

**Site Address: Moorlands Farm, Murcott,
Kidlington**

14/01979/F

Ward: Otmoor

District Councillor: Councillor Hallchurch

Case Officer: Emily Shaw

Recommendation: Approval

Applicant: Mr B Franklin

Application Description: Change of use of existing agricultural barn to equine and lean-to extension to include 10 stables, store room and tack room and change of use of land to equine.

Committee Referral: Major

Committee Date: 1st October 2015

1. Site Description and Proposed Development

- 1.1 The application site is located off the main road between Murcott and Fencott villages and to the south west of the main farm complex known as Moorlands Farm. The site comprises a large open fronted agricultural building which measures 24 metres by 24 metres and 8 metres in height to the ridge of the roof which is used for the storage of hay and farm machinery. The building is accessed via a 280m access track which runs between two adjoining agricultural fields.
- 1.2 The site is located within the Oxford Green Belt and forms part of the Otmoor Target Conservation Area. The land lies within Flood Zone 1, 2 and 3 and a footpath abuts the site's northern boundary.
- 1.3 Planning permission is sought to extend the existing building on its southern elevation by constructing a lean-to building that would be no higher than the existing eaves (5 metres) and dropping to an overall height of 4 metres. It is proposed to change the use of the existing building to equine providing an internal exercise area, with the extension used to house 10 stables, a store room and tack room. It is intended to use the stables on a livery basis, allowing horse owners to keep and exercise their horses at the site.
- 1.4 The application has been amended from the original submission in December 2014 to include the change of use of the land adjacent to the building from agricultural use to equestrian use for the grazing of horses. The area proposed to be changed from agriculture to equestrian grazing is shown enclosed by the red line on the site plan.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter and a site notice. The final date for comment was the 11th September 2015. No correspondence has been received as a result of this consultation process.

3. Consultations

- 3.1 **Fencott and Murcott Parish Council:** Providing the proposals comply with the NPPF and Green Belt policies the Parish Council has no objections to this development. It is noted that public and shared rights of way and ditches and waterways running alongside the proposed development are currently well cared for and the Parish Council has no reason to expect this to change.

The proposed development is adjacent to, and lies just within the Outer Ring Ditch, a significant watercourse which forms part of the complex network of drainage ditches

on and around Otmoor, connecting with the Rivers Ray, Cherwell and Thames. The Parish Council trust that due process will be given to minimising the flood risk in the area.

Cherwell District Council Consultees

- 3.2 **Ecology Officer:** The application site is in a fairly ecologically sensitive area. There are Local Wildlife Sites, District Wildlife sites and nature reserves in close proximity. The site is also within a Conservation Target Area. Arthurs Acre LWS (adjacent to the driveway to the barn) is not mentioned in the documents but it is an important habitat and I would hope its management would not be affected by any changes to the barns use.

The physical changes to the building with the addition of lean to stables are unlikely to have any detrimental impact on protected species and habitats. The plans do not show further encroachment for parking spaces so I am assuming this can be accommodated within the current area of hard standing.

My only concern would be how the waste from ten horses would be handled and that this should not impact any of the surrounding areas of botanical interest and in particular the water courses. If this is appropriately addressed I have no objections on ecological grounds.

- 3.3 **Landscape Officer:** No objection to the change of use from agricultural barn to equine use, with extension to the southern elevation, on condition that the existing boundary hedgerows and trees, immediately to the north, west and east, are retained for the purpose of landscape mitigation. This vegetation is to be protected to the extent of the root protection areas in accordance with BS 5837:2012 – this information to be shown on a scaled layout drawing. This is essential to ensure the development is screened for the benefit of walker-receptors approaching the site on the public right of way – 209/12/10. A standard hedgerow and tree retention condition is required.

Oxfordshire County Council Consultees

- 3.7 **Highways Liaison Officer:** No objections subject to suggested conditions relating to access improvements, turning area within the site and parking within the site.
- 3.8 **Drainage Officer:** no comments received.

Other Consultees

- 3.9 **Environment Agency:** refer to standing advice which advises the Local Planning Authority to consult the Lead Local Flood Authority.
- 3.10 **Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust:** The access route to the proposed development lies directly adjacent to Arthur's Acre Local Wildlife Site which is designated for its lowland meadow priority habitat and hedgerows which support brown hairstreak butterflies. Recommend an advisory note is included to ensure the ecological interest of the Local Wildlife Site is protected during construction and operation. This is particularly relevant with regard to avoiding impacts on the hedgerow boundary of the Local Wildlife Site from vehicles accessing the site.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Cherwell Local Plan 2011 - 2031 Part 1

