

# **Chequers Tree Farm, Ells Lane, Bloxham**

**14/00402/F**

**Ward:** Bloxham and Bodicote

**District Councillor:** Cllr Heath  
Cllr Thirzie Smart

**Case Officer:** Paul Ihringer

**Recommendation:** Approval

**Applicant:** Clement Wyatt (Gardens) Ltd

**Application Description:** change of use to agriculture and erection of a polytunnel

**Committee Referral:** Major

## **1. Site Description and Proposed Development**

- 1.1 The application site (referred to as Chequers Tree Farm) comprises a roughly rectangular field comprising 1.79 hectares (approx. 170m x 100m) located on the northern edge of Bloxham. The field is currently sub-divided by fencing and used for horse related activities and is served by an 'L' shaped stabling facility which was approved in 2002 (01/01972/F refers).
- 1.2 Planning permission is being sought for a change of use to allow the land to be used for agricultural purposes. The applicant is proposing to erect a polytunnel, which would have a footprint of 29.2m x 9.3m and a maximum height of 3.8m, in the north-west corner of the field.
- 1.3 This application was submitted in conjunction with 14/00349/F which seeks permission for an additional polytunnel, the conversion of the stabling block into an office/mess and general storage area and a change of use of the land back to an agricultural use. Although the applicant would have preferred to submit a single application to cover the whole development, perversely it proved to be significantly cheaper to put in two separate applications.

## **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 was the 25<sup>th</sup> April 2014. No correspondence has been received as a result of this consultation process.

## **3. Consultations**

- 3.1 **Bloxham Parish Council:** No objections

### **Cherwell District Council Consultees**

- 3.2 **Landscape Officer:** Comments as follows:

If the road side hedgerow on the southern boundary Ells Road is allowed to achieve a height of 4 m with will mitigate the view of the polytunnel for users

of Ells Lane. I am concerned that the polytunnel will be seen from the elevated PRoW (136/6/20) on Hobb Hill and therefore the western boundary hedgerow with its three trees should be retained for purposes of providing a screen to the polytunnel. This hedgerow to have a 4 metre maintenance height (possible over shading by retained vegetation and new planting of the polytunnel should be considered).

The design and access statement refers to the planting of additional hedges for sheltering of nursery stock, and so with the dual purpose shelter and visual mitigation, I would recommend the planting of a native hedgerow on the northern site boundary. A landscape proposal drawing is required showing the retained boundary hedgerows with maintenance heights with existing hedgerow trees - although the Ash trees in the Ells Lane frontage may be get infected with Ash Dieback disease and so will need to be monitored (DEFRA guidance on this matter) - and the proposal for a hedgerow on the northern boundary.

### **3.3 Environmental Protection Officer: No objections**

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

### **4.1 Development Plan Policy**

Adopted Cherwell Local Plan (Saved Policies)  
C13: Area of High Landscape Value  
AG2: Construction of farm buildings  
ENV12: Contaminated land

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework  
Planning Practice Guidance

## **5. Appraisal**

- 5.1 The principle of using the land for agricultural purposes is considered to be acceptable. It is worth noting that no permission was ever granted on the land to use it as a paddock.
- 5.2 Polytunnels and becoming an evermore ubiquitous feature in the countryside. Indeed depending on their size, fixing method and permanence they can constitute permitted development on larger holdings. The Landscape Officer is nonetheless concerned that the impact on the surrounding countryside should be minimised, as the polytunnel will be very visible from a number of vantage points. The Landscape Officer is satisfied, however that with improvements to the boundary planting proposed any harm to the Area of High Landscape Value will be successfully addressed.
- 5.3 As there were no issues arising from the application as submitted, no contact with either the agent or applicant was deemed to be necessary.

5.4 Based on the assessment above and subject to condition, I recommend this application for approval.

## **6. Recommendation**

**Approval**, subject to:

- 1 That 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 conditions attached to this permission, the development shall be carried out strictly in accordance with the following approved plans: site location plan; block plan; and PL-CS1-135098-0001 0.

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

- 3 Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,

(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, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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 C28 of the adopted Cherwell Local Plan 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 C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 5 Except to allow for the means of access and vision splays the existing hedgerow along the southern boundary of the site shall be retained and properly maintained at a height of not less than 4.0 m metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall 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 and Government guidance contained within the National Planning Policy Framework.

- 6 The existing hedgerow along the western boundary of the site shall be retained and properly maintained at a height of not less than 4.0 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall 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 and Government guidance contained within the National Planning Policy Framework.

#### **Planning Notes**

- 1 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.