

CHERWELL DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

Appeal by Mr James Doran against the serving of an Enforcement Notice (Ground A) relating to at The Stables, at OS Parcel 3873, Main Street, Great Bourton, Cropredy, Oxfordshire for the unauthorised change of use of the land to use as a caravan site currently accommodating one mobile type caravan designed for human habitation together with associated parking and storage of motor vehicles and a trailer, storage of touring caravans and associated domestic paraphernalia.

Local Authority Reference: 20/00419/ENF

Planning Inspectorate Reference: APP/C3105/C/21/3268454

STATEMENT ON BEHALF OF THE LOCAL PLANNING AUTHORITY

1. INTRODUCTION

- 1.1. This statement is produced in respect of the appeal by Mr James Doran against the enforcement notice being served relating to unauthorised change of use of the land to use as a caravan site currently accommodating, one mobile type caravan designed for human habitation together with associated parking and storage of motor vehicles and a trailer, storage of touring caravans and associated domestic paraphernalia. The location of this change of use is The Stables, at OS Parcel 3873, Main Street, Great Bourton, Cropredy, Oxfordshire.
- 1.2. This statement will address the Appellant's Ground A appeal arguments (the Planning Argument) and is to be read in conjunction with the statement provided by Jane Law which addresses the remaining grounds upon which the Appellant's rely.

2. THE APPEAL SITE AND SURROUNDING AREA

- 2.1 The appeal site (the 'Site') is a parcel of land lying in open countryside between the villages of Great Bourton (~0.5km to the west) and Cropredy (~0.24km to the east). The Site contains a stable building and agricultural storage building, with hardstanding toward the front of the Site with the rear of the Site as paddock land. The front (northern) boundary of the Site is a mature hedgerow with existing gated access onto the road running between Great Bourton and Cropredy. The eastern boundary of the Site again is a mature hedgerow with trees with post and rail fencing to the western boundary. There is currently no delineating feature to the southern boundary of the Site, with the Appellant's Site boundary dissecting an existing area of paddock. There is further post and rail fencing within the paddock area (outside of the Site) with a field boundary hedgerow to its southern boundary.
- 2.2 The Site sits adjacent to and east of an area of land containing stabling and which benefits from planning permission for a mixed use of equestrian and agriculture. The surrounding land is in agricultural use.
- 2.3 The Site consists of agricultural land classed by Natural England as being Category 3 (good-moderate) land. Whilst the Site is identified by the Environment Agency as being in Flood Zone 1 their records show the Site to be in an area with a high chance of flooding from surface water.
- 2.4 The London to Birmingham railway line runs across land some 80m east of the Site. There are records of protected and notable species (Swifts and Pipistrelle Bats) as being present within the vicinity of the site. The Site is in an area known to be affected by Radon Gas. The Site is also within an area of archaeological interest (undated enclosures, field system and ridge and furrow).

3. PLANNING HISTORY

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

- 05/00198/F - Erection of stables. Application Permitted
- 06/00593/F - Erection of 1 multi-use livestock and hay store building. Application Permitted
- 06/01284/F - Resubmission of withdrawn application 06/00599/F - Retrospective: Temporary caravan on site for a period of 3 months for use by builders. Application Permitted.
- 13/00431/CLUE - Certificate of Lawful Use Existing - An area of rolled gravel hardstanding, a lean-to pig pen and a small soakaway/duck pond. Application Permitted.
- 20/02060/F - Change of use of land to a mixed use for the keeping of horses (existing) and as a residential caravan site for 4no gypsy families. Each with two caravans (including no more than 4no static caravans / mobile homes) together with the laying of hardcore. Application Refused