The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

| | |
|-----------------------|--|
| Policy ESD6: | Sustainable Flood Risk Management |
| Policy ESD10: | Protection and Enhancement of Biodiversity and the Natural Environment |
| Policy ESD13: | Local Landscape Protection and Enhancement |
| Policy ESD 14: | Oxford Green Belt |
| Policy ESD15: | The Character of the Built and Historic Environment |

Cherwell Local Plan 1996 (Saved Policies)

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|--------------|---|
| AG5: | Development involving horses |
| ENV1: | Pollution |
| C28: | Layout, design and external appearance of new development |

4.2 Other Material Policy and Guidance

National Planning Policy Framework (NPPF): in particular paragraphs 89 and 90 in relation to the Green Belt

Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Existing use of the building
- Green Belt issues
- Landscape impact
- Vehicle movements and footpaths
- Flooding
- Ecology

Relevant Planning History

5.2 The site was subject to a previously refused application in 2010 (10/00747/F) and a subsequent dismissed appeal (APP/C3105/A/11/2144337). This application proposed a significantly larger extension both to the south and west elevations and was to be used as an equestrian centre.

5.3 Given that the appeal was considered in 2011, the proposed use and development was assessed against the guidance held in PPG2 – Planning in the Green Belt. PPG2 provided a requirement for outdoor sport and recreation facilities to be essential within Green Belt locations. The Inspector considered that the proposed development was not essential and would harm the openness of the Green Belt.

- 5.4 Furthermore the Inspector considered that the extension, which would have more than doubled the size of the building, would have represented an encroachment into the open countryside and so would not represent strict control, as required by PPG2.
- 5.5 The Inspector also considered the matter of landscape impact and found that the proposed extension would be tall, bulky and utilitarian in form and appearance and, overall form an incongruous feature in the rural location of the site.
- 5.6 It was also noted that the proposed use would result in an increase in traffic movements, general activity and car parking, with an indication of 54 vehicle movements per day. The Inspector noted that the site was in a particularly attractive and tranquil area of the countryside and that the comings and goings would harm the character and visual amenity of the site.
- 5.7 In respect of flooding, the Inspector was satisfied that there were no other sites with a lower flood risk that could be used for the development.
That appeal decision is a material consideration in the determination of the current application. In particular it is necessary to assess how the development now proposed differs from the appeal proposal, and to assess what material considerations have changed since the dismissal of the appeal, including the NPPF.

Existing Use of the Building

- 5.8 The site was visited on the 28th August 2015 and during this visit it was evident that the existing building was in active use for agriculture. The building was storing a large quantity of hay/straw and agricultural machinery both inside and outside. There was also an element of external storage taking place to the west of the building.
- 5.9 Following the case officer's visit to the site officers had reservations regarding there being an active agricultural use on the application site, which with the proposed development and conversion would need to be located elsewhere. Therefore officers requested additional information to explain the position of the existing agricultural use of the building and to understand if the use is still required, and if it is, where the agricultural use would be relocated. Further information was provided from the agent in an email dated the 9th September which explained that the agricultural business has been scaled back in recent times due to the loss of 100 acres of rented land. The existing building is surplus to requirements. The existing storage relates to crop from the larger farmed area and once used will not be replaced. The scaled back agricultural business will continue from existing buildings at the main farm yard to the east.
- 5.10 Following the submission of further information officers are content that there is sufficient space at the existing farm to continue the scaled back agricultural business without the need for additional buildings to be provided in place of the one to be lost due to the proposed development and conversion.

Green Belt

- 5.11 Government guidance on development within the Green Belt is set out in the National Planning Policy Framework (NPPF). The NPPF states that all new buildings in the Green Belt should be considered inappropriate, subject to various exceptions, including:
- Provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
 - The extension or alteration of a building providing that it does not result in disproportionate additions over and above the size of the original building.

