

Case Officer: Rebekah Morgan

Applicant: Mr J Bell

Proposal: Change of Use of land to a 4 pitch travellers caravan site and erection of stable building - re-submission of 23/02886/F

Ward: Fringford And Heyfords

Councillors: Cllr. Grace Conway-Murray, Cllr. Nigel Simpson and Cllr. Barry Wood

Reason for Referral: Called in by Councillor Wood for the following reasons: high public interest and planning history of the site.

Expiry Date: 8 July 2025

Committee Date: 3 July 2025

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises part of an open field which is relatively flat. There is a partially constructed steeled framed barn towards the north-west corner. This frame has no roof and partial cladding on one side. The field is currently in agricultural use.
- 1.2. The existing access point joins the A4421 in the existing layby. The road at this point is subject to a 50mph speed limit at the access point. Adjoining to the north-east is a copse on rising land. To the south-west is a small watercourse. The site is surrounded by mature hedgerows and trees. No public footpaths run through the site and there is no pavement on the A4421.
- 1.3. The site is located to the south of Fringford which is 1.5km away (by road). Stratton Audley is 1km to the south of the site (by road) and the edge of Bicester (Buckingham Road roundabout) is 3.1km to the south of the site.

2. CONSTRAINTS

- 2.1. The following constraints apply to the site:
 - The site is identified as potentially contaminated land
 - Category 3 – Best and most versatile land
 - Within 2km of a Site of Special Scientific Interest (SSSI) – Stratton Audley Quarries
 - Within 2km of a historical landfill site
 - Protected and notable species within the vicinity of the site.
 - The site is within Flood Zone 1

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposed layout includes four pitches with each having the same provision of one mobile home, one day room, parking for two cars and for one touring caravan. Each

pitch is shown to be surrounded by native hedgerow planting with three trees planted with an understorey of bulb drifts. Adjoining one of the pitches is a proposed play area and, beyond is a stable block. An existing steel framed barn would be removed.

- 3.2. The proposed pitches would be set back on the rear part of the site, furthest from the road. A native woodland buffer is proposed on the eastern and south-east side of the four pitches and play area. An avenue of native trees is proposed on the access track, which would be from the southernmost end of the site onto the A4421. The site plan proposes to cut back the thicket / scrub on the roadside as required to achieve required visibility splays. The access track would be gravelled. Additional information relating to highway issues and visibility splays, received on 24.01.2024, is outlined and addressed in the section of the appraisal relating to highway issues. The remaining land would be used for paddocks.
- 3.3. The day rooms and stable block would be timber clad with fibre cement slate roofs.
- 3.4. The stable block would be L-shaped and have four horses, a tack room, hay store and kitchen.

4. RELEVANT PLANNING HISTORY

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

23/01368/F: Change of Use of land to a 4 pitch travellers caravan site and erection of a stable building. WITHDRAWN.

23/02886/F: Change of Use of land to a 4 pitch travellers caravan site and erection of stable building - re-submission of 23/01368/F. REFUSE.

- 4.2. Application 23/02886/F was refused for three reasons, which are summarised below:
 - Visual impact and harm to the character of the open countryside. The Council maintained it could demonstrate a 5 year supply of deliverable sites and therefore the harm was not outweighed by the benefits of the scheme.
 - The vision splays and access point are substandard and significantly compromise highway safety.
 - The submitted scheme failed to demonstrate that the development would not result in harm to protected species and their habitat.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, 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 **17 September 2024**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. There have been 118 letters of objection and 3 letters of comment

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

Location, sustainability and services

- Insufficient infrastructure
- Fringford is a small village
- Lack of services in the village
- School is already full
- No regular public transport
- Disrupt the quiet nature of the village
- Fringford is not a sustainable location
- Lack of employment opportunities in Fringford
- Site unsuitable for residential dwellings
- Fringford is a Category A village but this is being changed in the new local plan
- Does not make effective and efficient use of land
- The nearest village to the site is Stratton Audley which is a category C village
- Existing utilities to the village are poor

Highway safety and access

- Site access is not suitable for cars/caravans
- This is a very fast road
- The access will prevent the layby being used
- Close to a crossroads, so could cause accidents
- Vision is compromised due to topography of the road
- No public footpath or street lights for pedestrians
- Occupants would be reliant on car travel to access anything
- A4221 is not safe for cyclists
- Lack of safe visibility splays
- Previous accidents on the road
- The submitted highway information is unclear and does not address previous concerns
- Visibility splays are substandard
- Dangerous place for the stabling of horses if they need to be ridden or walked along the road

Landscape and Ecology

- Loss of existing agricultural land and green space
- Visual impact on surrounding countryside
- Impact on wider views of the site
- Negative impact on biodiversity
- Removal of a large section of hedgerow
- Urbanising impact on the countryside
- Impact on enjoyment of walkers using public footpaths
- Creating large areas of hardstanding would be detrimental to ecology and biodiversity
- Impact on protected species
- Habitat along the watercourse should be safeguarded
- Impact on the adjacent wood
- Significant removal of trees
- The same landscape statement has been submitted as the previously refused scheme
- Scale and appearance would have an urbanising impact

General comments

- Why is a permanent site required when travellers normally travel around
- Suitable housing in the local area if they want to settle
- No significant change from previously refused application
- No access to water or utilities on the site
- No suitable access for refuse collection
- Local flooding issues
- Poor drainage
- Will likely result in request for more caravans in the future
- Environmental impact of using generators
- Brownfield sites should be considered before greenfield sites
- Application fails to mention alternative sites
- No information on flood risk and drainage proposals
- No information on waste and rubbish disposal
- What is the relevance of submitting appeal decisions as supporting information
- The proposed site is greenbelt and should be protected
- The application is for four static homes, 4 day rooms and 4 spaces for mobile homes – this could be 12 residential units on less than 30% of the site putting pressure on future expansion
- Lack of basic provisions to meet the living requirements of the occupants
- If approved, the application should be subject to a legal agreement to restrict the use
- There is no evidence to suggest the applicant is a member of the travelling community
- Increased crime
- Risk of littering
- Air pollution
- Noise pollution
- Loss of agricultural land

6.4. 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.

