

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78 APPEAL**

WRITTEN STATEMENT OF THE LOCAL PLANNING AUTHORITY

APPELLANT: MR & MRS GREGORY BESTERMAN

**APPEAL SITE ADDRESS: MUDDLE BARN FARM, COLONY ROAD, SIBFORD
GOWER, BANBURY, OX15 5RY**

**REASON FOR APPEAL: *DEMOLITION OF AN EXISTING DWELLING AND RANGE OF
LARGE SCALE EQUESTRIAN BUILDINGS AND THE ERECTION OF A REPLACEMENT
DWELLING INCLUDING ASSOCIATED WORKS AND LANDSCAPING (REVISED SCHEME OF
15/01693/F)***

Statement written 6 June 2017

LOCAL PLANNING AUTHORITY REFERENCES: 16/01563/F

PLANNING INSPECTORATE REFERENCES: APP/C3105/W17/3173098

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1.0 Introduction

- 1.1 In connection with the above appeal, and along with the minutes of the meeting of Planning Committee on 27th October 2016, this statement provides the Council's response forms the basis of the Council's case and will respond to the pertinent issues raised by the appellants in their appeal submission.
- 1.2 The Council does not consider that conditions can overcome the harm identified in the council's formal decision notice dated 1st November 2016. Notwithstanding, at Section 8 of this statement the Council's repeats for the Inspector's assistance the conditions recommended by officers to Planning Committee.
- 1.3 Also for the Inspector's assistance the Council attaches as an appendix to this statement its draft report in respect of the previous proposal, which was withdrawn from the 18th February 2016 Planning Committee, which sets out the Council's overall concerns and appears to have formed the basis for the Planning Committee's refusal reason in respect of the appeal proposal.

2.0 SCOPE OF APPEAL STATEMENT

- 2.1 In this statement consideration is given to the following:
 - (i) Description of the appeal proposal
 - (ii) The relevant planning polices, including development plan policies for the Cherwell Council Authority area, as well as the National Planning Policy Framework.
 - (iii) The merits and impacts of the appeal proposal, and its conformity or otherwise with the applicable planning policies and;
 - (iv) The 'planning balance'.
- 2.2 This appeal statement is set out in the order shown in the contents section at page 2 above.

3.0 DESCRIPTION OF THE SITE AND SURROUNDINGS

- 3.1 A full description of the appeal site's location and physical characteristics is set out in the committee report submitted with the Council's appeal questionnaire and therefore there is no need to repeat however the salient points are as follows:
- 3.2 The appeal site ("the site") is comprised of a single, detached dwelling, four large agricultural buildings (two detached, the other two linked to a neighbour's outbuildings) and other smaller structures, a horse walking area enclosed by hedges, and other hardstanding, as well as a manege to the west of the dwelling. The site is bounded to the west by the county boundary between Oxfordshire and Warwickshire, which also marks the eastern edge of the Cotswolds Area of Outstanding Natural Beauty. The site is accessed from Colony Road, a classified road, to the east.

4.0 THE PLANNING APPLICATION

- 4.1 The planning application the subject of this appeal (“the Appeal”) was submitted to the Council as valid on 4th August 2016. The application sought planning permission for demolition of existing dwelling and range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping - (resubmission of previous application reference 15/01693/F).
- 4.2 The Council undertook a series of consultations on the application. Comments and representations received from the consultation process have already been submitted to the Planning Inspectorate together with the Council’s appeal questionnaire. As a result, it is not necessary to repeat them in detail.
- 4.3 The application was refused planning permission by the Council’s Development Control Committee by notice dated 1st November 2016. The reasons for refusal set out in the decision notice are as follows:

The proposal would result in a considerably larger dwelling than the one it would replace, on a different siting and not within the curtilage of the existing dwelling, and would not be for an agricultural or other land based business. Therefore, by virtue of its scale and siting, the proposal would not constitute an appropriate replacement dwelling and would result in a new dwelling in an isolated location in the countryside. In addition, by virtue of its scale and siting, the proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape. The proposal therefore conflicts with Policies H17, H18, C30 (i) of the Cherwell Local Plan 1996 and Policy ESD13 of the Cherwell Local Plan 2011-2031 Part 1 and paragraphs 17 and 55 of the National Planning Policy Framework.

