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Town & Country Planning

**TOWN AND COUNTRY PLANNING STATEMENT IN RESPECT
OF THE PROPOSED AMENDMENT OF CONDITIONS
THE DUTCH BARN,
DONNINGTON GL56 0XZ**

Prepared for Mr and Mrs D Cunningham

December 2020

1. Introduction

- 1.1 This Planning Statement has been prepared on behalf of Mr and Mrs D Cunningham and accompanies an application to amend a condition to an existing planning permission at The Dutch Barn, Donnington, GL56 OXZ.
- 1.2 The proposal under Section 73 of the Town and Country Planning Act 1990 seeks to remove the requirement established in conditions to the original permission, to use part of The Dutch Barn as 'workspace'.
- 1.3 The proposal will, in effect, increase the residential living space at The Dutch Barn and causes no material harm.
- 1.4 As set out in detail below, the purpose of the original conditions has been met and are no longer relevant.
- 1.5 The statement also demonstrates a positive impact of the proposals in that potential traffic associated with the 'workspace' will be avoided.
- 1.6 The applicants are the owners, Mr and Mrs D Cunningham, who have lived at the property for 7 years.
- 1.7 The accompanying planning application has been prepared in light of paragraph 38 of the National Planning Policy Framework which encourages Local Planning Authorities to approach decisions on development proposals in a positive and creative way.
- 1.8 Section 2 of this Statement considers site constraints and planning history. The proposed development is outlined at Section 3. Relevant planning policy at both national and local level is set out at Section 4.
- 1.9 Town planning issues and considerations are addressed at Section 5. Finally, Section 6 concludes this Planning Statement by addressing the issues pertinent to the determination of the accompanying planning application, having regard to the Development Plan and other material considerations.

2. Site Context

Site Characteristics

- 2.1 The Dutch Barn is located within the administrative boundary of Cotswold District Council. It falls within Donnington Parish and comprises a recently built detached dwelling-house in the form of a Dutch barn, accessed via a lane on the southern edge of the village.
- 2.2 The property is within the Cotswolds Area of Outstanding Natural Beauty and the Donnington Conservation Area. Donnington does not have a development boundary.
- 2.3 The site was formerly part of a complex of land and buildings at Manor Farm which include heritage assets.

Planning History

- 2.4 There are two applications of relevance in the property's history.
- 2.5 In 2008, applications **07/02175/FUL** and **07/02176/LBC** were granted permission and consent to West Oxfordshire Developments Ltd for a comprehensive scheme at Manor Farm to preserve heritage assets on the site.
- 2.6 In summary, the heritage assets required enabling development to achieve the restoration and secure an optimum beneficial use of the Grade II listed threshing barn and associated cart shed (i.e. there was a 'conservation deficit'). The necessary enabling development included a new dwelling and the redevelopment of the Dutch Barn (referred to as Barn G in the application) to form a live-work unit.
- 2.7 Given the restrictions on enabling development in such circumstances, it is clear that the net value of these properties was sufficient to enable the conservation deficit to be met.
- 2.8 A planning obligation that secured the heritage benefits but not the live-work element.
- 2.9 Three conditions were placed on the permission that relate to the live-work element of the permission.
- 2.10 Condition 3 restricts some 47m² of The Dutch Barn to workspace for work purposes only and not residential accommodation. The reason for the condition confirms that the live-work unit was permitted to enable the delivery of a heritage benefit and the size and use of the unit was an important factor in the consideration of the proposals. The condition was imposed in light of Policy 19 in the Cotswold District Local Plan and guidance set out in PPG15. Both of these have subsequently been superseded.
- 2.11 Condition 4 prevents the subdivision of the live-work unit and Condition 5 restricts activity in the work element to those which are compatible with residential amenity.

