

Case Officer: Will Anstey

Applicant: Mr Jake Leslau

Proposal: Change of Use and conversion of existing equestrian barn into mixed use leisure/tourism (Use Class E((III)). Development of 8 overnight cabins (Use Class C3) alongside associated infrastructure including new vehicular access, reception building, car park and swimming pond

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllrs Chapman, Reynolds and Webb

Reason for Referral: 1,000 sq m or more of new floor space

Expiry Date: 22 March 2023

Committee Date: 13 April 2023

SUMMARY OF RECOMMENDATION: REFUSAL

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises parts of Oathill Farm, a small holding consisting of a farmhouse, adjoined cottage and modern agricultural barn set in approximately 41 acres of mostly pasture. The farm lies roughly equidistant between Cropredy to the south and Claydon to the north. The holding is enclosed by Claydon Road to the south-west with fields delineated by hedges to all other boundaries. The Oxford Canal bisects the holding running in a northerly direction from the southern end of the holding before meandering west and north-west.
- 1.2. The application site encompasses two parts of Oathill Farm. The first area to the south-east of the holding includes the modern agricultural barn, a tack room, two large manèges and two paddocks. The main part of the barn is finished in low level blockwork with Yorkshire boarding above and a corrugated fibre cement roof. The barn has been extended to the north-west with a corrugated metal clad mono pitch projection. To the south-west of the barn is an area of hardstanding providing parking and manoeuvring space with the two manèges beyond. Between the barn and farmhouse to the south-east is a small tack room building. The paddocks lie to the north-west of the barn and manèges. The land around the barn and manèges is reasonable level whilst the paddocks slope gently down towards the barn.
- 1.3. The second part of the application site lies to the north-west of the holding and includes two paddocks. The south-west paddock is the smaller and fronts onto Claydon Road to the south-west and an access track serving Forge Farm to the south-east. This paddock adjoins the north-east paddock which is substantially larger and is enclosed by the Forge Farm access track to the south-east, Forge Farm itself to the east and the Oxford Canal to the north-east and north. Further paddocks belonging to Oathill Farm lie to the west. The south-west paddock slopes gently towards Claydon Road whilst the north-east paddock slopes towards the canal. The two parts of the application site are connected by a track which is included in the application site boundary.

- 1.4. Sitting physically within Oathill Farm's holding and occupying a semi-circular parcel of land on the western bank of the Oxford Canal is Forge Farm, a separate small holding with a collection of buildings focused on the canal. Access to Forge Farm is via a track leading from Claydon Road, dividing the Oathill Farm holding. Forge Farm does not form part of the application site and is independently owned.

2. CONSTRAINTS

- 2.1. The site lies outside the built limits of any settlement and is therefore in the open countryside.
- 2.2. The site lies adjacent to the Oxford Canal Conservation Area
- 2.3. Elkington Lock to the east of the site is a grade II listed structure
- 2.4. Field Bridge Number 148 to the south of the lock is a Grade II listed structure
- 2.5. Public Right of Way 179/13/10 runs along the Oxford Canal towpath
- 2.6. The site lies in a Class 5 Radon area – 10-30% of homes above the Action Level
- 2.7. The northern corner of the site lies within an area of minor groundwater vulnerability (aquifer).
- 2.8. Less than or equal to 20% likelihood of Best and Most Versatile agricultural land
- 2.9. The strip of woodland to the south of Forge Farm, to the north of the south eastern part of the site, is an NERC Act S41 Habitat
- 2.10. A pond on the south side of Claydon Road is recorded as a potential habitat for Great Crested Newts

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposals can be split into two parts. The first part entails conversion of the existing modern agricultural barn next to the farm house into an leisure/tourism space with associated ancillary structures, car parking, and a new access. The second part entails the construction of 8no. holiday cabins.
- 3.2. In respect of the change of use of the barn, there are no details in the planning statement to explain the proposed use however the Noise Assessment explains that the barn would be a flexible events space and the type of events that may be held are:
 - Full site hire for weddings, corporate events or private parties where the barn and the cabins are let as one. It is estimated there would be 15-30 such events a year.
 - Informal indoor/outdoor events which could include live music. This could include the barn and/or the surrounding fields. It is estimated there would be 15-30 such events a year.
- 3.3. Events may take place on weekends or during the week and the barn could accommodate a maximum of 150 people depending on the type of event. No hours of operation have been given. Appendix D of the Transport Statement explains that catering will be prepared off site by a catering company and finished on site for events.

- 3.4. The agent has subsequently advised the types of events expected to be held are weddings, birthdays, corporate events, artistic shows, private parties and wellness retreats. It is also noted the maximum capacity of the barn is 120 people and there are likely to be 15-20 full site hires a year (cabins and barn hired together).
- 3.5. Physical changes are proposed to the existing barn to facilitate the new use including the insertion of new doors and windows, construction of a new entrance lobby on the south-western elevation and creation of a covered courtyard in the north-west corner of the building. Internally the barn will be subdivided to provide a main hall, toilets, kitchen and storage. Externally the barn would be reclad in timber with a corrugated metal roof.
- 3.6. To the south-east of the barn the existing tack room will be converted into ancillary food preparation and storage space. To the south-west of the barn a new reception building is proposed. This is a single storey linear structure housing a reception, office, toilets, refuse and plant store, and includes a covered area with a fire pit to the north-west. Bike storage is provided within the southern corner of the building. The reception building is to be finished in low level blockwork with timber cladding above and a corrugated metal roof.
- 3.7. The barn and reception building are connected by a 2.25m high timber fence forming a courtyard between the two buildings. To the south-west of the reception building is a new car park with 41 spaces including 3 disabled bay, 4 bays with electric vehicle charging and 4 further bays with charging infrastructure. The car is to be finished in hoggin. A new access is proposed from Claydon Road to the west and second overflow car park is proposed to the north-west of the new access. This will be laid to grass with heavy duty mats laid during events.
- 3.8. The second part of the proposal consists of the construction of 8 holiday cabins approximately 200m north-west of the events barn. 6 of the cabins are arranged in semi-detached buildings with the remaining two in detached buildings. All of the cabins are single storey and are arranged in a U shape facing towards a gravel courtyard leading to a proposed swimming pond and adjacent drainage pond.
- 3.9. The cabins are proposed to be finished in vertical timber cladding with a corrugated metal roof. Each cabin will be self-contained with a bedroom, kitchen and bathroom. Appendix D to the Transport Statement notes that the cabins will be available to hire throughout the year except when the whole site (barn and cabins) is booked.
- 3.10. Access to the cabins is via an upgraded track laid in hoggin extending from the reception building in a north-west direction to the existing access track to Forge Farm. A new section of track is proposed on the opposite side of the Forge Farm access across the paddock adjoining the cabins before turning east into the paddock containing the cabins. A section of hedgerow measuring approximately 7.8m will be removed to facilitate the track.
- 3.11. No parking is proposed around the cabins. Visitors will park in the main car park and then be taken to the cabins. All traffic to the development will therefore use the new access from Claydon Road.
- 3.12. Surface water drainage around the events barn is proposed to be attenuated under the car park with run off directed towards a ditch in the south-eastern corner of the site, passing under the canal. Foul water is to be pumped uphill towards a package treatment plant to the west of the cabins which will also service the cabins. Discharge from this runs to a drainage field. Surface water from the cabins discharges via the second pond.

3.13. Extensive landscaping is proposed around the site including tree and scrub planting, new hedging, wildflower planting and a reed bed.

4. RELEVANT PLANNING HISTORY

4.1. *Relating to house:*

- 06/01966/F - Change of use of residential annex to main house to commercial offices – **Permitted**
- 96/00410/F – Change of use from garage to farm shop selling animal feed, pet food and garden supplies - **Permitted**
- 95/00155/AGN – Barn extension (Retrospective) – **Permitted**

4.2. *Relating to barn:*

- 11/00046/F - Extension and alterations to barn and change to part equestrian and part agricultural use – **Permitted**

4.3. *Land to north east of barn:*

- 03/01431/AGN - Barn extension lean-to – **Prior Approval Not Required**

4.4. *Land to the south east of the barn:*

- 00/02053/AGN – Erect Field Shelter – **Prior Approval Not Required**

4.5. *Land to the south west of the barn:*

- 11/00047/F – Horse walker and manege - **Permitted**

5. PRE-APPLICATION DISCUSSIONS

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

5.2. *22/01432/PREAPP:* This pre-application enquiry covered conversion of the existing barn into an events space for weddings and other events, construction of a new single storey ancillary building and construction of 12no. holiday cabins.

5.3. In respect of the events barn, officers advised that this had the potential to bring economic and social benefits to the rural area but that its unsustainable location, absence of evidence of need for the facility and the potential impact of noise from the proposed use on the rural character of the area and the adjacent Oxford Canal Conservation Area weighed against the proposal. Having balanced these considerations, Officers were unable to offer support for the proposal.

