

Case Officer: Emma Whitley

Applicant: Mr & Mrs Pharaon

Proposal: Erection of building to form covered riding area

Ward: Fringford and Heyfords

Councillors: Cllr Patrick Clarke, Cllr Corkin and Cllr Wood

Reason for Referral: Major development

Expiry Date: 12 October 2021

Committee Date: 7 October 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. Spring Well Farm is accessed from a track situated off Kirtlington Road, west of the village of Chesterton. The site for development is situated approximately 235m from Kirtlington Road and is currently a paddock. The M40 is situated approximately 273m from the site of proposed development. The topography of the site is relatively flat and views to the site are well screened by the existing established vegetation.
- 1.2. Access to the site from the highway is evident, however the location of the proposed development is not visible or apparent from the highway due to established vegetation and would be of a considerable distance from the highway.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks planning permission for an outdoor riding area. The proposed structure would measure 61.4m (depth) x 21.5m (width). The maximum roof ridge height would measure 9.1m. The building would be an exposed steel frame, with juniper coloured vertical metal cladding with 30 rooflights on both the east and west elevations.

3. RELEVANT PLANNING HISTORY

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

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site on the 3 August 2021. A press notice was published late in the process and therefore the final date for comments is the **7 October 2021**.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

- 6.1. 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.
- 6.2. Chesterton Parish Council: **No objections** - The building shouldn't be too high and restriction for equestrian use only.
- 6.3. Arboriculture (CDC): **No comments** or objections received at the time of drafting the report.
- 6.4. British Horse Society: **No comments** or objections received at the time of drafting the report.
- 6.5. Building Control (CDC): **No comments** or objections received at the time of drafting the report.
- 6.6. Ecology (CDC): **There are no major ecological issues on site.**

The footprint of the building largely excludes the areas of highest ecological value. The ecological report makes a range of suggestions to ensure that impacts on protected species during construction are minimised which includes additional surveys where required and ecological supervision. These could be conditioned (Sections 4.2.1- 4.2.7 inclusive of the Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment prepared by Cameron S Crook and Associates, dated June 2021) and form the basis of a CEMP for biodiversity. However, note the table as currently written is missing i's and l's which makes it a little hard to read and therefore it may need to be updated in order to ensure it is a legible working document for any contractors.

The building will necessitate the loss of some habitat on site which should be mitigated for either by additional planting or enhancement of habitat elsewhere on site or by the addition of features to offer increased opportunities to wildlife such as bird and bat boxes. It is not yet clear how they will achieve this though there looks to be sufficient scope to do so. The ecological report also does not show how the development will achieve an overall net gain for biodiversity. It is a requirement that a clear net gain is sought from all developments in order for them to be acceptable. A full biodiversity enhancement scheme should be submitted therefore prior to work commencing (this can be conditioned) which necessitates a scheme of landscaping, management and provision of features for wildlife which clearly shows how a net gain will be achieved for biodiversity.

- 6.7. Environmental Health (CDC):
 - Noise: No comments
 - Contaminated Land: No comments
 - Air Quality: No comments
 - Odour: No comments
 - Light: No comments
- 6.8. Landscape Services (CDC): **No comments** or objections received at the time of drafting the report.
- 6.9. Local Highways Authority (OCC): **No objections.**

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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
- ESD5 - Renewable Energy
- 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)

- C8 - Sporadic development in the countryside
- C28 - Layout, design and external appearance of new development
- AG5 - Horse related development

7.3. Other Material Planning Considerations

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

8. APPRAISAL

8.1. 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
- Ecology
- Renewable energy

Principle of development

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that decisions should apply a presumption of sustainable development. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 8.3. Paragraph 12 of the NPPF notes that the development plan is the starting point for 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.

- 8.4. The application seeks planning permission for the erection of an indoor horse training arena. Saved Policy AG5 states that proposal for horse related development will normally be permitted provided they do not adversely affect the character and appearance of the countryside and are not detrimental to the amenity of the neighbouring properties. The proposed development will be considered against Policy AG5 further below. This is consistent with Paragraph 84 of the NPPF which promotes the *“development and diversification of agricultural and other land-based rural businesses”*.
- 8.5. Therefore, the principle of equestrian related development in this rural location is acceptable in principle; the acceptability of this particular proposal is subject to other material considerations.

