

Case Officer: Katherine Daniels

Applicant: Ms Katie Lavin

Proposal: Erection of a single storey 18 stable block with 2 storey frontage and for feed and bedding storage with tractor access in a courtyard arrangement associated storage. Formation of a 30x60m outdoor riding arena, lunge pen, horse walker and covered trailer parking. Temporary dwelling for a period of 3 years.

Ward: Cropredy, Sibfords and Wroxton

Councillors: Cllrs Chris Brant, Phil Chapman, Douglas Webb

Reason for Referral: The application was called in by Councillor Reynolds when he was an elected councillor. The application was called in due to being locally controversial and therefore significant public interest

Expiry Date: 27 December 2023

Committee Date: 5 September 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located to north-west of the village of Tadmarton. The land is undulating and rises toward Tadmarton. There is a mature hedgerow along the boundary of the site with Swalcliffe Road. The field is being used for pasture. Further fields are located to the north and west of the site. Tadmarton village is located to the east of the site, with residential properties located to the south.

2. CONSTRAINTS

2.1. The application site is within an area of Best and Most Versatile land (Category 1).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the erection of a building to house 18 horses, formation of an outdoor arena, lunge pen, horse walker and erection of a temporary dwelling.

3.2. The proposed stable block is proposed in a rectangle with a courtyard in the middle and has a footprint of 42.5m by c.27.4m. The tallest part of the building is 5m. The building is proposed to be externally constructed primarily in timber with metal sheeting, with an element which is proposed to be constructed externally in plain clay roof tiles and brick.

3.3. The outdoor arena measures 60 by 30m.

3.4. The proposed temporary dwelling is proposed in timber cladding with lightweight roof tiles. The building measures 18m by 6.47m with a height of 3.75m.

4. RELEVANT PLANNING HISTORY

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

5. PRE-APPLICATION DISCUSSIONS

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

5.2. 22/02573/PREAPP: 18 Stable Block with storage, outdoor riding arena, single detached dwelling with garage;

5.3. No objections in principle to the proposal but would have to demonstrate the need for a new residential dwelling on site, and any dwelling would have to be temporary.

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. The final date for comments was **13 June 2024** although comments received after this date and before finalising this report have also been taken into account.

6.2. Letters of representation have been received from 70 households. There are several residents who have commented on the application multiple times, following the re-consultation. The comments raised by third parties are summarised as follows:

- Dwelling is not acceptable in principle; there are other properties available in the village
- Impact on the character and appearance of the locality
- Detrimental impact on highway safety; large increase in traffic
- Loss of agricultural use
- Noise
- Light Pollution
- Smell
- Overdevelopment of the site
- Flooding

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. TADMARTON PARISH COUNCIL: **Objects** on the grounds of over-development; outside the village confines; adding to traffic problems in the area, design, ecology and impact upon the character of the locality

7.3. SWALCLIFFE PARISH COUNCIL: **Objects** on the landscape and visual impact, the size and scale of the development, highway safety concerns.

OTHER CONSULTEES

- 7.4. OCC HIGHWAYS: **No objections** subject to the imposition for access, construction management plan
- 7.5. CDC BUILDING CONTROL: **Comment.** Temporary dwelling will need a building regulations application.
- 7.6. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions relating to noise, contaminated land, odour and lighting details.
- 7.7. CDC ECOLOGY: **Comments** a preliminary ecological appraisal should be undertaken.
- 7.8. CDC LAND DRAINAGE: **No comments or objections**
- 7.9. CDC LICENSING: **No comments**
- 7.10. CRIME PREVENTION DESIGN ADVISOR: **No objections** but recommends the applicants consult the guidance with secured by design
- 7.11. SANHAM (AGRICULTURAL ADVISOR): **Acceptable.**

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.
- SLE1: Employment Development
- SLE4: Improved transport and connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD 3: Sustainable Construction
- ESD 5: Renewable Energy
- ESD 6: Sustainable Flood Risk Management
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Built and Historic Environment
- Villages 1: Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New Dwellings in the open countryside

- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the countryside
- C28: Layout design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental Pollution
- AG2: Construction of farm buildings
- AG5: Development involving horses

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)

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
- Residential amenity
- Ecology impact
- Drainage
- Sustainable Construction

Principle of Development

Policy Context

- 9.2. Paragraph 12 of the NPPF confirms the statutory status of the development plan as the starting point for decision making. The Development Plan comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 ('CLP 1996').
- 9.3. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, '*The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area*'.
- 9.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, '*The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car*'.