- 2.12 Application **09/1921/FUL** sought amendments to the fenestration and layout of Barn G, as approved under 07/02175/FUL and was granted planning permission in August 2009.
- 2.13 Condition 2 to that planning permission requires that it is '*...implemented as an amendment to planning permission reference 07/02175/FUL and shall be carried out fully in accordance with the conditions attached to that permission.*' The reason refers to the conditions attached to the original permission being applicable and meeting the tests outlined in Circular 11/95. Circular 11/95 has subsequently been replaced with the National Planning Practice Guidance.

3. The Application Proposal

- 3.1 The accompanying planning application under s73 of the Town and Country Planning Act 1990, is submitted to remove conditions that restrict some 47m² of The Dutch Barn to workspace for work purposes only.
- 3.2 As set out above, the necessity for these conditions arose from the need to limit the development proposed under 07/02175/FUL and 07/02176/LBC to that which was necessary to address the 'conservation deficit'.
- 3.3 The development has been built out and The Dutch Barn was completed in June 2010 in accordance with the details approved under application 09/1921/FUL and subsequently sold to Mr and Mrs D Cunningham.
- 3.4 Therefore, the application seeks to amend Condition 2 to 09/02175/FUL to read as follows:
- 3.4.1 The development permitted by this decision notice shall be implemented as an amendment to planning permission reference 07/02175/FUL and shall be carried out fully in accordance with the conditions attached to that permission with the exception of Condition 3, Condition 4 and Condition 5.

4. Planning Policy Considerations

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require applications for planning permission to be determined in accordance with the operative development plan unless material considerations indicate otherwise. This section provides an overview of planning policy and guidance relevant to the proposed development.

The Operative Development Plan

- 4.2 In terms of the development plan, the Cotswold District Local Plan 2011-2031 was adopted in August 2018. Whilst a review is underway, for the purposes of this application, it is considered to be up to date.
- 4.3 Whilst it is noted that the development strategy policies of the plan steer development away from settlements such as Donnington, the application is not proposing a new dwelling and therefore those policies do not apply.
- 4.4 Whilst live/work is referred to in **Policy EC3**, this policy deals with new employment-generating uses and therefore is not relevant.
- 4.5 Similarly, **Policy H6** deals with the removal of occupancy conditions on dwellings for people employed on the land and is not applicable.
- 4.6 **Policy EN11** is a permissive policy that addresses development proposals ‘...that would affect Conservation Areas and their settings’.
- 4.7 Five criteria are listed under this policy to enable development proposals to take place as follows:
- 4.7.1 *Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale form, proportion, design, materials and the retention of positive features;*
 - 4.7.2 *Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;*
 - 4.7.3 *Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area;*
 - 4.7.4 *Have regard to the relevant Conservation Area appraisal (where available); and*
 - 4.7.5 *Do not include internally illuminated advertisements signage unless the signage does not have an adverse impact on the Conservation Area or its setting.*
- 4.8 **Policy EN5:** The Cotswold Area of Outstanding Natural Beauty gives great weight to the conservation and enhancement of the natural beauty of the landscape, its character and special qualities in determining proposals within the AONB and its setting. In line with National Policy, Policy EN5 also precludes major development unless exceptions are demonstrated. As the proposal is not major development this latter element of the policy is not applicable.

National Planning Policy

- 4.9 The National Planning Policy Framework (NPPF) was revised and re-issued in June 2019. It sets out the Government’s planning policies for England and how those policies are expected by the Secretary of State to be applied.

- 4.10 **Paragraph 7** sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, with **paragraph 8** setting out that the planning system has three overarching objectives that are interdependent: economic, social, and environmental.
- 4.11 As set out at **paragraph 10**, so that sustainable development can be pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.
- 4.12 **Paragraph 11** sets out that plans and planning decisions should apply a presumption in favour of sustainable development and for decision taking, this means approving development proposals that accord with an up to date plan without delay.
- 4.13 **Paragraph 172** sets out that great weight should be given to conserving and enhancing of the landscape within Areas of Outstanding Natural Beauty.
- 4.14 In accordance with **paragraph 193**, when considering the impact of proposed development on the significance of a designated asset, great weight should be given to the asset's conservation.

