

Application 09/00478/F	No:	Ward: Cropredy	Date Valid: 07 April 2009
Applicant:	Mr John Lapper		
Site Address:	OS Parcel 3873 North east of Hillside House, Street From Cropredy to Great Bourton, Cropredy		

Proposal: Area of hard standing, extension to existing open fronted barn and installation of below ground sewage tank (as amended by plans received 01/06/09).

1. Site Description and Proposal

1.1 The application site is a field located on the southern side of the road between Great Bourton and Cropredy. There is an existing sheep shed on the site which has recently been rebuilt with the benefit of planning permission, there is also a metal storage container, corrugated sheet huts and metal sheeting panels forming boundary enclosures. Hay bales have also been used to partially screen the site.

An area of hard standing has been created using rubble and a timber shed has been constructed on the site where the cess pool is to be installed. The agent has confirmed that a metal tank has been sunk into the ground but the applicant is intending to back fill this tank. The agent has also confirmed that the shed was constructed on a temporary basis and is going to be removed.

1.2 The original submission was advertised with the following description; 'The formation of 5 no. Touring Caravan pitches with associated road access across the site and foul waste disposal point. Erection of timber post and rail fencing to separate caravan pitches from paddock area. Erection of corrugated metal sheet fence as security screen to cow shed. Siting of secure storage container.'

However the description of the development and the proposed plans were amended, as set out in the 'Proposal' above, due to the fact that some elements of the proposal do not require planning permission and other elements were unlikely to receive officer support. For example, the use of the site as a site for 5 caravans in accordance with the Caravan Sites and Control of development Act 1990 and the construction of boundaries less than 2 metres in height do not require planning permission. Furthermore it was the officer's view that the retention of the metal storage container would not be supported and should therefore be removed from the description of development to allow the remaining proposals to be considered and the application determined.

The points for consideration are the area of hard standing, extension to existing open fronted barn and installation of below ground sewage tank. The latter requires planning permission as it is considered to be an engineering operation.

2. Application Publicity

2.1 The application was advertised by way of site notice and press notice. The final date for comment was 9 July 2009.

2.2 44 letters/emails of objection have been received. Comments were received in relation to both the original submission and the revised proposal and some

residents have written in on more than one occasion. All have been summarised despite the fact the siting of up to 5 caravans does not require planning permission. The reasons for objecting to the application are;

- The site and previously approved buildings have not been used for agricultural purposes and previous consents have not been properly implemented.
- The land and locality is prone to flooding. Drainage channels have been blocked due to the tipping of waste materials. This results in neighbouring fields flooding.
- The drainage of the site has been and remains to be important to the surrounding area
- The land which is affected by flooding currently brings in rent which funds a local mini bus – the work to the site will make this land less lettable
- It is likely that the site will be used for more than 5 caravans.
- The metal container and corrugated fencing adds to the eyesore of the site and is inappropriate for the rural setting. It is also difficult to screen the site from public views.
- Why is it necessary to have such a level of security fencing and container?
- A metal oil storage tank has been installed in place of the tank submitted as part of the application. This is likely to corrode and result in contamination of water courses.
- There are inaccuracies with the details on the application forms.
- No consultation was carried out with the local community prior to the submission of the application
- The applicant has not referred to the quantity of material already deposited on site to provide the hard standing.
- The proposal will have a detrimental effect on the landscape. The caravans will be clearly visible from the road and footpaths
- The use of the site as a caravan site may require some form of caretaking facility
- There are existing well established caravan sites within the neighbouring villages
- The site is accessed from a fast road, there may be potential for accidents when entering and exiting with caravans. Children walking to school may also be at risk.
- The increase in caravans through the villages will cause highway safety issues
- It is outside the development area for the villages and contrary to the Local Plan
- Allowing this development may set a precedent for future development or may lead to the residential development
- No proper sanitation facilities are available
- It would affect house prices
- The planning process is applied inconsistently.
- Increasing noise levels from the site is a concern
- The natural habitat and wildlife will be disturbed
- There is no sewerage system in place, no electrical supply and no water supply to this site.
- Cropredy is a Conservation village and the proposal has an impact on this village as much as it does the Bourtons
- The proposed amendments do nothing to improve the application

