

Case Officer: George Smith

Recommendation: Refuse

Applicant: Geoffrey Richard Noquet

Proposal: Erection of an agricultural barn store (re-submission of 20/03347/F)

Expiry Date: 12 April 2021

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to land belonging to the Blaze-Inn Saddles (most recently known as the 'Pheasant Pluckers' Inn and previously as the 'Bishop Blaize') located within Burdrop, a small settlement which forms part of a cluster of settlements together with Sibfords Gower and Ferris. The larger site as defined by the blue line includes a public house with ancillary residential accommodation and holiday let accommodation. The public house has associated garden area and car park. The application site itself is located in land to the south of the public house, beyond the car park and the pub garden. This land drops away into the valley known as the Sibford Gap.
- 1.2. In terms of site constraints, the site lies within the Sibford and Burdrop Conservation Area, the public house is identified as a Locally Significant Asset within the Conservation Area Appraisal and was the public house was designated as an Asset of Community Value (ACV) in February 2016. There are a number of grade II listed buildings within the vicinity of the site.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The applicant seeks the erection of a new barn. The barn would have a floor area of 36sqm (9m x 4m) with a height of 4m. It has not been clarified at this stage what materials the barn would be constructed in externally. The barn would have a 'Dutch barn' style roof.
- 2.2. The applicant states that they are in the process of cultivating and planting the land to form a small Vineyard an Apple Orchard and that they are also intending to bottle water from their Natural Spring. They state that the building is required for the ventures, as follows:
 1. To Store Agricultural Plant and other associated paraphernalia that would be used in the maintenance of the Vineyard and Orchard.
 2. To House Vats, Processing Equipment and Bottling Systems for Wine, Spring Water and Cider.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
82/00329/N	Change of use of the premises to a	Application withdrawn

	single dwelling (The application was withdrawn as a condition of the approval was that the liquor licence had to be surrendered prior to a decision being issued. The licence was not surrendered and the pub was sold as a going concern)	
85/00698/N	Change of use to a single dwelling (resolution to approve the application but a condition of any approval was that the liquor licence had to be surrendered prior to the decision being issued. The landlord at that time wished to keep the pub open and withdrew the application)	Application withdrawn
99/01783/F	Single storey extensions to bar area and to form a new freezer store and replacement garden store, as amended by plans received 5.11.99.	Application permitted
06/00248/F	Single storey bar extension to provide non-smoking restaurant facility.	Application permitted
06/01697/F	Change of use from licenced premises to dwelling house.	Application refused
07/00630/F	Resubmission of 06/01697/F - Change of use from licenced premises into dwelling house	Application refused
09/01275/F	Alterations and extension to barn to provide 4no en suite letting rooms.	Application withdrawn
09/01557/F	Change of use from closed public house to dwelling	Application withdrawn
12/00011/CLUE	Certificate of Lawful Use Existing - Use as a single dwelling house	Application refused. Appeal against subsequent enforcement notice dismissed at Public Inquiry
12/00678/F	Change of use of a vacant public house to C3 residential (as amended by site location plan received 18/07/12)	Application refused and appeal dismissed
12/00796/CLUE	Certificate of Lawful Use Existing - Use as a single dwelling house	Application refused

13/00116/F	Retrospective - New roof to barn; 3 No rooflights and door installed to the upper floor	Application permitted
13/00743/F	Erection of two new dwellings	Application withdrawn
13/00781/F	Change of use of a redundant barn/store into a 1 bedroom self-contained holiday letting cottage	Undetermined. Non-determination appeal allowed
13/00808/CLUE	Certificate of Lawful Use Existing - Change of use from A4 to A1.	Application refused
13/01511/CLUE	Certificate of lawful use existing - A1 use for the sale of wood burning stoves and fireside accessories	Application returned
14/01383/CLUP	Certificate of Lawful Use Proposed - Change of use from A4 to A1.	Application refused
15/01103/F	Removal of conditions 3 and 4 of planning permission 13/00781/F to allow occupation of holiday let cottage as a separate dwelling	Application refused and appeal dismissed
16/01525/F	Erection of a two storey cottage with 2 en-suite bedrooms, kitchen, dining and lounge facilities. Permission is also required for the siting of a garden shed	Application refused
16/02030/F	Erection of a single storey building providing 3 No en-suite letting rooms - re-submission of 16/01525/F	Application refused and appeal allowed
17/01981/F	Change of use from A4 to C3 (ACV Listed)	Application refused and appeal dismissed
18/01501/F	Change of use from Class A4 (ACV Listed) to Class C3 dwellinghouse	Appeal dismissed against non-determination

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 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 **10 April 2021**, although comments received after this date and before finalising this report have also been taken into account.