7.2. FRINGFORD PARISH COUNCIL: **Objects**, detailed comments have been submitted relating to the planning history, highway safety, lack of compliance with policy BSC6 of the CLP 2015 and impact on landscape and visual amenity. The following summary points have been provided:

- The reasons for refusing 23/02886/F have not been overcome. The latest proposed site plan is almost identical to that refused and there is a disconnect between the Transport Statement, Statement of Evidence in relation to landscape objections and BNG Assessment.
- Policy H, paragraph 25 of PPTS states "*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.*" The application site is located in open countryside, "away from existing settlements or outside areas allocated in the development plan", where a new traveller site should be strictly limited.

- In respect of Policy BSC6, the location of the application site complies with the sequential test and Fringford Parish Council does not take issue with the proposal in relation to criteria E, G and J. However, the proposal fails to comply with criteria A, B, C, F, H, I and K. This conflict with several policy criteria is great enough to constitute a breach of Policy BSC6 when taken as a whole. The proposal is not a suitable location for a gypsy and traveller site.
- The unsuitability of the site regarding Policy BSC6 criterion C (Avoiding areas at risk of flooding) also results in conflict with policies ESD6 (Sustainable Flood Risk Management) and ESD7 (Sustainable Drainage Systems). Unsuitability regarding criterion F (The potential for harm to the historic and natural environment) also results in conflict with policies ESD10 (Protection and enhancement of Biodiversity and the Natural Environment), ESD13 (Local Landscape Protection and Enhancement) and ESD15 (The Character of the Built and Historic Environment). By reason of harm to the character and appearance of the locality, the proposal also conflicts with saved Policies C28 and C30 of the Cherwell Local Plan 1996.
- In conclusion, the proposal conflicts with the development plan as a whole (Cherwell Local Plan 2011-2031 Part 1 and the Cherwell Local Plan 1996). Therefore, planning permission should be refused.

7.3. HETHE PARISH COUNCIL: **Objects**, for the following reasons:

- Moving the access does nothing to alleviate the dangers of entering/ exiting the site. Any vehicles parked in the adjacent lay-by will seriously obstruct vision and add to the danger of an access onto this busy road.
- The proposed site would have a detrimental impact on this area of open countryside. It is a Greenfield site and therefore should remain in agricultural use.
- Lack of nearby services any trips to school, shops, GP surgery etc would necessitate the use of a car as there are no cycle paths, footpaths or bus services to the site.
- The site has no access to utilities ie. electricity, gas, drainage, water.
- Any development on the site will have a negative impact on local wildlife.

7.4. STRATTON AUDLEY PARISH COUNCIL: **Object**, detailed comments have been submitted relating to location of the site and lack of compliance with the criteria set out in Policy BSC6 of the CLP 2015. The following specific points are highlighted as concerns:

- There is no street lighting or pavement in the area or indeed a cyclepath;
- The site access is from a lay-by on the A4421 with a speed limit of 50 MPH. Access to the site will cause a further danger to fast moving cars on the main road and for those entering and exiting the site at much lower speeds;
- The track access is narrow and the plans do not indicate that there will be sufficient room for large vehicles to pass each other, which again could lead to accident accidents when entering and leaving onto the A4421;
- No account seems to have been taken as to how refuse collections are to be carried out. Presumably resulting in residence having to take their bins down

the track which is circa 180 metres long. More likely will be the scenario of bins being left in the lay-by permanently, creating an eyesore for passers-by.

- It is a greenfield site which is adjacent to hedgerows and trees and a woodland area to the north. There is a stream to the south and a pond nearby. It has previously been established that protected species live in the area. The site is clearly visible from the A4421 and other vantage points and there is a public footpath close-by, all of which will be detrimentally affected by this development. The application seems to dismiss these important factors which affect the visual amenity of the area.
- We also note that the proposals run counter to CDC's own guidelines which state that "planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside".
- We note that a previous application indicated that there was no need for further pitches within the Cherwell District Council area.

In conclusion, the application is unacceptable and conflicts with parts of the Cherwell Local Plan 2011-2031 and should be rejected in its entirety. Furthermore, the applicant should be discouraged from revising their application and re-submitting as the site is clearly not capable of sustaining such a development, now or in the future.

- 7.5. COTTISFORD PARISH COUNCIL: **Object**, detailed comments have been submitted covering points relating to the planning history, highway safety and lack of compliance with policy BSC6 of the CLP 2015.

Highway safety: Sub-standard access point and visibility splays (no change to visibility splays) which significantly compromise highway safety. Impact on visibility splays of vehicles using the layby. Impact of required hedge removal on landscape character and visual amenity.

Policy BSC6: The proposal fails to comply with the following criteria: Access to GP and other health services and access to schools, avoiding areas at risk of flooding, the potential harm to the historic and natural environment, the need to make efficient use of land, deliverability (including whether utilities can be provided) and the availability of alternative sites.

