

Application 10/00293/F	No:	Ward: Cropredy	Date Valid: 4 March 2010
Applicant:	Mr John Lapper		
Site Address:	OS Parcel 3873 North east of Hillside House, Street From Cropredy to Great Bourton, Cropredy		

Proposal: Installation of cess pit. The construction of store to side of brick animal shelter. Stoned and grassed drive/vehicle standing area. (Part Retrospective)

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 been rebuilt with the benefit of planning permission, there are also two or three small animal shelters which currently accommodate pigs and chickens.

An area of hard standing has been created using rubble and close to the siting of the proposed cess pit a metal container has been installed below ground. This form of foul storage is now not intended to be used and the agent and applicant have confirmed that this will be back filled rather than removed as it is secured by concrete.

1.2 Planning History

In September 2009 an application (09/00478/F) for the same proposal was considered by the Planning Committee and refused, contrary to recommendation, for the following reason;

'The hard standing and the proposed extension to the building result in an intrusion into the open landscape and the loss of traditional ridge and furrow features which contribute to the rural character of the landscape and will lead to an unacceptable erosion of the rural character and topography of this part of the countryside. This is contrary to Policy C7 of the adopted Cherwell Local Plan.'

When this proposal was being considered in September 2009 the site was very different in terms of the way it was being used and kept. There was a metal storage container being used to store non agricultural items, corrugated sheet huts and metal sheeting panels forming boundary enclosures. Hay bales were also being used to partially screen the site. Quantities of building materials and rubble were also being stored on site.

2. Application Publicity

2.1 The application was advertised by way of site notice and press notice. The final date for comment was 21 April, although any letters that have been received since this date have been considered.

2.2 9 letters/emails of objection have been received. Some letters make detailed comments about the neighbouring site which is in separate ownership and the history of the site and the buildings on it. The reasons for objecting to the application are:

- Conditions from previous consents have not been complied with
- CDC planning have taken no action to rectify the position
- Builders waste has been tipped along frontage of site and made into roadways that have not yet been given consent, the planning department did nothing to stop this
- The assistance of the Agricultural Land Agent, to reassess the agricultural nature of the site has been declined.
- A similar application has already been refused by Committee
- Area of land has been fenced off and turned into a garden, denying access for livestock
- The metal oil tank has been installed for use as cess pit
- There is no need for a cess pit
- Extension to the sheep shed is over development of the site, extra storage did exist but the owner sold it off
- A caravan and camping site could be installed without the need for planning permission
- If a caravan site is permitted it will give way to a permanent residence
- By approving these elements it will lead to the setting up of a camping and caravan site
- The site is an eyesore and is not concealed from view.
- As most of the work has been carried out already this application should be advertised as retrospective.
- The work carried out indicates that there is an intention to develop the site on a permanent basis.
- Site is clearly seen from the public footpath
- The village envelope is being extended
- Already have a camp site in Great Bourton – don't need a second site.
- 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

3. Consultations

3.1 **The Bourtons Parish Council** objects to the application and makes the following points,

- The applicant did not appeal the decision and has resubmitted a similar proposal which could only be considered for approval if;
 - Policy C7 was no longer in force.
 - The planning committee were wrong to have refused

permission – surely officers are not going to suggest this is the case. To go against the planning committee would undermine the planning process and would no doubt be extremely unpopular with Members...Members were overwhelmingly against the plans, with many members referring to the 'eyesore' that this green field had become under this applicant's ownership. It was agreed that the applicant's actions had already caused unacceptable erosion to the rural character as much of the work that the plans propose have already been carried out. Officers were urged by members to remedy the situation.

