

APPLICATION NO.	P21/S3199/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	3.11.2021
PARISH	HOLTON
WARD MEMBER(S)	Tim Bearder
APPLICANT	Mr Stephen Longthorp
SITE	St. Andrew's Field, Holton Road, Holton, OX33 1PZ
PROPOSAL	To widen an entrance. Removal of a section of wall. Installation of new farm gates (as amplified by corrected block plans drwg no s BLO-001A and BLO-002A received on 28/02/22).
OFFICER	Will Darlison

1.0 INTRODUCTION AND PROPOSAL

- 1.1 The application is referred to planning committee because the Officer's recommendation for approval conflicts with the views of Holton Parish Council, who object to the proposed development.
- 1.2 St Andrew's Field forms a relatively triangular shaped piece of land. It is located to the north of Wheatley Park School and within the parish of Holton. The development proposed is in the eastern part of the field, at the existing vehicular access point.
- 1.3 The application site is washed over by the Oxford Green Belt. A plan identifying the site is attached at **Appendix 1** to this report.
- 1.4 The application seeks planning permission to widen the existing vehicular access to the site. This would require the demolition of a section of boundary wall. A new set of farm gates are then to be installed to serve the access and a new short section of wall to be constructed.
- 1.5 Reduced copies of the plans accompanying the application are attached at **Appendix 2** to this report. All the plans and representations can be viewed on the Council's website www.southoxon.gov.uk under the planning application reference number.
- 1.6 There is an ongoing enforcement investigation at the site centred around the following alleged matters: 'without planning permission the material change of use of land from agriculture to a mixed use of agriculture and leisure/non-agricultural uses and various operational developments including landscaping works and erection of a timber building.'. However, there are no provisions within the planning system to refuse to consider an application or to delay the determination of a valid application on the grounds that there are outstanding enforcement matters. The planning system allows for retrospective planning applications to be made under S.73A of the Town and Country Planning Act 1990 (as amended), thus undertaking development without the relevant planning permission of itself is not a breach of planning control. The NPPF also advises that formal enforcement action, should not be taken simply to regularise unauthorised development.
- 1.7 Corrected block plans have been submitted to address a scaling issue with the originally submitted information.

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

2.1 **Holton Parish Council – Objection**

- The existing access has always been adequate for the agricultural and ancillary usage to date and the removal of a section of wall would destroy the unique character of the village landscape

Countryside Officer – No objection

Highways Liaison Officer (Oxfordshire County Council) – No objection subject to condition

Neighbour representations - Neighbour objections x (3)

- The land is officially classified as agricultural despite evidence that other uses are, or have been carried out there. Section 14 of the application form is therefore incorrect
- The road to the north of the field has a very high amenity value for walkers and cyclists. There is no pavement on either side of the road and safety for these road users must be the first priority
- Any future development at the site will increase the vehicle movements. This would be detrimental to the amenity and safety of the road
- The information supplied by the applicant is not sufficient to accurately illustrate the visibility splays
- The existing agricultural gateway does not require any widening for the type of traffic that uses it
- The application is attempting to get around the objection from Highways in the last application to erect a house on the site
- The widening would need to demolish part of old Holton Park Wall and would need some re-siting of electricity poles that feed the village

3.0 **RELEVANT PLANNING HISTORY**

3.1 [SE20/188](#) - Without planning permission the material change of use of land from agriculture to a mixed use of agriculture and leisure/non-agricultural uses and various operational developments including landscaping works and erection of a timber building.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework and Planning Practice Guidance**

5.2 **South Oxfordshire Local Plan 2035 (SOLP) Policies:**

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES6 - Residential Amenity

DES7 - Efficient Use of Resources

ENV1 - Landscape and Countryside

ENV3 - Biodiversity

STRAT1 - The Overall Strategy

STRAT6 - Green Belt

TRANS5 - Consideration of Development Proposals

5.3 **Supplementary Planning Guidance/Documents**

5.4 South Oxfordshire Design Guide 2016 (SODG)

5.5 **Other Relevant Legislation**

5.6 Human Rights Act 1998

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

5.7 Equality Act 2010

In determining this planning application the Council has regard to its equalities obligations including its obligations under Section 149 of the Equality Act 2010.

6.0 **PLANNING CONSIDERATIONS**

6.1 **The relevant planning considerations are the following:**

- **Principle of development and impact on the openness of the Oxford Green Belt.**
- **Impact on highway safety.**
- **Impact on the character and appearance of the site and wider area.**
- **Impact on protected species.**
- **Carbon reduction.**
- **Community Infrastructure Levy.**

6.2 **Principle of development and impact on the openness of the Oxford Green Belt.**

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is set out in Section 13 of the advice from Central Government in the National Planning Policy Framework and supported in Policy STRAT6 of the SOLP.

6.3 The five purposes of the green belt are;

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

6.4 In addition, there is a general presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt. 'Very special circumstances' to justify inappropriate development will not exist unless the harm by reason of inappropriateness and any other harm is clearly outweighed by other circumstances.