Design, and impact on the character of the area

- 8.6. Paragraph 126 of the NPPF states that: *‘Good design is a key aspect of sustainable development’* and that it *‘creates better places in which to live and work’*. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings.*
- 8.7. The proposed development relates to a building which has an agricultural appearance and, whilst large in size, would not look out of place within the wider countryside setting.
- 8.8. The site is bounded to the east, south and west by existing hedgerows and at the northern end to the Spring Well Farm complex. The development would only be visible from the access track to Spring Well Farm given the well-established hedgerows. That said, it is considered that horse related development such as this would generally be in-keeping with the rural character of the area.
- 8.9. The proposed development would be sympathetic to its rural context and would not result in harm to the character of the landscape or its topography. The proposal accords with Policy ESD15 of the CLP 2011-2031 Part 1 and saved Policy C28 of the CLP 1996 and Government guidance contained within the NPPF.

Residential amenity

- 8.10. Paragraph 130 of the NPPF includes, as a core planning principle, a requirement that planning should have a high standard of amenity for all existing and future users. This is reflected in Policy ESD15 of the CLP 2031 Part 1, which states that new development proposals should: *consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*
- 8.11. The farm site is isolated within the wider open countryside and there are no nearby neighbouring dwellings which would be in any way impacted by the proposals.

Highway safety

- 8.12. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

8.13. The Local Highway Authority (LHA) was consulted on this application and no objections were raised. The proposed building would make use of the existing access to the site, and sufficient parking spaces can be provided within the existing farm complex. Officers consider that the proposal would not cause any significant harm in the way of highway safety being compromised and in the absence of any objection from the LHA; it is considered that the proposal accords with the above policy.

Ecology

8.14. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government’s commitment to halt the overall decline in biodiversity (Para 174); these aims are echoed in Policy ESD10 of the CLP 2031.

8.15. In respect to the application site, there is some ecological potential given the rural location and the farm buildings on the site. However, the scale and nature of the proposed development is unlikely to result in any significant impacts on any noteworthy features of ecological or biodiversity value outside of the site.

8.16. The application is supported by an ecological impact assessment. The Council’s Ecologist is satisfied, on the basis of this assessment and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council’s statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged. The Council’s Ecologist requested that a prior to commencement condition be included to require a scheme of landscaping, management and provision of features for wildlife in order to demonstrate how a biodiversity net gain will be achieved and given the above obligations

Renewable energy

8.17. In accordance with Policy ESD5 of the CLP 2031 which promotes the use of renewable energy, a sustainability statement was provided by the applicants which identifies the possibilities of incorporating sustainable technology within the scheme. The building would not be heated but there would be a requirement for indoor lighting. It is noted that the proposed plans incorporate rooflights in order to reduce the need for electric lighting. However, the sustainability statement identified that power consumption within the new building would be modest and therefore solar panels are likely benefit not just the proposed building but also the wider Spring Well Farm complex. A prior to occupation condition has therefore been agreed to provide solar photovoltaics on the roof of the building.

9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

9.2. The principle of the proposed development is considered acceptable in this rural location, given it would be sympathetic to its rural context. The proposals are not

considered to result in significant harm to the visual amenities of the locality. For these reasons, it is considered that the application should be approved.

10. RECOMMENDATION

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

CONDITIONS

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 application forms and the following plans and documents: drawing numbers L100 Rev A (Site Location Plan), L102 Rev A (Proposed Site Plan), L103 Rev A (Site Sections), L104 Rev A (Proposed Floor Plans) and L105 Rev A (Proposed Building Elevations).

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. Prior to the commencement of the development hereby approved, a method statement for enhancing biodiversity at the site, including landscaping and management and provision of features for wildlife at the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained and maintained as such thereafter.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage and to provide a clear net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. The development hereby approved shall be carried out in accordance with the recommendations and mitigation measures set out section 4 of the Extended Phase 1 Habitat Survey & Baseline Ecological Impact Assessment received by the Council on 14 July 2021.

Reason – To ensure that the development does not cause harm to any protected species or their habitats 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. Prior to the occupation of the building, the building shall be provided with solar PV in accordance with a scheme which shall firstly be submitted to and approved in writing by the Local Planning Authority.

Reason: To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework.

6. The horse training area hereby permitted shall be used for private recreation only, by the occupants of Spring Well Farm, and shall not be used for any commercial equestrian purpose whatsoever including riding lessons, tuition, livery or competitions.

Reason - In order to maintain the rural character of the area in the interests of sustainability and highway safety, in accordance with Policy 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.

7. No external lighting shall be installed at the site unless and until full details of that external lighting have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason - To ensure that the development does not cause harm to any protected species or their habitats and to safeguard the character and appearance of the area in accordance with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
3. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example, there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid, and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.