

Application No: 12/00345/F	Ward: Sibford	Date Valid: 27.03.2012
Applicant:	Mr & Mrs Bradshaw	
Site Address:	The Mount, Green Lane, Swalcliffe	

Proposal: Removal of condition 10 of permission 09/00341/F

Site visited: 12 April 2012

1. Site Description and Proposal

- 1.1 The application relates to a parcel of land on the Eastern edge of Swalcliffe, accessible from Green Lane and Main Road (the B4035).
- 1.2 The site has previously been the subject of an application for stables, approved by the Planning Committee in May 2009 (application 09/00341/F refers).
- 1.3 That approval for stables was subject to a number of conditions, including Condition 10, which reads;
- “That the means of access to and from the site shall be taken only from Green Lane and as such shall be formed, laid out, constructed and drained and with such vision splays as shall first be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.*
- Reason – In the interests of highway safety and to comply with government advice contained in PPG13: Transport.”*
- 1.4 This application seeks to remove that condition, to allow the stables to be accessed from the existing field gate onto the B4035 as originally intended, rather than via Green Lane as required by the condition. The applicant has stated in their application that the weight limit of Green Lane occasionally precludes them from using that access, and that the gate onto the B4035 has been set back to allow vehicles to stop clear of the highway (to close the gate) before pulling out onto the road.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice. The final date for comments on the scheme was 03 May 2012.
- 2.2 3 letters/emails of representation received all of which raise objections to the scheme. Full details are available electronically via the Council’s website.

The material planning considerations raised as objections are as follows:

- The use of the access onto the B4035 is unsafe given the traffic speed and visibility
- Green Lane is safer, as there is a lower volume of traffic
- The use of the access onto the B4035 causes harm to the amenities of the occupiers of the ancillary accommodation at Gullivers Cottage.

3. Consultations

- 3.1 **Swalcliffe Parish Council:** No objections to the removal of condition 10, they do however observe that there may be a safety issue regarding the use of the gated access onto the B4035.
- 3.4 **Oxfordshire County Council (Highways):** No objection to the removal of the condition, but considers that conditions should be imposed which seek to improve the access onto the B4035 (setting back the gates, highway-specified surfacing).

The Highways Liaison Officer has noted that the condition to which the application relates was imposed at the Committee meeting when the application was considered and was not requested by the County Council. When the application was considered in 2009, the County Council did register concern at the potential of increased use of the Green Lane and B4035 junction (owing to the visibility at that point).

The County Council response to this application is therefore consistent with their original response.

4. Policy Considerations

National Planning Policy Framework (NPPF)	Core planning principles and the delivery of sustainable development with particular regard to the following sections: 4: Promoting sustainable transport 11: Conserving and enhancing the natural environment
Adopted Cherwell Local Plan 1996 Saved Policies	C7: Landscape conservation C13: Areas of High Landscape Value C28: Design, layout etc standards

5. Appraisal

- 5.1 The key issues for consideration in this application are:
- Access and highway safety
 - Amenity
 - Landscape Impact
- 5.2 In considering each of the key issues in the application it may be necessary to reconsider the weight of the relevant saved adopted Local Plan Policy in the light of paragraphs 214 and 215 of the National Planning Policy Framework, which for this situation indicates that only policies which are consistent with the NPPF should be given due weight.
- 5.3 **Access and highway safety**
As the application is for the removal of a condition attached to an extant and implemented planning permission, the first aspect to consider is the degree to which the proposal would accord with the reason for originally imposing the condition.
- 5.4 As set out in paragraph 1.3 above, the condition in this case was originally imposed in the interests of highway safety. However, as can be seen in the response from

the County Council, the accessing of the stables from the B4035 is considered acceptable in terms of highway safety, subject to conditions regarding the geometry, fencing and surfacing of the access.

5.5 If it is accepted that highway safety and convenience is no longer at issue in the consideration of this application, the scheme falls instead to be considered against other normal planning matters.

5.6 **Amenity**

Given the proximity of the access (referring to the gate and the track from the access to the stables) to the ancillary accommodation at Gullivers Cottage, and the comment of the contributors to the application, it is important to consider the impact of the proposed removal of the condition on amenity.

5.7 Whilst comments have been received which suggest that the use of this access is harmful to amenity, given the scale and nature of the use it is not considered that the occasional passing of a horse box/trailer is any more harmful than the traffic on the B4035. In addition, any disturbance arising from accessing a private (as controlled by condition) stable should be balanced against the potential for disturbance from an agricultural use.

5.8 Considered in that light, whilst the comments of the contributors to the application are noted, it is not considered that the accessing of the stable from the gate on the B4035 would cause harm to the amenities of the neighbouring properties sufficient to warrant or sustain refusal on such grounds.

5.9 **Landscape Impact**

As the site lies within a locally designated Area of High Landscape Value and on the edge of a village in the open countryside, the impact of the proposal on the landscape should also be considered.

5.10 As the proposal relates to the use of an access, it is not considered that the proposed removal of condition will have any appreciable or harmful landscape impact. The replacement of access gates and means of enclosure is a normal occurrence in a rural context and the access is located next to the built edge of the village.

5.11 **Conclusion**

Taking all of the above factors into consideration, as well as the technical response of the County Council on the issues of highway safety, it is not considered that the proposal would cause harm to highway safety or convenience, and that the scheme is acceptable in terms of landscape impact and impact on the amenity of neighbouring properties.

5.12 The proposal is therefore recommended for approval, subject to conditions.

6. Recommendation

Approval, subject to the following conditions;

1. Three year time limit for implementation.

2. SC 4_0BC “geometry as existing plus gates set back as shown on plan... prior to removal of condition”
3. SC 4_13AB
4. Use as specified; personal and private

SUMMARY OF REASONS FOR THE GRANT OF PLANNING PERMISSION AND RELEVANT DEVELOPMENT PLAN POLICIES

The Council, as the local planning authority, has determined this application in accordance with the development plan, unless material considerations indicate otherwise. The development is considered to be acceptable on its planning merits as the proposal is acceptable in highway safety and convenience terms, does not harm amenity and is acceptable in terms of its impact on the character of the countryside. As such the proposal is in accordance with Government guidance contained within the National Planning Policy Framework – 4: Promoting sustainable transport and 11: Conserving and enhancing the natural environment; saved Policies C7, C13 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised including third party representations, the Council considers that the application should be approved and planning permission granted subject to appropriate conditions as set out above.

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