

Item No 04:-

19/01288/FUL

**Brae Croft
Upper Oddington
Moreton-In-Marsh
Gloucestershire
GL56 0XJ**

Item No 04:-**Change of use of existing building from ancillary use to independent dwelling at Brae Croft Upper Oddington Moreton-In-Marsh Gloucestershire GL56 0XJ**

Full Application 19/01288/FUL	
Applicant:	Mr & Mrs Peter Wilsdon
Agent:	Stable Architecture Ltd
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Julian Beale
Committee Date:	12th June 2019
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of Residential Use
- (b) Sustainability of the Location
- (c) Residential Amenity
- (d) Landscape Impact
- (e) Highways and Parking

Reasons for Referral:

The application is referred to Committee at the request of the Ward Member, Cllr Julian Beale for the following reason: -

'I am not content to agree because Permission would grant the Applicant to sell off this 'ancillary' residence without its own Curtilage such that its garden area, notwithstanding the space available, would be simply as granted by and under the control of the owners of Brae Croft.

I would therefore like to ask for this Application to go before the Planning Committee.'

1. Site Description:

The application site is located to the southern side of Upper Oddington, and is on the eastern side of the lane into the village leading to the B4450 to the south.

The applicant's property is a replacement dwelling following the granting of planning permission in 2009, whilst the building subject to this application was granted as an ancillary building that is sited adjacent to the north-eastern boundary of the residential curtilage.

The site is outside any development boundary defined in the Local Plan, and is within the Cotswolds AONB. The land to the south-east and north-east of the application site falls away such that the dwelling is located on the skyline when viewed from the B4450 and a Public Right of Way (PRoW) to the east.

2. Relevant Planning History:

06/00973/FUL: Erection of two storey and single storey extensions. Granted 15.6.2006

06/02985/FUL: Demolition of building and erection of replacement dwelling. Refused 17.1.2007

07/00555/FUL: Demolition of dwelling, erection of replacement dwelling. Granted 29.5.2007

09/01349/FUL: Erection of replacement dwelling (amendment to permission 07/00555/FUL to include changes to the scale and design of the boot room). Granted 15.7.2009

15/00434/CLEUD: Certificate of Lawful Existing Use or Development under Section 191 of the Town & Country Planning Act 1990 - for the construction and retention of an unauthorised dwelling currently known as Brae Croft, Upper Oddington. Granted 31.03.2015

16/00357/FUL: Erection of ancillary building. Withdrawn 25.07.2016

16/03627/FUL: Erection of ancillary building. Granted 21.10.2016

16/04410/FUL: Erection of carport structure. Granted 24.11.2016

16/04765/FUL: Variation of Condition 4 of planning permission 16/03627/FUL: use of outbuilding for purposes ancillary to the residential use of the dwelling. Granted 23.12.2016

16/05255/COMPLY: Compliance with conditions 3 (samples) and 5 (landscaping) of application 16/04765/FUL - Erection of ancillary building. Granted 31.01.2017

17/01301/FUL: Erection of ancillary building - amendment to 16/04765/FUL. Granted 05.05.2017

18/04570/FUL: Erection of ancillary building (revisions to that approved under 17/01301/FUL) (Retrospective). Granted 15.01.2019

3. Planning Policies:

NPPF National Planning Policy Framework
 DS3 Small-scale Res Dev non-Principal Settle
 EN1 Built, Natural & Historic Environment
 EN2 Design of Built & Natural Environment
 EN4 The Wider Natural & Historic Landscape
 EN5 Cotswold AONB
 INF4 Highway Safety
 INF5 Parking Provision

4. Observations of Consultees:

None

5. View of Town/Parish Council:

Oddington Parish Council: Object as follows: -

"The Council notes that this application appears to be the same as the one withdrawn last month. Our comments remain as last time. Namely that the Council OBJECTS to this application on the grounds that the site is currently occupied by a building which is ancillary to the main building (Fox Furlong) (*sic*) and should not be used to create a new, separate dwelling. It is the Council's view that a new dwelling would not meet the criteria set out in DS3 of the Local Plan 2011 -2031."

6. Other Representations:

5 objections have been received raising the following points: -

- i) building granted for ancillary use and should remain as such
- ii) overdevelopment
- iii) this is an example of 'planning creep'

7. Applicant's Supporting Information:

Planning Statement
Proposed Plans

8. Officer's Assessment:

(a) Principle of Residential Use

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2011-2031.

