

Case Officer: Bob Neville

Applicant: Mr Bertrand Facon

Proposal: OUTLINE - Erection of agricultural workers dwelling

Ward: Deddington

Councillors: Cllr Bryn Williams
Cllr Hugo Brown
Cllr Mike Kerford-Byrnes

Reason for Referral: Called in by Councillor Hugo Brown

Expiry Date: 26 November 2018

Committee Date: 14 March 2019

Extension of Time: 18 March 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION - REFUSAL FOR THE REASONS SET OUT BELOW

Proposal

The application seeks outline planning permission (with only access to be considered at this stage) for the erection of a permanent agricultural workers dwelling, considered essential to support a proposed new embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm. Matters such as design, layout, scale and landscaping would all be subject to future applications.

Consultations

No consultees have raised **objections** to the application.

The following consultees have raised **no objections** to the application:

- Milcombe Parish Council, OCC Highways, CDC Ecology, CDC Landscaping, Agricultural Consultant

No comments have been raised by third parties

Planning Policy and Constraints

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

The key issues arising from the application details are:

- Principle of development, i.e. whether a permanent dwelling is justified
- Visual amenity, and impact on the character of the area
- Highway safety
- Residential amenity
- Ecology and Biodiversity

The report looks into the key planning issues in detail, and officers conclude that there is significant conflict with relevant CDC Development Plan policies and therefore that the proposals are not acceptable.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to an area of agricultural land located on the road between Milcombe and Wigginton Heath within open countryside. The village of Milcombe lies ~1km (0.6miles) to the east of the site, with Rye Hill Golf Club lies ~280m to north-east of the site, and Lessor Grange some 480m to the south east of the site. Whilst the site itself is relatively level, land levels drop to the north and east of the site. The site is located adjacent the highway with an existing access and private drive serving Lessor Grange and associated farm. The site is bounded by a mature boundary hedgerow with trees adjacent the highway, whilst sitting within an area of open countryside characterised by agricultural fields with typical agricultural boundary hedgerows.

2. CONSTRAINTS

- 2.1. In terms of site constraints, the site sits within an area where the geology is known to contain natural occurring elevated levels of Arsenic, Nickel and Chromium; as seen across much of the district, and further, an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels. Public Rights of Way (ref. Bridleway 409/7/10 and 298/5/20) cross land west and south of the site. There are no other significant site constraints relevant to planning and this application.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks outline planning permission for the erection of an agricultural workers dwelling (with access being taken off an existing private road, which serves the existing Lessor Grange Site) to support a proposed new embryo transfer breeding enterprise on agricultural land at Lessor Grange Farm, located some 1km (0.6miles) west of the village of Milcombe. All matters aside from access are reserved for future consideration, and as such matters such as design, layout, scale and landscaping for the proposed dwelling would all be subject to future applications.
- 3.2. Revised plans, further transport information and further information in respect of the existing and proposed business enterprises have been received during the course of the application, introducing a landscaping buffer to the northern boundary of the site, and providing further details with regards to vehicular movements associated with the proposed development, in response to officer concerns. Unfortunately the application has gone beyond its original statutory determination target date, but an extension of the determination period has been agreed with the applicant through their agent to allow for the application to be considered by planning committee.
- 3.3. Two further applications 18/01707/F (Agricultural storage building) and 18/01724/F (Cattle building and silage clamp) have been submitted alongside this application.

