts was found at Walcot Barns during 2 site visits made in late 2013 and early 2014. In addition, a data search requested from Thames Valley Environmental Records Centre revealed no records of newts within 1km of the proposed development. The closest observation recorded was of a newt found in a garden pond along Sturt Road, Charlbury in 2005.

However, there are ponds within 200m of Walcot Barns which are considered to provide potentially good breeding habitat for the Great Crested Newt according to the Habitat Suitability Index. The survey of the barn site revealed structures such as tyres and stone piles which could be suitable hibernating habitat for newts during winter months. There is therefore the possibility of Great Crested Newts using the site at certain times of the year.

It should be noted that the development of Walcot Barns would not affect potential breeding habitat of the Great Crested Newt. However, the clearance of tyre and stone piles from the site could reduce the availability of hibernating habitat.

To avoid impact to great crested newts and other protected species, and consistent with a precautionary approach, the following course of action is recommended:

- 1) A survey license should be applied for and Great Crested Newt survey to be carried out between April and June, focusing on the Walcot fish ponds to establish whether a breeding population of great crested newts occur within the vicinity of Walcot Barns. Standard survey methods will be used.*
- 1) If Great Crested Newts are found to be present, or are likely to be present in the area, the impacts of the proposed development will be assessed, a mitigation plan will be developed and a mitigation license will be applied for. Please note that the impacts of this development would be restricted to the potential hibernating habitat and not the breeding habitat.*
- 2) Once a license is granted, the development of Walcot Barns would be carried out in line with the agreed mitigation plan which would include prescriptions for impact mitigation as well as compensation. Mitigation measures would ensure that impacts to the Great Crested Newt hibernating habitat were minimised, through hand searching the site prior to clearance and ensuring operations occurred outside the hibernating period from October to March.*
- 3) Compensation measures would include the provision of equivalent hibernating habitat as part of the Walcot Barns site development. Given the small scale of the potential impact, and its peripheral nature only affecting hibernation habitat, the mitigation and compensation measures would be straightforward with numerous precedents available.*

These measures are in line with Natural England's best practice guidance for the protection of Great Crested Newts.

Conclusions

To summarise, it is considered that:

- *The proposed development would use a redundant or disused building and lead to an enhancement of its immediate setting and the wider Cotswolds AONB in accordance with para 55 of the NPPF;*
- *Policy H10 of the adopted Local Plan 2011 is inconsistent with guidance contained within para 55 of the NPPF and the amount of weight that should be attached to this policy for development management purposes is limited;*
- *Notwithstanding the above, on the basis that the Council are currently unable to demonstrate a 5 year housing land supply, having regard to paragraph 49 of the NPPF, policy H10 is not considered to be up-to-date;*
- *On the basis that the Council are unable to demonstrate a 5 year housing land supply, the Council should grant planning permission, unless doing so would significantly and demonstrably outweigh the benefits;*
- *The proposed development involves the provision of a new roof structure, however, the proposed development would not involve major reconstruction;*
- *The Structural Report submitted in support of the application states that all of the intact structural fabric of the main barn appears both sound and stable;*
- *The Structural Report submitted in support of the application confirms that the existing barn is of adequate strength, stability and suitable condition and will not be undermined by the proposed semi subterranean extension;*
- *The new provisions within the GPDO regarding the reuse of agricultural buildings for residential purposes is a material consideration;*
- *Officers acknowledge that the design approach is appropriate and would preserve the character and appearance of the wider Cotswolds AONB and the adjacent Oxfordshire Way;*
- *Dr Guy Parker of Wychwood Biodiversity has confirmed that there was no evidence of Great Crested Newts present at Walcot Barn during site visits in late 2013 and early 2014;*
- *Dr Guy Parker has provided mitigation measures that are in line with Natural England's best practice guidance for the protection of Great Crested Newts;*
- *No objections have been raised by the County Council as highway authority;*
- *Charlbury Town Council 'applaud' the proposal to bring Walcot Barn back into use;*
- *Officers have not identified harm associated with the proposed development which would significantly and demonstrably outweigh the benefits.*

The proposed development is considered to be in accordance with the relevant 'saved' policies of the adopted Local Plan and guidance contained within the NPPF. As such, it is respectfully suggested that planning permission is granted.

In the event that the only outstanding matter is in respect of ecology matters, I would request that the application is deferred in order to allow this issue to be addressed.

Report of Additional Representations

14/0266/P/FPLeafield Technical Centre Langley	
Date	18/02/201405/03/2014
Officer	Mrs Kim Smith
Recommendation	Grant, subject to conditions
Parish	LEAFIELD
Grid Ref:	430180,215462

Application details

Installation of three mechanical extraction plant. (Retrospective)

Applicant

Caterham FI Team, Leafield Technical Centre, Langley, Oxfordshire OX29 9EF

Additional Representations

I Representations

- I.1 An additional letter of representation has been received from Mr Warren. His comments are précised as follows:

Business activity on a previous application for the site 10/0838 was restricted to 8am to 6pm on weekdays and not after 1pm on Saturdays and not at all on Sundays. The same criteria should be applied in this case. This would be a reduction in the use of the equipment to 10 hours instead of 16 hours, per weekday and 5 hours on Saturdays, which we believe would, with suitable effective mitigation to the current noise levels, be more environmentally acceptable and not in any way unreasonable.