- The use of a sewage tank would mean regular visits from a tanker, through the villages
- The increase in the hard standing and the extension to the cow shed will worsen the potential for flooding

3. Consultations

3.1 The Bourtons Parish Council objected to the original proposal as the development is totally inappropriate in a rural location. The plans outlined and the filling of the ridge and furrow will severely impact upon the drainage of the area. At times of heavy rain this will only add to the problems of flooding by the school in Cropredy and the positioning of a cesspit adjacent to the ditch may lead to contamination of this flood water. The environmental impact is horrendous.

Further to the Bourtons Parish Council's initial objections a further letter was received expanding on some of the points previously made. They state, in summary, that;

- There are sufficient local caravan sites in more appropriate locations in the vicinity to meet the needs of touring caravans
- The proposed site is in open countryside isolated from the community
- Visitors are likely to use their cars to access local facilities or walk the long distance along a classified road with no footpath
- Most caravan licensing bodies would consider this an unsuitable site as it does not have someone living there 24 hours a day. A further application for this is likely to follow
- As this site is not adjacent to either village there is more of a security risk and there may be future need for security lights etc
- The site cannot be adequately screened. It will be visible from roads, residential properties and footpaths
- It will be visually intrusive in an otherwise unspoiled part of the Cherwell Valley and Area of High Landscape Value
- The site was a paddock with ridge and furrows, these have been filled in
- The site in its natural state floods, making it inappropriate for a caravan site
- The use of shipping containers, metal fencing and builders rubble are inappropriate in this rural landscape
- There may be plans for further building on the site
- The applicant had other storage buildings on the site prior to it being subdivided
- Consents for previous buildings were based on their need for agriculture yet no agriculture is apparent
- The re-built cattle shed appears to be of a habitable standard and has to be accessed through the proposed caravan site
- There are inaccuracies with the application forms
- There are continually caravans on the site despite no consent for them
- It is believed the applicant wishes to live on the site. A letter box has been installed on the entrance.
- If this application is approved we have to consider what may follow

The Parish Council requests that the permitted development rights of the land be removed as the applicant has shown little respect for planning law, planning authorities, the environment, his neighbours or local opinion. It is requested that the

application be turned down, inappropriate development removed and permitted development rights removed.

In response to the amended plans the Parish Council has made the following additional comments;

- Whilst the 5 caravan site constitutes permitted development it cannot go ahead without the cess pit therefore this should be refused to ensure that the site does not become a caravan site, as it is inappropriate in an Area of High Landscape Value
- We echo the Environment Agency's objections
- The plan does not show the ditches and we recommend that Brian Cannon's plans regarding the drainage are carefully considered. This is not a suitable site for a cess pit
- The cess pit being used is not fit for purpose
- The amount of hard standing has not been reduced
- Pleased to see removal of container from the plans but query why the applicant required additional storage

- 3.2 The Environment Agency previously objected to the proposal as it involved the use of non-mains foul drainage system which poses an unacceptable risk of pollution to below ground and surface waters. Inadequate justification was provided for this method and it was identified that there was a public sewer network within close proximity to the site. There was no demonstration that other methods of disposal had been investigated and ruled out. However following further correspondence the EA withdrew their objections as Thames Water will not accept a discharge from this site direct to the public sewer.
- 3.3 Oxfordshire County Council's Rights of Way Officer states that the footpath will not be directly affected by the siting of the caravans and associated infrastructure.
- 3.4 The Local Highway Authority has some concerns in relation to the access and the visibility and the fact that there is no footway leading to the site. In response to the amended plans the LHA recognised the fact that the use of the site for up to 5 caravans under the Exemption Certificate did not require planning permission but reiterated that the hard standing did require consent. It is suggested that the caravan club will not usually allow a site if there is any concern about the safety of the site and there is no recognition of being directly consulted on the matter.

