

**Land Between Sewage Works and Manor Farm
Adjacent Street from Bell Street to Balscote, Hornton**

21/02769/F

Case Officer: Wayne Campbell

Applicant: Mr Finlay Scott

Proposal: Proposed dwelling and ancillary open store/byre and stables with associated hardstanding as a replacement for the same form of development approved under planning permission 19/00157/F.

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllr Chapman, Cllr Reynolds and Cllr Webb

Reason for Referral: Level of public interest

Expiry Date: 2 November 2021

Committee Date: 6 October 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO CONDITIONS AND A UNILATERAL UNDERTAKING

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is a small part of a larger field located to the immediate south of Hornton village. The site is on an elevated position overlooking Hornton which is located in a valley. The level differences between the site and the village are significant and noticeable from the centre and approach roads into the village.
- 1.2. The site is positioned on the south-eastern edge of a large agricultural field which extends to the north, west and south of the application site. Although on an elevated position the site is screened from most views by a line of mature trees and hedgerow along the eastern and partly northern boundaries.
- 1.3. The site is outside of the designated Hornton Conservation Area.

2. CONSTRAINTS

- 2.1. Hornton is a category C village as defined under Policy Village 1. That said, the application site is located outside the confines of the village and therefore would be considered as an area of open countryside.
- 2.2. To the immediate north of the site is an area allocated under Section 41 of the Natural Environment and Rural Communities Act 2006. The northern boundary to the site is also within a section of the Northern Valleys Conservation Target Area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This application seeks permission for a new dwelling on the site and should be read alongside the permission granted for a replacement dwelling on the existing Manor farm site located approximately 300m to the immediate south of the application site.

The applicant in seeking permission for the dwelling seeks to re-locate the replacement dwelling granted on the Manor Farm site to this new position.

- 3.2. The current proposal is for the same design and scale of dwelling approved on the Manor Farm site. The dwelling would be two storeys and provide 5 bedrooms on the first floor. The proposal also includes a separate outbuilding to provide stables and a garage.
- 3.3. The applicant states that the reasoning behind the application has arisen primarily due to the noise and disturbance arising from the Wroxton motocross track, which is situated to the southwest of the consented farmhouse. The relocation of the farmhouse to the site now proposed is better screened by vegetation and situated in lower lying topography. These features would benefit the residential amenity of future occupiers of the farmhouse by providing some measure of screening to the motocross activities.

4. RELEVANT PLANNING HISTORY

- 4.1. Although there is no planning history directly related to the application site, as tis proposal is to re-locate a dwelling from a site to the immediate south the following planning history is considered relevant to the current proposal:

12/00270/CLUE

Certificate of Lawful Use Existing - To allow non-compliance with condition 2 of permission B.947/64 relating to agricultural occupancy
Permitted

13/00163/F

Replacement dwelling and garaging
Refused

13/01451/F

Replacement dwelling and associated outbuildings
Refused

15/00827/F

Demolition of existing buildings and erection of replacement dwelling and outbuildings and associated hardstanding
Permitted

18/02012/CLUE

Certificate of Lawfulness of Existing Use for the implementation of planning permission 15/00827/F for the demolition of existing buildings and erection of replacement dwelling and outbuildings and associated hardstanding by the improvement, laying out and construction of the existing means of access in accordance with condition 6 within 3 years of the date of the granting of the planning permission
Refused

19/00157/F

Demolition of existing buildings and erection of replacement dwelling and ancillary open store/byre and stables with associated hardstanding
Permitted

22/00994/NMA

Variation of Condition 8 of planning permission 19/00157/F with the submission of the updated bat survey that has been undertaken in the farm buildings, and for

Condition 8 to be amended to read: 'An updated bat survey shall be undertaken prior to the demolition of the bungalow to establish changes in the presence, abundance and impact on bats and their habitats. The survey results, together with any necessary changes to the mitigation plan or method statement, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the demolition of the bungalow shall be carried out in accordance with the approved details and any mitigation measures shall be retained as such thereafter.' (proposed as non-material amendment to 19/00157/F)