Summary:

- The reasons for refusing 23/02886/F have not been overcome. The latest proposed site plan is almost identical to that refused and there is a disconnect between the Transport Statement, Statement of Evidence in relation to landscape objections and BNG Assessment.
- In conclusion, the proposal conflicts with the development plan as a whole (Cherwell Local Plan 2011-2031 Part 1 and the Cherwell Local Plan 1996). Therefore, planning permission should be refused.

- 7.6. OCC HIGHWAYS: **No objection**, subject to conditions.

The explanation regarding the location of the proposed access is accepted by OCC, plans submitted under 23/02886/F had two contrasting scales written within the document, the incorrect scale was used to measure the visibility from a potential

access point. This assessment is based on the location of the access as described within the Transport Statement and shown on the submitted plans No. TDA 2836 03.

There are 4 pitches proposed as part of this application, the number of vehicle movements associated with a development of this size are likely to be minimal.

The applicant is required to enter into a Section 278 agreement in order to create the bell-mouth access and close the existing access to the site, as well as clear vegetation within the proposed visibility splays (explained below). As part of the Section 278 agreement, any land within the visibility splays that is not public highway will need to be dedicated as highway. The applicant has demonstrated that a suitable visibility, based on speed survey data, is achievable subject to vegetation clearance. However, there is a ditch present at the site frontage, and this means the highway boundary is at the carriageway edge of the ditch. As part of the S278 agreement, the owner will need to establish title to the ditch.

In order to ensure safe access for construction, the visibility splays shown on plan No. TDA 2836 03, must be cleared before work starts.

7.7. THAMES WATER: No comments to make.

7.8. NATURE SPACE: The applicant has received their Nature Space documentation which has been submitted with the application. There are conditions relating to the district licence scheme that need to be applied.

7.9. CDC ECOLOGY OFFICER: The following comments were made:

Currently the District Level Licence certificate is valid only for planning application reference 23/02886/F and as such NatureSpace should be contacted to provide a new certificate with the current details. Conditions relevant to the application will be described on the certificate which should be applied.

A condition should be applied to ensure the recommendations set out within the Preliminary Ecological Appraisal by Pro Vision are followed, with particular reference to ensure no light spill on hedgerows, woodland or ponds. The habitat onsite could become suitable for reptiles if not maintained, a pre-commencement survey should be undertaken no more than 3 months prior to commencement to check on suitability for reptiles and for presence of any new badger setts, with a report of findings submitted to the council.

In order to follow Policy ESD10 a Biodiversity Enhancement Plan should be submitted to detail enhancements for birds, bats, invertebrates and hedgehogs.

The standard HMMP condition should be applied with regard to biodiversity net gain achieved onsite.

7.10. CDC LANDSCAPE OFFICER: **No objections,**

General information:

- In terms of landscape value, the Site is not covered by any statutory or non-statutory designations for landscape character or quality.
- The site is not publicly accessible.
- Potential views into the site are limited due to mature hedging to perimeters.
- The site is not located within the Green Belt.

Views:

- After conducting a site visit on the 28/05/2025 and reviewing images from the 'Landscape Statement of Evidence' provided by applicants, it is clear that potential views from Bicester Road into the site are limited due to the mature hedging to the Southern boundary. I believe the existing hedgerow will provide sufficient screening to the proposed works.
- The public footpath shown on CDC mapping to the West of the site is of a far enough distance to not affect the visual amenity of this route.
- While there is no doubt the proposal will alter the open character of the area, I don't believe the visual harm to the site is severe.

Planting:

- The existing mature hedgerow to the southern boundary must be retained and protected under this application to limit the loss of biodiversity and provide sufficient screening.
- Plant species are not identified on plans. A condition is to be created to ensure a planting scheme is approved before construction commences.
- A native plant buffer must be provided to the eastern boundary to protect the adjacent NERC ACT S41 habitat.
- There are discrepancies in driveway access location. Drawing TDA 2836 03 shows driveway access to the South and Drawing TDA.2836.03 shown in 'Landscape Design Statements' shows the driveway access to the North. Applicants must ensure it is clear where the driveway will be located and provide reasoning for its location noting that unnecessary removal of mature hedging will not be accepted.

7.11. CDC DRAINAGE OFFICER: The proposed use as a Travelers Site put it in the NPPG "Highly Vulnerable" flood risk category.

There is a wide ribbon of surface water flood risk shown to straddle the brook which forms the southern boundary of the site. The floor levels of all the units must be raised above the maximum flood level that can reasonably be expected (I suggest a minimum of 450mm above bank level) and a "dry" egress route from all units ensured.

No objections provided these criteria are met.

7.12. CDC ENVIRONMENTAL PROTECTION OFFICER: Advise to refer to comments made previously on application 23/01386/F as these are still applicable.

No comments with regards to light or air quality.

Noise: Having read the noise report, we would a condition is attached restricting occupation of the site to mobile homes that comply with the requirements of BS3632 to ensure the appropriate noise levels are achieved.

Contaminated land: A condition is recommended relating to unexpected contamination and to secure any required remediation if required.

Odour: A condition is recommended relating to the location, method of storage and disposal of manure and waste from the site.

7.13. CDC STRATEGIC HOUSING OFFICER: The following comments were made:

- Any permission granted for caravan pitches should be for the sole use of the Gypsy and Traveller community.
- Any permission granted for caravan or mobile home pitches should make clear if the permission is for either:

- a) the pitch only which is then made available by the site owner to lease to caravan/mobile homeowners to station their caravans/mobile homes, or
 - b) for caravans/mobile homes owned by the site owner to be stationed on the pitches as available for occupation for rent by the site owner.
- It appears that 2(a) would be more appropriate in this application and if the permission is granted for the pitches only, the permission should make clear that whilst the leasing of pitches is permitted, the permanent stationing an/or leasing of caravans/mobile homes themselves is not.
 - If caravans or mobile homes owned by the site owner *are* to be stationed on the site as available for occupation for rent by the site owner for all year-round use, the caravans or mobile homes must be of a suitable standard and condition (adhering to all applicable standards) such that they are appropriate for all year-round use.
 - If planning permission is granted, a site licence must be obtained prior to the occupation of the site.