Local Plan Policy DS3 (Small-Scale Residential Development in Non-Principal Settlements), allows for small-scale residential development in non-Principal Settlements where this:

- a. demonstrably supports or enhances the vitality of the local community and the continued availability of services and facilities locally;
- b. is of a proportionate scale and maintains and enhances sustainable patterns of development;
- c. complements the form and character of the settlement; and
- d. does not have an adverse cumulative impact on the settlement having regard to other developments permitted during the Local Plan period.

Policy DS3 recognises that although many of the rural villages and hamlets within the District are not sustainable locations for residential development, some settlements have greater sustainability credentials. As such Non-Principal Settlements are those which have reasonable access to everyday services, facilities and/or employment opportunities, either within the settlement itself, at a Principal Settlement, or at a neighbouring rural settlement.

The NPPF has at its heart a 'presumption in favour of sustainable development'. It states that there are three overarching objectives to achieving sustainable development: economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.

In addition to the above, it must also be noted that, even if the Council can demonstrate the requisite minimum supply of housing land, it does not in itself mean that proposals for residential development outside existing Settlement Boundaries should automatically be refused. The 5 year (plus 5%) figure is a minimum not a maximum and as such the Council should continually be seeking to ensure that housing land supply stays above this minimum in the future. As a result there will continue to be a need to release suitable sites outside Settlement Boundaries identified in the Local Plan for residential development.

(b) Sustainability of the Location

The supporting text to Policy DS3 guides the decision maker to make a judgement on the accessibility to everyday services, facilities and/or employment opportunities, where "reasonable access" helps to avoid unnecessary traffic movements and social isolation. Distance, quality of route, topography and pedestrian safety are important issues when considering the accessibility of services and facilities (Para 6.3.4). The Local Plan's development strategy seeks to promote sustainable patterns of development in the District and residential development in rural areas is directed to those locations where it will enhance or maintain the vitality of rural communities. In the absence of special circumstances, the plan seeks to avoid permitting new isolated homes in the countryside. Policies DS3 and DS4 are central in this respect.

In terms of the sustainability of the location, the village of Upper Oddington, together with the adjoining village of Lower Oddington, are considered to represent Non-Principal Settlements for the purposes of the Local Plan. Therefore, housing development in significant numbers and/or high density is unlikely to be supported in this location. However, having regard to Policy DS3 and the NPPF, it is proper that consideration is given to small-scale residential development on the merits of each individual case.

NPPF paragraph 78 states that 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

In the context of Policy DS3, the proposal is for the change of use of an existing building forming ancillary accommodation into independent residential use, and is therefore considered to represent small scale residential development. The proposal will provide additional living accommodation which has the potential to assist services and facilities in the village and in nearby settlements such as Stow-on-the-Wold as supported by paragraph 78 of the NPPF.

The proposed dwelling is located in proximity to existing residential development and there are facilities in the villages including a church, village hall, bus stops and public houses. In the context of the village, the independent use of this building is considered to maintain sustainable patterns of development. The proposal will not have an adverse cumulative impact on the settlement in light of the number of dwellings approved in Oddington in the Local Plan period. The Council's Residential Land Monitoring Statistics April 2018 state that there have been 2 completions in the parish since 2011 and that there were 3 outstanding commitments as of April 2018 (one of which is a replacement dwelling). Permission therefore exists, or has been granted, for a limited number of residential units in the Local Plan period. The proposal is therefore considered to accord with Local Plan Policy DS3 in respect of criteria 1 a, b and d. Criterion 1 c will be assessed later in this report.

(c) Residential Amenity

The building subject to this application is within the residential curtilage of Brae Croft, and shares its access of the lane to the north-west. Whilst traffic visiting Brae Croft would have to drive past the property to gain access, the driveway would be subdivided from the proposed dwelling by retaining walls and planting, such that it is considered there would not be any adverse impact upon the amenities of occupants of the building. In addition, considering the size of the garden to Brae Croft, the proposed dwelling would also be afforded a large garden area.

There are no other immediately adjacent residential properties, with Fox Furlong and Nos. 1 and 2 Sunnyside located to the north and north-west being separated from the site by either the road or agricultural land.

Therefore, the proposal is considered to accord with Policy EN2 and Appendix D of the Local Plan, and paragraph 127(f) of the NPPF.

(d) Landscape Impact

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Paragraph 170 of the National Planning Policy Framework requires the planning system to recognise the intrinsic character and beauty of the countryside.