Permitted

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

20/01371/PREAPP

Relocation of a consented replacement farmhouse (planning permission 19/00157/F). The advice provided was that given the level of detail submitted with the enquiry officers could not offer an opinion as to whether the proposals would be supported if progressed to a formal application stage. The proposals would represent a departure from the development plan with regards to new residential development in rural locations. Whilst the principle of development could potentially be supported on the basis that it would be a replacement for the scheme approved under 19/00157/F, this would only be on the basis of any such proposals having no greater environmental impacts above those previously assessed and considered acceptable with the approved scheme.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to near-by neighbouring properties to the site that the Council has been able to identify from its records. The final date for comments was 6 July 2022.
- 6.2. A total of 107 comments were received by third parties of which 103 raised objections and 4 commented on the proposal. The points raised are summarised as follows:

OBJECTIONS

- Results in overlooking of private neighbours' garden and bedrooms in Bell Street
- Green field site outside village curtilage impact on tranquil countryside undermine the greenfield site and the rural integrity of Hornton village
- Contrary to National and Local Planning Policy with no benefits to village
- Risks in-filling and the encroachment of Hornton up the hill outside the envelope, set precedent for other development as parcel of land between the proposed house and Bell Street could be developed for more housing
- Question the reason for the development in that noise from the MX track is invasive on the north side of Hornton, so 350m will make no difference between Manor Farm and the proposed new location
- Impact on Hornton Conservation Area
- Highly visible site across Hornton effectively result in the expansion of the Hornton area

- Would entail excavation of at least 200 20-ton lorry loads of spoil, that is 400 20-ton truck movements over the construction period
- Character of the property proposed is not remotely in keeping with the character of the properties in Hornton and scale proposed would visually dominate/over bear existing properties in the area
- Size of property creates a very substantial new footprint development and there is little to stop this development being altered later to accommodate more than one house without changing the footprint and potentially utilising the newly developed building for additional residential spaces
- Already what appears to be a dwelling why the need to build another, if allowing building on green belt land then why did we put protections in for land in the first place, there is no reasonable justification for moving the property just upgrade existing
- Affect the environment and natural habitat of local wildlife
- Application for a new, substantial house on a greenfield site and NOT re-use redundant or disused buildings and lead to an enhancement to the immediate setting
- Cannot lose another Cotswold village to over development which this application opens the village up to this possibility
- Current access infrequently used for agricultural purposes and the proposal would create additional access points/traffic in the immediate area on a very narrow lane where visibility is poor
- Access road crosses a footpath, which although not on the definitive plan is actively used, and no proposals for diversion or management of this footpath/access

COMMENT

- Question what road disruption would be caused by the development
- Application would result in the removal of the grossly energy inefficient Woolaway kit-built bungalow
- Demolition of the barns would be a visual benefit to the skyline from miles around, they have long out lived their function as agricultural buildings
- New location would at least not have visual line of sight to the motocross racetrack and may be below the curve of sound
- On the steep bank from the proposed development plot to Bell Street a woodland could be created to provide more wildlife habitat for the benefit of both wildlife and community with perhaps a woodland trail for the village community and possibly as an educational tool for the pupils of Hornton School

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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. HORNTON PARISH COUNCIL: **Objection** on the grounds of development on greenfield, productive agricultural land; outside the village confines; contrary to National and Local Plan Policy; Village is a category C village and development risks in-filling and encroachment of Hornton up the hill and outside village envelope. Development would set a precedent for further development outside village.

Description as 'Farmhouse' misleading as is the application title in that development is not located between sewage works and the bungalow but high above the works on the other side of the lane. The site is not a brown field but a greenfield site on an Ironstone ridge protected area with views across the village valley.

