

Case Officer: Gemma Magnuson

Applicant: RSPB

Proposal: RSPB Work base comprising change of use and conversion and extension of existing bungalow for office/residential intern use, construction of two agricultural storage buildings for maintenance of the reserve and new security fencing

Ward: Launton And Otmoor

Councillors: Cllr. Gemma Coton, Cllr. Simon Holland and Cllr. Julian Nedelcu

Reason for Referral: Called in by Councillor Gemma Coton for the following reason: Public interest.

Expiry Date: 24 July 2023

Committee Date: 10 August 2023

SUMMARY RECOMMENDATION: APPROVAL SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of an existing farmstead known as Otmoor Farm situated in the open countryside to the south of the village of Murcott and north-west of the village of Horton-Cum-Studley. Vehicular access to the site is via an existing track known as Ragnalls Lane that runs from Church Lane in Horton-Cum-Studley. Ragnalls Lane is a Restricted Byway (257/15/40) for part of its length, changing to a Bridleway (209/10/30) at it gets closer to the entrance to Otmoor Farm. The site is generally flat with fences and vegetation marking the boundaries. The existing agricultural buildings on the site are generally in a poor state of repair. The existing buildings include a Nissen hut and a brick wartime shelter.
- 1.2. A Ministry of Defence (MOD) firing range borders the farm to the west and north-west. Beyond the firing range to the west lies the RSPB Otmoor nature reserve.
- 1.3. The existing dwelling is situated to the south-west of the agricultural buildings, and is single storey in height, constructed from red brick with a red/brown tiled roof. The dwelling is surrounded by an area of garden, and this area of the site is more domestic in character than the adjacent agricultural buildings and yard.
- 1.4. The occupancy of the existing dwelling is restricted to a person solely or mainly employed, or last solely or mainly employed, in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him or her, or a widow or widower of such a person by virtue of condition 7 of the original permission for the dwelling (see 02/02367/F).

2. CONSTRAINTS

- 2.1. The application site is within the Oxford Green Belt and vehicular access is taken via a Restricted Byway and a Bridleway. The Murcott Meadows and Otmoor SSSI's are just over 500 metres from the site. The site is within the Otmoor Conservation Target Area. Ponds have been identified in close proximity and a minor aquifer has been identified.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought by the Royal Society for the Protection of Birds (RSPB) to create a work base at Otmoor Farm. The development would involve the change of use, conversion and extension of the existing bungalow to create an office and residential intern accommodation. The extension to the dwelling would be positioned upon the north-eastern facing elevation and would be single storey in height with a pitched roof. The extension would accommodate the main entrance, and toilet and shower facilities. The walls would be painted blue with "RSPB Otmoor Reserve" signage. The existing off-street parking area serving the dwelling would be rationalised with pedestrian access to the main entrance provided and parking bays marked. A new sewerage treatment plant would also be installed to serve the office and living accommodation.
- 3.2. The extension is of similar dimensions to a detached garage that gained planning permission with the original dwelling during 2002 but was never constructed (extension floor area approx. 23.3m² and approved garage 33.6m²).
- 3.3. Some of the existing poor quality agricultural buildings would be demolished, with two new store buildings and a secure compound surrounded by a 2.4 metre tall wire security fence being constructed to replace them. The total floorspace of the proposed new buildings would be less than that of the existing buildings to be demolished. The remaining agricultural buildings would be retained for agricultural use, including the Nissen hut. The wartime shelter will be retained but not used as part of the development.
- 3.4. Electricity is also required on site as it is currently off-grid at present, instead powered by a small wind turbine and a diesel generator. The intention is to connect the site to the grid and demolish an existing building that currently contains the generator. The applicant also intends to install solar PV panels and an air source heat pump at a later date, although these do not form a part of the current application.
- 3.5. The existing slurry pond will be retained and left to naturalise as a wildlife pond. The existing garden associated with the dwelling would be retained as amenity space. A new security gate would be installed at the entrance to the site. Gaps in the existing hedgerow adjacent to the bridleway would be filled by planting.
- 3.6. As a result of the development, the site would become the primary work base for managing and maintaining the RSPB Otmoor Reserve. The principal requirements of the work base are to provide office accommodation, residential accommodation for volunteer interns based at the reserve, secure storage for tools, secure storage for agricultural machinery such as tractors and movers, storage of hay, stock fencing and a cattle crush for livestock associated with the reserve.
- 3.7. The applicant has explained that the RSPB has been present on Otmoor for 27 years, with 412ha of land being within their ownership and a further 73ha leased from the MOD. The land leased from the MOD is the firing range to the west and north-west that sits between Otmoor Farm and the RSPB Otmoor nature reserve. The reserve is currently managed from a leasehold property at Folly Farm in Beckley, although the applicant does not consider this to be sufficient to meet the needs of the reserve given the insecurity of tenancy, the diversion of funds from the reserve to pay annual rent