5.4. With regard to the cabin accommodation, Officers acknowledged the economic benefits to the rural and visitor economies but as with the events barn noted that the site is located in an inherently unsustainable location and the arguments around the need for the facility had yet to be developed. Further, concern was raised regarding the impact of the scheme on the character of the countryside and the setting of the Oxford Canal. As such, Officers were also unable to offer support for this element of the 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 all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **24 February 2023**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

6.3. Objections 18:

- Impact on highways from increased traffic, noting the narrow lanes which serve the site and existing road users including walkers, bikes and tractors
- No public transport links to the site
- No footpath along Claydon Road and the towpath would be unsafe at night
- Noise nuisance from late night vehicle movements
- Light pollution
- Noise pollution including impact on animals
- Proposal could open the doors to other similar developments in the area
- Ecological impact
- Impact on canal and canal users
- No local benefits (including employment)
- Conflict between noise from events barn and proposed accommodation
- Impact on Oathill Farmhouse
- Conference traffic is more likely to occur at peak AM/PM periods
- Insufficient justification
- Lack of detail about proposed events
- Safety of swimming pond
- No helicopters should be allowed to land
- No fireworks should be allowed
- Oathill Farm does not have planning permission to operate as a livery yard - it was a private equestrian establishment
- Proposal would increase littering
- Flood risk from bypass at Elkington Lock
- Impact on electricity supply

- Too many of these venues in the countryside
- Landscape impact
- Unnecessary reduction in existing rural land use
- Traffic monitoring location

6.4. Comments 1:

- Impact of noise on local wildlife
- Impact of noise on residents in nearby villages
- Should be total ban on fireworks
- Signage should be added to remind drivers to respect the rural nature of the area
- Does not wish to see the countryside turned into a noisy playground

6.5. Support 1:

- If traffic to and from venue is directed down northerly Cropredy Road there should be little traffic impact on Claydon
- Potential employment opportunities

6.6. 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 COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. CROPREDY PARISH COUNCIL: **Supports**. Proposal appears to be beneficial to the local economy, is sustainable, sensitive to the setting, have no impact on sewage, and a modest impact on traffic. It is also noted that it is intended to provide sufficient mitigation of any noise from events.

7.3. CLAYDON WITH CLATTERCOTE PARISH COUNCIL: **Objects**: Claydon will be more impacted by the noise than Cropredy due to the topography and surrounding vegetation. Unclear how noise from music in the open will be controlled and whether fireworks will be included in the proceedings. The previous business use of the site has been overstated; there was no livery business on the site and instead the site was used for private horse breeding and a condition was imposed on application 11/00046/F preventing commercial riding lessons, tuition, livery or competitions. The justification for this decision is relevant to the current application.

OTHER CONSULTEES

7.4. HISTORIC ENGLAND: Historic England provides advice when our engagement can add most value. In this case we are **not offering advice**. This should not be

interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers.

- 7.5. CANAL AND RIVER TRUST: **No objection** but seeks improvements to the landscaping to include enhancement to the hedge alongside the lock and wildflowers added to the grassland seed mix. Also suggests adding sections of large hedge, native trees along the canal, at least 10m from the water edge. Also requests the Council ensures the owner of the adjacent moorings has been consulted and asked that the Council's Environmental Officer considers the impact of the proposal on canal users and the canal corridor.
- 7.6. OCC HIGHWAYS: **No objection** subject to planning conditions
- 7.7. *Comments:* The proposals seek the change of use of an existing equestrian barn into mixed use leisure/tourism comprising 8 overnight cabins, associated infrastructure including a new priority junction access, car park, reception building and swimming pond. The proposals are to comprise an event space and host weddings.
- 7.8. *Access arrangements:* The applicant has conducted an RTC to calculate 85th percentile vehicle speeds in front of the proposed site access. The 8th percentile observed speeds have been used to calculate a required SSD of 99m. The proposed access can accommodate visibility splays measuring 2.4m x 99m in either direction. Based on these visibility splays the new vehicle access is not considered a highway safety risk.
- 7.9. *Sustainable transport connectivity/transport sustainability:* The site does not have any credible sustainable transport links. The nearest bus stops and train station are outside of acceptable walking distance. The site also has no pedestrian footpaths in its vicinity. Cycle access to the proposals is possible but unlikely to happen in any meaningful quantity.
- 7.10. *Public rights of way:* The nearest Public Right of Way to the site is the Oxford Canal Walk. The proposals will not have a major impact on this footpath.
- 7.11. *Site layout:* Further information on the refuse strategy at the site are required. A 6m long van will be able to access and egress from the site in a forward gear. The applicant hasn't laid out the details of a refuse disposal strategy. It is therefore assumed that a bin lorry will need to enter the site to collect refuse. A swept path analysis must be produced that demonstrates a refuse vehicle can turn within the site boundary before exiting the site.
- 7.12. *Car and cycle parking:* The proposals provide 38 permanent car parking spaces, including 3 disabled and 3 electric. There is an area that can be used for overflow parking in the event of large events like weddings being hosted on site. The justification used to calculate the required number of parking spaces on site is considered sound and reasonable.
- 7.13. *Traffic impact:* The traffic impact of the proposals will likely be modest. Due to the nature of the events hosted at the space, the majority of additional trips will likely take place outside of the am and pm peak periods. During these events, there will be a moderate increase in trips on the local network. The impact of the additional trips will be mitigated by the time they take place.
- 7.14. *Travel Plan:* A Travel Plan Statement will be requested via planning condition.
- 7.15. *S278 Highway Works:* An obligation to enter into a S278 Agreement will be required to secure the new priority junction on Claydon Road

- 7.16. *Conditions to cover*: Full details of access; details of turning for service vehicles; cycle parking provision; travel plan statement; Construction Traffic Management Plan;
- 7.17. OCC LEAD LOCAL FLOOD AUTHORITY: **Objection** - Infiltration testing is done in a particular area of the site however SuDS features are proposed in different areas. Infiltration testing needs to be conducted where SuDS is proposed, for instance the southern part of the site has not record of infiltration testing conducted.
- 7.18. The drainage documents have been submitted and reviewed as part of an outline strategy as the final design is yet to be confirmed.
- 7.19. Confirmation is required from the relevant body to discharge surface water at the existing watercourse.
- 7.20. Clarify if the detailed design will consist of one phase, should it consist of more than one phase then a phasing plan needs to be submitted.
- 7.21. OFFICER NOTE: The LLFA has been reconsulted and has until 4/4/23 to provide a response to the applicant's comments on their objection.
- 7.22. CDC LICENSING: **No comments** from licensing
- 7.23. CDC LAND DRAINAGE: **No objections in principle**. There is some surface water flood risk shown at the site. A drainage scheme should be designed and installed to mitigate residual risk to the proposed development.
- 7.24. CDC BUILDING CONTROL: A Building Regulations application will be required. Adequate B5 Fire Rescue Service vehicle access should be provided to within 45 metres of each of the proposed cabins.
- 7.25. CDC PLANNING POLICY: **No comments**
- 7.26. THAMES VALLEY POLICE: Thank you for consulting me on the above planning application. I have concerns that this application does not adequately consider the risk of crime, particularly regarding the rural location of this development, with permeability/access introduced by the canal footpaths.
- 7.27. In order to ensure all opportunities are taken to design out crime from the outset, and to ensure all areas of the development are sufficiently secured to reduce the opportunities for crime and disorder to occur, I ask that the following or similarly worded condition be placed upon any approval;
- 7.28. Condition 1: Prior to commencement of development, an application shall be made for Secured by Design Silver accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.
- 7.29. OCC ARCHAEOLOGY: The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are **no archaeological constraints** to this scheme.
- 7.30. CDC ENVIRONMENTAL PROTECTION:
- 7.31. *Noise*: Noise Assessment Report submitted by Inacoustics has been reviewed.
- 7.32. Section 4.2 Proposed Operation of the report outlines the type of events that may be held at the venue and estimates between 15 and 30 events a year involving full site

hire, and between 15 and 30 events involving informal indoor/outdoor events that could include the barn and/or the surrounding fields. Both types of event could include amplified and/or live music. It gives the maximum occupancy of the barn as 150 people.

- 7.33. Section 6.2 Site Layout and Mitigation by Design states that doors along the north-eastern façade must be kept closed while music is playing in the Main Hall, however this hasn't been carried forward into the proposed noise management plan in section 8. I'm assuming reference to the Main Hall and Events Barn in the report are the same building.
- 7.34. Section 7 Façade Sound Insulation Criteria Mitigation specifies the minimum Weighted Sound Insulation Index criteria in Table 6 for the façade elements of the Events Barn. The specification of the façade elements will therefore need to be submitted for prior approval.
- 7.35. **Conditions recommended** on sound proofing and a Noise Management Plan.
- 7.36. *Land Contamination:* The comments on the pre-application were that given the previous use of the site a contaminated land assessment would be required, should an application be submitted, to demonstrate the site is suitable for the proposed end use. No assessment has been submitted with this application. As a minimum a desk study and site walk over report will be required. There would be **no objections to the application subject to the normal suite of land contamination conditions.**
- 7.37. THAMES WATER: **No comments** on the application
- 7.38. CDC ECOLOGY: **Comments** – Proposals if managed well could result in good net gain for biodiversity however no activity surveys have been carried out for bats therefore bat interest on site remains unknown and we cannot agree any mitigation. If a mitigation plan is submitted it would need to cover all possible eventualities and there would need to be sufficient flexibility in the building plans to accommodate this. Ideally the applicant would submit the relevant surveys.
- 7.39. A CEMP for biodiversity and a full LEMP would be required. A lighting strategy is also necessary.
- 7.40. CDC CONSERVATION: **No objections:**
- 7.41. *Events Barn:* No objections in principle, but concerned over extent of glazing to north-east elevation and potential light spillage. No objection to timber cladding and no objection to reception building or parking but minor concern about timber fence connecting reception and barn, suggests hedge would be more appropriate.
- 7.42. *Cabins:* Welcomes changes in layout compared to pre-app scheme. Cabins will still be visible but on the whole are not considered to detract from the character of the Conservation Area. Notes that cabins will have the appearance of an unbroken mass, potentially because of uniform materials, suggests subtly varied materials may assist. No objections to swimming pond but care needed to avoid additional structures or equipment. Landscaping proposed appears to provide substantial screening once established and should be encouraged. Noise and light spill should be controlled and conditions required for materials, lighting, swimming pond equipment/structures, hardstanding material.
- 7.43. OFFICER NOTE: Responses have not been received from: CDC Arboriculture; Campaign to Protect Rural England; CDC Economic Development; Environment

Agency; CDC Landscape Services; CDC Recreation and Leisure; CDC Waste and Recycling.