CONSULTEES

- 7.3. CPRE: **Objection**. Application is without merit and CPRE fully supports objection by Parish Council. Modern development detrimental to this Category C village. Precedent will be set for further development on the surrounding land.
- 7.4. OCC HIGHWAYS: **No objections** subject to conditions in respect of width of the access, surfacing, drainage and visibility splays
- 7.5. OCC MINERAL AND WASTE PLANNING POLICY: **No objections**
- 7.6. CDC ENVIRONMENTAL PROTECTION: **No objection** subject to conditions
- 7.7. CDC TREE OFFICER: **No objections** subject to conditions
- 7.8. CDC BUILDING CONTROL: **No objection** subject to conditions
- 7.9. CDC LANDSCAPE: **No objections** subject to Landscape Visual Impact Assessment (LVIA)
- 7.10. CDC ECOLOGY: No comments received

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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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 2015)

- PSD1: Presumption in Favour of Sustainable Development
- Villages 1: Village Categorisation
- Villages 2: Distributing Growth Across the Rural Areas
- SLE4: Improving Transport and Connections

- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDS)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- H17: Replacement dwellings
- H18: New dwellings in the countryside
- ENV1: Development likely to cause detrimental levels of pollution
- ENV12: Contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Hornton Conservation Area Appraisal 2013 (HCAA)
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Landscape and visual impact
- Heritage impact
- Highway implications
- Residential amenity
- Site layout and Design principles
- Ecology impact

- Infrastructure / S106
- Sustainable Construction

Principle of Development

- 9.2. This application seeks planning permission for the re-location of a previously approved dwelling to a new site. The previously approved development was at Manor Farm located approximately 300m to the south of the application site. Given the site's location outside the village confines and the other than the tree belt along the eastern boundary the lack of physical enclosure the site is within an area of open countryside.
- 9.3. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 (Saved Policy).
- 9.4. Policy PSD 1 of the CLP 2015 states that *when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework*. The policy continues by stating that *planning applications that accord with the policies in this Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise*. Paragraph B88 of the CLP 2015 also highlights that *by focusing development in and around the towns of Bicester and Banbury we aim to ensure that the housing growth which the District needs only takes place in the locations that are most sustainable and most capable of absorbing this new growth*.
- 9.5. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C). Hornton to the north of the site is recognised as a Category C village. Category C villages are considered to be the least sustainable settlements in the District's rural areas and as such new residential development will be restricted to the conversions and infilling within the built-up area of the settlement.
- 9.6. Policy Villages 2 covers the issue of distributing growth across the rural areas. The supporting paragraph C.272 for Policy Village 2 states amongst other things that *in the interests of meeting local housing need in rural areas, an allocation is also being made to enable the development of some new sites (for 10 or more dwellings)*. The paragraph continues by stating that *a further 750 dwellings will be developed in the rural areas including Kidlington*. Furthermore, the paragraph states that *additionally, a realistic windfall allowance of 754 homes is identified for sites of less than 10 dwellings for the period (2014-2031)*. As this site is located outside the village the development would be covered under this paragraph.
- 9.7. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.8. Cherwell's position on five-year housing land supply is reported in the Council's 2021 Annual Monitoring Report (AMR). The 2021 AMR concludes that the District

can demonstrate a 3.5 years supply for the current five year period (2022-2027), a shortfall of housing supply equal to 2,255 homes for the period 2022-2027. Although it is accepted that this current application is for a single dwelling it is a single replacement dwelling rather than a new / additional dwelling. As such the proposal will not make an additional contribution towards the housing supply.

- 9.9. Also, of a material consideration is the guidance provided in the recently revised National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England and how these should be applied.
- 9.10. The 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.
- 9.11. Paragraph 10 of the NPPF states that *so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 defines the presumption in favour of sustainable development as approving development proposals that accord with up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.12. Paragraph 12 also advises, amongst other things that the *presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. The NPPF also states that a Local Planning Authority may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*
- 9.13. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*
- 9.14. Paragraph 73 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period). Paragraph 74 continues by stating that *a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) *has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
 - b) *incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.*

