

<b>APPLICATION NO.</b>	<a href="#">P17/S3081/FUL</a>
<b>APPLICATION TYPE</b>	Full application
<b>REGISTERED</b>	21.8.2017
<b>PARISH</b>	Great Milton
<b>WARD MEMBER(S)</b>	Caroline Newton
<b>APPLICANT</b>	Mr C Dickson
<b>SITE</b>	Crofts Furlong Farm, Lower End, Great Milton, OX44 7NJ
<b>PROPOSAL</b>	Change of use of land to tennis court for ancillary domestic use to Crofts Furlong Farm (as amended by drawing P20A which has moved the tennis court away from the hedge).
<b>OFFICER</b>	Kim Gould

1.0 **INTRODUCTION**

1.1 This application has been referred to Planning Committee for a decision as the officer's recommendation differs from the views of the Great Milton Parish Council.

1.2 The site lies within the built up limits of Great Milton within the Oxford green belt. The site lies at a higher level than the main street.

1.3 In 2014 under planning ref P14/S0279/FUL planning permission was granted for a replacement dwelling at Croft Furlong Farm. This scheme has been implemented and is nearing completion.

1.4 An OS extract of the site is **attached** as Appendix 1.

2.0 **PROPOSAL**

2.1 This application seeks full planning permission to change the use of agricultural land immediately north of Croft Furlong Farm, within the ownership of the applicant, to construct a tennis court for personal use by the occupiers of Crofts Furlong Farm.

2.2 The tennis court would have a dark green tarmac surface and would be surrounded by a 3.0 metre high dark green plastic coated chain link fence.

2.3 During the determination of this planning application amended plans have been received which have moved the siting of the proposed court 3 metres away from the existing hedging at the request of the council's countryside and tree officers. A copy of the site plan is **attached** as Appendix 2. The application and all supporting information can be seen on the council's website at [www.southoxon.gov.uk](http://www.southoxon.gov.uk).

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Great Milton Parish Council – Object

- Encroachment on the Oxford green belt
- Change of use from agriculture
- Dangerous precedent
- Not a public benefit amenity

3.2 Countryside Officer – Concern regarding **original plans** – It is unlikely that the proposed development would have a direct impact on any protected species. The loss of grassland habitat would be minimal. I am concerned that the proximity of the proposed tennis court to the existing hedgerow may lead to the premature decline of the hedgerow. Hedgerows are considered to be a habitat of principle importance under section 41 of the NERC Act 2006. I recommend that the Forestry Officer is consulted on this application to provide a specialist view as to whether the proposed development would result in the loss of the hedgerow.

**No objection** regarding **amended plans** subject to forestry officer being satisfied that the hedge can be protected during construction and retained.

3.3 Forestry Officer – **Original plans** – The construction of the tennis court has the potential to lead to the premature decline of the adjacent mature hedge. No arboricultural information has been submitted to illustrate the impact of the proposal on the hedge. The applicant therefore has two options:

1. Survey the tree and hedge line due east of the proposed tennis court and provide an impact assessment, or
2. Move the location of the tennis court due west by 3 metres to avoid the need to excavate within the rooting area of the hedge. Root protection fencing will need to be erected to prevent any soil excavation being undertaken so close to the hedge.

The above matters should be addressed prior to the determination of this application.

**Amended plans** – The amended plans have addressed my previous concerns, therefore I have no further objections. If permission is to be granted a hedge protection condition should be attached.