7.14. CDC BUILDING CONTROL OFFICER: A building regulations application is required.

8. RELEVANT PLANNING POLICY AND GUIDANCE

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

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- BSC6: Travelling Communities
- ESD1: Mitigating and Adapting to Climate Change
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design control
- ENV1: Environmental Pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Policy for Traveller Sites (PPTS) (2024)

- Planning Practice Guidance (PPG)
- Cherwell, Oxford City, South Oxfordshire, Vale of White Horse and West Oxfordshire Gypsy and Traveller, Travelling Showperson and Boat Dweller Accommodation Assessment (2024) (GTAA)
- Cherwell District Council Annual Monitoring Report 2024 (June 2025) (AMR)
- The United Nations Convention on the Rights of the Child (UNCRC)
- Relevant appeal decisions

9. APPRAISAL

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

- Principle of Development
- Provisions of the Planning Policy for Traveller Sites, including the Rights of the Child
- Visual Impact and Effect on Landscape Character
- Accessibility and Highway Safety
- Ecology
- Residential Amenity
- Surface Water Flood Risk
- Drainage and Utilities
- Other matters

Principle of Development

9.2. The National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states *‘achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways’*, with the three objectives being economic, social and environmental.

9.3. Paragraph 26 of the Planning Policy for Traveller Sites (PPTS) states *‘Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, avoiding placing an undue pressure on local infrastructure’*.

9.4. Paragraph 27 of the PPTS states *‘When considering applications, local planning authorities should attach weight to the following matters:*

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community

9.5. Policy ESD1 of the CLP 2015 seeks to mitigate and adapt to climate change. This includes distributing growth to the most sustainable locations and delivering development that seeks to reduce the need to travel, and which encourages sustainable travel options including walking, cycling and public transport, to reduce dependence on private cars.

- 9.6. Policy BSC6 of the CLP 2015 sets out the requirements for identifying suitable sites and provides the following criteria:

'Locations outside of the Cotswold Area of Outstanding Natural Beauty and the Green Belt will be considered. In identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied:

- 1. within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village*
- 2. within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*

Other locations will only be considered in exceptional circumstances'

It goes on to state that the following criteria will also be considered in assessing the suitability of sites:

- a) access to GP and other health services*
- b) access to schools*
- c) avoiding areas at risk of flooding*
- d) access to the highway network*
- e) the potential for noise and other disturbance*
- f) the potential for harm to the historic and natural environment*
- g) the ability to provide a satisfactory living environment*
- h) the need to make efficient and effective use of land*
- i) deliverability, including whether utilities can be provided*
- j) the existing level of local provision*
- k) the availability of alternatives to applicants*

- 9.7. The PPTS provides the following definition of "gypsies and travellers" for the purposes of the planning policy:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.

- 9.8. The supporting documents submitted with the application makes it clear that the application seeks the provision of pitches for gypsy and travellers. There is no requirement in planning policy terms for evidence to be provided. If approved, the use of the site by those meeting the definition can be conditioned.
- 9.9. The application site is located within the open countryside. The application seeks consent for 4 pitches and a small stable block. The proposal is of a scale that would not *'dominate the nearest settled community'* and with the close proximity of Bicester, it is not considered to be of a scale to put undue pressure on local services.
- 9.10. Policy BSC6, set out above, was intended to inform the allocation of sites as part of CLP 2015 Part 2. This plan has now been superseded by the emerging Cherwell Local Plan 2042. Policy BSC6 remains a useful tool in assessing the sustainability of any proposed site.

- 9.11. In terms of the criteria, the site is outside the Cotswold Area of Outstanding Natural Beauty and is outside of the Oxford Green Belt. The site is within 3kms of Fringford, a Category A village, therefore complying with criterion 1. It is also 3.1kms from the access point on the site to the built-up limit of Bicester (as measured to the first roundabout junction of the A4421 and the A4095). Bicester would provide access to a wider range of facilities.
- 9.12. Category A villages are amongst the most sustainable villages in the District. Fringford has limited facilities and services but does include the provision of a primary and pre-school, public house, church and village hall which could meet some of the needs of the occupants of the site. However, due to slight exceedance in distance to Bicester, it is reasonable that some services can be adequately provided in Bicester. Therefore, with regards to criteria a (access to health services) and b (access to schools), it is considered the site meets these requirements. Therefore, in terms of location and sustainability of the site, the proposal is considered to comply with Policy BSC6 of the CLP 2015.
- 9.13. With regards to criteria set out in points c-i of Policy BSC6, these matters are addressed below in this report.
- 9.14. It is acknowledged the site is located in the open countryside and whilst relatively close to Bicester, occupants are likely to rely on private motor vehicles to access services to meet their daily requirements. In addition to this, any other planning harms set out below, need to be balanced against the benefits of the scheme including the provision of accommodation to meet the applicant's needs.

