

Studley Wood Golf Club  
The Straight Mile  
Horton Cum Studley  
Oxford  
OX33 1BF

16/02218/F

**Case Officer:** Caroline Ford                      **Ward(s):** Launton And Otmoor

**Applicant:** Studley Wood Golf Club

**Ward Member(s):** Cllr Tim Hallchurch  
Cllr Simon Holland  
Cllr David Hughes

**Proposal:** Change of use of part of golf course (woodland) to natural burial ground and associated buildings including ceremonial building and administration building and proposed pro shop and office and conversion of existing function room to staff flat at golf club - Re-submission of 15/01539/F

**Committee Date:** 28.09.2017                      **Recommendation:** Refusal

**Committee**

**Referral:** Major Planning Application (site area is over 1ha)

**1. Application Site and Locality**

- 1.1 Studley Wood Golf Club is situated to the south of Horton Cum Studley with access taken from The Straight Mile. The golf course extends to the east of The Straight Mile and is mostly formally laid out for that purpose albeit wrapping around a large area of woodland positioned in the middle of the course. The woodland itself extends to approximately 14ha. The clubhouse and associated car parking are positioned to the west of the golf course site, close to The Straight Mile. The development site relates predominately to the area of woodland, with an access leading to it and to three small areas, including and close to the clubhouse.
- 1.2 The site has a number of recorded site constraints. The land is situated wholly within the Oxford Green Belt and the land is ecologically sensitive; the woodland is classified as Ancient Woodland (ancient and semi natural woodland according to the Natural England MAGIC website), which is a UK Biodiversity Action Plan habitat (as part of Lowland Mixed Deciduous Woodland), it is a District Wildlife Site and it is within the larger Bernwood Conservation Target Area. A number of notable and protected species have been recorded on or close to the site, there are a number of other areas classified as Ancient Woodland within the vicinity and there are a number of SSSI sites all within 2km of the site. The site is also recorded as having archaeological potential.

**2. Description of Proposed Development**

- 2.1 This application seeks planning permission to change the use of the woodland part of the golf club to a natural burial ground. The proposal also seeks permission for two buildings directly

associated with the natural burial ground proposal – a ceremonial building to be positioned within the woodland (measuring 27.2m in length, 9.4m in width at its widest point and 5.35m in height) and an administration building to be positioned just to the north of the clubhouse (measuring 10.2m in length (including the veranda), 6.5m in width and 3.8m in height). The proposal also seeks permission for a further building, to be positioned just to the south of the clubhouse to be used as a reception/ office and pro shop for the golf course uses (this building is a cross shape and would measure 19m in length, 15.5m in width and 4.3m in height). The three buildings would be similar in design, each being single storey, but with the pitched roof extending almost to the ground and constructed from a timber frame and cladding, glazed oak framework and a natural slate roof. The proposal also seeks to make alterations to the clubhouse itself, to alter the ground floor to create a function room and convert the existing function room at first floor to a staff flat.

- 2.2 Upon assessment of the application and taking into account consultation responses, Officers wrote to the applicant identifying concerns with the proposal including its compliance with Planning Policy. Following a meeting with consultees, Officers agreed to accept additional information to support the planning application. The re-submission was received at the end of June 2017 and a re-consultation process undertaken. The assessment takes into account all submitted information. In addition and during the application process, the Case Officer and Landscape Officer have visited a woodland burial site run by the proposed operator of this burial ground (Green Acres) – their Chiltern Burial site close to Beaconsfield in Buckinghamshire. Green Acres runs a number of natural woodland burial sites and the submitted Management Plan sets out their philosophy and how their sites are run.

### **3. Relevant Planning History**

- 3.1 There is recorded planning history relating to the golf club uses on the site and the application follows a similar application made in 2015, which was subsequently withdrawn (15/01539/F).

### **4. Response to Publicity**

- 4.1 The application has been publicised by way of a site notice displayed near the site and by advertisement in the local newspaper.
- 4.2 The only third party response received was from The Woodland Trust and their comments are summarised as follows:
- Strong objection on account of the damage and loss to Studley Wood, an area of ancient semi natural woodland.
  - The history of Studley Wood is set out in the submitted report 'Landscape Ecology of Studley Wood' (2012), which details the remarkable continuity of the use of the site as woodland and confirms the remaining wooded section as a valuable part of the historic landscape. The site also still has significant ecological value.
  - The usage of the wood is currently extremely light and non-invasive. The proposed change of use will greatly increase the levels of human activity and interference within the woodland area which will be harmful to the natural habitat.