4. APPEAL PROPOSAL

- 4.1. The enforcement notice relates to the change of use of the land to use as a caravan site currently accommodating one mobile home / caravan, together with associated parking and storage of motor vehicles and a trailer, storage of touring caravans and associated domestic paraphernalia which does not benefit from planning permission. The enforcement notice required the ceasing of the use of the land as a caravan site; to remove from the land the mobile home / caravan along with the removal of the touring caravans and the removal of the motor vehicles and trailer. The notice also required the removal from the land of all other materials, equipment and other paraphernalia brought onto the land in connection with the residential use on the land. Finally, the notice also required the land to be return to its previous condition before the beach took place.
- 4.2. The Council considers that the works as carried out on the Site by virtue of the development's siting in the open countryside and its overall scale and appearance result in an urbanising effect on the open countryside and results in significant harm to the rural character and appearance of the area and fail to preserve the natural environment at this location. The Council therefore considers that the works on the Site are contrary to Policies ESD13 and ESD15 of the Cherwell Local Plan Part 1 ('CLP 2015'), Saved Policies C8 and C28 of the Cherwell Local Plan 1996 ('CLP 1996') and Government advice within the National Planning Policy Framework ('NPPF').
- 4.3. In addition to this the Council considers that the unauthorised development constitutes sporadic development beyond the built-up limits of any village and, in the absence of an appropriate justification, represents new housing in an unsuitable location contrary to Polices ESD1 and Villages 1 of the CLP 2015, Saved Policies H18 and C8 of the CLP 1996 and Government guidance contained in the NPPF.

- 4.4. As the Appellant has identified that the caravan on the Site is occupied by a gypsy / traveller, of further relevance in terms of whether planning permission should be granted is Policy BSC6 of the CLP 2015.
- 4.5. In response the Appellant contends that the Site comprises of previously developed land with stables, storage buildings and fixed surface infrastructure, and that the caravan positioned on the Site is currently occupied by a gypsy / traveller for residential purpose and would make more efficient and effective use of previously developed land.
- 4.6. The Appellant makes the case that the Council has not allocated any land for gypsy and traveller sites in the Development Plan and has an identified unmet need for up to 27 permanent pitches and therefore an identified need for additional sites and an absence of alternatives to the this Site. The Appellant continues by stating that the Site is not located within the AONB or Green Belt and that the works are in accordance with the adopted Policies.

5. PLANNING POLICY

- 5.1. Paragraph 11 of the NPPF states that *planning decisions should apply a presumption in favour of sustainable development*. The paragraph continues by stating that, amongst other things, that for decision-taking this means *c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless: (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*.
- 5.2. Paragraph 12 of the NPPF states that *the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted*.
- 5.3. This Council has an up-to-date Local Plan contained within the saved Policies of the CLP 1996 and the CLP 2015. These documents form the development plan for the Council and their status as such have been accepted by Planning Inspectors as part of numerous appeals.
- 5.4. The relevant 'saved' Policies of the CLP 1996 are C8 (Sporadic development in the open countryside) and C28 (Layout, design and external appearance of new development) and those relevant from the CLP 2015 are Policies ESD13 (Local Landscape Protection and Enhancement) and ESD15 (The Character of the Built and Historic Environment).
- 5.5. Saved Policy C8 states that *sporadic development in the open countryside including developments in the vicinity of motorway or major road junctions will*

generally be resisted. The Council submitw that the development does not comply with Policy in that the use of the site for residential purpose represents an unplanned urban development within the open countryside. Saved Policy C28 states that *control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.* The Site is in open countryside a sensitive location where the provision of the caravans due to their design results in significant harm to the rural character and appearance of the area and fail to preserve the natural environment at this location.

- 5.6 Saved Policy H18 states that *planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy H1 when (i) it is essential for agriculture or other existing undertakings, or (ii) the proposal meets the criteria set out in policy H6; and (iii) the proposal would not conflict with other policies in this plan.* The Council contends that the development does not represent an allocation site for housing as covered by saved Policy H1 nor does the Site represent a rural exception site as outlined in saved Policy H6. Furthermore, the appellant has failed to provide any evidence to demonstrate that the development on the Site complies with any part of this Policy. The result of which is that the stationing of caravans on the Site as residential accommodation represents sporadic residential development in the open countryside to the detriment of the rural character.
- 5.7 Turning to the Policies in the CLP 2015, Policy ESD1 states that *to mitigate the impact of development on climate change growth will be delivered in the most sustainable locations (as defined in the local plan) and reduce the need to travel.* The Appellant states that the Site is located close to a bus stop. The Council accepts this is correct but would also submit that in terms of buses servicing the village this is very limited. On checking the bus service for the village this is limited to a single bus on Thursday, Saturday and Good Friday all providing one stop in and one stop out during those days. This very limited service essentially means that occupiers on the Site are more likely to require a private car to travel to and from home rather than use public transport. The development would therefore fail to comply with the Policy ESD1 in terms of reducing the need to use private cars.
- 5.8 Policy ESD13 of the CLP 2015 highlights, amongst other things that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: Cause undue visual intrusion into the open countryside, be inconsistent with local character, Impact on areas judged to have a high level of tranquillity.* Due to the external appearance and position on the Site of the caravan the Council submits that the development has an adverse impact on the rural character of the area resulting in undue visual intrusion inconsistent with the local character of the area. The development and change of use of the Site for residential use is therefore in conflict with Policy ESD13.