Provisions of the Planning Policy for Traveller Sites, including the Rights of the Child

- 9.15. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 states *'achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways'*, with the three objectives being economic, social and environmental.
- 9.16. Paragraph 11d of the NPPF sets out a presumption in favour of sustainable development. It states that for decision taking this means:
- *Approving development proposals that accord with an up-to-date development plan without delay; or*
 - *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*
- 9.17. The Planning Policy for Traveller Sites (PPTS) sets out the government's planning policy for traveller sites and is a material consideration in any planning decision.
- 9.18. The PPTS defines 'gypsies and travellers' as:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.

9.19. Paragraph 28 of the PPTS states *'if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply'.*

9.20. Paragraph 25 of the PPTS states *'Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

- a) the existing level of local provision and needs for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) that they should determine applications for sites from any travellers and not just those with local connections.*

9.21. Criteria j and k of Policy BSC 6 of the CLP 2015 relate to the supply and availability of alternative sites for the applicants. This reflects the guidance in paragraph 25 of the PPTS which sets out 5 criteria which should be considered in turn.

The existing level of local provisions and needs for sites

9.22. The Council jointly commissioned the *'Cherwell, Oxford City, South Oxfordshire, Vale of White Horse and West Oxfordshire – Gypsy and Traveller, Travelling Showperson and Boat Dweller Accommodation Assessment 2024'* (GTAA) which is the most up to date position on the supply of deliverable gypsy traveller pitches. The assessment demonstrates the Council currently has a 8.23-year supply, which is also reflected in the Annual Monitoring Review 2024 (AMR).

9.23. This supply figure was recently challenged in an appeal (reference APP/C3105/W/24/3352105) at Manor View, Hampton Poyle. The appellant questioned the evidence base and calculations used to reach this position. The Inspector found that there was insufficient evidence put forward to cast necessary doubts on the GTAA and also noted this document has not yet been the subject of a formal Examination in Public which is the most appropriate route to fully test the evidence. The Inspector concluded that due to the level of supply, there would need to be a significant reduction in supply for the figure to result in the deliverable supply of sites falling below the 5-year level. Therefore, it was concluded the Council could demonstrate the minimum of a 5 year supply of deliverable sites.

The availability or lack of alternative accommodation for the applicants

9.24. The matter of alternative sites was also addressed at the Hampton Poyle appeal. Alternative sites need to be available for occupation by the applicant straight away. The Council was unable to provide the Inspector sufficient assurances that any of the

existing traveller sites had immediate availability or that there were alternative sites (with planning permission) that could be immediately occupied.

- 9.25. At the present time, the Council has not allocated sites within the existing or emerging local plans. Officers are not aware of any sites in the district that currently have availability for the applicant. Therefore, it has to be concluded there are no suitable, alternative sites at this time that could serve the needs of the applicant.

Other personal circumstances

- 9.26. Confidential information has been submitted relating to the health needs of future occupiers and clearly demonstrates that children will occupy pitches on the site. As such the interest of the child, must be a primary consideration in the determination of the application. There are clear benefits to these children to allow them to occupy a settled base where there is access to services and facilities in Bicester.

Use of locally specific criteria to assess applications on unallocated sites

- 9.27. This relates to the provisions within Policy BSC6 of the CLP 2015. These provisions have been addressed elsewhere in this report.

Other matters identified by the PPTS

- 9.28. Paragraph 26 of the PPTS states that, when considering applications, local planning authorities should attach weight to the effective use of previously developed (brownfield), untidy or derelict land. The application is proposed on green field land and so no weight can be given to this consideration.

Availability and allocation of sites

- 9.29. The Inspector for the Hampton Poyle appeal made the following comments in regard to the development plan policies and provision of sites:

'The Council's development plan contains no site allocation policy for gypsy traveller sites. There is only a criteria-based policy, against which individual sites that come forward are assessed. I was told that an allocation policy was to be drafted as Part 2 of the development plan, but this was never produced. While the current level of need is not excessive, there is still a need with the Council accepting at the hearing that the criteria-based policy could have performed better. Within this context, I find that there has been an ongoing failure of policy to address the full accommodation needs of gypsy travellers within the area'.

- 9.30. The Inspector makes it very clear that being able to demonstrate a 5-year supply of deliverable sites was not the only consideration when assessing need. Without identifiable available sites or the allocation of sites in the local plan, the needs of the applicant still need to be met.

Conclusion

- 9.31. Whilst the Council can demonstrate a 5-year supply of deliverable pitches, it cannot identify any available sites that could be occupied immediately by the applicant. In addition, the recent appeal decision identified the lack of site allocations, to meet the needs of gypsy travellers in the area. Therefore, weight must be given to the benefits of providing additional pitches to meet the personal needs of the applicants.

- 9.32. In principle, the use of the site for the provision of gypsy traveller pitches is therefore considered to be acceptable. The benefits of the identified need to be weighed against any identified harm.

