

Item No 03:-

15/04971/FUL (CD.1328/P)

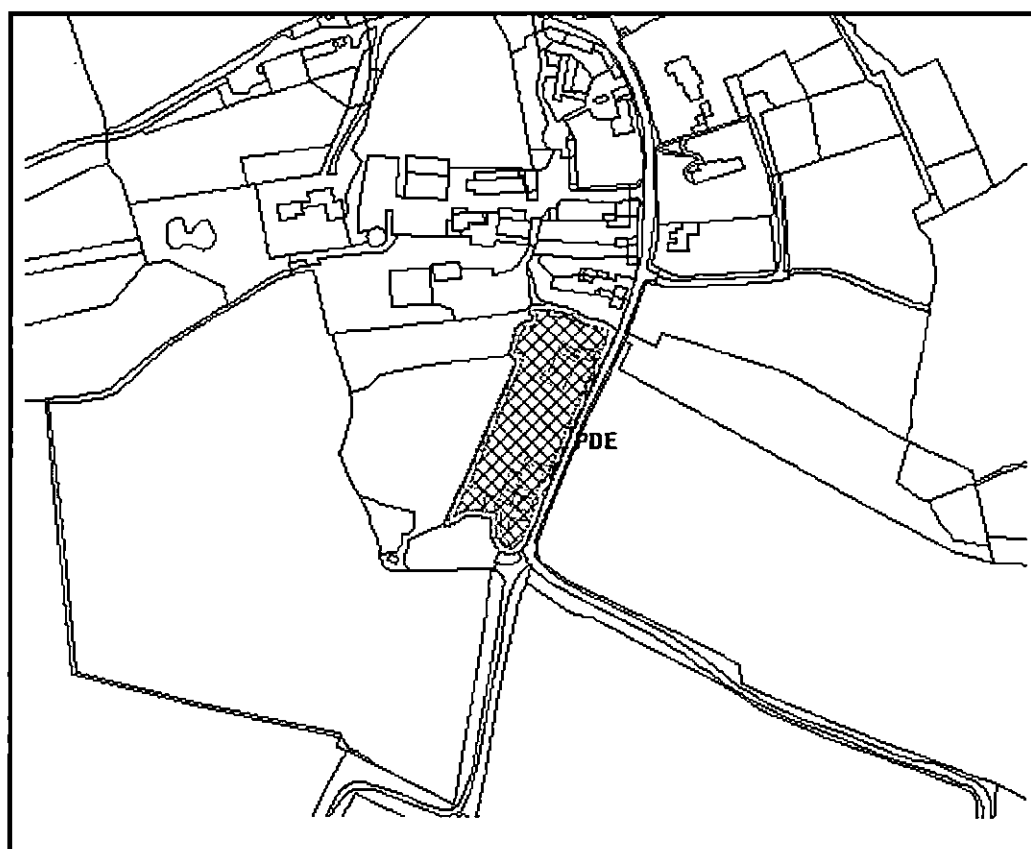
**Laurence House
Wyck Rissington
Cheltenham
Gloucestershire
GL54 2PN**

Item No 03:-

**Demolition of existing outbuildings and erection of a staff cottage, storage barn
and stable block at
Laurence House
Wyck Rissington**

Full Application 15/04971/FUL (CD.1328/P)	
Applicant:	Mr Robert Montague
Agent:	Yiangou Architects Ltd
Case Officer:	Joe Seymour
Ward Member(s):	Councillor Mark MacKenzie-Charrington
Committee Date:	13th April 2016

Site Plan



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RECOMMENDATION: REFUSE

Main Issues:

- (a) Relationship of the proposed staff cottage with the main dwellinghouse
- (b) Principle of development and sustainability of the location
- (c) Essential need for additional self-contained accommodation

Reasons for Referral:

Clr Mackenzie-Charrington has referred this application to be determined by the planning committee to consider whether the refusal is an unreasonable restriction of the owners enjoyment of their principal home.