- 9.15. Given that the site is not within the built-up limits of the village it cannot therefore be assessed against Policy Villages 1 of the CLP 2015; but instead, the proposal stands to be assessed against Saved Policies H17 and H18 of the Cherwell Local Plan 1996.
- 9.16. Saved Policy H17 covers the issue of replacement dwellings in the open countryside and states that *proposals for the one-for-one replacement of an existing statutorily unfit or substandard dwelling will normally be permitted provided:*
- (i) the existing building is not a listed building capable of restoration or suitable for an appropriate alternative and beneficial use;*
 - (ii) in cases where the existing building lies outside the limits of an existing settlement, the use of the building as a dwelling has not been abandoned or extinguished and its proposed replacement is similar in scale and within the same curtilage;*
 - (iii) the proposal meets the requirements of the other policies in the plan.*
- 9.17. Saved Policy H18 covers the issue over new dwellings in the countryside. Under this policy it is stated that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when:*
- (i) it is essential for agriculture or other existing undertakings, or*
 - (ii) the proposal meets the criteria set out in policy H6; and*
 - (iii) the proposal would not conflict with other policies in this plan.*

Under the current CLP 2015 Saved Policy H1 was replaced by Policy BSC1 while Saved Policy H6 was replaced with Policy Village 3 (Rural Exception Site).

- 9.18. This application seeks planning permission for a single dwelling on the site which is a re-location for an approved dwelling on the Manor Farm site to the immediate south of the application site, which itself was approved as a replacement dwelling on a different siting to the existing dwelling. The applicant states the rationale for the current proposal is primarily the noise and disturbance arising from the Wroxton motocross track, which is situated to the south west of the consented farmhouse. The proposed new location for the dwelling is better screened by vegetation and situated in lower lying topography. These features would benefit the residential amenity of future occupiers of the farmhouse by providing some measure of screening to the motocross activities.
- 9.19. Although the use of the motocross has implications upon the area this in itself is not necessarily a justification to warrant a change in location, it is a material consideration.
- 9.20. Saved Policy H17 is generally supportive of proposals for the one-for-one replacement of an existing statutorily unfit or substandard dwelling, subject to a number of criteria; one of which requires that any proposed replacement is similar in scale and within the same curtilage. Although not specified in the policy it would be normal that the replacement dwelling would occupy a similar location to that of the existing dwelling on the site. However, in this instance the proposal is to relocate the dwelling approximately 300 metres to the north of the existing dwelling but retained within the area of the applicant's site. The proposal does therefore not find support from Saved Policy H17.

- 9.21. Similarly, the proposal does not comply with saved Policy H18. Notwithstanding this, this application is not for an additional dwelling but a replacement dwelling just in a different location within the applicant's area ownership.
- 9.22. Although not finding support from saved policies H17, H18, the principle of a replacement dwelling of greater scale and on a different siting has been agreed with the approval of the previous application 19/00157/F. In addition, an appeal was allowed against the Council's refusal of a similar proposal at Muddle Barn Farm to the south-west of Sibford Gower (appeal ref. APP/C3105/W/17/3173098). While every case must be assessed on its own merits, the application of (and the proposal's conflict with) saved Policy H17 in the Muddle Barn Farm is a material consideration in this instance.
- 9.23. Overall, therefore, the principle of development is considered acceptable. The proposal's acceptability will very much depend on the impact the development would have on the area of open countryside and whether the new location would have any further / less / similar impact on the area.

Landscape and visual impact

- 9.24. Policy ESD13 covers the issue of landscape and states amongst other things that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided and be accompanied by a landscape assessment where appropriate.* The Policy continues by stating that *proposals will not 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 Impact on areas judged to have a high level of tranquillity*
 - *Harm the setting of settlements, buildings, structures or other landmark features, or*
 - *Harm the historic value of the landscape*
- 9.25. The site is located within the area of open countryside and positioned on a higher position to that of the Hornton village to the north of the site. The landscape assessment submitted with the application highlights that the site *lies within a gently undulating plateau which is incised by a series of steep river valleys associated with the Sor Brook and its tributaries. The escarpment associated with Edge Hill lies to the north west of Hornton and the site. The Cotswolds Area of Outstanding Natural Beauty (AONB) extends to the south west, with the A422 forming the northern boundary of the designation within the localised setting of the site.* The assessment continues by stating that *the site falls gently to the north, with the northern boundary forming the edge of the plateau. The eastern boundary is defined by an established tree belt which separates the site from the road that extends south, from Hornton, towards the A422. The southern and western boundaries of the site are currently undefined.*
- 9.26. The site forms part of an agricultural field 88% of which, the applicant states, is grade 3b along with an area of non-agricultural in the form of 12% in the form of a tree belt along the eastern / part northern boundary. This is backed up with a detailed agricultural land survey of the site which clearly concludes that the site of the application is not considered to be an area of best most versatile land use. The loss of the area of field is therefore not considered to result in a reduction of high-quality agricultural land to warrant a refusal.

