

# Site Address: Land Parcel 2783 Cropredy

14/01388/F

Ward: Cropredy

District Councillor: Ken Attack

Case Officer: Bob Neville

Recommendation: Approval

Applicant: Mr Michael McTaggart

**Application Description:** Erection of a block of 4 x stables (2 to be used as tack room/hay storage); hard standing area at main entrance and change of use of land for the keeping of horses

Committee Referral: Major - Site area 1.6Ha

Committee Date: 30<sup>th</sup> October 2014

## 1. Site Description and Proposed Development

- 1.1 The application site lies approximately 400 metres east of the village of Great Bourton fronting the main road connecting the village to Cropredy. The main line railway that separates the villages is some 200 metres further east. The application site is an over-grown grassed field, 1.6 hectares in size, with mature hedgerows and occasional tree on all boundaries. There is an existing gated entrance at the eastern corner of the field to the road across a grass verge.
- 1.2 The site is not within a conservation area and there are no other heritage assets within close proximity to the site. There are public rights of way to the west (footpath 138/13) and north (footpath 138/12) of the site. The site is within an area of known archaeological interest and also an area designated as being of High Landscape Value (AHLV). There are no other site constraints relevant to planning.
- 1.3 The application seeks permission for the construction of a stable block, associated hardstanding and change of use of land for keeping horses, for private use only. The building will comprise of four stables, two of which will be used for the storage of tack and straw, which measure 14.7m (width) x 4.3m (depth) x 3.06m (height) of timber construction under a felt roof; this will be located mid way along the southern boundary of the site. Some 171m<sup>2</sup> of hardstanding is also proposed at the entrance of the site to provide parking and manoeuvring space.
- 1.4 The current application is identical in its proposals and details as a previously approved scheme reference 10/01292/F; which due to the passage of time has now lapsed prior to being implemented.

## 2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press advert. The final date for comment was the 18/09/2014. One letter of objection has been received as a result of this process.
- 2.2 Comments received from the occupants of a residential property within Great Bourton stating that:  
"We wish to object to this application on the grounds that this has always been agricultural land with a spectacular view east to Cropredy and across the Cherwell Valley. The erection of a stable block here will prove unsightly and will add to the traffic on what is already a busy road".

## 3. Consultations

- 3.1 **Bourtons Parish Council** - No objections, but makes the following comments: The

applicant should re-assess the flood risk and note the contour lines on the plan and not trust the effectiveness of the culverts for drainage.

### 3.2 **Cherwell District Council Internal Consultee:**

**Landscape Officer** - The site is on fairly low ground opposite a caravan site. There is likely to be some visibility of the site from FP 138/13 around the corner where the access is proposed and along the hedgerow adjacent to the road for some of the length. However this is probably the best place in terms of it being the current access to the field. I have concerns that the field will subsequently be divided up with post and rail fencing.

I don't like the proposal in its current form as I don't think that it has been thought out. The location of the stables is not a good from a landscape impact perspective. The block needs to be sufficient distance from any adjacent hedges and trees for them to reach their natural form and be maintained. It is shown on the plan as being in the hedge. I suggest that if the proposal is allowed that the stable block is located in the SW corner next to the road. It will be far less visible from the footpath and road here. The finish would be better left to weather rather than be painted teak

The car park does need to be the right shape to allow for manoeuvring of vehicles. This is more likely to give a parking area which is less formal and suitable for the rural environment in shape. It would be better to have the spaces at 45° or 60° to the hedge. They need to be offset from the hedge and shown drawn to scale. Manoeuvring patterns should be shown to prove that a vehicle and horse box can pull out facing forwards. There also needs to be screening round the parking area.

The proposal doesn't warrant a refusal. However it is very poorly thought out and needs a professional to look at it to ensure that impact is minimised. The stable block does not interfere with the growth of the hedge and that the parking and manoeuvring area works in terms of getting a vehicle and horsebox to be able to manoeuvre adequately. There needs to be some screening of the parking.

**Ecologist** - The land proposed for use by horses is not covered by any ecological designations, therefore I have no comments to make on this application.

### 3.3 **Oxfordshire County Council Consultees:**

**Highways Liaison Officer** - No objections. The proposals, if permitted, will have no significant impact on the local road network.

