

Land West of Dane Hill Farm, Dane Hill, North Aston

14/01555/F

Ward: The Astons and Heyford

District Councillor: Cllr Kerford-Byrnes
Cllr Macnamara

Case Officer: Paul Ihringer

Recommendation: Approval

Applicant: North Aston Farms

Application Description: Change of use from public highway to agricultural land

Committee Referral: Major

Committee Date: 30th October 2014

1. Site Description and Proposed Development

- 1.1 The application site comprises two disused lay-bys which are located on the eastern side of the A4260 on a hill (Dane Hill) to the south of Deddington and just north of the cross roads leading to the nearby settlements of North Aston and Duns Tew. The lay-bys, which originally formed part of the A4260 itself and are located either side of five properties, run parallel with the main road for approximately 470m and 370m and have an average depth of around 20m (max. 38m). There are two footpaths (310/5 and 310/6) that abut the boundaries of the site at either end of the row of five properties.
- 1.2 The accesses to the lay-bys have been closed over a number of years ago with metal barriers being erected at strategic positions. The one exception is a small section of the northernmost lay-by which is used as a vehicular access by the owners of Stephill Cottage (the northernmost of the row of five dwellings). As this property is reliant on this access track for off road parking, the applicant has agreed to remove this land from the scheme.
- 1.3 Although plant life is starting to encroach on to the lay-bys, the asphalt is still only partially obscured. There was little evidence of any recent fly tipping on either of the two lay-bys when the site visit was conducted.
- 1.4 Planning permission is being sought for a change of use of the land from public highway back to an agricultural use (it is stated that the land once formed part of the ownership of the North Aston Estate). Oxfordshire County Council has already indicated on two separate occasions (August 2013 and August 2014) that it would not oppose the Stopping Up of the two areas of land i.e. they agree to the principle of the transfer of ownership. Stopping Up can only take place if this application is approved.
- 1.5 There is no previous planning history relating to the application site.

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 23rd October 2014. No correspondence has been received at the time this report was written.

3. Consultations

- 3.1 **Duns Tew Parish Council:** No objections

Cherwell District Council Consultees

- 3.2 **Environmental Protection Officer:** "Given the scope of this development, I have no objections."

- 3.3 **Ecology Officer:** No comments received

Oxfordshire County Council Consultees

- 3.4 **Highways Liaison Officer:** No objections subject to amended plans and confirmation from the Land and Highway Records Department.

- 3.5 **Footpath Officer:** No comments received

Other Consultees

- 3.6 **Highways Agency:** No comments received

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)
C2: Development affecting protected species
C7: Landscape conservation
C13: Area of High Landscape Value
ENV12: Contaminated land

4.2 Other Material Policy and Guidance

National Planning Policy Framework
Planning Practice Guidance

5. Appraisal

- 5.1 The key issues for consideration in this application are:

- The Principle
- Highway Safety

The Principle

- 5.2 The principle of the proposed change of use, highway to agricultural land does not contravene, subject to the County's approval, any Local Plan policies or Government guidance contained within the NPPF. The applicant's future aspirations for the land were, however, not made clear in the supporting application documents. Given the relatively limited amount of land in question, difference in land levels with the adjacent fields, and costs associated with removing the asphalt, it is questionable whether the land would be used as an extension to the adjacent fields.
- 5.3 Although there are no firm plans in place, the applicant states that in the short-term, thought has been given to improving and maintaining the existing screening from the Oxford Road, which may involve some additional planting. The applicant has not considered how they will use the land in the long term.
- 5.4 Although the change of use could ultimately have implications for the appearance of the site, it is important to note that works, including the removal of the trees, could be undertaken without any need for formal approval. Whilst it is unclear what function the land will have in the long term, it is not inconceivable that there will be minimal change to the status quo. Control would however still be exercised for works involving significant changes to the topography. It is therefore concluded that, given the limited focus of the application, the proposed change of use would not unduly affect the Area of High Landscape Value or raise any ecological, contaminated land or footpath related issues that would need to be addressed as part of this application.

Highway Safety

- 5.5 The one issue, outside the principle, that does need to be resolved at this stage is highway safety. Subject to the receipt of revised plans showing that the access to Stephill Cottage is removed from the scheme, the Highways Officer is not opposed to the proposed change of use. A condition, in addition to those set out below, may be required to ensure that the shared access point remains free from obstruction.
- 5.6 Verification will also be required from the Land and Highway Records Department at Oxfordshire County Council that the change to the red line area in respect to what had already been agreed for the Stopping Up Order is acceptable - this should be a formality according to Highways Officer.

Consultation with applicant

- 5.7 The issues that have arisen throughout the life of the application were in the process of being successfully dealt with by the applicant's agent at the time of writing. Good communications were therefore maintained between officers and the agent in accordance with paragraphs 186 and 187 of the NPPF.

Conclusion

- 5.8 On the basis of the above, Officers conclude that the proposed change of use is acceptable and complies with Government guidance contained within the NPPF as well as saved Policies C2, C7, C13 and ENV12 of the Cherwell Local Plan

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: OXF8661: 1; 2 and 3 as revised.

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.

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.