
APPLICATION NO.	P21/V1202/HH
SITE	The Stables Oxford Road Farmoor Oxford, OX2 9NN
PARISH	CUMNOR
PROPOSAL	Retrospective application for garden building ancillary to the dwelling. To form recreation games room/gym, workshop, WC & store room. (As amplified by additional information received 11 July 2022 and amended by plan and information received 23 January 2023).
WARD MEMBER(S)	Alison Jenner Judy Roberts
APPLICANT OFFICER	Mr S Fan Lewis Dixey

RECOMMENDATION

Planning Permission granted, subject to the following conditions:

Standard:

1. Approved plans

Compliance:

2. Materials in Accordance with Application

3. Restriction of Use to Ancillary Accommodation

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to committee following a call in by one of the Local Ward Members, Judy Roberts.
- 1.2 The application refers to a sizeable plot to the north-west of Farmoor. The dwelling, a converted agricultural building, is sited towards the rear of the site. The closest neighbours are approximately 80m to the east, which form the edge of the main built-up area of the village.
- 1.3 The site falls within the Oxford Green Belt. The south-west fringe of the plot is within Flood zones 2 and 3. However, it is important to note that the area of construction is not within these flood zones.
- 1.4 This is a retrospective application and relates to a partially constructed, detached outbuilding built adjacent to the dwelling. Construction commenced due to the applicant working under the incorrect assumption that it was permissible under permitted development rights. However, under Part 1, Class E of the permitted development order (GPDO), these rights do not apply to dwellings where the conversion has been itself authorised under another class of permitted development. In this case, the dwelling was authorised under Part 3, Class Q of the GPDO under ref P14/V1897/PAR.

1.5 The original proposal has been amended in revised plans dated 23 January 2023 reducing the overall mass of the proposed building, following concerns raised by officers

1.6 A site location plan is provided below, and the application plans are **attached** at Appendix 1.



2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

Full versions of the responses can be found on the planning application pages of the council's website www.whitehersedc.gov.uk

2.1	Cumnor Parish Council	Objection – <ul style="list-style-type: none">• Sited within a recognised flood zone• Inappropriate development within the Green Belt
	Drainage - (South&Vale)	No objection
	Neighbours	Three objections on the following grounds: <ul style="list-style-type: none">• Sited within a recognised flood zone

	<ul style="list-style-type: none">• Inappropriate development within the Green Belt• Possible future use as a dwelling
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3.0 **RELEVANT PLANNING HISTORY**

3.1 [VE21/58](#) - ()

Without planning permission the construction of a residential outbuilding forward of the principal elevation

[P21/V0853/LDP](#) - Refused (04/06/2021)
Proposed garden building.

[P20/V2847/HH](#) - Other Outcome (01/02/2021)
Pitched roof detached building to form stable, tack room, office/study & workshop store

[P16/V0722/HH](#) - Approved (17/08/2016)
Single storey side extension. (As amended by documentation received 27th June amending the design of the original scheme).

[P15/V2338/DIS](#) - Approved (26/10/2015)
Discharge of conditions 3,4,5,6,7 on planning permission P14/V1897/PAR

[P15/V1482/PEM](#) - Advice provided (01/09/2015)
Cycle path.

[P14/V1897/PAR](#) - Approved (22/10/2014)
Conversion of existing building to one dwelling.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 This application does not fall within the defined scope for potential EIA development.

5.0 **MAIN ISSUES**

5.1 The main relevant planning considerations are the following:

- Green Belt Policy and visual impact
- Neighbour amenity
- Flood risk

5.2 **Green Belt Policy and Visual Impact**

Under paragraph 137 of the National Planning Policy Framework (NPPF) the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

5.3 This is further reflected in policy CP13 of LPP1, and policy DBC4 of the Neighbourhood Plan, which list the types of development that is acceptable in the Green Belt. These include the extension or alteration of a building provided

it does not result in disproportionate additions over and above the size of the original building