Visual Impact and Effect on Landscape Character

- 9.33. The government attaches great importance to both the protection and enhancement of the natural environment and the design of the built environment within the NPPF.
- 9.34. These aims are also echoed within Policy ESD13 of the CLP 2015, which states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside.
- 9.35. Policy ESD15 of the CLP 2015 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design."
- 9.36. Saved Policy C8 of the Cherwell Local Plan 1996 seeks to protect the character of the open countryside from sporadic development. This proposal does not fall into a category where development would be acceptable.
- 9.37. The site currently positively contributes to the rural character and appearance of the locality and the intrinsic character and beauty of the open countryside through being undeveloped agricultural land.
- 9.38. Policy ESD13 states that a character-based approach to assessment is required and seeks to conserve and enhance the countryside and landscape character of the whole District.
- 9.39. The Council's Landscape Officer has visited the site and reviewed the submitted information. Whilst it is acknowledged the development of the site would impact the rural character of the area, the harm is considered to be relatively limited and very localised. The existing site is well screened, limiting views of the site and public footpaths are a sufficient distance away that the proposal would not impact on the visual amenity of those routes.
- 9.40. The application proposes a new access towards the southern end of the site which will require the removal of part of the hedgerow.
- 9.41. The Landscape Officer highlights a discrepancy in the position of the access shown in the landscape assessment. This is due to the location of the access being re-positioned to provide adequate visibility splays. The submitted plans and site area make it clear the access is proposed at the southern end of the site. The applicant has been requested to provide an undated document.
- 9.42. Additionally, some of the existing hedgerow would need to be cut back and continually managed to ensure visibility splays are adequate. The removal of the hedgerow is regrettable, but necessary to ensure an appropriate access can be secured.
- 9.43. The addition of mobile homes, parked vehicles, hardstanding, play area and domestic paraphernalia would detrimentally impact on the landscape character of the site, having an urbanising effect within a countryside setting, contrary to the existing established character of the area. An existing (partially constructed) barn and track would be removed; however, this is not sufficient to negate the visual impact of the proposal and therefore is a limited benefit of the proposal.

- 9.44. Additional landscaping is proposed to mitigate some of the harm to landscape character and this would aid to further limit views into the site. It is acknowledged that this would take time to establish, and the proposed landscaping would not completely negate the harm.
- 9.45. It is considered that the proposals would cause visual intrusion into the open countryside and be to the detriment of the general character and appearance of the surrounding rural landscape.

Accessibility and Highway Safety

- 9.46. Policy PSD1 of the CLP 2015 has a presumption in favour of sustainable development provided any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies on the NPPF taken as a whole.
- 9.47. Policy ESD1 looks to deliver development that reduces the need to travel and which encourages sustainable travel options including walking, cycling and public transport, to reduce dependence on private cars. It also seeks to reduce carbon emissions and use resources more efficiently.
- 9.48. Policy ESD15 of the CLP 2015 states, *inter alia*, that new development should be designed to deliver a high quality safe place to live and work. Development of all scales should be designed to improve the quality of an area and the way it functions.
- 9.49. Paragraph 8 of the NPPF seeks to ensure that sufficient land of the right type is available in the right places. It seeks to foster safe places with accessible services. It also seeks to make effective use of land and minimise pollution.
- 9.50. Paragraph 115 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.
- 9.51. Paragraph 116 of the NPPF continues that applications for development should facilitate access to high quality public transport and create places that are safe and secure.
- 9.52. The proposal is in an isolated location with no access to public footpaths or other public rights of way, nor to street pavements or public transport connections. The occupiers would therefore be wholly dependent on the car, even for short journeys. This would conflict with the aim to achieve sustainable development due to dependency on the car as a means of transport.
- 9.53. The previous proposal (23/02886/F) was resisted for a number of reasons including on highway safety grounds. The reason for refusal reads as follows:.

The visibility splays at the access point are substandard and significantly compromise highway safety to the detriment of road users. The proposal therefore fails to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

- 9.54. This application has been submitted with additional information regarding the access and visibility splay arrangements. The application has been reviewed by the local Highway Authority (LHA); they raise no objection to the proposal and have explained how this application differs from the previous.

- 9.55. The LHA has noted an error in scale with the previous plans which resulted incorrect measurements of the visibility splays. The information submitted now demonstrates that suitable access and visibility splays can be achieved from the revised access position. The LHA is satisfied that a safe access can be created and have recommended conditions and highlighted the requirement for the applicant to enter into a Section 278 agreement for any highways works. Given the need for a new access and the vision splays to be cleared to achieve this, it is considered necessary that the conditions require the access to be created prior to the commencement of development.
- 9.56. It is acknowledged that highway safety concerns have been raised by a significant number of third-party comments. However, in the absence of an objection from the LHA, it would not be reasonable to refuse the application on these grounds and it is unlikely that such a reason for refusal could be defended at an appeal.
- 9.57. Therefore, it is concluded the proposal can achieve a safe and suitable access that would not compromise highway safety and therefore accords in this respect with government guidance contained within the NPPF.

Impact on Ecology

- 9.58. Paragraph 8(c) of the NPPF seeks to protect our natural environment and Paragraph 186 of the NPPF seeks to prevent significant harm to biodiversity resulting from a development.
- 9.59. Policy PSD1 of the CLP 2015 has a presumption in favour of sustainable development. Policy BSC6 seeks to prevent harm to the natural environment. Policy ESD1 seeks to take into account known environmental constraints and Policy ESD10 seeks to protect and enhance biodiversity and the natural environment.
- 9.60. The previous application included a reason for refusal relating to ecology because insufficient information had been submitted to assess the impacts of the proposal. The application is supported by a preliminary ecological assessment and a Biodiversity Net Gain (BNG) Assessment.
- 9.61. The Council's Ecologist has reviewed the information submitted with this application and does not raise an objection. The ecological appraisal is considered to be appropriate and sufficiently detailed. The report does identify impacts of the development and mitigation measures which can be conditioned. The statutory requirement for 10% Biodiversity Net Gain (BNG) has been demonstrated.
- 9.62. The Ecologist noted the need for an updated District Level Licence in respect of protected species. This information has been supplied, and Nature Space has confirmed this is acceptable. Nature Space recommend planning conditions relating to the District Licence scheme and these have been included in the recommendation.
- 9.63. The Council's Ecologist has recommended conditions relating to lighting, pre-commencement survey, biodiversity enhancement plan and Habitat Management and Monitoring Plan (HMMP).