6.5 The NPPF advises at paragraph 150 that a local planning authority should regard certain forms of development as acceptable development in the Green Belt. These are:

- mineral extraction;
- **engineering operations;**
- local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- the re-use of buildings provided that the buildings are of permanent and substantial construction;

- material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.
- 6.6 Works to create or alter an access are regarded as an engineering operation, and are included in the list above. It would therefore be acceptable development in the Green Belt taking place within the built-up limits of Holton and along part of what is an established boundary wall. The widened access would not materially alter the route of the wall as whole and would have a neutral impact on the openness of the area.
- 6.7 Objections have been received from the Parish Council as well as local residents that the proposed development should be refused on the basis that there is no justification for the widening of the access and that the existing arrangement has been adequate up until now. This is not, in my opinion, a legitimate reason to resist the proposed development in this instance. If a modest proposal, such as this, can demonstrate compliance with the Development Plan then there are no grounds to require a justification or to refuse development.
- 6.8 **Impact on highway safety.** With respect to highway safety matters the advice from Central Government set out in the National Planning Policy Framework (NPPF) is as follows: *Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.* The term severe is locally interpreted as situations, which have a high impact, likely to result in loss of life, or a higher possibility of occurrence with a lower impact.
- 6.9 Policy TRANS5 seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.
- 6.10 The Highways Liaison Officer has reviewed the proposal and provided comments. They have no objection to the proposed widening of the access. They do however clarify that this is on the basis of the land remaining in its current use and that if there were to be subsequent development proposed on the site the substandard nature of the visibility splays, tracking etc would need to be addressed and brought up to standard.
- 6.11 The last point raised by the Highways Liaison Officer is particularly relevant to the objections received from local residents. The comments from local residents have suggested that this application is seeking to address the substandard nature of the existing access prior to making an application for further development on the site. It is not appropriate to speculate on the motives of applicants on planning applications given the role of this report is to assess the proposed development on its own merits judged against development plan policies. However, what is important is that the Highways Liaison Officer clearly asserts that the acceptability of the current proposal is on the basis of the existing use and any further development at the site would require the access to be brought up to standard.
- 6.12 **Impact on the character and appearance of the site and wider area.** DES1 of the SOLP states that all new development must be of a high-quality design with DES2 ensuring that it must respond to and enhance local character.
- 6.13 The existing access arrangement has an entirely functional appearance as does the gate that serves it, which is in keeping with the agricultural nature of the land it serves. This can be seen in the two photographs taken of the access from the road, which have been included below. The access does not, in my opinion, contain any visually attractive elements that positively contribute to the amenity of the street scene.

6.14



6.15 The proposed development would not materially alter the contribution that the entrance makes to the area, it would remain legible as a functional access point with a neutral impact on the wider area. The submitted drawings whilst rudimentary do show that the proposed replacement gates would be of a five bar variety commonly seen to access agricultural fields. The loss of the section of wall is not considered to amount to material harm given the modest section that would be demolished. In addition, the wall is not listed nor located within a conservation area. Therefore, I am satisfied that the proposed development would be acceptable in design terms and would not represent harm to the character or appearance of the street scene.

6.16 **Impact on protected species.** Policies ENV2 and ENV3 of the SOLP relates to biodiversity and states that development that will conserve, restore and enhance biodiversity in the district will be supported. All development should provide a net gain in biodiversity where possible. As a minimum, there should be no net loss of biodiversity.

6.17 The application site is within the village of Holton, which is known to contain populations of great crested newts (GCN) with ponds around the settlement forming a network supporting a metapopulation. The Countryside Officer was consulted to ensure that the proposed development would not negatively impact on GCN habitats. They reviewed the proposals and stated in their comments that the widening of the access would result in a very small working area and that it would be suitably far away from nearby ponds to mean that the risks of significant impacts on GCNs would be acceptably low. They confirmed that this approach is in accordance with Natural England's rapid risk assessment tool. They raised no objection to the development.

6.18 **Carbon reduction.** Policy DES10 of SOLP requires proposals for non-residential development to meet the BREEAM excellent standard.

6.19 Whilst the proposed development is non-residential in nature it does not involve the construction of a building with enclosed floor space. It is therefore not possible for it to achieve the BREEAM excellent standard and this policy cannot reasonably be applied to the development.

6.20 **Community Infrastructure Levy.** In this case CIL is not liable for the proposal, this is on the basis that it does not include development set out in the charging schedule.

7.0 CONCLUSION

7.1 Officers recommend that planning permission is granted because the development would not materially harm the amenities of neighbouring properties. It would be of a design that would be in keeping with the rural character and appearance of the existing site and it would not be harmful to the street scene. In conjunction with the attached conditions, it will not harm the openness of the Green Belt, surface water drainage or highway safety and will accord with development plan policies.

8.0 **RECOMMENDATION**

8.1 **To grant Planning Permission subject to the following conditions;**

- 1 : Commencement three years - Full Planning Permission**
- 2 : Approved plans**
- 3 : Existing vehicular access**

Author: Will Darlison

Contact No: 01235 422600

Email: planning@southoxon.gov.uk