and lack of storage space for the machinery required to manage additional land that has been acquired. Additional space is also required to allow the existing team to grow, through the introduction of a residential volunteer intern programme.

- 3.8. The RSPB Otmoor Nature Reserve is currently managed by 5 permanent members of staff, with a range of support staff based remotely from the reserve. There are also 92 volunteers that work on the reserve on a weekly basis. The staff currently work both in the office/work base and on the reserve. Most of the volunteers do not visit the work base but are met on the reserve by their work party leaders.
- 3.9. Otmoor Farm would continue to be used for agricultural work, although it is owned by the RSPB as opposed to an agricultural business. The reserve comprises grasslands, ditches, hedgerows, a reservoir with reedbed and an arable cover crop. The site is grazed by livestock including cattle and sheep, and hay is cut and stored which is used to feed commercial livestock through the winter months. The applicant has advised that management of the land is supported through an agri-environment scheme, and that the RSPB is registered with the Rural Payments Agency and is a claimant under the Basic Payment Scheme that requires applicants to be active farmers.
- 3.10. The applicant considers that the use of the office accommodation in connection with the management of the reserve land would be akin to an estate office found on other agricultural holdings, with staff laying hedges, cutting grass, hay making, planting cover crops and carrying out grazing with commercial cattle and sheep. Wildlife surveys are also undertaken on farms within the Otmoor Basin, protecting nesting birds and providing advice to farmers on how to manage their land more appropriately for wildlife.
- 3.11. The applicant has advised that the majority of RSPB staff are in roles that involve both office and agriculturally based work, and that it is therefore important that the proposed office accommodation is located with the residential, secure storage and storage accommodation within the RSPB Otmoor reserve itself. The intention is for Otmoor Farm to provide self-catering accommodation for two interns over a 6-12 month period, where they will gain training and experience and support the work of the RSPB in maintaining the reserve, developing future land managers. The provision of accommodation on site would enable the interns to work on a full-time basis without the need to supplement income through other employment.
- 3.12. The proposed use of the existing bungalow as an office with intern accommodation would not comply with the requirements of the agricultural occupancy condition imposed as part of the 2003 permission. The applicant therefore also requests that the condition is either removed or amended to permit the proposed uses.

4. RELEVANT PLANNING HISTORY

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

Application: 08/02136/F	Permitted	4 December 2008
--------------------------------	-----------	-----------------

Erection of wind turbine

Application: 02/02367/F	Permitted	17 December 2003
--------------------------------	-----------	------------------

Erection of 1 No. agricultural workers bungalow and garage (as amended by plans received 14.11.03 and 21.11.03). Condition 7 of 02/02367/F places an agricultural tie on the dwelling.

5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

Application: 19/00123/PREAPP	Detailed Pre-App response sent	20 June 2019
---	--------------------------------	--------------

Proposed development to include relocation of RSPB reserve work base and residential development to support reserve delivery

Application: 22/03701/PREAPP	Response Sent	19 January 2023
---	---------------	-----------------

RSPB Workbase including conversion of existing bungalow for office/residential intern use and new agricultural storage buildings for maintenance of the reserve

5.2. The latest pre-application advice concluded as follows:

“Subject to the submission of a robust case for the development I consider that I could support the principle at application stage, despite it not sitting neatly within the requirements of relevant planning policy. The development is unlikely to result in significant harm to the visual amenities of the wider area, residential amenity, highway safety or ecology.”