- If the proposal is to secure the long term future of the golf club financially, then this would indicate high levels of use. The level of impact will depend upon the success of the business but the business case suggests that usage will be substantial.
- The use of the ceremonial building and the wood itself for funerals and others will lead to further levels of human impact and the size of the building indicates the number of people in the area would be substantial compared to the present.
- The increased intensity of activity within the ancient woodland will affect the rare, delicate ecosystems and vulnerable ecology it houses.
- At Studley Wood, the individual trees are, arguably of lesser importance than the woodland as a whole. What is irreplaceable is the existence of an area which has supported continuous woodland cover for such an extended time period, and the resulting ecology that comes from this continuity. One of the key values of ancient woodland is their unique soils.
- The proposals will inevitably lead to direct local damage both to tree roots and the soil structure which, given the predicted number of burials could lead to significant levels. Whilst no actual trees are planned to be lost, the excavations in close proximity to many of the trees within the wood would be highly detrimental in the long term.
- The proposed building would also cause substantial disturbance to the area of woodland and would have a detrimental impact on the surroundings. Its presence would cause direct loss of ground and soil compaction within the wood and generate far higher levels of disturbance (e.g. light and noise). The network of surfaced access routes would also result in loss of area and change of habitat.
- Ancient woodland is not an acceptable location for intrusive and damaging development. There are opportunities for sensitive management to protect and enhance its value, but these should be sought through other opportunities.

## 5. Response to Consultation

### Horton Cum Studley Parish Council:

#### 5.1 Objections/ observations and make the following points:

- All development within the Green Belt is harmful to it and the village is a category C village.
- The operational interaction between golfers and funeral parties is unclear and there is concern as to the effect on golfers and villagers.
- The extension to the golf club is disproportionate to the existing building. The extension is partly for residential purposes that has no connection with the sport of golf.
- Distance of the new building from the woodland for which the change of use has been proposed.
- Increased traffic to the woodland and incompatibility with the sport of golf. Increased traffic on the Straight Mile.
- Ancient woodlands should be preserved and are irreplaceable. The effect of burial digging is not yet fully known.

#### 5.2 Second response from Horton Cum Studley Parish Council:

- The proposed development by virtue of its positioning, size and scale is inappropriate development within the Oxford Green Belt.
- The proposed development by reason of its siting and scale would cause unacceptable harm to the rural character of the area.

5.3 Aylesbury Vale District Council  
No objection or comments

Cherwell District Council:

5.4 **Ecology:**

- The site is designated ancient woodland. This is a habitat of high ecological value as it cannot be recreated and is irreplaceable. Whilst it may not be the best example of ancient woodland, it is on the ancient woodland inventory and should receive protection.
- The site falls within a complex of four ancient woodlands within a few KMs of each other including the SSSI Shabbington Woods, which increases its value as opposed to an area of isolated wood. It is within the Bernwood Conservation Target Area as being an area of high opportunity for biodiversity enhancement.
- The proposal is considered to conflict with policy ESD10, where development will not be permitted on these sites unless the benefit outweighs the harm and there is no proof that it does here. It does not appear that alternative sites have been considered and the full impact of the proposals is not clearly understood.
- The layout does not show where the proposed tracks through the site will be. It is stated that the informal paths will be allowed to revert after burial but surely the paths will need to be retained in some form to accommodate visitors to graves? The level of proposed footfall is unclear.
- The plans state that 5 graves will be placed around trees before being left for five years to allow restoration in deficiency of the trees root system. This suggests impact on those individual trees that would be buried around.
- The proposed woodland management plan does contain aspects that would be beneficial to the woodland in the long term, which is currently unmanaged to its detriment. However, it is stated that the management objectives may change as the site develops commercially and that damaged habitats will be offset with compensatory replacement like for like. This may not be possible however as ancient woodland and veteran trees cannot be recreated.
- There are also plans to close some areas, but these are not indicated. It is stated that excess subsoil will be placed in mounds, which will change the soil composition in those areas.
- The Great Crested Newt Survey makes recommendations for avoiding harm and these are considered acceptable.
- The nature of the proposal will change the ecological integrity of the site. There may be some positives as a result of management, these would be difficult to monitor and the proposals would entail significant and increasing disruption to the woodland into the future.
- Unsupportive of the plans as there are too many unknowns as to the impacts and the future of the site. The submitted survey stresses that owing to the sites status, intrusive works are not recommended.

Second response (received following a site visit)

- The site is Ancient Semi-Natural Woodland and from our site visit, the woodland is within moderately good condition. However a high population of deer are present in the woodland which are a considerable problem due to browsing pressures, which has appeared to limit the regeneration of trees and shrub understorey within the woodland which is lacking. The ground flora contains abundant bramble, which although does help with protection of saplings from deer browsing, it also limits the light reaching the woodland floor and would require management to improve the diversity of the ground flora of the woodland. Although we only made a walkover of the woodland and did not

see all areas, the species assemblage of the woodland as described in the management plan does appear to be accurate.

- The management proposed within the management objectives of the management plan includes measures to increase biodiversity of the woodland, including selective thinning out of trees, creation of glades and rides, coppicing, retention of deadwood trees and deer management including culling and fencing which are welcomed.
- However the overall impact on ancient woodland by the increase in disturbance from increased footfall and digging within the root protection zones of mature trees is expected to outweigh the benefits of the management proposed. Concerns are raised regarding future continued impact and management of the site and the numbers and frequency of visitors expected within the site is not clear.
- Ancient woodland is a habitat which is impossible to re-create due to the prolonged evolution of the site's ecosystem. Local Plan Policy ESD10 states that "Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity". We do not consider that the benefits set out within the proposals will outweigh the harm to an ancient woodland through the proposed impacts resulting from the burial use.
- Additionally, bat surveys of trees to be impacted, including those proposed to be felled along the access route, will be required.
- As such in line with the NPPF and local plan policy ESD10, due to the adverse impact on the woodland we would not be able to support the proposals.

