

**Os Parcels 7685 6871 8775 1582 3675 3173 1865 0250
8545 7331 1724 And Part 0006 Adjoining Stratford
Road A422 Wroxton**

24/00375/F

Case Officer: Katherine Daniels

Applicant: ATE Farms

Proposal: Formation of two fishing lakes, two nursery lakes, the siting of 15 accommodation lodges, 8 pods, a management building and ancillary vehicular access, parking, and landscaping

Ward: Cropredy, Sibfords And Wroxton

Councillors: Councillor Webb, Councillor Brant, and Councillor Chapman

Reason for Referral: 1,000 sq. m floor space created

Expiry Date: 29 November 2024

Committee Date: 7 November 2024

SUMMARY RECOMMENDATION: REFUSAL

This application is subject to a Committee Members Site Visit, taking place on 5th November 2024

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

1.1. The application site is located off the Stratford Road, adjacent to the Indian Queen restaurant. The car park for the Indian Queen is located to the west of the application site. The boundary with the Stratford Road comprises of mature trees. The side is located on a lower level than the road. It is currently being used for arable farming. The ground level undulates within the site. To the northern boundary of the site, the site is screened by hedgerows.

2. CONSTRAINTS

2.1. The application site is within Grade 3 agricultural land. A public right of way (418/14/10) runs through the centre of the site, and another public right of way (418/5/10) is located to the northwestern boundary of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The proposal is for the formation of two fishing lakes, two nursery lakes, 15 holiday accommodation lodges and 8 pods together with ancillary management building and associated access, parking, and landscaping. The management building comprises of overnight accommodation, two showers, a communal area and kitchenette/servery.

3.2. The lodges measure approx. 96 square metres, with the pods measuring 20 square metres. The management building is proposed to be 136 square metres. The two

fishing lakes measure 24,000 square metres and 13,000 square metres. The buildings will be single storey in height.

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 **26 March 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows: 36 letters of objection have been received to date raising the following:

- No justification
- Light Pollution
- Impact on Ecology
- Impact on character and appearance of the locality
- Highway Safety

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.

7.2. WROXTON PARISH COUNCIL: **No comments** received.

7.3. SHENNINGTON WITH ALKERTON PARISH COUNCIL: **No objection** provided the sewage flows to Alkerton are not increased.

7.4. HORNTON PARISH COUNCIL: **Objects** due to no identified need, highway safety, noise pollution, no economic case, no waste management. Will be larger.

7.5. OCC LEAD LOCAL FLOOD AUTHORITY: **Objects** due to insufficient information on surface water drainage

7.6. OCC ARCHEALOGY: **No objections**

- 7.7. OCC HIGHWAYS: **Objections** insufficient information has been received if the access is safe and suitable, insufficient information on sustainable transport measures,
- 7.8. OCC RIGHTS OF WAY: **Comments** that the right of way needs to be kept free of obstruction.
- 7.9. OCC MINERALS AND WASTE: Further information required on how the fishing lakes will be constructed.
- 7.10. CDC ECOLOGY: **Objects** on the grounds that the Preliminary Appraisal Report recommends further surveys. No Biodiversity Net Gain survey has been submitted.
- 7.11. CDC BUILDING CONTROL: Building regulations application is required.
- 7.12. THAMES VALLEY POLICE: Recommends a condition on any approval.

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)

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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Policy T5: Proposals for new hotels, motels, guesthouses, and restaurants in the countryside
- Policy C5: Protection of ecological value and rural character of specified features of value in the District
- Policy C8: Sporadic development in the open countryside

- Policy C14: Countryside Management Projects
- Policy C28: Layout, design, and external appearance of new development

8.3. Other Material Planning Considerations

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

9. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area.
- Residential amenity
- Highway Impact
- Flooding and Drainage
- Ecology impact

Principle of Development

Policy Context

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

9.3. Policy SLE3 of the CLP 2015 explains that *‘the Council will support proposals for new or improved tourist facilities in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District’*. The policy preamble notes that the Council *‘will support new tourism provision that can demonstrate direct benefit for the local ‘visitor’ economy, and which will sustain the rural economy’* (B.62). The preamble also offers support to an increase in high quality tourist accommodation in Cherwell’s towns (B.63) and notes that the Part 2 Local Plan will include policies encouraging new accommodation and the allocation of smaller sites for tourism related development (B.67). The Part 2 Local Plan has not been produced and instead a new Cherwell Local Plan 2040 (CLP 2040) is being prepared. Therefore, smaller sites for tourism related development have not been allocated.