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper. The final date for comments was **20 June 2023**, although comments received after this date and before finalising this report have also been taken into account. At the time of writing 22 responses have been received: 19 objecting to the proposal, 1 supporting the proposal and 2 commenting on the proposal.

6.2. The comments raised by third parties are summarised as follows:

- Highway safety
- Concern regarding safety of users of public right of way
- Environmental pollution – noise and disturbance
- Impact on amenity enjoyed by residents
- Visual impact
- Impact on rural character
- Ecological impact
- Flood risk
- Lack of exceptional circumstances for development in the Green Belt
- Site can still be used by RSPB for farming purposes without removal of condition
- Comments on previous actions of RSPB, both in support and against
- Improve appearance of site

6.3. The comments received can be viewed in full on the Council’s website, via the online Planning Register.

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. FENCOTT AND MURCOTT PARISH COUNCIL: **object** to the application on the grounds of the use of the bungalow as an office, set undesirable precedent, Parish Council objected to original application in 2002. Suggest condition restricting Class E use, seek assurance of limitation of further development, encourage RSPB to maintain engagement with Parish Councils.
- 7.3. HORTON CUM STUDLEY PARISH COUNCIL: **object** to the application on the grounds of the change of use from agriculture, failure to establish exceptional circumstances for development within the Green Belt, impact on residential amenity, increased traffic using of Ragnalls Lane and conflict with users, impact on restricted byway and resurfacing and repair following construction. If approved would expect OCC to extend and enforce lower 20mph speed limit and request condition requiring surface of Ragnalls Lane to be maintained by RSPB following construction.

CONSULTEES

- 7.4. BRITISH HORSE SOCIETY: no comments received at time of writing.
- 7.5. CAMPAIGN TO PROTECT RURAL ENGLAND: no comments received at time of writing.
- 7.6. OPEN SPACES SOCIETY: no comments received at time of writing.
- 7.7. RAMBLERS ASSOCIATION: no comments received at time of writing.
- 7.8. OCC HIGHWAY AUTHORITY: **no objection** as unlikely to adversely impact the local highway network in traffic and safety terms.
- 7.9. OCC RIGHTS OF WAY: **no objection**. Conditions suggestion and advise that no development activity should interfere with public access and the public right of way must remain available and convenient for public use.
- 7.10. CDC BUILDING CONTROL: **comment** that a Building Regulations application will be required.
- 7.11. CDC ECOLOGY: **no objection** and conditions suggested regarding a bat licence, biodiversity enhancements and a CEMP.
- 7.12. CDC ENVIRONMENTAL HEALTH: no comments received at time of writing.
- 7.13. CDC RIGHTS OF WAY: no comments received at time of writing.
- 7.14. CDC LAND DRAINAGE: **no comments or objections** as the site is not shown to be in Flood Zones 2 or 3.

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
SLE1 – Employment Development
SLE4 – Improved Transport and Connections
ESD1 – Mitigating and Adapting to Climate Change
ESD 3 – Sustainable Construction
ESD10 – Biodiversity and the Natural Environment
ESD11 – Conservation Target Areas
ESD13 – Landscape Character
ESD14 – Oxford Green Belt
ESD15 – The Character of the Built and Historic Environment
Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

TR7 – Development attracting traffic to minor roads
C28 – Layout, design and external appearance of new development
C30 – Design control
ENV1 – Environmental pollution

- 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (HRA)
- Equalities Act 2010 (EA)

9. APPRAISAL

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

- Principle of development in the Oxford Green Belt
- Design, and impact on the character of the area
- Residential amenity and environmental pollution
- Highway safety and public rights of way
- Ecology impact
- Flood risk
- Sustainable construction

Principle of Development in the Oxford Green Belt

- 9.2. The proposed development would involve the creation of a mixed use development, consisting of an office, residential intern accommodation, storage of items in connection with the maintenance of the Otmoor Nature Reserve and agriculture. The existing site is in agricultural use with associated agricultural workers dwelling and Officers are of the opinion that the continued residential occupation of the dwelling and agricultural use of the site would not constitute a change of use, although it would result in the effective removal of the agricultural tie and loss of one agricultural

worker's dwelling. A new element of employment development would also be introduced, with an office and buildings used for the storage of items that are not strictly connected to an agricultural business.