- The plans are sufficiently similar to those refused in September that refusal is the only option in this case.
- Local people and Members were in agreement that infilling the ridge and furrow landscape is unacceptable and that enforcement action should be taken to remedy the situation.
- This enforcement action is still not occurred despite repeated visits by the enforcement officer.
- The hard standing remains infilling the ridge and furrow, a caravan is on the site, the metal tank 'cesspit' remains and the sheep shed is still yet to see a sheep.
- As the applicant has not used the sheep shed for livestock it is unreasonable to request further storage on the site.
- There is no reason to further develop what should be a rural green field
- Livestock do not require a cess pit and it is not a residential site therefore there is no need for a cesspit
- Cows do not require hard standing.
- Request that enforcement action be taken to return field to original state
- Application should be refused to show consistent planning policy is in place in Cherwell

The Bourtons Parish Council also requested that their comments from the previous application be carried over onto this scheme and they are set out below.

- 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
- 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 **Cropredy Parish Council** objects to the application and states that 'as with Mr Lapper's previous application (09/00478/F) this is a totally inappropriate development in a rural area and we believe that the proposed work will severely impact upon the drainage in the area putting the area of Cropredy by the school at further risk of flooding.

3.3 The Environment Agency has not provided detailed comments as the proposal is not of a scale that requires formal consultation with them. However following a request to provide detailed comments they added that in relation to surface water flooding the EA's preference is for permeable surfaces.

- 3.4 The **Local Highway Authority** has no objections subject to conditions relating to the laying out of hard standing and access.
- 3.5 **Thames Water** advises that with regard to sewerage infrastructure we would not have any objection to the planning application. On the information provided they have no objections with regard to water infrastructure.
- 3.6 The **Council's Anti-Social Behaviour Manager** makes no observations.

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. Given the application history for the site it is also necessary to consider any change in circumstances since the previous application.
- 5.2 Since the consideration of the previous application there has been no change to policy but the applicant has taken steps to improve the overall appearance of the site, namely the blue storage container, corrugated metal sheeting (being used as enclosures) and piles of builders rubble have been removed from the site. At the time of the officer's sit visit there were no caravans on site. It is also apparent that the site is now being used for small

scale agricultural purposes for example, pigs and fowl are now being kept on site.

5.3 Extension to cow/sheep shed

The applicant's justification for this extension to the shed is that it will be used as a storage building for feed. It was also clear from a site visit that some mechanical and agricultural equipment was being stored in the existing building and this would have to be relocated if the building was to be used at a later date for animal shelter.

5.4 It appears that much of the domestic paraphernalia that was being stored in the blue container has been removed from the site, although a few elements do remain in the existing building.

5.5 The extension to the cow shed is proposed 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. It is considered that the visual impact of this building will be minimal. It would be largely screened from the road behind the existing hedgerow but views of it will be obtained from the public footpath. Whilst the previous refusal reason stated that the extension, along with the hard standing would result in an intrusion into the open landscape it is considered that the presence of the large blue metal container and other inappropriate development added to this impact and the erosion of the rural character. It is now considered that following the removal of the blue container, building materials and metal boundary enclosures that the rural character has been somewhat restored. The introduction of an appropriately designed extension to an agricultural building is likely to maintain the rural character. It is less than half of the floor area of the existing building and concentrates development in one area of the site. 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.

5.6 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.

5.7 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. That use does not require planning permission being permitted development

under Part 5 of the Town and Country Planning Act General Permitted Development Order. As this tank is to be installed below ground level it will not have a visual impact on the site or the surrounding area.

- 5.8 Concerns have been expressed regarding the adequacy 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 container to prevent its use. This can be conditioned as part of an approval. The Environment Agency, in their response to the earlier application, considered the use of the Kingspan tank and given that Thames Water were unable to agree to a new connection to the main sewer they removed their objections to the proposal. The EA has not commented on this element of the current application. It is also understood that the Camping and Caravanning Club closely inspect proposed sites prior to issuing a licence and during its operation, to ensure it meets their own standards.
- 5.9 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 the Malvern Hills District Council area. 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.
- 5.10 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. It is also worth noting that the installation of the cess pit was not an issue covered by the Council's earlier refusal reason.
- 5.11 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 that reason but was retained in connection with agricultural purposes, consent is still required as it is within 25 metres of a classified road.
- 5.12 The main consideration when assessing the area of hard standing is its visual impact and its impact on flooding and surface water run-off. 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 stated their preference for the use of permeable surfacing, they have not provided detailed comments in relation to this scheme. It is apparent that the hard standing has been laid prior to planning permission being granted. It would appear that these areas are made up of course rubble which is considered to be a permeable surface and unlikely to result in a significant increase in flood water run off. However the Parish Council have stated that neighbouring land owners say that the hard standing has exacerbated drainage problems in the area.

