

OXFORDSHIRE COUNTY COUNCIL

**Town and Country Planning Act, 1990**

**Town and Country Planning (Development Management Procedure) (England)  
Order 2015**

CONDITIONAL PLANNING PERMISSION

To: Johnston Quarry Group Limited

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**Location of land: Hornton Grounds, Hornton, Banbury, OX15 6HH**

**Brief particulars of proposed development: To continue the development permitted by permission MW.0089/14 (open storage within class B8) to amend condition 8 to limit the storage uses permitted to palleted natural stone products only**

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Application No: MW.0061/22

District Council Ref. No. 22/01604/CM

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The OXFORDSHIRE COUNTY COUNCIL as County Planning Authority hereby GRANT PLANNING PERMISSION for this development SUBJECT TO the conditions set out in the attached Schedule 1.

The reasons for the imposition of the conditions are as set out in the attached Schedule 1.

The relevant Development Plan policies are set out in the attached Schedule 2.



Director of Planning, Environment and Climate Change

Dated: 10<sup>th</sup> August 2022

**YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF**

## Notes

### IMPORTANT

- This permission does not convey or imply any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 57 of the Town and Country Planning Act 1990.
- Application for approval under the Building Regulations must be made to the Council for the district in which the land is situated.

#### **Appeals to the Secretary of State**

- If you are aggrieved by the decision of the County Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, however if an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the County Planning Authority's decision on your application then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

## **Purchase Notices**

- If either the County planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council of the District in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

- **Schedule 1 - Conditions**

1. The development shall be carried out strictly in accordance with the particulars of the development, plans and specifications contained in the application except as modified by conditions of this permission. The approved plans and particulars comprise:

- Application form dated 13/05/22
- Mineral application form dated 13/05/22
- Site Location Plan - Drawing No. PF/8930.01 Rev A
- Covering Letter dated 25/05/22

Original application:

- Application form dated 25/06/2014,
- Planning Statement dated June 2014,
- Preliminary Ecological Appraisal dated 29th September 2014,
- Plan no PF/8930.01
- Plan number ASC.06.096.

Reason: To ensure that the development is carried out as proposed.

2. No operations, including the loading, unloading and dispatch of lorries, and the operation of plant, shall be carried out other than during the following hours:

Between 0700 and 1800 hours, Monday to Fridays; and

Between 0700 and 1300 hours on Saturdays.

No such operations shall take place on Sundays or recognised public and bank holidays or on Saturdays immediately following Bank Holiday Fridays.

Reason: To protect the environment from development likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution. (Policy ENV1 of the CLP)

3. Noise levels arising from the development shall not exceed 55 dB(LAeq) (1 hour), freefield at the site boundary.

Reason: To protect the environment from development likely to cause materially detrimental levels of noise. (Policy ENV1 of the CLP)

4. No works shall be carried out other than in accordance with Section 4.2 of the Preliminary Ecological Assessment (Cotswold Wildlife Surveys, 29th September 2014) which contains mitigation measures.

Reason: In the interests of nature conservation. (Policy C1 of the CLP)

5. The existing trees, bushes and hedgerows within the site, as shown on the habitat plan in Appendix 1 of the Preliminary Ecological Assessment shall be retained and shall not be felled, lopped, topped or removed in areas outside the current or succeeding phase of development. Any such vegetation removed without consent, dying, being severely damaged or seriously diseased shall be replaced with trees or bushes of the same size and species, in the planting season immediately following such occurrences.

Reason: In the interests of nature conservation. (Policy C1 of the CLP)

6. The number of lorry movements shall be no more than 10 (5 in, 5 out) per day.

Reason: To ensure that the development does not generate frequent heavy goods vehicle movements. (Policy TR10 of the CLP)

7. The site shall be used for the open storage of palletted natural stone products and for no other purpose (including any other purpose within Class B8 of the schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provisions equivalent to the calls in any statutory instrument revoking or re-enacting that Order with or without modification.

Reason: To protect the environment from development likely to cause materially detrimental levels of environmental pollution. (Policy ENV1 of the CLP)

8. Nothing shall be stored on the bunds as shown on plan ASC.06.096 and nothing shall be stored at a height greater than 3m.

Reason: To ensure that the storage does not have an unacceptable visual impact on the landscape. (Policy C13 of the CLP)

### Informatives

If any protected species (e.g. reptiles, amphibians, bats, badgers, dormice, otters, water voles, breeding birds) are found at any point, all work should cease immediately. Killing, injuring or disturbing any of these species could constitute a criminal offence. Before any further work takes place a suitably qualified ecological consultant should be consulted for advice on how to proceed. Work should not recommence until a full survey has been carried out, a mitigation strategy prepared and licence obtained (if necessary) in discussion and agreement with Natural England. Any rabbits and other mammals on the site must be treated humanely (as must any other mammals) in line with the Wild Mammals Protection Act 1996. This includes where rabbits may be in burrows and affected by removal of habitat. All bird nests, eggs and young are protected under the Wildlife & Countryside Act 1981 (as amended) which makes it illegal to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. Therefore, no removal of vegetation scrub, shrubs or trees should take place between 1st March and 31st August inclusive to prevent committing an offence under the Wildlife & Countryside Act 1981 (as amended).

Any deep excavations should be suitably ramped and any pipe-work associated with the development covered overnight to minimise the risk of badgers being inadvertently killed and injured within the site after dark. This is to ensure the protection of badgers and avoid committing a criminal offence under the Badger Act 1992.

In accordance with paragraph 38 of the NPPF Oxfordshire County Council takes a positive and creative approach and to this end seeks to work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. We seek to approve applications for sustainable development where possible.

We work with applicants in a positive and creative manner by;

- offering a pre-application advice service, and
- updating applicants and agents of issues that have arisen in the processing of their application. In this case the processing of the application was straightforward, but the agent attended a meeting to clarify the application at the start of the process.

## **Schedule 2 - Relevant Development Plan Policies**

### Oxfordshire Minerals and Waste Local Plan (OMWCS)

- M10 - Restoration of Mineral Workings
- C1 - Sustainable Development
- C4 - Water Environment
- C5 - Local Environment, Amenity & Economy
- C7 - Biodiversity and Geodiversity
- C8 – Landscape
- C10 - Transport

### Cherwell Local Plan 2031 Part 1 (CLP)

- PSD1 – Presumption in Favour of Sustainable Development
- ESD 10 – Biodiversity and the Natural Environment
- ESD 13 – Local Landscape Protection

### Cherwell Local Plan 1996 (Saved Policies) (CLP 1996)

- C7 – Landscape Conservation
- ENV1 – Development likely to cause detrimental levels of pollution