- 9.27. As noted in the paragraphs above the application site is on an elevated position over-looking Hornton village and as such is noticeable in the landscape from certain viewpoints. To address this point, the applicant has re-located the position of the dwelling on the site during this application to ensure that the existing tree belt along the eastern and part northern boundary to the site is used to help screen the direct views of the dwelling. The applicant has also sought to utilise the contours on the site by locating the dwelling at a lower point on the slope rather than the top part of the plateau. The dwelling would also be cut into the localised levels to ensure that it does not appear prominent on the skyline. This view is also supported by the applicant's landscape assessment in that the landscape consultant has concluded that *the location of the site towards the edge of the plateau does present some possibilities for the proposals to break the skyline within some limited views, however, the localised skyline either side of the site is characterised by mature tree planting, as such potential issues can be mitigated. It is concluded that the susceptibility of the landscape, in which the site is set, to change of the type proposed is Medium / Low.* As such although there would be views of the dwelling from the village and beyond, these views would be softened with the existing landscape belt.
- 9.28. The location previously approved for this dwelling is approximately 300m to the immediate south of the current application site. The existing dwelling is a single storey bungalow dwelling with larger associated metal barn structures which form the farmyard and farmhouse. The site is on level area positioned on a similar contour level to that of the current application site and located close to the main access road leading into Hornton village and is noticeable by the fact that the boundaries to Manor Farm are very open with limited screening from any landscape. The approved replacement dwelling on this site is of the same size and design to that now proposed on the new site.
- 9.29. A key consideration in this current application is to assess the impact of the current proposal against the impact of the as approved scheme to consider the difference.
- 9.30. As highlighted, in the paragraphs above the current site benefits from existing / mature landscaping along the eastern and part of the northern boundary to the site which would create an effective and soften screen to the vast majority of views of the dwelling from outside the site. In comparing this to the existing Manor Farm site the current application is considered an improvement in that the Manor Farm site is very open with limited landscape features along the boundary and as such the dwelling on the Manor Farm site would have been more prominent and visible from outside the site than the current proposal. The current proposal is therefore considered a better location in terms of using existing landscape features.
- 9.31. With the dwelling being proposed in a different location to that of the previous approval, it has been suggested by a number of objectors that the different sites will mean there would be two houses in the area. To address this issue the applicant has confirmed that the existing property at Manor Farm and the agricultural outbuildings would be demolished and the land returned to an agricultural use. To secure this approach the applicant has provided a detailed unilateral undertaking confirming that Manor Farm and all outbuildings will be removed, and that the previous approval 19/00157/F will not be implemented. This undertaking has been negotiated alongside the Council's legal services team and is considered an acceptable method to ensure that the previous permission is not implemented and that the existing buildings will be removed from the site.
- 9.32. In conclusion, the current site is located on a plateau overlooking the village of Hornton and as such would be seen from some locations within and outside the village. However, the dwelling would be a replacement dwelling for the existing

dwelling on Manor farm and the site is within land owned by the applicant. The use of a unilateral undertaking will ensure that the development results in the demolition of the existing Manor Farm and outbuildings and therefore only one dwelling would exist on the applicant's site. The development is therefore a replacement dwelling and not an additional dwelling.

- 9.33. Officers consider the proposed site (as amended during this application) to be a better location, would result in improvement on the open character of the countryside. and would not result in such detriment of the area to warrant a refusal in this instance.

