

**Site Address: Park Farm, Heyford Road,  
Middleton Stoney**

**13/00960/F**

**Ward:** Ambrosden and Chesterton

**District Councillor:** Councillor Fulljames

**Case Officer:** Caroline Ford

**Recommendation:** Approval

**Applicant:** J H Norman and Sons

**Application Description:** Erection of extensions to an existing building to form a new cattle yard and straw barn

**Committee Referral:** Major – floor space being created

**1. Site Description and Proposed Development**

- 1.1 The site is situated to the North West of the village of Middleton Stoney with Park Farm Business Centre to the East of the site. Accessed from the B4030 Heyford Road, the site forms a farm holding with various existing agricultural buildings. It is well screened by established hedgerows/ landscaping, which was required by previous planning permissions. The agricultural holding extends to 486ha and is used for arable and livestock (beef and pig) production.
- 1.2 The site is outside of a conservation area and there are no listed buildings within proximity, however Middleton Park, a Park and Garden of Special Historic Interest is adjacent to the site. There is some ecological potential within the area and there is some potential for archaeology and for the land to be contaminated. A small part of the site lies within the flood zone, but the majority of the site is outside this area.
- 1.3 The application seeks planning permission to extend an existing open building by 30.5m in length (doubling its length) and then by 12.2m in width (again doubling its width for the whole length) in the form of additional bays. The resultant building would be 61m in length and 24.2m in width. The building is proposed to be 8.3m in height to the ridge. One side of the building would be fully open and used as a straw barn and the other side would be partly enclosed and would form a cattle yard, which has a similar appearance to the cattle yard which exists adjacent to the site. The materials to be used would be similar to those on the existing adjacent building including celcurised timber space boarding over concrete panels for the walls (in the positions shown on the submitted plans) and reinforced profile fibre cement roof sheets in natural grey.
- 1.4 The planning history for the site is as follows:  
96/00382/F (Permitted) Erection of a general purpose implement store, 2 pig finishing units and 2 feed hoppers  
97/01872/F (Permitted) Conversion of 3 redundant farm buildings to offices  
00/01192/F (Permitted) Erection of cattle yard and straw barn (the building the subject of this application appears to have been granted permission under this consent)  
09/01749/F (Permitted) Erection of a pig fattening shed to replace existing building.  
Erection of a grain store. Erection of electrical control building.

**2. Application Publicity**

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment is the 01<sup>st</sup> August 2013. No correspondence has been received as a result of this consultation process at the time of writing this report.

### 3. Consultations

3.1 **Middleton Stoney Parish Council:** No objections raised

#### **Cherwell District Council Consultees**

3.2 **Anti Social Behaviour Manager:** Based on the information contained within the applicant's agent's submission and his knowledge of the farm from previous planning applications, he is satisfied that the proposal will not give rise to significant environmental issues and therefore no objections are raised.

3.3 **Conservation Officer:** The proposed application looks to erect additional farm buildings within the confines of the main farmstead. The proposed works are deemed not to cause harm and no objections are raised.

3.4 **Environmental Protection Officer:** This farm itself and a historical sewage filter bed are shown on records as potentially contaminative land uses. There is also a historical quarry, which may have been infilled in the surrounding area but there is no evidence that contamination is present which would affect this development and given the scope of the development and the potential for these sources to affect the development, a condition relating to contaminated land would not be appropriate. A planning note is therefore recommended in case there is unsuspected contamination identified during this development.

3.5 **Ecologist:** No objections on ecological grounds. The recommendations within the updated ecological report are appropriate and if adhered to then there should not be any significant impacts on protected species or habitats as a result of the proposals. Two conditions are recommended.

#### **Oxfordshire County Council Consultees**

3.6 **Highways Liaison Officer:** No objections subject to the use being as specified only.

3.7 **Archaeologist:** The proposal would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.

#### **Other Consultees**

3.8 **Thames Water:** No objection with regard to sewerage infrastructure. No objection with regard to water infrastructure. Comments with regard to surface water drainage can be incorporated into a planning note.

3.9 **Environment Agency:** The application is assessed as having a low environmental risk and therefore no objection to the proposal is raised.

### 4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

AG2: Construction of farm buildings  
C2: Development affecting protected species  
C7: Landscape Conservation

- C10: Historic Landscapes, parks and gardens and historic battlefields  
C28: Layout, design and external appearance of new development  
ENV1: Development likely to cause detrimental levels of pollution

## 4.2 Other Material Policy and Guidance

National Planning Policy Framework

Proposed Submission Local Plan Incorporating Proposed Changes (March 2013)

The draft Local Plan has been through public consultation and although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031.