5.0 RELEVANT PLANNING POLICIES

- 5.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that, “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”. Sections 70(2) (planning applications) and 79(4) (appeals) require regard to be given to the provisions of the development plan, so far as material to the application. Thus section 38(6) creates a statutory presumption in favour of the policies of the development plan. The documents forming the Development Plan are set out below. (*Italics in the following sections indicate direct quote from the Development Plan or Document*)
- 5.2 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. Planning legislation requires planning decisions to be made in accordance with the Development Plan unless material planning considerations indicate otherwise. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

5.3 Cherwell Local Plan 2011 - 2031 Part 1

- ESD1 - Mitigating and Adapting to Climate Change
- ESD3 - Sustainable Construction
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD12 - Cotswolds AONB
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

Cherwell Local Plan 1996 (Saved Policies)

- C28 - Layout, design and external appearance of new development
- C30 - Design of new residential development
- H17 - Replacement dwellings
- H18 - New dwellings in the countryside

5.3 Other Material Planning Considerations:

5.3.1 National Planning Policy Framework (“the Framework”) – National Planning Policy Framework sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirement for the planning system only to the extent that it is relevant, proportionate and necessary to do so.

5.3.2 Planning Practice Guidance (“nPPG”) – This sets out regularly updated guidance from central Government to provide assistance in interpreting national planning policy and relevant legislation.

5.4 The Council contends that the policies in the reason(s) for refusal are supported by an up to date development plan, which is consistent with the policies of the NPPF; and that the appeal should therefore be determined in accordance with those policies, unless material considerations indicate otherwise.

6.0 ANALYSIS AND COMMENTS ON APPELLANT’S STATEMENT

6.1 At paragraph 2.6 of their statement the appellants draw the Inspector’s attention to other planning permissions which have been granted by the Council.

6.2 While the Council notes the three cases mentioned by the appellants’ agent at Section 7 of the Planning Statement submitted in support of the planning application, the Council would submit that each case must be considered on its own merits. Whereas in respect of the second and third examples cited by the appellants’ agent the LPA concluded that the proposed dwelling would not cause demonstrable harm to the character of the countryside, in the specific case of the appeal proposal the LPA has concluded that, by virtue of its scale and positioning, such harm would be caused.

- 6.3 In addition, the first example cited by the appellants' agent, Bradshaws Bungalow (ref. 14/00552/F), is different from the appeal proposal in that it was of a similar footprint to the existing dwelling and at the same location as the existing dwelling and entirely within the curtilage of the existing dwelling. The case officer noted in her report to Planning Committee that one of the main purposes of Policy H17 was to prevent "substantially larger and more conspicuous dwellings". The Council would submit that, while not the case with Bradshaws, this would apply to the appeal proposal. With a gross external floor area of approx. 734 sq m and a 410% increase over that of the existing dwelling, it would be substantially larger than the existing dwelling. By reason of its siting, and as explored more fully in the officer's report to Planning Committee, it would also be substantially more conspicuous in the landscape than the existing dwelling.
- 6.4 In respect of another case cited, for a replacement dwelling in Hornton (ref. 13/01451/F) that was significantly larger than the dwelling it would replace and not within the same curtilage as the existing dwelling, the Council would submit that the Hornton case is materially different to the appeal proposal for at least three reasons: (1) The dwelling was re-sited so as to replace an existing agricultural building which was considered to have an adverse effect on visual amenity, the proposal thereby resulting in some visual benefit. (2) The dwelling did not have the same degree of visual impact on its wider surroundings. (3) It was proportionately not as different in size to the dwelling it replaced as the present case.
- 6.5 At paragraph 2.11 of their statement the appellants suggest that the extensions subject of Certificate of Lawfulness application 17/00191/CLUP added 299.12 sq m floor area to the "existing dwelling". The Council would respectfully submit this is incorrect. The extensions (under Class A of Schedule 2 Part 1 of the GPDO) subject of that Certificate of Lawfulness application added 161.12 sq m: A rear of extension of 8 metres depth by 11.12 metres width (88.96 sq m) and two single storey side extensions, each of 4 metres width by 9.02 metres depth (total of 72.16 sq m). The Council would submit that as a detached structure the outbuilding must be treated differently and under the 2008 GPDO does not constitute an extension to the dwelling.
- 6.6 As set out at paragraph 7.5 of its report to Planning Committee, permitted development rights for the existing dwelling would allow for extensions of up to 187 sq m, i.e. a further approx. 26 sq m beyond that which was subject of the Certificate of Lawfulness noted above, but significantly less than the 299 sq m suggested by the appellant.
- 6.7 At paragraph 3.4 of their statement the appellants mentions the criterion of saved Policy H17 relating to a dwelling being unfit or substandard. The Council appreciates the point made by the appellants and has said similar in previous cases, as noted by the appellants. The Council notes too that the refusal reason in this instance does not explicitly refer to this criterion. The Council also accepts that the existing dwelling does not have any particular visual merit and its demolition and the removal of outbuildings is considered acceptable in visual terms.