The LHA requests the use of a condition relating to the approval of access details, if it is considered appropriate. Such details should include the finished levels of the access, as raising the levels a small degree will enable drivers to see further and improve radii.

4. Relevant Planning Policies

4.1 Adopted Cherwell Local Plan

AG2 – Farm buildings and associated structures requiring planning permission... should normally be sited so that they do not intrude into the landscape or into residential areas.

C7 – Development will nor normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

C13 – In Areas of High Landscape Value the Council will seek to conserve and enhance the environment.

C28 – Control will be exercised over all new development...to ensure that the standards of layout, design and external appearance...are sympathetic to the character of the urban or rural context of that development.

4.2 **South East Plan**

C4 – Landscape and Countryside Management

NRM2 – Water Quality

4.3 **PPS7 – Sustainable Development in Rural Areas**

5. Appraisal

5.1 The main considerations when assessing the acceptability of the lean-to extension, cess pool and hard standing are the visual impact of the proposal, its impact on neighbouring properties/land owners, impact on highway safety and potential contamination issues relating specifically to the installation of the cess pool.

5.2 Extension to cow shed

The applicant has been made aware of the fact that the metal storage container that is currently on the site and formed part of the original proposal would not be an acceptable structure in the open countryside. Furthermore from internal inspections it appeared that it was being used for a combination of both agricultural equipment storage and domestic storage. The applicant was advised that the site should not be being used for any form of domestic storage. The applicant amended the application to include a lean-to extension to the existing cow shed, to enable him to relocate the agricultural equipment.

The extension to the cow shed is to have the same depth and eaves height as the cow shed but be of a flat roof construction. It is proposed to have a corrugated metal roof and timber feather edged boarding walls. The visual impact of this building will be minimal as it would be largely screened behind the existing hedgerow. It is not considered that this will cause harm to the landscape character and therefore complies with Policy AG2, C7, C13 and C28 of the Local Plan and Policy C4 of the South East Plan. Furthermore it will help to secure the removal of the existing metal container from the site as the applicant will have an alternative location to store agricultural equipment.

The extension to the building will not cause harm to neighbouring landowners and there are no residential properties in close proximity to the site. The extension is unlikely to result in additional traffic movements over and above what already exists therefore this element is unlikely to result in any additional harm to highway safety.

5.3 Installation of Under Ground Storage Container

The cess pool is proposed as part of this application is produced by Kingspan. Their underground storage tanks are designed to collect and retain substances like sewage, surface water and animal waste and are constructed from non-corrosive materials. This requires planning permission as it is considered to be an engineering operation. It is required to serve the five caravan pitches that the

applicant is seeking an Exemption Licence for. This change of use does not require planning permission. As this tank is to be installed below ground level it will not have a visual impact on the site or the surrounding area.

Concerns have been expressed regarding the adequateness of such a facility and indeed the fact that a metal tank has previously been installed to serve the same purpose. The applicant understands that the metal container will not be an appropriate means of collecting sewage and intends to back fill the existing metal underground container to prevent its use, this can be conditioned as part of an approval. The Environment Agency has considered the use of the Kingspan tank and given that Thames Water is unable to agree to a new connection to the main sewer they have removed their objections to the proposal. It is also understood that the Camping and Caravanning Club closely inspect proposed sites prior due issuing a licence and during its operation, to ensure it meets their own standards.

It is also worth noting a 2005 appeal decision relating to the installation of a chemical disposal tank in association with a certified touring caravan site within Malvern Hills District Council. Similar concerns were raised and the inspector considered the main issue was whether the chemical toilet waste would be likely to escape from the tank and pollute the local environment. The Inspector concluded for a number of reasons, relating to the level of use, the type of use by an exempted organisation, the advice received from the Environment Agency, and the massive level of spill that would be required to result in waste liquid entering a watercourse, that the risk of causing significant harm to the environment was minimal and the appeal was allowed subject to a number of conditions.

Based on the information provided above it is not considered that the tank would cause sufficient harm to warrant its refusal. If approved, conditions can be imposed to restrict its capacity, ensure the tank is only installed following the confirmation from the Camping and Caravanning Club of their intention to issue a certificate and to require the installation of a warning system when the tank needs emptying.