Section 15 of the National Planning Policy Framework requires local planning authorities to have regard to the conservation and enhancement of the natural environment. Paragraph 170 states that the planning system should protect and enhance valued landscapes. Paragraph 172 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Policy EN2 of the Local Plan states that development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of design quality that respects the character and distinctive appearance of the locality.

Policy EN5 of the Local Plan states that in determining development proposals within the AONB or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight. In addition, major development will not be permitted within the AONB unless it satisfies the exceptions set out in national Policy and Guidance.

The works proposed to separate the existing building from Brae Croft are minor in nature, and would not materially impact upon the landscape character of the area. As such, the proposal accords with the above policies, and also with Policy DS3 1 c. in terms of the development complementing the form and character of the settlement.

(e) Highways and Parking

The proposed dwelling would share the existing access into Brae Croft, which is unaltered from its use as ancillary accommodation. It is considered that there is sufficient parking and turning space for occupants of the dwelling provided within its curtilage, such that the proposal accords with Policies INF4 and INF5 of the Local Plan, in addition to Section 9 of the NPPF.

9. Conclusion:

The proposal accords with the policies in the Development Plan, in addition to the NPPF, which are not outweighed by other material planning considerations.

The recommendation is for planning permission to be granted.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

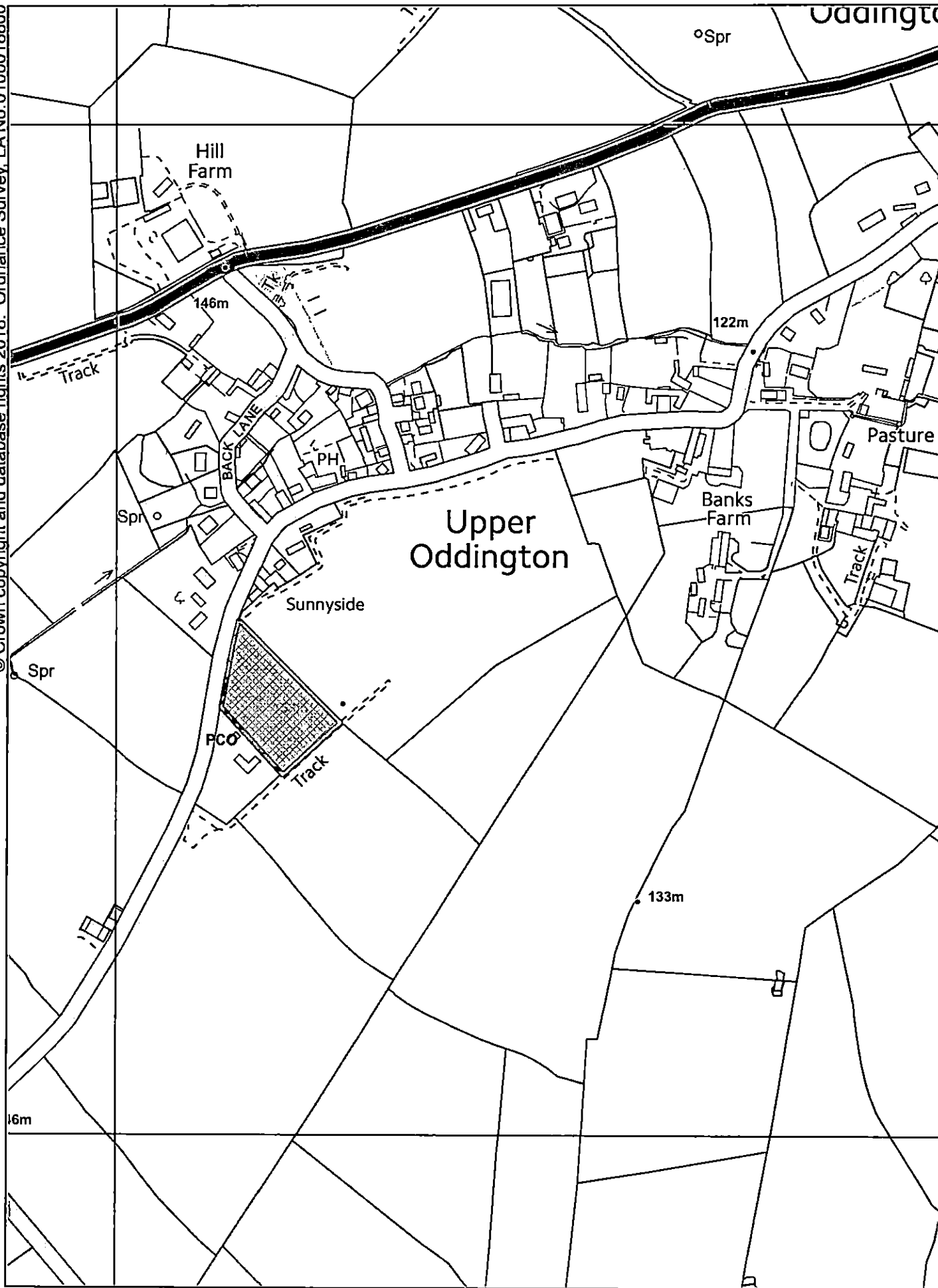
The development hereby approved shall be implemented in accordance with the following drawing numbers: 6155-03b and 6199-05b.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