Heritage Impact

- 9.34. Section 16(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Further, under Section 72(1) of the same Act the Local Planning Authority has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 9.35. Listed Buildings and Conservation Areas are designated heritage assets, and Paragraph 195 of the NPPF states that: *Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise.*
- 9.36. Paragraph 194 states that in determining applications, *local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*
- 9.37. Paragraph 199 of the NPPF directs that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.38. Parts of Hornton village are designated as a Conservation Area and the village also contains a number of Listed Buildings. The position of the new dwelling would appear to overlook the village and hence there is the potential for the development to have an impact upon the setting of the Conservation Area and to a lesser degree the listed buildings. Although located to the south of the village and the Conservation Area the new dwelling is approximately 200m away from the closest edge of the Conservation Area and 235m away from the nearest Listed Building in the village. As such and notwithstanding the concerns expressed by objectors to this proposal, it is not considered that the development would result in any adverse impact upon the setting of the Conservation Area nor upon any listed buildings in the village to warrant a refusal.

Highway Implications

- 9.39. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users; and*
- c) *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.*

In addition to this paragraph 111 highlights 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.*

- 9.40. The application would use the existing access point into the main field located to the south of the village with the use of a private single access driveway leading to the new dwelling. This new access driveway would follow the line of the existing mature hedgerow along the eastern side of the site.
- 9.41. Members will see from the objections that concern has been raised that the development will use an access infrequently used for agricultural purposes and the proposal would create additional access points/traffic. In considering this proposal the County Highway Engineer has advised that following a site visit there is no highway objections to raise on this application. The Engineers have confirmed that, having observed the speeds of the few vehicles that passed the proposed site entrance and measured the available visibility splays, the details provided on the 'Site Access and Visibility Splays' drawing are accurate. The hedge and verge vegetation growth would have to be regularly trimmed to maintain the necessary visibility splay.
- 9.42. For the above reasons it is considered that there are no highway safety reasons to warrant a refusal of this application.

Residential amenity

- 9.43. Saved 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 2015 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'.
- 9.44. The application is positioned on a higher level than the existing dwellings in the village which are all located within the valley. A number of objectors have raised the concern that the development would allow direct views into their private gardens and rooms to the detriment of their amenity. Although it is accepted that the location of the new dwelling is elevated above that of the existing dwelling in Hornton the distance between these existing dwellings and the proposed dwelling is in excess of 120m with the landscape buffer strip between the dwellings. As such it is not considered that the development would result in any significant loss of privacy, light nor outlook currently enjoyed by the occupiers of the existing residential properties.

Site layout and Design principles

- 9.45. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. Section 12 of the

National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve.

- 9.46. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.47. The proposal is for a single, two-storey dwelling on the site of a design that was agreed as part of the previous approval reference 19/00157/F. The dwelling would be constructed externally from coursed rubble Hornton Stone for the external walls and clay plain tiles for the roof. The proposal also includes a single storey structure to form a free-standing stable block and a five bay car-port to be constructed from a mix of stone and timber with the stone used on the car-port and timber on the stable block.
- 9.48. The design and choice of materials is in line with the approved scheme for the re-development of the Manor farm site and as such it is considered that the design and appearance of the dwelling would create a high-quality scheme and therefore is considered acceptable. Turning to the issue of layout, the proposal has been altered since the initial submission which showed the dwelling further to the north in the site which resulted in the bulk of the dwelling appearing beyond the line of the existing trees and hedgerow. As a result of this the dwelling would have appeared more exposed on the ridge and less enclosed by the existing landscaping. Following negotiations with the applicant the proposal has been changed to move the dwelling away from the edge of the ridge and closer to the area of the existing landscaping buffer which as noted in the paragraphs above ensures the development would be softened and screened by the landscaping. In addition to this the applicant has also moved the dwelling further down the gradient on the site and set the dwelling into the side of the gradient. This would also help to reduce the impact of the dwelling in the open countryside.
- 9.49. In conclusion, in terms of design the proposal is for the same design of dwelling and materials as approved under the previous scheme 19/00157/F. The development proposed would result in a high-quality proposal on the site. Although the dwelling would be located on a different part of the applicant's overall site, the applicant has adapted the layout and position within the site to reduce the impact of the proposal to ensure that the dwelling would not result in any detrimental impact upon this part of the open countryside.