## 5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Planning Policy
- Need for the development
- Visual amenity and character of the countryside
- Historic Environment
- Residential amenity
- Highway safety
- Ecology

### Relevant Planning History

5.2 The planning history for the site is set out within paragraph 1.3. It is clear that the farm holding has extended over time, including the loss of some of the traditional barns to offices. The site to the west of the Business Centre has grown to contain the majority of the modern farm buildings. They are all clearly agricultural in nature in terms of their design, the site is well contained and screened and there was livestock on site at the time of the Case Officer's site visit.

### Planning Policy

5.3 The National Planning Policy Framework advises that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development economic, social and environmental, which are interlinked. The presumption in favour of sustainable development should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay and where the plan is absent, silent or out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

5.4 The NPPF advises that Local Planning Authorities should support economic growth in rural areas, which includes promoting the development and diversification of agricultural and other land based rural businesses.

5.5 The adopted Cherwell Local Plan advises at Policy AG2 that farm buildings and associated structures requiring planning permission should normally be so sited that they do not intrude into the landscape or into residential areas. Where appropriate a landscaping scheme should be included as part of the planning application and

materials of construction should be chosen so that the development fits sympathetically into its rural setting.

#### **Need for the development**

- 5.6 Given there are a number of buildings on site, including those that were granted planning permission in 2009, it is necessary to briefly consider whether there is an agricultural need for the extended barn. The applicant's agent has provided an agricultural statement, advising that the current farm buildings fulfil their requirements; however there is a need for a larger covered area for the storage of straw and more space to feed and house cattle over the winter. The extended straw barn is needed to store a larger proportion of the straw produced at Park Farm, which is used for the feeding of cattle and bedding of pigs. The larger straw barn will reduce wastage and improve the efficiency of bedding and feeding operations. The extension to create a second cattle yard will enable the stocking density of the existing cattle yard to be reduced and to house cattle which are currently over wintered outside. The proposed building will allow all cattle to be fed in one operation and the existing cattle handling systems to be used. There will be no increase in the numbers of cattle at Park Farm and the new cattle yard will improve welfare and efficiency.
- 5.7 The farm is clearly a working farm and all buildings that exist and the extensions proposed are agricultural in nature. It is considered that there is a reasonable agricultural need for the extensions proposed and given their location within an existing farm holding, the development is considered acceptable in principle and in accordance with the policies mentioned above.

#### **Visual amenity and character of the countryside**

- 5.8 As has been described, the site is well screened with an established hedge surrounding the site. The extended building is contained within the farm holding, and any views of the building would be gained within the context of the existing farm and buildings, which are agricultural in nature. As such it is not considered that there is a need for any enhanced screening and the materials of the building will be similar to those that exist on site. The application granted in 2009 included a condition to ensure that the existing landscaping be retained and it is considered reasonable to impose this condition again to ensure that the existing landscaping is retained. It is considered that the proposed building would not intrude into the landscape and it would cause minimal visual harm. The proposal is considered to comply with policies AG2, C7 and C28 of the adopted Cherwell Local Plan.

#### **Historic Environment**

- 5.9 The proposed development is within proximity to Middleton Park, the Park and Gardens of Specific Historic Interest. The appraisal has so far demonstrated the proposed development is appropriate within its context. The Conservation Officer has raised no objection to the proposal given it is confined within the existing farmstead and Officer's agree with her conclusion that the significance of the heritage asset would not be harmed. The proposal complies with policy C10 of the adopted Cherwell Local Plan.

#### **Residential amenity**

- 5.10 There are a number of residential properties to the north east of the site. Due to the distances involved, it is very unlikely that any of these properties would experience harm by way of loss of light, loss of privacy or over dominance. In terms of noise and odours, the site already functions as a farm with livestock and therefore given the nature of the use of this particular building (only half would be used as an additional Cattle yard), it is unlikely that residential properties would experience greater impacts than they currently do, particularly as livestock numbers are not currently proposed to increase, but the proposal enables a re-organisation of the accommodation. The Council's Anti Social Behaviour Manager has no objections to the proposal which supports this view. As such; the proposal complies with policy ENV1 of the adopted

**Highway safety**

- 5.11 The Highway Authority have raised no objections to the scheme subject to the use being as specified only and Officer's agree that it is unlikely serious highway safety implications from the development would result. The Highway Officer advises that this response of 'no objection' is based on the development being used as specified only. It is not considered that a condition to ensure it is used for agricultural purposes is necessary on this occasion as this is what has been applied for and any other use would require planning permission (the newly introduced permitted development rights for agricultural buildings would not apply to this building because it was not built before 3 July 2012).

