



CHARTERED TOWN PLANNING CONSULTANTS

TOWN AND COUNTRY PLANNING ACT 1990

Planning Statement on behalf of Mr Perry Taylor

Proposed Change of Use of land from agriculture to agriculture and retail and the construction of a building on Land at Perry Tree Farm, south of Milton Road, Adderbury, Banbury, Oxon, OX17 3HN

1. INTRODUCTION AND SITE CONTEXT

- 1.1 The purpose of this statement is to inform and support an application for the change of use and the construction of a building and four polytunnels on land to the south of Milton Road, Adderbury, Banbury, Oxon OX17 3HN. The application concerns part of the overall site in the ownership of the applicant.
- 1.2 The site is an area of land within open countryside some 0.4km west of the village of Adderbury. The site is partially bounded by post and rail fencing with a dense area of woodland along the southern boundary and planting on the northern boundary screening the site from the highway. The site is accessed off the Bloxham Road at the north of the site via an existing gated access and private drive, which is in the ownership of the applicant.
- 1.3 In terms of site constraints the site is within a minerals consultation area and the land is classified as Grade 2 (very good) agricultural land by Natural England. A Public Right of Way (ref. Footpath 101/25/10) crosses land adjacent the site in a south-westerly direction from Adderbury. There is lawful development approval for equestrian use, and consent has been granted to construct a stable yard and hard surfacing to include a tack room, feed store and 6 stables. The site is screened by oaks and a mixture of 10 year old heritage trees.
- 1.4 The applicant has owned the land, which is known as Perry Tree Farm, for over a year. The land was bought with the intention of planting and selling Christmas trees as a retirement plan and for the applicant's children's future. During the time the land has been owned, following their daughter's change in employment, the family have aspirations for the land to be a seasonal farm. It is considered that this will be a great asset to Adderbury and the surrounding villages as there is a general lack of these services for the public in the local vicinity.
- 1.5 The purpose of the proposed building is to act as a point of sale and supply a safe and secure structure to house and sell the Christmas decorations that are sold alongside the trees. In addition, this will allow the safe storage of equipment to work the land. Currently, it is not possible to keep equipment on site as it is at risk of being stolen, which I understand has happened on a couple of occasions so far. Of course, without equipment, the costs are higher as the applicant needs to employ others to undertake work that could otherwise be undertaken by the family.

- 1.6 The purpose of the polytunnels, which may be covered by permitted development rights, is to allow seasonal produce such as pumpkins, potted plants and various berries, to be grown no matter the weather.
- 1.7 Due to the amount of work that goes into preparing for the change in between the various seasonal projects planned, to allow the work behind the scenes, the site will be closed more often than open. It is proposed to provide seasonal bedding plants and fruit from June to August. During this time, it is hoped to open on weekends until the summer holidays when the site can open seven days a week. It is unclear how the proposal will perform and it is difficult to be precise as to the number of customers over this time. Currently, the site is open only until about 3.30 during the week.
- 1.8 It is envisaged that PYO pumpkin patch will centre around the half term week in October. During the week of 23rd to 31st October 2021, the applicant sold approximately 300 pumpkins from the trial 0.5acre patch and the intention is to expand this as the applicant understands how to manage the land better. During this time, there were around 10 - 15 customers per day. There is then a quick two-week turnover to prepare for Christmas. During the 2020 festive period some 238 trees were sold between the 7th November and 23rd December. In 2020, the site opened too early for demand so in 2021 it was open from 13th November with similar numbers to the previous year. Only a handful of customers visited the site on weekdays but on weekends in the lead up to Christmas, around 20 or so customers per day.
- 1.9 The applicant has recently planted 8,000 Christmas trees on the land to be self sufficient in the future and allow people to have the best choice possible. Due to the time it takes to grow the trees (roughly one foot per year growth) the aim is to sell around 500 trees per festive period in the future when fully established so that the trees are available on a yearly rotation so that as one-year ends, more can be replanted and to always have 8,000 planted. The applicant has no intention of growing bigger than this as they want to remain a family run business and be self sustainable throughout all seasons. They also wish to reduce their carbon footprint and aim to be carbon neutral in the next 5 years as they will grow and sell everything from the land.

2. PRE APPLICATION CONSULTATION

- 2.1 Pre application consultation has been sought with the Council and we submitted an enquiry back in February 2021. This was eventually registered by the Council at the end of July 2021 under reference 21/00401/PREAPP. While a 'teams' meeting was held with the planning officer in October 2021 after which further information was provided, no response has been received from the Council on this pre app enquiry.
- 2.2 There has been communication with the Planning Enforcement Officer and a meeting was held on the site. While no response has been received from the planning officer, as agreed with the Enforcement Officer this application seeks planning consent for the use and to remedy any concerns. In addition, the application seeks permission for a new permanent building which will enable the existing caravan and green welfare unit to be removed.

