

**CHERWELL DISTRICT COUNCIL**  
**PLANNING COMMITTEE**

**06 November 2025**

**WRITTEN UPDATES**

**Agenda Item 8 – Land South of Anniversary Avenue East between Mile Street and Read Place, Graven Hill**

Officer Update

Discussions regarding the amended plans regarding minor changes to the layout and some fenestration/material changes have taken place with the agent/applicant and agreements reached to overcome the concerns raised and amended plans will be submitted accordingly,

**Agenda Item 9 – Poultry House, Rickfield Farm, Station Road, Milcombe**

Additional Third Party Representation

Three further representation has been received, these are summarised below. The comments received can be viewed in full on the Council's website, via the online Planning Register.

*Procedural and Legal Concerns:*

- Strong objection to the change in officer recommendation from refusal to approval, with no clear justification.
- Judicial Review previously brought against the Council highlighted materially misleading statements by the applicant.
- Concerns that further misleading claims (e.g. about “regenerative farming”) may lead to additional legal challenges.
- The applicant's use of “regenerative farming” is described as vague, lacking legal definition, and unsupported by evidence.
- reference is made to the National Farmers Union (“NFU”) being supportive of the application due to it being farm diversification. It is important to highlight that the NFU were not aware of the full background to the site and its impact on other NFU members.

*Planning Control and Enforcement:*

- Repeated breaches of planning control at the site have not been acknowledged in the officer's report.
- Existing unauthorised storage operations are being used to justify the current proposal, which is considered inappropriate and contrary to good planning practice.

- The continued siting of unauthorised containers, including outside the application site, undermines confidence in the planning system.

*Environmental and Ecological Impact:*

- The site includes confirmed NERC S41 priority habitats (lowland mixed deciduous woodland and lowland meadow), not just “potential” habitats as stated in the report.
- No assessment of cumulative impacts on these habitats from vehicle movements and historic mismanagement.
- Evidence submitted confirming the presence of breeding Great Crested Newts on adjacent land, which was not considered in the ecological appraisal.
- The removal of mature hedgerows and subsequent replanting is not considered a biodiversity gain.
- Traffic through the Conservation Target Area and Local Wildlife Site is seen as a threat to biodiversity and the character of the area.

*Traffic and Access:*

- Updated transport data shows significantly higher vehicle movements than previously claimed, raising concerns about cumulative traffic impacts.
- The bridleway used for access passes through sensitive ecological areas, making it unsuitable for intensified use.
- The Council’s ecologist’s concerns about increased traffic are not fully reflected in the officer’s report.
- A condition to cap vehicle movements is requested to mitigate ecological harm.

*Use of Buildings and Site Suitability:*

- The poultry shed is not necessarily redundant; other farmers could use it for agricultural purposes.
- The fire referenced in the report affected buildings used for unauthorised self-storage, and should not be used to justify the proposal.
- The proposal is seen as a shift toward non-agricultural use, undermining the viability of farming on the site.

*Policy and Justification:*

- The proposal is considered contrary to Cherwell’s Local Plan and the NPPF.
- Officers now claim “exceptional circumstances” exist, despite previously stating otherwise.
- No evidence has been provided to show how proceeds from the development will be reinvested into the farm.
- The legal agreement proposed lacks detail and enforceability, making it impossible to assess its effectiveness.
- No assessment of what happens if the alleged farming activities cease.
- Officers now claim no alternative sites are available, contradicting earlier reports and ignoring other land owned by the applicant (e.g. Lower Nill Farm).

*Impact on Landscape and Character:*

- The change of use and increased traffic are considered harmful to the character of the landscape.

- The tranquil nature of the area is incompatible with intensive self-storage operations.

### *Exceptional Circumstances*

- At paragraph 9.9 of the report and following, officers have referred to the 'exceptional' circumstances said to justify the application. We ask you to note the following:
  - (i) The building is said to be redundant. There is no need for it to be redundant and there are many local farmers who would wish to, and be able to put the building to useful agricultural purposes.
  - (ii) Reference is made to the fire as having an impact on the enterprise. As we have previously made clear, the fire was in buildings that were being used for unauthorised purposes as confirmed by Cherwell District Council, namely self-storage. No weight should be given to this factor given that it related to activities which the Applicant should not have been undertaking at all and caused significant environmental harm.
  - (iii) Reference is made to 'regenerative' farming. As we have previously made clear in our objection, there is no way in which the Applicant could be said to be undertaking 'regenerative' farming (which has no legal or other definition). Such activities as are taking place are very limited in scope and are financially unsustainable. There is no sense in which the proposed development is supportive of an agricultural enterprise on the site. The effect of the grant of permission would effectively be to permit the Applicant to undertake non-agricultural activities as their primary use of the site.
  - (iv) Officers have recommended that the application should be approved subject to a legal agreement which ensures that proceeds from the development are reinvested in the farming enterprise. However, the Applicant has failed to identify what are the agricultural activities into which the proceeds from the development will be directed and there is no detailed evidence or financial appraisal to enable any assessment as to the likely viability of any such activities in conjunction with the proposed use. Absent detailed consideration of these matters, and the detail of the mechanisms in the legal agreement to ensure that the agreement can be properly enforced, there is simply no meaningful way in which the merits of the application can be assessed at this stage. It would be wholly irrational for the Council to resolve to grant planning permission without having any detail as to the content of the legal agreement, or evidence as to how the money will be used, and the agreement monitored.
  - (v) There is nothing in the report to address what will happen if the alleged regenerative farming activities cease.
  - (vi) Officers have suggested that the change in use of an agricultural building to a non-agricultural purpose, along with the increase in vehicle movements, would have no discernible effect on the character of the landscape. This is obviously wrong.
  - (vii) At paragraph 9.25 and following, officers have now accepted that there are no alternative sites available for the proposed use, contrary to their position in the