1. Site Description:

Laurence House (formerly The Stone House and Porter's Cottage) is a substantial dwelling set in an extensive residential curtilage on the southern outskirts of Wyck Rissington, within the Cotswold Area of Outstanding Natural Beauty. The dwelling occupies the northern end of an almost rectangular residential curtilage with its eastern frontage abutting the lane from which vehicular access is gained at three separate positions. Formal gardens surround the house and are separated from an adjoining paddock to the west by a ha-ha and the edge of an existing tennis court. South of the gardens and still within the residential curtilage is an outdoor swimming pool, tennis court, tool and machinery stores, stables, greenhouse, chicken run and a horse box shelter.

2. Relevant Planning History:

None

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR19 Development outside Development Boundaries
 LPR31 Equestrian Related Development
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Development

4. Observations of Consultees:

None

5. View of Parish Council:

Supports this application

6. Other Representations:

None

7. Applicant's Supporting Information:

Planning Statement

8. Officer's Assessment:**(a) Relationship of the proposed staff cottage with the main dwellinghouse**

The application seeks planning permission for a staff cottage, storage barn and stable block in connection with the equestrian activity that takes place at the main dwellinghouse known as

Laurence House in Wyck Rissington. This is a householder application within the existing residential curtilage of Laurence House.

The proposed staff cottage would contain all the elements required for independent living including kitchen facilities, living room, bedroom, bathroom, integral garage for vehicle parking and a separate vehicular access to the driveway used by the main dwellinghouse. Even though independent living at the staff cottage would be feasible without dependence on the main dwellinghouse, this does not in itself amount to the creation of a new planning unit as *Uttlesford DC v SSE & White [1992]* established, this is a matter of fact and degree.

In this particular case, the proposed use of the staff cottage is explained in paragraph 4.4 of the applicant's planning statement:

"The applicant is seeking to provide staff accommodation for the purpose of having on-site property security, for housekeeping duties and to accommodate someone to look after the family's horses and the extensive gardens - the latter are open to the public and require substantial work by a skilled and knowledgeable plantsman/gardener".

The proposed use of the staff cottage described above (and even the description 'staff cottage') creates doubt as to whether it would be used ancillary to the main use of the Laurence House planning unit as a single household.

A relevant appeal decision at a property called Gatesby Cottage (ref: APP/T3725/X/13/2194189) sets out useful tests whether outbuildings can be considered ancillary to a main dwellinghouse. It states that if an outbuilding with its living accommodation is part of the same planning unit, remains in single family occupation and continues to function as a single household, no material change of use is involved. In this set of circumstances the outbuilding would be considered as an ancillary use; however this set of circumstances would not apply at Laurence House.

In the Gatesby Cottage case, the outbuilding, which was converted into habitable accommodation, was to be occupied by the daughter of the owner and occupier of the main dwellinghouse. Even with the family connection and the removal of the cooking facilities from the outbuilding, the Inspector maintained that it could still be occupied independently from the main dwellinghouse, which would result in the creation of a separate planning unit and therefore it could not be considered an ancillary outbuilding.

The evidence provided for Laurence House remaining as a single household is even less convincing than the evidence and circumstances provided in the Gatesby Cottage case. The staff cottage would have no dependence on the main dwellinghouse whatsoever, there is no explanation as to how the occupiers of the staff cottage would interact with the residents of the main dwellinghouse and no information about the staff has been provided.

Paragraph 4.4 of the planning statement is vague and from it the Council can only guess by whom the staff cottage would be occupied. Four different roles are described in paragraph 4.4 and these are:

1. on-site property security,
2. housekeeping,
3. someone to look after the horses, and
4. a plantsman/gardener.

The applicant is not clear if these duties are all to be undertaken by one person or four different people who would each take it in turns to stay in the staff cottage. This adds further doubt to the claim the staff cottage would be ancillary to the main dwellinghouse. In the Gatesby Cottage case, the Inspector knew that the occupant of the outbuilding would be the daughter of the owner and occupier of the main dwellinghouse and still dismissed the appeal.