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)

- Policy PSD1: Presumption in Favour of Sustainable Development
- Policy SLE 3: Supporting Tourism Growth
- Policy SLE 4: Improved Transport and Connections
- Policy ESD 1: Mitigating and Adapting to Climate Change
- Policy ESD 2: Energy Hierarchy and Allowable Solutions
- Policy ESD 3: Sustainable Construction
- Policy ESD 5: Renewable Energy
- Policy ESD 6: Sustainable Flood Risk Management
- Policy ESD 7: Sustainable Drainage Systems (SuDS)
- Policy ESD 8: Water Resources
- Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD 13: Local Landscape Protection and Enhancement
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD 16: The Oxford Canal
- Policy ESD 17: Green Infrastructure
- Policy Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy H19: Conversion of buildings in the countryside
- Policy H20: Conversion of farmstead buildings
- Policy TR7: Development attracting traffic on minor roads
- Policy T5: Proposals for new hotels, motels, guesthouses and restaurants in the countryside
- Policy C5: Protection of ecological value and rural character of specified features of value in the District
- Policy C8: Sporadic development in the open countryside
- Policy C14: Countryside Management Projects
- Policy C18: Development retained – proposals affecting a listed building
- Policy C23: Retention of features contributing to character or appearance of a conservation area
- Policy C28: Layout, design and external appearance of new development
- Policy C29: Appearance of development adjacent to the Oxford Canal
- Policy C33: Protection of important gaps of undeveloped land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Cherwell Tourism Study August 2008
- Oxfordshire County Council and Cherwell District Council COVID 19 Recovery Strategy Restart Recover Renew
- Oxford Local Enterprise Partnership: Creating The Environment for Growth - A strategic Investment Plan for Oxfordshire Dec 2015

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Heritage impact
- Residential amenity
- Highway impact
- Flooding and drainage
- Climate change
- Arboriculture
- Ecology impact

9.2. *Officer note:* As described above the proposals can be split into two parts; the events barn (including ancillary buildings and car parking) and the holiday cabins. The policy considerations for each differ slightly and therefore where appropriate the assessment section has been split for clarity.

Principle of Development

Policy Context

9.3. The development plan for the district comprises the Cherwell Local Plan Part 1 adopted 2015 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996). The National Planning Policy Framework is a material consideration.

9.4. A new Cherwell Local Plan 2040 is being prepared; however, in January 2023 the Council’s Executive resolved to defer consultation on the Regulation 18 version of the new plan to allow comments from Overview and Scrutiny Committee and Executive to be considered by Officers. The draft CLP 2040 does not therefore carry any weight at the time of writing this report.

9.5. Policy SLE3 of the CLP 2015 explains that, ‘*the Council will support proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District*’. The policy preamble notes that the Council ‘*will support new tourism provision that can demonstrate direct benefit for the local ‘visitor’ economy and which will sustain the rural economy*’ (B.62). The preamble also offers support to an increase in high quality tourist accommodation in Cherwell’s towns (B.63) and notes that the Part 2

Local Plan will include policies encouraging new accommodation and the allocation of smaller sites for tourism related development (B.67). The Part 2 Local Plan has not been produced and instead a new Cherwell Local Plan 2040 (CLP 2040) is being prepared. Therefore, smaller sites for tourism related development have not been allocated.

- 9.6. Policy SLE4 states that *'all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling'*.
- 9.7. Policy ESD1 seeks to distribute growth to the most sustainable locations and to deliver development that seeks to reduce the need to travel and which encourages sustainable travel options.
- 9.8. Policy ESD16 seeks to protect and enhance the Oxford Canal corridor and offers support for proposals to promote transport, recreation, leisure and tourism related uses of the canal where appropriate. The policy also notes that other than appropriate small scale car parks and picnic facilities, new facilities for canal users should be located within or immediately adjacent to settlements.
- 9.9. The NPPF seeks to support economic growth throughout the country with paragraph 84 providing specific support to the rural economy, noting that planning decisions should enable the *'sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'* along with *'sustainable rural tourism and leisure developments which respect the character of the countryside'*.
- 9.10. Paragraph 85 acknowledges that *'sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist'*.
- 9.11. Paragraph 105 notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
- 9.12. The Supporting Statement references policy T1 from the CLP 1996; however, this policy expired on 27 September 2007, as instructed by the Secretary of State on 25 September 2007, and is therefore no longer relevant. The Statement also references policy EMP4 from the CLP 1996; this policy was replaced by policy SLE1 of the CLP 2015 as detailed in Appendix 7 of the 2015 Local Plan, but Policy SLE1 is not considered relevant to this application.
- 9.13. The applicant has sought Counsel advice on the relevance of saved policy T5 of the CLP 1996 to the proposal. Counsel's view is that the policy is relevant to four types of development (hotels, motels, guest houses and restaurants) and, as the proposal does not fall within the categories, the policy is not applicable. Officers have not referred to saved policy T5 in this report.
- 9.14. In respect of other material considerations, the Cherwell Tourism Study (August 2008) notes that towns will be the main focus for development but some will take place in rural areas (page 12). The Study also highlights that tourism is an important element

in the local economy (page 13) and that the Oxford Canal is potentially an extremely valuable tourism resource (page 15). Section 7.2 of the Study notes that the rural environment is one of Cherwell's most important assets, encourages accommodation providers to be walker/cyclist friendly and encourage provision of cycle hire via accommodation providers. However, it is also recommended that the character of the countryside continues to be protected and enhanced.

- 9.15. Section 7.3 highlights measures that could be taken to make more use of the Oxford Canal as a tourism resource, including improving access in the rural areas and developing land-based activities such as walking, cycling and restaurants/cafes. Section 7.4 identifies the importance of providing quality accommodation and notes that there may be scope for additional small scale, self-catering developments in the countryside.
- 9.16. OxLEPs plan titled 'Strategic Environmental and Economic Investment Plan for Oxfordshire' (SEEIPO) highlights the importance of economic factor in driving the recovery from the pandemic. The plan notes that a thriving local economic will underpin renewal, provide opportunities for people and ensure Oxfordshire retains and enhances its status as a world class economic force.

Assessment – Events Barn

- 9.17. The primary policy relevant to the proposal is SLE3 of the CLP 2015. This supports tourism and visitor facilities in sustainable locations. Whether a site is in a sustainable location requires an assessment of the proposed use, the likely needs of visitors, and the accessibility of the site.
- 9.18. In respect of visitors to the events barn, as they would be attending for an event the availability of nearby services, such as pubs or shops, is less important. Whilst there may be some overnight stays in the local area because of events, given the variety of events it is considered likely that the majority of visitors would travel for an event and then leave. As such transport links are central to the assessment of sustainability. The considerations for the cabin accommodation are slightly different and these are considered separately below.
- 9.19. In respect of transport links there are no buses serving the site and only very limited services to Cropredy. Contrary to the Transport Statement, bus 502 does a single return trip from Leamington to Banbury via Cropredy on a Saturday only (depart 11:04, return 13:59). Bus 497 only runs on a Thursday offering a single return journey to Banbury (depart 10:21, return 13:44). The bus stop in Cropredy is approximately 2km from the application site.
- 9.20. The nearest bus stops with more regular services are on Southam Road (Mollington) 4.1km to the west (by road) and the A361 (Williamscot) 4.0km to the south-east. A closer bus stop (3km away) exists in Wardington; however, this would necessitate walking along footpaths crossing cultivated fields rather than along roads. The nearest train station is Banbury, approximately 9.2km to the south.
- 9.21. The surrounding road network comprises unlit country lanes with no footways and whilst there is a towpath along the canal which walkers and cyclists can use, this is also unlit, in places narrow (especially around lock gates), and the surface is uneven. This reduces the desirability of walking or cycling to the site. Further, guests for more formal events such as conferences, weddings and parties, are likely to be smartly dressed and therefore less inclined to walk or cycle to the site given the nature of the available routes and the distances likely to be involved. It is noted that bike storage, including electric bike charging will nevertheless be provided.

