

Case Officer: Katherine Daniels

Applicant: Trinity College

Proposal: Erection of agricultural buildings, hardstanding and other associated works

Ward: Cropredy, Sibfords And Wroxton

Councillors: Cllrs Chapman, Reynolds and Webb

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

Expiry Date: 15 February 2024

Committee Date: 21 March 2024

This application was subject to a Committee Members Site Visit, which took place on 21st March 2024.

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located off Stratford Road, and the site is located on a lower level than that of the main road. There is a mature tree line along the boundary of the site with the Stratford Road. The site also has a tree belt to the northwest of the south. This provides screening along Manor Farm Lane to the northwest. There is an existing agricultural building on the site.

2. CONSTRAINTS

- 2.1. The application site is within open countryside; however, it does not have any landscape or ecological designations. The site is located within a Flood Zone 1.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposal is for the erection of two agricultural buildings, hardstanding and other associated works. One building is proposed to be used for a Grain and Straw store, with temporary housing for a mobile drier. This building measures 25.2m by 36m with an overall height of 12.45m. The second building is for a general-purpose store. This building measures c.19.8m by c.24.4m with a height of 8.82m.

- 3.2. These buildings are proposed to be sited to the northwest of the existing building.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal

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 **21 August 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. One comment received, noting the opportunity to expand the farming business away from the village.
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. WROXTON PARISH COUNCIL: No comments received to date.

OTHER CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections**
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY: **No objections** subject to the imposition of planning conditions relating to the drainage scheme.
- 7.5. OCC ARCHAEOLOGY: There are no archaeological constraints to this scheme
- 7.6. CDC ENVIRONMENTAL PROTECTION: **No comments** on noise, contaminated land, air quality, or light.
- 7.7. CDC BUILDING CONTROL: Building regulations application will be required
- 7.8. CDC ECOLOGY: **Comments** requests conditions re tree protection and a biodiversity enhancement plan
- 7.9. CRIME PREVENTION DESIGN ADVISOR: **Do not object**, but recommends conditions are imposed relating to crime prevention measures.
- 7.10. OXFORDSHIRE FIRE AND RESCUE: Have comments relating to building control
- 7.11. SANHAM AGRICULTURAL ADVISORS: There is support for new farm buildings at Grange Farm.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning

policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water Resources
- ESD10 – Protection and Enhancement of Biodiversity
- ESD13 – Local Landscape Protection
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG2 – Construction of farm buildings
- C28 – Layout, design and external appearance of new development
- ENV1 – Pollution control

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")

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
- Ecology
- Highway Safety

Principle of Development

Policy Context Policy SLE1 of the CLP 2015 is relevant to the proposal, as it relates to employment development. Employment development will be focused on existing employment sites, and will be permitted subject to compliance with other policies in the plan and other material considerations.

9.2. Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited that they do not intrude into the landscape into residential areas.

9.3. Paragraph 88 of the NPPF also supports the sustainable growth of all types of business in rural areas, including the development of agricultural businesses.

Assessment

- 9.4. The proposal is for new agricultural buildings in the open countryside. There is an existing agricultural building on the site and, following a site visit, it is clear that the site is being used for the purposes of agriculture. The proposed agricultural buildings are situated close to the existing building on the site; therefore, it would be part of the existing farming enterprise. The impact on the character of the locality is assessed below.
- 9.5. The Council's agricultural consultant is content that there is a need for the new buildings, albeit that this is unrelated to Laurels Farm and stands or falls on the needs of the business proposed at Grange Farm. It is acknowledged that the enterprise is being moved away from Laurels Farm in Wroxton; however, regardless of the intended relocation, it is considered that agricultural development in the rural area is acceptable in principle.

Conclusion

- 9.6. The principle of agricultural buildings on an existing farming unit is considered to be acceptable, provided the development would comply with other policies.

Design, and impact on the character of the area

Policy Context

- 9.7. Policy ESD13 of the CLP 2015 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. It also states that proposals will not be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural features, be inconsistent with local character, harm the setting of settlements, or harm the historic value of the landscape.
- 9.8. Policy ESD15 of the CLP 2015 states successful design is founded upon an understanding and respect of an area's unique built and natural context and should contribute to an area's character respecting the traditional form, scale and massing of buildings.
- 9.9. Saved Policy AG2 of the CLP 1996, encourages new farm buildings should be sited so they do not intrude into the open countryside.

Assessment

- 9.10. The proposed development would result in new development within a rural setting, which could significantly impact on the character and appearance of the locality. The site is located on a lower level than the Stratford Road, which reduces the impact in this view.
- 9.11. There are views of the site, from the road to Shutford to the south-east, and Manor Farm Lane to the north-west. The buildings would not result in isolated buildings in the open countryside or sporadic development. There is an existing building on site; therefore, the buildings would be seen as part of the existing enterprise.
- 9.12. In addition, the site has significant screening along the boundary with Stratford Road and a tree belt between the buildings and Manor Farm Lane. This further reduces the dominance in the landscape.