#### Third response

- We stand by our previous recommendation for refusal of the application due to the adverse impact on the ancient woodland. The details of the impacts on the existing trees is a technical matter which the tree officer is best to provide advice on. However we do not see how all plots will be located outside of the RPA's of the trees and how this would be feasible in practice as we would expect very little ground to be available for burials. We consider that the digging and stockpiling of soils, building and pathways and the increase in disturbance through footfall within the ancient woodland will have an adverse impact on the regeneration of the understorey of the woodland and ground flora.
- Paragraph 118 of the NPPF is clear in this respect of the mitigation hierarchy and states:

"if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

"planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss"
- As such in line with the NPPF we would not be able to support the proposals in the location of ancient woodland and would suggest impact can be avoided by citing the burials in an alternative location to avoid the woodland.

#### **5.5 Arboricultural Officer:**

- A tree survey, Arboricultural Method Statement and Tree Protection Plan for the proposed burial sites are required as the proposal involves excavation. This needs to

identify which carefully selected trees are involved and must consider the proposed structures as well as burials.

- Serious concerns regarding the viability of the scheme on the following grounds:
- The site is classified as ancient woodland; this is a protected habitat, which should be considered sacrosanct, unless there are great requirements for the development. Other locations upon the site might be more suitable.
- The methodology document in the patent document is insufficient to satisfy the overall scheme due to the lack of specific detail regarding trees and the excavation locations. This may be satisfied by an encompassing tree survey, which would also need to address matters of the proposed building of structures in the woodland, the improvement of the access road and the other sundry matters that will impact upon the trees and woodland.
- In its present form the application does not provide sufficient information to satisfy the proposed development within a sensitive habitat. An innovative and very detailed approach may prove adequate to satisfy this particular element of the proposal.

Second response:

- The survey documents and proposed methodology for the road construction appears to be adequate.
- Concerns of potential damage to the trees during the burial process is negated as every burial requires a separate TPO application, tree detail and accompanying mini tree survey with RPA etc. compliant to BS 5837.
- No concerns regarding the building placement itself, however a separate detail on the construction technique of the foundations is required as the habitat is extremely sensitive.

## 5.6 **Landscape Officer:**

- Endorse the comments from the Council's Ecologist.
- There is no proof that the small benefit of some management will outweigh the harm of digging 1.8m deep holes in the root zones of old trees, the provision of paths, disturbance from people and the introduction of a new building.
- Intrusive works should be avoided.
- Alternative sites have not been considered.

Second response (received after a site visit):

- The woodland is an attractive piece of damp Oak woodland. It consists mainly of Oak which is of a fairly uniform age. There are a few young Birch trees and a good amount of Bramble. There is a limited variety of ground flora, mainly tussocks of grass. There is plenty evidence of deer grazing which is preventing the establishment of a shrub layer and growth of young trees in the few areas of less dense canopy and at the periphery. Keeping the deer out would be the greatest contribution to management which could be made. This is unlikely to happen due to the cost.
- The canopy of this woodland is dense, there are very few glades and those that exist are very small. In addition Oak trees have spreading root systems which will interlock with each other. There will not be areas where root systems don't extend. This will make it impossible to dig without damaging and severing tree roots. The Greenacres patent will not be implementable in a woodland such as this.
- This is a small woodland compared to the Chiltern burial site. It is also entirely broadleaved where the Chiltern site was coniferous. One patented system does not fit all. The Chiltern site looks like a graveyard within a woodland. There are a variety of plaques, vases of flowers, no understorey, uneven ground due to digging and settlement.

- Understand that the road would only extend up to the Ceremonial Building yet how will pall bearers carry coffins further (i.e. to the far extremities of the woodland given the distance). There will be pressure to create more tracks within the woodland
- The proposed site of the ceremonial building wedges it into a small clearing. It will be very close to existing trees and their root zones and canopies.
- There is not really any more detail in this application over the previous one. No figures have been provided to indicate the anticipated number of burials a year. The woodland is small and will need very dense burials to make it viable. This is unacceptable.
- The management plan talks about selective thinning of max 10% in 5 years. It isn't clear how this ties up with the selection of sites for burial. The two may not be compatible. Natural regeneration will be difficult with so many deer around.
- The granting of permission would provide no benefits for this woodland at all. These are intrusive works which will damage the integrity of the woodland without providing any gains.
- I urge refusal of this application.