9.4. Policy SLE4 states that *‘all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling’*.

- 9.5. Policy ESD1 seeks to distribute growth to the most sustainable locations and to deliver development that seeks to reduce the need to travel, and which encourages sustainable travel options.
- 9.6. The NPPF seeks to support economic growth throughout the country with paragraph 88 providing specific support to the rural economy, noting that planning decisions should enable the *'sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings'* along with *'sustainable rural tourism and leisure developments which respect the character of the countryside'*.
- 9.7. Paragraph 89 acknowledges that *'sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.'*
- 9.8. Paragraph 109 notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in decision making.
- 9.9. The Supporting Statement references policy T1 from the CLP 1996; however, this policy expired on 27 September 2007, as instructed by the Secretary of State on 25 September 2007, and is therefore no longer relevant. The Statement also references policy EMP4 from the CLP 1996; this policy was replaced by policy SLE1 of the CLP 2015 as detailed in Appendix 7 of the CLP 2015, but Policy SLE1 is not considered relevant to this application.

Assessment

- 9.10. In respect of the in-principle acceptability of the lodge accommodation, policy SLE3 remains the most relevant policy. This offers support to tourist facilities but requires these to be in sustainable locations. The accessibility of the site by public or sustainable transport options is limited.
- 9.11. In terms of guests travelling to and from the site at the beginning and end of their stay, as they would likely have luggage (and possibly food) Officers consider they may be less inclined to travel by public transport and more likely to use a private car. The likely reliance on the private car to reach the site presents a conflict with policies SLE3 and ESD1 along with paragraph 88(c) of the NPPF.
- 9.12. In respect of the economic benefits of the proposal, the lodges and fishing lakes would bring investment to the rural area and provide additional units of accommodation which would accord with the general thrust of the Local Plan and NPPF to increase the availability of tourist accommodation. This could also benefit local attractions and businesses such as pubs.

Conclusion

- 9.13. The lodges and fishing lakes would bring additional tourist accommodation to the area, which would bring broad economic benefits and help to address an identified need for more tourist accommodation. Whilst it is likely many guests would travel by car to the site, this is more inevitable given the luggage guests would require.

However, when on site, the distance to local services and attractions and the lack of public transport means that guests are also likely to be reliant on the car whilst staying. Further, no specific local business or community need for the facility in this location has been identified. Officers do not consider the broad support for tourist accommodation nullifies the need to promote sustainable patterns of development and on balance, Officers are of the view that the harm of the proposal, and other areas of harm discussed further in this report, outweighs the benefits. The proposal would therefore, in principle, be contrary to policies SLE3 and ESD1 of the CLP 2015 and paragraphs 88 and 89 of the NPPF.

Design, and impact on the character of the area.

Policy Context

- 9.14. Policy ESD13 of the CLP 2015 seeks to enhance the character and appearance of the landscape through restoration, management or enhancement of existing landscapes, features, or habitats and where appropriate create new ones. Development is expected to respect and enhance local landscape character and development that causes undue visual intrusion into the open countryside, is inconsistent with local character or impacts on areas of high tranquillity, amongst other considerations, will not be permitted.
- 9.15. Policy ESD15 seeks to control new development to ensure it complements and enhances the character of the area through sensitive siting, layout, and high quality design. The policy also aims to control the impact of development on heritage assets, residential amenity, and sustainability.
- 9.16. From the CLP 1996, saved policy C28 aims to ensure new development has sympathetic standards of layout, design and external appearance whilst saved policy C29 requires development adjacent to the canal to be of a high standard. Saved policy C8 resists sporadic development in the open countryside.
- 9.17. Within the NPPF, paragraph 135 requires new development to add to the overall quality of the area in both the short and long term, be visually attractive and be sympathetic to local character. Paragraph 139 states that poor design should be refused.