- 9.3. With regard to development in the Oxford Green Belt, the Government attaches great importance to Green Belts, the fundamental aim of which is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Inappropriate development is, by definition, harmful for the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 9.4. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The construction of new buildings should be regarded as inappropriate development, although there are exceptions to this. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 9.5. Exceptions to the construction of new buildings being considered inappropriate development in the Green Belt include:
 - Buildings for agriculture or forestry;
 - The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces.
- 9.6. With regard to other forms of development in the Green Belt, the re-use of buildings provided that the buildings are of permanent and substantial construction is not considered inappropriate development provided the openness of the Green Belt is preserved and it does not conflict with the purposes of including land within it. This guidance is echoed in Policy ESD14 of the CLP 2015.
- 9.7. The proposed development would involve the retention and re-use of existing buildings throughout the site where possible. One of the retained agricultural barns would remain in agricultural use. One existing agricultural building would be re-used for additional storage and an external covered workspace to be used in connection with the maintenance of the nature reserve. Existing agricultural buildings that are in a poor state of repair would be demolished and replaced by new buildings that are not materially larger than their predecessors and erected in similar positions. The use of these new buildings would be connected to the maintenance of the nature reserve. The tools, machinery and activities taking place within the proposed buildings are not considered to be dissimilar to that of an agricultural use, to include a tractor, toppers, a rotavator, an aerator, a roller, a hay mower and other hay making machinery.
- 9.8. The existing dwelling would be partially converted to an office, and an extension is proposed off the north-eastern elevation. The extension would be smaller in size than a detached garage that gained planning permission during 2003 with the original dwelling that was never constructed (the garage can still be constructed) and is therefore not considered to constitute a disproportionate addition that is over and above the size of the original building.

9.9. It is for the above reasons that your Officers are of the opinion that the proposed development would constitute appropriate development within the Oxford Green Belt.

9.10. With regard to employment development within the rural areas, Government guidance contained within the NPPF requires planning decisions to enable:

- the sustainable growth of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- the development and diversification of agricultural and other land-based rural businesses;
- sustainable rural tourism and leisure development which respect the character of the countryside;
- the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

9.11. The guidance goes on to explain that planning decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances, it will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact upon local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.

9.12. Policy SLE1 of the CLP 2015 relates to new employment development. It explains that new employment development will be focussed on existing employment sites, and on existing operational or vacant employment sites in the rural areas, employment development, including intensification, will be permitted subject to compliance with other policies in the Plan. New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:

- they will be outside of the Green Belt, unless very special circumstances can be demonstrated;
- sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site;
- they will be designed to a very high standard using sustainable construction, and be of an appropriate scale and respect the character of villages and their surroundings;
- they will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment;
- the proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including any designated buildings or features (or on any non-designated buildings or features of local importance);