In the meantime the noise continues, unabated throughout day and night.

Further to yesterday's comments, we unfortunately have to report a great deal of noise from LTC constant over the past two days and nights.

The West Oxfordshire District Council helpline refused our complaint and suggested we ring the police. We did not ring C Salisbury earlier in the day as we were hopeful that the noise would lessen at about 6pm. It obviously did not.

In view of the above, we are therefore very concerned as to what will happen- if the current application is granted- in respect of operating time and protection to residential amenity during the suggested – very generous – time limit of three months to complete mitigation conditions?

We have had more than enough of their noise and disrespect over the past two years.

Report of Additional Representations

14/0274/P/FP Cling Clang Farm Hyne Jones Field Church Enstone	
Date	17/02/201406/03/2014
Officer	Miss Dawn Brodie
Recommendation	Refuse
Parish	ENSTONE
Grid Ref:	437986,224874

Application details

Sitting of a mobile home.

Applicant

Mr Stephen Lawson, 8 Keswick Green, Leamington Spa, Warwickshire CV32 6NA

Additional Representations

1 Statutory Consultees

1.1 Enstone Parish Council

Enstone Parish Council unanimously objects to this current planning application as the site is completely unacceptable for a mobile home and vehicular access is insufficient.

1.2 OCC Highways

The proposal, if permitted, will have no significant effect on the adjacent highway

No objection

2 Representations

2.1 Since the preparation of the officer's report eleven letters of representation have been received. The comments received can be summarised as follows:

- We oppose the proposal to rear wild boar
- The application claims the dwelling is needed for wild boar business however, a license has not been made or approved for the keeping of these animals therefore the application is premature.
- The mobile home will be visible from footpaths.
- There is no need for a dwelling on the site
- In a meeting with local residents the applicant claimed this to be a 'part time' venture and that he will continue with his main employment. This is contrary to Para 55 of the NPPF.
- Mobile home is completely out of keeping with this location.
- This site is not suitable for wild boar which are considered a dangerous animal. There will be pollution from effluent at the site.
- There will be noise and odour disturbance from the animals.
- Cling Clang Lane is unsuitable for increased vehicular movement.
- The wild boar will be of danger to users of the footpaths.
- Numerous attempts for residential on this site have been made since 1975.
- The development will be outside of the village boundary.
- Wild boar is not 'typical agriculture'.
- Access to the site is difficult and the access onto the B4022 has very limited visibility.
- There is only a shared water supply to the site which could cause problems.
- Wild Boar are not easy to manage and are prone to escaping.
- This may be the first step in attempting to get a permanent dwelling on the site.
- The development would not be in keeping with the area and would be of harm to the landscape.
- There are no mains services to the site.

- There are other more suitable sites for wild boar farming.
- I would suggest that if the applicant can be away from site at work for most of the day he does not need to live on the site.
- The enclosures and entrances would not be in view from the proposed caravan due to the slope of the land.
- Cling Clang Lane is not suitable for use by heavy vehicles.
- The business plan does not show any provision for insurance.
- The footpaths which cross the site are important for local villagers who use them to connect between Enstone and Church Enstone.
- How can a mobile home related to a wild boar farm be allowed where there has been no application for a wild boar farm.
- Increasing boar numbers on the site will lead to increased noise and odour
- The applicant is not proposing to take a salary out of the enterprise indicating that the proposal is not financially sustainable. No costs of setting up the enterprise have been included (i.e. buildings, fencing etc).
- The mobile home would overlook the garden of The Barnslade to the detriment of its privacy.
- There is no business on site which warrants someone living there.

2.1 In addition, one letter of support has been received. This can be summarised as follows:

- There is no reason not to support this proposal.
- There have been a number of improvements at the site since Mr Lawson has taken ownership i.e. better footpath access, new fencing and walling being repaired.
- The mobile home would not encroach of any of the views from the footpath.
- There are caravans elsewhere which have not been objected to.
- There have been no objections from local residents and I am sure they share my views.

3 Applicant's Case

3.1 No supporting information was submitted at the time the application was made however, following the officers report some supporting information has been supplied by the applicant. This is summarised as follows:

- The enterprise will be set up initially on three acres of land.
- Fencing will be erected to six foot in height.
- In year one, one boar and five sows will be purchased initially, 25 boarlets will be bred from the five sows taking 12 months to mature to either slaughter or (at 18 months) to breeding stock.
- In year two sows will be increased to ten.
- The business will make a £10,000 loss in year one but with less investment in year three a £27,000 return will be made.
- Adult boar will breed three times in a two year period.
- Justification provided for a functional need:
 - Wild boar are difficult to manage, they need skill, experience and regular contact.
 - On site accommodation will allow for regular day and night inspections for sows ready to give birth.
 - All farrowings will require close monitoring.
 - Animal husbandry will require a worker on site at most times.
 - Wild Boars are covered by the Dangerous Wild Animals Act and as a public footpath runs close to the enclosure any license will require a stockman on site.
- There are no other dwellings in Church Enstone or Enstone are close enough to the enclosure and have high rental or sale costs.

In your officer's opinion, the information submitted does not adequately demonstrate why a person needs to be on site at all times. As such, the supporting information does not change the recommendation of officers.