**Archaeologist** - No objection subject to conditions.

**Public Rights of Way Officer** - No comments received

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

### 4.1 **Development Plan Policy**

Adopted Cherwell Local Plan 1996 (Saved Policies)

AG5: Development involving horses

C7: Landscape conservation

C13: Area of High Landscape Value

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 (NPPF) - March 2012**

**Planning Practice Guidance (PPG)**

## **Submission Cherwell Local Plan (SCLP) - January 2014**

The Submission Local Plan has been through public consultation and was submitted to the Planning Inspectorate (PINs) in January 2014 for Examination to take place in June 2014. The Submission Local Plan does not have Development Plan status but is a material planning consideration. The Plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case:

Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment

ESD 13: Local Landscape Protection and Enhancement

ESD 16: The Character of the built and historic environment

## **5. Appraisal**

5.1 The key issues for consideration in this application are:

- Relevant planning history;
- Any material change in circumstances since the previous consent;
- Policy context;
- Principle;
- Highway safety and Rights of Way;
- Landscape impact;
- Neighbour amenity;

### **Relevant Planning History**

5.2 09/01299/F - Erection of block of 6 no. stables (2 no. to be used as Tack-room and food/hay storage) and erection of barn and rest room with track from main gate and change of use of the land for the keeping of horses. Refused.  
10/01292/F - Erection of block 4 x stables (2 to be used as tack room/hay storage). Hard standing area at main entrance. Change of use of land for keeping of horses. Resubmission of 09/01299/F. Approved subject to conditions.

### **Material Change in Circumstances**

5.3 Since the approval of the last application in 2010, the South East plan has been revoked and the NPPF and NPPG (supplementary guidance) have been introduced. Nothing has changed in terms of the details of the proposal and there are no apparent changes to the context of the site, since it was previously assessed.

### **Policy Context**

5.4 The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. There are three dimensions to sustainable development. These are environmental, social and economic.

5.5 The adopted Cherwell Local Plan 1996 is considered to be out of date with regards to the NPPF in some respects as it was adopted prior to 2004. However the NPPF also advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF. The adopted Cherwell Local Plan does contain a number of saved policies which are relevant to the consideration of this proposal and those within the Submission Local Plan 2006-2031 are also considered to be consistent with the NPPF, but carry little weight at this time.

Saved Policy AG5 of the Adopted Cherwell Local Plan indicates that proposals for horse related development will normally be permitted provided:

- i. The proposal would not have an adverse effect on the character and appearance of the countryside;
- ii. The proposal would not be detrimental to the amenity of neighbouring properties;
- iii. The proposal complies with the other policies in the plan.

5.6 Saved Policy C7 of the adopted Cherwell Local Plan 1996 seeks to resist development that would harm the character of the countryside whilst Policy C13 only permits development which will conserve or enhance the Area of High Landscape Value.

5.7 Saved Policy C28 of the Adopted Cherwell Local Plan also seeks standards of layout, design and external appearance, including the choice of external finish materials, which are sympathetic to the character of the context of the development.

### **Principle**

5.8 As an application for development involving horses, the proposal is to be assessed against the tests in saved adopted Policy AG5 of the adopted Cherwell Local Plan. The test in that policy sets out that horse related development will normally be permitted subject to the proposal not having an adverse effect on the character and appearance of the countryside, not being detrimental the amenity of neighbouring properties and complying with all other policies in the plan.

5.9 The principle of use of the site for keeping horses and the development of associated stables and hardstanding has been established in the granting of the permission in 2010 under reference 10/01292/F. The introduction of the NPPF and associated guidance in the NPPG does not, in officer's opinion, alter the conclusions and recommendations previously made.

### **Highway Safety and Rights of Way**

5.10 Despite the comments of the contributors to the application concerning access onto what is considered by them to be a busy road, the proposal is considered to be acceptable in highway safety terms; it has again been assessed by the County Council and they are satisfied with the scheme and that it will not have a detrimental impact on the local road network. The proposed use is unlikely to generate a significant amount of additional vehicular movements and officers see no reason not to agree with the opinion of the Highways Authority.

5.11 In their original response to the application in 2009 (09/01299/F) the Highways Authority requested a condition that required details of the access and gateway to be submitted and approved by the Local Authority prior to development; although the 2009 application was refused the recommendations of the Highway Authority were carried forward to the approved scheme in 2010 and the suggested condition imposed. It is considered appropriate to reapply this condition should the application be approved.

5.12 Two public rights of way run near to the site; one to the west (footpath 138/13) and one to the north (footpath 138/12). Although no formal response has been received from the County's Rights of Way Officer, it is considered that the proposals will not have a direct impact on the surroundings of the Rights of Way other than a visual one and would not significantly impact on the amenity or convenience of its users.

