

**The Long House, Main Street, Sibford Ferris,  
Banbury, OX15 5RG**

**22/03145/F**

**Case Officer:** Michael Sackey

**Recommendation:** Approve

**Applicant:** Mr Jan Thompson

**Proposal:** Installation of ground based solar panels with a total surface area of 18 square metres

**Expiry Date:** 21 December 2022

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## **1. Relevant Features of the Site**

- 1.1. The application relates The Long House located within the village of Sibford Ferris to the south of the main road through the village. The site is located within the Sibford Ferris Conservation Area and there are grade II listed buildings opposite the site to the north but the existing dwelling is not listed. A bridle way runs to the east and south of the site and a footpath runs to the west. The site also contains a TPO tree located on the northern boundary of the site and many substantial trees and groups of trees. The site lies within an area of medium archaeological interest.

## **2. Description of Proposed Development**

- 2.1. The current application is for the installation of 9 ground based black solar panels within the front garden of the proposed site. The proposed solar panels would each measure approximately 2m length and 1m width with an overall height of 1m.
- 2.2. The application relates to the email received on (16.12.2022) at 11:36hrs from the applicant providing additional information and an Arboricultural Impact Assessment & Tree Protection Plan reference (The Small House in Sibford Ferris) in relation to the proposed development's impact on the existing trees at the site.

## **3. Relevant Planning History and Pre-Application Discussions**

The following Planning History and Pre-Application discussions are considered relevant to the current proposal.

### **Application: 15/00271/TCA**

H1 x Hornbeam Hedge - Coppice all lesser stems as marked white on site, retain 2 larger stems as standards, Crown raise to 3.5 metres and thin 10%

T1 x Fir - Fell

H2 x Leylandii x 4 nos stems - Fell

H3 x Leylandii x 7 nos stems - Fell

**Application: 16/00015/DISC** Permitted 18 May 2016

Discharge of Conditions 3 (access and drive), 4 (parking and manoeuvring areas), and 12 (Arboricultural Method Statement) of 15/01863/F

**Application: 16/01110/F** Permitted 1 August 2016

Variation of Condition 9 (Landscaping and Trees). Change the wording of the condition from 'pre-commencement' to 'prior to occupation'.

**Application: 15/01863/F** Permitted 22 December 2015

Erection of one dwelling

**Application: 14/02155/OUT** Permitted 30 April 2015

Proposed new dwelling and access

**Application: 17/00243/DISC** Permitted 17 July 2017

Discharge of Conditions 6 (material schedule), 7 (sample of roof material), 8 (natural stone sample panel), 14 (details of enclosures), 16 (bat and bird boxes) and 17 (lighting scheme) of 16/01110/F

**Application: 17/00368/DISC** Permitted 18 September 2017

Discharge of condition 9 (Landscaping Scheme) of 16/01110/F

**Application: 19/00030/TCA** Permitted 21 March 2019

T1, T2 x Southern Beech, T3 x Alder - Fell.

**Application: 20/01677/TCA** Permitted 23 July 2020

T1 x Hawthorn - Fell.

**Application: 20/03030/TCA\_5** Permitted

FIVE DAY NOTICE

T1x unknown species. Fracture in med stem. Fell

T2x unknown species. Small tree poor form. Fell

T3xunknown species. Heavy lean recent removal of dead neighbouring tree that was propping has allowed heavier lean. Remove to allow good specimen beech to develop behind

**Application: 21/02431/TCA** Permitted

Five Day Notice.

T1 x Southern Beech-Request to remove stem due to apparent root plate heave, significant parting from group.

**Application: 21/03135/TCA** Permitted 18 October 2021

T1, T2 x Alder - Dismantle and remove to ground level as growing through crown of more desirable Beech tree.

T3 x Pine - Fell as growing through above Beech tree.

T4 x Yew - Fell as poor specimen due to previous Conifers overshadowing.  
Replace with a more suitable specimen.

#### **4. Response to Publicity**

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 properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **14 December 2022**.