- 9.5. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para-C.255). Tadmarton is a Category C village.
- 9.6. Saved Policy AG5 of the CLP (1996) normally permits horse related development provided that the development would not have an adverse effect on the character and appearance of the countryside, or the amenity of neighbouring properties and the proposal complies with the other policies in the plan.
- 9.7. Saved Policy H18 of the CLP (1996) allows for new dwellings in the open countryside if it is essential for agriculture or other existing undertakings and would not conflict with other policies of this plan.

Assessment

- 9.8. The proposal relates to two separate components – (1) the stables, outdoor riding arena and (2) the temporary dwelling associated with the equine enterprise.

The Stables and Riding Arena

- 9.9. This would be a new equine enterprise within open countryside to the north-west of the village of Tadmarton, with full livery for 17 horses. The riding arena would be used for exercising the livery horses and would also be open to the public.
- 9.10. Policy AG5 allows for horse related development, provided it does not have an adverse impact on the character and appearance of the locality, nor residential amenity.
- 9.11. The principle of stables and riding arena could therefore be considered acceptable. However, overall acceptability will be dependent on other considerations, such as the impact on the locality, as well as the impact on the amenities of local residents. These issues are considered further in the paragraphs below.

The Temporary Dwelling

- 9.12. Tadmarton is a category C village which allows for infilling and conversions. The site is located outside the built-up limits of the village; therefore the proposal conflicts with policy Villages 1 of the CLP 2015.
- 9.13. Saved Policy H18 allows for new dwellings in the open countryside where it is demonstrated that there is a need for an agricultural or equestrian worker. This is echoed within paragraph 84 of the NPPF.
- 9.14. The applicant has provided evidence of the need for a temporary workers dwelling for the site. The Council's Agricultural Advisor agrees that there is a need for the proposed business to have an overnight presence at the site, and therefore that a temporary dwelling is acceptable. Given the enterprise is a new enterprise, a permanent dwelling is not acceptable, and would require a further planning application in the future once the business has been established for 3+ years and can demonstrate financial viability.
- 9.15. The proposal for the temporary dwelling is considered to be acceptable.

Conclusion

- 9.16. Overall, it is considered that the principle of both the temporary dwelling and stables and outdoor arena is acceptable.

Design and Impact on the Character and Appearance of the Locality

Policy

- 9.17. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that *would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.*
- 9.18. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.19. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
 - *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*
 - *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

Assessment

- 9.20. The site comes under the Rolling Village Pastures and the upstanding Village Farmlands. Some of the key characteristics are a strong undulating landform of rounded hills and small valleys, densely scattered hedgerow trees and well-defined nucleated villages with little dispersal into the wider countryside.
- 9.21. The applicant submitted a LVIA in support of the application, which suggested that the impact on the character of the locality would be negligible.
- 9.22. The proposals have been amended on several occasions since the original submission to seek to address the officers' concerns regarding visual dominance in the character and appearance of the locality. The scheme has been amended to its original location, however there is not as much cut and fill. The development has now reduced its impact on the wider landscape. The building height has also been amended so that all of the buildings are single storey.
- 9.23. There are several concerns raised by local residents, many of whom have written in a number of times (following the re-consultation process) regarding the impact the development would have on the wider landscape.
- 9.24. The field is agricultural land, and the proposal is for an equine development. You would expect to see equine development in a rural setting; it is an acceptable land use in principle, and it would be unreasonable to conclude otherwise.
- 9.25. It is acknowledged that there would be change to the locality; however, officers consider that the harm is not so significant as to warrant a recommendation of refusal.

