

**Case Officer:** Gemma Magnuson

**Recommendation:** Approved

**Applicant:** Mrs Holly Howard

**Proposal:** The construction and siting of 2 no. self-catering holiday let yurts, associated change of use, and associated works including access track, decking and a sewage treatment plant

**Expiry Date:** 4 March 2022

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## **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application relates to an area of agricultural land to the south-east of the village of Wendlebury. The site is served by an existing access to College Farm, of which the site forms a part. The access track is within flood zones 2 and 3, and within 20 metres of a watercourse, although the land proposed for a change of use is not. The land has been identified as being of archaeological interest and is potentially contaminated. The Wendlebury Meads and Mansmoor Closes SSSI is within 2km. A minor aquifer and a pond have been identified in the vicinity.
- 1.2. The site is currently a grassed paddock, with some tree and hedgerow planting to the boundaries.



## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. The application seeks planning permission to change the use of the land for the siting of two holiday let yurts, together with associated works, including decking, access track and sewage treatment plant.
- 2.2. The existing access to the site would be used, with a new section leading to the site of the yurts. A new gate would be installed upon this new access. The yurts would be positioned to either side of an existing belt of trees, with further tree planting proposed to surround these. Sewage treatment would be in the form of a Biodisc to the east of the site.

- 2.3. An electric vehicle charging point would be provided, and electrically assisted bicycles and an electric car would be available for hire by guests.
- 2.4. The yurts would consist of a main yurt with a diameter of 5.3 metres, and smaller service yurts at 3.1 metres in diameter. The height of the main yurt would be 3 metres from ground level at the apex. The construction material would be canvas, with a green roof and cream/buff walls. The yurts would be constructed upon a timber deck. Each yurt would accommodate two people, and each would benefit from a parking and turning area. The applicant intends for the yurts to be permanent.

### **3. RELEVANT PLANNING HISTORY**

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

### **4. PRE-APPLICATION DISCUSSIONS**

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

### **5. RESPONSE TO PUBLICITY**

- 5.1. This application has been publicised by way of a site notice displayed near the site, expiring **21 February 2022** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **21 February 2022**. No comments have been raised by third parties.

### **6. RESPONSE TO CONSULTATION**

- 6.1. 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

- 6.2. Wendlebury Parish Council – no comments received.

#### STATUTORY CONSULTEES

- 6.3. None.

#### NON-STATUTORY CONSULTEES

- 6.4. OCC Archaeology – no archaeological constraints.
- 6.5. OCC Highway Authority – no objection.
- 6.6. CDC Arboriculture – no comments received.
- 6.7. CDC Building Control – no adverse comments or observations.
- 6.8. CDC Economic Development – no comments received.
- 6.9. CDC Environmental Health –

*Noise: No Comments*

*Contaminated Land: No comments*

*Air Quality: The development(s) hereby permitted shall not be occupied until it has been provided with a system of electrical vehicle charging to serve those development(s) In addition ducting should be in place to allow for the easy expansion of the EV charging system as demand increases towards the planned phase out of ICE vehicles (ideally ducting should be provided to every parking space to future proof the development).*

*Odour: No comments*

*Light: No comments*

6.10. CDC Licensing – no comments to make.

6.11. CDC Land Drainage - *No objections or comments in principle. The site is not identified at risk of flooding from any source.*

Requested further information regarding means of effluent disposal from the Biodisc. This was subsequently received, and further comments as follows:

*I agree with the applicant's comments. From my knowledge of the local superficial geology, a discharge to ground is very unlikely to be successful.*

*For the applicant's information an Environmental Permit for the discharge to a ditch or watercourse would only be needed if the daily effluent volume exceeded 5,000 litres per day. That would be equivalent to about 60 persons occupying standard yurts so will not be relevant to this application. However, if the Bio-disc effluent should cause pollution, that would not preclude action being taken under environmental legislation. Provided the Bio-disc is maintained and serviced in accordance with the manufacturer's/installer's instruction there should be no problems.*

## **7. RELEVANT PLANNING POLICY AND GUIDANCE**

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. 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 2031 Part 1)