5.2. 54 letters of objection have been received. The comments raised by third parties are summarised as follows:

- No agricultural justification for barn
- Conservation Area impact – prominent barn and visually intrusive, harm to valley, disproportionate to size of plot
- Ecological impact, harm to local wildlife and the stream.
- Highways impact through access onto road with blind binds
- Increase in noise, air, and water pollution
- No information on soil quality or agricultural use of the site. Concern for future prospect of vineyard.
- Detrimental to the current enjoyment of village residents' homes and gardens, noise and loss of privacy.
- No consideration of environmental impact of the use of the natural spring. Waste would flow into the Sib
- No information on septic tank
- No information on electricity, water or drainage
- Concerns regarding unauthorised works; engineering operations and removal of trees
- Concern that that the nature of the use as described is akin to a commercial operation rather than agricultural
- Concern for future use of barn – whether it would be used for such a purpose and that it would be used for caravan/camping toilets or converted to residential dwelling.
- Reference to previous applications at the Public House and for use of this land as caravan/camping.
- Reference to previous neglected nature of land

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

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 GOWER PARISH COUNCIL: **Objects** – for several reasons, namely; application lacks detail on various grounds, Conservation Area and Sib Valley impact, no precedent, potential contamination, hazardous access, no economic viability
- 6.3. SIBFORD FERRIS PARISH COUNCIL: **Objects** – for several reasons, namely; would set a precedent, application lacks detail on several grounds, concern for future use, hazardous access, removal of hedges/trees, waste and environmental impact.

STATUTORY CONSULTEES

- 6.4. OCC HIGHWAYS – **Objects** in principle to an access at this location on grounds of highway safety, as no formal access between the highway and the land exists here, despite the presence of a five bar gate indicatively shown as ‘existing gate’ on the submitted site location plan. Whilst a gate does exist at this location, no vehicular crossover also exists (Section 184 of the Highway Act 1980) that would permit access from the highway into the area as edged in blue on the submitted site location plan.
- 6.5. The Highway Authority also state that, should the applicant apply to form a formal access at this location, they would object in principle on the grounds of highway safety as the applicant is unlikely to be able to secure a safe access here that would accord with CD 123 – Geometric design of at-grade priority and signal controlled junctions, Revision 2, of Design Manual for Roads and Bridges.

NON-STATUTORY CONSULTEES

- 6.6. CDC ECOLOGY: **Comments** – the application lacks in detail relating to trees, protected species and watercourses. The impacts of additional functions required within the barn on the ecology of the site and in particular the watercourse need to be outlined prior to determination.
- 6.7. CDC CONSERVATION: **Objects** - as below:

The proposed development is in a particularly sensitive location within the Sib Valley and is on partly raised ground. There has been some recent landscaping work and trees and a hedge on the boundary of the site have been removed, making the site more visible within the conservation area. No justification has been provided for the precise siting of the barn.

It is considered that the proposed location, scale and design of the building would cause harm to the character and appearance of the conservation area. The historic, vernacular barn on the opposite side of the valley in Sibford Ferris was considered to make a significant contribution to the area and this proposed building would undermine the setting of this building.

- 6.8. OCC ARCHAEOLOGY: (comments under previous application – 29.12.21) **No objections** – The site is located in an area of archaeological interest however the development is of a relatively small scale and as such there are no archaeological constraints to this scheme.
- 6.9. CDC ARBORICULTURE: **Comment** – that an Arboricultural impact assessment is required in line with BS5837(2012).