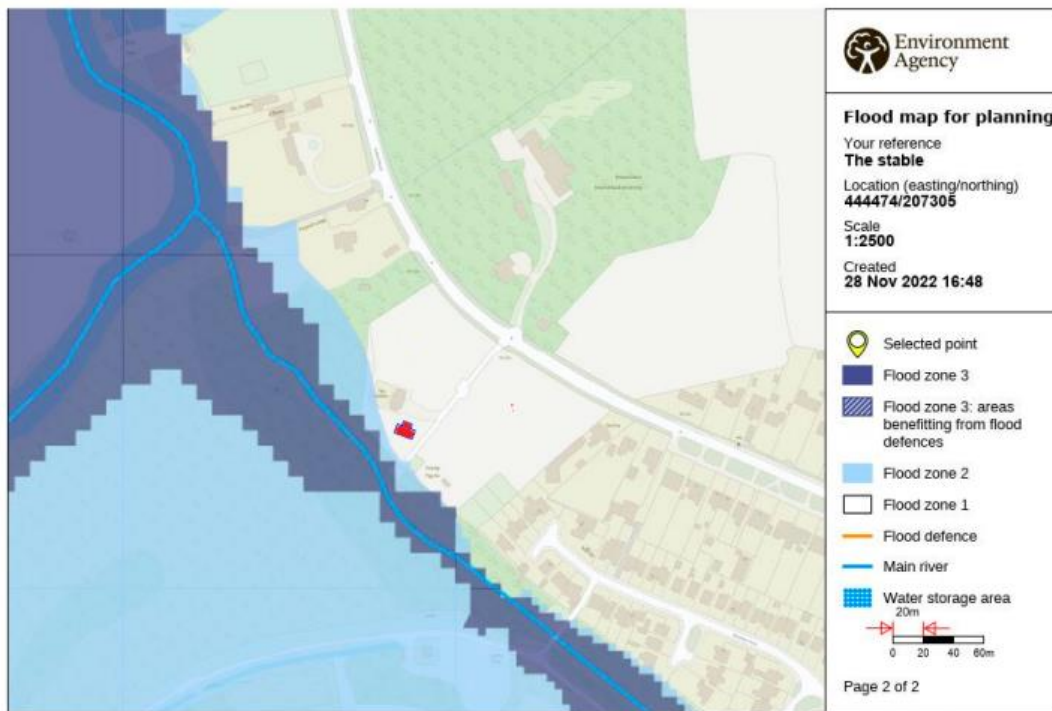
- 5.4 Neither the NPPF nor the development plan make any specific reference to outbuildings within the Green Belt. However, the Government have determined that full permitted development rights exist across the Green Belt, and these generally give the ability to erect outbuildings that cover up to 50% of the area of the curtilage of a dwelling, subject to other criteria. Case law and appeal decisions on outbuildings in the Green Belt also reflect decisions that are made on a case-by-case basis. Some of these have assessed such buildings in terms of whether they amount to a reasonable domestic adjunct to the dwelling and whether the size amounts to a proportionate addition to the dwelling. Therefore, whether the scale of a new domestic outbuilding is acceptable is a matter of fact and degree.
- 5.5 In this particular case, given that the dwelling was created through the conversion of an agricultural building, there is no permitted development fall back for a new outbuilding, and therefore the building must be judged on its own individual circumstances as an incidental domestic outbuilding.
- 5.6 The building as constructed in its unauthorised state would have a floor area of 112sqm, more than the existing dwelling, which has a footprint of 100sqm. It is not disputed that the structure as built is unacceptable in its scale in comparison with the dwelling. The applicant has proposed a revised design which has reduced the floor area to 78sqm, with one side element to be demolished and the front gable removed to be replaced by a flat roof to bring down the overall mass. The dimensions of the main element of the amended building will be 9m x 6m, which is comparable to the size expected for a double garage and workshop. It will be 4m high, which on other sites would be the height of a permitted development outbuilding.
- 5.7 In terms of volume, the original dwelling following conversion from an agricultural building amounted to 274m³. A small side extension of 60m³ was added following permission in P16/V0722/HH. The revised outbuilding has been reduced to a total of 227m³. Neither the NPPF nor the development plan makes any reference to specific volumetric measurements, and it is therefore the decision maker's responsibility to make a judgement upon proportionality.
- 5.8 The justification for the outbuilding is to provide the owners with additional storage space, a workshop and a recreation area to allow the family to partake in their table tennis hobby which requires a certain size playing area. These are uses that are normally considered to be incidental to the enjoyment of a dwelling and to be a suitable use of an outbuilding.
- 5.9 Despite the extensive plot, the dwelling itself is relatively small and has very limited storage provision. There is also no loft space having been converted from an agricultural building. It would not be unusual for officers to consider an outbuilding such as a double garage within a large plot in the Green Belt as a reasonable, subservient addition to a dwelling.