Following the late call-in request by the local ward member on this current outline application these further applications are also to be determined by planning committee. Appropriate extensions of time were also agreed on these applications to allow the three applications to be presented at the same committee meeting. NB. These two other applications are considered acceptable on their planning merits and are recommended for approval.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
Applicant's Lessor Grange Site:		
12/00558/AGN	Agricultural livestock housing with integral storage of hay, straw, bedding and feedstuffs	Prior not approval required
16/00387/AGN	Livestock building	Prior not approval required
18/01707/F	Erection of straw and machinery storage barn and associated hardstanding	Pending Consideration
18/01724/F	Erection of cattle shed, manure store and associated hardstanding	Pending Consideration

Applicant's Painters Farm /Ells Lane Site:

09/01207/F	Cattle building	Application Permitted
11/01106/F	Erection of agricultural workers dwelling	Application Permitted
12/01544/F	Proposed amendment to orientation of dwelling approved under 11/01106/F	Application Permitted
17/02535/F	Erection of cattle shed (relocating from Painters Farm and extending)	Application Refused
17/02536/F	Erection of building for the storage of machinery and straw	Application Refused
17/02537/OUT	OUTLINE: Erection of dwelling and revocation of workers dwelling permitted under 11/01106/F	Application Refused

4.2. Planning applications 17/02535/F, 17/02536/F and 17/02537/OUT which all sought to relocate and expand the farming operations currently undertaken at Painters Farm to an alternative site off Ells Lane. These were all refused planning consent

as being unjustified with significant environmental impacts. Officers considered the existing site could be extended to utilise for farming operations.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 30.10.2018. No comments have been raised by third parties.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. MILCOMBE PARISH COUNCIL: **No objections** in relation to the proposed dwelling application. However, raise concerns with regard to potential for a possible increase the number of heavy lorries and farm vehicles going through the village and odour issues relating manure, as a result of the wider scheme of development for the proposed new enterprise at the farm.

CONSULTEES

- 7.3. AGRICULTURAL CONSULTANT: **No objections**, commenting that: *'the proposals at Lessor Grange are acceptable in principle'*.
- 7.4. ECOLOGIST: **No objections**, subject to conditions relating to biodiversity enhancement at the site and control over external lighting.
- 7.5. LANDSCAPE OFFICER: **No objections**, subject to a condition in respect of approval of an acceptable landscaping scheme.
- 7.6. LOCAL HIGHWAY AUTHORITY (LHA): **No objections** subject to standard conditions in respect of access, parking and manoeuvring, surfacing, drainage and protection of visibility splays.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031)

- PSD 1: Presumption in Favour of Sustainable Development

- Villages 1: Village Categorisation
- SLE 4: Improved Transport and Connections
- ESD 7: Sustainable Drainage Systems (SuDS)
- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD 15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in open countryside
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (as amended February 2019) (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2010
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

8.4. Council Corporate Priorities

Cherwell District Council and South Northamptonshire District Council’s Joint Corporate Strategy for 2018-19 sets out the councils three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2018–19. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the districts.

The three corporate priorities are to ensure the Districts are “Protected, Green & Clean”, are places which support “Thriving Communities & Wellbeing”, and are Districts of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plans for CDC & SNC; (2) increase tourism; (3) protect the built heritage; (4) reduce our carbon footprint & protect the natural environment; (5) mitigate the impact of High Speed 2; and (6) deliver affordable housing.

The remaining key actions are also of significance to the determination of planning applications and appeals in particular delivering the Bicester, Banbury, Kidlington, Brackley, Towcester and Silverstone Masterplans.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Visual amenity, and impact on the character of the area
- Highway safety
- Residential amenity
- Ecology and Biodiversity

Principle of development:

Policy context

- 9.2. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.3. Paragraph 6 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning system. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.
- 9.4. Policy PSD1 contained within the CLP 2031 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.5. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise (Para. 12). Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply.
- 9.6. As the site is located on a Greenfield site in the middle of open countryside the proposals for new residential development therefore stand to be assessed against Saved Policy H18 of the Cherwell Local Plan 1996.
- 9.7. Policy H18 of the Cherwell Local Plan 1996 sets out that a new dwelling in the open countryside will only be granted planning permission where it is considered to be essential for agriculture or another existing undertaking or where it meets the criteria for the provision of affordable housing and in either case where it does not conflict with any other policy in the development plan. Paragraph 79 of the NPPF echoes these provisions.