- The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car;
 - There are no suitable available plots or premises within existing nearby employment sites in the rural areas.
- 9.13. The CLP 2015 has an urban focus and, with the potential for increased travel by private car by workers and other environmental impacts, justification for employment development on new sites in the rural areas will need to be provided. The justification should include an applicant demonstrating a need for and benefits of employment in the particular location proposed and explaining why the proposed development should not be located at the towns, close to the proposed labour supply.
- 9.14. The RSPB is the owner of Otmoor Farm and the entirety of the associated with the farm is positioned in close proximity to the wider Otmoor Nature Reserve. The applicant has explained that the majority of RSPB employees are in roles that involve both office and agriculturally based work, and they consider it important that the proposed office accommodation is co-located with the residential, secure storage and storage accommodation within the Otmoor Nature Reserve. The applicant goes on to explain that like any large estate, the Otmoor Nature Reserve requires considerable upkeep and management, and in keeping with comparable land uses its operational base needs to be strategically located within the boundaries of the reserve.
- 9.15. Officers consider that the proposed use of the site would be similar to that of an agricultural business, and whilst it is understood from consultation responses that the previous owner worked alone, it could be that a new farmer taking on the site would decide to take on employees to assist with the day-to-day operations of the farm. The permitted development rights afforded by Schedule 2, Part 3, Class R (agricultural buildings to a flexible commercial use) of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) should also be borne in mind, whereby 150 square metres of an agricultural building meeting the required criteria could normally be converted to Class B8 (storage or distribution), Class C1 (hotels) or Class E (commercial, business or service) of the Use Classes Order without planning permission, or up to 500 square metres with the prior approval of the Local Planning Authority.
- 9.16. The location of the work base within the Otmoor Nature Reserve itself is considered suitable, as opposed to an urban location or existing rural employment site further afield, that would require machinery and tools to be transported to and from the reserve on a daily basis. The applicant does not consider the current leasehold property at Folly Farm in Beckley to be sufficient to meet the needs of the reserve due to the insecurity of tenancy, the diversion of funds from the reserve to pay annual rent and the lack of storage space for the machinery required to manage additional land that has recently been acquired. Additional space is also required to allow the existing team to grow, through the introduction of a residential volunteer intern programme.
- 9.17. Officers are of the opinion that the RSPB can demonstrate very special circumstances for a work base in this Green Belt location, considering the similarity to an agricultural business, the requirement for a location in close proximity to the Otmoor Nature Reserve and the social and environmental benefits that would arise through the maintenance of the largest nature reserve in the District.
- 9.18. The development would lead to the loss of one agricultural workers dwelling. The existing dwelling was only permitted given the essential need for an agricultural worker to be at the site, where normally new dwellings in such locations are restricted. Such conditions should only be removed if it can clearly be demonstrated that there

is no need for an agricultural workers dwelling in the locality. However, given that the RSPB employees and volunteers would continue to have an agricultural strand to their roles during their occupation of the dwelling, they would continue to be connected to employment within agriculture. In addition, as the RSPB has purchased the entire land holding with the dwelling, Officers consider that the development is therefore unlikely to lead to pressure for an additional agricultural workers dwelling in this location to support the holding.

- 9.19. The development is also reversible and can be returned to an agricultural workers dwelling and associated farmstead should the RSPB ever vacate the site in the future. This can be secured via condition.
- 9.20. It is for the above reasons that Officers consider the principle of the development in the Oxford Green Belt to be acceptable.

Design, and impact on the character of the area

- 9.21. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 9.22. Policy ESD13 of the CLP 2015 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 2015 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.
- 9.23. Saved Policies C28 and C30 of the CLP 1996 seek 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.
- 9.24. The site consists of an existing farmstead and agricultural workers dwelling in the open countryside. The agricultural barns within the site at present have an untidy appearance and are in a poor state of repair. Views into the site are obtainable from the public right of way that runs alongside the eastern boundary of the site, although a mature hedgerow go some way to soften the appearance of the buildings from this vantage point. The intention is to infill the gaps within this existing hedgerow as part of the development.
- 9.25. The proposed replacement buildings would be of typical agricultural design and appearance, using concrete panels and metal cladding of a grey or green colouring. The heights would also be similar to those existing. It is considered that such buildings are an anticipated feature of the rural landscape and that they would not be out of keeping with their context.
- 9.26. The proposed extension to the existing dwelling would be set further into the site, beyond intervening structures and a hedgerow, and despite the proposed blue colouring, given the single storey height and discreet positioning, Officers do not consider that this would constitute an overly prominent feature within the wider landscape.