- PSD 1 – Presumption in Favour of Sustainable Development
- SLE 1 – Employment Development
- SLE 3 – Supporting Tourism Growth
- SLE 4 – Improved Transport and Connections
- ESD 1 - Mitigating and Adapting to Climate Change
- ESD 3 – Sustainable Construction
- ESD 5 – Renewable Energy
- ESD 6 – Sustainable Flood Risk Management
- ESD 7 – Sustainable Drainage Systems

- ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village Categorisation

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- T5 – Proposals for new hotels, motels and guesthouses and restaurants in the countryside
- T7 – Conversion of buildings beyond settlement to self-catering holiday accommodation
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

### **8. APPRAISAL**

#### 8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity and environmental pollution
- Highway safety
- Flood risk and drainage

#### Principle of development

8.2. Government guidance contained within the NPPF seeks to support a prosperous rural economy, with planning decisions being required to enable the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings. The development and diversification of agricultural and other land-based rural businesses should also be enabled, including sustainable rural tourism and leisure development which respect the character of the countryside. It is recognised 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.

8.3. Policy SLE1 of the CLP 2031 Part 1 relates to new employment proposals within rural areas on non-allocated sites, stating that they will be supported if they meet specific criteria. These criteria include that they are outside of the Green Belt, that justification can be provided for the location, that they are designed to high standards using sustainable construction, that they are appropriate within their context, that they are small scale, that they can be carried out without undue detriment to amenity, that they will not give rise to excessive traffic and there are no suitable alternative plots or premises in nearby employment sites.

8.4. Policy SLE3 of the CLP Part 1 states 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.

- 8.5. There are no specific saved Policies in the Cherwell Local Plan 1996 relating to the erection of new self-catering holiday accommodation, although saved Policy T5 resists the erection of new buildings to accommodate hotels, motels, guest houses and restaurants in the countryside.
- 8.6. The proposed development seeks to diversify an existing agricultural business at College Farm through the provision of two self-catering holiday lets upon an existing paddock. One part time job would be created as a result of the development.
- 8.7. The development would be small scale and well connected to the settlement of Wendlebury via the existing access track. Wendlebury is a Category C village and is therefore one of the least sustainable settlements in the District. However, there is a public house approximately 325 metres from the proposed accommodation (as the crow flies) and it would be possible for occupants of the accommodation to reach this on foot, therefore having the potential to support this community facility. The site is also in close proximity to the town of Bicester and associated train stations. I also understand that there is a bus stop on the edge of the village and the intention is to provide guests with access to bicycles and a vehicle to hire.
- 8.8. Given the small scale of this proposal to diversify an existing agricultural business, and the proximity of the site to the town of Bicester and public house facility within the village itself, I consider that the principle of the development can be supported, in accordance with the above Policies.

#### Design, and impact on the character of the area

- 8.9. Government guidance contained within the NPPF requires development to function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive, sympathetic to local character and history, and establish or maintain a strong sense of place. Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.
- 8.10. Policy ESD13 of the Cherwell Local Plan 2011-2031 expects development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD 15 of The Cherwell Local Plan 2011-2031 Part 1 requires development to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards.
- 8.11. Saved Policy C28 of the Cherwell Local Plan 1996 seeks a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development.
- 8.12. The proposed development would be within the open countryside, although both existing and proposed tree planting (850 trees) would soften the appearance of the two yurts. The choice of colour is sympathetic to the rural context and at 3 metres in height to their highest part, I do not consider that they would result in overly prominent features of the landscape. Whilst the applicant has indicated that they wish to for the yurts to be permanent features, I do consider that they could be easily removed in the future and the land restored to its former condition.

- 8.13. Whilst I do not consider that I could describe the yurts as being of high design standards, I also do not consider that I could describe them as resulting in significant harm to the visual amenities of the area. It is for the above reasons that I consider the proposal to accord with the above Policies in terms of visual impact.