**Ecology**

- 5.12 NPPF – Conserving and enhancing the natural environment requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)
- 5.13 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.
- 5.14 The Applicant carried out and submitted in relation to 09/01749/F a Phase 1 Habitat Report dated December 2009. In summary this report found no evidence of badgers or their setts on the site. It found no suitable habitat for foraging bats within the site boundary, although woodland and hedges within the wider ecological context could provide suitable habitats for commuting or foraging bats. The survey found no suitable habitats for nesting birds; however habitats adjacent to the site such as the woodland to the east and hedgerows to the north and west are suitable habitats for nesting. A vegetated rubble bank on site provides suitable terrestrial habitat for Great Crested Newts (GCN) and whilst there are no ponds on site, there are some within proximity therefore a GCN Method Statement was also submitted.
- 5.15 To support the current application, an update has been carried out in June 2013. The main findings of the new survey were that the barn to be expanded is a large open sided barn with no potential to support bats or other protected species. The habitats on site remain largely unchanged from the survey carried out in 2009 and there is still a small area of habitat suitable for GCN. The new works will not impact any protected species or habitats but the method statement for protecting the small area of habitat suitable for GCN should still be used for all works. The works will be closer to the hedgerow along the south west of the site, although the hedgerow itself will not be affected. During the bird nesting season (March to September inclusive) a temporary fence should be installed to prevent accidental disturbance to the hedge during the

work.

- 5.16 Given the submitted surveys and the lack of evidence of any protected species or habitat on site it is considered that the proposal is acceptable on ecological grounds. The potential for GCN and nesting birds within the surrounding area have been identified and appropriate mitigation measures have been suggested. The Ecologist has confirmed that she has no objections; that appropriate mitigation measures have been identified and she advises that these should be the subject of conditions, which have been recommended. It is considered that art.12(1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development. The proposal therefore accords with the National Planning Policy Framework -Conserving and enhancing the natural environment and Policy C2 of the adopted Cherwell Local Plan.

**Other matters**

- 5.17 With regard to other site constraints, the site is within an area of archaeological potential and when planning permission was granted in 2009, a watching brief was required. The County Archaeologist has not requested such investigation on this occasion advising that there are no archaeological constraints to the scheme. The ground disturbance would be relatively minimal for this proposal. Similarly, the application in 2009 required work in terms of how surface water would be disposed of as requested by the Environment Agency. The current application is different in nature and the Environment Agency has not raised an objection advising that the proposal is considered to have a low environmental risk. The comments of Thames Water are also noted and the suggested planning note has been recommended. With regard to ground contamination, the Council's Environmental Protection Officer has raised no objection advising that the scope of the development, along with the potential for any contaminative sources to affect the development is low and therefore a planning note is recommended. This note is included within the recommendation below. The response of no objection from Middleton Stoney Parish Council is noted.

**Engagement**

- 5.18 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

**Conclusion**

- 5.19 As has been described above, the proposal is considered to represent an acceptable form of development, which would have minimal overall harm and which is needed to support the farm holding. The application is recommended for approval subject to the conditions outlined below.

**6. Recommendation**

**Approval**, subject to the following conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents: application forms, planning, design and access statement dated June 2013,

Agricultural Assessment dated June 2013, letter from RSK to Turney Group dated 14 June 2013, plan identifying Farm Holding and drawing numbers E/3241/04 D, Park Farm/1 Rev A, Park Farm/2 Rev A and Park Farm/4 Rev A.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. The existing hedgerows/trees and previously implemented landscaping areas on the boundaries of the site shall be retained and properly maintained, and that any hedgerow/tree which may die within five years from the completion of the development shall be replaced and thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan.

4. The development hereby approved shall be carried out strictly in accordance with the Great Crested Newt Method Statement set out in Annex 1 of the Phase 1 Habitat Survey Report submitted with the application, which was prepared by RSK Carter Ecological dated December 2009.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Should any development works take place between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, a temporary fence along the hedgerow to the South-West shall be installed to protect nesting bird interest.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Planning Notes**

1. The applicant is advised that in respect of Surface Water, Thames Water have recommended that it should be ensured that storm flows are attenuated or regulated into the receiving public network through on or off site storage. Where it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer services will be required. They can be contacted on 0845 850 2777.
2. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation

reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

**STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.