#### Third response

- These paths that circumnavigate the area have not been shown on a plan and there is no strategy to provide access as there hasn't been a network shown.
- Surrounding trees in the immediate area are very close to the proposed building.
- If burials will be outside the RPA's of the trees there will be very few burials as the trees are so close together and the roots so intertwined that there won't be any room. Digging graves into this mesh of roots will have an adverse effect on the trees. If this was a driveway going so close to trees like this we would be asking for 'No Dig' solutions. Why then should we consider digging 1.8m deep holes so close?
- Based on observations at Chiltern I don't believe that there will be habitat creation and restoration, rather what will be seen is bare ground mounded up and littered with plaques and inappropriate flowers.

#### **5.7 Environmental Protection:**

- No objections or comments

#### **5.8 Planning Policy:**

- No comments

#### Oxfordshire County Council:

#### **5.9 Transport:**

- No objection subject to conditions. A condition is recommended to secure details of arrangements of parking and turning around of the cortege and associated vehicles within the burial grounds/ woodlands.
- As the access arrangements and site layout appear to be the same as the previous application, the Transport response remains unchanged.
- The site is located on the rural road network with limited public transport, cycling and pedestrian access and as such, the development will be heavily reliant on the private car. The proposed burial ground already benefits from an existing vehicular access off Straight Mile Road, which links the village to Bayswater Road and eventually the A40.
- The site will utilise the 80 space car parking facility. Access beyond the car park will be controlled by staff managed barriers and limited to use as to only allow the cortege at burial times.
- Adjustments are likely to be required to the kissing gate between the car park and the administration building so as not to impede access to disabled members of the public.
- The proposal also seeks to pave and widen the existing paths into the woodland rides. There is also no mention of any hard standing for parking and turning for the cortege

close to the burial grounds. If the cortege would use the woodland rides for parking and turning, specification details will be needed. There will be a requirement to provide some form of hard standing for the limited vehicles in/ around the woodlands to prevent vehicle wheels from bedding/ sinking into soft ground.

- There would be no significant change in traffic and highway safety resulting from the development. Traffic increase would be negligible in volume and duration and the impact on the surrounding network would therefore be small.

#### Second response

- There are no more significant changes to the application than assessed previously so the response as above remains the same.
- Comment made in relation to access to the ceremonial building for less mobile individuals or disabled people that are not part of the cortege. Where visitors park, is a long walk over what could be deemed as unsteady terrain in places, to reach the ceremonial building. As this is on private land, however, no objection is made but this should be considered.

#### **5.10 Archaeology:**

- No objection subject to conditions. The site is located in an area of archaeological interest and a staged programme of archaeological investigation will be required ahead of the development. This can be secured via condition.

#### **5.11 Ecology:**

- Advice should be sought from the CDC Ecologist and there is guidance available in the document titled 'Biodiversity and Planning in Oxfordshire'.

#### Other External Consultees:

#### **5.12 Natural England:**

- Natural England advises that the proposal is unlikely to affect any statutorily protected sites or landscapes.
- The Natural England Standing Advice on protected species should be referred to.
- The LPA should be satisfied that it has sufficient information to fully understand the impact of the proposal on any local site (e.g. a Local Wildlife Site) before it determines the application.
- The site includes an area of priority habitat as listed on Section 41 of the NERC Act 2006. The NPPF provides guidance on the conservation and enhancement of biodiversity.
- The proposals have the potential to adversely affect woodland classified on the ancient woodland inventory. Natural England has Standing Advice on ancient woodland.
- The application may provide opportunities to incorporate features into the design which are beneficial to wildlife. Measures to enhance biodiversity should be considered in accordance with para 118 of the NPPF.

#### **5.13 Forestry Commission:**

- The Forestry Commission is a Non Ministerial Government Department that works with others to protect, improve and extend our nation's forests and woodland, increasing their value to society and the environment. Attention is drawn to details of Government policy relating to ancient woodland and information on the importance and designation of ancient woodland.
- It is Government policy to discourage development that will result in the loss of Ancient woodland, unless 'the need for, and benefits of, the development in that location clearly outweighs the loss' (NPPF para 118).

- No opinion is provided supporting or objecting to an application. Information on the potential impact that the proposed development would have on the ancient woodland is provided.

#### 5.14 Environment Agency:

- The application has been assessed as having a low environmental risk and therefore the EA has no comments to make.
- The applicant may be required to apply for other consents directly from the EA that they have a regulatory role in issuing and monitoring (i.e. consents/ permissions or licences for different activities – such as water abstraction or discharging to a stream).

##### Second response

- Repeated the response as above.

## 6 Relevant National and Local Planning Policy and Guidance

### 6.1 Development Plan Policies:

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. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

#### Cherwell Local Plan 2011 - 2031 Part 1

ESD1 – Mitigating and Adapting to Climate Change  
 ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment  
 ESD14 – Oxford Green Belt  
 ESD15 – The Character of the Built and Historic Environment  
 Policy Villages 1 – Village Categorisation

#### Cherwell Local Plan 1996 (Saved Policies)

H18 – New dwellings in the countryside  
 C28 – Layout, design and external appearance of new development  
 C30 – Design control

### 6.2 Other Material Planning Considerations:

National Planning Policy Framework (The Framework) - National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied.