- 5.9 Policy ESD15 of the CLP 2015 highlights the importance of design in new development and states that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected 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.* The Policy continues with a set of criteria under which it is expected new development to comply with. Of these criteria key points are that new development should be *designed to improve the quality and appearance of an area and the way it function.* Development should *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.* The Council submits for that the reasons outlined in paragraph 5.8 the development fails to make a positive contribution towards the rural character of this area and hence fails to comply with this policy.
- 5.10 Turning to Policy BSC6 this confirms that the Council will provide *19 (net) additional pitches to meet the needs of Gypsies and Travellers from 2012 to 2031. It will also provide 24 (net) additional plots for Travelling Showpeople from 2012 to 2031. To meet these requirements, and in order to provide and maintain a five year supply of deliverable sites, allocations will be made in Local Plan Part 2 and planning permissions will be granted for suitable sites.* The Policy continues by stating that *in identifying suitable sites with reasonable accessibility to services and facilities the following sequential approach will be applied: (1) within 3km road distance of the built-up limits of Banbury, Bicester or a Category A village (2) within 3km road distance of a Category B village and within reasonable walking distance of a regular bus service to Banbury or Bicester or to a Category A village.*
- 5.11 In terms of other sites the Policy states that these will only be considered in exceptional circumstances and that the following criteria will be used to assess the suitability of sites. The criteria list the following:
- a) *access to GP and other health services*
 - b) *access to schools*
 - c) *avoiding areas at risk of flooding*
 - d) *access to the highway network*
 - e) *the potential for noise and other disturbance*
 - f) *the potential for harm to the historic and natural environment*
 - g) *the ability to provide a satisfactory living environment*
 - h) *the need to make efficient and effective use of land*
 - i) *deliverability, including whether utilities can be provided*
 - j) *the existing level of local provision*
 - k) *the availability of alternatives to applicants*
- 5.12 As the appeal is based upon the need and requirements of the Appellant as a gypsy / traveller a material consideration is the Government advice in Planning Policy for Traveller Sites (August 2015) (PPTS). Policy H of the Government PPTS states that LPAs should consider the existing level of need for site, the

availability of alternative accommodation for applicants and their personal circumstances when considering proposals for gypsies and travellers sites and they should determine applications for sites from any gypsies and travellers and not just those with local connections. In considering this Policy the Council submits that sufficient pitches can be demonstrated, and this will be expanded upon in the section 6 of this statement.

6. GROUND A APPEAL AND APPEAL FOR THE REFUSAL OF PLANNING PERMISSION

- 6.1. Within the details of the Appellant's grounds of appeal the first point raised is that the Appellant considers the Site to be allocated as previously developed land with stables, storage buildings and fixed surface infrastructure listed as evidence of this suggestion. In considering this point the Council accepts that the Site contains several structures associated with stables. However, this is not to suggest that the use of the Site for a residential development is therefore acceptable nor should it be approved. The Council also questions whether a site containing stables and associated storage building would really be in the spirit of the Government's definition of previously developed land. In particular the Council notes the evidence provided in the Appellant's statement ground D which states that the Appellant's land is used for agriculture with the keeping of livestock (mainly chickens, ducks and geese. This would therefore suggest that the land is in an agricultural use and as per the definition in the NPPF the terms previously developed land excludes land that is or was last occupied by agricultural (my emphasis).
- 6.2. Notwithstanding the point on land use, the Appellant continues in his statement that the development complies with Policy BSC6 of the CLP 2015 which covers the issue of provision from the travelling community. The Appellant states that the accommodation provided on the Site is currently occupied by a gypsy/traveller for residential purposes. However, no evidence is provided on the circumstances of the occupier on the Site. This point is raised by the Council on the basis that under the terms of the Planning Policy for Traveller Sites (PPTS), the definition for the Policy is that "gypsies and travellers" means: *Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such*. It is not clear from the information submitted as to whether the occupier of the caravan would fit with this definition and as such it is questioned whether the Policy quoted is relevant to the use of the Site.
- 6.3. The details submitted also fails to provide details of circumstances in terms of whether the occupier of the caravan is registered with a local GP, if there are any minors living at the Site and if so whether they are registered at a local school. Although the Appellant makes the case that he considers the location of the Site close to Cropredy and the local GP in this village, as stated above it is not clear whether the occupiers are registered with this GP. The Council questions whether the sustainability credentials of reliance on the bus service for access to other health care services in that as outlined in paragraph 5.7 the bus service

through the village is very limited and unless the Appellant only wanted access to health care in Banbury on Thursdays, Saturdays or a Good Friday public transport could not rely upon.

