1. **APPLICATION SITE AND LOCALITY**
	1. 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. The site is accessed off the Bloxham at the north of the site via an existing gated access and private drive.
	2. 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. The geology in the area is known to contain naturally occurring elevated levels of Arsenic, Nickel and Chromium (as seen in many areas across the district) and also an area of higher probability (10-30%) of natural occurring Radon Gas being above Action Levels;
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
	1. The application seeks 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.
	2. The proposals as originally submitted also included a storage barn and new boundary treatment. However, these elements were removed from the proposed scheme during the application following concerns raised by officers as to the acceptability of these elements; i.e. they were considered unjustified and over visually intrusive within the valued open countryside.
3. **RELEVANT PLANNING HISTORY**
4. The following planning history is considered relevant to the current proposal:

|  |  |  |
| --- | --- | --- |
| Application Ref. | Proposal | Decision |
| 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 | Application Permitted |

1. **PRE-APPLICATION DISCUSSIONS**
2. No pre-application discussions have taken place with regard to this proposal*.*
3. **RESPONSE TO PUBLICITY**
	1. This application has been publicised by way of a site notice displayed near the site and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 22.11.2018.
	2. One letter of objection has been received from the occupants of a neighbouring property. The comments raised by third parties are summarised as follows:
* Concerns over potential commercial use of the site resulting in a change in the character of the area, causing increased noise, disturbance and traffic and having a negative impact on current levels of amenity.
	1. The comments received can be viewed in full on the Council’s website, via the online Planning Register.
1. **RESPONSE TO CONSULTATION**
	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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

* 1. ADDERBURY PARISH COUNCIL: Makes comments in relation to all existing hedges/trees on the boundaries being retained; and further expresses concerns about the scale of the development and visibility from the road.

OTHER CONSULTEES

* 1. LOCAL HIGHWAYS AUTHORITY (LHA): No objections, subject to the use being as applied for i.e. private use only.
	2. MINERALS AND WASTE: No objections.
	3. LANDSCAPE SERVICES: No comments received.
1. **RELEVANT PLANNING POLICY AND GUIDANCE**
2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
3. 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. 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
* 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

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

* AG5: Horse related development
* C8: Sporadic development in the open countryside
* C28: Layout, design and external appearance of new development

ADDERBURY NEIGHBOURHOOD PLAN 2014-2031 (ANP 2031)

* AD5: Local Gaps
1. Other Material Planning Considerations
* National Planning Policy Framework (NPPF)
* Planning Practice Guidance (PPG)
* Cherwell Residential Design Guide (2018)
1. **APPRAISAL**
2. The key issues for consideration in this case are:
* Principle of development
* Design, and impact on the character of the area
* Highway safety

Principle of development:

1. 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. There are three dimensions to sustainable development; these are environmental, social and economic; and in the context of this application would include conserving and enhancing the natural environment.
2. 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.
3. 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.
4. Equestrianism is a popular activity typically carried out in rural locations and which is compatible in principle with the rural and open character of the countryside. Saved Policy AG5 of the CLP 1996 indicates that proposals for horse related development will normally be permitted provided:
5. The proposal would not have an adverse effect on the character and appearance of the countryside;
6. The proposal would not be detrimental to the amenity of neighbouring properties;
7. The proposal complies with the other policies in the plan.
8. 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. In this instance, subject to the implementation of an appropriate landscaping scheme, it is considered that the proposals would not result in any significant detrimental impact on the character and appearance of the site and its setting within the rural landscape, discussed further below.
9. The site has previously been granted a certificate of lawful development for an existing use: with regard to the current site subject of this application the authorised use is for private riding and exercising of horses and occasional hay cutting.
10. The proposals would be consistent with the existing authorised equestrian use of the site and are considered an appropriate use within the rural context. The principle of development is therefore considered acceptable in general sustainability terms, subject to further considerations with regard to neighbour and visual amenity and highway safety discussed below.