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)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR7: Development attracting traffic on minor roads
- C8: Sporadic Development in the Open Countryside
- C23: Conservation Area features
- C28: Layout, Design and External Appearance of New Development
- C31: Compatibility of proposals in residential areas.
- C33: Protection of important gaps
- ENV1: Pollution Control
- ENV12: Land Contamination
- AG2: Agricultural Buildings

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal (2012)

8. APPRAISAL

- 8.1. The application has been submitted on the basis that the building would be for agricultural storage. However, the supporting information states that the building would be at least partially used for the storage of bottled water, which would be a B8 use (or mixed agriculture and B8 use). The LPA has a duty to assess the application based on the description of development submitted by the applicant, which does not include development for a B8 use.

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

- Principle of development
- Design, and impact on the character of the area
- Highway safety
- Ecology
- Residential amenity

Principle of development

- 8.3. Paragraph 83 of the NPPF states that planning should enable the sustainable growth and expansion of all types of business in rural areas. Policy AG2 of the CLP 1996 (Saved Policies) recognises that new farm buildings may be acceptable in principle in the countryside and makes provision for farm buildings and associated structures to be sited and sympathetically designed so that they fit into their rural setting and should normally be so sited that they do not intrude into the landscape or into residential areas.
- 8.4. The applicant has sought permission for a barn which they state would support a vineyard, which is not currently in situ. This aspect of the development i.e. a new barn for agricultural purposes, could be supported in general sustainability terms, subject to justification that the barn is needed for existing undertakings. Given that the vineyard and orchard hasn't been completed, and there is not an agricultural business to speak of in relation to produce from the vineyard or orchard, Officers have concern as to whether there is a need for the building for agricultural purposes. Without this justification and given the LPA concern regarding the visual impact of the proposal (see below), the proposal would fail to comply with ESD1 of the CLP 2015, saved Policy AG2 of the CLP 1996 and Government guidance within the NPPF.
- 8.5. The determination of the application is based on the above assessment and the description of development as stated on the application form.
- 8.6. However, the supporting statement contained within the application documents states that the building would also be used for storing bottled water, which would be harvested from a natural spring. Rather than an agricultural use, the barn would be used, at least partially, for a B8 use. There is no information contained within the application as to the desired split between the two proposed uses. Officers also note that the spring is outside of the application site and outside of the applicant's ownership boundary (as defined by the blue line on their site location plan).
- 8.7. It is therefore worthwhile carrying out an assessment of the proposal that is set out in the supporting statement, e.g. to see if this may be viewed any more favourably.
- 8.8. The supporting statement for the development indicates that a new employment generating 'B' Class use in a rural location (outside the limits of any settlement) is desired. In this respect Policy SLE1 of the CLP 2015 would be considered relevant. Policy SLE1 seeks to protect existing employment sites whilst *Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations, supporting sustainable economic growth.* It states that:
- 8.9. However, in respect of new employment development in rural areas on non-allocated sites Policy SLE1 further states: *'Unless exceptional circumstances are*

demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A'. The site is located between Sibford Ferris and Burdrop. Sibford Ferris is a Category A village, whereas Burdrop is a Category C village. However, the barn is proposed in open countryside, not on the edge of either village.

8.10. Policy SLE1 adds that *'New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:*

1. *'They will be outside of the Green Belt, unless very special circumstances can be demonstrated.*
2. *Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.*
3. *They will be designed to very high standards using sustainable construction and be of an appropriate scale and respect the character of villages and the surroundings.*
4. *They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.*
5. *The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).*
6. *The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.*
7. *There are no suitable available plots or premises within existing nearby employment sites in the rural areas.*

The Local Plan has an urban focus. With the potential for increased travel by private car by workers and other environmental impacts, justification for employment development on new sites in the rural areas will need to be provided. This should include an applicant demonstrating a need for and benefits of employment in the particular location proposed and explaining why the proposed development should not be located at the towns, close to the proposed labour supply'.