- 9.22. In light of this transport context Officers consider it most likely that visitors will reach the site by either car or taxi. This is consistent with the submitted Transport Statement (para 5.1) which notes that *'The nature of the location and destination is such that the majority of guests will arrive to the venue by car'* though the Statement notes there will be a high proportion of car sharing. Nonetheless this is considered to be contrary to the aim of policy SLE3 to direct tourist facilities to sustainable locations along with policy ESD1 which seeks to distribute growth to the most sustainable locations and reduce the need to travel, in addition to paragraph 84(c) of the NPPF. This policy conflict weighs significantly against the proposal.
- 9.23. The applicant is of the view that policy SLE3 must be read in the context of paragraph 85 of the NPPF which acknowledges that sites to meet local business and community needs may have to be found adjacent to or beyond existing settlements and in locations that aren't well served by public transport. Officers do not consider policy SLE3 and paragraph 85 are incompatible; policy SLE3 doesn't require proposals to be located in existing settlements, only that they should be in sustainable locations. This does not preclude sites coming forward outside existing settlements and is consistent with paragraph 84(c) of the NPPF which supports sustainable rural tourism and leisure development. Further, as noted at paragraph 9.17, the question of the sustainability of a site is dependent on several factors and must be assessed on a case by case basis.
- 9.24. In respect of the reference to *'meet local business and community needs'* in Paragraph 85, the question of need is also relevant to the issue of sustainability. The proposed events barn would create a new business and it is reasonable to expect that this business will require services and supplies from local businesses such as caterers and event suppliers. Local businesses may also wish to rent the space for an event and guests may also stay overnight in the local area which would benefit local business. The local community could also rent the space though there is already a village hall in Cropredy available for hire. There is also broad support for tourism proposals and schemes that support the rural economy in both the development plan and material considerations identified above. The economic benefits of the scheme therefore attract significant weight in favour of the proposal.
- 9.25. Officers note that one letter of support has been received from a resident in Claydon highlighting employment opportunities and that Cropredy Parish Council considers the proposal would be beneficial to the local economy. However, whilst there are broad economic benefits from the scheme, no explicit local business need has been identified, no local businesses have come forward in support of the proposal and this is a new business venture rather than expansion of an existing business. There is also no identified specific community need for the facility. As such the proposal does not gain significant support from paragraph 85.
- 9.26. This matter also links with the issue of functional need, in other words the need for a development to be in a particular place. In this respect whilst it is acknowledged that the barn is currently vacant and this would put the building back into use, no reasons have been given for why an events space is required in this location. Some uses are inherently reliant on an open countryside location; however, whilst it may be desirable to host events in the countryside, no functional need for such a facility in this location has been demonstrated.

Assessment – Cabin Accommodation

- 9.27. In respect of the in principle acceptability of the cabin accommodation, policy SLE3 remains the most relevant policy. This offers support to tourist facilities but requires these to be in sustainable locations. The accessibility of the site by public or sustainable transport options remains largely as described above for the events barn,

though the Planning Statement references provision of a shuttle bus to take guests to and from Banbury Station. However, no details of this service have been provided (frequency, availability, cost).

- 9.28. In terms of guests travelling to and from the site at the beginning and end of their stay, as they would likely have luggage (and possibly food) Officers consider they may be less inclined to travel by public transport and more likely to use a private car. The offer of a shuttle service from Banbury Station may assist some guests who could travel by train, but without details of the offer, the benefit it brings cannot be assessed. Guests could also use taxis instead. The likely reliance on the private car to reach the site presents a conflict with policies SLE3 and ESD1 along with paragraph 84(c) of the NPPF.
- 9.29. In addition to arriving and departing the site, the availability of local services such as shops and restaurants is also relevant to the sustainability of the accommodation. For example, guests may wish to eat out or buy food and drinks if self-catering. The site lies approximately 1.6km from the edge of Cropredy via Claydon Road, and it is a further 0.4km to either public house or 0.6km to the village shop. Via the towpath, it is approximately 2.0km to the closest pub and 2.2km to the shop. There is no footway or lighting along Claydon Road until the road enters Cropredy and the speed limit is 60mph until the edge of the village. The towpath is also unlit, in places narrow, especially around lock gates, and the surface is uneven.
- 9.30. A recent appeal decision (APP/C3105/W/21/3280416) for a canal marina east of Claydon considered the issue of the sustainability of that site and, whilst it was noted that Cropredy has some local facilities, the Inspector reasoned that the village was not in easy walking distance (the marina site is 2.5km further from Cropredy than the current site) and *'the narrowness, and the uneven nature of the towpath, together with the lack of lighting on this or the local roads, also limits the ability to use bicycles for such trips too'*. The Inspector concluded that opportunities to access local facilities by means other than the car would be minimal and, despite acknowledging that the accessibility of the site was less important than if people were staying on the site, found that the site was unsuitable for a marina.
- 9.31. The application site is closer to Cropredy than the marina proposal but remains a significant distance from the village. Though it is lawful to cycle on the towpath, given its nature, Officers do not consider that to be a realistic option. Instead, cyclists are more likely to prefer the road; however, the rural nature of the road to Claydon limits the ability to use bicycles for trips. Walkers would probably prefer to use the towpath but the distance to Cropredy and lack of lighting reduce the desirability of this route especially at night or in poor weather. Overall, Officers accept that some guests will be happy to walk or cycle to Cropredy; however, given the challenges identified, consider that the private car would be the preferred option. This conflicts with policies SLE3 and ESD1.
- 9.32. To improve the sustainability of the site the applicant proposes to make electric bikes available to guests, to provide basic amenities such as milk and tea and allow supermarket deliveries to be made to the site prior to guests arriving. These measures would improve the sustainability of the site but only to a small degree and Officers do not consider these overcome the issues identified.
- 9.33. In respect of the economic benefits of the proposal, the cabins would bring investment to the rural area and provide 8 additional units of accommodation which would accord with the general thrust of the Local Plan and NPPF to increase the availability of tourist accommodation. This could also benefit local attractions and businesses such as pubs along with providing accommodation to support local events such as the Cropredy Festival. However, as with the events barn these are broad benefits and no

specific local business or community need for the facilities have been identified to engage the flexibility offered by paragraph 85 of the NPPF.

- 9.34. In addition, Officers consider the support given for economic growth, including a prosperous rural economy, set out in the Local Plan and NPPF is clearly framed with considerations of sustainability and therefore Officers do not think that the economic benefits of a proposal automatically override the general principles of sustainable patterns of development, instead a balance is necessary.

Conclusion

- 9.35. In respect of the events barn the proposal would bring a disused building back into a productive use and there are potential benefits for the rural and visitor economies. The proposal is however in a location that is reliant on the private car for access and no specific need for the facility has been identified to meet the requirement of paragraph 85 of the NPPF. Further, there is no identified functional need for the proposal to be located in such an inaccessible rural position. On balance, Officers do not consider that the identified benefits of the scheme outweigh the identified harm and therefore, in principle, consider the proposal to represent an unsustainable form of development in the open countryside that is contrary to policies SLE3 and ESD1 of the CLP 2015 and paragraphs 84 and 85 of the NPPF.
- 9.36. Turning to the cabin accommodation, this would bring additional tourist accommodation to the area, which would bring broad economic benefits and help to address an identified need for more tourist accommodation. Whilst it is likely many guests would travel by car to the site, this is more inevitable given the luggage guests would require. However, when on site, the distance to local services and attractions and the lack of public transport means that guests are also likely to be reliant on the car whilst staying. Further, no specific local business or community need for the facility in this location has been identified. Officers do not consider the broad support for tourist accommodation nullifies the need to promote sustainable patterns of development and on balance, Officers are of the view that the harm of the proposal outweighs the benefits. The proposal would therefore, in principle, be contrary to policies SLE3 and ESD1 of the CLP 2015 and paragraphs 84 and 85 of the NPPF.
- 9.37. Whilst the events barn and cabin accommodation have been considered individually, there is also potentially a symbiotic relationship between the two when the site is hired as one and some event guests would stay on site. However, given full site hires are anticipated to make up around half of events and the accommodation could only accommodate a small proportion of event guests, this consideration does not change Officers conclusions as to the sustainability of the proposals.

Design, and impact on the character of the area

Policy Context

- 9.38. Policy ESD13 of the CLP 2015 seeks to enhance the character and appearance of the landscape through restoration, management or enhancement of existing landscapes, features or habitats and where appropriate create new ones. Development is expected to respect and enhance local landscape character and development that causes undue visual intrusion into the open countryside, is inconsistent with local character or impacts on areas of high tranquillity, amongst other considerations, will not be permitted.
- 9.39. Policy ESD15 seeks to control new development to ensure it complements and enhances the character of the area through sensitive siting, layout and high quality

design. The policy also aims to control the impact of development on heritage assets, residential amenity and sustainability.

