

**Case Officer:** George Smith

**Applicant:** Nigel & Carole Morris

**Proposal:** Erection of 3no Agricultural Buildings

**Ward:** Banbury Calthorpe And Easington

**Councillors:** Councillor Colin Clarke  
Councillor Keiron Mallon  
Councillor Tony Mepham

**Reason for Referral:** Over 1,000 square metres of floor space created

**Expiry Date:** 19 August 2020

**Committee Date:** 13 August 2020

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

Permission is sought for 3 agricultural barns to be built at Saltway Farm.

#### **Consultations**

The following consultees have raised **no objections** to the application:

- Banbury Town Council, CDC Environmental Health, OCC Highways, OCC Drainage

No consultee raised **objections** to the application.

No third-party representations have been received.

#### **Planning Policy and Constraints**

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

#### **Conclusion**

The key issues arising from the application details are:

- Principle of development
- Design, and impact on the character of the area
- Highway safety
- Amenity of neighbouring occupiers
- Flood risk & drainage

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

1.1. The application site is located behind a farm to the south of Broughton Road and west of Banbury. The land rises from the road towards the farm and the farm complex consists of a farm house (Saltway Farm) and a grouping of agricultural buildings. A new building is currently under construction to be used as a farm shop and café, on land to the north of the existing farm buildings towards Broughton Road. Crouch Hill Barn and Crouch Hill Farm are residential properties which exist to the northeast of the site. Approximately 300m to the east of the site is Crouch Hill, a local landmark which has several footpaths leading up to it.

### **2. CONSTRAINTS**

2.1. The application site is located approximately 35m from an area containing the protected and notable species; Yellowhammer, Dunnock and Dwarf Goose.

2.2. There are no other site constraints relevant to this application.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The applicant seeks planning consent for the erection of 3 agricultural barns on this site. The barns are currently located at Deerfield Farm in Bodicote, proposed to be relocated to this site. The barns would be accessed via a track which runs past Saltway Farm. The track and the hardstanding for the barns are already in situ. Each barn is to be clad in green profiled sheeting.

3.2. Building 1 is 30.5m x 15.25m (100 x 50ft) with an eave's height of circa 5.2m and ridge at circa. 7m.

3.3. Building 2 is 37.5 x 15.25m (90 x 50ft) with an eave's height of circa. 4m and ridge at circa. 5.5m.

3.4. Building 3 is 37.5 x 15.25m (90 x 50ft) with a max eave's height of circa. 4.7m and ridge at circa. 5.8m.

### **4. RELEVANT PLANNING HISTORY**

4.1. The following planning history is considered relevant to the current proposal:

4.2. **20/00905/F** – Erection of 1no Agricultural Barn – APPLICATION PERMITTED

### **5. PRE-APPLICATION DISCUSSIONS**

5.1. No pre-application discussions have taken place with regard to this proposal.

### **6. RESPONSE TO PUBLICITY**

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties

immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **8 July 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

## **7. RESPONSE TO CONSULTATION**

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL: **No objections**

### OTHER CONSULTEES

7.3. CDC ENVIRONMENTAL HEALTH: **No objections**

7.4. OCC HIGHWAYS: **No objections** subject to condition relating to use of the barns

7.5. OCC DRAINAGE: **No objections** subject to conditions

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

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

8.2. 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)

- ESD6: Flood Risk
- ESD7: Sustainable Drainage Systems
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

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

- AG2: Construction of farm buildings
- C28: Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

## **9. APPRAISAL**

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Highway safety
- Amenity of neighbouring occupiers
- Flood risk & drainage

### Principle of Development

#### *Policy Context*

- 9.2. Paragraph 10 of the National Planning Policy Framework states that at the heart of the Framework is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 9.3. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015.
- 9.4. Paragraph 83 of the Framework states that planning should enable the sustainable growth and expansion of all types of business in rural areas. Policy AG2 of the Cherwell Local Plan 1996 (Saved Policies) recognises that new farm buildings may be acceptable in principle in the countryside and makes provision for farm buildings and associated structures to be sited and sympathetically designed so that they fit into their rural setting and should normally be so sited that they do not intrude into the landscape or into residential areas.

#### *Assessment*

- 9.5. The applicant's supporting statement sets out the size and location of the current agricultural enterprise. This is as follows:
- 1.1 hectares at Deerfield Farm, Bodicote
  - 14 hectares at Saltway Farm, Banbury (application site)
  - 29.8 hectares at Top Barn Farm, Sibford Gower
  - 4.1 hectares at Wykham Lane, Bodicote
- 9.6. The applicant states that the existing farm buildings are currently on a different site at Deerfields Farm, Bodicote, but that these are not available to the applicant after 14 December 2020, due to housing redevelopment the applicant is proposing on that site. The loss of that land, and for similar reasons the loss of land at Tappers Farm, Bodicote, cannot reasonably be held to justify the current proposal.

- 9.7. The new barns proposed would mainly be used for storage of hay and straw, but one of the barns would also be used for machinery, tractors and trailers.
- 9.8. Upon the officer site visit (29<sup>th</sup> July 2020), the application site had been surfaced and hay bales and some trailers are being stored on the site in open air. On this basis alone, it is clear to officers that there would be a functional need for the new agricultural buildings in this location.
- 9.9. Given its acceptability rests on it being necessary for agricultural purposes, and because Part 3 of the GPDO would, in the future, allow for various other uses of the building including residential use, and because of the site's socially and environmentally unsustainable location for various other uses including residential, a suitably worded condition would need to be imposed to limit the building's use to agriculture; subject to which the proposal complies with Policies PSD1 and ESD1 of the CLP 2031.

