

**OS PARCEL 0030 ADJOINING AND SOUTH EAST OF
CRADLE HOUSE FARM, WIGGINTON**

21/02406/F

Case Officer: Shona King

Applicant: Mr Richard Cook

Proposal: Replacing existing storage barn with portal frame building for use as a manege and creating a separate entrance track

Ward: Deddington

Councillors: Councillor Brown, Councillor Kerford-Byrnes and Councillor Williams

Reason for Referral: Major

Expiry Date: 24 September 2021

Committee Date: 04 November 2021

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site forms part of a complex of farm buildings to the south east of Cradle House Farm. It is currently accessed by a track shared with the existing farm buildings and Cradle House Farm itself.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The proposal is for the replacement of an existing storage barn with a portal framed building to be used as an indoor manege and machinery store and the creation of a separate entrance track.

2.2. The building would measure approximately 50m long by 25m wide, 4.5m to eaves and 6.75m to the ridge. It would be clad with dark green profiled metal cladding with grey profiled fibre cement sheeting for the roof. The track would be surfaced with compacted stone aggregate.

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 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 **1 September 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. HOOK NORTON PARISH COUNCIL: **No objection**

6.3. WIGGINTON PARISH COUNCIL: **No comment to date**

CONSULTEES

6.4. LOCAL HIGHWAY AUTHORITY: **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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- ESD5 – Renewable Energy
- 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: Development involving horses

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

Principle of development

- 8.2. Section 38(6) of the Planning and Compulsory Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF notes the same, and that 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.
- 8.3. The application seeks planning permission for the erection of an indoor horse training arena.
- 8.4. Saved Policy AG5 states that proposals 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.
- 8.5. Therefore, the principle of equestrian related development in this rural location is acceptable in principle; the overall 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 2015, 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.* Saved Policy C28 of the CLP 1996 reinforces this, stating: *standards of layout, design, and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context.*
- 8.7. Policy ESD13 of the CLP 2015 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 will not be permitted where, amongst other criteria, they would cause undue visual intrusion into the countryside or cause undue harm to important natural landscape features and topography.
- 8.8. The application site is in the open countryside, with only sporadic dwellings in the vicinity located outside of the nearby villages of Swerford and Wigginton. Saved Policy C8 of the CLP 1996 seeks to resist sporadic development in the open countryside. However, the site lies adjacent to other agricultural buildings and the building would be used in association with the existing use of the land. Due to the scale of the building, it would be more prominent in the landscape than the existing buildings, but this would be mitigated by the association with the adjacent barns and hedges.
- 8.9. It is considered necessary to require additional planting to the southern boundary to introduce trees within the existing hedgerow to break up the expanse of the building visually. The planting of a hedge along the southern side of the access track would also help to mitigate any adverse visual impact.
- 8.10. The addition of the new access is not considered to be so intrusive as to warrant refusal of the application. It would not result in the loss of hedgerow over and above the small section to allow for the access. The access track itself and hardsurfacing would not be particularly visible in public views.

- 8.11. The site is in a very isolated and rural location, where external lighting is likely to have a detrimental impact on the character and appearance of the area and it is considered necessary to restrict the installation of such lighting by condition to protect the rural character of the area.
- 8.12. Overall, therefore, and given its siting, design and materials, and subject to conditions as set out above, it is considered that the proposed building would not result in any significant harm to the rural character of the area, compliant with the local and national policies cited above.

Residential amenity

- 8.13. Both the NPPF and Policy ESD15 of the CLP 2015 seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.
- 8.14. The proposed building would be located approximately 250m from the closest residential property not associated with the holding. Given this relationship it is considered that the building would not result in any significant levels of overlooking or be overbearing on the outlook from that dwelling. Nor would it, or the proposed access track, result in any significant levels of noise or disturbance to that dwelling.
- 8.15. The proposal is therefore considered acceptable in residential amenity terms and compliant with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

Highway safety

- 8.16. The proposed access benefits from good visibility in both directions and the highway here experiences very low levels of traffic flows. Therefore, the additional access to serve the building would not result in any significant detriment to highway safety.
- 8.17. Due to the location a condition is recommended restricting the use of the arena to private use only to ensure that the rural character of the area is not eroded for highway safety given the nature of the highway network serving the site.
- 8.18. It is also recommended that a condition is imposed requiring the track and hardstanding be constructed from either porous materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site.
- 8.19. The proposal is therefore considered acceptable in highway safety terms and compliant with Policy ESD15 of the CLP 2015 and Government policy in the NPPF.

Other Matters

- 8.20 A renewable energy feasibility assessment, in accordance with the requirements of Policy ESD5 of the CLP 2015, has been submitted. It states that the existing barn to be removed has an off-grid PV system installed comprising 8 panel solar PV units connected to 2 x 2.4kWh Li-ion battery banks and inverter charger with interface.
- 8.21 The applicant has confirmed that the owner would re-use this system on the new building, but that it would likely need to be extended to provide for the requirements of the new building, and that to provide all the power requirements for the new building the system could be extended in the future.

- 8.22 The proposed roof of the building allows for clear roof lights in every bay to maximise natural daylight and the PV panels may need to be lost or redesigned to suit. There are no heating requirements for the building and would be lit with 8 high bay lights and 2 floodlights with PIRs.
- 8.23 Finally, it is necessary to restrict the use of the building to a private use, and to preclude any commercial equestrian purpose whatsoever including riding lessons, tuition, livery or competitions. The application has been made and assessed on this basis, and that additional use may have implications for highway safety and the pattern of rural land use which would require further assessment.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 The principle of development is acceptable, as the building would be viewed in the context of existing large farm buildings and would be a sufficient distance away from the nearest residential property so as not adversely affect the living conditions of that neighbour 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.

10. RECOMMENDATION

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

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 form, Renewable Energy Feasibility Assessment and the following plans: Site Location Plan 937 SK06, Site plan 937 37, existing plan 937 38 and proposed plan 8003-00 rev B

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.

Landscaping

3. No development shall commence unless and until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of tree and hedge planting including their species, number, sizes and positions, together with grass seeded/turfed areas along the southern boundary of the site and southern side of the access track hereby approved
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each

tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard surface areas.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first use of the development.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply 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.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and 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 current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply 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.

Access

5. The access and manoeuvring areas shall be provided in accordance with the plan approved (937 37) prior to the first use/of the development hereby approved and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. The access and manoeuvring areas shall be retained in accordance with the approved details thereafter and shall be unobstructed except for the access and manoeuvring of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework

Lighting

6. No external lighting shall be installed at the site unless and until full details of that lighting have been submitted to and approved in writing by the Local planning Authority. 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, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Restriction of Use

The horse training area hereby permitted shall be used for private recreation only, by the occupants of Cradle House 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 and appearance of the area and in the interests of sustainability and highway safety, in accordance with Policies SLE4, ESD1 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.