1. **APPLICATION SITE AND LOCALITY** 
   1. The site is an area of agricultural land to the south/south-east of Muddle Barn Farm and New Barn Farm. Further agricultural land is also included within the blue line, i.e. the applicant’s ownership, covering broadly 440 metres in a west-east direction and 290 metres in a north-south direction and bounded to the west by the county boundary between Oxfordshire and Warwickshire. This boundary 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 with an existing driveway serving both Muddle Barn Farm and New Barn Farm and associated residential properties. There are records of bats in the area. There are no other notable site specific constraints relevant to planning and this application.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
   1. The application seeks planning permission for the creation of a new private driveway, with the partial removal of a section of the existing driveway, to serve a new residential development originally approved at appeal under ref. 16/01563/F. The proposals would utilise an existing access off Colony Road, with the proposed driveway being of a gravel top finish.
   2. Amended and additional plans/details have been received during the application in response to officer concerns in relation to potential landscape and ecological impacts. 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 date was subsequently agreed with the applicant’s agent.
3. **RELEVANT PLANNING HISTORY**
4. The following planning history is considered relevant to the current proposal:

|  |  |  |
| --- | --- | --- |
| Application Ref. | Proposal | Decision |
| 16/01563/F | Demolition of an existing dwelling and a range of large scale equestrian buildings and the erection of a replacement dwelling including associated works and landscaping ((revised scheme of 15/01693/F) | Application Refused/ Allowed at Appeal |
| 18/00616/F | Variation of Condition 2 (Plans) of 16/01563/F and Appeal ref: APP/C3105/W/17/3173098 | Application Permitted |
| 18/00793/F | Variation of Condition 2 (plans) of 16/01563/F (Appeal reference - APP/C3105/W/17/3173098) - minor material amendments involving alterations to the design of the replacement dwelling as well as the construction of a replacement outbuilding | Application Permitted |
| 18/00358/DISC | Discharge of Conditions 3 (dormers), 4 (materials), 5 (stone sample), 6 (doors and windows), 7 (FFLs), 10 (tree survey), 15 (badger check), 16 (Biodiversity enhancement) and 18 (access) of 18/00793/F | Pending Consideration |

1. **PRE-APPLICATION DISCUSSIONS**
2. Whilst the realignment of the driveway has been discussed during previous applications at the site, no formal pre-application discussions have been held or response issued 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, 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 04.10.2018.
   2. No comments have been raised by third parties.
4. **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.**
  2. SIBFORD GOWER PARISH COUNCIL: **No objections.**

STATUTORY CONSULTEES

* 1. LOCAL HIGHWAYS AUTHORITY: No objections.

NON-STATUTORY CONSULTEES

* 1. ECOLOGY: **No objections,** following the submission of revised and additional information and plans, subject to additional planting being secured.
  2. LANDSCAPE OFFICER: **No objections,** following the submission of revised and additional information and plans, subject to approval of an appropriate landscaping scheme.

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 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
* Highway safety

Principle of development:

1. There are two existing residential properties at the site currently served by the existing driveway. The proposals would not change the use of the site but would provide a separate access for each of the properties at the site. The proposed driveway would serve the proposed new replacement residential property originally approved 16/01563/F and would be ancillary to this 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. The proposals would see the partial removal of a section of an existing driveway to be replaced by an alternative route largely following existing agricultural hedgerows. The application is supported by a detailed Landscape and Visual Appraisal report which concludes that potential visual impacts and views of the proposed development would largely be restricted to localised views in and nearby to the site.
6. The Council’s Landscape Officer raises no objections to the proposals subject to an appropriate landscaping scheme which would look to mitigate the potential visual impacts of the new driveway across currently open countryside. During the application additional information was received in terms of an Arboricultural Impact Assessment drawing. The Landscape Officer advises that the landscape proposals should be based on the Arboricultural Impact Assessment drawing where the retained existing trees, woodland and hedgerows are indicated, along with the proposed landscape mitigation/trees and hedgerows drawn on. A hedgerow and tree planting schedule of nursery-supplied sizes of hedgerow and tree material is shown along with the hedgerow species plant spaces; and further that rabbit guards are probably going to be essential in this location. And that such tree planting and future maintenance should be carried out in accordance with appropriate British Standards (BS4428 (hedgerow planting and maintenance) and BS8545 (Tree planting and maintenance)).
7. The application does commit to specific details as to the proposed gravel top finish material, stating on the submitted drawing that this detail is subject to approval. However, it is considered that this detail could be included within the landscaping scheme.
8. The Council’s Ecologist considers the proposals to be acceptable in terms of potential impacts on features of ecological and biodiversity value, subject to the additional planting being secured. It is considered that an appropriate landscaping scheme could be secured through an appropriate condition.
9. On balance it is considered that the proposals would not result in such significant intrusion into the open countryside that could not be sufficiently mitigated through the implementation of an appropriate landscaping scheme. As such, the proposals are therefore considered acceptable in terms of visual amenity and impact on the character of the area.

Highway safety:

1. The LHA has assessed the proposals and raises no objections, expressing the opinion that the proposal, if permitted, would not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network. Officers see no reason not to agree with this opinion.
2. The proposals would utilise the existing access off Colony Road with the new access drive branching off the existing driveway. It would serve a residential development that has previously been considered acceptable in terms of highway safety; including appropriate levels of parking provision within the site. The proposals would not likely result in any significant vehicular movements above those currently experienced.
3. It is considered that the proposals are would not result in any significant impacts on the safety and convenience of other highway users and is 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 advises that the three dimensions to sustainable development (economic, social and environmental), which are interdependent, need to be pursued in mutually supportive ways.
6. The proposals assessed within this application are considered to be an acceptable form of development, ancillary to the residential use at the site originally approved under 16/01563/F and are acceptable in principle and in terms of highway safety. Subject to appropriate landscaping details being secured, it is considered that the proposed driveway would not significantly intrude into the landscape or detrimentally impact on the visual amenities of the site.
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.

|  |
| --- |
| 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: Landscape and Visual Appraisal (dated April 2018), Trees Planting Specification (dated 26/07/2018) and drawings labelled: Arboricultural Impact Assessment August 2018, 1759-166 Rev. B and 1759.151 Rev. C.   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 first use of the driveway hereby approved, 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 hedgerow 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 details of the proposed top gravel surface to the approved driveway.  Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme and the hard landscape elements shall be retained as such thereafter.  Reason: To ensure the continued health of retained trees/hedges 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 Policy 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.   1. 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: To ensure the continued health of retained trees/hedges 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 Policy 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.  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. The developer is advised that in respect of condition 3, the hedgerow and tree planting schedule of nursery-supplied sizes of hedgerow and tree material should be shown along with the hedgerow species plant spaces. Rabbit guards are probably going to be essential in this location. And further that the hedgerow planting and subsequent maintenance is to be in accordance with BS4428, whilst the tree planting and subsequent maintenance is to be in accordance with BS8545. 3. 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. 4. 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. |

|  |  |  |
| --- | --- | --- |
| Case Officer: | Bob Neville | DATE: 07/11/2018 |
| Checked By: | Nathanael Stock | DATE: 08.11.2018 |