5.4 Laying of Hard Standing

The area of hard standing requires planning permission as it is required in connection with the provision of a certified touring caravan site. If the hard standing was not required for this reason but was retained in connection with agricultural purposes, consent is still required as it is within 25 metres of a classified road.

The main consideration when assessing the area of hard standing is its visual impact and its impact on flooding and surface water run-off. For clarification purposes it is worth noting that the site does not fall within a classified flood zone area, and there is no statutory requirement to consult the Environment Agency with regard to the formation of hard standing. However in this instance the Environment Agency have had sight of the application and have only commented on the cess pool and not the hard standing. It is apparent that areas of hard standing have been laid prior to planning permission being granted. It would appear that these areas are made up of coarse rubble which is considered to be a permeable surface and unlikely to result in a demonstrable increase in flooding in the area.

A local resident has provided a sketch plan and written explanation of how the field and the surrounding ditches operated in terms of land drainage and suggests that the works carried out and proposed by the applicant will prevent flood water from draining away from the adjacent field. In the same letter there is acknowledgement

that the existing drain system is not adequate at times of heavy rainfall and that this previously has caused no harm.

Whilst the hard standing may not have been laid to the highest standard it has been improved since earlier visits to the site. There are piles of building material on site which detract from the overall appearance of the hard standing but on the whole the hard standing is informal in nature and appearance and merges into the field beyond it. When considered solely on its own it is not considered that the hard standing causes such demonstrable harm to the character of the rural landscape that it would justify a refusal.

5.5 Other issues relating to the site

The number and nature of letters and emails received in relation to this application is acknowledged. It is clear that the site has been and remains to be poorly kept and Enforcement Officers have been making regular visits to the site. To date and whilst this application has been with the Council, there have been no breaches of planning legislation that have been so great as to warrant taking Enforcement Action or serving a Stop Notice. This application originally sought consent to regularise any development that did not benefit from planning consent. However due to the inappropriateness of some of the elements it was amended in order to seek consent for those elements that may be more acceptable, namely those included as part of the current proposal. By having an application before the Council to determine it provides an opportunity to either regularise any appropriate development with conditions for removal of the unauthorised buildings or refuse the proposal. Both of which will be formal determinations which can if necessary lead to enforcement action, where it is appropriate, or an appeal lodged by the applicant.

As the metal storage container is being used for purposes other than agricultural storage it requires planning consent but is considered to be inappropriate development. The construction of a boundary, less than 2 metres in height, does not require planning permission. However as the metal fencing on site is considered to relate to the other development of the site it can be assessed and in this instance it is not considered to be appropriate. The siting/storage of piles of builders rubble, if not directly related to other authorised work taking place on the site, constitutes a change of use and is inappropriate in this instance. Therefore it is intended that any approval includes conditions to require the removal of elements not to be included on an enforcement notice. It is also possible to remove the appropriate permitted development rights.

It is noted that the applicant has received conditional consent for the demolition and rebuild of the cow shed and the construction of the access. These issues have been investigated and further information is sought. However, in relation to the cow shed it has been determined that it would not be expedient to take enforcement action against the breaches as the building, although of different dimensions, has a similar footprint to the approved plans and the materials used are not harmful to the character of the area.

A number of comments have also been made in relation to the use of the land and building on the adjoining site to the east which was once in the applicant's ownership. The Council's Enforcement team is aware of the issues and is continuing to monitor the site. This however should have no direct bearing on the consideration of this application.

5.6 Conclusion

Given the above assessment it is considered that the extension to the cow shed, the installation of the cess pool and laying of hard standing does not cause demonstrable harm. The creation of the lean-to extension will provide the applicant with the security that the metal container currently provides and assist in improving the overall appearance of the site. It is the siting of and use of the metal storage container (for purposes other than agriculture), the construction of metal fencing and the siting of piles of builders waste that add to the poor appearance of the site.