- 9.40. From the 1996 Local Plan, saved policy C28 aims to ensure new development has sympathetic standards of layout, design and external appearance whilst saved policy C29 requires development adjacent to the canal to be of a high standard. Saved policy C8 resists sporadic development in the open countryside.
- 9.41. Within the NPPF, paragraph 130 requires new development to add to the overall quality of the area in both the short and long term, be visually attractive and be sympathetic to local character. Paragraph 134 states that poor design should be refused. Paragraph 185 requires new development to be appropriate to its location including protecting tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Assessment – Events Barn

- 9.42. The events barn is a modern agricultural building finished in blockwork, timber cladding and corrugated metal sheeting. The adjacent tack room is similarly constructed. Neither building has any architectural merit; however, both are typical of 20th century agricultural buildings. These buildings are set to the north-west of a red brick farmhouse (Oathill Farm). Though the buildings were most recently in equestrian use, the appearance of the site is of a small agricultural farmstead.
- 9.43. The Oxford Canal, with Elkington Lock and bridge 148, lie immediately to the east of the site and create a cluster of structures with the farm buildings. To the north is a separate collection of buildings known as Forge Farm, centred on its canal frontage. The site is set within a rolling agricultural landscape comprising a mix of pastures and arable fields intersected by hedges and trees. The surrounding agricultural landscape and the appearance of the existing buildings gives the locality a strong rural character, clearly detached from any settlement, with the canal and Forge Farm adding an element of industrial heritage.
- 9.44. Views into this part of the site principally come from the canal to the east, through the existing hedge. These views are more limited in summer months with leaves on the hedge. Views from Claydon Road to the south are restricted by a large existing roadside hedgerow, with glimpses available through existing gaps.
- 9.45. In respect of the events barn itself, it is proposed to infill the north-western corner of the building to create a covered seating/storage area. This infill continues the existing form of the building and is therefore acceptable in design terms. It is also proposed to reclad the building in timber with a corrugated metal roof. These materials are consistent with the agricultural character of the building and would improve the outward appearance of the building.
- 9.46. It is also proposed to add a significant number of new windows and doors to the building. On the south-western elevation these replace the existing large sliding doors; however, on other elevations the openings are new. Cumulatively Officers consider the number and variety of new openings contrast with the simple functional agricultural character of the building and this would be particularly evident in winter views from the canal. The new openings would also permit significant amounts of light spillage which would be inconsistent with the rural character of the area. The new openings therefore conflict with policy ESD15 of the CLP 2015 and saved policy C28 of the CLP 1996. Concern is also raised against the proposed porch on the south-western elevation which, as a result of its roof form, appears as an incongruous addition to the building.

- 9.47. Officers note the concerns of the Conservation Officer in respect of the timber fence joining the proposed reception to the events barn; however, this feature would be mostly screened by the existing farmhouse in views from the canal and by the reception building in view from the road. Therefore, whilst the concerns are understandable, Officers do not consider the fence to be harmful to the character of the area.
- 9.48. With regard to the new reception building, this has a simple linear form consistent with agricultural buildings, is positioned close to the events barn, is modest in scale and is finished in materials to match the barn. The reception would therefore appear as part of the farmstead and would not be a strident addition to the wider landscape. Officers are, though, concerned over the wide and shallow shape of the proposed reception windows which break the simple form of the building. However, these wouldn't be visible from the canal and would only be seen at distance from the highway. As such the degree of harm is not significant.
- 9.49. The proposals for the tack room are modest and primarily entail recladding it to match the barn. No concerns are raised against this work.
- 9.50. In respect of the parking, this occupies the existing maneges and, though close to the road, would be screened by the existing hedge, which would be enhanced with additional planting. The parking would appear closely associated with the buildings and therefore whilst potentially some visual harm may occur, particularly in winter, Officers do not consider this would be significant. The use of hoggin surfacing is considered appropriate for the rural setting and the additional tree planting around and within the car park would reduce its visual impact.
- 9.51. Occasional parking would also be provided on a grass paddock adjacent to road, with heavy duty matting laid to reinforce the ground. Whilst not in use it would appear as a paddock. The existing roadside hedge would screen the cars particularly during summer and, given the occasional nature of the use, Officers do not consider any resulting visual harm would be significant.
- 9.52. The new access would result in the loss of a section of hedge and grass verge which will cause a small degree of visual harm along the road; however, accesses are common in the rural area, and subject to details of the access, Officers do not consider the degree of harm would be unacceptable.
- 9.53. A lighting plan has been submitted showing the use of down-lit bollards and wall mounted down lights; however, no specification for the lights has been provided, there are a significant number of lights and some seem to be positioned within parking spaces. The principle of using down facing lights is positive; however, the level of detail is insufficient, and the distribution of the lights is of concern. Given inappropriate lighting could have a significant adverse effect on the rural character of the area further details would be required. However, Officers consider this matter could be appropriately addressed by a condition.
- 9.54. In addition to the physical changes to the site, it is also necessary to consider how the activities on site may affect the character of the area. Of particular note are the potential noise emissions from the activities on site and how these compare to the existing noise characteristics of the site.
- 9.55. At present the site is relatively quiet and tranquil. There is occasional road noise from passing cars and some background noise from the nearby railway line along with noise from passing narrowboats, particularly using the lock. The site is not silent but the noises apparent are fairly typical of a rural setting adjacent to a canal and lack the intensity and regularity of a more urban environment. This contributes to the pleasant

environment and will be appreciated by members of the public enjoying the countryside, particularly along the towpath or canal.

- 9.56. The submitted Noise Assessment considers the impact of music played inside the barn on nearby residential receptors but doesn't consider the impact of noise from the proposed activities on site on the character of the area. The Assessment also does not consider the nature of the noise emissions from the proposed activities and how these compare to the existing noises apparent on the site and surrounding area.
- 9.57. The noise modelling indicates that the music from the events barn would be audible on the section of the canal immediately adjacent to the barn (Figures 5 and 6 in the Noise Assessment). In Officers view the sound of music would contrast with the typical sounds currently apparent in the area. It should be noted that canal users, whether on the water or towpath, would typically be passing along the canal and any music would be localised around the events barn. However, events with music could occur between 30-60 times a year and the canal is a popular recreation route therefore the impact would be experienced by a significant number of people. Overall, Officers are of the view that the noise emissions from the site would adversely affect the rural tranquillity of the area.

Assessment – Cabin Accommodation

- 9.58. The proposed cabins are sited approximately 200m north-west of the events barn within the southern corner of an existing field of pasture. Along the north/north-east boundary of the pasture is the Oxford Canal, between 150m-200m from the cabins. The cabins would sit on the highest part of the pasture with the land falling down by around 3m towards the canal.
- 9.59. The pasture is currently open to the canal with extensive views into the site available from the canal and towpath. From the towpath the land is seen to rise slightly and to the east of the pasture the buildings of Forge Farm can be seen, adjacent to the canal.
- 9.60. The Planning Statement argues explains that the cabins have been designed in the style of agricultural barns and have been clustered together to have the appearance of an extended farmstead associated with Forge Farm.
- 9.61. The application is supported by a Landscape and Visual Appraisal (LVIA) which concludes the majority of the surrounding landscape would be unaffected by the proposals. The LVIA notes that the view of the site from the canal is the key view and that initially the change in the view caused by the cabins would be minor adverse (para 6.25). However, by year 15, once the proposed landscaping has established, the report's author considers the view would look better than the existing and the overall effect would be minor beneficial.
- 9.62. In respect of the design of the cabins, the low form and use of timber cladding and corrugated metal roofing is consistent with rural buildings. The walls of the cabins, particularly no.1 and no.5, use walls arranged at diagonal angles to the perimeter of the roof which is not typical of rural buildings; however, given the simple roof form and materials Officers do not consider this is inherently harmful to the character of the area. The extent of window openings is a concern as this is an inherently residential feature not typical of functional rural buildings.
- 9.63. Officers agree with the findings of the LVIA that the key view of the site is that from the canal, however, are concerned about the overall effect of the cabins on the landscape. Though the materials and basic form of the cabins are consistent with rural buildings, the position and number of cabins creates a significant low but wide mass of development. The uniformity of the materials also contributes to the mass of the

cabins. This mass would be readily visible from the canal with the effect exacerbated by the rise in the land from the canal and the position of the cabins on the highest point of the site. This is apparent in the visualisations of the development provided in the LVIA. There would also be harm at night caused by light spill from the windows and the proposed external lighting.

- 9.64. Officers do not consider the cabins would be seen as an extension of the group of buildings at Forge Farm. Those buildings are clustered around the canal, the designs are very different and there is clear separation between Forge Farm and the proposed cabins. In Officers' opinion, the buildings appear quite isolated in the landscape.
- 9.65. Taken altogether Officers are of the view that the proposed cabins would introduce a significant new development into the open countryside. Whilst elements of the design are consistent with rural buildings, the cumulative effect of the cabins would have an urbanising effect on the landscape and appear as sporadic development in the countryside.
- 9.66. The proposed landscaping would soften the impact of the cabins over time; however, Officers do not consider that landscaping can overcome the fundamental incompatibility of the proposals in the landscape. Further, any landscaping would be less effective in the winter months.
- 9.67. With regard to the swimming pond and adjacent pond, given the rise in land form from the canal, it is unlikely the ponds would be visible and even if they were, ponds are a normal feature of the natural environment. Subject to further details of the proposed levels to ensure a natural appearing landform, which could be secured by condition, Officers do not consider the ponds would be harmful to the character or appearance of the area.
- 9.68. As with the events barn, there are likely to be some noise emissions from the cabins; however, these would be much less significant. Officers do not consider the likely noises from the cabins would harm the rural tranquillity of the area, though appropriate management of the site would be necessary and this is discussed later in this report.
- 9.69. The proposed hoggin track connecting the events barn and cabins along with the hoggin frontage to the cabins is considered acceptable as this would not be an incongruous addition to the landscape.