Based on the information provided by the applicant and the Council's assessment of the relationship of the proposed staff cottage to the main dwellinghouse, it is considered that a change of use would occur and a new planning unit would be created. This type of development is considered not to be a householder development and would require a change of use planning application. The erection of a staff cottage, despite being within the curtilage of Laurence House, would be equivalent to the erection of an independent dwellinghouse, which the Council does not support for the reasons stated in the following sections of this report.

(b) Principle of development and sustainability of the location

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development plan is therefore the starting point. In this case the development plan is the adopted Cotswold District Local Plan 2001-2011 and is referred to herein as the 'Local Plan'.

The sub-section of this report above has established that the proposal involves the erection of a new dwellinghouse, which in this case would be located outside of a development boundary as shown on the Proposals Map to the Local Plan. Therefore, the correct policy to apply in terms of the principle of the proposed development is therefore Local Plan Policy 19 (Development Outside Development Boundaries). Local Plan Policy 19 is positively written in that it supports development appropriate to a rural area provided that the proposals relate well to existing development, meets the criteria set out in other relevant local plan policies and results in development that does not significantly compromise the principles of sustainable development. However, Local Plan Policy 19 explicitly excludes the development of new-build open market housing outside of adopted development boundaries, which is not consistent with the National Planning Policy Framework (NPPF). Policy 19 of the Local Plan is therefore considered to be time expired.

The NPPF is a material consideration in the determination of planning applications. The NPPF requires local planning authorities to 'boost significantly the supply of housing' (NPPF, paragraph 47) and requires planning decisions for housing to be considered in the context of the 'presumption in favour of sustainable development' (NPPF, paragraph 14 and 49).

As a result of recent appeal decisions within the District and, in particular, the Land east of Broad Marston Road, Mickleton appeal (PINS Ref: APP/F1610/A/14/2228762) it is accepted by the Council that the adopted Local Plan is time expired and that the Local Plan contains no allocations for housing to meet housing needs beyond 2011. The adopted Local Plan is therefore 'out of date'.

Paragraph 14 of the NPPF states that in decision taking the presumption in favour of sustainable development means:

approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework, taken as a whole, or
- specific policies in this Framework indicate development should be restricted, for example, if the site is located within an Area of Outstanding Natural Beauty (footnote 9)

The site is within the Cotswolds Area of Outstanding Natural Beauty (AONB), however in this particular case the visual impact of the proposed buildings is considered to be limited. This is because the proposed storage barn and stable block would be modest like-for-like replacements of existing buildings. The proposed one-and-a-half storey staff cottage would also be of a similar size and scale to the proposed outbuildings and it would be set within the confines of the existing

site. The proposal does not involve enlarging the curtilage of the site and therefore no encroachment into the open countryside would occur. Therefore, in the context of NPPF paragraph 115 the proposal would preserve the landscape and scenic beauty of the Cotswolds AONB.

In reference to NPPF paragraph 14 (including footnote 9) quoted above, with no other specific policies in the NPPF indicating that development should be restricted per se, an assessment must therefore be made to ascertain whether the proposal is a sustainable form of development.

Wyck Rissington is a small village with no public services. It does not benefit from a village shop, post office, pub, primary school or bus service. The occupants of any new dwelling would be highly reliant on private car to access any of these basic day-to-day services. It is for this reason that Paragraph 55 of the NPPF states Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

The equine activities that take place at the site are incidental to the enjoyment of those who reside at Laurence House only, i.e. this is not a racehorse training facility, stud farm, equine veterinary surgery or any other type of commercial equine enterprise. Therefore, because the site is not a permanent place of work in the countryside, the proposed creation of a staff cottage is contrary to the guidance contained within paragraph 55.

In this instance, it has not been demonstrated why the essential care of horses cannot be met by the existing dwelling at the site and those that reside within it. Local Plan Policy 31 only supports an equestrian worker's dwelling if it is required in connection with a commercial equestrian activity where a business has already been established. An equestrian business does not currently operate from the site and a detailed business plan has not been provided to demonstrate that a new equine business has been planned for the future on a sound financial basis.