- 9.27. A fenced compound is proposed within the site in order to provide security for the items stored within. This fence would be 40cm taller than a fence that could be erected as permitted development. Whilst undesirable, the area of the compound is limited and located between buildings. The wire mesh fence design would also allow views through, softening its appearance. The colour and finish of the proposed fence can be controlled by condition.
- 9.28. Officers consider that the repair and re-use of the existing barns would constitute an enhancement to the appearance of the site. The proposed replacement barns are agricultural in design and appearance and would retain the agricultural character of the farmstead as a result. The fence and extension would be discreetly positioned within the site and are both of a design and appearance that would not detract from the visual amenities of the site or wider area. The development is therefore considered to accord with the above policies in terms of design and the impact on the character of the area.

Residential amenity and environmental pollution

- 9.29. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users.
- 9.30. Policy ESD15 of the CLP 2015 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.
- 9.31. The site is positioned in an isolated location away from other residential dwellings. The only residential use within the site would be intern accommodation, connected to the use of the site for the maintenance of the Otmoor Nature Reserve where some disturbance would be anticipated, similar to that of an agricultural worker occupying a dwelling associated with their farm business.
- 9.32. Access to the site would be via an existing track, Ragnalls Lane, that does run adjacent to residential dwellings to the south-east of the site. However, given the existing authorised use of the site for the purposes of agriculture, with no restriction of vehicular movements at present, it is not considered that the proposed use of the site would significantly exceed the disturbance that could be already experienced by these nearby dwellings should an agricultural business operate from the farmstead once again.
- 9.33. The proposed activities taking place on the site would either include agriculture or be similar to an agricultural use of the site, and Officers do not anticipate levels of environmental pollution over and above that of the existing authorised use as a result.
- 9.34. The site is positioned a sufficient distance from all neighbouring properties in order to avoid any harm in terms of shading, an overbearing appearance or loss of outlook. It is for the above reasons that Officers consider the proposal to accord with the above policies in terms of residential amenity and environmental pollution.

Highway safety and public rights of way

- 9.35. 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. Further, planning

decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users. Policy SLE4 of the CLP 2031 Part 1 echoes this, with all development where it is reasonable to do so, being required to facilitate the fullest possible use of sustainable modes of transport including walking and cycling.

- 9.36. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should be designed to deliver high quality safe places to live and work in.
- 9.37. The applicant has clarified in their letter received on 24 June 2023 that the site does not include the provision of a visitor centre or visitor facilities. The majority of public events (currently four per year) commence at the main reserve car park in Beckley. Numbers are also restricted at these events.
- 9.38. There would be 5 members of staff and 2 residential volunteer interns based at Otmoor Farm, with the majority of the other volunteers (92 at the time of writing) met on the reserve by work party leaders. One or two volunteers may, however, collect equipment from Otmoor Farm. The work parties run three days per week.
- 9.39. Staff at Otmoor Farm would work Monday to Friday 9am - 5.15pm, with some occasional early or late hours and weekends.
- 9.40. Access to the site would be via the existing access on Ragnalls Lane, although, in respect of work relating to the farm and Nature Reserve, where possible, this would be across land under the control of the RSPB. In 2022 logs at the current work base in Beckley indicate that there are 40 return journeys on average per month, equating to two journeys per day. Vehicles currently consist of staff owned cars/bicycles, agricultural machinery including pick-ups, quad bikes and a tractor.
- 9.41. Staff would be instructed to drive slowly and to give way to users of the public right of way. It is understood that Ragnalls Lane has no registered owner, although the RSPB intend to undertake track repairs on Ragnalls Lane. This work cannot, however, be sought by condition due to the land not being within the ownership of the applicant.
- 9.42. Officers consider that the number of vehicle movements along Ragnalls Lane would not be dissimilar to those which would be anticipated as part of an established agricultural business which could operate from the site today. It is understood that the previous owner of Otmoor Farm was winding down to retirement and their family had left home, so movements to and from the farm had reduced in recent years.
- 9.43. OCC Rights of Way and OCC Highway Authority have raised no objection to the scheme and Officers are in agreement with this assessment. There are a number of requirements upon the applicant to ensure that the right of way remains accessible to members of the public and these are covered by separate legislation. The applicant intends to implement a Construction Traffic Management Plan in order to avoid nuisance and conflict with users of the public right of way during construction, and this can be sought via condition.
- 9.44. Officers therefore consider the proposal to accord with the above policies in terms of highway safety and the use of the public right of way.

