

**Case Officer:** George Smith

**Recommendation:**

**Applicant:** Mr Matthew Platt

**Proposal:** Erection of a 15m x 25m (375 sqm) agricultural storage barn with a ridge height of 7.2m

**Expiry Date:** 28 July 2021

**Extension of Time:** 28 July 2021

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

- 1.1. The site is located in open countryside accessed via an existing track off Epwell Road. The access is located on the eastern side of Epwell Road, 300m south of Epwell. There is a new field style metal gate attached to wooden posts and gates. The access is adjacent to an access to the Heath Plantation to the west.

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

- 2.1. The applicant seeks to erect a new barn, which would be used in connection with the growing of lavender in this field. The building would be constructed in Juniper green panels under a grey roof.

## **3. RELEVANT PLANNING HISTORY**

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

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

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

21/00277/PREAPP – New barn

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

- 5.2. The comments raised by third parties are summarised as follows:

- Excessive size, located too close to property, is an industrial building rather than agricultural, will it need utilities.

- 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. EPWELL PARISH COUNCIL: **No objections** – but raises concerns re the size of the barn.

#### OTHER CONSULTEES

- 6.3. OCC HIGHWAYS: **No objections**
- 6.4. ENVIRONMENTAL HEALTH: **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 ('CLP 2015') was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 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)

- ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

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

- AG2: Construction of farm buildings
- C28: Layout, design and external appearance of new development

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

### **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. Paragraph 12 of the NPPF notes that the development plan is the starting point of decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The Cherwell Local Plan 2011-2031 Part 1 was adopted on 20th July 2015 and is up to date in respect of policies other than for new housing development.
- 8.3. Paragraph 10 of the NPPF states that at its heart is a presumption in favour of sustainable development. There are three dimensions to sustainable development, as defined in the NPPF, which require the planning system to perform economic, social and environmental roles. These roles are interdependent and need to be pursued in mutually supportive ways.
- 8.4. 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.
- 8.5. The application submission sets out that the land, which is sown to lavender, requires a barn to enable the secure storage of machinery throughout the year and, during the harvest season, would allow for the lavender to be stored and processed immediately, via a still, to ensure the quality of lavender oil.
- 8.6. Officers note that this development would otherwise be granted via the prior approval process if it was not within 3km of an aerodrome. Shenington Gliding Club is c.2.5km away from the site, to the north of Epwell village. Given this distance and its scale, the building as proposed is not considered to affect the gliding club. Therefore, an application for planning permission cannot be refused for this reason.
- 8.7. Having fully reviewed the submission and sought additional detail from the applicant, officers consider that the amount of time in the year that the distillation process takes place in the barn means that this is ancillary to the agricultural use. A planning condition would be necessary to ensure that only lavender grown in the blue-line area is processed and stored in the barn, and to ensure that manufacturing and storage uses remain ancillary to the primary agricultural use of the building.
- 8.8. On this basis, officers are satisfied that the barn would serve a functional purpose and that it is acceptable in principle and compliant with saved Policy AG2 of the CLP 1996 and relevant paragraphs of the NPPF. However, its overall acceptability is also clearly dependant on other matters as discussed below, the proposals impact on the rural setting.

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

- 8.9. 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.
- 8.10. 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.

- 8.11. 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 would not normally be permitted if they would cause undue visual intrusion into the open countryside or would demonstrably harm important natural landscape features and topography, or would be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 8.12. 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.”*
- 8.13. 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.
- 8.14. The site is located outside the southern edge of Epwell in open countryside. The barn would be visible from the road to the west of the site and would be the first of its scale in this location, so its visual prominence would be relatively pronounced.
- 8.15. However, it would be seen in the context of a wooded copse / other trees and its design, scale and proposed materials are all considered typical of a modern farm building, proportionate to the proposed functionality of the building and this context.
- 8.16. Overall, the proposed barn is considered to cause no significant harm to the visual amenities of the site and its setting within the rural context, or the character and appearance of the local area within the valued rural landscape. The proposal thus accords with Policies ESD13 and ESD15 of the CLP 2031, AG2 and C28 of the CLP 1996 and relevant paragraphs of the NPPF.

#### Highway safety

- 8.17. The Local Highway Authority has assessed the proposals and raises no objections on highway safety grounds; and officers see no reason to disagree with this opinion.
- 8.18. The proposed site would utilise an existing access from the road to the west and would not result in any significant intensification of this access. It is considered that the proposals would not result in any significant detrimental impacts on the safety and convenience of other highway users and are therefore acceptable in terms of highway safety.

## **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. For the reasons set out above, the proposal would be compliant with the Local Plan Policy and Government guidance set out in Section 7 of this report.

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| <b>10. RECOMMENDATION</b> |
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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:

- 2077 101 B – Plans
- Block Plan
- Site Location Plan

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 development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (l) of the Town and Country Planning Act, 1990 (as amended), and for no other purpose whatsoever, and any processing activity or storage use that takes place within the building shall be ancillary to the agricultural use of the building in connection with the farming of lavender.

Reason: To ensure that the development is used for agricultural purposes only, compatible with its isolated rural location, and because certain other uses would result in an unsustainable form of development, and in accordance with Policies PSD1 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. The processing of the crop within the barn shall be limited only to crop grown within the blue-line area, as marked on the Site Location Plan.

Reason: To ensure that the development is compatible with its isolated rural location, in accordance with Policies PSD1 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Case Officer: George Smith

DATE: 26<sup>th</sup> July 2021

Checked By: Nathanael Stock

DATE: 28.07.2021

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