Residential Amenity

- 9.64. Both the NPPF and Policy ESD15 of the Local Plan seek to ensure development proposals provide a good standard of amenity for both existing and proposed occupants of land and buildings relating to privacy, outlook, natural light and indoor and outdoor space.

- 9.65. The site is in open countryside and some distance away from the closest residential properties, so there are no residential amenity concerns in respect of these neighbours..
- 9.66. The site plan demonstrates sufficient space to accommodate four pitches. Due to the nature of the site, the layout would provide sufficient private amenity for the occupiers. In addition, there is space for a play area and outdoor amenity space.
- 9.67. The site is close to the main road, as such, the Environmental Protection Officer has recommended conditions relating to noise to ensure the caravans on the site are of a standard to provide suitable internal noise levels.
- 9.68. The application includes a small stable block that could create odour issues. This is situated away from the pitches, a planning note has been recommended advising of the need to regular dispose manure and waste from the site to protect the local environment.
- 9.69. Overall, the site will provide sufficient levels of amenity for the future occupiers of the site and complies in this respect with Policy ESD15 of the CLP 2015, policy C30 of the CLP 1996 and government guidance contained within the NPPF.

Surface Water Flood Risk

- 9.70. The Council's Building Control and Flood Risk Manager advises that there is a wide ribbon of surface water flood risk that is shown to straddle the brook which forms the southern boundary of the site. He therefore seeks a raised floor level for each unit and a dry egress route from all units. This could be dealt with by condition. The Environment Agency surface water flood risk map shows that the pre-existing access onto the parking layby would provide a safe exit point for pedestrians

Drainage and Utilities

- 9.71. Due to the location of the site, it is not connected to mains sewers and there are no existing utilities to the site. Third party comments have raised concerns about the existing utility provision to Fringford being poor at times.
- 9.72. Due to the type of development, it is common for sites not to be served by mains utilities and is acceptable for the pitches to be served by generators. The site is not close to other residential properties and therefore any noise from equipment would not impact on other residents.
- 9.73. The application form specifies that the site will be served by a package treatment plant. Given the nature of the site, this is considered to be an appropriate means of drainage for the pitches on the site.

Other matters

- 9.74. Third party comments have questioned the need for a permanent site if the occupiers are travellers and also whether the applicants are truly travellers. Paragraph 9.18 of this report includes the PPTS definition of 'gypsies and travellers' and it is not disputed that the applicants comply with the definition. It also allows for permanent settlement due to health and education needs, which justifies the need for permanent sites.
- 9.75. Comments relating to potential littering and risk of crime are not material planning considerations in this case because there is no evidence to suggest this would be the case.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. There would be harm to the character and appearance of the countryside which would attract substantial weight against the scheme.
- 10.3. The Council can demonstrate a 5-year supply of deliverable sites. However, it cannot identify any sites that are immediately available for occupation. Therefore, significant weight must also be given to meeting the needs of the applicant.
- 10.4. Indeed, the applicant's personal circumstances and rights of the child must be at the forefront of any decision. The site is located within 3km of a Category A village and only 3.1km from Bicester, so there would be sufficient access to services and health care.
- 10.5. The site is not so large as to dominate the local settlements, and the layout would provide sufficient levels of amenity for occupiers. In addition, the LHA has advised a safe and suitable access can be created and there are no objections in relation to highway safety. Impacts on ecology can be adequately mitigated, and the applicant has demonstrated that statutory Biodiversity Net Gain can be provided on the site.
- 10.6. The harm identified, relates predominantly to visual and landscape harm, which the Council's Landscape Officer has stated would not be severe. When balanced against the benefits of the scheme, including the provision of accommodation to meet the needs of gypsy travellers and the rights of the child, officers conclude that, on balance, the harm is outweighed by the benefits of the scheme. Therefore, the proposal is recommended for approval subject to conditions, as set out below.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

CONDITIONS

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the form and following approved plans and documents:

- Drawing number TDA.2836.01 – [Site Location Plan]
- Drawing number TDA.2836.03 – [Proposed Site Layout & Outline Landscape Scheme]
- Drawing number TDA.2836.05 – [Proposed Stable Block: Plans and Elevations]

- Drawing number TDA.2836.04 – [Proposed Day Room: Plans and Elevations]
- Planning Statement prepared by Murdoch Planning Limited dated August 2024
- Transportation Planning, Highway Design and Environmental Assessment prepared by The Hurlstone Partnership dated July 2024
- Noise Statement prepared by LD Acoustics dated March 2023

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. The site shall not be occupied by any persons other than Gypsies and Travellers, defined as persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent and to comply with Government guidance contained Planning Policy for Traveller Sites.

4. No more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, of which no more than four shall be static caravans, shall be stationed on the site at any time.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent and to comply with government guidance contained within the Planning Policy for Traveller Sites.

5. All tourers maintained within the site shall only be used ancillary to and in connection with a mobile / static home on the site and shall not be used as independent residential accommodation.

Reason: To ensure the development does not result in an over development of the site and in the interest of the residents' amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011– 2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. The stables and use of land hereby permitted shall be for private use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time.

Reason: To protect the character of the countryside and in the interest of highway safety in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

7. No commercial activities shall take place on the land including the storage of

materials associated with commercial activities.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

8. No development shall commence above slab level until a schedule of materials and finishes to be used in the external walls and roofs of the day rooms has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details and shall be retained as such thereafter.

Reason: To safeguard the character and appearance of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

9. No development shall commence above slab level until a scheme for landscaping the site has been submitted to and approved in writing by the Local planning authority. The scheme shall include:

- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
- details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.

The development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be carried out prior to the first occupation or use of the development and shall be retained as such thereafter.