- 5.12 Paragraph 90 of the NPPF also makes provision for the “re-use of buildings providing that the buildings are of a permanent and substantial construction”.
- 5.13 Clearly there has been a change in the test that needs to be met between PPG2 and the NPPF with the removal of the need for outdoor recreation uses to be “essential”, with the NPPF now referring to “appropriate”.
- 5.14 Policy ESD14 of the adopted Cherwell Local Plan seeks to preserve the special character and landscape setting of the Oxford Green Belt.
- 5.15 The application site currently comprises a large agricultural building used for the storage of hay and farming machinery. The agent has advised that the use of the building for the agricultural business running from Moorlands Farm has now become surplus to requirement due to a reduction in the amount of land farmed and a scaling back of the agricultural business. The building is separated from the main farm holding to the east of the site. The keeping of horses is a use most appropriately located in the countryside given the need for large areas of open land. As such, rather than necessarily seek to construct new buildings to accommodate such uses the re-use of a building would appear to be appropriate and could reduce the need for further new, isolated buildings in the Green Belt.
- 5.16 Furthermore, the extension now proposed to the building amounts to approximately a 40% increase in floor area as opposed to the previous scheme that sought to double the floor area with higher extensions. The extension now proposed is considered to be a proportionate addition which would be considered to preserve the special character, landscape setting and openness of the Green belt in accordance with Government guidance contained within the NPPF and Policy ESD14 of the Cherwell Local Plan 2011-2031.
- 5.17 The use is likely to introduce parking of large vehicles within the site and the storage of equestrian paraphernalia. In order to ensure that the visual appearance of the area is not adversely affected by the proposed use in relation to the parking of vehicles and outdoor storage associated with the use suitable conditions will be attached to control parking and storage within the site of the current hard standing.
- 5.18 The proposed change of use of the land to the south of the building, from agricultural to equestrian use, for the grazing of horses, will not of its self significantly alter the visual appearance of the land. However the erection of fences to subdivide the land, along with the potential for horse related paraphernalia to be kept on the land, would amount to visual clutter that would detract from the special character, setting and openness of the Green Belt. As such in order to ensure that the visual appearance of this land does not change significantly due to the equestrian use of this land I propose to attach appropriate conditions to limit the siting of equestrian paraphernalia (enclosures and jumps) on the land.

Landscape Impact

- 5.19 The previous Inspector considered that the scale of the proposed extensions within the previous scheme would be bulky and incongruous. The extension now proposed forms a lean-to style extension on the southern elevation, with the highest point of the lean-to being at the existing eaves level of the existing building at 5 metres, dropping down to 4 metres.
- 5.20 The extension now proposed represents a significant reduction on that previously dismissed by the Inspector. Given the lower level nature of the development proposed, this means that when viewed from the surrounding countryside, the proposed extension would be seen in the same context as the existing building, which forms a more dominant backdrop.

- 5.21 The Council's Landscape Officer has raised no objections to the proposal subject to the retention of the existing planting on the north, east and west boundaries. I have no reason to disagree with the Landscape Officer's view and therefore conclude that due to the reduced scale of the proposed extension and ensuring that the existing boundary planting is retained by the use of appropriate conditions the proposed extension is a proportionate addition to the building which will sit comfortably within the surrounding landscape without causing an undue impact on the visual amenities of the area. The proposal is therefore considered to be in accordance with policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031.
- 5.22 The change of use of the land to the south of the building from agricultural use to equestrian use for grazing of horses will not significantly alter the appearance of the land, providing control can be exercised over equestrian paraphernalia associated with such a use. Suitable conditions are attached to the recommendation below to secure this control. Therefore, the proposed change of use of the land will not adversely affect the visual amenities of the local landscape.

Vehicle Movements and Footpaths

- 5.23 The previous proposal was likely to generate 54 vehicle movements per day and the Inspector found that this level of activity would harm the character and visual amenity of the countryside.
- 5.24 The current proposal comprises 10 stables and an internal exercise area with land for the grazing of horses. Members of the public will be able to keep their horses at this site on a livery basis and exercise their horses at the site. It is suggested that this level of use will generate vehicle movements of between, 20-25 per day, which is a significant reduction on that previously proposed. The current access currently serves an agricultural building which will generate traffic movements, maybe not to the same extent as the proposed use but there is already an agricultural use generating trips to and from the site without undue harm to highway safety. The Local Highway Authority has raised no objection to the proposal and I concur with the Highway Authority's view that this level of traffic generation will not cause a highway safety issue.
- 5.25
- 5.26 In order to ensure that vehicles movements do not significantly increase, it will be necessary to impose a condition ensuring that only horses kept in the stables are allowed to use the indoor exercise area and that it is not a facility available for use by the general public. It is also necessary to impose a condition requiring details of the location of parking for cars and horse boxes within the existing hard standing area, to ensure this is adequate and to ensure the visual impact is kept to a minimum

Flooding

- 5.27 The current Government guidance on flood risk is contained within the NPPF at paragraph 103 and within the Planning Practice Guidance. Its aim is to steer new development to areas at the lowest probability of flooding. This defines zones in 3 categories, whereby land is either at low, medium or high probability of flooding. The application site is located within flood zones 1 and 2 with part of the proposed paddock area within flood zone 3. Cherwell Local Plan policy ESD6 also requires a site specific flood risk assessment to be submitted with all developments in flood zones 2 or 3.
- 5.28 The application has been supported by a site specific flood risk assessment which indicates that the proposed development will use an existing building and will involve flood resilient construction techniques within the extension which allows flood water to enter the building causing little or no damage and no displacement of flood waters. The area of the site at the highest risk from flooding is the area proposed for grazing. This area will not be altered by the proposal and will therefore not affect flood waters.

