

Case Officer: George Smith

Recommendation: Approve

Applicant: Mr S G White

Proposal: Change of Use without alterations from agricultural to B8 storage in connection with the business operations of Gentlevan Removals

Expiry Date: 12 January 2021

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located between the villages of Shutford and Sibford Gower, accessed from the Shutford Road. The site is in an isolated location within the middle of open countryside, well outside any settlement, and is bound by open fields.
- 1.2. The agricultural holding extends to around 75 acres in total with the farm yard comprising a range of agricultural barns and buildings extending to 1,896 sq m in total.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks planning permission for the use of one of the existing barns for B8 use, currently a removal business with some external parking of the commercial vehicles associated with the removal business (Gentlevan Removals).

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. Separate building – **18/00759/F** – Change of Use of a former agricultural building (subsequently equestrian) to B8 storage use and associated external parking of commercial vehicles in connection with the business occupier (Gentlevan Removals) (existing unauthorised) – Application approved with no conditions
- 3.3. Separate building – **19/02967/F** RETROSPECTIVE - Change of Use of a former agricultural building to form an egg storage, packing and distribution plant – Application approved subject to conditions

4. PRE-APPLICATION DISCUSSIONS

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 advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **7 January 2021**, although comments received after this date and before finalising this report have also been taken into account.

- 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. SIBFORD FERRIS PARISH COUNCIL: **No objections**
- 6.3. SIBFORD GOWER PARISH COUNCIL: **Comment** – that contamination may effect watercourse and that further consideration may be appropriate due to retrospective nature.

OTHER CONSULTEES

- 6.4. OCC HIGHWAYS: **No objections**

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 2015)

- SLE1 – Employment Development
- ESD15 - The Character of the Built and Historic Environment

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)

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
- Highway safety

Principle of Development

- 8.2. Policy SLE1 applies to B use class development and sets out that, new proposals within rural areas on non-allocated sites will be supported if they meet the criteria set out in the policy. (Policy SLE1 replaced saved policy EMP4 of the Local Plan (1996) when the Part 1 Local Plan was adopted in July 2015).
- 8.3. Paragraph 28 of the NPPF supports growth in rural areas including the promotion of the development and diversification of agricultural and other land-based rural businesses.
- 8.4. The applicant has set out in his submission that Gentlevan removals have been operating from the site for the last five years (although approved in 2018, as a retrospective application) providing a rental income for the agricultural holding, which helps to support its finances.
- 8.5. The Class B8 use utilises an existing agricultural barn and only minor alterations have been made to accommodate the use. The building would be used as a base for the removals business and primarily acts as temporary storage for customers' furniture and effects.
- 8.6. The applicant has set out that the building in question extends to around 250 sq m, a small proportion of the overall 1,896 sq m total of buildings within the holding. However, it is noted that at least two other buildings on the holding have recently received retrospective planning permission for separate entities, Gentlevan Removals (Use Class B8) and a separate building for packing of eggs (Use Class B8).
- 8.7. The site is in a rural and relatively remote location. New or expanded B class uses should be directed to existing settlements, and then to existing sites in rural areas. The applicant has not demonstrated that there are suitably available plots on existing B8 plots or premises in rural areas. Therefore, it must be concluded that the proposal conflicts with SLE1.
- 8.8. However, given that the adjacent building is currently being used by Gentlevan Removals, and the proposed use would be in connection with this existing business operating from the wider site, it is considered that the current proposal would not result in a significant increase in vehicular movements and there is national policy support for supporting existing businesses in rural areas. It is considered reasonable and necessary to attach a condition to any consent given that should Gentlevan Removals cease use of the building; it reverts back to its former use and condition. Subject to this condition, the principle of development is considered acceptable.

Impact on the Character of the Area

- 8.9. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities. 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.
- 8.10. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

- 8.11. Policy ESD15 of the CLP 2015 states that: “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.*”
- 8.12. The building in question comprises a steel frame barn clad in green steel cladding with grey fibre cement cladding to the roof. Although some alterations have been made to the building, it remains agricultural in appearance.
- 8.13. The farmhouse and buildings are set down within a small valley so that they are not prominently visible within the surrounding wider open countryside. Mature trees form an established soft boundary to the eastern side of the farm yard, which provides some screening from views from the road.
- 8.14. Whilst some external parking of staff vehicles associated with the existing business does take place within the site, as set out above, this is relative to the size of the enterprise and is not widely visible within the surrounding area and is considered to result in no significant adverse impact within a ‘farmyard’ environment, where you would normally expect to see agricultural machinery and vehicles in any case.
- 8.15. There is considered to be a limited adverse impact to the character of the area and the surrounding open countryside as a result of the commercial operation in accordance, although this harm is localised. It will need to be weighed in the planning balance.

Residential Amenity

- 8.16. Policy ESD15 of the CLP 2015 states that: ‘new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’. Saved Policy ENV1 of the CLP 2015 seeks to protect residents against harmful levels of environmental pollution, including noise.
- 8.17. The nearest residential properties are the Farm House at Parsons Barn Farm itself and the neighbouring property at Five Corners. Five Corners is accessed through Parsons Barn Farm but the dwellinghouse is located away from the farmyard behind Parsons Barn Farm House.
- 8.18. Whilst there is a physical separation between this business and the neighbour at Five Corners, the neighbour is at relatively close quarter, and it is therefore considered appropriate to impose a condition to state that a further change of use to another use within Class B8 or any other use class would require planning permission, as to ensure that the operations of this business would not harm the amenities of adjacent neighbours. In order to safeguard residential amenity, a condition is also required to restrict the operational hours of the current business.
- 8.19. Subject to these conditions, the proposal would accord with the policies set out above.

Highway safety

- 8.20. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. This is consistent with Paragraph 110 of the NPPF which states that: developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

- 8.21. The County Council Highway team has been consulted and has raised no objection to the proposal. It is therefore considered that the proposed use does not result in undue detriment to the highway network in accordance with Policy SLE1 of the CLP 2015.

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 proposed additional B8 commercial use in this rural and relatively remote location conflicts with Policy SLE1. However, the current proposal is for a use that would support an existing business and would significantly increase vehicular movements to and from the site. It is therefore considered that a condition to limit the use to that of Gentlevan Removals would make the development acceptable.
- 9.3. The proposal would result in some adverse impact on the character of the area but this harm would be localised, and is considered not to outweigh the economic benefits of the proposal. In addition, the proposal would not result in harm to the wider landscape character or to residential amenity, the highway network or the environment generally, and the proposal is therefore in accordance with CLP Policy SLE1 in these respects.
- 9.4. Overall, on balance, and subject to the conditions recommended below, the current proposal is acceptable in accordance with the NPPF and Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the NPPF.

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:

- Location Plan (unnamed)
- Site Plan (unnamed)

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 Application Building (marked 'Subject Building' on the Site Plan) shall be used only for the purpose of the business operations of Gentlevan Removals and for no other purpose whatsoever, including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason - In order to maintain the character of the area and in the interests of sustainable development and because a new Class B8 use would lead to a significant increase in vehicular movements whereas the current proposal is to support an existing business and would not have the same effect, and because new Class B uses must be directed to existing settlements, and to ensure compliance with Policies SLE1, ESD1 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. The operational use of the premises shall be restricted to the following times:-

Monday-Saturday – 0730 hours to 1800 hours

Sunday and Public Holidays — No time

Reason - In order to safeguard the amenities of the area including the living conditions of local residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C31 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: George Smith

DATE: 12.01.2021

Checked By: Nathanael Stock

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