Assessment

- 9.18. The proposal seeks to create a new access onto the site. The site is lower than the road itself, which would therefore require engineering works to create a new access by the Indian Queen's car park. This would require a large amount of trees to be removed from the boundary with the Stratford Road to accommodate the new access.
- 9.19. No information has been submitted to show how the 4 proposed fishing lakes would be constructed. The proposal includes new plating around the lakes and pods. The applicant has stated that any material dug from the site, would be used elsewhere on the site. However, without knowing how much material would be excavated and how it would be distributed within the site, it is unclear how this would impact upon the character and appearance of the locality.
- 9.20. The access way would also need to have embankments. The details submitted state that these details are yet to be agreed. There are limited details with this application in order to properly assess the overall impact on the character and appearance of the locality. It is noted that there would be a change to the landscape as a result of the proposed development.

- 9.21. No information has been submitted regarding the loss of the trees on site, nor the impact on the wider landscape. Although this information has not been received, it is clear that there is harm to the overall character and appearance of the rural location. The tree belt along Stratford Road, is a key characteristic of the area, and the loss of trees, including the engineering works for the access would result in an urbanisation to the setting of the site, which is rural in character. The proposal would lead to additional light pollution to the locality, which would further exacerbate the development, further impacting on the tranquil nature of the site and its surroundings.
- 9.22. Taken altogether Officers are of the view that the proposed lodges and fishing lakes would introduce a significant new development into the open countryside. The cumulative effect of the overall development would have an urbanising effect on the landscape and appear as sporadic development in the countryside.
- 9.23. The proposed landscaping would soften the impact of the development over time; however, Officers do not consider that landscaping can overcome the fundamental incompatibility of the proposals in the landscape. Further, any landscaping would be less effective in the winter months.

Conclusion

- 9.24. Overall, it is considered that there is insufficient information to assess the impact on the wider locality, however it is clear from the limited information submitted with the application the proposal will have an urbanising impact on the locality which is rural in nature. Therefore, there would be harm to the overall character. It is noted that the proposed development has economic benefits, by increasing the tourist accommodation on offer in the locality. However, it is considered that these benefits do not outweigh the harm to the overall character and appearance of the locality. The proposal is therefore considered to conflict with CLP 2015 Policies ESD13 and ESD15, Saved CLP 1996 Policy C28 and having regard to paragraphs 135 and 139 of the NPPF.

Highway Impact

Policy Context

- 9.25. Policy SLE4 of the CLP 2015 seeks to promote a modal shift in transport and to promote more sustainable locations for employment. Policy ESD15 seeks new development to deliver high quality, safe, attractive, durable, and healthy places to live and work in Paragraph 115 of the NPPF notes that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe.

Assessment

- 9.26. The applicants have provided additional information following the concerns of the Local Highway Authority (LHA). Whilst they have addressed some of the concerns regarding the impact upon the road network. The applicants still have not addressed the concerns regarding the gradient of the access onto the Stratford Road. The first 15m of an access road should be no steeper than 1:40, however this has not been demonstrated. The proposal should include this information at this stage, so the LHA are confident that a safe access onto and off the site is achievable.
- 9.27. Without knowing the full details, this further could have a negative impact on the character and appearance of the locality. This has been highlighted in the paragraphs above.

- 9.28. In addition, there are conflicts within the application, on how many parking spaces there would be on site. The application suggests 60, whereas the highway technical note states 95. Further justification is required for the level of parking, and any overspill that may be required if there would be any fishing events which would take place on site.
- 9.29. The applicants have provided further details on the trip generation for the fishing pegs and lodges; however, further information has not been submitted to show how the café would impact the road network.
- 9.30. It is understood that further work is being undertaken by the applicant to overcome these concerns; however, these have not been submitted to date. If there are any updates, these will be reported to members.

Conclusion

- 9.31. The applicants have not demonstrated that the development would not cause harm to the highway network. The LHA, therefore, objects to the proposal. It is possible that these could be overcome; however, at the time of writing the report, the proposal as it currently stands has a negative impact on the highway network. The proposal is therefore considered to be contrary to the aforementioned policies.