Conclusion

- 9.70. The proposed extension to the northern corner of the events barn is considered acceptable and the exterior recladding of the building has the potential to improve its outward appearance. No significant concerns have been raised against the new parking area. Officers are, however, concerned about the extent and design of the new window and door openings proposed to the existing barn and the impact this would have on the agricultural character of the building. These windows would also cause further harm to the rural character of the area through light spillage. In addition, Officers consider the proposal would result in a loss of tranquillity within the rural area. Taken altogether Officers consider the proposed events barn would therefore unacceptably harm the rural agricultural character of the area and this would be contrary to policies ESD13 and 15 of the CLP 2015, saved policy C28 of the CLP 1996 and paragraphs 130 and 185 of the NPPF.
- 9.71. With regard to the proposed cabin accommodation, the simple form and materials are consistent with rural buildings however the significant mass created by the grouping and extent of the cabins is considered to have an unacceptable urbanising effect on the rural landscape and would appear as an isolated addition to the area. The harm

is exacerbated by the elevation of the site from the key public viewpoint along the canal. Taken altogether Officers consider the proposed cabins would therefore unacceptably harm the rural agricultural character of the area and this would be contrary to policies ESD13 and 15 of the CLP 2015, saved policies C8 and C28 of the CLP 1996 and paragraph 130 of the NPPF.

Heritage Impact

Policy Context

- 9.72. The site is close to the Oxford Canal Conservation Area and both Elkington Lock to the east of the farmhouse and Bridge 148 immediately south of the lock are Grade II listed structures.
- 9.73. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.74. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...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.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.75. The NPPF describes heritage assets as an '*irreplaceable resource*' and sets out how they should be conserved so future generations can enjoy them. Paragraph 194 requires applicants to describe the significant of any affected heritage assets and paragraph 199 requires great weight to be given to the asset's conservation, with that weight increasing with the importance of the asset. Substantial harm to heritage assets should be avoided unless there are substantial public benefits that outweigh the harm whilst proposals causing less than substantial harm should be weighed against the public benefits of the scheme (paragraph 202).
- 9.76. Policy ESD15 of the CLP 2015 seeks to conserve, sustain and enhance designated and non-designated heritage assets, in line with the NPPF, whilst Policy ESD16 specifically considers the Oxford Canal and seeks to protect and enhance its corridor. Saved policy C18 of the CLP 1996 aims to preserve listed buildings and their setting whilst saved policy C23 aims to retain positive features within a Conservation Area. Saved policy C29 seeks to ensure that all new buildings adjacent to the canal are designed to a high standard.
- 9.77. The Oxford Canal Conservation Area Appraisal 2012 (CAA) explains that, aside from passing through Banbury, the canal '*is almost entirely rural, and indeed, quite isolated, until it meets the outer suburbs of Oxford. For much of the route, the general character of the canal and its setting is very similar, with just some subtle variations; this consistency and calm within the landscape of the route forms a very important part of its distinctiveness*'. The CAA also notes that there is little in the setting that harms the current rural setting of the canal and that the rural sections of the canal are relatively tranquil.

Assessment – Events Barn

- 9.78. This element of the proposal lies within the setting of the adjacent listed lock and bridge and affects the setting of the Oxford Canal Conservation Area.

- 9.79. A Heritage Assessment has been submitted with the application however this only considers the proposed cabin accommodation and does not reference the proposals around the events barn.
- 9.80. The Council's Conservation Officer has not objected to the scheme but has made several comments. In respect of the events barn this covers the extent of glazing and potential for light spill along with the need to respect the tranquillity of the area. No concerns are raised over the reception building, tack room works or parking, though it is suggested that the timber fence between the reception and barn is rethought.
- 9.81. As explained above, Officers hold concerns over the impact of the physical changes to the barn and the proposed use on the character of the area. These concerns are centred on the extent of glazing changing the agricultural character of the barn along with the resulting light spill. There is also concern over the impact of the proposed use on the tranquillity of the area.
- 9.82. The Conservation Area Appraisal explains that rural sections of the canal are relatively tranquil and the consistency and calmness of the rural landscape is important to the distinctness of the canal. Given the identified harm to the rural character of the area and the importance of this to the significance of the canal, Officers take a slightly different view from the Conservation Officer and consider that the proposal does cause harm to the significance of the Conservation Area.
- 9.83. However, this harm would only be apparent from a short section of the canal around the lock and the degree of harm would vary. When there is no music and no light spill, the harm would be confined the impact of the glazing on the character of the barn. Further, in the context of the whole Conservation Area, this only affects a very small part of it. As such the harm would be *less than substantial* and at the lower end of less than substantial. The NPPF requires the harm to be balanced against any public benefit and in this regard, the scheme would bring economic benefits to the area as described in an earlier part of this report. Officers are of the view that given the limited harm identified to the significance of the Conservation Area, this is balanced by the public benefits.
- 9.84. In respect of the impact of the events barn and associated works on the two listed structures, Officers consider their setting is principally confined to the canal and towpath given their function. Therefore, whilst concerns exist in respect of the impact on the significance of the Conservation Area, Officers do not consider these would adversely affect the significance of the listed structures.
- 9.85. In respect of archaeology, OCC has advised that the scheme does not appear to affect any known archaeological features or sites.

Assessment – Cabin Accommodation

- 9.86. This element of the proposal lies within the setting of the Oxford Canal Conservation Area. The Heritage Assessment questions whether the cabins affect the setting of the listed lock and bridge given the separation distance and the intervening structures and vegetation. Officers are satisfied that the proposals would not affect the setting of the listed structures and note the Conservation Officer has not raised any concern in this regard.
- 9.87. In respect of the impact on the Conservation Area, the Heritage Assessment acknowledges that the cabins would be visible from the Conservation Area however explains that change is only harmful where it erodes the significance of the heritage asset. Visibility alone is not necessarily harmful. The Assessment concludes that the

change within the setting of the Conservation Area would be small and there would be no harm to significance.

- 9.88. The Conservation Officer has not objected to the scheme but notes that the visualisations submitted in the LVIA indicate that the cabins would appear as an unbroken form of buildings, possibly because of the uniform materials and the layout of the cabins.
- 9.89. As described in the preceding section of this report, Officers consider the proposed cabin would harm the rural landscape because of its mass and uniformity creating an urbanising effect on the landscape. This rural landscape contributes to the setting of the canal with the consistency and calm of the landscape forming an important part of its distinctiveness. As such Officers take a different view from the Conservation Officer and consider the cabin accommodation does result in harm to the significance of the Conservation Area through erosion of its rural setting.
- 9.90. However, this harm is only apparent from a short section of the canal and in the context of the whole Conservation Area, only affects a very small part of it. As above, the level of harm is considered to be *less than substantial* and at the lower end of less than substantial. In these circumstances the NPPF requires the harm to be balanced against any public benefit and in this regard, the scheme would bring economic benefits to the area as described in an earlier part of this report. Officers are of the view that given the limited harm identified to the significance these are balanced by the public benefits.
- 9.91. In respect of archaeology, OCC has advised that the scheme does not appear to affect any known archaeological features or sites.

Conclusion

- 9.92. The works around the events barn and the proposed cabin accommodation are considered to cause less than substantial harm to the significance of the Oxford Canal Conservation Area. However, the level of harm is considered to be at the bottom end of less than substantial and in accordance with paragraph 202 of the NPPF this is balanced by the economic benefits of the scheme. As such Officers do not consider it would be reasonable to refuse the scheme on heritage impact grounds.
- 9.93. No harm has been found to the significance of the two listed structures from the proposals and no archaeological constraints have been identified.

Residential Amenity

Policy Context

- 9.94. Policy ESD15 of the CLP 2015 requires new development to deliver '*high quality safe, attractive, durable and healthy places to live and work in*' and to '*Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*'.
- 9.95. Paragraph 185 of the NPPF requires development to be appropriate to its location taking into account the likely effects of pollution on health, living conditions and the natural environment and advises that development should '*mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life*'.

Assessment – Events Barn

- 9.96. Residential amenity can be affected by physical changes on site along with the proposed activities. The closest neighbour to the property is Forge Farm, approximately 160m to the north. There are also residential moorings at the Farm and mooring is available along the canal for up to 14 days.
- 9.97. Given the nature of the physical changes to the events barn and tack room, and the position and scale of the new reception building, Officers are satisfied that these would not cause unacceptable harm to the amenities of any neighbouring resident. The key matter for consideration is the likely noise output from the proposed use.
- 9.98. In this regard the application is supported by a Noise Assessment. This estimates that between 15 and 30 events a year involving full site hire, and between 15 and 30 events involving informal indoor/outdoor events that could include the barn and/or the surrounding fields. Both types of event could include amplified and/or live music. It gives the maximum occupancy of the barn as 150 people. No hours of operation have been given or the total duration for the events. It is noted that events may take place on weekends or during the week.
- 9.99. This Assessment has measured the baseline noise levels on site and compared this to the likely sound generation from music being played inside the venue. The Assessment has only considered music noise as the consultant considered that this was likely to be the most significant noise generating activity. The assessment has focused on two noise receptors, Forge Farm and the canal moorings between Forge Farm and the barn.
- 9.100. The Assessment notes that any openings on the north-eastern façade of the events barn should be kept closed while music is playing in the barn. Modelling has been undertaken on the basis of music being played at 90dB in the barn during the day and 86dB during the evening and night. On this basis the prevailing ambient sound levels at the mooring south of Forge Farm increase between 0.7dB and 1.0dB whilst at the Farm itself the increase is between 2.1dB and 2.9dB. The report states that there would be a minor impact on the Farm though to achieve these figures requires the doors on the barn to be kept closed in the evening period.
- 9.101. Separate calculations have been presented for the night time period and the Assessment concludes that music noise levels would be mostly inaudible.
- 9.102. Mitigation measures for a Noise Management Plan have been proposed and include:
- Internal music noise levels to not exceed a level of 90 dB(A) during the daytime and 86dB(A) during the evening and night time periods, while French doors are held open for ventilation. Music noise levels should be controlled via an installed limiter. Such a device would incorporate an audio compression system to manage frequency contributions and would cut power to the vocals should any exceedance be detected.
 - French doors to the events space to be maintained in the closed position (as far as is practicable) after 23:00 hours.
 - No outdoor music, except for acoustic instruments such as guitars and vocals through a PA system. No Drums to be allowed outside.
 - Live bands to cease by 23:00. Pre-recorded music can be played from 23:00 onwards.

