

**Site Address: Hill Leys, Banbury Road,
Finmere.**

15/01635/F

Ward: Fringford

District Councillor: Councillor Barry Wood

Case Officer: Emily Shaw

Recommendation: Approval

Applicant: Mr and Mrs M Kerford-Byrnes

Application Description: Erection of replacement Stable/Farm building

Committee Referral: Member of the Council application
Committee Date: 29th October 2015

1. Site Description and Proposed Development

- 1.1 The site of the application is located within the existing farm yard associated with Hill Leys, a farmhouse and associated farm complex located to the west of Finmere. Two footpaths pass through the site (213/1/10 and 213/1/20), one follows the main drive to the property west to east, and passes straight through the centre of the farm yard exiting at the north west and the other footpath crosses the open fields from Finmere to the north of the farm yard and heads north west having joined into the other path. There is also a bridle way (213/3/20) which runs north south along the track to the south east.
- 1.2 The application proposes the erection of a stable/farm building to replace an existing brick building and previously sited timber stables, which have since been removed from the site for safety reasons. The footprint of the proposed building measures 18.5 metres by 11.3, and the height of the building to the ridge of the roof measures 5m and to the eaves 2.46m. The building will comprise 7 stables and a secure tack room. The building is to be sited on the footprint of the previous timber stables and part of the foot print of the previous brick building. The building is to be constructed from timber to the elevations and have a metal sheet roof in dark brown/grey. The proposed building is to be accessed via the existing access drive to the farm yard.
- 1.3 Planning application 15/01681/F, which is a related application for the erection of replacement loose boxes at Hill Leys, is also being considered as an item on this Committee agenda.

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 29th October 2015. No third party correspondence has been received to date as a result of this consultation process.

3. Consultations

- 3.1 Finmere Parish Council: no comments received to date.

Cherwell District Council Consultees

- 3.2 Environmental Protection Officer: no comments received to date
- 3.3 Landscape Officer: no objection to replacing these buildings. The site is not visible in the wider countryside due to a flat landscape and abundant hedge and copse planting. A public right of way runs through the farmyard but the view from this is likely to be improved.

- 3.4 Ecology Officer: comments awaited regarding removal of the existing brick building. Comments will be reported as a written update at the meeting.

Oxfordshire County Council Consultees

- 3.5 Highways: no objections subject to a condition which specifies personal use for equestrian and agricultural.
- 3.6 Footpaths: no comments received to date

Other Consultees

- 3.7 Anglian Water: no comments to make on this application

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 ESD10: Protection and Enhancement of Biodiversity and the Natural Environment

Policy ESD13: Local Landscape Protection and Enhancement

Policy ESD15: The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

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)

Planning Practice Guidance

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant policy
- Visual appearance and landscape impact
- Highway safety
- Other issues – Ecology and pollution

Relevant policy

- 5.2 This application must be determined in accordance with the development plan which comprises the Cherwell Local Plan 2011/2031 Part 1 and Cherwell Local Plan 1996 (Saved Policies). Policy ESD13 of the Cherwell Local Plan 2011-2031 seeks to secure development which will enhance and respect the local landscape character without undue visual harm to the open countryside. Saved policy AG5 of the Cherwell Local Plan 1996 relates to proposals for horse related development and will be supportive of proposals that would not have an adverse impact on the character and appearance of the countryside and would not be detrimental to the amenity of neighbouring properties. Saved policy C28 seeks to secure a development which is of a layout, scale, design and external appearance which is sympathetic to the character and appearance of the sites surroundings.
- 5.3 The NPPF sets out a presumption in favour of sustainable development, which should be seen as a golden thread running through decision making. There are three dimensions to sustainable development which include an economic, social and environmental role. The proposed development which comprises a replacement stable building within an existing farm complex will maintain an appropriate leisure activity within a rural area and is considered to meet the social role of sustainability. The proposed building replaces a previous timber stable building and brick built stable which are both beyond repair and unfit for purpose. The proposed building would be an improvement visually and would therefore protect and even enhance the visual amenity of the local landscape therefore meeting the environmental role of sustainable development.

Visual appearance and landscape impact

- 5.4 The proposed stable building is to be sited within the existing farm complex, without any encroachment beyond the existing boundary of the site and partially within the footprint of previous stable buildings. The building will be higher and of a larger footprint than the existing buildings, however it would be of an improved appearance compared to the previous brick and timber buildings and its external appearance of timber and a dark coloured metal roof would be in keeping with the surrounding development. It is my opinion therefore that due to its siting within the existing farm complex the building would respect and enhance the character and appearance of the local landscape in accordance with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and saved policy AG5 and C28 of the Cherwell Local Plan 1996.
- 5.5 There are two footpaths which pass through the farm complex, one of which runs immediately adjacent to the proposed building. The proposed building replaces a rundown brick stable building and a previous run down timber stable building. The views from the footpaths would in my view be enhanced by the proposed development with the removal of two old buildings and their replacement with a timber stable building which is sited within the existing farm complex and respects the scale and appearance of existing development within the locality. The proposed development would be considered to preserve and enhance the character and appearance of the landscape in accordance with Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and saved policy AG5 and C28 of the Cherwell Local Plan 1996.

Highway Safety

- 5.6 The proposed new building comprises 7 stables and a secure tack room to be used to keep the applicants own horses only. The application does not include any private livery use or riding school. The existing brick building and previous timber building comprises 6 stables and therefore the proposal is an increase in 1 stable. The proposed building is to be accessed via an existing vehicular access along the drive

from Finmere and entering the site from the south east. The Local Highway Authority has raised no objection to the proposed development and I have no reason to disagree with their opinion. A condition will be attached to limit the use of the stables for the keeping of the applicant's horses only.

Other issues - Ecology and pollution

- 5.7 The existing brick stable building is to be removed to allow the erection of the proposed building. The Councils Ecologist has been contacted to seek advice on the likely hood of the building being used by bats or nesting birds and comments are awaited. Any comments received will be reported as a written update to Committee.
- 5.8 The use of the proposed building for the keeping of horses will generate horse manure at the site which will need to adequately dealt with to avoid adverse impacts cause by its storage. A suitable condition will be attached to the planning permission to ensure appropriate management of the manure generated at the site. The proposal is considered to be in accordance with saved policy ENV1 of the Cherwell Local Plan 1996.

Conclusion

- 5.12 The proposed timber stable building is to be sited within the existing farm complex and within the footprint of two previous stable buildings. The proposed building therefore, would be considered to be a feature in keeping with surrounding development and would be considered to preserve and enhance the visual appearance and character of the local landscape. The proposed building would not adversely affect highway safety, biodiversity or cause any undue impact from pollution. The proposal is therefore considered to accord with policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved policies ENV1, AG5 and C28 of the Cherwell Local Plan 1996 and government guidance contained within the NPPF.

Engagement

- 5.17 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.

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, Design and Access Statement and drawings numbered and titled:

- 472/20

- Hancox Barn elevations (Rev No. C) 20.07.2015
- Hancox barn floorplans (Rev No. C) 20.07.2015
- Site Plan – DAJ/3480-2(i)gn 09.09.2015

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 any works on the building 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 ESD15 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.

4. 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/flies 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.

5. The building and the stables hereby permitted shall be used only for the keeping of horses owned by the occupiers of Hill Leys and by no other person 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 ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
2. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 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.