- 6.8 Notwithstanding the above, the existing building is not unfit or substandard and could be enlarged and modernised if required. Furthermore, the Council would submit that despite their utilitarian nature the present buildings are low-key and well shielded and they make little impact on the surrounding landscape. To be precise, these are traditional farm buildings with associated low-key farmhouse which is prevalent in the open countryside.
- 6.9 The Council's refusal reason focuses on the dwelling's scale and siting. The appeal proposal would not be similar in scale to the existing dwelling and would not be "within the same curtilage". It would be considerably larger in scale and of a substantially different siting. It would conflict with Policy H17. It is noted that the appellants do not seek to contest otherwise.
- 6.10 The appellants suggest that Policy H18 is not relevant. The Council would submit that, since the appeal proposal conflicts with saved Policy H17 of the 1996 Plan, attention should therefore turn to Policy H18 of the Cherwell Local Plan 1996, that is, to see whether the appeal proposal might find support from that quarter. The Council would submit that the appeal proposal does not meet the criteria set out in Policy H18 and would be in conflict with that policy.
- 6.11 The appellants suggest too that paragraph 55 of the Framework is not relevant. However, as set out above, the Council would submit that the appeal proposal conflicts with saved Policy H17 and does not find policy support as a replacement dwelling. Being considerably larger than the existing dwelling and on a different siting, it exceeds that which the development plan defines as an acceptable replacement dwelling and therefore amounts to a new dwelling. The Council would therefore submit that paragraph 55 of the Framework is relevant and that the appeal proposal would conflict with paragraph 55.
- 6.12 The Council would submit that, although Policies H17 and H18 are part of the Local Plan that was adopted in 1996, and therefore relatively old policies, they have been saved as part of a more recent review of the Local Plan, which involved some assessment of the relevance of policies. Whether the decision maker considers the proposal as a replacement dwelling or a new dwelling – and the Council would submit that either may be reasonably applied, the appeal proposal fails this policy test, a test which it is considered remains relevant.
- 6.13 Policy H18 aligns well with paragraph 55 of the Framework in seeking to control isolated new dwellings in the countryside. The Council has agreed with the appellants' previous submissions that a replacement dwelling can serve as a special circumstance. However, in being so much larger, and because of its visual impact, the Council would submit that the appeal proposal is not an appropriate 'replacement' and limited weight should be given to this as a special circumstance. Of the circumstances named, the site does not include heritage assets, the proposal is not for an agricultural or other land based worker, the proposal does not re-use buildings or provide enhancement to its immediate setting (for the latter see discussion below re landscape and visual impact) and would not be of so exceptional a quality or

innovate nature as to fulfil the fourth named criteria. Overall, therefore, the proposed dwelling conflicts with paragraph 55 of the Framework.