- 2.3 Therefore, this application seeks the change of the use of part of the land in the applicant's ownership to an agricultural and retail mixed-use. It also includes details of the proposed new building, access, car park and polytunnels.
- 2.4 Reference has also been made to the erection of two timber outbuildings on the equestrian land. However, these are not permanent buildings and are moveable on wheels. This issue will be dealt with separately.
- 2.5 The Planning Enforcement Officer has also made reference to entrance signage. This is currently in the form of two flags and is not permanent. It is intended that once planning permission has been granted for the change of use, a more permanent sign is likely to be needed and this will be the subject of an application for advertisement consent.

3. PLANNING HISTORY

- 3.1 There are a number of applications relevant to the history of the site. These are summarised below.

20/01116/SO: Screening opinion – Use of site for recreational caravan park to include a new amenity building containing reception, toilets, showers and washing facilities

- 3.2 An application for a screening opinion in respect of facilities and an amenity building associated with a recreational caravan park was made in April 2020. On 20 May 2020 the Council determined that an EIA was not required.

20/01073/F: Use of site for recreational caravan park to include a new amenity building containing reception, toilets, showers and washing facilities

- 3.3 This application for use as a caravan park with an amenity building was withdrawn prior to a decision being made.

18/01792/F: Erection of new equestrian yard comprising of stables and hard surfacing

- 3.4 An application for an equestrian yard comprising of stables and hard surfacing was made in October 2018. The application sought planning permission for the erection of a stable range building in a 'horseshoe' configuration around an area of hardstanding, with access taken off the adjacent existing private lane. The building would provide 6no stables, a tack room, feed store and internal grooming area. The building would be of timber clad construction under coated profile sheet roofing; measuring 14.6m along the external northern elevation, 20.1m along the western elevation and a 3m ridge height.



Existing access from road and into site car park

- 3.7 The proposed stables were found to be a typical design for such a building in equestrian use and would not appear out of place in the rural context in which it sits. Views from the PRoW and those from the north would be set against the backdrop of the existing woodland area which to a large extent would also screen the buildings to views from the south. It was considered that, subject to approval of an appropriate landscaping scheme and construction materials, the proposed development would not result in any significant visual intrusion into the open countryside or detrimental impacts on the visual amenities of the site and its setting within the wider landscape, given the scale and nature of the development and the screening that would be afforded by an acceptable landscaping scheme.



Existing entrance into the site car park from the access track

- 3.8 The proposals were found to be consistent with the existing authorised equestrian use of the site and are considered an appropriate use within the rural context. It was approved on 21 January 2019.

17/00425/CLUE: Certificate of Lawfulness of Existing Use for the construction of outdoor arena and erection of perimeter boarding and use of land and buildings for private equestrian purposes – sui generis

- 3.9 This application was for a Certificate of Lawful Development of existing use of an outdoor arena and use of land and buildings for private equestrian purposes. A certificate of lawful use was granted on 19 April 2017.

4. PLANNING POLICY

- 4.1 The starting point for assessing development proposals is always the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states “if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

- 4.2 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 up 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)

- PSD1: Presumption in favour of sustainable development
Policy PSD1 contained within the CLP 2031 echoes the NPPF’s requirements for ‘sustainable development’ and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- ESD10: Protection and enhancement of biodiversity and the natural environment
Policy ESD10 relates to the enhancement of biodiversity and the natural environment.
- ESD13: Local landscape protection and enhancement
Policy ESD13 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.
- ESD15: The character of the built and historic environment
Policy ESD15 states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design; stating that development should contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features.

Cherwell Local Plan 1996 Saved Policies (CLP 1996)

- AG5: Horse related development
Saved Policy AG5 of the CLP 1996 is a generally permissive policy with regard to horse related development, subject to proposals not causing adverse impacts on the surrounding area.
- C8: Sporadic development in the open countryside
Saved Policy C8 states that sporadic development in the open countryside including developments in the vicinity of motorway or major road junctions will generally be resisted.
- C28: Layout, design and external appearance of new development
Saved Policy C28 of the CLP 1996 further 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.

Adderbury Neighbourhood Plan 2014-2031 (ANP 2031)

- AD5: Local Gaps
The site is considered to fall within an area defined within the Policy AD5 of ANP 2031 as the West Adderbury and Milton 'Local Gap'. Development proposals within a Local Gap will only be supported if they do not harm, individually or cumulatively, its open character.

