1. **APPLICATION SITE AND LOCALITY** 
   1. The application site is an area of land to the east of the A422 (Stratford Road) approximately 1.15 kilometres to the west of Hornton, 2.1 kilometres north-east of Shenington and 2 kilometres from Alkerton. Agricultural land within the ownership of the applicant surrounds the site to the north, east, and west. Immediately to the west of the application site lies Hornton Grounds Quarry which is still in operation.
   2. The nearest residential dwellings are located approximately 300 metres to the south-east of the site which includes those at Horton Ground Farmhouse (a Grade II listed building) comprising living accommodation known as ‘Dairy Cottage’ (a Grade II listed building), ‘The Cottage’ (a Grade II listed building) and ‘Farmhouse’ (unlisted). Public right of way (reference: 255/5/10) is situated approximately 250m from the application site to the south east, and wraps around ‘Hornton Grounds’ to the west and the north.
   3. The site is situated approximately 365 metres south east of the Cotswolds Area of Outstanding Natural Beauty, but is not within a designated Conservation Area.
2. **DESCRIPTION OF PROPOSED DEVELOPMENT**
   1. Planning permission has previously been granted on the site for the erection of three agricultural sheds on land east of Hornton Grounds quarry, comprising of a grain store, a livestock building and a general purpose building (application 16/00752/F refers). The buildings would be typical of modern agricultural buildings, being constructed with a mix of concrete panels, dark green corrugated sheeting, and Yorkshire boarding.
   2. The current application seeks to vary the extant planning permission by way of an altered site layout. The proposed buildings in all other respects, including their size, scale and materials, would remain unaltered.
   3. The livestock building (at the northern part of the site) would move approximately 10m to the east and 9m to the north; the general purpose building (central within the site) would move approximately 33.5m to the east; and the grain store (at the southern part of the site) would move approximately 5m to the east and 8m to the south. The changes are proposed to increase the amount of space vehicles have within the site to safely manoeuvre.
3. **RELEVANT PLANNING HISTORY**
4. The following planning history is considered relevant to the current proposal:

|  |  |  |
| --- | --- | --- |
| Application Ref. | Proposal | Decision |
| 16/00752/F | Erection of new agricultural buildings | 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 advertisement in the local newspaper. The final date for comments was 13.07.2017.
   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.

HORNTON PARISH COUNCIL

* 1. Hornton Parish Council raises **no objections** to the proposals.

NON-STATUTORY CONSULTEES

* 1. CDC ENVIRONMENTAL PROTECTION: raises **no objections** in regard to noise, contaminated land, air quality, odour and light.
  2. CDC LANDSCAPE SERVICES: advised that landscape proposals should be submitted. The field boundaries between the site and the PRoW should be retained and enhanced with native trees. A landscape scheme was subsequently provided and this is considered acceptable.

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 Part 1)

* SLE1 - Employment 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)

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

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

Principle of development

1. The principle of development was assessed during the consideration of planning application 16/00752/F and was deemed to be acceptable. There are no material changes to the scheme which would result in the principle of development being considered differently from this planning application. The proposal is thus considered to be in accordance with Policy SLE1 of the CLP 2031 (Part 1), Saved Policy AG2 of the CLP 1996, and Government guidance contained within The Framework.
2. Notwithstanding the above, planning permission had also been granted for a parcel of land to the north of the quarry site for a similar proposal. During the consideration of the previous planning application (16/00752/F), it was considered appropriate for a legal agreement to prevent both approved developments from being carried out, as this would be unjustified and amount to a proliferation of buildings in the countryside. The wording in the UU states that “*upon grant of the Planning Permission, the Owner shall cease development pursuant to the Previous Planning Permission and shall not carry out (or cause or permit to be carried out) any further development or building operations whatsoever (within the meaning of the Planning Act and other acts) permitted by the Previous Planning Permission*”.
3. Given that the wording states ‘upon grant of planning permission’ and that permission has been granted, it is considered that this clause has already been triggered. Notwithstanding this, and for the avoidance of doubt, a linking agreement, or new UU on the current planning application, is considered necessary.