## **Landscape Impact and Visual Amenity**

- 5.13 One of the core principles in the NPPF is that planning should recognise the intrinsic character and beauty of the countryside and should look to conserve and enhance the natural environment. The site is within an area designated as being of High Landscape Value (AHLV). Officers consider that the main elements of the proposal that will impact on the landscape and the surrounding countryside will be the stables and area of hardstanding.
- 5.14 The scheme has previously been assessed in terms of its potential impact on visual amenities and the existing landscape and considered acceptable; officers consider that given that there appears to have been no changes in the circumstances of the site or the details of the proposals that there is no reason not to concur with the conclusion reached by previous case officer. The stables are modest in their scale and are of typical design and construction materials; appropriate for the use of keeping horses; an activity by its nature typically carried out in rural locations.
- 5.15 The comments of the Council's Landscape Officer are noted and are largely consistent with those previously made with regard to the previously permitted scheme (10/01292/F). As she concludes, the scheme does not warrant refusing on landscape impact terms, but it is considered both necessary and appropriate to again apply conditions relating to the landscaping of the site; to safeguard, and in the interests of, the visual amenity of the site and the wider landscape; should permission be granted.

## **Neighbour Amenity**

- 5.16 Given the nature of the proposals, the relatively remote location and its relationship to neighbouring properties within the area, it is considered that the siting of the stables and use of the field would not be detrimental to the amenity of the neighbouring properties and the area.

## **Other Matters**

- 5.17 Comments from the Parish Council in relation to flood risk are noted. Records show that the site is not in an area considered by the Environment Agency to be at high risk of flooding. The building's footprint is not excessive and is unlikely to significantly exacerbate the likelihood of flooding on site. Although limited details of the area of hardstanding at the entrance of the site have been submitted, this could be of permeable surfacing and construction ensuring the site was sustainably drained; details of this could be secured through the proposed landscaping condition, should permission be granted.
- 5.18 The site is in an area of considerable archaeological interest. The County's Archaeologist has indicated that there is a prehistoric field system north-east of the site and there are crop-marks which indicate medieval farming in the area. However, the advice of the County Archaeologist is not to object to the development but that if permission was granted a condition be imposed to secure a watching brief when development was undertaken. This is again consistent with the advice given on previous applications, and it is considered appropriate to apply the proposed condition to any permission subsequently granted.
- 5.19 A condition (no.4) was previously imposed on permission 10/01292/F, stating that, no goods, materials, plant or machinery be stored, repaired, operated or displayed in the open. Given that the site is proposed to be used for the keeping of horses and there is no evidence to suggest anything to the contrary, officers consider that this condition was not wholly relevant to the proposed development and therefore fails the Government's tests on the use of conditions. This condition has therefore not been included in the recommended schedule of conditions should the application again be

approved this time around.

### **Engagement**

- 5.20 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**

- 5.21 The proposal is identical to that which has previously been thoroughly assessed and approved subject to appropriate conditions. There have been no changes in the circumstances of the site and officers concur with the previous case officer's assessment and recommendation. In the case officer's opinion, it is not considered that the changes brought about by the abolition of the South East Plan and the introduction of the NPPF or other relevant material considerations, since approval of the previous permission, indicate the proposal should no longer be treated favourably. It is therefore officer's opinion that the proposal is an acceptable form of development and use of land that will not unduly impact on the character or openness of the high quality landscape, the openness of the countryside; public, private or any other amenity, subject to the implementation of a suitable landscaping scheme. In addition, the proposal does not harm highway safety, nor does it impact on the local landscape designation. As such, it is considered to comply with the above mentioned policies and is recommended for approval as set out 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, Design and Access Statement and drawings submitted with the application.  
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. Prior to the commencement of development; a plan of the access, from the highway edge to the proposed gate, shall be submitted to and approved by the Local Planning Authority. Prior to first use the access shall be formed in accordance with the approved plan.  
Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework
4. That no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping the site which 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, pavements and pedestrian areas.

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. 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.

6. That manure and soiled bedding shall not be allowed to accumulate and shall not be burned on the site but shall be removed at frequent intervals for disposal elsewhere.

Reason - To ensure that proper arrangements are made for the disposal of manure/slurry/waste, to ensure the creation of an environment free from intrusive levels of odour/flies/vermin/smoke/litter and to prevent the pollution of adjacent ditches and watercourses, in accordance with Policies AG5 and ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

7. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan.

8. The stables and land hereby permitted shall be used for private use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time.

Reason - In order to maintain the character of the area and safeguard the amenities of the occupants of the adjoining premises in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. The applicant, or their agents or successors in title, shall be responsible for organising and implementing an archaeological watching brief, to be maintained during the period of construction/during any ground-works taking place on the site. The watching brief shall be carried out by a professional archaeological organisation in accordance with a Written Scheme of Investigation that has first been approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

10. Following the approval of the Written Scheme of Investigation referred to in Condition 9 above, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority as agreed in the Written Scheme of Investigation; including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the

National Planning Policy Framework.

### **PLANNING NOTES**

Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 2501.

With reference to the requirements of Conditions 9 and 10, further information may be sought from Oxfordshire County Council Archaeological Services, by contacting the County Archaeologist, Historic and Natural Environment Team, Planning Economy & Transport Planning, Speedwell House, Speedwell Street, Oxford, OX1 1NE.

### **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.