- 5.13 Whilst the hard standing may not initially have been laid to the highest standard it has been improved since earlier visits to the site. The hard standing is informal in nature and appearance and merges into the field beyond it. The impact of the hard standing was covered by the Council's earlier refusal reason as it was considered, along with the extension to the barn, to intrude into the open landscape, result in the loss of traditional ridge and furrow and erode the rural character of the rural character and topography. The Head of development Control and Major Developments considers that given the overall improvements to the appearance of the site (the removal of items referred to above) the hard standing is not so harmful in its appearance and impact that there is sufficient justification to recommend it for refusal.
- 5.14 The Local Highway Authority (LHA) has requested that a condition be included that requires the construction, surfacing, laying, marking out, drainage and completion of the hard standing in accordance with specification details to be submitted and approved prior to the commencement of development. However given that the hard standing is already laid it is not appropriate to include this condition. Whilst the hard standing may not be to the LHA's preferred specification it has not caused harm to highway safety and there has been no request from the LHA to remove it and replace it.
- 5.15 Whilst the earlier refusal reason and accounts of local residents reference the ridge and furrow landscape and it is regrettable that this may have been lost it is not a feature that can be truly restored (through the removal of the hard standing) or indeed a feature that is usually protected by the planning process. Furthermore, modern agricultural practices often result in its loss.
- 5.16 Other issues relating to the site
The number and nature of letters and emails received in relation to this application is acknowledged. The site has been improved in its appearance since the earlier application. However the nature of the uses are more akin

to a small-holding. Whilst the keeping of pigs and chickens result in the piecemeal construction of small shelters and enclosures which can be begin to erode the appearance of a green field they are agricultural and are therefore permitted.

- 5.17 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. 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.
- 5.18 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 that site. This however has no direct bearing on the consideration of this application.
- 5.19 Conclusion
Given the above assessment it is considered that the extension to the cow shed, the installation of the cess pool and hard standing does not cause demonstrable harm. It is also considered that the previous reasons for refusing the earlier application were substantially exacerbated by the other unauthorised development and unsightly paraphernalia that was on the site. However much of this has been removed and the general appearance of the site has been improved. Whilst the applicant has been reminded that the land is only permitted to be used for agriculture there are domestic benches, a bird table and planting on site which could be argued as being tantamount to a change of use. However the majority of the site is retained as paddock or used for agricultural purposes. Therefore given the minor nature of these domestic features it is considered that it does not result in a material change of use of the land.
- 5.20 It is therefore considered that the extension, cess pool and hard standing can be recommended for approval subject to the conditions set out below.
- 5.21 An Enforcement Notice was not served on the site as, with the exception of the hard standing which is covered by this application, the unauthorised development has been removed and there are no other breaches of development control that are considered to be harmful enough to take enforcement action at this time.
- 5.22 This application was brought to Committee at the request of the local Member and with the agreement of the Head of Development Control and Major Developments.

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 4.0BC Access Specification Existing – Improved as plan no. JL-02b (RC13BB) 'first use' 'extended barn'
5. SC 6.19AA Restriction to Agriculture (RC64AA) Delete 'development' Insert 'extension to the barn'
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, and 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 to comply with Policy C7 of the adopted Cherwell Local Plan.
7. 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.
8. 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.
9. 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.

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.

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