- 5.10 In this case, officers have considered what would be regarded as a reasonable and proportionate addition to this particular dwelling. The applicant has engaged with the council to try and reach an acceptable solution to the unauthorised development.
- 5.11 The main purpose of the Green Belt is to prevent urban sprawl and preserve the openness of the land. Officers therefore also considered the likely visual impact of the development. Officers have taken into account the proximity of the building to the dwelling and its overall visual impact on the site and surrounding area.
- 5.12 Policies CP37 of LPP1 and DBC1 of the Neighbourhood Plan deal with the design and visual impact of new development. In this particular case the outbuilding is set a significant distance back from the public highway, which is over 80m to the north, and recent planting has further mitigated its visual impact from the public domain. The reduction in scale that is proposed would result in the building being clearly subservient in scale to the house. The building is sited within close proximity to the dwelling, being set to the rear of its existing parking area, and appears visually associated with main house. As such, the building is considered to have a functional relationship with the dwelling as would be expected for a reasonable domestic adjunct to the dwelling.
- 5.13 The building is constructed with external materials that complement the dwelling in the form of a tiled roof and light-coloured render walls. From a visual amenity perspective, the building would not look incongruous in a domestic setting.
- 5.14 It is therefore concluded that the proposed outbuilding, as reduced in size from the existing, can be treated as a reasonable domestic adjunct in terms of its scale and its use, and for this reason does not represent a disproportionate addition to the existing dwelling. Therefore, in terms of Green Belt policy it is considered to be acceptable.
- 5.15 **Residential Amenity**
Policy DP23 of LPP2 seeks to protect the amenity of neighbours from harmful development. The building itself is single storey in height and over 80m from the closest neighbour. There would be no harmful impact in terms of overlooking, overshadowing or visual dominance.
- 5.16 Three objections have been received from neighbours which relate to the impact on the Green Belt and flood risk which are covered in other sections of this report. Further concern is raised over the potential for this building to be used as a new dwelling. There is no indication of this within the application and furthermore any future proposal to do so would require separate planning permission. This is further secured by condition requiring the building to remain ancillary to the dwelling.
- 5.17 Overall, the building does not pose any harm to the amenities of neighbours and complies with policy DP23 of LPP2.

5.18 **Flood Risk and drainage**

Policy CP42 of LPP1 seeks to ensure that development provides appropriate measures for the management of surface water as an essential element of reducing future flood risk to both the site and its surroundings. There have been several concerns raised over the siting of the building in relation to flooding. The plot backs onto tributary of the River Thames whose flood zone encroaches into the south-west corner of the site. The council's GIS mapping indicates that the extent of Flood Zone 2 and 3 does not include the site of the building.

- 5.19 Notwithstanding this, given that the flood zones are in close proximity to the application site, the council's Drainage Engineer requested a Flood Risk Assessment in order to provide more detail and clarity on this matter. This was provided on 23 January 2023 along with a soakaway plan and drainage test details. The extent of the Flood Zones 2 and 3 and location of the building are shown on the map below indicating its position outside of the at-risk area:



- 5.20 The Drainage Engineer has reviewed the FRA and is satisfied with the information provided. No objection is raised to the application.

5.21 **Highways impact**

Policies CP35 and CP37 of LPP1 and policy DP16 of LPP2 deal with access and parking. The plot is of a substantial size and retains a parking area to adequately support the dwelling. There would be no harm to highway safety

6.0 CONCLUSION

6.1 Officers consider that, with the proposed reduction in scale, the proposed building is a reasonable domestic adjunct to the dwelling, does not represent a disproportionate addition to the dwelling, and is an acceptable outbuilding within the Green Belt. Its visual impact and its impact on neighbours will also be acceptable. Therefore, the outcome of the planning balance is that the proposal complies with the provisions of the development plan, in particular policies CP13, CP37 and CP42 of the adopted Local Plan 2031 Part 1, Policies DP16 and DP23 of the adopted Vale of White Horse Plan 2031 Part 2, and policies DBC1 and DBC4 of the Cumnor Neighbourhood Plan. The proposal is also considered to comply with the provisions of the National Planning Policy Framework and the council's adopted Joint Design Guide SPD 2022.

The following planning policies have been taken into account:

Vale of White Horse Local Plan 2031 Part 1 Policies:

CP13 - The Oxford Green Belt

CP35 - Promoting Public Transport, Cycling and Walking

CP37 - Design and Local Distinctiveness

CP42 - Flood Risk

CP44 - Landscape

Vale of White Horse Local Plan Part 2 Policies:

DP16 - Access

DP23 - Impact of Development on Amenity

Cumnor Neighbourhood Plan policies:

DBC1 – General Design Principles in the Parish

DBC4 – Development in the Green Belt

Joint Design Guide 2022

National Planning Policy Framework and National Planning Practice Guidance

Other legislation Equalities Act 2010

The proposal has been assessed against section 149 of the Equalities Act. It is considered that no identified group will suffer discrimination as a result of this proposal.

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.

Vale of White Horse District Council – Planning Committee - 08 March 2023

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