- Immediate site neighbours and the licensing authority to be provided with site contact details for event management and provision of feedback, should issues be raised with regard to the level of noise generated by events. Details should also be publicly posted on the Mooring Site.
- Noise levels when measured at 10m away from the opened French Doors to the northwest of the property, should not exceed a music noise level of LAeq,5-minutes 68 dB.
- Areas near to the residential properties should be closed off and Patrons should be contained to areas away from these properties within the evening and night time periods.
- Signage should be installed around the site and especially near to the off site residential areas, to reduce noise when outside due to the neighbours to the site.

9.103. Having reviewed the Noise Assessment the Council's Environmental Protection Officer has not objected to the proposal however he has requested two conditions; the first requiring a Noise Management Plan and the second requiring details of the sound proofing measures for the building.

9.104. Officers consider that both of these conditions would be essential if the proposal is granted permission. The Noise Management Plan would ensure that windows and doors are kept shut as per the modelling and control the volume of the music played. It can also include the hours during which music may be played and contact details for neighbours to report concerns to site management.

9.105. However, Officers note that the Noise Assessment has only considered the effect of music played within the barn and has not modelled the impact of music played externally. As such, if the application were approved, Officers consider it would be reasonable to impose a condition preventing any amplified or recorded music being played outside as the impact of this has not been assessed by the applicant.

9.106. Concern has been raised by members of the public over fireworks being set off from the site. Officers consider this concern justified given the celebratory nature of events that could be held on site and the potential noise impacts of fireworks. A condition could be used to prevent this, though exceptions around 5th November and the new year would be reasonable.

9.107. With regard to noise from vehicles leaving the site, as the proposal would increase the number of vehicles on local roads there would be an increase in traffic noise. Some of the increased noise would occur late into the evening/night when guests leave. However, the Transport Statement notes that guests tend to leave over a longer period than they arrive and based on Officers and guests could leave via Claydon or Cropredy. In this context Officers do not consider the likely traffic noise would be unacceptable.

Assessment – Cabin Accommodation

9.108. At the closest point, the proposed cabin accommodation is located approximately 77m from the dwelling at Forge Farm. Given this separation and the scale of the cabins Officers are satisfied that their physical form won't cause any harm to the amenities of the residents of Forge Farm.

9.109. In respect of the proposed use, the key issue is noise. Potential noise emissions come from external activities around the cabins such as arrivals and departures, along

with guests enjoying the open space around the cabins, including the swimming pond. There is the potential for guests to play music and if the site is rented as one, a group of circa 20 guests could be staying in the cabins. The submitted Noise Assessment focuses on noise emissions from the events barn and not the cabins.

9.110. The noise generated from the cabins is, however, likely to be notably less significant than that from the events barn. Officers do not consider that normal day to day comings and goings, guests sitting outside or using the swimming pond are likely to unacceptably harm the amenities of residents of Forge Farm. There is the potential for guests to congregate at the cabins, particularly during whole site hires, and if music is played this could be disruptive. However, this is an issue of site management and Officers consider this matter could be handled as part of the Noise Management Plan recommended above.

9.111. Third party comments have raised concern over helicopters using the site, particularly in connection with events at Silverstone. This concern is understandable; however, the likelihood of this happening is considered low and if it did happen, it is likely to be rare. Officers do not therefore consider it is proportionate to impose a condition to prevent helicopters taking off or landing on site.

Conclusion

9.112. Subject to conditions relating to a Noise Management Plan, soundproofing, no external amplified music and no fireworks (with exceptions), Officers are satisfied that the proposals would not unacceptably harm the amenities of neighbouring residents.

Highway Impact

Policy Context

9.113. Saved policy TR7 of the CLP 1996 resists development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads. Paragraph 111 of the NPPF notes that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Assessment

9.114. The application is supported by a Transport Statement. This explains that access to the site, for both the events barn and cabin accommodation would be by a new priority junction from Claydon Road. This leads into a new access drive extending to a parking area with overflow parking available on an adjacent paddock.

9.115. The Statement explains that peak times for events will typically be on a weekend with a maximum of 150 guests attending an event. Based on occupancy assumptions this could give rise to 54 cars and 5 taxis attending the site. Including staff, this increases to 69 cars. The Statement explains that guest arrivals are likely to be grouped around the start and end of events and due to the typical timings of events, are unlikely to coincide with peak periods. It is anticipated that for larger events the rate of arrivals could reach 30-35 cars per hour. Departures are likely to be more spread out.

9.116. The Statement notes that the nature of the location and destination is such that the majority of guests will arrive by car. However, the Statement caveats that there will be a high proportion of car sharing and guests will be encouraged to travel by sustainable modes.

- 9.117. OCC as local highway authority ('the LHA') raises no objection against the new highway access, subject to details being secured by condition. Officers have no reason to question this assessment.
- 9.118. The LHA has raised concern about access for refuse vehicles and have recommended that a swept path analysis is secured by condition to show refuse vehicles can turn on site. Given the space available on site, Officers are satisfied that a condition is appropriate and this information is not required prior to determination.
- 9.119. The LHA is satisfied that the parking provision is sufficient however details of the cycle parking facilities have been requested by condition. Officers are satisfied this is reasonable. A Travel Plan Statement and a Construction Traffic management Plan are also recommended to be conditioned and again Officers consider these reasonable requests.
- 9.120. In respect of the impact on the highway network, OCC consider the traffic impact of the proposals would be modest and agree with the applicant that the nature of events means that the majority of additional trips would take place outside the peak morning and afternoon periods. During events OCC consider there would be a moderate increase in trips on the local network but that this is mitigated by the time they take place. Officers consider the conclusions of the Transport Statement and the LHA to be justified.

Conclusion

- 9.121. The proposals would generate additional trips on the local highway network however as these would mostly be outside the peak periods, it is not considered that the scheme would have an adverse effect on the local highway network, subject to conditions relating to; details of the new junction, refuse vehicle turning, cycle parking provision, provision of a Travel Plan Statement and a Construction Traffic Management Plan.

Flooding and Drainage

Policy Context

- 9.122. Policies ESD6 and ESD7 set out the Council's approach to sustainable flood risk management and sustainable urban drainage systems (SUDS) respectively. Paragraph 167 of the NPPF requires local planning authorities to ensure that development does not increase flood risk elsewhere and requires certain planning applications to be accompanied by a Flood Risk Assessment.

Assessment

- 9.123. The application is supported by a Flood Risk Assessment which concludes that the site is in Flood Zone 1 and is generally at a low risk of flooding. A SUDS scheme is proposed to handle surface water run off and the rate of run off will be restricted to the greenfield run off rate. Foul water is to be discharged via a package treatment plant before discharging into a drainage field.
- 9.124. The Lead Local Flood Authority (LLFA) has reviewed the submitted information and have objected to the scheme. Their first concern is that the infiltration testing has been undertaken on a different area of the site to that which is proposed for the SUDS features and it should be undertaken on the same area as the SUDS are proposed. The LLFA also requires confirmation from the relevant body to discharge surface water to the existing watercourse and if phasing is proposed, a phasing plan is required.

9.125. The applicant's agent has advised that the whole site is believed to be on a impermeable mudstone and therefore infiltration techniques will be unfeasible anywhere on the site. Further, the watercourses adjacent to the land owned by the client are subject to riparian land rights and can therefore be used by the client. Ordinary watercourse consent will be sought post planning. Finally, the works are proposed in a single phase.

9.126. Officers have put the applicant's case to the LLFA and at the time of writing are awaiting a response. Members will be updated at planning committee if the LLFA have responded.

Conclusion

9.127. The application is supported by a detailed Flood Risk Assessment which includes a proposed drainage strategy. However, as the LLFA has objected to the scheme, it is considered that, at the time of writing, the applicant has not demonstrated that the site can be adequately drained and therefore compliance with policies ESD6 and ESD7 has not been proven.

Climate Change

Policy Context

9.128. Policies ESD1-5 of the CLP 2015 set out the Council's approach to mitigating and adapting to climate change, sustainable construction and renewable energy amongst other factors. The policies explain that the Council will distribute growth to the most sustainable locations, deliver development that reduces the need to travel and encourages sustainable travel options, promote sustainable construction methods and reduction in energy uses, and support renewable energy provision subject to adverse impacts being addressed.

Assessment and Conclusion

9.129. The Design and Access Statement sets out the measures that could be included in the scheme to improve the sustainability of the development. For the cabins these include rainwater harvesting and grey water harvesting, passive ventilation, high performance thermal insulation and potentially air or ground source heat pumps.

9.130. It is positive to see consideration of so many different ways to improve the sustainability of the site. Including suitable energy efficiency measures at the point of construction is easier and more effective than retrofitting buildings.