8.11. Policy SLE1 advises of the need for exceptional circumstances to be demonstrated where such development is not sustainably located, and further sets out several criteria which also need to be met, as noted above, for such development to be considered acceptable. Taking these in turn:

- 1) *Green Belt* – The proposals would be outside of the Green Belt.
- 2) *Justification* – A justification statement has been submitted which sets out the business model for the barn. The applicant states that the Blaze-Inn Saddles business operation as a biker's pub is mainly weather dependant, so the barn (and wider use of the paddock as a vineyard, orchard and spring water production) would maximise the potential of the land. It is clear that the diversification of this land to support the adjacent pub is well suited to this location in pure proximity terms. However, the LPA remain unconvinced that the applicants plan to use the natural spring to make spring water is viable. This is due to the spring being outside of the applicant's ownership boundary and as such there are likely to be logistical, legal and environmental constraints.
- 3) *Design* – the building as proposed appears to be of an appropriate design for its intended use, however no material details have been submitted so we cannot make a full assessment in terms of its impact on the character of the area.
- 4) *Scale* – The scale of the building appears reasonable for the proposed use, however there are considered to be concerns with regard to its impact on the character of villages and the surrounding environment.

5) *Impacts on residential amenity, the highway network, character and setting* –

Residential amenity – Given the site's rural context, the proposals would not likely result in significant impacts on residential amenity.

Character and setting – The character of the site would change from a typical agricultural paddock to a more commercial site. It has not been made clear what the expected vehicle movements to and from the use are, but it would be expected to be more than the current use, and different vehicle types. A more intense use of the site would impact on the character and appearance of the site and its wider rural setting. The building is also considered to have a significant and demonstrable impact on the character and appearance of the designated Conservation Area, through the erection of a structure within the Sib Valley.

Highway safety – The local highway authority ('LHA') has raised several concerns, in particular with regard to the proposed access to the site.

6) *Traffic and movements* – The site is not in a sustainable location, being in open countryside. In this instance no supporting information has been submitted as to how the development would *achieve* such sustainable transport options or limit vehicle movements reducing the need to travel submitted. The proposals would therefore demonstrate conflict with the provisions and aims of both local and national planning policy in terms of sustainable transport.

7) *Existing opportunities* – There has been no information submitted in relation to existing opportunities at other sites. However, given the nuanced nature of the proposed use and its reliance on a natural feature, there is unlikely to be a suitable alternative location.

8.12. Officers are therefore concerned that this aspect of the development could not operate. Officers also question the viability of the business if part of it could not operate.

8.13. Whilst there would be benefits to the applicant going forward in providing additional income through the alternative use of the agricultural paddock, officers consider that it has not been satisfactorily demonstrated that exceptional circumstances exist, that provide sufficient justification as to why *new* employment development should be allowed in this unsustainable location, or that the proposed business ventures are viable and achievable in this location to sustain a mixed agricultural and B8 use building. A proposal for a B8 use would therefore be considered contrary to the provisions and aims of Policies SLE1 and ESD1 of the CLP 2015 and Government guidance within the NPPF.

Design and impact on the character of the area, including heritage assets

8.14. The Government attaches great importance to the design of the built environment within the Framework. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

8.15. As noted above the site is within the Sibford Gower with Burdrop Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Therefore, significant weight must be given to these matters in the assessment of this planning application.

- 8.16. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 132 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm loss should require clear and convincing justification. Policy ESD15 of the CLP 2015 echoes this guidance.
- 8.17. 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. It goes on to state that proposals will not be permitted if they would result in undue visual intrusion into the open countryside or would harm the setting of settlements. Policy ESD15 of the CLP 2031 further reinforces this view, in that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design.
- 8.18. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the rural or urban context of that development.
- 8.19. Saved Policy C23 of the CLP 1996 states that there will be a presumption in favour of retaining features which make a positive contribution to the character and appearance of a conservation area, including the importance of undeveloped space within the settlement structure.
- 8.20. Saved Policy C33 of the CLP 1996 states that the Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure. Not all undeveloped land within the structure of settlements can be built on without damage to their appearance and rural character. Where the existing pattern of development is loose-knit, there will often be a compelling case for it to remain for aesthetic, environmental or historic reasons.
- 8.21. As noted above, Saved Policy AG2 of the CLP 1996 states that farm buildings should normally be sited so they do not intrude into the landscape or residential areas and where appropriate landscaping schemes should be included and materials should be chosen so that development fits sympathetically into its rural context.
- 8.22. The Sibford Ferris, Sibford Gower and Burdrop Conservation Area Appraisal identifies the Sib Valley as a particular character area between the settlements, as below:

'... the valley remains undeveloped, a rural scene little affected by modern agricultural practice, with only the Wheathill Farm barns and the service supply poles and lines being reminders of current technologies. The lack of development in the valley emphasises the separateness of the three settlements' [paragraph 8.1.5]

'The valley is an integral part of the conservation areas and is included within the boundary as it has a significance in its own right and not just as a setting for the settlements.' [paragraph 8.1.6]

'At present, the three settlements of Sibford Ferris, Burdrop and Sibford Gower appear distinct, although the infill housing along the ridge between

Burdrop and Sibford Gower has begun to blur this distinction. The openness of the valley has not as yet been compromised and in the interest of maintaining the character and appearance of the valley, housing infill and 'settlement boundary creep' should be resisted. This factor was, indeed, picked up in the conversion of the barn at Hill House, where the picturesque dilapidation of the barn was identified as a quality that contributed to the inherent visual aesthetic of the Sib valley' [paragraph 8.3.1]

- 8.23. The Conservation Officer (CO) has objected to this application as it stands. The CO notes the sensitive location of the site, with landscaping works and removal of trees (unauthorised, but primarily outside the application site) making the site more visible within the Conservation Area. The CO notes that no justification has been provided for the siting of the barn in this location. The CO concludes that the location, scale and design of the barn would cause harm to the character and appearance of the Conservation Area. Planning officers concur with the CO's advice and consider that the proposal, in terms of its scale and siting, would amount to significant and demonstrable harm to the character and appearance of the Conservation Area.
- 8.24. Officers also note that the applicant has not clarified the materials to be used externally. Whilst this matter could potentially be controlled by condition, the uncertainty is a concern carried forward in the assessment of this application as it stands.
- 8.25. The need for the building has not been sufficiently justified, with the business operations the applicant describes either having not begun or appearing impractical and thus collectively are not demonstrated to be viable ventures at this stage.
- 8.26. Therefore, there is considered to be no public benefit which outweighs the significant and demonstrable harm to the designated heritage asset identified. The proposal therefore fails to comply with Policy ESD13 and ESD15 of the CLP 2015 saved Policies C23, C28 and C33 of the CLP 1996 and relevant paragraphs of the NPPF.
- 8.27. There is significant unauthorised work that has taken place, including engineering operations and the removal of trees and hedgerows. However, the majority of these are outside of the application site and are not subject of this planning application.
- 8.28. The LPA is also likely to have concerns with any water processing equipment that is required outside of the barn. The works proposed to be undertaken at the brook would also require a change of use application and likely to be unacceptable in visual terms. However, these elements do not form part of the current application.

Highway safety

- 8.29. 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*.
- 8.30. The 'red-line' site area for the application only consists of the area which the proposed barn would sit in. It does not include access to the site from the highway.
- 8.31. The LHA has objected to this application as it stands, because of the failure to include the access. If the application were to be approved on the basis of the submitted red line plan, the site would be marooned without a vehicular access, meaning that vehicles operating in relation to the development would need to park

on Hawk's Lane or on nearby roads. This would be an impractical arrangement given the use proposed and the lack of availability for vehicles to park in the locality.

8.32. The national Planning Practice Guidance states:

What information should be included on a location plan?

A location plan should be based on an up-to-date map. The scale should typically be 1:1250 or 1:2500, but wherever possible the plan should be scaled to fit onto A4 or A3 size paper. A location plan should identify sufficient roads and/or buildings on land adjoining the application site to ensure that the exact location of the application site is clear.

The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (eg land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site.