- 9.13. The overall design is also in keeping with its rural setting. The buildings are proposed to look like agricultural buildings, akin to its immediate setting and the character of the rural area.

Conclusion

- 9.14. The proposed agricultural buildings would not result in harm to the overall character and appearance of the locality. The buildings would be seen in the context of its rural setting, in which agricultural buildings are part of that context.

Ecology Impact

Legislative context

- 9.15. 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.
- 9.16. 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.
- 9.17. 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.
- 9.18. 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:
- 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?
 - That there is no satisfactory alternative.
 - 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.
- 9.19. 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, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.20. Paragraph 185 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.
- 9.21. Paragraph 186 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.
- 9.22. Paragraph 191 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.
- 9.23. 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.
- 9.24. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.25. 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.
- 9.26. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

9.27. The Council's Ecologist has responded to the proposal and raises comments, however these can all be addressed by way of planning condition. Therefore, provided these conditions are imposed it is unlikely the proposal would have a detrimental impact on biodiversity.

Conclusion

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

Highways

9.29. Paragraph 114 of the NPPF states that in assessing specific applications for development, it should be ensured that:

a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

b) safe and suitable access to the site can be achieved for all users;

c) the design of streets, parking areas, and other transport elements and the content of associated design standards reflects the current national guidance, including the National Design Guide and the National Model Design Code; and

d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.30. In addition, paragraph 115 highlights that development “should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.

9.31. The proposed development would be accessed from an existing access serving the agricultural. The Local Highway Authority has no objection to the proposals and based on the LHA's views there is no objection to the scheme on highway safety grounds.

9.32. Given the LHA's comments it would be difficult to include a reason for refusal on highway safety.

Other matters

9.33. The proposal is located away from residential properties and as such the new buildings are unlikely to give rise to an adverse impact on neighbour amenity.

9.34. Regarding drainage and flood risk, the site is not in Flood Zones 2 or 3, and the lead local flood authority has no objection provided relevant conditions are imposed; the proposal is thus considered acceptable in this regard.

10. PLANNING BALANCE AND CONCLUSION

10.1. The principle of development is considered acceptable and complies with retained Policy AG2 of the CLP 1996. The proposal would not adversely affect the character or appearance of the area and complies with Policies ESD13 and ESD15 of the CLP

2015. The proposal is acceptable in terms of residential amenity, highway safety, ecology and drainage/flood risk. On balance, therefore, the proposal is sustainable development and as such it is recommended for approval.

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 following plans and documents: Site Location Plan (6163/5 Rev P5), General Purpose Store Plan and Elevations (6163/4 Rev P5), Elevations of Grain and Straw Store and Temporary Housing for Mobile Drier (6163/2 Rev P6).

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. A schedule of materials and finishes to be used in the external walls and roof(s) of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to any foundations work. The development shall thereafter be carried out 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 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.

4. A method statement for enhancing birds/bats and invertebrates on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. The biodiversity enhancement measures approved pursuant to the requirements of this condition shall be carried out prior to occupation and shall be retained thereafter in 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.

5. No development shall commence on site until the existing tree(s) to be retained on site have been protected in accordance with the measures set out below. The protection measures shall be maintained until the approved development is completed.

a) Protective barriers shall be erected around the tree(s) to a distance not less than a radius of 12 times the trunk diameter when measured at 1.5m above natural ground level (on the highest side) for single stemmed trees and for multi-stemmed trees 10 times the trunk diameter just above the root flare.

b) The barriers shall comply with the specification set out in British Standard BS5837:2012 'Trees in Relation to Construction – Recommendations' that is steel mesh panels at least 2.3m tall securely fixed to a scaffold pole framework with the uprights driven into the ground a minimum of 0.6m depth and braced with additional scaffold poles between the barrier and the tree[s] at a minimum spacing of 3m.

c) The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment, machinery and surplus material has been removed from the site.

d) Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

6. The approved drainage system shall be implemented in accordance with the approved Detailed Design prior to the use of the building commencing:

Document

Flood Risk Assessment

Ref: 990-FRA-01-B

Issue: April 2023

Drawing

Proposed Exceedance Route

Drawing No: 990-FRA04, Rev A

Drawing

Proposed Drainage Strategy

Drawing No: 990-FRA03, Rev D

All relevant Hydraulic calculations

Date 13/04/2023

File: 990-Drainage Design Calc Rev C.pfd

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

7. Prior to the first occupation of the development, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

(a) As built plans in both .pdf and .shp file format;

(b) Photographs to document each key stage of the drainage system when

installed on site;

(c) Photographs to document the completed installation of the drainage structures on site;

(d) The name and contact details of any appointed management company information

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

INFORMATIVE

The developers are reminded of the legal protection afforded to badgers under the (Protection of Badgers Act 1992). During construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission, works must stop and advice must be sought from a suitably qualified and experienced ecologist.

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