Planning Practice Guidance (NPPG) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

## 7 Appraisal

7.1 Officers' consider the following matters to be relevant to the determination of this application:

- Principle of the Development and Green Belt;
- Ecology/ Ancient Woodland/ Arboriculture
- Transport
- Design/ visual amenity
- Archaeology
- Groundwater

### Principle of the development and Green Belt

6.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.

7.2 The site sits within the Oxford Green Belt therefore Green Belt policy must be considered in respect to the principle of development. Policy ESD14 of the Cherwell Local Plan 2011-2031 is relevant. This policy confirms that the Green Belt boundaries within Cherwell District will be maintained for a number of reasons and it states that development proposals within the Green Belt will be assessed in accordance with Government Guidance contained within the NPPF and NPPG. Proposals for residential development will also be assessed against Policies Villages 1 and 3.

7.3 The Framework confirms that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The five purposes of the Green Belt are also set out. The Framework confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Local Authorities are advised to attach substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

7.4 Paragraph 89 confirms that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt; however there are a number of exceptions to this, which are listed. Paragraph 90 sets out that certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are also listed.

7.5 The proposal includes a number of different elements and these will be considered in turn.

7.6 The proposed change of use of land to a burial ground is not defined as being an appropriate form of development within the Green Belt by paragraphs 89 or 90 of the Framework. It can therefore be concluded that the proposal to change the use of the land to a burial ground is inappropriate development in the Green Belt when considered against the Framework. It would therefore, by definition, be harmful to the Green Belt and its openness and thus should not be approved except in very special circumstances.

- 7.7 In reaching this conclusion, regard has been paid to a High Court Judgement from early 2014 (later upheld by the Court of Appeal) – *Timmins v Gedling Borough Council*. This judgement (and the appeal judgement) concluded that any development in the Green Belt must be treated as inappropriate and can only be justified by reference to very special circumstances or by way of an exception to this general rule, as set out at paragraphs 89 and 90; finding that the ‘exceptions’ identified at those paragraphs are ‘closed lists’. As set out above, a change in the use of land is not quoted as an exception to the general rule in either paragraph 89 or 90 and this element of the proposal must be considered to be inappropriate development.
- 7.8 The proposal seeks permission for two buildings to be associated with the proposed burial ground. One forms a reception/ office building and would be located within close proximity to the existing clubhouse and parking. The other forms a ceremonial building to be positioned within the woodland itself. As above, the NPPF, at paragraph 89, sets out that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, with a number of exceptions to this. One such exception is the *‘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 provision of ‘appropriate facilities for... cemeteries’ cannot be considered to be appropriate development in the current circumstances where the burial ground does not exist and is itself inappropriate development (unless very special circumstances are proven). In any event, the wording ‘appropriate facilities for...’ suggests that this might address ancillary development which serves that land use. It is questionable whether a ceremonial building would constitute an ‘appropriate facility for’, however in any event, the buildings associated with the burial ground use must be assessed as part of the overall proposal for the change of use of the land to a burial ground and therefore would be inappropriate, by definition harmful and should not be approved except in very special circumstances.
- 7.9 Given the above conclusions in respect to the development representing inappropriate development, it should not be approved except in very special circumstances. In this case, the applicant’s very special circumstances case appears to centre on the following arguments:
- There is a significant demand for burial space and this demand will only increase in the future.
  - That the proposed natural burial ground would have no visual impact on the appearance of the Green Belt due to it being located within the existing woodland. This would therefore preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. This is not a typical cemetery use as there would be no distinguishable features such as gravestones.
  - The burial ground would go some way to maintain the viability of the golf course.
  - The long term sustainability of the woodland management would be ensured through active management to restore key habitat.
- 7.10 The points set out above should be considered in turn. Corresponding to the points above, Officers view is as follows:
- The likely demand for burial space in the future is not necessarily disputed, however the need for this to be within the Green Belt (and an ecologically

sensitive Ancient Woodland – covered below), is questionable. The submission states that a detailed site selection process has been undertaken as to whether there are any other suitable sites outside the Green Belt, but that none could be found. No evidence is provided to support this statement.

- The issue of visual impact is a separate consideration to openness. Any development, by its nature would have an impact upon openness. This is a primary characteristic of Green Belts. All development is restricted by Green Belt policy due to its harmfulness unless there are very special circumstances or there is an exception granted by paragraphs 89 and 90. Therefore it is clear that in concluding the proposal is inappropriate, the lack of visibility does not represent a very special circumstance, given that it will impact openness.
- Officers visited another of the Green Acres natural burial grounds and the character of the woodland had clearly changed, with areas cleared, pathways throughout and markers for graves visible. This site is different, however there is likely to be a need for pathways/ rides and burial markers would be provided (these are described as being small wooden memorials up to 400mm height and 150mm wide therefore are not as large as gravestones but still have a visual impact).
- No evidence is provided to support the submission that the long term financial future of the golf club would be secured. Whilst supporting economic growth in rural areas where appropriate is necessary, the site is within the Green Belt which attracts significant protection.
- The section below titled 'Ecology/ Ancient Woodland/ Arboriculture' addresses the last point in detail. However, it is relevant to note that as part of the S106 legal agreement attached to the original planning permission for the golf course, there were obligations around management of the woodland. Therefore as discussed below, there are benefits attached to the management of the woodland but this should not be given significant weight in considering whether the use is appropriate in the Green Belt given that this is a matter that is not directly interlinked to the proposed change of use of the land to a burial ground.