- 9.26. The scheme has been reduced in height, with a concomitant reduction in visual impact on the wider locality. The site has a mature hedgerow along the boundary with Swalcliffe Road, which would provide some screening for the development. One would still appreciate the wider rural setting. The loss of a view is not a material consideration and not a reason to refuse an application.
- 9.27. The applicant also proposes some additional landscaping and hedgerows to further soften the impact of the proposed development.

Conclusion

- 9.28. The proposal would result in a change to the character and appearance of the locality; however, the impact is not considered to be adverse, and therefore the proposal is considered to be in accordance with the aforementioned policies.

Highways impact

- 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, other transport elements and the content of associated standards reflects 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 Local Highway Authority has raised no objections to the proposal, subject to suitable conditions. Therefore, it is concluded that the proposed scheme would not create a danger to those using the highway network. Therefore, the proposal is acceptable in highway terms.

Ecology Impact

Legislative context

- 9.32. 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.
- 9.33. 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.

9.34. 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.

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

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

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

Policy Context

9.37. Paragraph 170 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.

9.38. Paragraph 175 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.

9.39. Paragraph 180 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.

- 9.40. 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.
- 9.41. 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.
- 9.42. 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.
- 9.43. 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

- 9.44. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.45. The application is supported by a detailed protected species survey which concluded that the proposal would result in an uplift of 17.38 habitat units. The proposal would also result in a 210.87% biodiversity net gain. There is a proposed gain of 1.38 of hedgerow units, which equates to a 102.03% gain in hedgerow units. The report concluded that conditions could be imposed to ensure the development achieves the biodiversity net gain. The report also recommends conditions regarding lighting details, and enhancements.

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

Residential amenity

9.47. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the LPA. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

9.48. There have been several concerns raised by local residents about the impact on the amenities through noise, smells and disturbance. Concerns have also been raised on additional lighting, and how that would impact on residential amenity.

9.49. The applicant states that there would not be any events on site, nor would loudspeakers be used. The applicant has agreed to the imposition of a condition to restrict the use of loudspeakers.

9.50. The Council's Environmental Protection team has also commented on the application; they do not object to the proposal provided suitably worded conditions are imposed.

9.51. Officers note the concerns of the local residents; however, in the absence of an objection from the Environmental Health Officer it is considered that the proposal would not result in a detrimental impact on residential amenity through noise and disturbance and smells and it would be difficult to substantiate any refusal reason on this basis. If there is an issue the Environmental Protection team will be able to investigate through their regulations.

9.52. Regarding the lighting concerns of the local residents, this could be controlled by way of planning condition. The applicant does not propose any lighting; however, there is likely to be security lighting. This can be controlled, and this is the recommendation of the ecologist.

9.53. Overall, the impact of the development is considered acceptable, provided suitably worded conditions are imposed to mitigate against the impact of the development; therefore, the proposal is considered to accord with the aforementioned policies.

Sustainable construction

9.54. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 159 states that new development should be planned for in ways that: a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national

technical standards. Paragraph 160 continues by stating, amongst other things, that in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

Development Plan

- 9.55. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).
- 9.56. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: Reducing energy use, in particular by the use of sustainable design and construction measures. Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.
- 9.57. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.

Assessment

The applicant has provided details on sustainability measures. These include using best practice guidance to reduce the impacts of the carbon intensive materials, rainwater harvesting. The proposals also include the provision of solar panels on the roof. Further details on these can be controlled by way of a planning condition.

