

WEST OXFORDSHIRE DISTRICT COUNCIL
UPLANDS AREA PLANNING SUB-COMMITTEE
MONDAY 7TH AUGUST 2017

UNAUTHORISED EXTRACTION UNIT ON A LISTED BUILDING AT
THE BULL INN, SHEEP STREET, CHARLBURY.

REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING

(Contact: Stephanie Eldridge, Tel: (01993) 861653)

(The decision on this matter will be a resolution)

1. PURPOSE

To enable Members to consider whether it is expedient to authorise enforcement action to secure removal of the extraction unit.

2. RECOMMENDATIONS

That Member's authorise the issue of an enforcement notice to secure removal of the extraction unit and flue within 3 months of the notice coming into effect. Further, if compliance with the notice is not secured to institute further actions to secure compliance.

3. BACKGROUND

- 3.1 Following a complaint it has come to light that a new extraction unit has been erected on the Bull Inn in Charlbury without the benefit of planning permission or listed building consent. As such, unauthorised works to a listed building have taken place.
- 3.2 In an attempt to seek to regularise the breach of planning control retrospective planning and listed building consent applications were submitted under reference numbers 16/01140/FUL and 16/01141/LBC. Officers drafted committee reports with a recommendation of refusal of the applications to be considered by members at the Uplands Planning Sub Committee meeting. However, upon hearing the recommendation the applicants decided to withdraw the application and advised officers they would submit an amended application. In March 2017 applications 17/00790/FUL and 17/00791/LBC were submitted to seek consent for the same extraction unit but in a different location on the building. These applications were also refused. Officers were advised that the applicant intended to appeal the decision but it has been 10 weeks post the issuing of the refusal notice and the Council have not been notified that an appeal has been submitted. Therefore, members must now consider the expediency of taking formal action.
- 3.3 The extraction unit has been located on the rear elevation of the 17th century Grade II listed Inn. The extraction system is 2.23m high, 0.52m wide and is currently positioned so it projects approximately 0.4m above the ridge height of the kitchen roof. The site sits within the Charlbury Conservation area, the Cotswold Area of Outstanding Natural Beauty and is in close proximity to a number of listed buildings positioned along Sheep Street, Browns Lane and Market Street. The key issues for consideration are the impact on the character and appearance of the conservation area, the impact on the architectural integrity of the Grade II listed building, and the impact on the Cotswold Area of Outstanding Natural Beauty.

- 3.4 Within a Conservation Area, the LPA is required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Given that this is an attractive Grade II listed property in a very prominent and sensitive location within the Charlbury Conservation Area, which is highly visible from Browns Lane, officers are of the opinion that the unusual design and scale of the unit has a detrimental impact on the visual character and appearance of the area from the street scene and fails to preserve or enhance the Conservation Area.
- 3.5 As the Inn is a Grade II Listed building, the LPA is required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended when considering development. This states that special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The development fails in this regard.
- 3.6 In considering the impact of the development on heritage assets case law is clear that there is a need to address paragraph 134 of the NPPF (as a footnote 9 restrictive policy) and the balance required there, before assessing compliance with paragraph 14 of the NPPF. Paragraph 134 of the NPPF establishes that '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'. Given that the Bull Inn is an attractive Grade II listed property in a very prominent and sensitive location within the Charlbury Conservation Area officers are of the opinion that the unusual design and scale of the unit has a detrimental impact on the architectural character and appearance of listed building. Whilst this harm is considered to be less than substantial, the public benefit of the installation is not considered to outweigh the harm to the heritage asset. Therefore, the development is unacceptable in these terms. Even under a wider paragraph 14 assessment, the significant and demonstrable harm outweighs any benefit.
- 3.7 In light of these observations, having considered the relevant planning policies and all other material considerations, your officers are recommending that formal enforcement action is taken by way of the issue of an enforcement notice in respect of the unauthorised extraction unit. Your officers are of the opinion that it is expedient to progress to formal enforcement action as the unauthorised extraction unit fails to respect and is unsympathetic to the original character of the building and further because it fails to either preserve or enhance the character and appearance of the Conservation Area. As such the unauthorised development is considered contrary to policies BE2, BE5, and BE7 of the adopted West Oxfordshire Local Plan 2011, OS2 and EH7 of the emerging West Oxfordshire Local Plan 2031 and relevant policies of the NPPF; in particular 131, 132 and 134.
- 3.8 The National Planning Policy Framework states that 'effective enforcement is important as a means of maintaining confidence in the planning system'. Having regard to this principle, it is considered that the enforcement action to require the removal of the extraction unit recommended is an expedient and a proportionate response to the harm identified in this report.

4. ALTERNATIVES/OPTIONS

Members may consider that the harm outlined in your officers report, is not so 'significant' such that it is expedient to take formal enforcement action.

5. FINANCIAL IMPLICATIONS

None at this stage.

6. RISKS

None at this stage.

7. REASONS

See Section 3 above.

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Background Papers:
None