

Case Officer: Bob Neville

Recommendation:

Applicant: Mr R Taylor

Proposal: Change of use from vets building to storage building with small office

Expiry Date: 22 June 2021

Extension of Time:

1. APPLICATION SITE AND LOCALITY

1.1. The application relates to a recently constructed building located on the corner of Park Lane and Grange Lane, in close proximity to the west of an existing farriery business and stables on the site. The site is located approximately 500m from Swalcliffe and 1.1km from Sibford Ferris. Two accesses exist to the site from both Park Lane and Grange Lane. The building itself to which this application relates is located to the west of the farriers and stables. It was constructed as a vets but has not been occupied.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The application comes following the granting of permission 19/00171/F (and subsequent amendments detailed below) and subsequent construction of a veterinary building at the site and seeks planning permission for the change of use from vets building to storage building with small office. There would be no significant changes to the scale, form and general appearance of the building from the previous consent. Proposals would again include parking and manoeuvring within the site.

2.2. The applicant has indicated that the proposed storage use would be for the storage of a high end car collection and for storage of interior designers furniture. However, he has also stated that a condition restricting the use of the building to these specified uses would not be acceptable.

3. RELEVANT PLANNING HISTORY

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

Application: 19/00171/F Permitted 27 March 2019

Erection of a veterinary building

Application: 19/00835/F Permitted 3 July 2019

Removal/Variation of Condition 8 (Opening Hours) of 19/00171/F - We would request that the wording of Condition 8 is amended to include a 24-hour exemption to the opening hours for ongoing welfare and emergency care cases

Application: 19/02263/NMA Permitted 12 November 2019

Addition of a shower room and made two larger WC's; addition of a laundry, wash room and storage room; swapped the vet's office with the store room;

addition of a window in the vet's office; put treatment room 1 (T1) and 2 next to each other and increase their size; addition of a larger rest room; addition of 2 extra stables; moved the personnel door on the SW elevation and addition of stairs and first floor storage (proposed as non-material amendments to 19/00171/F)

Application: 19/02261/DISC Permitted 11 December 2019

Discharge of Conditions 3 (Construction Traffic Management Plan) 4 (landscaping scheme) & 6 (biodiversity method statement) of 19/00171/F

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 two site notices displayed near the site (a notice on a signpost at the edge of the village of Swalcliffe on Park Lane north of the site and further notice on signpost at the end of Grange Lane, access route from north-west of the site) 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 **18 June 2021**.

5.2. One letter raising issues with the application was received during the application. The comments raised by third parties are summarised as follows:

- Lack of detail within the application.
- Highway safety concerns with regard HGV type traffic and frequency of access way beyond what was granted in the initial planning.
- Lack of appropriate consultation.

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. SWALCLIFFE PARISH COUNCIL: **Supports the application**

6.3. SIBFORD FERRIS PARISH COUNCIL: Comments:

- CDC need to understand the type of business that will be using the building (store and forward, processing and despatch etc).
- The Owner should commit to a maximum number of vehicle movements (by type: Light Commercial, Heavy Goods Vehicle, Passenger Service Vehicle etc) resultant from the change of use and subsequent letting.
- CDC should be asked how this usage will be monitored/enforced.

OTHER CONSULTEES

6.4. ECONOMIC DEVELOPMENTS: No comments received.

6.5. ENVIRONMENTAL PROTECTION: **No objections.**

- 6.6. LOCAL HIGHWAY AUTHORITY (LHA): **No objections subject to conditions.** Conditions required in securing proposed parking provision, cycle parking and the site only being used for the specified use. This current proposal will result in a significant net reduction in the expected vehicle trips that were
- 6.7. expected as part of the previous planning use for this site.
- 6.8. PLANNING POLICY: No comments received.

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)

- PSD1: Presumption in Favour of Sustainable Development
- ESD1: Climate Change
- SLE1: Employment development
- SLE4: Improved Transport and Connections
- ESD10: 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)

- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- ENV1: Development likely to cause detrimental levels of pollution

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

Principle of development:

- 8.2. The local plan seeks to promote rural employment development and farm diversification in the most sustainable manner. The most relevant policy in respect of the proposed new businesses on the site is Policy SLE1 of the CLP 2015. This seeks to deliver the Council's strategy for managing employment development in the urban and rural areas and guide it in the most sustainable manner in accordance with the NPPF which states that the economic, social and environmental aspects of

sustainable development should be sought in mutually supportive ways. This policy is considered to be up to date and accord with the advice in the NPPF and has been through public examination.

8.3. Policy ESD1 also seeks to guide development in accordance with the strategy outlined in the plan to ensure the achievement of sustainable development and to reduce the need to travel and reduce impacts of development on climate change.

8.4. In relation to SLE1 it has a strong urban focus and in relation to the rural areas it has a two phased approach to new development. Firstly, it 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 (see Policy Villages 1).

8.5. If the above exception is met it then goes on to state:

New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:

-They will be outside of the Green Belt, unless very special circumstances can be demonstrated.

- Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.

- 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.

- 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.

- 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).

- 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.

- There are no suitable available plots or premises within existing nearby employment sites in the rural areas.

8.6. 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.