Two letters received in support of the proposal.

The comments received can be viewed in full on the Council's website, via the online Planning Register.

#### **5. Response to Consultation**

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.

##### SIBFORD GOWER PARISH COUNCIL

- 6.1. The Parish Council has no objection to this application.

##### OTHER CONSULTTEES

- 6.2. CDC Conservation - No objections are raised to this application. There will be no impact on the Conservation Area or setting of nearby heritage assets as a result of this proposal.
- 6.3. CDC Environmental Health - No objections
- 6.4. CDC Arboriculture (22.11.2022) - No objections in principle, queries with regards to tree removal plan, proposed trees to be removed and accuracy of the proposed solar panels
- 6.5. CDC Arboriculture (19.12.2022) - The comments from Jan Thompson, do address my queries.
- 6.6. OCC Archaeology - Thank you for consulting us on this application. The site is in an area of archaeological interest; however, the proposals are of a small scale, and therefore, there are no archaeological constraints to this scheme.
- 6.7. CDC Ecology - Consulted on (16.11.2022); no comments received.
- 6.8. CDC Landscape - I confirm that I have no objection in respect of landscape and visual impact.

#### **6. 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)

- ESD5 – Renewable Energy
- ESD 10: 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)

**7. APPRAISAL**

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Impact upon the Historic Environment
- Archaeology
- Ecology
- Arboriculture

Principle of development

- 8.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the CLP 2015 and the saved policies of the CLP 1996.
- 8.3. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 of the NPPF sets out the Government's view of what sustainable development means in practice for the planning.
- 8.4. Policy ESD5 of the CLP 2015 supports proposals for renewable and low carbon energy provision, providing there is no unacceptable adverse impact, including matters relating to, but not limited to, visual impact, residential amenity and highways and access issues.

- 8.5. Policy ESD5 of the CLP 2015 also states that, "Planning applications involving renewable energy development will be encouraged provided that there is no unacceptable adverse impact, including cumulative impact, on the following issues, which are considered to be of particular local significance in Cherwell: Landscape and biodiversity including designations, protected habitats and species, and Conservation Target Areas Visual impacts on local landscapes. The historic environment including designated and non-designated assets and their settings...Aviation activities Highways and access issues, and Residential amenity.
- 8.6. The application is accompanied by a supporting statement which advises that the proposed solar panels would substantially reduce the amount of electricity needed to be drawn from the grid and to further reduce the carbon footprint of The Long House. The proposal set within a domestic curtilage would provide renewable energy for the existing dwelling. The site is not designated as a Grade 1 or 2 agricultural land; it is designated as a category 5 Urban and industrial land. The proposal would not affect the best and versatile land for agriculture and accords with Policy ESD5 in this regard.
- 8.7. The proposal would in theory have economic and environmental benefits and in addition to the reasons above, the proposed development is considered acceptable in principle. Its overall acceptability is subject to the development not causing material adverse impacts in other respects, which are discussed in more detail below.

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

- 8.8. 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 expected to meet high design standards. Development should contribute positively to an area's character and identity by creating or reinforcing local distinctiveness. It should also integrate and enhance green infrastructure and integrate with existing streets and public spaces.
- 8.9. The proposed development would be set approximately 1m above ground level in three arrays of 3 panels and would not be readily visible from the public realm and would therefore not have a significant visual impact.
- 8.10. The site of the proposed array is visually contained by the existing structural vegetation including trees and hedgerows which are positioned along the northern, western and southern boundaries of the site. The proposal would also be screened by the host dwelling and its adjacent neighbour to the south and would only be glimpsed along the eastern boundaries of the site. The proposal would not be readily visible from the footpath running to the west and south of the site. Having regards to its nature, scale, and position along with its restricted visibility due to the existing vegetation, trees and hedgerows and the comments of the landscape officer, the proposal is considered not to have a significant or adverse impact on the landscape character and the Conservation area subject to all adjacent vegetation, trees and hedgerows being retained.
- 8.11. Overall, for these reasons and subject to adjacent vegetation trees and hedgerows being retained, the proposal is considered not to adversely affect the character or visual amenity of the local area, and the proposed development therefore complies with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