Assessment

- 9.8. The applicant has indicated that the proposals at Lessor Grange (an existing farm with a holding of some 150Ha, with cattle and sheep) relate to a proposed new, 'cutting-edge' embryo transfer breeding enterprise, and development of a specialist breeding unit based on the highest pedigree Longhorn and Saler bloodlines at the site and which would aim to provide an all-inclusive solution to farmers and vets. The enterprise would specialise in in-vitro fertilisation (IVF) and embryo transfer (ET), providing potential clients with sourcing and calving of high health recipients, and treatment and safe housing for their donor cows. The applicant contends that the agricultural workers dwelling subject of this application is necessary in order to support the efficient operation of the proposed new enterprise allowing skilled staff to live on site providing supervision of cattle undergoing treatment.

- 9.9. The supporting Planning Statement indicates at Para. 1.2 “*Lessor Grange is an existing farm, but these buildings and this dwelling relate to a proposed new, cutting-edge embryo transfer breeding enterprise*”; and this is further clarified in a supporting appraisal, prepared by A R Tustain of AKC Agriculture, which discusses the trials that have been undertaken on a farm near Southam, the processes involved and the potential for operations at Lessor Grange. The appraisal further sets out the circumstances and extents of the applicant's existing agricultural holdings and operations, which cover a wide area of land and which, whilst a separate holding, includes Painters Farm at Bloxham. The appraisal further discusses the detrimental impacts of Bovine Tuberculosis (TB).
- 9.10. The applicant has provided further information during the course of the application in terms of the business model and the farm's current financial position. Given the nature of the proposals the Council has sought advice from an independent agricultural consultant (AC) in respect of the proposed dwelling. The AC advises that the existing farm business is being rebuilt due to TB issues with the Longhorn herd at Lessor Grange, and the loss of the Saler herd at Painters Farm, Bloxham for the same reason, and further that the business is profitable, but not significantly so.
- 9.11. The AC has reviewed the business model scenarios put forward by the applicant and while he considers the principle of new agricultural buildings to be acceptable on the basis of the supporting information submitted with the application, a permanent dwelling is not justified.
- 9.12. Officers see no reason not to agree with AC's conclusion in respect of the proposed agricultural buildings and are satisfied that there is a genuine agricultural need for new agricultural buildings in the location proposed; which would support both existing farm operations and also the further expansion of the existing farming business including the potential new in-vitro fertilisation (IVF) and embryo transfer (ET) enterprise. However, in respect of the proposed dwelling the essential need would only exist once the new enterprise is running and therefore currently an essential need does not exist.
- 9.13. During the application officers advised the applicant that whilst there was currently no essential need for a permanent dwelling, a case could be potentially be made for a temporary dwelling which would then allow for the enterprise to start-up, operate and establish, and to become capable of sustaining the cost of a permanent dwelling at the end of the temporary consent; and this is a working practice often adopted by the Council (and other Councils in England) for new start up rural businesses or changes on existing farm/rural businesses for new enterprises, and that they can be seen to be sustainable and not speculative in nature. However, the applicant has confirmed that they would be unwilling to explore such an option given the significant investment that is involved in the enterprise and associated buildings and not having the security/certainty of having the necessary dwelling on the site.

Conclusion

- 9.14. Whilst it is considered that there is *future* potential, should the new business enterprise establish and develop successfully, there is *currently* no essential need for a new dwelling demonstrated in this location. The proposals would see a new residential dwelling being introduced on what is currently a greenfield site and as such the proposals would intrude into the valued rural landscape. The visual impact on the rural character and appearance of the area is considered further in the following section of this report. However, as the proposal cannot be justified on the basis of an identified essential need, and would result in visual harm, the proposal clearly does not comply with the provisions of saved Policy H18 of the CLP 1996 and it therefore represents a departure from the Development Plan and is considered unacceptable in principle.