Concluding on this issue, notwithstanding the time-expiration of Local Plan Policy 19, the characteristics of the site are such that the proposed staff cottage represents unsustainable development in an unsustainable location with no public services. There is no equestrian business in place at the site and no evidence has been submitted to suggest that there any intentions to start such a business. The proposal for a staff cottage is therefore considered to be contrary to the guidance contained with Local Plan Policy 31 and paragraphs 14 and 55 of the NPPF.

(c) Essential need for additional self-contained accommodation

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas, and the other Planning Policy Statements were superseded by the introduction of the National Planning Policy Framework (NPPF) in March 2012. However, Annexe A of PPS7 which outlines the criteria that local planning authorities should apply when determining planning applications for rural worker's dwellings is still considered to be relevant. A recent appeal decision from January 2016 (ref: APP/J3720/W/15/3133183) confirmed that PPS7 Annexe A is still applicable:

"The Framework itself contains no guidance on how to determine essential need for a rural worker to live at or near a site. However, although no longer government policy, Annex A of Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7), sets out a useful, tried and tested methodology for assessing whether there is an essential need for a rural worker's dwelling on a holding. I see no reason to discount it as a useful tool in seeking to establish whether a permanent dwelling is justified".

Annexe A states that applications for a permanent rural worker's dwelling (this includes those working in agricultural, forestry and equine industries) should only be allowed if there is a clearly established functional need for a rural worker to live at the site. Whilst it is accepted that horses at the site will need to be looked after, the applicants have not demonstrated to the satisfaction of the Local Planning Authority why the functional need cannot be fulfilled by the existing dwelling

and those that already reside within it. The crucial point is that the horses are not kept at the site as part of an equine business, they are the applicant's pets, therefore no essential need for an additional dwelling exists according to the guidance in Annexe A.

The applicants maintain that the development would generate other types of work in addition to looking after horses including on-site property security, housekeeping, and a plantsman/gardener, which thereby justifies the need for additional self-contained accommodation. These duties may generate some occasional, part-time employment but they are not justification for person(s) to be permanently located at the site. Annexe A defines an essential need as a situation which requires workers to be on hand day and night to deal with emergencies such as, but not limited to, agricultural processes requiring essential care at short notice and maintenance of automated systems which are crucial for crop production.

Housekeeping and plantsman/ gardener duties do not require a round the clock presence and, in any case, there would be no reason why person(s) carrying out these duties cannot reside within the main dwelling in situations when the applicant is not at home. Property security is also not considered an essential need for additional self-contained accommodation. The need to provide on-site security and prevent burglaries, for instance, is no different at Laurence House than it is at any other isolated house in the countryside. The fact the applicant owns keeps horses at the site for their own personal use does not change this fact and it does not represent an essential need for additional self-contained accommodation pursuant for Annexe A.

