

**Case Officer:** Gemma Magnuson **Contact Tel:** 01295 221827

**Adjacent Authority:** Aylesbury Vale District Council

**Proposal:** Change of use of the land for the siting of a caravan for residential purposes for 1 No gypsy pitch together with the erection of a stable block and hardstanding ancillary to that use

**Expiry Date:** 12.12.2016 **Extension of Time:** 16.12.2016

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**Ward:** Fringfords and Heyfords **Committee Date:** 15<sup>th</sup> December 2016

**Ward Councillors:** Cllrs Corkin, Macnamara and Wood

**Reason for Referral:** Locally controversial

**Recommendation:** No objections

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## 1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a site to the south-east of the village of Finmere, just over the border of Cherwell District in Aylesbury Vale District. Due to the close proximity of the site to Cherwell District, Cherwell has been consulted on the application.
- 1.2. The consultation is being reported to Planning Committee as an urgent item, because officers understand that the application is currently due to be decided by Aylesbury Vale under delegated powers by the end of December. The initial deadline for comments set by Aylesbury Vale has been agreed to be extended to Friday 16<sup>th</sup> December, to allow the Planning Committee to consider Cherwell's response to the consultation, as the application has proven to be locally controversial.
- 1.3. The site is a paddock enclosed on all sides by mature hedgerows and trees. Access is off Sandpit Hill, close to the junction with Mere Road and Banbury Road. A single storey telephone exchange building exists to the west of the site, with the Red Lion PH (a Grade II listed building) opposite the site to the north.

## 2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The development would involve the change of use of the land for the siting of a caravan for residential purposes for 1 no. gypsy pitch. A stable block and ancillary hardstanding would also be erected/installed. The stable block and caravan would be sited to the north, adjacent the existing hedgerow, with a new fence erected to separate the development from the remainder of the paddock to the south.

## 3. RELEVANT PLANNING HISTORY

- 3.1. None relevant.

#### **4. RESPONSE TO PUBLICITY AND CONSULTATION**

4.1. As Cherwell Council is a consultee only, the application has not been publicised. Publicity and consultation is the responsibility of Aylesbury Vale District Council who are the Local Planning Authority in this case. Nevertheless, Cherwell Council has received comments from Finmere Parish Council and from a member of the public, stating their objections to the proposals on the following grounds:

- The site is not sustainable with limited amenities and poor public transport links
- The applicant has not demonstrated a compelling case for personal need
- Harm to the setting of the Grade II listed Red Lion PH
- The site would be accessed on the inside of a dangerous bend, in close proximity to junctions, with harm to highway safety
- The site is outside the built limits of the village and would be encroachment into open countryside
- The development would cause harm to local landscape character and the countryside setting of Finmere and Little Tingewick
- The development would cause harm to the setting and character of Tingewick, which is a Conservation Area
- The development would set an undesirable precedent for future encroachment into the open countryside

4.2. The comments received have been forwarded on to Aylesbury Vale as the determining authority in this case. They can be viewed in full on the Council's website, via the online Planning Register.

#### **5. RELEVANT PLANNING POLICY AND GUIDANCE**

5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

##### CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 - Presumption in Favour of Sustainable Development
- BSC6 - Travelling communities
- ESD15 - The Character of the Built and Historic Environment
- Villages 1 - Village Categorisation

##### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 - Sporadic development in the countryside
- C28 - Layout, design and external appearance of new development

5.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (August 2015) (PPTS). This document sets out the Government's planning policy specifically for traveller sites and should be read in conjunction with the NPPF
- Designing Gypsy & Traveller Sites (2008) (although this document was withdrawn by the Government on 1st September 2015).
- Cherwell, West Oxfordshire and South Northamptonshire Gypsy and Traveller Needs Assessment (2012/2013) (GTAA)

## 6. APPRAISAL

- 6.1. The key issue in this case is the impact of the proposal on Cherwell District.
- 6.2. The site is in close proximity to the village of Finmere that benefits from a Public House, Primary School and outdoor sports facilities. The site benefits from easy access to the A421, being positioned approximately 250 metres from the roundabout connecting the village with the A421 and A4421.
- 6.3. Whilst the site is beyond the built-up limits of the village, the proposed caravan and stables would be positioned adjacent to an existing telephone exchange building. The stables themselves are considered to be an appropriate use and structure in the open countryside. With regard to the proposed caravan, Finmere is a Category A village and Policy BSC6 of the Cherwell Local Plan 2011-2031 Part states that a sequential approach would be applied to identifying suitable sites for new gypsy and traveller pitches to meet the identified need for an additional 19 pitches during the Plan period. This identifies sites "within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village" as being sequentially preferable.
- 6.4. Given the current lack of a five year supply of gypsy and traveller sites in both the Cherwell and Aylesbury Vale Districts, the relationship with the village of Finmere and the good transport links, officers do not consider that Cherwell Council should raise an objection to the scheme.
- 6.5. However the objections and concerns of Finmere Parish Council and residents of the village are noted. In particular, the concerns about highway safety, the visual impact, and the impact on the setting of the Grade II listed public house are all legitimate concerns and should be taken into account by Aylesbury Vale District when they come to determine the application. The traveller status of the applicant should also be assured otherwise the proposal would constitute unjustified residential development in the open countryside.
- 6.6. As such officers recommend that whilst Cherwell Council does not object to the scheme, this is subject to Aylesbury Vale District Council being satisfied of the following:
- That the development is for gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG 2015);
  - That the development does not harm the setting or significance of the adjacent Grade II listed Red Lion PH;
  - That the development does not result in undue harm to highway safety; and
  - That the visual impacts of the development are, or can be made, acceptable in other respects.

## **7. RECOMMENDATION**

That Cherwell District Council raises no objection but only subject to Aylesbury Vale District Council, as the determining authority in this case, being satisfied of the following:

- That the development is for gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites (DCLG 2015);
- That the development does not harm the setting or significance of the adjacent Grade II listed Red Lion PH;
- That the development does not result in undue harm to highway safety; and
- That the visual impacts of the development are, or can be made, acceptable in other respects.