

Straw Barn College Farm, Main Street, Wendlebury, OX25 2PR

Case Officer:	Emma Whitley		
Applicant:	Mr & Mrs T Howard		
Proposal:	Erection of a general-purpose agricultural building		
Ward:	Launton And Otmoor		
Councillors:	Cllr Timothy Hallchurch MBE, Cllr Simon Holland and Cllr David Hughes		
Reason for Referral:	Major development		
Expiry Date:	12 February 2021	Committee Date:	11 February 2021

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a parcel of agricultural land to the south-east of the village of Wendlebury. The site is accessed from a hard-surfaced track between The Willows and Ploughman's Cottage on Main Street in Wendlebury.
- 1.2. The application site is located to the west of a complex of buildings and consists of a part-open fronted agricultural building used for housing of cattle and an open fronted barn used for hay storage to the south.

2. CONSTRAINTS

- 2.1. The application site is within an area containing swift nests in buildings and an archaeological alert area (Wendlebury historic core) A small part of the entrance to the site, where it meets the main road, is within flood zones 2 and 3, the development site itself is however located within a flood zone 1.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The applicants seek planning permission for the erection of an agricultural building. The footprint would be 30 metres x 48 metres (measured externally) with a height of 7.9 metres to the central pitch. The barn would be part-open fronted.
- 3.2. The applicant has indicated that the proposed barn would be used by cattle during the winter, as well as provide space to store straw, hay, silage and associated farm machinery.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

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 **27 January 2021**.
- 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. WENDLEBURY PARISH COUNCIL: **No objections or comments.**

CONSULTEES

- 7.3. CDC Ecology: **No objections.** Comments:

The site for the proposed building appears from the Design and Access statement to already be largely hard standing. However, it is in an 'amber zone' for habitat suitability for Great Crested Newts.

Whilst I think impacts on great crested newt habitat are likely to be limited it would be advisable to condition a method statement (or similar as part of a CEMP) to include measures to ensure that any potential to harm newts passing through the site is minimised. This could be through measures such as ensuring vegetation on site is kept short before works commence, that materials are only stored on hard standing and rubble etc.. is limited to avoid it becoming an attractive refuge for newts.

Should Great Crested Newts be found on site during works all works need to stop until further guidance is sought and a licence to continue is obtained.

Should the developers wish to ensure this sort of delay is not a possibility they could apply for a district licence however this would need to be done prior to determination.

As far as I can tell from the plans there are no trees to be removed? If any shrubs or trees are to be removed, then this will need to be done outside the bird nesting season of March-August inclusive. The proposed tree planting would be a fair enhancement for biodiversity on site and should be conditioned. Beyond this I have no other concerns to raise on ecological grounds.

- 7.4. CDC Environmental Health: **No objections**
- 7.5. CDC Landscape Services: **No objections** based on the submitted landscaping scheme.
- 7.6. CDC Planning Policy: No comments received.

- 7.7. CDC Arboriculture: **No objections** subject to adequate protection being afforded to nearby trees during construction.
- 7.8. CDC Economic Development: No comments received.
- 7.9. CPRE: No comments received.
- 7.10. Public Art: No comments received.
- 7.11. Thames Valley Police: No comments received.
- 7.12. OCC Highways: **No objections**.
- 7.13. OCC Archaeology: **No objections**.

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 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- ESD6 – Sustainable Flood Risk Management
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – 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
- ENV1 – Pollution control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Advice for Farmers on Siting and Design of Farm Buildings (2002)

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
- Residential amenity

- Highway safety
- Flood Risk

Principle of development

- 9.2. The proposed development would involve the erection of an agricultural building on existing farmland. The principle of such development is normally acceptable, and this is reflected by the approach taken by the Government towards to agricultural development in Part 6 of the General Permitted Development Order 2015 (as amended) which enables relatively large buildings to be constructed without the need for planning permission. This positive approach is also reflected in Policy AG2 of the CLP 1996 and the guidance set out in the NPPF.
- 9.3. The barn is required to accommodate an increase in the size of the applicant's cattle herd from 30 to 50 animals. In addition, rather than selling them on at 8-9 months old, as is currently the case, the farmer intends to keep them for a longer period of time (24-30 months) which requires additional space to segregate the cows at different stages of their development. The barn would also be used to store feed and farm machinery.
- 9.4. With an appropriate justification, subject to the considerations set out below the principle of the proposal is considered to be acceptable.