Design, and impact on the character of the area:

1. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF also places significant weight on conserving and enhancing the natural environment, which is seen as one of the core principles of sustainable development. These aims are reflected in the policies of the Cherwell Local Plan.
2. Policy ESD13 of the Cherwell Local Plan 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 onto 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.
3. Policy ESD15 of the Cherwell Local Plan 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.
4. 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.
5. The proposals would sit on land currently devoid of any built form and as such would intrude into the openness of the countryside. However, the building would be sited close to an existing woodland area which is considered to reduce its prominence within the wider landscape setting. As noted above a public footpath runs across land adjacent the site, and views of the proposals would be experienced from this route with further views available from the Bloxham Road to the north and down the access lane.
6. The proposed stable building is single storey and of typical design for such a building in equestrian use and, subject to approval of specific construction materials, it would not appear out-of-place in the rural context within which it sits. Views of the proposed building 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 proposed building to views from the south. It is considered that whilst not included within the application further landscaping along the access drive would assist with softening the appearance of the building and this would further aid in the screening of the proposal.
7. It is 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. It is therefore considered that the character and appearance of the rural landscape is sustained and the proposals are therefore acceptable in this regard.

Highway safety:

1. The Local Highway Authority has assessed the proposals and raises no objections subject to the use being as specified within the application’s supporting documentation, i.e. personal to the applicant. Officers see no reason to disagree with this opinion.
2. The proposals are unlikely to give rise to significant vehicular movements to and from site subject to the use being restricted to private use as proposed. The proposals would utilise an existing access and there would be sufficient parking and manoeuvring within the site that vehicles could enter and leave in a forward manner.
3. As such it is considered that the proposals would not result in any significant impacts on the safety and convenience of highway users and are therefore also considered acceptable in this regard.

Residential amenity:

1. Given the remote rural location and context of the site it is considered that the proposals would not result in any detrimental impacts on residential amenity.
2. **PLANNING BALANCE AND CONCLUSION**
3. 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.
4. The proposals assessed within this application are considered to be an acceptable form of development that would not have a detrimental impact on neighbour amenity or highway safety; the proposed stables are considered appropriate within the site’s rural context and would not result in any significant undue harm through visual intrusion into the open countryside. The proposals are considered to be consistent with the provisions and aims of the above mentioned policies and are therefore recommended for approval as set out below.

|  |
| --- |
| 1. **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 2004.1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form, the Planning, Design and Access Statement, and drawings numbered P18-077 - 01 Rev. B and P18-077 – 03.

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.1. Prior to the commencement of the stable building hereby approved above slab level, a detailed schedule of materials and finishes for the external walls and roof of the building 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 schedule and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.1. 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;(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 pavements, pedestrian areas, reduced-dig areas, crossing points and steps;(d) details of all boundary treatments.Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements including boundary treatments shall be retained as such thereafter.Reason: In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.1. All planting, seeding or turfing comprised in the approved details of landscaping scheme 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 first use of the stable building 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 provide an effective screen to the proposed development and to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.1. The stable building hereby permitted shall be used for private equestrian use only and no commercial use including riding lessons, tuition, livery or competitions shall take place at any time.

Reason: In the interests of highway safety and visual amenity and the amenity of neighbours, in accordance with Policies AG5 and C28 of the Cherwell Local Plan 1996, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.1. The stable building hereby approved shall not be illuminated by any external lighting unless details of the proposed lighting have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996, Policies ESD 13 and ESD 15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.PLANNING NOTES:1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.
2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
3. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
4. It is known that in some areas of the northern part of Cherwell District elevated concentrations of naturally occurring arsenic, chromium and nickel exist above soil guideline values produced by DEFRA. While these elements are not considered a risk to the completed development, there exists a potential risk to building site workers during construction, due to dermal contact and inhalation of potentially contaminated soil and dust. For further information please contact the Council’s Environmental Protection Officer.
5. No materials, plant, temporary structures or excavations of any kind should be deposited/undertaken on or adjacent to the Public Right of Way that may obstruct or dissuade the public from using the public right of way whilst development takes place; to ensure the public right of way remains available and convenient for public use.
6. No changes to the public right of way direction, width, surface, signing or structures shall be made without prior permission approved by the Countryside Access Team at Oxfordshire County Council and subject to the necessary legal process; to ensure the public right of way remains available and convenient for public use.
 |

|  |  |  |
| --- | --- | --- |
| Case Officer:  | Bob Neville | DATE: 18/01/2019 |
| Checked By:  | Nathanael Stock | DATE: 21.01.2019 |