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- 8.33. The LHA has advised that were the application amended to include the access, their objection would remain, given that a new highway access would be created (there is no dropped kerb, despite the presence of a gate). The LHA considers the access location to be substandard and advises that it would result in a hazardous egress to/from the site. Officers see no reason to disagree with this assessment and agree that the visibility splays afforded would allow for very poor visibility from this access.
- 8.34. On this basis, Officers conclude that the proposal would amount to a severe impact on users of the local highway network, failing to comply with Policy ESD15 of the CLP 2015 and relevant paragraphs of the NPPF.

Ecology

- 8.35. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*
- 8.36. Paragraph 170 of the NPPF states that: *"The planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and providing net gains in biodiversity, including by establishing coherent networks that are more resilient to current or future pressures".* This requirement is echoed by Policy ESD10 of the CLP 2015, which states that *"a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources".*
- 8.37. The Council's Ecologist has commented that the application lacks in detail relating to trees, protected species and watercourses. The impacts of additional functions

required within the barn on the ecology of the site and the watercourse need to be outlined prior to determination.

- 8.38. As this information has not been received prior to determination, the proposal is considered to harm ecological interests and to be contrary to Policy ESD10 of the CLP 2015 and the NPPF in terms of the protection biodiversity and identified on-site species and adjacent natural features.

Residential amenity

- 8.39. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which 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'*.
- 8.40. Given the nature of the proposal and of the use described in the supporting statement, it does not appear that nearby residents would be harmed by virtue of this proposal.
- 8.41. Whilst the change of use of a wider portion of land, including cultivation of the brook, could potentially result in harm to local residents, these elements do not form part of this application.

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. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 9.3. Given the above assessment it is considered that the proposal represents an unsustainable form of development within the rural open countryside, which significantly and demonstrably harms the character and appearance of the designated Conservation Area, and for which it has not been demonstrated that there is an exceptional need for such development in this unsustainable rural location.
- 9.4. Furthermore, the proposal would also amount to a severe harm in highway safety terms, through the failure to provide a suitable means of access to the site from the highway network. The proposal also fails to demonstrate that biodiversity and protected species would not be harmed by way of the development.
- 9.5. Given the above assessment in the light of current guiding national and local policy context, it is considered that the proposal conflicts with the relevant Policies of the Development Plan outlined above and therefore permission should be refused.

10. RECOMMENDATION

That permission is refused, for the following reasons:

1. The proposed building, by reason of its form, scale, appearance and prominent siting within the Sib Valley in open countryside, would cause significant visual intrusion and would adversely affect the undeveloped character, attractive qualities and appearance of the landscape of the Sib Valley and would cause harm to the character and appearance of the Sibford Gower with Burdrop Conservation Area. It has not been demonstrated that there is an essential need for the building in this location and insufficient information has been received in order to assess the viability of the proposed business use, and therefore the identified harm significantly and demonstrably outweighs any benefits arising from the proposal. The proposal therefore fails to accord with Policies ESD1, ESD13 and ESD15 of the Cherwell Local Plan (2011-2031 Part 1), Saved Policies AG2, C23, C28 and C33 of the Cherwell Local Plan (1996) and relevant paragraphs of the National Planning Policy Framework.
2. By reason of the separation of the site from the highway, the applicant has failed to demonstrate a safe and suitable access would be provided to the site. The indicative access location, as a result of insufficient vision splays, would be unsuitable for vehicles to access the site and would result in a severe hazard for users of the local highway network. The proposal would therefore result in significant and demonstrable harm to highway safety. As such the proposal is contrary to Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.
3. The site is likely to be home to important ecological habitats. The applicant has failed to demonstrate that the proposal would not result in harm to biodiversity or wildlife on the site. The proposal is therefore contrary to Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework, in particular paragraph 170.

PLANNING NOTE

1. The supporting statement describes a proposed use of the barn as a partial B8 Use Class. The description of development refers to the proposed use of the barn as agricultural and as such the application has been assessed on this basis. Were the description of development to be amended to reflect the B8 use as described, the refusal reasons would remain, but for reason 1, which would refer to a failure to accord with Policy SLE1 of the Cherwell Local Plan (2011-2031 Part 1), alongside the policies presently listed.

Case Officer: George Smith

DATE: 12th April 2021

Checked By: Nathanael Stock

DATE: 12.04.2021