It is therefore considered that the extension, cess pool and hard standing can be recommended for approval, the inappropriate metal fence enclosure removed by condition and the other elements enforced against.

The Head of Legal and Democratic Services has been instructed to serve an enforcement notice to secure the removal of any unauthorised non-agricultural storage on the site. This includes items such as the metal storage container, caravans and builders waste material.

This application was brought to Committee at the request of the local Member.

6. Recommendation

Approval subject to;

1. SC 1.4A Full permission: Duration Limit (3 years) (RC2)
2. SC 2.2AA Samples of Walling Material (RC4A) 'timber boarding' 'extension to the barn'
3. SC 2.2BB Samples of Roofing Materials (RC4A) 'corrugated tin roof' 'extension to the barn'
4. SC 6.19AA Restriction to Agriculture (RC64AA) Delete 'development' Insert 'extension to the barn'
5. That at the expiration of 3 months from the date hereof the corrugated metal sheeting forming the boundary within the site shall be removed from the site. Reason: The metal sheeting, because of its design and siting, is not suitable for permanent retention and to comply with policy C4 of the South east Plan 2009 and Policy C7, C13 and C28 of the adopted Cherwell Local Plan.
6. That, with the exception of timber post and rail fencing to match that existing on the southern boundary site as identified on the site block plan received on 1 June 2009, notwithstanding the provision of Class A of Part 2, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 and its subsequent amendments, no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within or around the site without the prior express planning consent of the Local Planning Authority. Reason: In order to retain the open character of the countryside and preserve
7. The underground storage tank shall be installed in accordance with the Kingspan manufacturers details as submitted as part of the application and of a capacity to be first agreed in writing by the Local Planning Authority. There shall be no outlet from

the tank to the ground or any watercourse. Reason: To ensure that the disposal point is appropriately designed, and that the cess pool is water tight in the interests of preserving the environment and to comply with NRM2 of the South east Plan.

8. The underground storage tank shall not be installed until full details of the chemical toilet disposal point leading to the tank inlet, and details of a high level alarm designed to provide a timely visible indication of the impending need to empty the tank, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Reason: To ensure that the disposal point is appropriately designed, and that the cess pool is water tight and fitted with an appropriate high level warning system to indicate when it needs emptying in the interests of preserving the environment and to comply with NRM2 of the South east Plan.
9. The underground storage tank shall not be installed until a letter from an exempted organisation confirming their intent to issue a certificate for the site under paragraph 5 of Schedule 1 of the Caravan Sites and Control of development Act 1960 has been obtained and submitted to the local planning authority. Reason: To ensure that the cess pool is not installed unless it is necessary for the purposes of using the site for exempted organisations ,in the interests of preserving the environment and to comply with NRM2 of the South east Plan.
10. The high level alarm approved under condition 8 above shall be made operational before the tank is first brought into use. Thereafter it shall be retained in full working order for so long as the tank remains in use. Reason: To ensure that the disposal point is appropriately designed and fitted with an appropriate high level warning system to indicate when it needs emptying in the interests of preserving the environment and to comply with NRM2 of the South east Plan.
11. Within 3 months of the date hereof the metal oil tank already installed below ground shall be either removed from the ground or filled with a material to be first agreed in writing by the local planning authority. Reason: In the interests of preserving the environment and to comply with NRM2 of the South east Plan.

Recommended Summary of Reasons for the Grant of Planning Permission

The Council, as local planning authority, has determined this application in accordance with the development plan unless material consideration indicated otherwise. The development is considered to be acceptable on its planning merits as the proposal does not cause demonstrable harm to the character of the rural landscape, an Area of High landscape Value, residential amenity, water quality or highway safety. As such the proposal is in accordance with Policies C4 and NRM2 of the South east Plan 2009 and Policies AG2, C7, C13 and C28 of the adopted Cherwell Local Plan. For the reasons given above and having regard to all other matters raised, the Council considers that the application should be approved and planning permission granted subject to the appropriate conditions, as set out above.

CONTACT OFFICER: Caroline Roche

TELEPHONE NO: 01295 221816