- 6.4. The Council questions whether the occupier has the status as a gypsy / traveller which would allow for consideration of the use of the Site as a site for use by a gypsy / traveller or whether the Appellant is someone looking to establish a residential use on the Site. If it is agreed that the Appellant has that right, then it is accepted that the Council is required to assess the requirements under particular policies. For the purpose of this appeal statement it is assumed that the Appellant has this status.
- 6.5. The Council acknowledges that as the Local Planning Authority it is required to make an assessment of the needs for gypsy and traveller sites within the district and to identify and update annually a 5-year supply of specific deliverable sites. Paragraph 27 of the PPTS states that if a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.
- 6.6. The Council accepts that it is not currently in a position to demonstrate that a 5-year supply of deliverable sites are available in the District. However, it should be acknowledged that this lack of sites has only recently been identified from 1 April 2021.
- 6.7. Putting to one side the issue of need, in assessing the use of the Site in terms of impact on the area it is accepted that along the main frontage of the Site the existing mature hedgerow does ensure a suitable / natural screen to the Site from the roadside as suggested by the appellant. However, what the Appellant fails to address is the potential impact of the use and in particular the caravan from the open countryside aspect from the south. From this aspect there is also a public right of way (route code 138/8/10, route number 8) which passes to the immediate east and south of the Site. Views into the Site would be possible and with the establishment of a residential use, even that of the provision of a mobile home and touring caravan on the Site, along with the associated urban paraphernalia which goes along with a residential use would be out of place with the rural nature of the Site.
- 6.8. The Site, minus the caravans, would make a positive contribution to the rural character and appearance of the locality and the intrinsic character and beauty of the open countryside with the surrounding area being largely undeveloped agricultural field in an area where built development is limited structures that would usually be seen in such rural settings. The landscape in which the Site sits had previously been designated as an Area of High Landscape Value (AHLV) by the Council within the CLP 1996; with the adoption of the CLP 2015 this designated was not retained. Instead, Policy ESD13 states that a character-based approach is required and seeks to conserve and enhance the countryside and landscape character of the whole District. In considering the development / use of the land for a gypsy / traveller site, however, the Council submits that due to ten impact of the development on the character of the rural area the

development would conflict with Policy BSC6 (f) impact on the natural environment.

- 6.9. In addition to this the Council also highlights that 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.* The paragraph continues by stating, amongst other things, that in doing so they should *limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.* With the site being in a rural location with currently no significant lighting, any proposed new lighting would have the potential for significant visual impacts above those currently experienced and being visually apparent from distance and potentially detrimental to the night-time sky; thereby further compounding the undue landscape harm discussed above.
- 6.10. Remaining to the south of the Site, it is clear that within around 80m is a main Birmingham to London railway line which due to the open nature of the land between the Site and the railway line could result in a noise problem to the occupants of the Site. During the consideration of the planning application 20/02060/F for 4 pitches the Council's Environmental Protection Officer considered that further assessment was required on the issue of noise impact to ensure that noise levels would be acceptable. Although it is accepted that this previous application sought permission for 4 pitches and on land adjoining the current Site the difference in distance from the railway is not considered significant with regards to noise. As such it is a legitimate concern to be raised in terms of the use of the Site for residential purposes.
- 6.11. Turning to issue of drainage, the advice provided as part of the planning application 20/02060/F that whilst the Site is identified by the Environment Agency as being in Flood Zone 1 their records also showed that the Site was also an area with a high chance of flooding from surface water. This fact was also supported and underlined in the planning application by the significant number of third-party representations from local residents, the local school that has experience significant flood damage and by Parish Councils.
- 6.12. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy 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 and further, that development should be safe and remain operational in the event of flooding. In addition to safeguarding floodplains from development, opportunities will be sought to restore natural river flows and floodplains, increasing their amenity and biodiversity value.
- 6.13. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems, with the aim to manage and reduce flood risk in the District. In terms of assessing the potential flood risk the Site this would constitute 'Highly Vulnerable' development; however, no

information is provided in terms of any assessment of flood-risk. Policy ESD6 of the CLP 2015 states that site specific flood risk assessments (FRAs) will be required to accompany development proposals in the following situations:

- *All development proposals located in flood zones 2 or 3*
- *Development proposals of 1 hectare or more located in flood zone 1*
- *Development sites located in an area known to have experienced flooding problems*
- *Development sites located within 9m of any watercourses.*

6.21 FRAs should assess all sources of flood risk and demonstrate that:

- *There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)*
- *Developments will not flood from surface water up to and including the design storm event or any surface water flooding beyond the 1 in 30 year storm event, up to and including the design storm event will be safely contained on site.*

6.22 Development should be safe and remain operational (where necessary) and in considering any application the proposal should demonstrate that surface water will be managed effectively on site and that the development will not increase flood risk elsewhere, including sewer flooding. Without knowing the extent of any site specific flood-risk and the geology of the area it cannot be established as to what form of drainage would be appropriate for the Site or if indeed the Site could be appropriately drained to ensure that it would not be to the detriment of the operation of the site or exacerbate flood-risk on surrounding land. As part of the consideration of the previous planning application 20/02060//F and based on personal knowledge of the Site's surrounding geology, concern was raised by the Council's Building Control Manager as to whether or not a satisfactory surface water soakaway or a satisfactory foul effluent drainage field could be achieved. As no information had been provided as part of this previous planning application the suitability of the site for drainage of surface water was unable to be assessed.

6.23 The Council submits that through the lack of appropriate assessment of flood risk or drainage requirements the Appellant has failed to demonstrate that the stationing of the caravans on the Site and the change of use of the Site will not result in an increase in the risk of flooding on the Site or elsewhere and would remain operational in the event of flooding. For these reasons it is considered that the change of use of the site to residential use would not accord with Policies ESD6 and ESD7 of the CLP 2015.

7.0 CONCLUSION

7.1 The Council concludes that the development on the Site represents an unauthorised development which requires planning permission.

- 7.2 In considering any application the Council is of the view that the development would represent an unacceptable form of development resulting in a detrimental harm to rural character of this area.
- 7.3 The Appellant contends in his grounds of appeal that the development of the Site for residential use is in accordance with the Council's saved and adopted Policies. The Council submits as outlined in this statement that the development of this Site for a residential use for gypsy / traveller site would not be in accordance with the adopted Policies of this Council. No material justification has been submitted with the appeal to warrant an exception to adopted Local Plan Policy and as such the Council submits that the development should not be granted planning permission.
- 7.4 No information is provided on the drainage of the site in particular the issue of surface water drainage. Furthermore, no information is provided in terms of any foul water drainage from the site.
- 7.5 For the above reasons the Council requests that the Inspector dismiss the appeal on ground A and upholds the enforcement notice.

8.0 SUGGESTED CONDITIONS

8.1 The Council without prejudice considers that should the planning inspector decide to allow the appeal and to grant planning permission that the following conditions be imposed.

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

Reason: This consent is only granted in view of the special circumstances and needs of the applicant, which are sufficient to justify overriding the normal planning policy considerations which would normally lead to a refusal of planning consent and in accordance with Saved Policy BSC6 of the Cherwell Local Plan 2011 – 2031 Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

2. This permission is restricted to the provision of a single touring caravan and mobile home on the site. The caravan and mobile home shall be retained in place thereafter.

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

3. No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on this site at any time whatsoever.

Reason : In order to safeguard the amenities and character of the area and in the interests of highway safety 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. No commercial activities shall take place on the land, including the storage of materials or storage containers.

4. Within 3 months from the date of this permission a scheme for the provision and implementation of foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans within a period not exceeding 3 months from the date of that approval.

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

5. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence, wall or other means of enclosure, other than those that have been approved as part of the application shall be erected, constructed or placed on the site boundaries without the prior express planning consent of the Local Planning Authority.

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

6. No external lights/floodlights shall be erected on the land or buildings without the grant of further specific planning permission from the Local Planning Authority.

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

7. Within a period not exceeding 6 months from the date of this permission a scheme for landscaping the site shall be provided 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.

Such details shall be provided within 3 months from the date of this permission. The approved scheme shall be implemented by the end of the first planting season following the approval of the landscaping scheme. The hard landscape elements shall be provided within 6 months of the date of this permission and shall be retained as such thereafter.

Reason : To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord 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.

