1. **APPLICATION SITE AND LOCALITY**
	1. The site is an existing residential property with associated land in rural location to the north-east of the villages of Sibford Ferris, Sibford Gower and Burdrop. The application site boundary crosses both residential curtilage and agricultural/paddock land associated with the property. The site sits within open countryside with residential properties to the south/south-west of the site. The residential property is served via an existing vehicular access off the B4035, which also serves Tyne Hill Farm and Tyne Hill House. A further gated access (partly subject of this application) serves the land east of Tyne Hill Barn, with land levels dropping significantly down from the access point off the highway into the fields which it serves.
	2. There are no notable site constraints relevant to planning and the current proposals.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
	1. The application seeks planning permission for the creation of a new private driveway, to serve the existing residential property (Tyne Hill Barn), utilising an existing gated access off the Sibford to Shutford Road. The proposed driveway would be of a tarmac finish.
	2. Amended plans/details have been received during the application at the request of officers. Unfortunately this has resulted in the application going beyond its original statutory target date, to allow for appropriate consideration of such revised details. An extension to the determination target was subsequently agreed with the applicant’s agent.
3. **RELEVANT PLANNING HISTORY**
4. There is no planning history directly relevant to the proposal:

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| Application Ref. | Proposal | Decision |
| 01/01067/F | Change of use of grazing land for horses to an outdoor riding arena and surrounding fence for private use. | Application Permitted |
| 02/02092/F | Erection of stable block, tack room and store room | Application Permitted |
| 03/00291/F | Change of use from agricultural land to garden and construction of 33.5 metre by 16.5 metre tennis court with a 2.74 metre high chain link fence | Application Permitted |

1. **PRE-APPLICATION DISCUSSIONS**
2. The following pre-application discussions have taken place with regard to this proposal:

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| Application Ref. | Proposal |
| 17/00287/PREAPP | Proposed new tarmac drive and access onto the Sibford Road. |

1. The applicant was advised of the information that would be required to support any subsequent planning application and deemed necessary by the LHA to demonstrate that the proposals would provide a safe and suitable access. Further that the road should be adequately mitigated by a landscaping scheme so as not to cause any undue impact on the wider rural landscape character of the area. With further consideration of proposed materials may being required, should wider views still be possible (or the road has to take a longer route than proposed). Report dated 06/11/2018.
2. **RESPONSE TO PUBLICITY**
	1. 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 all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 24.05.2018, although comments received after this date and before finalising this report have also been taken into account.
	2. During the application 7 no. letters/emails of support were received and a further letter, whilst indicating potential support, also raised a number of issues. The comments raised by third parties are summarised as follows:
* The new access would be safer than the existing.
* The proposals would not impact on the landscape of residential properties.
* Due regard should be given to the impact on the landscape.
* There have been no safety issues with the existing access.
* The submitted plans do not seem to accurately portray the steep gradient of the proposed new drive up to the Sibford Road.
* There is a covenant restricting the property being used for anything other than as a single private residential dwelling.
* The property has previously been used for commercial and holiday let purposes.
* Is this proposal the start of further development proposals.
	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. SIBFORD FERRIS PARISH COUNCIL: **No objections,** but makes the following observations:
* The uphill exit of the access opens on to a blind brow of a hill.
* The access is very steep and comes out on to a single track road.
	1. SIBFORD GOWER PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

* 1. LOCAL HIGHWAY AUTHORITY: No objections subject to conditions.

NON-STATUTORY CONSULTEES

* 1. LANDSCAPE OFFICER: Raises concerns about the lack of a detailed landscaping scheme and of the proposed surfacing material (tarmac). Advises if the application is to be approved *‘the surface of the drive should be set below the level of surrounding ground’.*
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)

* ESD13: Local Landscape Protection and Enhancement
* 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
1. Other Material Planning Considerations
* National Planning Policy Framework (NPPF)
* Planning Practice Guidance (PPG)
1. **APPRAISAL**
2. 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

Principle of development:

1. The site is an existing residential property and the proposals would not change the use of the site. The proposed driveway would serve the existing residential property and would be ancillary to this existing use. The principle of development is therefore considered acceptable in general sustainability terms subject to the further considerations discussed below.