#### 4.0 **RELEVANT PLANNING HISTORY**

4.1 [P12/S2375/PEM](#) – Pre application advice 05/11/2012  
Change of use from agricultural to engineering works

#### 5.0 **POLICY & GUIDANCE**

5.1 South Oxfordshire Core Strategy (SOCS) Policies  
CSS1 The Overall Strategy  
CS1 Presumption in favour of sustainable development  
CSEN2 Green Belt protection

5.2 The South Oxfordshire Local Plan (SOLP)  
D1 Good design and local distinctiveness  
GB4 Visual amenity of the green belt  
EP1 Prevention of polluting emissions  
EP2 Noise and vibrations  
EP3 Light pollution

5.3 Neighbourhood Plan policies - no plan yet in preparation.

5.4 Supplementary Planning Guidance/Documents

South Oxfordshire Design Guide 2016 (SODG 2016)

5.5 National Planning Policy Framework (NPPF)

National Planning Policy Framework Planning Practice Guidance (NPPG)

6.0 **PLANNING CONSIDERATIONS**

6.1 The main issues to be considered in the determination of this planning application are:

- Whether the proposed tennis court is appropriate development in the green belt
- Whether there are any very special circumstances
- Impact on the openness and visual amenity of the Oxford green belt
- Impact on neighbours
- Impact on trees and hedges
- CIL
- Other issues

6.2 **Whether the proposed tennis court is appropriate development in the green belt**

The site lies within the Oxford green belt where there is a presumption against inappropriate development. Inappropriate development, is by definition, harmful to the openness of the green belt and should be resisted. The NPPF sets out the 5 aims of the green belt as:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns from merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in the urban regeneration, by encouraging the recycling of derelict and other urban land.

The NPPF sets out those uses and developments which are appropriate development in the green belt. Included within these are some engineering operations. The construction of a tennis court does not involve the erection of a building but will involve the levelling and surfacing of the land and its private recreational use in connection with the occupation of Crofts Furlong Farm. In your officers opinion the principle of creating of a tennis court is acceptable in green belt terms but the impact on the work on the openness and visual amenity of the green belt must be carefully considered.

6.3 **Impact on the openness and visual amenity of the green belt.**

The fencing around the court in this case would be 3.0 m high. It is relevant to mention that fencing of up to 2.0m in height would not in require planning permission. As such, the impact of the additional 1.0 metre on the openness and visual amenity of the green belt falls to be considered as part of this planning application. The proposed tennis court would be sunk into the ground at the southern end which would help to reduce its impact on the local landscape. It would be well screened by existing trees to the east and the house would screen any views of the court from the south. The proposed green chain link fencing would be viewed against the backdrop of trees so would not be visually prominent in your officers' opinion. The court would have a green surface which would further reduce its visual impact when viewed from the north. Views would be possible through the green chain link fencing and it would not be visually intrusive in the landscape, nor would it adversely affect the openness or visual amenity of the Oxford green belt. The application red site area is drawn tightly around the area of the proposed tennis court. Therefore the area subject to the change of use would be relatively small.

6.4 **Impact on neighbours**

In the proposed location, the court would be sited away from neighbours and is not considered likely to generate unacceptable levels of noise and disturbance. A condition is recommended which would ensure that the use of the proposed tennis court would remain ancillary to Crofts Furlong Farm and it would not be used commercially. As such

any noise and disturbance to neighbours would be kept to a minimum. No flood lights are proposed with this application. Any such future proposal would be subject to a full planning application and consultations would be carried out with neighbours, the Parish Council and the council's Environmental Health officers. No objections have been received from neighbours in relation to this proposal.

**6.5 Impact on trees and hedges**

The siting of the proposed tennis court has been moved 3 metres away from a hedgerow during the determination of the planning application at the forestry officer's request. In its amended form, the council's forestry officer has no objection to this proposal providing a general hedge protection condition is included with any planning permission.

**6.6 CIL**

As the proposal does not represent additional floor area to a building, it is not CIL liable.

**7.0 CONCLUSION**

7.1 The principle of a tennis court within the green belt is considered acceptable. Given its siting and design it would not be harmful to the openness or visual amenity of the green belt and it would not be unneighbourly. As such the proposal accords with the relevant Development Plan policies.

**8.0 RECOMMENDATION**

**That planning permission is granted subject to the following conditions:**

- 1. Commencement three years - full planning permission.**
- 2. Approved plans.**
- 3. Retention of existing hedge.**
- 4. Personal use only.**

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