- 6.14 At paragraph 3.8 of their statement the appellants refer to the lack of objection to the proposal from the Council's Landscape Officer.
- 6.15 However, the Landscape Officer considers the proposal's visual impacts to be substantial, particularly from Viewpoints 6, 1B and 2B, and comments on the proposed architectural style that its scale "could inadvertently convey a building of power and authority where one did not previously exist". It was the also the Landscape Officer's view that the proposal would have a substantial visual impact.
- 6.16 One of the core planning principles (para 17 of the Framework) is to recognise "the intrinsic character and beauty of the countryside". The landscape is noted by the applicant's landscape consultant as being of good quality. Indeed, it is an attractive landscape that is relatively unadulterated. The proposed dwelling would be imposing in this context and would be a prominent new element in several views within the local landscape.
- 6.17 The Council would therefore submit that, by reason of its scale and siting, the appeal proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape and thereby conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraph 17 of the Framework.
- 6.18 In coming to this conclusion, regard is had to the proposal's proximity to and visibility from the Cotswold AONB. For these reasons and those discussed above, the proposal is considered to have a significant and demonstrable impact on the setting of the Cotswold AONB.
- 6.19 At paragraph 4.5 of their statement, the appellants mention the existing agricultural buildings, which they say would comprise 1,291 sq m. The Council calculates these buildings to have a cumulative floor area of 1,233 sq m, though this is only a difference of 58 sq m and not materially significant.
- 6.20 At paragraph 4.6 of their statement, the appellants suggest that the Council has not taken account of the non-residential buildings on the site and that therefore the Council has not considered the development plan as a whole. The Council would respectfully disagree and would submit that such buildings are not mentioned in saved Policy H17.
- 6.21 The Council acknowledges that the removal of the existing equestrian buildings would improve the appearance of the area to some extent. However, it must be emphasised that these structures are low-key and form part and parcel of the established character of the area and are buildings prevalent in the open countryside.
- 6.22 The appeal proposal would be a much larger structure, considerably more conspicuous (see below), and would comprise a tall and large component within the

landscape that would have a substantial impact on the locality and would clearly fail to recognise the intrinsic character and beauty of the countryside within which it would be sited.

- 6.23 At paragraph 4.8, the appellants suggest that the appeal proposal would “not add to the developed countryside”. The Council understands the argument advanced by the appellant in this respect but would disagree:
- 6.24 The LVIA Figures accompanying the planning application show that the proposed dwelling would be clearly visible in the local landscape, and demonstrably more so than the existing dwelling, particularly from Sibford Ferris to the east (Viewpoint 4), footpath 347/2 to the east (Viewpoint 5), Sharps Hill to the south (Viewpoint 6), and the Macmillian Way and Area of Outstanding Natural Beauty to the west (Viewpoint 2A). The Council contends that the proposal would have significant and demonstrable impact on the character and visual amenity of the local landscape.
- 6.25 The Council would submit that the proposed dwelling is designed to be seen and therefore to make a statement in the local landscape, and has regard both to views into and views from the site. This is clear taking into account the size and architectural appearance, as well as its siting well away from that of the existing dwelling, and the associated landscaping proposed.
- 6.26 The Council contends that the overall size and scale of the proposed replacement dwelling would be the defining and dominant element in the local landscape character and thereafter for a considerable distance. The proposed dwelling would be a tall and large component on the landscape and would have a substantial impact on the locality of some distance of about 3 - 4km. It is the Council’s view that a much reduced dwelling in size and scale albeit larger than the existing dwelling would not give rise to such a radical change in the character and appearance of the site and its immediate surroundings.
- 6.27 At paragraph 4.12 the appellants contend that the proposal would be sustainable within the meaning of the Framework. For the reasons set out in this statement, the Council would submit that that the appeal proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape and in doing so would fail the environmental role element of sustainable development, and paragraph 17 of the Framework.

7.0 CONCLUSION

- 7.1 The Council would submit that for the reasons set out above the appeal proposal conflicts with saved Policy H17 of the 1996 Plan, that saved Policy H18 and paragraph 55 of the Framework are relevant to the appeal proposal, and that the proposal would conflict with both.
- 7.2 The Council would submit that each case must be assessed on its own merits and that there are significant differences between the appeal proposal and other cases cited by the appellants.

- 7.3 The Council would submit that, by reason of its scale and siting, the appeal proposal would fail to preserve the intrinsic character and beauty of the countryside and adversely affect the character and visual amenity of the local landscape and thereby conflict with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 as well as paragraph 17 of the Framework.
- 7.4 It is therefore concluded that the appeal proposal is not sustainable development and the Council therefore respectfully requests that the Inspector dismisses the appeal.