Ecology impact

- 9.50. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.51. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.52. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown

through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.53. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.54. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

9.55. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.56. Paragraph 180 states that when determining planning applications, local planning authorities (LPAs) should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.57. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.58. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany

planning applications which may affect a site, habitat or species of known ecological value.

- 9.59. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.60. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.61. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.62. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.63. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of an agricultural field with mature landscape buffer along the eastern and part northern boundaries. The ecology assessment submitted with the application concludes that the site offers limited ecological distinctiveness being dominated by intensive arable cultivation. It is considered likely, however, that neighbouring habitats such as the plantation shelterbelt, hedgerows and field margins associated with the wider arable field parcel may offer opportunities for foraging and commuting species such as bats, badger, brown hare and hedgehog. It is therefore recommended that a precautionary approach be adopted and maintained throughout delivery of the proposals to ensure any potential impacts on commuting species is minimised.
- 9.64. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.65. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a

licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

- 9.66. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Sustainable Construction

- 9.67. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 154 states that new development should be planned for in ways that: *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 155 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*
- 9.68. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*
- 9.69. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions.* Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.70. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.* The Policy continues by stating that *Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations,*

with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

- 9.71. In addressing this issue, the applicant has confirmed that during the course of the application, the proposed house has been re-positioned and the opportunity taken to re-orientate the house to maximise solar gain. All principal rooms have south east – south west aspects in order to achieve maximum solar gain.
- 9.72. In terms of the use of renewable measures the applicant has stated that the house would minimise use of fossil fuels and running costs with insulation levels in excess of the newly implemented (June 2022) Building Regulations. This would allow the effective use of Renewable energy sources, to heat the house with the installation of a Ground Source Heat Pump utilising the surrounding external areas for ground loops which would be supported with an internal MVHR installation. In addition to this the proposal would also include the use of photovoltaic panels to be installed within the valley of the outbuilding roofs to reduce their impact on the surrounding landscape.
- 9.73. Based upon the above details it is considered that the applicant has demonstrated that they will comply with the requirements of Policy ESD3.

Infrastructure / S106

- 9.74. Paragraph 54 of the NPPF states *that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.* Paragraph 56 continues by stating that *planning obligations must only be sought where they meet all of the following tests:*
- a) necessary to make the development acceptable in planning terms;*
 - b) directly related to the development; and*
 - c) fairly and reasonably related in scale and kind to the development.*
- 9.75. This application is supported by a draft Unilateral Undertaking (UU) as outlined in the above paragraphs. The purpose of this UU is to ensure that the previous permission on Manor Farm is not implemented and that the existing buildings on Manor Farm are removed and the site made good. The reason for this is that this current application is for the re-location of the approved dwelling from the Manor Farm site to a new location.
- 9.76. The development on Manor Farm was a replacement dwelling and therefore not an additional dwelling in the area. In the event that planning permission was granted without the completion of such an agreement there would be no mechanism to ensure that either (a) the existing residential bungalow is retained, or (b) the applicant implement the previous permission to re-develop the Manor Farm site both