two previous reports. This section of the report fails to address the fact that the question posed by the policy is whether there are any alternative sites available for the proposed use (and not merely by reference to the land owned by the Applicant). In any event, report has failed to address the fact that contrary to the Applicant's claims, there are alternative sites available to the Applicant at Lower Nill Farm, which is also owned by the Applicant. There is nothing in the available documentation to explain why the development cannot be located there.

- (viii) We remain firmly of the view that permitting the application will be detrimental to the continued viability of agricultural activities on the farm, rather than supportive of them.

#### Agent Clarification on Committee Report:

The agent advises that they agree to the inclusion of a legal agreement to include the linking of storage container to the wider agricultural unit, to cease the storage container use if no longer owner and operated with the wider farming business, and to implement a regenerative farming strategy. If there does need to be a protected species licence if required. It is not the intention of the applicants to reinstate the poultry use, but if members refuse the building could be put in other agricultural use. Poultry farming has a number of limitations to minimise ammonia emissions.

#### Officer Comment

In response to the concerns raised regarding alleged omissions and errors in the officer report, the following points are offered for clarification and to assist Members in their consideration of the application:

##### *Breaches of Planning Control*

- Breaches of planning control are not material to the determination of this application. These matters are dealt with separately under the Council's enforcement powers and do not form part of the planning merits of the current proposal.

##### *Priority Habitat (NERC S41)*

- The report acknowledges that the site lies adjacent to a Conservation Target Area and potential NERC S41 priority habitat (lowland mixed deciduous woodland). However, these designations do not extend into the application site. The Council's Ecologist has reviewed the proposal and raised no objections, confirming that the development would not result in significant ecological harm.

##### *NFU Position*

- The representation suggests the NFU is unaware of the site's background. However, the NFU's support for the proposal is noted in the consultation section of the report. No further officer comment is considered necessary.

##### *Vehicle Movements and Ecologist's Comments*

- The Transport Statement estimates seven vehicle movements per day. The Local Highway Authority has raised no objections. The Council's Ecologist has confirmed that this level of activity would not result in significant ecological impact. These points are noted in the report and can be reiterated to Members.

#### *Response to Exceptional Circumstances concern*

- (i) The building is currently vacant and redundant to the existing enterprise.
- (ii) The fire is acknowledged in the report but is not relied upon as a strong justification for the proposal, with limited weight given as a material consideration
- (iii) The claim that the applicant is not undertaking regenerative farming is addressed through the submitted Farm Diversification Statement. Officers consider the linkage between the proposed use and the wider farming enterprise to be acceptable, subject to a legal agreement.
- (iv) The legal agreement will be secured post-resolution. Officers consider there is sufficient clarity on the proposed heads of terms to justify a resolution to grant.
- (v) Officers are considering a clause in the S106 requiring the use to cease if the wider farming enterprise ceases.
- (vi) The impact on landscape character has been assessed in detail in the report. Officers consider the proposal would not result in significant harm.
- (vii) The focus of the use is to diversify and support the farm. As detailed in the report the Council are satisfied that the use of this building is therefore suitable for this use. The applicant provided justification for this in their submissions
- (viii) Officers consider based on the information provided by the applicant and as detailed in the committee report that the use would support of the farming enterprise

#### *Great Crested Newts (GCNs)*

- The Council's Ecologist has reviewed the proposal and raised no concerns regarding GCNs. The site is not identified as supporting GCN habitat, and the proposal is not considered to result in harm to protected species.
- However, condition 7 will need to be amended to ensure the condition covers reptiles and amphibians. It is noted, the comments from the representation, however, officers consider the imposition of conditions will ensure protected species are protected

It is noted that there is a change in recommendation from the previous recommendations to members, however, there has been a change in circumstances, which are highlighted within the report, namely, the policy stance has altered slightly, in that Emerging Policy LEC8 is relevant and carries weight in the determination. The applicant also provided further information about the business.

The proposal, overall, is considered to be acceptable with an updated recommendation to alter Condition 7 to include further protected species as highlighted above. Further negotiation will be had with the applicant regarding the section 106 and its finer details. The applicants have provided further confirmation on what we would anticipate in the S106.

#### Recommendation

Amended to the delegation sought to include amendments to condition 7 (reptiles and amphibians) and additional S106 clause for the use of the barn should the applicant no longer own/run the farming enterprise (and any amendments to those conditions/S106 as deemed necessary)

#### **Agenda Item 10 – Woodgreen Leisure Centre, Woodgreen Avenue**

#### Officer Update

The design of the sign has slightly changed (wording and image). However, this has had no impact on the public amenity or safety impact of the sign. The application is still recommended for approval. No objections to the changes were raised by OCC Highways.

#### **Agenda item 11 – Oxfordshire Strategic Rail Freight Interchange Consultation Response**

Amended wording to the recommendation – To note Cherwell District Council's Written Response to the Stage 2 OxSFRI Consultation.

#### **Agenda item 12 – Appeals Progress Report**

No updates