National Planning Policy Framework (NPPF)

- 4.3 The National Planning Policy Framework 2021 sets out the Government's planning policies for England and how these are expected to be applied. It provides a framework within which local people, and accountable Councils, can produce their own distinctive local plans to reflect the needs and priorities of their communities. The Framework is a material consideration in planning decisions (paragraph 2) and should be taken and read as a whole.
- 4.4 The purpose of the planning system is to contribute to the achievement of sustainable development. There are three objectives to this which include social, economic and environmental objectives (paragraph 8). At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11), which for decision taking means:
- c) approving development proposals that accord with an up-to-date development plan without delay; or*
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole (paragraph 11).*

- 4.5 Local Planning Authorities should approach decisions on proposed development in a positive and creative way and decision takers at every level should look to approve applications for sustainable development where possible (paragraph 38). The benefits of undertaking pre-application engagement are set out in paragraphs 39 to 46 of the NPPF with early engagement recognised as having significant potential to improve the efficiency and effectiveness of the planning system for all parties.
- 4.6 Section 6 of the Framework is about building a strong and competitive economy. Paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. To support a prosperous rural economy planning decisions should enable the development and diversification of agricultural and other land-based rural businesses (paragraph 84). Planning policies and decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, in locations that are not well served by public transport (paragraph 85).
- 4.7 Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraph 111).
- 4.8 Section 11 of the Framework seeks to promote an effective use of land in meeting development needs. Section 12 aims to attain good design, which is a key aspect of sustainable development. Being clear about design expectations, and how these will be tested is essential for achieving this, and the role of effective engagement is highlighted as important throughout the process.
- 4.9 Section 15 is about conserving and enhancing the natural environment. Planning decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. The hierarchy of landscapes in respect of its value commensurate to its landscape designation also needs to be considered. Landscapes which are protected are given the most weight.
- 4.10 Policies in the NPPF are material considerations from the day of its publications, and policies in a development plan may need to be revised to reflect policy changes which the NPPF has made. Existing policies should however, not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF, weight can be given to them according to their level of consistency to the NPPF.

5. THE PLANNING CASE

- 5.1 There has been no formal response to the pre-application consultation submitted back in 2021. The intention was always to seek planning permission for the use and development and to allow a retail use and provide a new building which replaces the temporary structures and the polytunnels recently placed on the site. The site is classified as Grade 2 (very good) agricultural land by Natural England and is therefore well suited for the use being sought.
- 5.2 As can be seen from the photograph below, the polytunnels will be elongated semi-circular shaped tunnel. These are constructed using a lightweight steel structure covered in polythene representing a temporary structure in the landscape; thus, although unlikely so, any harm to the landscape would be easily reversible. The polytunnels will be used to keep

plants, vegetables and fruits warm enough to grow in temperate regions, whilst extending the growing season and providing protection from various weather elements.



Existing four polytunnels as proposed

- 5.3 The proposed barn/building is intended to store agricultural equipment necessary to farm the land. The construction of an agricultural barn on the site should be considered an appropriate form of development, as barns are often seen in the context of the open countryside thus would not appear out of place or out of keeping.
- 5.4 The site currently benefits from a lawful development certificate for equestrian use (17/00425/CLUE) which the council gave consideration to when determining an application for the construction of a stables block which was approved (18/01792/F). The officer in their report acknowledged that saved policy AG5 outweighed the conflict with policy AD5, with the scheme considered appropriate form of development in the countryside and its rural context.
- 5.5 The proposal will not lead to a significant increase in vehicular movements to and from the site and it should be found to remain acceptable in accordance with paragraph 109 of the NPPF. Neither the barn nor the proposed polytunnels will affect residential amenity of surrounding neighbours.
- 5.6 Saved Policy C8 should not be used to resist this form of development as the location of land for agricultural development is typically sporadic, whilst Milton Road forms neither a motorway or a major road junction.
- 5.7 The proposal will utilise land recognised as having high value for agricultural purposes, and the development proposal will help to support the rural economy. Significant weight should be given to creating a prosperous rural economy in accordance with the NPPF, whilst the diversification of agricultural and other land based rural businesses should be supported (paragraph 84). The NPPF also encourages decision takers to recognise that development to meet local needs in rural areas may have to be found beyond existing settlements. The proposal is considered an acceptable form of development and we invite the Council's feedback.

6. CONCLUSIONS

- 6.1 This statement is to inform and support an application for the change of use and the construction of a building and four polytunnels on land to the south of Milton Road, Adderbury, Banbury, Oxon OX17 3HN. The application concerns part of the overall site in the ownership of the applicant.
- 6.2 The purpose of the proposed building is to act as a point of sale and supply a safe and secure structure to house and sell the Christmas decorations that are sold alongside the trees. In addition, this will allow the safe storage of equipment to work the land. Currently, it is not possible to keep equipment on site as it is at risk of being stolen, which I understand has happened on a couple of occasions so far. The purpose of the polytunnels, which may be covered by permitted development rights, is to allow seasonal produce such as pumpkins, potted plants and various berries, to be grown no matter the weather.
- 6.3 The proposals will allow the opportunity for the site to operate safely and with the construction of the permanent building, for the various temporary structures to be removed from the site.
- 6.4 It is considered that the proposal represents an acceptable use in this location and that the development will conform with national and local planning policies.