8.0 SUGGESTED 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 condition of this planning permission, the application shall be carried out strictly in accordance with the following plans and documents: Application form, drawings "1759.100E", "1759.110A", "1759.111A", "1759.118A", "1759.122A", "1759.127A", "1759.128A", "1353.01C" and the site location plan.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved above slab level, samples of all externally facing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples so approved.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

4. Prior to the commencement of the development hereby approved above slab level, a stone sample panel (minimum 1m² in size) shall be constructed on site in natural ironstone, which shall be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved stone sample panel.

Reason – To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, full details of the doors and windows and rooflights hereby approved, including fanlights, at a scale of 1:20 including a cross section, cill, lintel and recess detail and colour/finish, shall be submitted to an approved in writing by the Local Planning Authority. Thereafter the doors and windows shall be installed within the building in accordance with the approved details.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, and notwithstanding the details submitted, a plan showing full details of the finished floor levels in relation to existing ground levels on the site/existing and proposed site levels for the proposed dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved finished floor levels plan.

Reason – To ensure a visually appropriate form of development and to safeguard the landscape character and visual amenity of the area and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Prior to the first occupation of the development hereby approved, the existing dwelling and associated structures on the site at the date of this permission shall be demolished and the debris and materials removed from the site.

Reason – In order to achieve a satisfactory form of development, to prevent a net increase in residential dwellings in this environmentally and socially unsustainable location and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. The rainwater goods installed to serve the development hereby permitted shall be cast iron or profiled aluminium and retained as such thereafter.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, amended details of the dormers to the dwelling, including detailed scaled drawings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, full details of chimneys, kneeler and coping, eaves, string and plinth including how the string returns, corner stones, ventilation slots, door cases, louvered windows and steps, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved above slab level, a

landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:

- (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas, including plant schedule and specification (BS4428:1989 and National Plant Specification),
- (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
- (c) details of the hard surface areas, including steps

The hard landscaping elements of the approved scheme shall be implemented fully in accordance with the approved details prior to the first occupation of the development hereby permitted and shall be retained as such thereafter.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, and in the interests of highway safety, and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and 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 current/next planting season with others of similar size and species.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved above slab level, full specification details of the altered access and access road and turning area, including construction, surfacing, layout, drainage and road markings, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of the dwelling, the development shall be constructed in accordance with the approved details, and retained as such thereafter.

Reason – In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework

14. Prior to the commencement of the development hereby approved above slab level, a BS5837 Tree survey in respect of the large mature oak trees along the drive, all trees

and hedgerows within an influencing distance of the demolition and construction work. Root protection areas to be defined and maintained during the duration of the work.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

15. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within the landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

16. Except where expressly shown on the drawings hereby approved as listed in Condition 2 of this permission, all existing hedgerows for the northern, western, eastern and southern field application site boundaries shall be retained, with a minimum maintenance height of 3 metres for landscape mitigation.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

17. All species used in the planting proposals associated with the development shall be native species of UK provenance.

Reason – To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Government guidance contained within the National Planning Policy Framework.

18. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Cherwell Local Plan

1996 and Government guidance contained within the National Planning Policy Framework

19. If the site clearance and demolition of the current dwelling hereby approved does not commence by July 2016 a revised walk over badger check of the site shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers. The survey results, together with any necessary changes to the mitigation plans or working methods shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

20. The development hereby approved shall be carried out in accordance with the recommendations and working practices set out in sections 4.4 and 4.5 of the 'Extended Phase 1 Survey assessment and Bat Survey' carried out by Wild Service Ecological Consultancy on July 2014.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

21. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity on site with particular reference to nesting/roosting provision for swallows and bats shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason – To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no development within Part 1 or Part 2 shall take place.

Reason – In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1.

23. Prior to the commencement of the development hereby approved above slab level, and notwithstanding the details submitted, a plan shall be submitted to identify the residential curtilage of the dwelling hereby approved.

Reason – In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Informative Notes

In respect of Condition 20 of this permission, it should be noted this includes restrictions on the demolition process and an update bat survey if certain conditions are not met.