Visual amenity, and impact on the character of the area:

Policy context

- 9.15. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. These aims are also echoed within Policy ESD15 of the CLP 2031 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness.
- 9.16. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved Policy C30 of CLP1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.17. Policy ESD13 of the CLP 2031 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.

Assessment

- 9.18. Views of the site would be experienced from the adjacent highway and also likely from the PRow which cross land south/south-west site.
- 9.19. Given the level of detail submitted with the application, with all matters aside from access being reserved matters, a full assessment of the impact on visual amenities cannot be undertaken at this stage. However, as noted above the site is a Greenfield site currently devoid of any significant built form and therefore any development on the site would represent an intrusion into the open countryside through the introduction of built form, where currently none exists.
- 9.20. Whilst the agricultural buildings associated with the wider development proposals would be significant structures, they are of a typical form that is that is often seen in the rural agricultural landscape and would not appear out-of-place in the rural context. However, residential dwellings are usually resisted in such rural locations, unless there is justified need, because of the detrimental impacts on the rural character that they bring with them, with the domestic appearance of such a residential use and associated paraphernalia.

Conclusion

- 9.21. New development is expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD 13 looks to protect and enhance the valued rural landscapes of the district and advises that where development would cause undue visual intrusion, development should not be permitted. This desire to protect the valued rural landscape is further supported by saved policy C28 of the CLP 1996 (which requires development to be sympathetic to the urban or rural context), policy ESD15 of the CLP 2031 and national guidance with the NPPF. As noted above, it has not been demonstrated that there is an essential need for a dwelling in this location and as such the proposals are unjustified.
- 9.22. The proposals are for development of a Greenfield site and as such would cause visual harm through the introduction of built form. Given that the proposals are unjustified it is considered that the benefits of such development would not outweigh

the environmental harm, through visual intrusion, in this instance and are therefore unacceptable in this regard.

Highway safety:

Policy context

- 9.23. National and local policy looks to promote sustainable transport options whilst ensuring that new development proposals do not cause harm to the safety of the highway network.
- 9.24. The NPPF (Para. 108) advises of the need to have due regard for whether new development includes:
- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.25. Policy SLE4 of the CLP 2031 echoes the aims of the NPPF in supporting sustainable transport opportunities in new development.

Assessment

- 9.26. Following the submission of an additional transport statement, detailing projected vehicular movements associated with the combined developments of the three associated applications (18/01707/F, 18/01708/OUT & 18/01724/F), the LHA raises no objections on highway safety grounds, subject to conditions in relation to access, parking and manoeuvring within the site, and the surfacing and drainage of such and further the protection of visibility splays at the point of the access onto the adopted highway; and officers see no reason not to agree with this opinion.
- 9.27. The site is served by an existing access which would not be affected by the proposals, with access to the proposed development being taken off the existing private access road serving Lessor Grange; allowing sufficient space for vehicles to leave the main adopted highway before entering the proposed site. Visibility at the access onto the adopted highway is considered to be good and the maintenance of vision splays could be secured through an appropriate condition attached to any such permission.
- 9.28. The applicant suggests that vehicular movements are expected to be no greater 4.5 – 6.5 cars per day and 1 larger vehicle every 5 days. Whilst it is clear that the proposals would give rise to additional vehicular movements above those currently experienced it is considered that these are unlikely to be such that it would have a significant detrimental impact on the local or wider road network.
- 9.29. The NPPF (Para. 109) advises that: *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’.*
- 9.30. Whilst the concerns of the Parish Council with regards to additional large vehicles travelling through the village of Milcombe made in relation to the linked applications for agricultural buildings are noted, it is considered that given the limited frequency of such vehicle movements as a result of the proposed development that any such detrimental impact would not be to such an extent that it would warrant a reason to refuse the application.

Conclusion

- 9.31. It is considered that the proposed development would not result in any significant impact on the safety and convenience of other highway users and is therefore acceptable in terms of highway safety.