Other Material Considerations

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 4.15 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The Cotswold AONB Management Plan

- 4.16 The Cotswold AONB Management Plan sets out guidelines and policies for the protection of the landscape. Under the section '*Conserving and Enhancing*' there are several relevant policies with regards to the landscape protection. Of specific relevance are:
- 4.17 **Policy CE1: Landscape** notes that proposals that are likely to impact on, or create change in, the landscape of the Cotswolds AONB, should have regard to, be compatible with and reinforce the landscape character of the location, as described by the Cotswolds Conservation Board's Landscape Character Assessment and Landscape Strategy and Guidelines.
- 4.18 **Policy CE3: Local Distinctiveness** requires proposals to have regard to, be compatible with, and reinforce the local distinctiveness of the Cotswolds AONB.

- 4.19 **Policies CE4: Tranquillity** notes that proposals that are likely to impact on the tranquillity of the Cotswolds AONB should have regard to this tranquillity, by seeking to (i) avoid and (ii) minimise noise pollution and other aural and visual disturbance.
- 4.20 **Policies CE5: Dark Skies** requires proposals to have regard to the issue of dark skies, by seeking to (i) avoid and (ii) minimise light pollution.

5. CONSIDERATION OF PLANNING POLICY ISSUES

- 5.1 The previous section of this Planning Statement has identified all relevant planning policies and national planning policy relevant to the consideration of the development proposal subject of the accompanying planning application. This section seeks to assess the proposal against that policy requirement.

Principle of Development

- 5.2 The development plan does not contain any policy for the removal of planning conditions that is relevant to this proposal. Similarly, the development strategy policies are not relevant as this is not a proposal for a new dwelling.
- 5.3 There is no requirement to maintain the live-work element beyond the completion of the development and its sale by the original developer. In addition, the S106 only secured the improvements to the heritage assets, which have been delivered.

Design and Appearance

- 5.4 There is no proposal to alter the external appearance or footprint of the Dutch Barn, so no harm arises.

Consideration of Heritage Assets

- 5.5 In terms of Policy EN11, the proposal does not have an adverse impact on the Conservation Area. Indeed, the removal of the workspace could be argued to have a positive impact in that it will remove potential traffic movements that could be associated with the workspace. Therefore, it is considered that the requirements of Policy EN11 are met.

AONB Considerations

- 5.6 As noted earlier within this Planning Statement, the application site is located within the Cotswolds Area of Outstanding Natural Beauty.

- 5.7 Policy EN5 of the Local Plan sets out that within the AONB development should conserve and where appropriate, enhance its landscape, scenic beauty, wildlife, cultural heritage and other special qualities. Given that there is no physical change proposed, it is not considered that there would be a detrimental impact on the AONB in accord with the requirements of policy EN5.
- 5.8 Similarly, the aims of the AONB Management Plan are not offended.

6 CONCLUSIONS

- 6.1 This Planning Statement has been prepared to assess the impact of removing the need to comply with conditions that limit the use of some 47m² to 'workspace' at The Dutch Barn, Donnington.
- 6.2 Those conditions were imposed to ensure that the Conservation Deficit identified at the time was met.
- 6.3 The development has been completed and the heritage asset secured.
- 6.4 The need to retain part of the Dutch Barn as a live-work unit has therefore, passed and there is no reason for Mr and Mrs D Cunningham not to enjoy that space as part of the residential use of The Dutch Barn.
- 6.5 Removal of the need to comply with the three original conditions does not cause any harm and is not contrary to the development plan or any material circumstances. There is a limited benefit in terms of the removal of potential traffic associated with the workspace (customer visits/deliveries etc).
- 6.6 Therefore, it is considered that, on balance:
- 6.6.1 Condition 2 to O9/O1921/FUL be amended as proposed at paragraph 3.4.1 above, without delay.

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