of which would end up with two dwellings in the area and not a single dwelling as agreed under the previous permission. As such the UU provided will ensure that the development will not lead to an additional dwelling on the site and the proposal is for a replacement. Without this UU the development would not be considered acceptable.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.
- 10.2. While the proposed dwelling is contrary to saved policies H17 and H18 in that it represents an isolated dwelling in the open countryside, the principle of a single dwelling as a replacement dwelling, of the same size as proposed here, has been agreed on the Manor Farm site located approximately 300m to the south. The acceptability of this proposal is therefore based upon the benefits of the proposal in terms of the new location.
- 10.3. The site is on an elevated position overlooking Hornton village with a significant and noticeable difference in levels. That said, the site benefits from a significant landscape buffer along the eastern and part north boundaries which would effectively screen the bulk of the development from the majority of any public views. While the development will be seen from other views and would appear as a new dwelling in the open countryside, the proposed site is considered an improvement over that previously approved due to the screening effect of the existing landscaping and to a certain degree the close relationship the dwelling would have with the village. The existing Manor Farm site is more isolated, more open with a lack of landscaping and the new dwelling would appear more prominent within this area of open countryside. The new location is therefore considered an improvement upon the previous approval.
- 10.4. The development would result in the loss of an area of active agricultural land. The applicant has provided a details agricultural land / soil assessment which confirms that the area of the site is classified as grade 3b which is not within the definition of best / most versatile agricultural land. The land is therefore classified as moderate quality. The loss of this area of agricultural land is therefore not considered to warrant a refusal in this instance.
- 10.5. The distance between the new dwelling and the edge of the heritage assets is considered sufficient to ensure the development would not result in any adverse impact upon the setting of the Conservation Area nor upon the Listed Buildings.
- 10.6. The design and layout of the new dwelling on the site will ensure that materials are appropriate for the location and the position of the dwelling on the site will ensure no adverse impact upon neighbouring properties in terms of any loss of light, outlook or privacy. The design of the dwelling is the same as that agreed as a replacement dwelling on the Manor Farm site and as such has been accepted in the approval of application reference 19/00157/F.
- 10.7. For the reasons set out in the report the proposal is considered acceptable in highway safety terms, in ecology terms, and also to comply with the Council's energy policies, including Policy ESD3.

10.8. Planning permission is only accepted on this site on the basis that the development would not lead to the formation of a second / additional dwelling in this part of the open countryside. The applicant has accepted this and has completed a signed Unilateral Undertaking which requires the demolition of the existing buildings on Manor farm and confirmation that the previous planning permission 19/00157/F will not be implemented. This legal agreement would ensure that there will only be one dwelling in the area and not two.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND SECURING A UNILATERAL UNDERTAKING TO ENSURE THAT THE PREVIOUS PERMISSION ON MANOR FARM IS NOT IMPLEMENTED

CONDITIONS

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans reference PF/10305.01 Rev A, 223372-01 received 12/08/2021 and amended plans 20100-P01, 20100-P02 Rev A, PF-1035.02 Rev C received 05/04/2022 and received plan reference 20100-P04 Rev B received 21/09/2022 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt.

3. A scheme for landscaping the site shall be provided to and approved in writing by the Local Planning Authority which shall include:-
 - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
 - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The development shall not be carried out other than in accordance with the approved landscape scheme. The hard landscape elements shall be carried out prior to the first occupation of the dwelling. .

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well-planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the dwelling or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. No development shall take place until the existing tree(s) to be retained on the site have been protected in accordance with the approved Tree Protection Plan drawing number 002 Rev A contained within the Arboricultural Method Statement by SEED Arboriculture Ltd dated 09/10/2020 Reference 1187-AMS-V1 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. The external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel approved under application 18/00220/DISC and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996, and Government guidance contained within the National Planning Policy Framework

7. The roof of the development shall be constructed in accordance with the sample roof tile approved under application 18/00220/DISC, and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal of the Land North of

Manor Farm, Hornton, Banbury Oxfordshire by Griffin Ecology Ltd, reference MFH0001 dated 27 September 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

9. The Stable Block and Open Sided Byre hereby approved shall not be used other than for purposes ancillary to the use of the dwellinghouse hereby approved and shall not be used for any trade, industry or other use whatsoever and shall not be used, let or sold at any time as a separate residential unit.

Reason: The additional accommodation is sited in a position where the Local Planning Authority, having regard to the housing strategy for the district would not permit an additional dwelling, and in accordance with Policies ESD1 and ESD15 of the Cherwell Local Plan 2011–2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. No external lights/floodlights shall be erected on the land without the grant of further specific planning permission from the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

11. Notwithstanding the provisions of Classes A to G (inc.) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be extended, nor shall any structures be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in the interest of visual amenities in accordance with Policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

12. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, the approved dwelling shall not be altered with gates, fences, walls or other means of enclosure be erected within the curtilage of the said dwelling, without the grant of further specific planning permission from the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site in the interest of visual amenities in accordance with Policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

14. Notwithstanding the details of the Climate Change & Sustainable Construction Statement, before any above ground works commence a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

15. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.