5.29 The proposal uses an existing agricultural building which is part of an agricultural business and proposes conversion to equestrian. The sequential test was considered by the Inspector and he concluded from the available evidence that any practical alternatives in lower flood risk areas within the applicants ownership would be equally if not more harmful to the Green Belt. It is therefore considered impractical in this case to consider an alternative site within flood zone 1.

5.30 The proposed development has illustrated that there will be no adverse impact on surface water and flood waters and it is considered that the sequential test has been met in accordance with Government guidance in the NPPF, Planning Practice Guidance and Local Plan policy ESD6. The Environment Agency has not objected to the proposal on the grounds of flood risk, and so it is considered acceptable in this respect.

Ecology

5.31 Policy ESD10 of the Local Plan seeks to protect and enhance biodiversity and the natural environment. The application site's access immediately abuts the Arthur's Acre Local Wildlife Site which is designated for its lowland meadow priority habitat and hedgerows which support brown hairstreak butterflies. It is therefore important that the existing hedgerow running along the existing access road is not adversely affected by the proposed conversion and extension. It is therefore appropriate to attach a planning note to advise the applicant to protect the hedgerows during construction.

5.32 The Council's Ecologists has raised concern with the storage and disposal of the horse manure generate at the site to ensure no local biodiversity or water course is adversely affected. A suitable condition will be attached to ensure management of the horse manure is agreed.

Engagement

5.33 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 discussion with the agent during the course of the application to achieve an acceptable scheme and consideration within an efficient and timely determination of the application.

Conclusion

5.34 The proposed development reuses an existing building within the Green Belt for outdoor recreation, which is an appropriate use in the Green Belt, and comprises a proportionate extension to the building which would be considered to preserve the special character, landscape setting and openness of the Green Belt, without undue harm to the visual amenities of the area, highway safety, flooding and ecology. The proposal therefore complies with Policies ESD6, ESD10, ESD13, ESD14 and ESD15 of the Cherwell Local Plan 2011-2031: Part 1, saved Policies AG5, ENV1 and C28 of the Cherwell Local Plan 1996, and the NPPF.

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 development shall be carried out strictly in accordance with the following plans and documents: Application forms, Report dated November 2014, Flood Risk Assessment and drawings numbered:

- 200-01 Revision B
- 200-02
- 200-03

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 development hereby approved shall proceed in accordance with the Flood Risk Assessment received on the 26th November 2014 accompanying the application unless otherwise previously approved in writing by the Local Planning Authority.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with adopted Local Plan policy ESD6 and in order to comply with Government guidance contained within the National Planning Policy Framework.

Before development commences

4. Prior to the commencement of any works on the extension hereby approved, details of the flood resilient construction method/s to be used in the construction of the extension hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with Policy ESD6 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of any works on the extension hereby approved, a schedule of materials and finishes for the external walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD13 and ESD14 of the adopted Cherwell Local Plan, saved policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Before first use of the development

6. Prior to the first use of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning area which

shall be provided within the curtilage of the site so that motor vehicles and horse boxes may enter, turn around and leave in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

7. Prior to the first use of the development hereby approved, a plan showing car, van and trailer parking provision for 10 spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of off-street car parking and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to the development hereby approved being brought into use a scheme for the storage and disposal of manure and soiled bedding shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that proper arrangements are made for the disposal of manure, to ensure the creation of an environment free from intrusive levels of odour/fly 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.

9. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed on the site without the prior express planning consent of the Local Planning Authority.

Reason: To retain the open character, setting and openness of the Green Belt and to protect the development and its occupants from an increased risk of flooding and in order to comply with Government guidance contained within the National Planning Policy Framework and Local Plan policies ESD6, ESD13 and ESD14.

10. The use of the existing building and land for equestrian purposes shall be limited to use by the owners and/or riders of the horses kept in the stables approved on the site, and shall not be used by any other persons, or as a riding school or equestrian training centre open to the general public, or for any other purpose whatsoever.

Reason: In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and does not cause a highway safety issues or adverse impact on the surrounding area to comply with Policy ESD10 and ESD14 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. The existing hedgerow and trees along the northern, western and eastern boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant or tree 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 ESD13 and ESD14 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. Except as otherwise approved under a condition of this planning permission, no horse boxes, trailers, horse jumps, exercise equipment, or other horse related paraphernalia, shall be stored in the open without the prior express planning consent of the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area and the character, setting and openness of the Green Belt in accordance with Policy ESD13 and ESD14 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. The applicant is advised that the access track to the site of the proposed development lies directly adjacent to Arthur's Acre Local Wildlife Site which is designated for its lowland meadow priority habitat and hedgerows which support brown hairstreak butterflies. Please ensure that the hedgerow to either side of the access track is protected during construction to avoid any damage to the hedgerows in this location.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council in a positive and proactive way, through discussion with the agent during the course of the application to achieve an acceptable scheme and consideration within an efficient and timely manner.