

**Stone Cutting Yard Street From Stratford Road To
Hornton Grounds Quarry Hornton**

20/01300/F

Case Officer: Bob Neville

Recommendation: Approval

Applicant: Mr Finlay Scott

Proposal: Erection of an internal boundary wall (Part retrospective)

Expiry Date: 13 July 2020

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a site formerly granted consents for minerals (ironstone) extraction from the Wroxton Field Quarry, accessed from the A422 (Stratford Road) by an existing haulage road. Part of the site is in existing use as a stone processing and cutting yard, whilst a further section of the site has been cleared in preparation for future development of the site for a conservation stone yard area for the processing of stone under Class B2 (approved under MW.0090/14 as detailed below). The site is located on flat ground some 1km west of the village of Hornton. Views of the site are limited by the existing hedgerows and bunding that has previously been constructed at the site.
- 1.2. There are no notable site constraints relevant to planning and this application.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This planning application seeks part retrospective planning permission for the erection of a wall on the western boundary of the site approved for development as conservation stone yard area for the processing of stone under Class B2. The proposed wall would be constructed of concrete panels 2.35m in height, which the applicant advises have been reclaimed from another agricultural site also in the applicant's ownership. The wall is considered necessary by the applicants to protect the site from dust and noise generated by the neighbouring Stone Cutting Yard operations.
- 2.2. The applicant advises that the wall has been partially erected in order to assess its suitability and in this respect the application is part retrospective.

3. RELEVANT PLANNING HISTORY

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

Application: 14/01284/CM No Objections 3 September 2014

Retention of existing structures and buildings as Class B2 of the Town and Country Planning (Use Classes) Order 1987 (OCC Ref MW.0088/14)

Application: 14/01286/CM No Objections 3 September 2014

Outline Planning Permission for the conservation stone yard area for the processing of stone as class B2 of the Town and Country Planning (Use Classes) Order 1987 (OCC Ref MW.0090/14)

Application: 16/01155/CM No Objections 8 July 2016

Outline planning permission for the conservation stone yard area for the processing of stone as Class B2 of the Town and Country Planning (Use Classes) Order 1987

Application: 17/02553/CM No Objections 12 January 2018

Reserved matters pursuant to condition 2 of planning permission 14/01286/CM which granted permission for B2 use - OCC ref:- MW.0106/17

Application: 17/02552/CM No Objections 12 January 2018

Reserved matters pursuant to Condition 2 of planning permission 16/01155/CM - OCC ref: - MW.0105/17

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 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 **17 June 2020**.

5.2. 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. HORNTON PARISH COUNCIL: **No objections.**

OTHER CONSULTEES

6.3. None undertaken.

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)

- ESD13: Local Landscape Protection and Enhancement

- ESD15: The Character of the Built and Historic Environment
- Add others as appropriate/relevant

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO)

8. APPRAISAL

- 8.1. The key issue for consideration in this case is the proposal's design and impact on the character of the area.
- 8.2. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.
- 8.3. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 8.4. Policy ESD15 of the CLP 2015 states that: Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 8.5. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.6. The proposed wall is 2.35m in height and, as noted by the applicants, had the wall been 35cm lower could potentially have been erected under permitted development rights afforded by the Schedule 2, Part 2 Class A of the GPDO. A section of the wall has been erected within the site using panels reclaimed from a previous agricultural structure (silage clamp) and the section that has been erected does not appear particularly out of place when viewed in the context of the adjacent stone cutting yard; however, a long section as proposed under the application would not be particularly sympathetic to the rural character and appearance of the wider area in which the development is located.
- 8.7. That being said the site is not generally visible from the public domain, with views restricted to localised views from the approach road and from within the site. The site is surrounded by bunding previously constructed in association with previous consents at the site. Landscape planting is also presented on the bunding which when established will further screen the site.
- 8.8. The proposals would be contained within the site and would not intrude into the open countryside beyond existing boundaries defined by the existing bunding. On balance, given the general limited visibility of the proposed wall, and further

consideration of what could have been constructed under permitted development rights, it is considered that proposals would not be to the significant detriment of the visual amenities of the site and its wider landscape setting and are therefore acceptable in this regard.

Highway Safety:

8.9. The proposals would not impact on existing access or parking provision and would not result in any in further traffic to and from the site. The proposals would not be to the detriment of the safety and convenience of highway users and are considered acceptable in terms of highway safety.

Residential Amenity:

8.10. Given the remote rural location, nature of the proposed development and relationship with neighbouring properties the proposals would not impact on residential amenity.

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 proposals assessed within this application are considered to be an acceptable form of development that would not impact on highway safety or neighbour amenity and, given the context of the site and existing boundary bunding and landscaping, would not significantly intrude into the landscape or detrimentally impact on the character and appearance of the area.

9.3. It is therefore considered that the proposal assessed within this application is an acceptable form of development that complies with the provisions and aims of the above-mentioned policies and is recommended for approval as set out below.

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 form and drawings numbered: 18040/SLP1 and 18040/BW01.

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.

Planning notes:

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's

rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
3. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

Case Officer: Bob Neville

DATE: 09/07/2020

Checked By: Nathanael Stock

DATE: 13.07.2020