8.7. The site is located outside of any settlement and given the geographical separation cannot be said to be on the edge of Sibford Ferris or Hook Norton, which are the nearest Category A villages. Therefore, the proposal to provide employment development on the site would conflict with Policy SLE1, which seeks to guide rural development to Category A villages unless exceptional circumstances can be

demonstrated and adequate justification outlining the need for the development and why it could not be accommodated in a more sustainable location is provided.

- 8.8. The building which is subject to the application was only approved on the site for veterinary purposes given the special circumstances of that case including the specific nature of the use not being suitable for a built up area and the affinity with the neighbouring associated uses.
- 8.9. It is considered that without these circumstances the building would not have been permitted and an open B8 use would not have been permitted on site. Whilst the building has now been constructed it has not been occupied as a vet. The building was erected at the applicant's own risk, apparently without a legal obligation from the veterinary practice to occupy the site, which have now decided not to occupy the site. The reasons for this change are unclear. However, this in my view does not tip the balance in favour of an application for general B8 use or outweigh the conflict with Policy SLE1 and is not considered to amount to an exceptional circumstance to justify the provision of a new employment use in this unsustainable location as required by Policy SLE1.
- 8.10. The applicant states that a veterinary practice may have led to further traffic than the use proposed but this does not take account of the specific circumstances that led to the building being permitted in the first place or address the conflict with SLE1. Furthermore, in this case the building has never been occupied for such a use and in the accompanying Planning Statement it states that there are no other vets willing to take it on. Therefore, it is unlikely to generate any traffic in its authorised use and in any case I do not consider this matter outweighs the conflict with Policy SLE1 particularly in light of the circumstances of the case.
- 8.11. The applicant has indicated that the proposed storage use would be for the storage of a high end car collection and for storage of interior designers furniture. However, in discussions with them they have stated that a condition restricting the use of the building to these specified uses would not be acceptable. This has been discussed with the applicant to understand if a very low key personal storage facility would be acceptable on site. However, it would not be reasonable to condition this given the applicant states it would not be acceptable to them.
- 8.12. There is no clear case put forward for way this development needs to be located in a rural location.
- 8.13. Overall, the circumstances of this case are not considered to provide exceptional circumstances or justify the unsuitable location of the development, which is inaccessible except by private car, as required by Policy SLE1 and would run contrary to the objectives of Policy ESD1. Therefore, it is considered the proposal would lead to an unsustainable form of employment development in the open countryside.
- 8.14. Overall, I consider that the proposal would be contrary to the Council's employment development strategy and do not consider that the exceptional circumstances or justification for the development to be located in an isolated location as required by Policy SLE1 exist in this case. It is not considered that the benefits in terms of farm diversification have been clearly demonstrated, such that these could outweigh this harm or conflict with policy.

Highway safety:

- 8.15. Policy ESD1 states that development should seek to reduce the need to travel and Policy SLE4 states that all development should facilitate the use of sustainable

modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that would serve it and which have a severe traffic impact will not be supported.

- 8.16. The Local Highway Authority has been consulted and has raised no objection to the application on highway safety grounds subject to a number of conditions. Whilst the comments from local residents and the parish council are noted regarding the introduction of HGV vehicles onto local roads the Highways Officer has raised no objection to this on highway safety grounds subject to the use being for the specified use. In light of no objection from the LHA the development is considered to be acceptable in this respect.

Design, and impact on the character of the area:

- 8.17. Policy ESD13 states proposals will not be permitted if they would cause undue visual intrusion into the open countryside. Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive design and siting. Saved Policy C8 seeks to resist sporadic new development in the open countryside. This is considered to be consistent with the NPPF which seeks to ensure that planning decisions recognise the intrinsic character and beauty of the open countryside.
- 8.18. The proposal would make some minor changes to the elevations of the building however the character of the building and appearance would remain as existing. It is not considered that such changes would be materially harmful to the character and appearance of the area.
- 8.19. The introduction of a storage use does result in some concerns that outside areas may be used for outside storage of commercial equipment etc which would be harmful to the character and appearance of the locality and site. This harm could be controlled with the use of planning conditions to prevent outside storage.

Residential amenity:

- 8.20. The proposed development is considered to be a sufficient distance from the neighbouring properties to ensure it would not harm their residential amenity in a significant manner. The hours of operation could be controlled by condition.

Other matters

- 8.21. It is questionable whether the proposal could be viewed as the re-use of brownfield land or the re-use of a redundant building as the existing building has been constructed and never lawfully occupied. However, whatever the conclusion on this matter it is not considered to outweigh the harm arising from the development.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The proposed development would result in the creation of a new unrestricted employment use in a geographically unsustainable location, which would be highly reliant on private vehicle to access and would fail to provide adequate justification for being provided in a rural location contrary to Policy SLE1 and ESD1 of the Cherwell Local Plan. The proposal would bring some modest economic benefits in association with the creation of jobs. However, these are not considered to outweigh the environmental harm, or conflict with the development plan. It is therefore recommended that planning permission be refused.

10. RECOMMENDATION

That permission is refused for the following reasons:

1. The proposed development would result in the creation of a new employment use in a geographically unsustainable location. The application fails to demonstrate exceptional circumstances or justification for why the development should be provided on an unallocated rural site. The proposed development is therefore contrary to Policies SLE1 and ESD1 of the Cherwell Local Plan 2011-2031 and Government guidance in the National Planning Policy Framework.

Case Officer: James Kirkham

DATE: 06.10.21

Checked By: Nathanael Stock

DATE: 07.10.2021