Flooding and Drainage

- 9.32. Policies ESD6 and ESD7 set out the Council's approach to sustainable flood risk management and sustainable urban drainage systems (SUDS) respectively. Paragraph 173 of the NPPF requires local planning authorities to ensure that development does not increase flood risk elsewhere and requires certain planning applications to be accompanied by a Flood Risk Assessment.
- 9.33. No drainage information has been received; therefore, the Lead Local Flood Authority considers there is insufficient information on the acceptability of the proposed surface water drainage. The applicants have not submitted any further information to demonstrate the impact on surface water details.
- 9.34. Insufficient information has been received to demonstrate that the proposal is acceptable in terms of surface water drainage. Therefore, the applicants have not met the above policies.

Ecology Impact

Legislative context

- 9.35. 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.
- 9.36. 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.

- 9.37. 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.
- 9.38. 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.
- 9.39. 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

- 9.40. Paragraph 180 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.
- 9.41. 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.
- 9.42. 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.

- 9.43. 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.
- 9.44. 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.
- 9.45. 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.
- 9.46. 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

- 9.47. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it is 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 LPA's 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 is 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 are not affected at each stage (this is known as a 'condition survey')
- 9.48. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
 - 9.49. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the

development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

- 9.50. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.51. Having regard to the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, the lack of a suitable protected species/ecological survey and proposed mitigation strategy means that it has not been demonstrated that the proposal will not cause harm to any protected species or its habitat which is reasonably likely to be present and affected by the development. The proposal is therefore contrary to Policy ESD10 of the CLP 2015, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.

Other Matters

- 9.52. Concerns have been raised regarding the number of lodges and pods proposed. However, the application is only for 15 lodges and 8 pods. If this proposal were deemed to be acceptable, there would be a requirement for further applications to consider the impact on the wider locality.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed lodges, pods and fishing lakes would bring benefits to the rural and visitor economies and help to meet a need for more visitor accommodation in the area. These benefits attract significant weight.
- 10.2. The proposals are, however, located in an inherently unsustainable location and guests would be reliant on the private car to access the site and to access local services and attractions once on site. No evidence of a specific need for these facilities in this location has been identified. These matters weigh heavily against the proposals.
- 10.3. Officers have also concluded that both parts of the proposal would cause harm to the rural character of the area and given the lack of information to consider the full impact of this proposal on the wider locality, this harm is not outweighed by the economic benefits of the scheme.
- 10.4. At present there is insufficient information to demonstrate there are no highways, ecology, drainage impacts, and therefore these matters weigh against the proposal.
- 10.5. The proposal is therefore considered to be unacceptable and is therefore recommended for refusal.

11. RECOMMENDATION

REFUSAL FOR THE REASONS SET OUT BELOW:

- 1. The proposal is in a location that is reliant on the private car for access and no specific need for the facility has been identified to meet the requirement of paragraph 89 of the NPPF. Further, there is no identified functional need for the proposal to be located in such an inaccessible rural position. Therefore, the proposal represents an unsustainable form of development in the open countryside that is**

contrary to policies SLE3 and ESD1 of the Local Plan and paragraphs 88 and 89 of the NPPF.

- 2. By virtue of the significant mass of the proposed development, created by it is the engineering work involved, location of structures within the site, it is considered to have an unacceptable urbanising effect on the rural landscape and would appear as an isolated addition to the landscape. The harm is exacerbated by the footpaths running through the site. Taken altogether Officers consider the proposed development would therefore unacceptably harm the rural agricultural character of the area and this would be contrary to policies ESD13 and 15 of the CLP 2015, saved policies C8 and C28 of the CLP 1996 and paragraph 134 of the NPPF.**
- 3. Insufficient information has been submitted to demonstrate the acceptability of the proposal on highway safety, therefore it is considered to be contrary to Policies SLE4, ESD15 of the CLP 2015 and paragraph 115 of the Framework.**
- 4. In the absence of any drainage documents, it has not been demonstrated that the proposal would be adequately drained and therefore it is contrary to policies ESD6 and ESD7 of the CLP 2015.**
- 5. Due to the absence of an appropriate protected species surveys as highlighted within the Preliminary Ecological Appraisal Report by Ramm Sanderson dated October 2023, the impact of the proposals on protected species cannot be assessed. Therefore, the Local Planning Authority cannot be certain that the proposals would not harm any protected species. As such the scheme is contrary Policy ESD10 of the CLP 2031 Part 1, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.**

CASE OFFICER: Katherine Daniels