Notwithstanding the details shown on the approved plan, before the development is occupied or brought into use the boundary treatment of the site to subdivide the property from the dwelling currently known as Braecroft, including a timetable for its implementation, shall be agreed in writing with the Local Planning Authority. The boundary treatment shall then be completed and permanently maintained thereafter in accordance with the approved details.

Reason: The boundary features will be important in screening the site and helping the development to blend in with its surroundings. This condition is imposed in accordance with Cotswold District Local Plan Policy EN2.

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COTSWOLD
DISTRICT COUNCIL

BRAE CROFT UPPER ODDINGTON

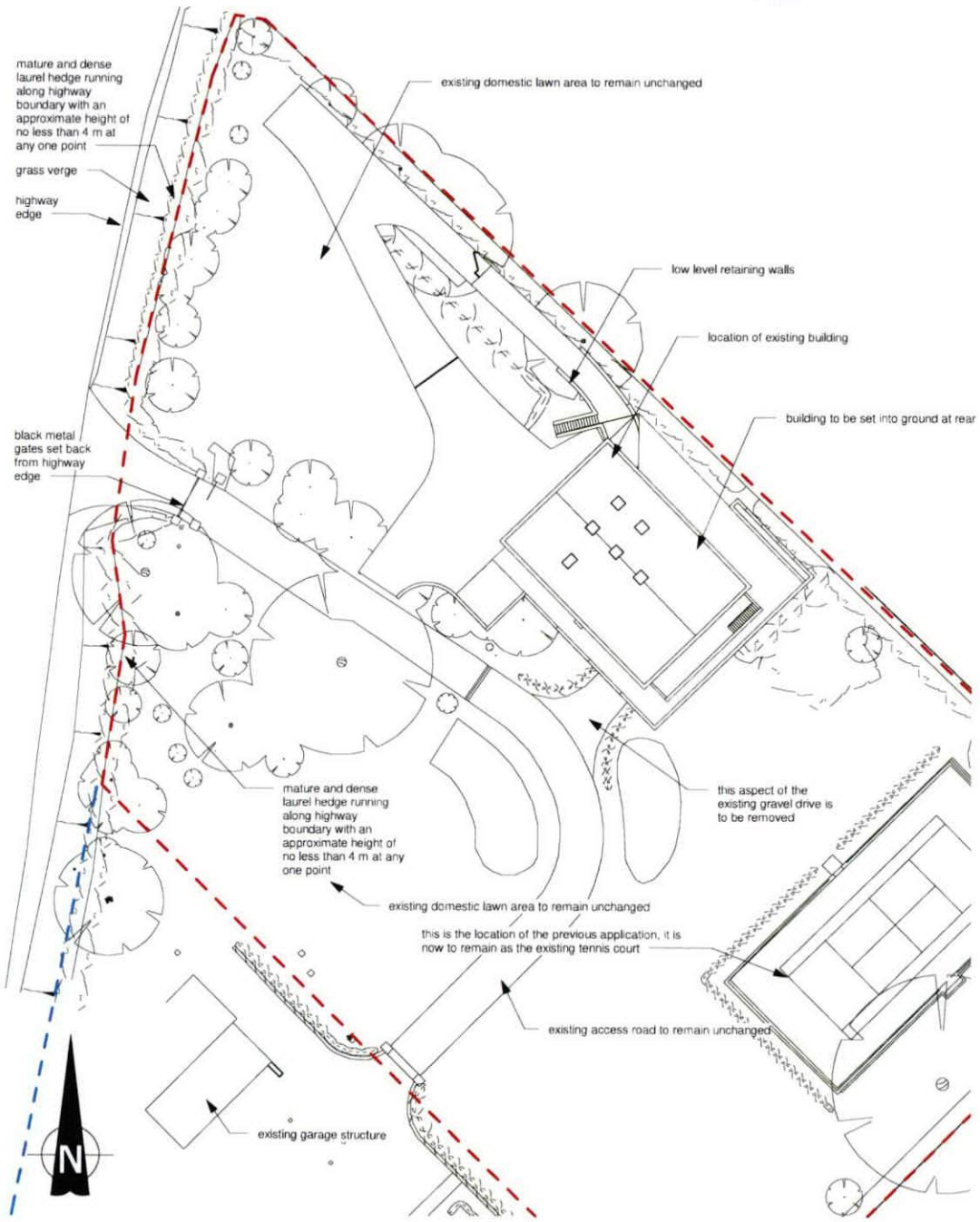
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Department:

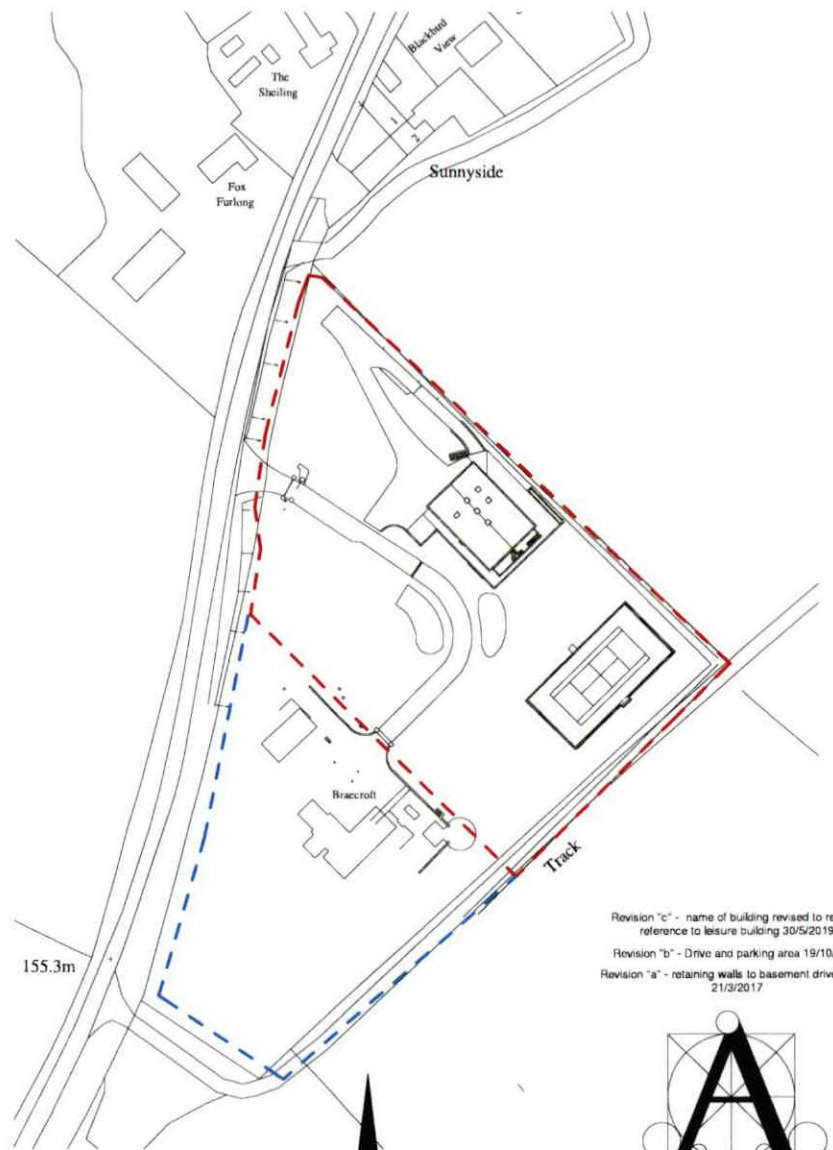
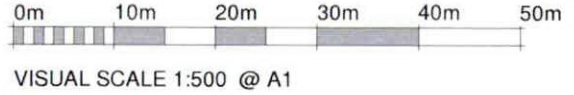
Date: 31/05/2019

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Block Plan
1 : 500



Location Plan
1 : 1250



Revision "c" - name of building revised to remove reference to leisure building 30/5/2019
 Revision "b" - Drive and parking area 19/10/2018
 Revision "a" - retaining walls to basement drive shown 21/3/2017



Mr P. Wilsdon
 Braecroft
 Oddington

Drawing No: 6155-03c Date: 25/8/16 Scale: As indicated@A3



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20/02/2019



103

20/02/2019



20/02/2019