Drainage

- 9.58. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 173 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.59. Paragraph 175 of the NPPF continues by stating that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.
- 9.60. Turning to the Development Plan, Policy ESD6 of the CLP 2015, consistent with the NPPF, resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.61. The current situation is that the site is located within a flood zone 1, which is land which has less than 1 in 1,000 annual probability of river flooding. CDC Land Drainage consultation considers that there would not be an impact on drainage.
- 9.62. The proposal is therefore considered to be acceptable in flooding terms.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal is for the formation of a new equine enterprise on the edge of the village of Tadmarton. It is considered that there is some change to the overall character and appearance of the locality; however, the development is similar to other equine development applications and something that one would expect to see within the rural area.
- 10.2. The proposal would not adversely affect the amenities of the nearby residential properties, and any impacts in this regard can be controlled by way of planning conditions. The proposal is considered not to result in a danger to those using the

highway and would not result in flooding elsewhere. The proposal would result in a biodiversity net gain and would not have a negative impact on ecology. Overall, therefore, the proposed development is considered acceptable or can be made acceptable through the imposition of appropriately worded conditions.

11. RECOMMENDATION

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

Time Limit

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.

Compliance with Plans

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: Proposed scheme site plan (Titled: 5426-29 Rev G), Stables – plans/elevations/section (Titled: 5426-24 Rev C), Areal Elevations (Titled: 5426-25), Temporary Dwelling (Titled: 5426 27), Proposed Scheme Sections (Titled: 5426-22 Rev C).

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. No development shall commence unless and until full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in full accordance with the approved details prior to the first use or occupation of the development and shall be retained as such thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

4. No development shall commence unless and until a Construction Environment and Traffic Management Plan (CETMP) has been submitted to and approved in writing by the Local Planning Authority. The CETMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods and shall include working hours. The approved CETMP shall be implemented and operated in accordance with the approved details. The CETMP must be appropriately titled, include the site and planning permission number and must include the following:

- a. Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- b. Details of and approval of any road closures needed during construction.

- c. Details of and approval of any traffic management needed during construction.
- d. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- e. Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- f. The erection and maintenance of security hoarding / scaffolding if required.
- g. A regime to inspect and maintain all signing, barriers etc.
- h. Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- i. The use of appropriately trained qualified and certificated banksmen for guiding vehicles/unloading etc.
- j. No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- k. Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- l. A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- m. Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- n. Any temporary access arrangements to be agreed with and approved by Highways Depot.
- o. Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

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

- 5. No development shall commence unless and until a schedule of materials and finishes to be used in the external walls and roof(s) of the buildings and riding arena has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full 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.

- 6. No development shall commence unless and until a scheme for landscaping the site has been submitted to and approved in writing by the Local Planning Authority which shall include:
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch, etc.),
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each

tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps,

(d) details of the enclosures along the boundaries of the site.

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.

7. No sound-amplifying equipment shall be installed or operated on the premises.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. Prior to the first use of the development hereby approved 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 retained and operated as such at all times thereafter.

Reason: In the interests of visual amenity and highway safety and to protect the amenities of nearby residents 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.

9. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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.

10. If a potential risk from contamination is identified as a result of the work carried out under condition 9, prior to the commencement of the development hereby permitted a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is 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.

11. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is 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.

12. If remedial works have been identified in condition 10, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 11. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is 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.

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

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

14. The development hereby permitted shall be carried out in accordance with the recommendations set out in [**] of the [**] by [**] dated [**] 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.

15. A method statement for enhancing the biodiversity shall be submitted to and approved in writing by the Local Planning Authority prior to the development reaching slab level. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained 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.

16. Notwithstanding the provisions of Schedule 2, Part 1, Classes A-D inclusive of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order with or without modification) no enlargement of the dwellinghouse shall be undertaken at any time without the prior planning permission of the Local Planning Authority.

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

17. The living accommodation hereby approved shall be occupied solely in conjunction with and ancillary to equine use hereby approved and shall not be sold, leased or occupied as a separate unit of accommodation.

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, in accordance with saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. At the expiration of three years from the date hereof the temporary dwelling shall be removed from the site and the land shall be restored to its former condition on or before that date.

Reason: Planning permission has only been granted in view of the essential need for a new dwelling in accordance with saved Policy H18 of the CLP 1996 and government guidance contained within the National Planning Policy

Framework and because of the temporary nature of the building.

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