Design, and impact on the character of the area:

1. The Government attaches great importance to the design of the built and natural 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. These aims are also echoed within Policy ESD15 of the CLP 2031.
2. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the rural or urban character of the context of that development.
3. Policy ESD 13 of the CLP 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. Furthermore, development that causes harm or visual intrusion into the open countryside will not be supported.
4. Proposed development in the countryside by its very nature can cause harm to valued rural landscape by virtue of being an alien feature within that landscape. However, due regard needs to be had for the level of harm that would be caused and whether it is such that that would warrant a reason to refuse the any such application.
5. Following a visit to the site and surrounding areas officers considered that there was very limited opportunity to view the proposed development from the public domain, and views would largely be limited to localised views from within the site and from neighbouring properties, with some glimpsed views through the access and highway boundary hedgerow and potential distance views; albeit that these would be interrupted by existing rural hedgerow planting and trees.
6. The proposed surfacing material (tarmac) is not considered an ideal finish material and officers would have preferred something more rural in its appearance, such as loose gravel or crushed stone, but regard has to be had for the practicalities of such materials (given the steep gradients at the site), materials that have been accepted on adjacent properties (Parsons Barn Farm to the north and Brakelands Farm to the south-east) and also what could be developed under agricultural permitted development rights.
7. During the application amended plans were received, which showed the proposed driveway being set within the landscape, in line with the comments of the Council’s Landscape Officer, which is considered to reduce the potential visual impact of the proposed driveway. Given the limited visibility of the proposals a detailed landscaping scheme was not considered necessary in this instance, given existing site and rural boundary hedgerows, which provide screening to the site.
8. On balance, and based on the amended plans received, it is considered that the proposals would not result in such significant intrusion into the open countryside that would warrant a reason to refuse the application that could be later be sustained at appeal. As such, the proposals are therefore considered acceptable in terms of visual amenity and impact on the character of the area.

Residential amenity:

1. Given the context of the site and relationship with neighbouring properties, it is considered that the proposals would not result in any significant impact on residential amenity and are acceptable in this regard.

Highway Safety:

1. The LHA has assessed the proposals and, following clarification on a number of matters raised regarding the potential vision splay issues, raise no objection on highway safety grounds subject to conditions in relation to full details of the proposed access and proposed vision splays remaining free from obstruction; further advising that a S184 agreement will be required for the verge crossover. Officers see no reason not to agree with this opinion, and consider that the requirements of the LHA could be secured through appropriate conditions and planning notes attached to any such permission.
2. The proposals utilise an existing agricultural gated access of which its use could continue or intensify without the need for planning permission. Whilst the proposals would change the nature of the vehicles using the site they are unlikely to present any significant further impact on highway safety than could currently be experienced through the agricultural use or intensification of such.
3. The LHA is satisfied that the proposed vision splays that are achievable are acceptable in highway safety terms relevant to the measured speeds of passing traffic. It is considered that subject to full details of the access and vision splays being secured that the proposals would not have a significant impact on the safety and convenience of highway users and are therefore considered acceptable in terms of highway safety.
4. **PLANNING BALANCE AND CONCLUSION**
5. 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.
6. The proposals assessed within this application are considered to be an acceptable form of development, ancillary to the existing residential use at Tyne Hill Barn and are acceptable in principle. The proposed driveway is not considered to significantly intrude into the landscape or detrimentally impact on the visual amenities of the site. Subject to approval of appropriate access and vision splay details it is considered that there would be no significant detrimental impact on highway safety or any significant impact on residential amenity.
7. It is therefore considered that the proposal assessed within this application is an acceptable form of development that complies with the provisions and aims of the above mentioned policies and is recommended for approval as set out below.

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| 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 and the following plans and documents: Planning Design and Access Statement, Matrix Transport Planning Technical Note (Ref. OX5019-1M and dated 29th May 2018) including drawing no. OX5019-1M-001 Rev. C, Location Plan - PL01 and Site Section and Proposed Site Plan - PL02 Rev. A.

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 development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework1. The vision splays shown on approved drawing no. OX5019-1M-001 Rev. C shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy FrameworkPLANNING NOTES:1. The applicant is advised that a S184 agreement will be required for the verge crossover. Please see Oxfordshire County Council’s website at <https://www2.oxfordshire.gov.uk/cms/content/dropped-kerbs> for further details.
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| Case Officer:  | Bob Neville | DATE: 14/06/2018 |
| Checked By:  | Nathanael Stock | DATE: 14.06.2018 |