#### Residential amenity and environmental pollution

- 8.14. Government guidance contained within the NPPF requires development to create places that are safe, inclusive and accessible, promoting health and well-being, and with a high standard of amenity for existing and future users.
- 8.15. Policy ESD 15 of the Cherwell Local Plan 2011-2031 requires all development to consider the amenity of both existing and future development.
- 8.16. Saved Policy ENV1 of the Cherwell Local Plan 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 8.17. The proposed yurts would be located a sufficient distance from all neighbouring properties in order to avoid any harm in terms of shading, loss of outlook, over-domination or loss of privacy for neighbouring properties. Given the existing use of the access track by agricultural vehicles associated with College Farm, that runs in close proximity to neighbouring properties, I do not consider that any disturbance from additional vehicles to be far in excess of what already could be experienced.
- 8.18. The Environmental Health Team have raised no objections to the proposal in terms of environmental pollution, and I am in agreement with this assessment. The applicant intends to install an EV charging point which is welcomed.
- 8.19. The Land Drainage Officer is content with the method of sewerage disposal put forward, although there are additional controls separate from the planning system that could be used should pollution occur at a later date.
- 8.20. It is for the above reasons that I consider the proposal to accord with the above Policies in terms of residential amenity.

#### Highway safety

- 8.21. Government guidance contained within the NPPF seeks to achieve safe and suitable access to sites for all users and requires development to 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.
- 8.22. Policy SLE 4 of the Cherwell Local Plan 2011-2031 Part 1 requires 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. Encouragement is also given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported. Policy ESD15 of the Cherwell Local Plan 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in.*
- 8.23. The Highway Authority has raised no objection to the proposal as they do not consider that it would have an adverse impact upon the local highway network in traffic and safety terms. The development would make use of an existing access

serving College Farm, and I consider that public transport alternatives could be easily accessed due to the proximity to the town of Bicester. I also note that the applicant intends to provide bicycle hire and access to an electric vehicle as part of the operation. Off street parking would be provided for those wishing to travel to the site by private car. It is for the above reasons that I consider the proposal would avoid harm to highway safety, in accordance with the above policies.

#### Flood risk and drainage

- 8.24. Government guidance contained within the NPPF advises that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.25. Policy ESD 6 of the Cherwell Local Plan 2011-2031 echoes Government guidance, requiring the submission of a Flood Risk Assessment (FRA) and demonstration that developments will be safe and remain operational (where necessary), and that surface water will be managed effectively on site and that the development will not increase the flood risk elsewhere.
- 8.26. The only element of the site within the flood zone is a section of the existing access connecting to the public highway. As no alterations are proposed to the access, I do not consider that the risk of flooding would be increased as a result of the development. The Land Drainage Officer is content with the proposal, and it is my opinion that it accords with the above Policies.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. The development is considered to be acceptable in principle, representing the diversification of an existing agricultural business in a rural location. The development would result in both social and economic benefits through the creation of one part time position of employment and the attraction of tourists to the area that are likely to make use of nearby facilities, including the public house within the village. The development is not anticipated to result in significant traffic generation, or environmental pollution, or result in harm to residential amenity or highway safety. Further, the development would not impact upon flood risk or flooding. The development is therefore considered to constitute sustainable development and is recommended for approval.

### **10. RECOMMENDATION**

That permission is granted, subject to the following 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 application forms and the following plans and documents: Design and Access Statement dated 30.12.2021, Drawing No's: 21.200.01, 21.200.02, 21.200.03

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

3. The self-catering holiday let yurts hereby permitted shall be used solely to provide holiday accommodation, which shall not be occupied as permanent, unrestricted accommodation or as a primary place of residence, and shall not be occupied by any one person for more that 21 days in any calendar year. A register of occupiers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason – In order to limit the use of the site to holiday accommodation and not permanent residential occupation, as the occupation of the site on a permanent basis would be contrary to Policies PSD1 and Villages 1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. In the event of the cessation of the use of one or both of the self-catering holiday let yurts as holiday accommodation for a period of time exceeding 12 months, the decking, yurt(s) and associated features shall be removed from the site and the land restored to its former condition on or before the date 12 months from the last occupation of the self-catering holiday let yurt(s).

Reason – The yurts, because of their design and method of construction, are not suitable for permanent retention, in the interests of the visual amenities of the area, and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Gemma Magnuson

DATE: 04 March 2022

Checked By: Paul Ihringer

DATE: 4/3/22

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