#### Impact upon the Historic Environment

- 8.12. Paragraph 192 of the NPPF states that in determining applications local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 8.13. 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.”
- 8.14. For the same reasons above and having regards to the comments of the Conservation and Landscape Officers, the proposal is also considered to preserve the character and appearance of the Sibford Ferris Conservation Area and significance of the grade II listed buildings in the vicinity of the site.
- 8.15. It is thus considered that the proposed development complies with Policy ESD15 of the CLP 2015 and Government guidance in the NPPF.

#### Archaeology

- 8.16. The Archaeology Officer (AO) advised that the site is in an area of archaeological interest but that given the small scale of the proposals there are no archaeological constraints to this scheme.
- 8.17. Officers agree with this assessment and given the nature and scale of the development the proposal is considered acceptable in terms of archaeological impact. The proposal accords with Policy ESD15 of the CLP in this regard and Government guidance in the NPPF.

#### Ecology

- 8.18. Policy ESD10 of the CLP 2015 on the protection and enhancement of Biodiversity and the Natural Environment amongst other things states: In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing, and extending existing resources and by creating new resources and the protection of trees will be encouraged, with an aim to increase the number of trees in the District
- 8.19. Section 40 of the Natural Environment and Rural Communities Act 2006 (as amended) places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making. Paragraph 99 of Circular 06/2005: Biodiversity and Geological Conservation states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision*

- 8.20. The Council's Ecology was consulted during the course of the application, but no comments have been received. However, having regards to the nature, scale and positioning of the proposal set within a domestic curtilage, along with the additional information from the applicant, the proposal is considered acceptable in terms of the ecology of the site and would comply with Policies ESD10 and ESD15 of the CLP 2015 and Government guidance in the NPPF.

#### Arboriculture

- 8.21. The Arboricultural Officer (AO) raised no objections to the principle of the proposal but had concerns with regards to a tree removal plan, proposed trees to be removed and accuracy of the plan of the proposed solar panels.
- 8.22. The applicant responded confirming that the access way and associated tree works were completed in 2016, that no trees would be removed or affected in completing this small solar panel installation, the crown of the tree to the north of the installation would not need to be pruned back, a small amount of overhanging from a tree to the North would not have an impact and stating the panels on the plan are drawn to scale.
- 8.23. The AO responded to the applicant's comments advising that comments from the applicant addresses the initial queries raised. Having regards to AO comments, it is considered that the proposal would not result in harm to the existing trees or vegetation in the vicinity of the site.
- 8.24. The proposal is thus considered acceptable in this regard and accords with Policy ESD10 and ESD15 of the CLP 2015 and the relevant paragraphs of the NPPF

### **8. 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 in this report, it is considered that the proposed ground based solar panels and the associated works would not adversely affect the character and appearance of the Conservation Area, amenities of local residents, highway safety, arboriculture or ecological interests. Overall, therefore, the development subject of this application is considered to be acceptable and 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 11 of the NPPF, permission should therefore be granted.

### **9. 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 not be carried out otherwise than in complete accordance

with drawings titled Site location plan 1:1250 (The Long House, Main Street, Sibford Ferris, Oxfordshire, OX15 5RG), Block plan 1:500 (The Long House, Main Street, Sibford Ferris, Oxfordshire, OX15 5RG), 02 and 08A.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to safeguard the character and appearance of the area and the living conditions of neighbouring occupiers and in the interests of ecology and biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. The existing hedges along the boundaries of the site shall be retained as existing and any trees or plants which die, are removed, or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason : To provide an effective and attractive screen for the development in the interests of the character and appearance of the area and in the interests of ecology and biodiversity and to accord with Policies ESD10 and 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.

Case Officer: Michael Sackey

DATE: 21.12.2022

Checked By: Nathanael Stock

DATE: 21.12.2022

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