7.11 Given the above, it is not considered that there are very special circumstances in this case that would outweigh the harm to the Green Belt by reason of the inappropriate development proposed.

7.12 The proposal also seeks permission for internal alterations to the club house. Apart from some minor cosmetic alterations to the building, the development proposed would be contained within the extent of the building itself. The moving of the function room downstairs itself would be appropriate within the Green Belt and is justified on the basis of making this a more accessible space. It is also proposed to use this space for the holding of wakes following funerals.

7.13 The proposal also includes permission for the provision of a building to house a new golf pro shop and office. These uses are currently accommodated within the existing club house and therefore the new building is proposed as a consequence of the internal alterations proposed. The provision of this new building would likely be considered 'an appropriate facility for... the

outdoor recreation' use (as allowed for by paragraph 89 of the NPPF) and could be considered to preserve the openness of the Green Belt without conflicting with the purposes of including land within the Green Belt. Notwithstanding this view, this element of the proposal does have some link with the proposal for the burial ground use given the intention to use the clubhouse to support the burial ground use.

- 7.14 The creation of a staff flat, given its ancillary scale and the fact that it would be contained within the building itself, could be considered appropriate in the Green Belt if it is demonstrated to be essential. As such, the creation of a staff flat does require consideration against policies relating to where residential is accommodated.
- 7.15 Policy H18 of the Cherwell Local Plan 1996 is a saved policy and relates to proposals for the construction of new dwellings beyond the built up limits of settlements. It identifies that the only circumstances where such development could be supported is where it is essential for agriculture or other existing undertakings, the proposal meets the criteria of policy H6 (which has now been replaced by Policy Villages 3 and relates to rural exception sites) or where there would be no conflict with other policies in the plan.
- 7.16 Studley Wood Golf Club is located beyond the built up limits of a settlement therefore a proposal for a residential use must be demonstrated as essential for the existing undertaking. The clubhouse already includes a one bed small unit of accommodation (including a kitchen/ dining/ lounge space) at first floor level. The applicant's intend that this space be used by the secretary manager who, because the club is open long hours, not only for the golf, but also associated evening events, has to be available during the day and evenings. The application documents describe that the club's insurers consider the location to be at risk as it is located outside the village limits, because police reaction time would be slow and a single member of staff would be isolated (a letter for which has been provided). It is intended that the flat would be tied to the golf club and should not be considered a separate residential unit.
- 7.17 Whilst the applicant's view and intentions are noted, the arguments made could apply equally to many isolated undertakings and does not, in the view of Officers constitute an 'essential' need; particularly in this case where the site already benefits from a small unit of accommodation. It is therefore not clear why this is inadequate for use by a member of staff or other individual employed for the purposes of security for the site. In this regard, it is considered that this element of the proposal conflicts with the Council's overall housing strategy by proposing a residential dwelling in an unsustainable rural location. Officers consider this matter, in addition to the principle of the development unacceptable.

#### Ecology/ Ancient Woodland/ Arboriculture

- 7.18 There is a statutory duty set out in the Natural Environment and Rural Communities Act 2006 at Section 40 to the purpose of conserving biodiversity. Additionally the European Habitats Directive sets out requirements when considering a planning application where European Protected Species are affected.
- 7.19 Ancient Woodland benefits from significant protection – the Framework advises that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland unless the need for, and benefits of, the development in that location clearly outweighs the loss. Furthermore, Policy ESD10 confirms the need for there to

be protection and enhancement of biodiversity and the natural environment. This is to be achieved by protecting, managing, enhancing and extending existing resources. The policy advises that development that would result in damage to or loss of a site of biodiversity or geological value of regional or local importance (which includes ancient woodland) including habitats of species of principal importance for biodiversity, will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/ geodiversity.

