

**Part Of OS Parcel 5720 East Of Kyleburn And
West Of Manor Farm Main Street Wendlebury**

21/04134/F

Case Officer: Michael Sackey

Recommendation: Approve

Applicant: N M Agriculture Limited

Proposal: i) Relocation of existing field access, and,
ii) Permanent closure of existing gateway.

Expiry Date: 4 February 2022

1. APPLICATION SITE AND LOCALITY

1.1. The site part of Part Of OS Parcel 5720 East Of Kyleburn And West Of Manor Farm Main Street Wendlebury is a field which is typically cropped for hay and silage, and in the past has been used for grazing is located approximately 0.5miles to the south west of Wendlebury, close to J9 of the M40. The field is currently accessed from the village road on a sharp corner, shortly before the village road crosses the motorway.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

2.1. The current application seeks approval for the relocation of the existing field access approximately 90m east of its current location and the permanent closure of the existing gateway. The existing metal gate to be relocated measures 4.6m width and 1.2m in height and the proposed access measures approximately 14.6m width.

3. RELEVANT PLANNING HISTORY

3.1. No planning history is considered relevant to the current proposal:

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 and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **31 January 2022**.

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.

WENDLEBURY PARISH COUNCIL

6.2. Consulted on (07.01.2021); no comments received

OTHER CONSULTEES

- 6.3. Ward Councillors (Launton and Otmoor) - Consulted on (15.12.2021); no comments received
- 6.4. Environmental Health – No comments
- 6.5. Local Highways Authority – 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 2031 Part 1)

- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- 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)
 - Cherwell Residential Design Guide (2018)
 - Cherwell Council Home Extensions and Alterations Design Guide (2007)

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
 - Arboriculture

Principle of the Development

- 8.2. The current application is for the relocation of the existing gateway and access point approximately 90m east of its current location to improve the sight lines for the access point serving the site. The existing metal gate would be reused, but the existing gateway would be replaced by a hedge planted in its position.
- 8.3. Given the existing gateway and access point and the potential improvements in relation to highway safety, the principle of development is considered acceptable; the overall acceptability of the proposed development in this case is also clearly

dependent on it not causing demonstrable harm to the visual amenities of the locality, residential amenities, or highway safety. These issues are discussed below.

Impact upon the Character and Appearance of the Area

- 8.5. Given its nature, the relocated gateway and means of access would have limited wider visual impact and would have a comparable impact to the existing access it replaces.
- 8.6. The existing hedge makes an important contribution to the character and appearance of the area and the removal of the existing hedge would have a visual impact. However, given the existing access point the proposal replaces, and the replacement planting proposed, it would result in the impact of the development being mitigated and therefore the proposal having neutral impact.
- 8.7. The submitted plans and design and access statement for the proposed access, illustrates that the access would be well set away from the existing trees at the site, and that the trees would not be materially affected by the current proposal.
- 8.8. Given its location and extent, the proposed development is considered not to have a significant impact on the existing nearby trees and the proposal would therefore be acceptable in this regard.
- 8.9. Overall, for these reasons, the proposal is considered not to adversely affect the character or visual amenity of the local area, the proposed development complies with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

Highway Safety

- 8.10. The Local Highway Authority (LHA) has raised no objections to the proposal advising that the proposals represent a severely substandard access being improved and made substantially safer. The officer advises that although the western splay of 80m would still be considered substandard according to guidelines and the access has been relocated into the best possible position and the application will not increase the number of vehicle trips at the access. The LHA concludes that the proposals are unlikely to have any adverse impacts upon the local highway network from a traffic and safety point of view. Officers agree with this assessment and proposal is therefore considered acceptable in relation to highway safety and parking provision. The proposal accords with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

Arboriculture

- 8.11. Given the spatial relationship between the development and the existing trees at the site, the proposal is considered to be acceptable and would not have a significant impact on the existing trees and in addition, replacement planting to match those removed for the relocated gateway would be planted to infill the existing gateway. The proposal therefore accords with Policies ESD10 and ESD15 of the CLP 2015 and relevant Government guidance in the NPPF.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. It is considered that the proposed development would not result in any significant detriment to the character or visual amenities of the area or the living amenities of the neighbouring properties or local highway safety.

- 9.2. As such the proposal complies with the relevant Development Plan policies and guidance listed at section 7 of this report, and so is considered to be sustainable development. In accordance with Paragraph 14 of the NPPF, permission should therefore be granted.

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 information contained within the application form and drawings: "21/199.01" and DESIGN AND ACCESS STATEMENT (Relocation of field access at Field SP5519 5920 South West of Wendlebury for N M Agriculture 21/199)

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 new entrance hereby approved shall not be used until a hedge has been planted to block off the existing access, as shown on approved plan 21/199.01.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and 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.

Case Officer: Michael Sackey

DATE: 04.02.2022

Checked By: Paul Ihringer

DATE: 4/2/22