9.131. However, the submitted information only details measures that are being considered and does not guarantee that these measures will be included. Given the proposals are only at planning stage and detailed design would take place following the grant of planning permission, this is to be expected. Officers consider it would be appropriate to require details of the measures to be implemented to satisfy policies ESD1-5 by way of condition.

9.132. It should also be noted that the sustainability of the site forms part of the considerations around climate change. It is however felt that this has been adequately discussed in the principle section above.

Arboriculture

Policy Context

9.133. Policy ESD10 of the CLP 2015 aims to achieve protection and enhancement of biodiversity and the natural environment through a series of measures. These include protecting existing trees and aiming to increase the number of trees in the District. Policy ESD13 seeks to enhance the character and appearance of the landscape and supports the planting of woodlands, trees and hedgerows. These policies are consistent with paragraph 174 of the NPPF which requires planning decisions to recognise the benefits of trees.

Assessment

9.134. The application is supported by an Arboricultural Assessment which notes that no tree works are required to facilitate the proposals. Based on the nature of the works, position of the new access and car parking, along with the new cabins, Officers are satisfied this is accurate.

9.135. The Assessment acknowledges that several sections of hedgerow will be removed but notes that these could be removed without permission regardless of any planning application. Officers are satisfied that the removals proposed are reasonable in connection with the proposals and are no more than necessary.

9.136. The Assessment includes a Tree Protection Plan and protection measures to ensure the trees and hedges to be retained are protected. Officers have no objections to the measures proposed. These could be secured by planning condition.

9.137. With regard to the proposed landscaping, 45 new trees are proposed along with extensive native scrub planting, wetland planting, new hedgerows and new woodland. This will result in a net gain in planting on the site and accords with the above references policies.

Conclusion

9.138. Officers are satisfied that due regard has been given to retention and protection of existing trees and planting on the site. Further, the proposals result in significant additional planting on site which is positive and accords with the aim of the Local Plan and NPPF to secure additional tree planting.

Ecology Impact

Legislative context

9.139. 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.

9.140. 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.

9.141. 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.

9.142. 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.

9.143. 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).

Policy Context

9.144. 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.

9.145. 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.

9.146. 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.

- 9.147. 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.
- 9.148. 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.
- 9.149. The Planning Practice Guidance on Protected Species and Development 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.

Assessment

- 9.150. The application is supported by an Ecological Appraisal from Aspect Ecology. This explains that an extended phase 1 survey was conducted on the site in April 2022. No ecological designations were recorded on the site. The predominant habitat on site is improved grassland with areas of scrub and tall ruderal present. Features of ecological importance include trees, hedgerows, woodland, wet ditches and orchard. There are also three buildings on site.
- 9.151. In respect of protected species, the Appraisal explains that the site has potential for bats, badgers, water vole and otters. Birds are noted to nest within the site and reptiles may pass through the site. The main barn and associated tack room are noted to offer potential roosting features though no evidence of bat occupation was recorded and overall the Appraisal concludes the buildings provide low suitability for bats. However, given the scope of works to the main barn, it is recommended that, to accord with best practice guidance, the building is subject to further survey work in the form of a single dusk emergence or dawn re-entry survey. This survey work has not been done.
- 9.152. In addition to the Ecological Appraisal, a Biodiversity Net Gain Assessment has been submitted. Proposed ecological enhancement works include planting of native scrub, new woodland, wildflower grassland, new hedges and a new reedbed. Overall the proposals are considered to represent a 116.16% gain in habitats and a 9.24% gain in hedgerows.
- 9.153. The Council's Ecologist has reviewed both the Ecological Appraisal and Biodiversity Net Gain Assessment. Overall, the Council's Ecologist considers the proposals could result in a good level of overall net gain however raises concern over the absence of the second stage bat activity surveys on the building, noting that the bat interest on site remains unknown at this stage.
- 9.154. In the absence of these surveys, the Council's Ecologist explains that either the applicant should submit a full mitigation plan or, preferably undertake the required surveys. There would need to be sufficient flexibility in any plans to accommodate the mitigation strategy. The Ecologist notes that bats are a material planning consideration, and we need to be certain a licence from Nature England could be obtained if necessary.
- 9.155. Neither a full mitigation strategy or the relevant surveys have been provided and therefore at this stage Officers cannot advise whether a licence is required or would be likely to be granted. Further, the Ecologist notes that sufficient flexibility would have to exist in the plans to accommodate the mitigation strategy, however the nature of a

planning consent is that it approves a particular set of plans, not a range of possibilities therefore Officers are not satisfied that this approach, whilst suggested pragmatically, would be possible.

- 9.156. The Council's Ecologist has also recommended a CEMP for biodiversity and a LEMP which demonstrates how the proposed habitats on site will be managed to achieve the proposed conditions for a minimum of 30 years are required. Lighting details are also necessary. Officers are satisfied that these matters can be handled by planning condition.

Conclusion

- 9.157. The proposals bring significant biodiversity net gain which is positive and accords with the relevant policies within the Local Plan and NPPF. However, in the absence of further bat surveys recommended by the applicant's Ecologist, Officers are not satisfied that the potential impact on bats has been fully understood and therefore cannot determine whether it is likely or not that Natural England would grant a licence.
- 9.158. Having regard to the LPA's duty under the Conservation of Habitats and Species Regulations 2017, the lack of a suitable bat emergence or re-entry survey and proposed mitigation strategy means that it has not been demonstrated that the proposal will not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development. The proposal is therefore contrary to Policy ESD10 of the CLP 2015, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the NPPF.

Other Matters

- 9.159. Concern has been raised that this application may lead to further pressure to develop the site if approved. It is, however, a well established matter of planning law that only the development that is subject to this application can be considered. What may or may not come forward in the future is not relevant to determination of this application.
- 9.160. In respect of third party concerns about the safety of the swimming pond, this is a site management issue and is not relevant to consideration of this application. Whether the site has adequate electrical supply is not a material planning consideration.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed events barn and cabin accommodation would bring benefits to the rural and visitor economies and help to meet a need for more visitor accommodation in the area. These benefits attract significant weight.
- 10.2. The proposals are, however, located in an inherently unsustainable location and guests would be reliant on the private car to access the site and to access local services and attractions once on site. It is acknowledged that the applicant proposes measures to improve the sustainability of the site however these are not considered to overcome the fundamental unsustainability of the site. Further, no evidence of a specific need for these facilities in this location has been identified. These matters weigh heavily against the proposals.
- 10.3. The need to promote sustainable patterns of development runs through both the development plan and the NPPF. This requires a balanced view and on this occasion, on the matter of principle, Officers do not consider the benefits outweigh the identified harm.

- 10.4. Officers have also concluded that both parts of the proposal would cause harm to the rural character of the area. This harm would be readily apparent from the popular canal route and therefore attracts significant weight against the proposal. However, whilst it has also been found there would be a small degree of harm to the significance of the Conservation Area, this is considered to be balanced by the economic benefits of the scheme. There are though no heritage benefits to weigh into the planning balance.
- 10.5. Subject to planning conditions, there are no highways, residential amenity or arboricultural matters to weigh against the proposal.
- 10.6. The proposal brings significant biodiversity net gains however the absence of a bat emergence survey weighs against this. It has also not been satisfactorily demonstrated that the site will be adequately drained. This also weighs against the proposal.
- 10.7. Overall, the proposal has merit; however, on balance it is recommended that the application is refused for the following reasons.

11. RECOMMENDATION

RECOMMENDATION - DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO REFUSE PERMISSION FOR THE REASONS SET OUT BELOW AND ANY AMENDMENTS TO THESE REASONS DEEMED NECESSARY:

1. The proposal is in a location that is reliant on the private car for access and no specific need for the facility has been identified to meet the requirement of paragraph 85 of the NPPF. Further, there is no identified functional need for the proposal to be located in such an inaccessible rural position. Therefore, the proposal represents an unsustainable form of development in the open countryside that is contrary to policies SLE3 and ESD1 of the Local Plan and paragraphs 84 and 85 of the NPPF.
2. The proposed changes to the events barn are considered to harm its agricultural appearance and will result in significant light spillage into the local area. Further, the proposed use will result in a loss of tranquillity in the local area. Combined, these issues are considered to harm the rural character of the area and therefore the proposal is contrary to policies ESD13 and 15 of the CLP 2015, saved policy C28 of the CLP 1996 and paragraphs 130 and 185 of the NPPF.
3. By virtue of the significant mass of the proposed cabin accommodation, created by its grouping and extent, the cabins are considered to have an unacceptable urbanising effect on the rural landscape and would appear as an isolated addition to the landscape. The harm is exacerbated by the elevation of the site from the key public viewpoint along the canal and the potential light spillage from the glazing. Taken altogether Officers consider the proposed cabins would therefore unacceptably harm the rural agricultural character of the area and this would be contrary to policies ESD13 and 15 of the CLP 2015, saved policies C8 and C28 of the CLP 1996 and paragraph 130 of the NPPF.
4. In the absence of appropriate infiltration testing and details of permission to discharge to the relevant watercourse, it has not been demonstrated that the proposal would be adequately drained and therefore it is contrary to policies ESD6 and ESD7 of the CLP 2015.
5. Due to the absence of an appropriate second stage bat activity surveys the impact

of the proposals on bats as a protected species cannot be assessed. Therefore, the Local Planning Authority cannot be certain that the proposals would not harm any protected species. As such the scheme is contrary Policy ESD10 of the CLP 2031 Part 1, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.