- 7.20 As set out in paragraph 1.2, the site is ecologically sensitive, of high ecological value, with historic and cultural value and which cannot be recreated therefore is irreplaceable. In addition to the site being Ancient Woodland, a Tree Preservation Order covers the woodland. The site also falls within a complex of four ancient woodlands within a few KMs of each other including the SSSI Shabbington Woods. Its value is therefore considered to be increased as opposed to an isolated wood. It is also within the Bernwood Conservation Target Area as being an area of high opportunity for biodiversity enhancement and is a District Wildlife site.
- 7.21 As set out in the consultation responses, there have been a number of objections to this proposal, on the basis of conflict with Policy ESD10 and the Framework given that development on ecologically sensitive sites such as this will not be permitted unless the benefit outweighs the harm. In this case, there are not considered to be benefits that would outweigh the harm to this ecologically important ancient woodland.
- 7.22 The application is supported by a suite of information and during the course of the application, as consultation responses have been received; additional information has been submitted to attempt to overcome the concerns raised. Objections continue to be raised as set out above. These concerns primarily result from the impacts caused to the ancient woodland (also a BAP S41 Priority habitat) in respect to the adverse impact on the regeneration of the understorey of the woodland and ground flora and increasing public access and the impacts that this would have.
- 7.23 The submission documents recognise the woodland has significant historical and ecological value, is a BAP habitat; and it is states that 'intrusive works that could compromise the integrity of the woodland are not recommended'. The documents do however note the benefits of management and advise that this should be implemented in full as well as ongoing ecological assessments to monitor the impacts of development.
- 7.24 The proposal raises a number of concerns. In respect to the burials themselves, the intention is for burials to be undertaken in circles around selected trees far enough away not to encroach upon the root protection area (RPA) with five burials allowed around one tree before it is closed to allow restoration for five years before further burials could take place. Plots for ashes are located within the RPA for the tree but positioned to avoid major roots. The process of the burial will be undertaken in line with an approved UK Patent, which is used at the other Green Acres Burial sites. In recognising the importance of the soil structure, topsoil is removed prior to the digging of a grave and is put to one side before being replaced once the backfilling to a grave has been undertaken. Consultation responses have queried how in practice it will be possible to provide graves outside the RPA of trees given this is woodland with trees closely related to each other. In addition, a tree survey has been undertaken as requested which refers to the patent and how the requirements of the British Standard BS5837:2012 (Trees in relation to design demolition and construction) can be met. The

Arboricultural Officer has advised that the concerns relating to damage to trees is negated as every burial will require a separate TPO application, tree detail and accompanying mini tree survey. This is because the Patent does not provide the level of detail required and because the whole woodland is covered by a TPO and the trees for burial are not yet chosen (as this would be a decision taken later by bereaved relatives). Whilst this view is expressed, it is not considered that this is a realistic process given that a TPO application can take up to 8 weeks for determination by the Council. This further demonstrates the difficulty likely to be faced with this process. The applicant's proposal seeks to avoid this need by demonstrating how burials are undertaken in line with the Patent. Without these separate TPO applications, the Arboricultural Officer would not be content with the proposal (as per the original comments) and has advised that the Patent does not cover all the information required to assess the proposal upon trees on the site.

- 7.25 The proposal involves the provision of a building (and access and turning space for the hearse) within the woodland (albeit in a location, which is questionable based upon the information plans provided), the provision of routes, increased public access as well as an upgraded access to the woodland itself (with associated work to trees). Upon a request for additional information, a tree survey has been undertaken and the Arboricultural Officer has confirmed that he is content with the conclusions in respect to the proposed methodology for the road construction, however considers that further information as to the construction technique relating to the foundations of the ceremonial building are required as the habitat is extremely sensitive. The Tree report itself recognises that in the absence of a detailed site masterplan showing the footprint of all proposed buildings, structures and services and a topographical survey showing accurate location of trees and other site features, it has not been possible to fully survey these and recommends further surveys once the exact location and nature of the other structural elements of the development have been determined. This is of concern given this is a full application for planning permission and the exact location must be determined for assessment.
- 7.26 The implications of the proposal would be an increase in disturbance from increased footfall and digging within proximity of and within the root protection areas of trees as well as the stockpiling of soils, buildings and pathways and it is concluded that this would have an adverse impact on the regeneration of the understorey of the woodland and ground flora. As set out above, ancient woodland has a number of important characteristics, including its soil composition.
- 7.27 In addition the proposals would have a visual impact upon the woodland. The presence of burial markers, flowers and walkways (described as a series of surfaced paths utilising existing trackways, using locally sourced inert materials, with small pathways dispersing to provide low intrusive access to burial sites) through the woodland would change its character. This was clear when Officers visited a natural burial ground run by Green Acres. Whilst it is understood that control would be placed upon how the site is managed and run, there would be an adverse change to the character of the woodland compared to a natural, albeit managed, woodland.
- 7.28 The proposal includes information as to management of the woodland for its long term benefit. The application submission includes a woodland management plan setting out various details as to how it is proposed the woodland would be managed including seeking to improve biodiversity. The intentions with regard to management, which include increasing biodiversity,

the selective thinning of trees, creation of glades, coppicing, retention of deadwood trees and deer management are generally supported and it is recognised that these would bring improvements to the woodland. However, it is unclear why (other than financially), these are reliant upon the woodland accommodating burials and in fact this is likely to bring increased disturbance. Indeed there is an obligation upon the owner in any event to manage the woodland (as referred to above in respect to the S106 attached to the original planning permission for the golf course). The significantly intrusive work relating to the burials and the impact that this would have upon the woodland would not outweigh the benefits of management (that in any event are not interlinked to the burial proposal).

7.29 Given the above, it is clear that there are significant technical concerns as to the impact of the proposed burial ground development upon the woodland and its ecological significance. In these terms, the proposal cannot be considered acceptable. The benefits of management would not outweigh the harm caused and therefore would conflict with Policy ESD10 of the Cherwell Local Plan and the NPPF.