Design, and impact on the character of the area

- 9.5. Policy ESD13 of the CLP 2031 Part 1 expects development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD15 of The CLP 2031 Part 1 requires development 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.
- 9.6. Saved Policy C28 of the CLP 1996 seeks a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development.
- 9.7. Saved Policy AG2 of the CLP 1996 relates to new farm buildings and associated structures that require planning permission. It requires them to be so sited that they do not intrude into the landscape or into residential areas. Where appropriate a landscaping scheme should be included, and materials of construction should be chosen so that the development fits sympathetically into its rural setting.
- 9.8. The site is largely level and sits within a flat rural landscape. Land immediately surrounding the proposed building is open, with similar agricultural style buildings within the wider College Farm complex. A revised scheme of native tree planting, agreed with the Council's Landscape Officer is proposed to the west of the proposed building, which would lessen the impact of the building when viewing the site from the southern edge of the village. The existing vegetation to the east is proposed to be retained. Subject to condition, this has met with the approval of the Ecology Officer and Arboricultural Officer.
- 9.9. The use of timber cladding, concrete wall panels and grey fibre cement roof sheets are considered acceptable given its agricultural context and the use of similar materials to that of the surrounding barns.
- 9.10. It is noted that guidance contained within the *Planning Advice for Farmers on Siting and Design of Farm Buildings* suggests that new buildings should be positioned

within the corner of a field rather than in an exposed position in the middle of a field. The proposed building would be positioned adjacent to the eastern boundary, and whilst the proposal is centrally positioned along this boundary, given the location of trees, it is considered that this location be preferential in order to avoid any harm to them.

- 9.11. Given the assessment above, it is concluded that the proposal accords with the above Policies in respect of its visual impact.

Residential amenity

- 9.12. Policy ESD15 of the CLP 2031 Part 1 requires all development to consider the amenity of both existing and future development. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.

- 9.13. The proposed barn is positioned a sufficient distance from the nearest residential dwellings, over 230 metres, in order to avoid any harm in terms of a loss of residential amenity. In addition, the Environmental Health Officer was satisfied that at such a distance there would be no undue environmental impact from the use of the building to house cattle during winter. The proposals are therefore considered to accord with the above Policies.

Highway safety

- 9.14. ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in.*

- 9.15. The access to the barn would be taken via the existing access to the north of the site. The proposals are not considered to attract a significant change to vehicular movements nor would they present any demonstrable harm to the highway network. In addition, the Local Highways Authority did not provide any objections to the proposal. The proposals are therefore considered acceptable in this regard.

Flood Risk

- 9.16. Although a small part of the entrance to the site lies within flood zones 2 and 3, the affected area does not include any of the operational land on which the barn would be constructed. A flood risk assessment was not therefore sought and the development accords with Policy ESD6 of the CLP 2031 Part 1.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The principle of development is considered acceptable as it would support the existing agricultural use of the farm complex. The proposed building would be well screened from the public domain, would not adversely affect the amenities of any residential dwellings within the locale and would not affect the safety of the local highway network. The proposed development is therefore considered to be in accordance with the Development Plan, and thus acceptable, subject to the conditions below.

11. RECOMMENDATION

RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

CONDITIONS:

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.

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: 20.192.01 Rev B; 20/0192.02; 20/192.03 Rev A and the Landscaping Scheme produced by Pyramid Consulting Arboricultural Consultancy (January 2021).

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.

3. The tree planting scheme, as shown on approved drawing number 20-0192-01 Rev B, and the Landscaping Scheme produced by Pyramid Consulting Arboricultural Consultancy (January 2021), shall be completely implemented within the first planting season following the first use of any part of the approved development. All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained for a period of 5 years from the first use of any part of the approved development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason – To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority

Reason – To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with Policy ESD10 of the Cherwell Local Plan 2011–2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

5. The existing trees to be retained along the eastern border of the development shall be protected in accordance with the detail set out in the Landscaping Scheme produced by Pyramid Consulting Arboricultural Consultancy (January

2021).

Reason : To ensure the continued health of retained trees and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011–2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. If the use of the building, hereby approved, for the purposes of agriculture permanently ceases, the building must be removed from the land and the land must, so far as is practicable, be restored to its condition prior to the implementation of this permission or to such a condition as agreed in writing by the Local Planning Authority.

Reason – The site is in an area where permission for development unrelated to the needs of agriculture would not normally be granted and therefore to enable the Local Planning Authority to retain planning control over the development of the site and in order to safeguard the amenities of the area in accordance with saved Policies C28 and ENV1 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Emma Whitley

TEL: 01295 221594