Residential amenity:

Policy context

- 9.32. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2031 which states that: *'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'*.

Assessment

- 9.33. Given the level of detail submitted with this outline application, a full assessment of any potential residential amenity issues cannot be undertaken at this stage. However, given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposals on the residential amenity of neighbours.

Conclusion

- 9.34. Given the rural context of the site and that it is not located in close proximity to any residential properties it is considered that there would be no significant harm resulting from the proposals on residential amenity and in officer's opinion the application is therefore considered acceptable in this respect.

Ecology and Biodiversity:

Policy context

- 9.35. NPPF – Conserving and enhancing the natural environment requires that planning decisions should look to protect and enhance valued landscapes, recognising the intrinsic character and beauty of the countryside and further minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; contributing to the Government's commitment to halt the overall decline in biodiversity (Para 170); these aims are echoed in Policy ESD10 of the CLP 2031.
- 9.36. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision'*.

Assessment

- 9.37. The site is not within an ecologically sensitive location and there are no significant features of ecological value that would be directly affected by the proposals and no records of protected species identified within the immediate vicinity of the site.
- 9.38. The Council's Ecologist notes the presence of a pond around 100m away however it is separated by a road and should amphibians be present they are unlikely to be using this part of this site in any significant way as there is more suitable habitat adjacent. Further that there are two parcels of significant woodland adjacent to the

field, one at least is likely to be Priority /Section 41 habitat and that these are likely to support bats at least in foraging. The Ecologist advises that there should be minimal lighting on site with no overspill into adjacent vegetation, to avoid impacts on the use of the surrounding vegetation by bats and other nocturnal wildlife. It is considered that, whilst no lighting is indicated on the submitted plans, this could be managed by way of an appropriate condition attached to any such permission, should any such permission be granted; to ensure the protection of any protected species, should such be present.

- 9.39. There are records of badgers in relatively close proximity. However, the proposals here set the buildings some distance from the hedgerow, with a proposed landscaping buffer on intervening land, so should the hedgerows be used for commuting they are less likely to be affected. The applicant should be aware that if there are setts present within this hedgerow there are legal restrictions on how close to a set works can take place before a licence is required to avoid disturbance; and this could be conveyed through an appropriate informative attached to any such permission should the Council be minded to approve the application.

Conclusion

- 9.40. The proposals for the wider scheme of development in the three associated applications would include significant further natural planting within the proposed boundary landscaping, and the use of appropriate native species of plants that would encourage wildlife and biodiversity could be secured through any proposed landscaping scheme and planting schedule; to ensure that that the proposed development would provide a net gain in biodiversity, in accordance with the provisions of Policy ESD10 of the CLP 2031 and Government guidance within the NPPF, regarding the importance of conserving and enhancing the natural environment.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three overarching objectives, to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.3. Given the above assessment in the light of current guiding national and local policy context it is considered that the proposal represents an unjustified form of development within the open countryside.
- 10.4. The application site is a green field site located in a prominent and conspicuous location, which is likely to be visible from a number of public viewpoints, including an adjacent highway and PRoW which runs across land south/south-west of the site. It has not been demonstrated that there is an essential or justified need for a new dwelling in this location.

- 10.5. The proposed new dwelling would introduce residential built form where currently none exists, as such intruding into the landscape, and causing harm to the visual amenities of the area and its intrinsic natural landscape character and value.
- 10.6. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposal conflicts with the relevant Policies of the Development Plan outlined above and therefore permission should be refused.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW

1. The proposed dwelling constitutes residential development in the open countryside, 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 dwelling would therefore be an unjustified and unsustainable form of development. As such the proposal is considered to be contrary to saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
2. The proposed development by reason of its location is considered to be unjustified new residential development on a green field site, which due to its location in the valued rural landscape would cause harm to the visual amenities and character of the area. The proposal is therefore contrary to the provisions of saved Policies C8 and C28 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Bob Neville

TEL: 01295 221875