9. Conclusion:

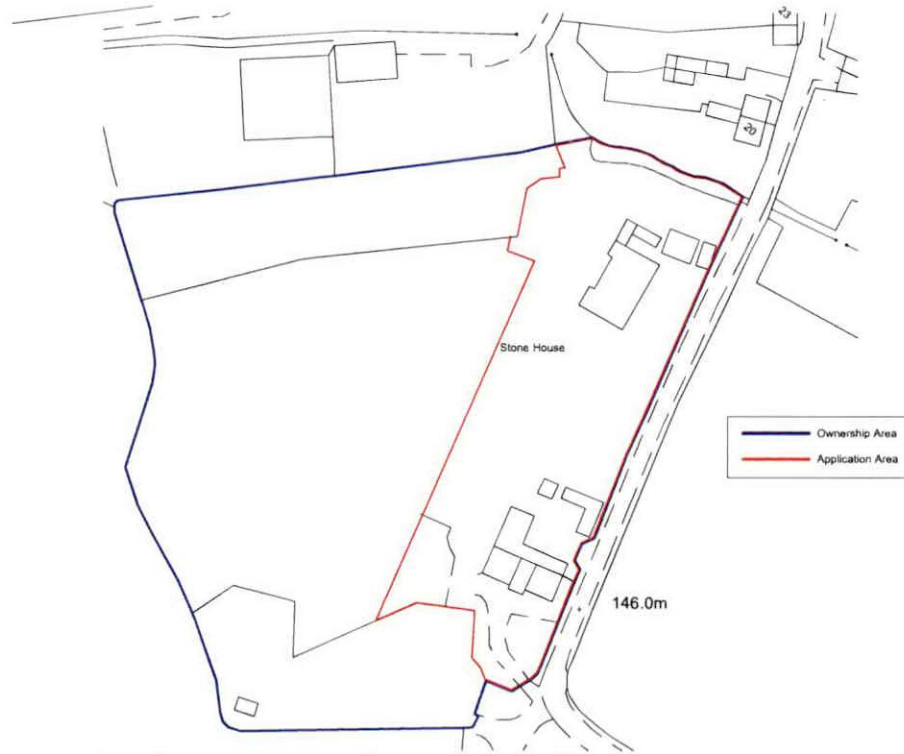
No objection is raised in principle with the demolition of outbuildings and the erection of a storage barn and stable block. However, for the reasons outlined above, the Council maintains that the proposal involves the creation of a separate planning unit and an independent dwelling in an isolated countryside location with no justification that is supported by any local or national planning policies. Therefore, the application is recommended for refusal.

10. Proposed Reasons for Refusal:

The proposed staff cottage is considered to be an independent dwellinghouse which results a material change of use and the creation of a new planning unit. The application site is located outside a Development Boundary as designated in the Cotswold District Local Plan 2001-2011. The site is also located in an area of open countryside which is unable to offer any services or facilities and which is in itself remote from services, facilities, amenities and public transport links. The site does not represent a sustainable location for new residential development unless it can be shown that there are special circumstances such as the essential need for a worker to live permanently at or near their place of work pursuant to paragraph 55 of the National Planning Policy Framework.

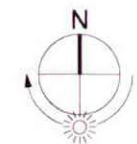
In this instance it has not been demonstrated why the roles described as on-site property security, housekeeping, a plantsman/gardener and the essential carer of horses cannot be met by the existing dwelling at the site and those that reside within it. Local Plan Policy 31 only supports an equestrian worker's dwelling if it is required in connection with a commercial equestrian activity where a business has already been established. An equestrian business does not currently operate from the site and a detailed business plan has not been provided to demonstrate that a new business has been planned for the future on a sound financial basis.

The proposal is therefore considered to be contrary to the guidance contained within Cotswold District Local Plan Policy 31 (2.), paragraphs 14 and 55 of the National Planning Policy Framework and the tried and tested methodology contained within Annexe A of Planning Policy Statement 7: Sustainable Development in Rural Areas.