7.30 In respect to other ecological considerations, such as the potential presence of bats, great crested newts and others, it is expected that appropriate mitigation could be used to avoid harm to protected species.

#### Transport

7.31 As recorded above, the Highway Authority raise no objections to the application based upon the relatively low transport impact upon the highway network and the proposed use of the golf club car park albeit recognising the unsustainable nature of the site in that all visitors would be reliant upon the private car. Comments are made with regard to the requirements around routes to and through the woodland and the requirements to provide the ability for parking/turning for the hearse. The hearse would access the woodland but would go no further than the ceremonial building, with the coffin transported into the woodland either manually or a buggy converted into a hearse. The issue of accessibility is also raised given the distance from the car park to the woodland and ceremonial building there; the application documents describe how those attending funerals would park in the main car park and that there would be buggies available to help those access the woodland.

#### Design/ Visual amenity

7.32 The design of new development is an important consideration. The Framework confirms that good design is a key aspect of sustainable development. Policy ESD15 of the Cherwell Local Plan seeks to ensure that new development complements and enhances the character of its context through sensitive siting, layout and high quality design.

7.33 The proposed buildings are unusual in their design and not reflective of the local vernacular. However, given their position, both within the extent of the golf club (in proximity to the existing clubhouse) and proposed location within the woodland, as well as their relative scale, and lack of visibility from outside the golf club, Officers conclude that the harm in respect to visual amenity would be limited. In addition, the visual impact considerations in terms of the proposed use and its impact upon the character of the woodland and green belt are considered earlier in this report.

#### Archaeology

7.34 The Oxfordshire County Council response advises that the site is located in an area of archaeological interest (with the potential to encounter archaeological deposits related to the Roman period) and that a stage programme of archaeological investigation would therefore be required before any development commences. This is proposed to be secured through appropriately worded planning conditions. Officers do not disagree with this conclusion and would recommend planning conditions if the proposal were recommended for approval.

#### Groundwater

7.35 A tier 1 Groundwater risk assessment accompanies the planning application submission. This concludes that the site is of low sensitivity due to the onsite surface water features not connecting to local watercourses, the ground conditions, the site being outside of a groundwater source protection zone and the absence of water abstractions within the vicinity of the site. The proposal would therefore have very low groundwater vulnerability. The Environment Agency has assessed the application as having a low environmental risk therefore have no comments.

### **8. Conclusion and Planning Balance**

8.1 The above assessment has considered the various aspects of this proposal and a number of concerns are raised. The importance of Ancient Woodland, including its ecological, historical and cultural value, which benefits from planning policy to protect it is highlighted. Based upon the information submitted, it has not been demonstrated that this irreplaceable habitat will not be lost or deteriorate. Whilst positive management intentions are proposed and this is supported, it has not been demonstrated that the need for and benefits of the proposal would outweigh this loss, particularly as managing the woodland is not dependent on it being a burial ground.

8.2 In addition, the development represents inappropriate development in the Green Belt, for which it is not considered that very special circumstances have been demonstrated. For this reason, the proposal is also considered unacceptable. In addition, the proposal seeks to provide for an additional staff flat in an isolated, unsustainable location outside the built up limits of a settlement.

8.3 Whilst the proposal would not cause harm to highway safety and could be accommodated without causing harm to groundwater and archaeology (subject to the imposition of appropriate planning conditions), the principle of the development, as set out above is not considered to be acceptable for the reasons set out throughout this report. For this reason the application is recommended for refusal as set out below.

### **9. Recommendation**

#### **Refusal; for the following reasons:**

1. The proposed development constitutes inappropriate development in the Green Belt,

which would be harmful to its openness. The Local Planning Authority do not consider there to be any very special circumstances, which would outweigh the harm caused to the Green Belt and the proposals are therefore contrary to Policy ESD14 of the Cherwell Local Plan 2011-2031 and Government Guidance contained within the National Planning Policy Framework.

2. The proposal would represent intrusive development within an area of Ancient Woodland covered by a Tree Preservation Order, which has significant ecological, cultural and historic value, and which is a BAP Priority Habitat - Lowland Mixed Deciduous Woodland. On the basis of the submitted information, the Local Planning Authority is not convinced that the proposal would not result in the loss and/ or deterioration of the irreplaceable habitats. It has not been demonstrated that the need for and benefits of the development in this particular location would clearly outweigh the loss. The proposal is therefore contrary to Policy ESD 10 of the Cherwell Local Plan 2011-2031 and Government Guidance contained within the National Planning Policy Framework.
3. The proposal involves the creation of a residential unit of accommodation beyond the built up limits of the nearest settlement for which it has not been demonstrated that there is an essential need. In its proposed location, the development would therefore be an unjustified and unsustainable form of development. The proposal is therefore contrary to Policies ESD1 and Villages 1 of the Cherwell Local Plan 2011-2031, Saved Policy H18 of the Cherwell Local Plan 1996 and Government Guidance contained within the National Planning Policy Framework.

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