All planting, seeding or turfing included in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The approved hard landscaping and boundary treatments shall be completed prior to the first occupation of the development and shall be retained as such thereafter.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of visual amenity of the area and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, all

vegetation, trees and other material exceeding the height of 0.6m within the visibility splays set out in drawing No. TDA.2836-03 must be cleared. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason: In the interests of highway safety, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the local planning authority. Thereafter, and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

12. Before the hereby approved new access is first used, the existing access serving the field onto the A4221 shall be permanently stopped up in accordance with details which shall have first been submitted to and approved in writing by the local planning authority and shall not thereafter be used by any vehicular traffic whatsoever.

Reason: In the interests of highway safety, to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

13. Prior the first use/occupation of the development hereby approved, the parking and manoeuvring area shall be provided in accordance with the plan approved (Drawing No. TDA.2836.03) and shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking and manoeuvring of vehicles at all times

Reason: In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

14. No development shall commence until a construction traffic management plan (CTMP) has been submitted to and approved in writing by the local planning authority. The CTMP shall include:
 - a) Details of wheel cleaning/wash facilities, to prevent mud from being carried onto the adjacent highway by vehicles
 - b) Contact details of the Project Manager and Site Supervisor responsible for on-site works.
 - c) Details of how appropriately trained banksmen will be used for guiding vehicles and unloading.
 - d) Details of where staff and visitors to the construction site will park.
 - e) Details of times for deliveries to and the removal of materials from the site.
 - f) Layout plan of the site that shows haul roads, site storage, compound and

pedestrian routes.

The development shall then be undertaken in accordance with the approved CTMP.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times, and in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Preliminary Ecological Appraisal prepared Pro Vision dated June 2023 unless otherwise agreed in writing by the local planning authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with government guidance contained within the National Planning Policy Framework.

16. A revised Preliminary Ecological Appraisal shall be undertaken within the 3 months prior to the commencement of the development to establish changes in the presence, abundance and impact on reptiles, and badgers. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local planning authority. Thereafter, the development shall be carried out in full accordance with the approved details.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

17. No development shall commence until a method statement for enhancing birds, bats, invertebrates and hedgehogs has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures approved shall be carried out prior to occupation and shall thereafter be retained in full accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

18. No development shall commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

- a non technical summary
- the roles and responsibilities of the people or organisation(s) delivering the HMMP
- the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with

the approved Biodiversity Gain Plan

- the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the approved completion date of the development
- the monitoring methodology and frequency in respect of the created or enhanced habitat

Notice in writing shall be given to the local planning authority when the:

- HMMP has been implemented
- habitat creation and enhancement work as set out in the HMMP have been completed.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP or such amendments as agreed in writing by the local planning authority.

Monitoring reports shall be submitted to the local planning authority in writing for approval in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

19. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land North of A4421: Impact plan for great crested newt District Licensing (Version 1)", dated 27th June 2024.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence (WMLOR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

20. No development hereby permitted shall take place except in accordance with Part 1 of the Great Crested Newt Mitigation Principles, as set out in the District Licence (WML-OR150, or a 'Further Licence'), and in addition in compliance with the following:

- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians
- Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
- Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WMLOR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

21. Prior to the installation of any external lighting, details of the external lighting/security lighting including the design, position, orientation and any screening of the lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

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

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

23. Prior to the first use of the development hereby approved, details of any plant/machinery (including generators) including details of any treatment against the transmission of sound and/or vibration shall be submitted to and approved in writing by the local planning authority. The plan/machinery shall be installed in accordance with the approved scheme prior to the first use of the development hereby approved and shall be operated and maintained as such at all times thereafter.

Reason: To safeguard the amenities of the occupiers of adjoining properties in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

24. No development shall commence until a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the local planning authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved and shall be maintained as such thereafter.

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

25. Finished Floor levels shall be set above the 1% annual exceedance probability (AEP) plus an appropriate allowance for climate change flood level, in accordance with details that have been submitted to and approved in writing by the local planning authority, prior to the first occupation of the site.

Reason: To protect the development and its occupants from the increased risk of flooding in accordance with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

26. No development shall commence above slab level until details for the incorporation of renewable energy features have been submitted to and approved in writing by the local planning authority. The renewable energy features shall be installed prior to the first occupation of the development and retained and maintained in good working order as such thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework

27. The existing steel barn structure on the site at the date of this permission shall be demolished and the debris and materials removed from the site before the development hereby approved is first occupied.

Reason: In order to achieve a satisfactory form development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and government guidance contained within the National Planning Policy Framework.

28. Notwithstanding the provisions of Article 3 and Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, no gate fence wall or other means of enclosure shall be erected constructed or placed on the site without the grant of further specific planning permission from the local planning authority.

Reason: To safeguard the character and appearance of the area and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Planning Notes

1. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate.
2. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority which permits the development to proceed under the District Licence (WML-OR150, or a 'Further Licence') are not licensed under the great crested newt District Licence. Any such works or activities have no legal protection under the great crested newt District Licence and if offences against great crested newt are thereby committed then criminal investigation and prosecution by the police may follow.
3. It is essential to note that any ground investigations, site preparatory works and ground/vegetation clearance works/activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those detailed in the planning condition above which refers to the NatureSpace great crested newt mitigation principles would give rise to separate criminal liability under the District Licence, requiring authorised developers to comply with the

District Licence and (in certain cases) with the GCN Mitigation Principles (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (as amended) (for which the Police would be the enforcing authority).

4. The disposal of manure and waste material from the site shall be undertaken on a regular basis to limit the harm to the local environment.