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A	28/10/13	Planning Application	AF
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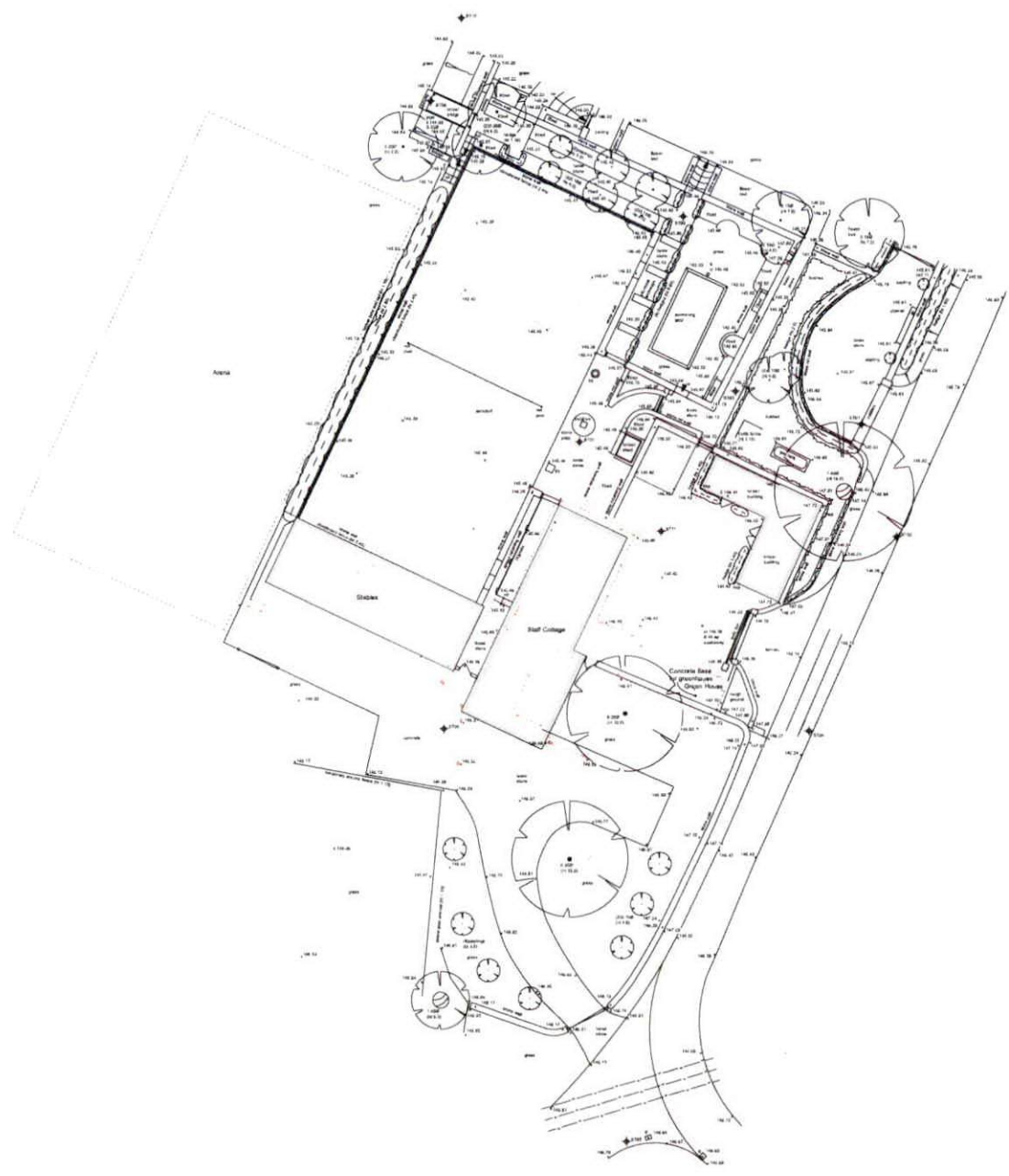
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QA Serial Number
23674

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Client	Mr and Mrs Monague
Project Address	Stone House, Wyck Risington, GL54 2PN
Project Description	Alterations and Extension
Drawing Title	OS Site Location Plan
Drawing No	1686.001
Rev	A

