

Case Officer: Emma Whitley

Recommendation: Approve

Applicant: Planned Approach Architects

Proposal: Variation of Condition 2 of 20/02859/F - to change the roof pitch from 12 to 15 degrees

Expiry Date: 27 March 2024

1. APPLICATION SITE AND LOCALITY

- 1.1. The application relates to a parcel of agricultural land to the south-east of the village of Wendlebury. The site is accessed from a hard-surfaced track between The Willows and Ploughman's Cottage on Main Street in Wendlebury.
- 1.2. The application site is located to the west of a complex of buildings and consists of a part-open fronted agricultural building used for housing of cattle and an open fronted barn used for hay storage to the south.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. Planning permission is sought to vary condition 2 of permission 20/02859/F to alter the roof pitch of the building from 12 to 15 degrees, resulting in an increased roof height from 8.05m to 8.99m.
- 2.2. The change in pitch is required to make more efficient use of steel in the construction of the barn and in order to accommodate contractor's machinery to tip trailers inside the building.

3. RELEVANT PLANNING HISTORY

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

Application: 20/02859/F	Permitted	12 February 2021
Erection of a general purpose agricultural building		

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 a Site Notice displayed near the site, expiring **1 February 2024**, by advertisement in the local newspaper expiring **1 February 2024** 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 **1 February 2024**.
- 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 – Support. Comments: no objection to this planning application.

Arboriculture (CDC) – No objections or comments received at the time of drafting the report.

Archaeology (OCC) – No objections. Comments: The site is in an area of archaeological interest, however, the proposals are of a relatively small scale, and therefore, there are no archaeological constraints to this scheme.

Building Control (CDC) – No objections or comments.

Campaign to Protect Rural England (Oxfordshire) – No objections or comments received at the time of drafting the report.

Ecology (CDC) – Comments: The ecology related concerns associated with this site have already been addressed under previously granted permissions. This application is to change the roof pitch from 12 degrees to 15 degrees. As the roof has not yet been installed, no impacts to protected species should occur due to this proposal. As such, I have no further comment to make on this application.

Economic Growth (CDC) – No objections or comments received at the time of drafting the report.

Environmental Health (CDC) – No objections or comments.

Landscapes Services (CDC) – No objections or comments received at the time of drafting the report.

Planning Policy (CDC) – No objections or comments received at the time of drafting the report.

Public Art – No objections or comments received at the time of drafting the report.

Thames Valley Police – No objections or comments received at the time of drafting the report.

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
- ESD6 – Sustainable Flood Risk Management
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- AG2 – Construction of farm buildings
- C28 – Layout, design and external appearance of new development
- ENV1 – Pollution control

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Advice for Farmers on Siting and Design of Farm Buildings (2002)

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
- Flood risk

Principle of development

8.2. The principle of development has previously been considered acceptable with the granting of the original permission (20/02859/F). It is considered that the amended design now sought does not significantly change the overall nature or quantum of development and is not considered to intrude further considerations that would result in the principle of development not being seen in the same favourable light.

Design, and impact on the character of the area

8.3. Policy ESD13 of the CLP 2031 Part 1 expects development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Policy ESD15 of The CLP 2031 Part 1 requires development 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.

8.4. Saved Policy C28 of the CLP 1996 seeks a standard of layout, design and external appearance, including the choice of external finish materials, that are sympathetic to the character of the context of the development.

8.5. Saved Policy AG2 of the CLP 1996 relates to new farm buildings and associated structures that require planning permission. It requires them to be so sited that they do not intrude into the landscape or into residential areas. Where appropriate a

landscaping scheme should be included, and materials of construction should be chosen so that the development fits sympathetically into its rural setting.

- 8.6. The visual impact of the building was considered acceptable under the previous application (20/02859/F), and this remains the case in this application. The site is largely level and sits within a flat rural landscape. Land immediately surrounding the proposed building is open, with similar agricultural style buildings within the wider College Farm complex. The revised scheme of native tree planting conditioned under the previous application will also be included in this application, which would lessen the impact of the overall building when viewing the site from the southern edge of the village. The existing vegetation to the east is proposed to be retained.
- 8.7. The amendment to the roof pitch is not considered to result in any additional harm to the visual amenities than previously assessed.
- 8.8. Given the assessment above, it is concluded that the proposal accords with the above Policies in respect of its visual impact.

Residential amenity

- 8.9. Policy ESD15 of the CLP 2031 Part 1 requires all development to consider the amenity of both existing and future development. Saved Policy ENV1 of the CLP 1996 seeks to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation.
- 8.10. The proposed barn is positioned a sufficient distance from the nearest residential dwellings, over 230 metres, in order to avoid any harm in terms of a loss of residential amenity. In addition, the Environmental Health Officer was satisfied that at such a distance there would be no undue environmental impact from the use of the building to house cattle during winter. The proposals are therefore considered to accord with the above Policies.

Highway safety

- 8.11. ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: *be designed to deliver high quality safe...places to live and work in.*
- 8.12. There is no change to access to the barn, which would be taken via the existing access to the north of the site. The proposals are not considered to attract a significant change to vehicular movements, nor would they present any demonstrable harm to the highway network. In addition, the Local Highways Authority did not provide any objections to the proposal. The proposals are therefore considered acceptable in this regard.

Flood Risk

- 8.13. Although a small part of the entrance to the site lies within flood zones 2 and 3, the affected area does not include any of the operational land on which the barn would be constructed. A flood risk assessment was not therefore sought and the development accords with Policy ESD6 of the CLP 2031 Part 1.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The principle of development is considered acceptable as it would support the existing agricultural use of the farm complex. The proposed building would be well screened from the public domain, would not adversely affect the amenities of any residential dwellings within the locale and would not affect the safety of the local highway network. The proposed development is therefore considered to be in accordance with the Development Plan, and thus acceptable, subject to the conditions below.

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 application forms and the following plans and documents: 20.192.01 Rev B; 20/0192.02 Rev A; 20/192.03 Rev A and the Landscaping Scheme produced by Pyramid Consulting Arboricultural Consultancy (January 2021).

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 tree planting scheme, as shown on approved drawing number 20-0192-01 Rev B, and the Landscaping Scheme produced by Pyramid Consulting Arboricultural Consultancy (January 2021), shall be completely implemented within the first planting season following the first use of any part of the approved development. All planting, seeding or turfing comprised in the approved details of landscaping shall be maintained for a period of 5 years from the first use of any part of the approved development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason – To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD13 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.

4. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority

Reason – To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with Policy ESD10 of the Cherwell Local Plan 2011–2031 Part 1, and Government guidance contained within the National Planning Policy Framework.

5. The existing trees to be retained along the eastern border of the development shall be protected in accordance with the detail set out in the Landscaping Scheme produced by Pyramid Consulting Arboricultural Consultancy (January 2021). Reason : To ensure the continued health of retained trees and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD13 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.
6. If the use of the building, hereby approved, for the purposes of agriculture permanently ceases, the building must be removed from the land and the land must, so far as is practicable, be restored to its condition prior to the implementation of this permission or to such a condition as agreed in writing by the Local Planning Authority.

Reason – The site is in an area where permission for development unrelated to the needs of agriculture would not normally be granted and therefore to enable the Local Planning Authority to retain planning control over the development of the site and in order to safeguard the amenities of the area in accordance with saved Policies C28 and ENV1 of the Cherwell Local Plan 1996, Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Case Officer: Emma Whitley

DATE: 21/03/24

Checked By: Paul Ihringer

DATE: 27/3/24