Design, and impact on the character of the area

1. Planning application 16/00752/F allowed the erection of three agricultural sheds on land east of Hornton Grounds quarry, comprising of a grain store, a livestock building and a general purpose building. This proposal was not considered to give rise to any unacceptable impact on the visual amenity of the site, the landscape character of the area, or on the amenity or enjoyment of the public rights of way. A condition relating to a landscaping scheme was, however, considered necessary to mitigate the scale, form and massing of the buildings (to safeguard the countryside character and appearance of the area), ‘*so as to ensure the buildings do not dominate or unacceptably intrude into the open landscape character which currently exists’*.
2. The current proposal seeks to alter the previously approved site layout. The change in site layout is not considered to give rise to any additional visual or landscape impacts beyond those previously considered.
3. Whilst the legal agreement was being prepared the landscaping details were provided to the Local Planning Authority. Following consultation with the Landscape Officer, these are considered to be acceptable and would have met the requirements of the landscaping condition on the extant planning permission. The condition requiring the details to be submitted is, therefore, no longer considered necessary. A separate condition will require the submitted landscaping scheme to be carried out.
4. Having regard to all of the above, the proposal is considered to accord with saved Policy AG2 of the Cherwell Local Plan 1996, and Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1.
5. **PLANNING BALANCE AND CONCLUSION**
6. 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.
7. The principle of development was assessed during the consideration of the previous planning application (16/00752/F) and was deemed to be acceptable. There are no material changes to the scheme which would result in the principle of development now being considered differently from this planning application.
8. The changes to the site layout are not considered to give rise to any additional visual or landscape impacts above what has previously been considered. The details of landscaping submitted during the life of the application are considered to be appropriate and should be approved accordingly.
9. The proposal is thus considered to be in accordance with saved Policy AG2 of the Cherwell Local Plan 1996, and Policies SLE1, ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the NPPF.

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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 4th November 2019.     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 following plans and documents: Agricultural Justification Statement and drawings numbered: Location Plan, '2558-3' (Elevations and Floor Plans for Grain Store), '2558-4' (Elevations and Floor Plans for General Purpose Building), and '2558-16' (Elevations and Floor Plans for Livestock Building) submitted with the original application ref: 16/00752/F, and Application forms, Planning Statement (May 2017), and drawing numbered: '2558-9 Rev A' (Site Plan) submitted with the application ref: 17/01109/F.   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. The development, hereby approved, shall be carried out in accordance with the soft landscaping details as shown on drawing numbered: HG 02 - 23/08/2017 submitted with the application ref: 17/01109/F. Tree and hedgerow supply, ground preparation, planting, and aftercare operations are to comply with the Horticultural Trade Association's National Plant Specification.   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 saved Policies AG2 and C28 of the Cherwell Local Plan 1996, and Policy ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1.   1. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out 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; and any trees 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 next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.     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 saved Policies AG2 and C28 of the Cherwell Local Plan 1996, and Policy ESD13 and ESD15 of the adopted Cherwell Local Plan 2011-2031 Part 1.   1. The development hereby approved shall be kept and used only for the specified purposes of agriculture, as defined in Section 336(1) of the Town and Country Planning Act 1990.     Reason - In the interests of ensuring the site remains in agricultural use, highway safety, and safeguard the amenities of the area in accordance with saved Policy AG2 of the Cherwell Local Plan 1996, and Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, and to comply with Government guidance contained within the National Planning Policy Framework  PLANNING NOTES  1 Future proposals for one or more new dwellinghouses on land forming part of the agricultural unit will not be viewed favourably as the land is currently served by the landowner living in Shenington with the on-site welfare needs of the animals taken care of by the landowner and stockman  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 2501  3 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.  4 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.  5 Attention is drawn to a Legal Agreement related to this development or land (dated 17th October 2017) which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers. |

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| Case Officer: | Matthew Coyne | DATE: 13/10/2017 |
| Checked By: | Alex Keen | DATE: 17/10/2017 |