15/04971/FUL



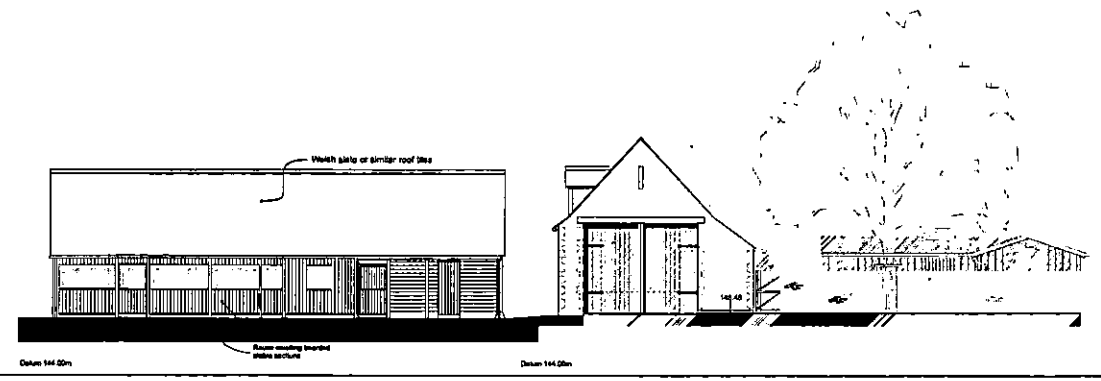
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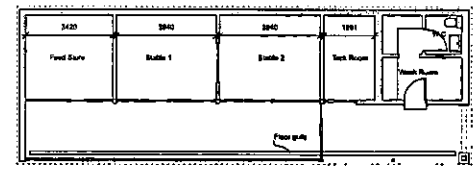
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Rev	03.08.15	Planning Application	AT
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Scale			
UK Site Number: 100111			
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Client	Mr M Montagu		
Project Address	Lawrence House, Wyck Watlington, Chesham, Bucks SL7 2JF		
Project Description	Alterations and Extensions to Outbuildings		
Drawing Title	Proposed Site Plan		
Drawing No.	1008-110	Rev.	A

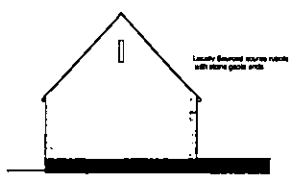
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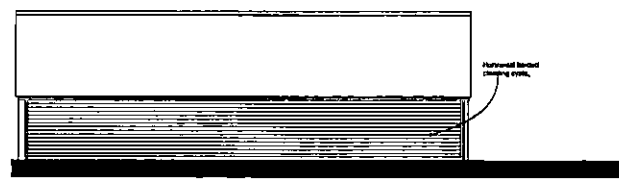
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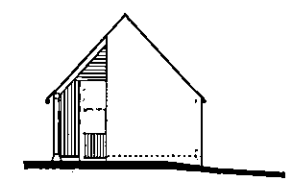
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Elevation NW (SCALE 1:100)



Elevation NE (SCALE 1:100)



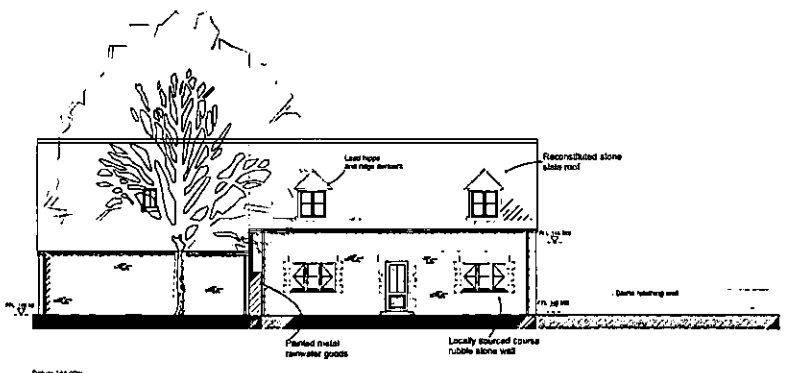
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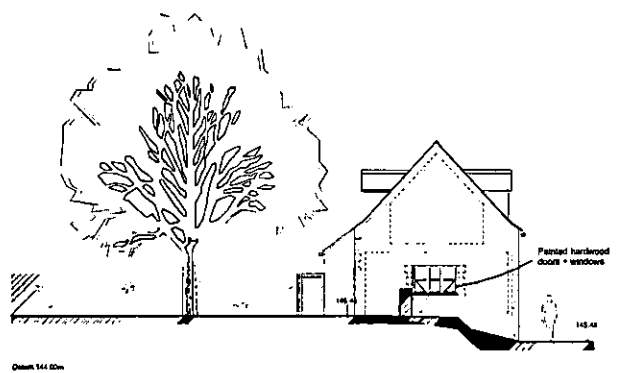
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DA Board Number 27677			
YANGOU YANGOU ARCHITECTS		2nd Floor 2, Rue de la Commerce, Hanoi, Viet Nam (+84) 909 998 188 y.architects@yangou.com www.yangou.com	
Client	J&R Mortgage		
Project Address	Lauriston House, 170/18 Kingston, Cheltenham, Gloucestershire, GL50 2PH		
Project Description	Alterations and Extensions to Outbuildings		
Drawing Title	Proposed Stable Plans		
Drawing No.	1808-120	Rev.	A