Ecology impact

- 9.45. Government guidance contained within the NPPF requires the protection and enhancement of biodiversity. If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less

harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

- 9.46. Policy ESD10 of the CLP 2015 echoes Government guidance, requiring relevant habitat and species surveys to accompany applications which may affect a site, habitat or species of known or potential ecological value, seeking net gains in biodiversity, the protection of existing trees and the protection, management, enhancement and extension of existing resources along with the creation of new ones.
- 9.47. Policy ESD11 of the CLP 2015 states that where a development is proposed within or adjacent to a Conservation Target Area biodiversity surveys and a report will be required to identify constraints and opportunities for biodiversity enhancement. Development which would prevent the aims of a Conservation Target Area being achieved will not be permitted. Where there is potential for development, biodiversity enhancement will be sought to help achieve the aims of the Conservation Target Area.
- 9.48. The Otmoor Nature Reserve is a Conservation Target Area, where work to restore biodiversity at a landscape scale through the maintenance, restoration and creation of UK BAP priority habitats is a principal aim.
- 9.49. The application is accompanied by an ecological appraisal, and this has confirmed a bat roost within a shed that is proposed for demolition. A licence would be required for this work, and it is recommended that demolition takes place during the winter months. The installation of bat tubes and boxes is recommended for the replacement structures. The ecological appraisal concludes that aside from the bats, it is not considered that any protected species would be impacted by the proposal. A biodiversity plan also accompanies the application.
- 9.50. The CDC Ecology Officer has raised no objection to the scheme subject to conditions securing biodiversity enhancements, obtaining a bat licence and the submission of a Construction Environment Management Plan (CEMP) to protect retained vegetation, species passing through the site and to ensure that demolition measures, timings and checks are contained within one document. Officers are in agreement with this assessment and consider the proposal to accord with the above policies in terms of ecological impact.

Flood risk

- 9.51. Government guidance contained within the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 9.52. Policy ESD6 of the CLP 2015 echoes Government guidance, requiring the submission of a Flood Risk Assessment (FRA) and demonstration that developments will be safe and remain operational (where necessary), and that surface water will be managed effectively on site and that the development will not increase the flood risk elsewhere.
- 9.53. It is understood that Otmoor Farm and surrounding land has historically experienced flooding, indeed, the Otmoor Nature Reserve is described as a floodplain grazing marsh that is home to wading birds and wildfowl year round. However, the site is not within Flood Zones 2 or 3, and the site is below 1 hectare in area, so a Flood Risk Assessment is not a requirement with this application.

- 9.54. Despite this, the applicant has addressed the issue of flooding in their submission, explaining that the existing bungalow was constructed in accordance with recommendations in the flood risk assessment accompanying the 2002 application. Further, the floors of the new buildings proposed as part of this scheme would be raised to increase flood resilience, together with landscaping of the garden surrounding the bungalow. Flood resilience measures would also be incorporated into the extension to the existing bungalow, and permeable surfacing will be used for the drive and parking area. The overall footprint of buildings upon the site would also reduce as a result of the development.
- 9.55. CDC Land Drainage are content with the proposal, given that the site is not within Flood Zones 2 or 3. Officers therefore consider that flood risk has been satisfactorily addressed within the submission, and that flood risk would not be increased elsewhere as a result of the development, in accordance with the above Policies.