### *Conclusion*

- 9.10. On this basis, officers are satisfied that the barns would serve a functional purpose and that they are acceptable in principle and compliant with saved Policy AG2 of the CLP 1996 and relevant paragraphs of the NPPF. However, the overall acceptability of the proposals is also clearly dependant on other matters as discussed below, in particular the proposals' impact on the landscape and character and appearance of the surrounding area.

### Design, and impact on the character of the area:

#### *Policy Context*

- 9.11. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 9.12. As noted above, Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.
- 9.13. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.14. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals would not normally be permitted if they would cause undue visual intrusion into the open countryside or would demonstrable harm to important natural landscape features and topography, or would be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 9.15. Policy ESD15 of the CLP 2031 states that: "*New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.*"

#### *Assessment*

- 9.16. The site is located outside of the western edge of Banbury, in open countryside. The barns are of a scale and design typical of agricultural structures and are located in open countryside, where these types of buildings can be expected to be viewed. In any case, a green profiled sheeting would be used which would aid the buildings assimilating as best as possible into the rural landscape.
- 9.17. The barns in situ would be seen from the road to the north. Pedestrians walking along the Broughton Road, if they were to look towards the site, would be able to see the barns in position. However, the barns would be over 300m away from this road, so views towards the barns from passing traffic would be glimpsed at best with it unlikely that road users would look towards the site at this speed. In any case, the barns would also be viewed in the same context as the existing farmhouse, other buildings further to the north, and the surrounding countryside.
- 9.18. Whilst the Crouch Hill footpaths are located approximately 300m to the east, it is considered that clear views of the new barns would not be gained from here. There is a dense hedgerow on the eastern boundary of the application site which would provide a good level of screening, whilst at Crouch Hill there are only views towards the west on the most westerly footpath around the perimeter, due to intervening trees and other vegetation.

#### *Conclusion*

- 9.19. Overall, therefore, Officers consider that the proposed barns would not result in any significant harm to the visual amenities of the site and its setting within the rural context, or the character and appearance of the area. The proposal thus accords with Policies ESD13 and ESD15 of the CLP 2031, AG2 and C28 of the CLP 1996 and relevant paragraphs of the NPPF.

#### Highway safety

- 9.20. The LHA (Local Highway Authority) has assessed the proposals and raises no objections on highway safety grounds; and officers see no reason to disagree with this opinion.
- 9.21. The proposed site would utilise an existing access from the road to the north and would not result in any significant intensification of this access.
- 9.22. It is considered that the proposals would not result in any significant detrimental impacts on the safety and convenience of other highway users and are therefore acceptable in terms of highway safety. For the reasons outlined in the principle of development section, Officers also concur with the LHA requested condition relating to use of the barns remaining as agriculture.

#### Amenity of neighbouring land users

- 9.23. Given the nature of the proposal and its relationship with surrounding properties (whereby there are other agricultural buildings in closer proximity) there is negligible impact on any residents or adjacent land users, and thus is acceptable in this regard.

#### Flood Risk and Drainage

#### *Policy*

- 9.24. Policy ESD6 of the Cherwell Local Plan (2011-2031) Part 1 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of

flooding and seeks to guide vulnerable developments) towards areas at lower risk of flooding.

- 9.25. Policy ESD7 of the Cherwell Local Plan (2011-2031) Part 1 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

#### *Assessment*

- 9.26. The site lies wholly in Flood Zone 1 (the low probability of flooding 1 in 1000). However, given its scale, the application has been accompanied by a Flood Risk Assessment (FRA) and outline Drainage Strategy. The application submission suggests the use of cellular soakaways and to direct surface water drainage to the ground. On this basis, Oxfordshire County Council Drainage recommends conditions for a detailed design, management and maintenance plan for surface water drainage using sustainable drainage methods. On this basis, Officers see no reason to disagree with the recommendations of the Drainage Officer and recommend these conditions is attached to any consent given.

## **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted

## **11. RECOMMENDATION**

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)**

### CONDITIONS/REASONS FOR REFUSAL

#### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

#### **Compliance with Plans**

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
- 001 – Site Location Plan
  - 105 Rev A – Proposed Block Plan
  - 108 – Barn 1 Plans and Elevations
  - 109 – Barn 2 Plans and Elevations
  - 110 – Barn 3 Plans and Elevations

- Flood Risk Assessment (20/064 – April 2020)

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

### **Use of Barns**

3. The development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act, 1990 (as amended), and for no other purpose whatsoever.

Reason: To ensure that the development is used for agricultural purposes only, compatible with its isolated rural location, and because certain other uses would result in an unsustainable form of development, and in accordance with Policies PSD1 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

### **Detailed Drainage Strategy**

4. No development shall take place until a Detailed Design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”
- Detailed design drainage layout drawings of the SuDS proposals including cross section details.
- Details of how water quality will be maintained during construction.
- Infiltration test results to BRE365 to be submitted.
- Evidence of groundwater depth test results to be submitted.
- Discharge Rates, discharge volume, sizing of features - attenuation volume, detailed drainage layout with pipe numbers, SuDS, network drainage calculations, phasing

The approved drainage system shall be carried out in strict accordance with the approved Detailed Design prior to the first use of the buildings and shall be maintained as such thereafter.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

### **Outline Design Infiltration**

5. The development hereby permitted shall not commence until full Detailed Design details of the proposal, implementation, maintenance and management of a



surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- Information about the design storm period and intensity (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and off site;
- A timetable for implementation;
- Site investigation and test results to confirm infiltrations rates

The approved surface water drainage scheme shall be carried out in strict accordance with the approved Detailed Design prior to the first use of the buildings and shall be retained as such thereafter.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

**Completion and Maintenance of Sustainable Drainage – Shown on Approved Plans**

6. No building or use hereby permitted shall be occupied or the use commenced until the sustainable drainage scheme for this site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan, (including contact details of any management company)

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to accord with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.