General Notes:

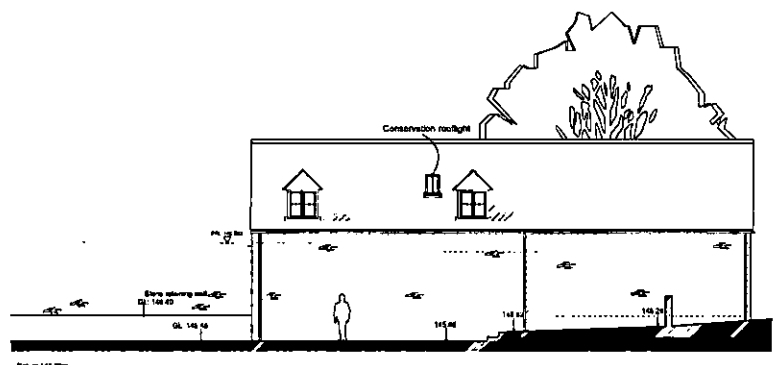
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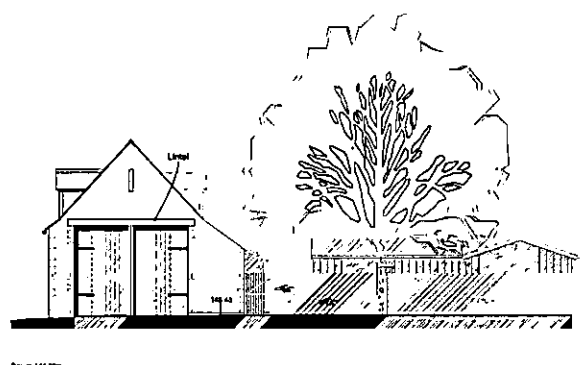
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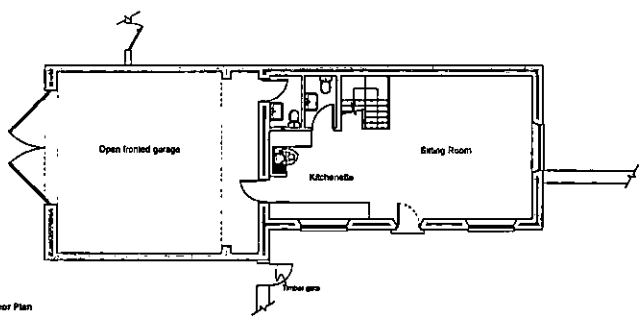
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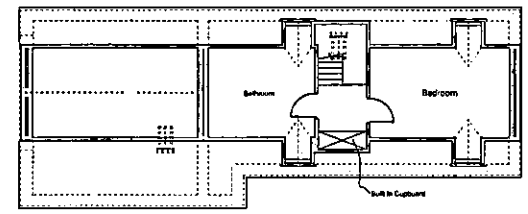
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Ground Floor Plan
Scale 1:100



First Floor Plan
Scale 1:100

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Rev	Description	By
B	16.10.10 Planning Application	MB
A	25.06.10 Planning Application	AE
Rev	Date	Issue
		Drawn

Scale 1:100 @ A1

QA Serial Number: c1.0190

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Client: MR R. Montague

Project Address: Laurance House, Wyck Road, Rostergate, Cheltenham, Qld 4570

Project Description: Alterations and Extensions to Outbuildings

Drawing Title: Proposed Built Cottage Plans

Drawing No: 1808-123

Rev: B