Sustainable construction

- 9.56. Government guidance contained within the NPPF requires the planning system to support the transition to a low carbon future in a changing climate, helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience, encourage the reuse of existing resources, including the conversion of existing buildings, and support renewable and low carbon energy and associated infrastructure.
- 9.57. Policy ESD3 of CLP 2015 states that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to minimising energy demands and loss, maximising passive solar lighting and natural ventilation, maximising resource efficiency, incorporating the use of recycled and energy efficient materials, using locally sourced material, reducing waste and pollution, using sustainable drainage methods, maximising opportunities for cooling and shading and re-using materials where proposals involve demolition or redevelopment.
- 9.58. A structural survey undertaken of the existing buildings on site has identified buildings that are suitable for re-use. These buildings will be repaired and re-used as part of the development. The office and residential accommodation within the existing bungalow would benefit from natural light and ventilation. Aside from the entrance door, no openings are proposed within the extension, although as this would accommodate toilet facilities and a cupboard this is not considered necessary.
- 9.59. The applicant intends to install an air source heat pump (this would be the subject of a separate application) and solar PV panels (this may constitute permitted development) in addition to connecting the site to the grid, providing a mains power connection. However, these renewable energy provisions are not the subject of the current application. The site currently relies on a wind turbine and diesel generator, although the generator would be decommissioned and the building demolished when connected to the grid.
- 9.60. Officers consider that sustainable construction methods have been demonstrated as part of the proposal, and that the development meets the requirements of the above policies.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development would create a work base for the RSPB to meet their needs for the maintenance of the Otmoor Nature Reserve. It is anticipated that the development would deliver social and environmental benefits in terms of security of

tenure for the charity and the ability to expand their operation and improve conservation management on the reserve with resultant enhancement to biodiversity. The development would deliver some economic benefits as a result of the initial construction, the provision of employment and training opportunities and some commercial agriculture. The development is considered appropriate development in the Oxford Green Belt and is anticipated to deliver biodiversity enhancements, whilst avoiding harm to visual amenity, residential amenity, highway safety or detrimentally impacting usage of the public right of way, nor resulting in additional flood risk elsewhere or cause significantly harmful levels of environmental pollution. Taking account of other material considerations, the balance weighs in favour of the development being sustainable development.

11. 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)

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: Design and Access Statement, Primary Ecological Appraisal dated April 2022, Biodiversity Plan, Tree Survey, Letter from agent received 24 June 2023, Location plan received 29 June 2023, Location within RSPB Otmoor Nature Reserve plan received 29 June 2023, Location plan with ROW received 29 June 2023, Drawing No's: SA-20-001 Rev. D, SA-20-002 Rev. D, SA-20-012 Rev. A, SA-20-013 Rev. A, SA-20-015, SA-20-016 Rev. A, Fortex fence specification details

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.

Prior to commencement of groundworks, works of site clearance or demolition

3. Prior to the commencement of any groundworks, works of site clearance or demolition, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the approved CTMP at all times.

Reason - In the interests of highway safety and the safety of users of the public right of way, and to ensure the environment is protected during construction in accordance with saved Policies SLE4 and ESD15 of the Cherwell Local Plan

2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of any groundworks, works of site clearance or demolition, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved CEMP.

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

Prior to commencement above slab level

5. Prior to the commencement of the extension hereby approved above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed 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.

6. Prior to the commencement of the storage buildings hereby approved above slab level, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved schedule.

Reason - To ensure the satisfactory appearance of the completed 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.

Prior to erection of compound fence and entrance gates

7. Prior to the erection of the compound fence and entrance gates hereby approved, full design details to include colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed 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.

Compliance only

8. The development hereby approved shall be carried out strictly in accordance with the recommendations and details set out in the Primary Ecological Appraisal dated April 2022 and the Biodiversity Plan submitted with the

application, which was prepared by The RSPB Ecology & Land Management.

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

9. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bats until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

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.

10. That the entrance gates hereby approved shall open inwards only.

Reason – In the interests of highway safety and the safety of users of the public right of way in accordance with saved Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. This permission shall enure for the benefit of the Royal Society for the Protection of Birds only and for no other persons only and shall not enure for the benefit of the land. Upon the applicant ceasing to occupy the site and/or buildings, the dwelling shall be occupied only by a person solely or mainly employed, or last solely or mainly employed in the locality in agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry, including any dependants of such a person residing with him or her, or a widow or widower of such a person, and the site and buildings shall be used only for the purpose of agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990 .

Reason - This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent, in accordance with Policies SLE1 and ESD14 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Gemma Magnuson