

APPLICATION NO.	P22/S1297/FUL
APPLICATION TYPE	FULL APPLICATION
REGISTERED	1.4.2022
PARISH	BRIGHTWELLCUMSOTWELL
WARD MEMBER(S)	Anne-Marie Simpson Jane Murphy
APPLICANT	Mr Colin and Mrs Vanessa East-Hardy
SITE	Land at The Byre Mackney Lane Brightwell cum Sotwell, OX10 0SQ
PROPOSAL	Erection of an agricultural building and associated works (As amplified by email and accompanying information received 26 May 202 and amended by revised floor plan).
OFFICER	Paul Bowers

1.0 **INTRODUCTION AND PROPOSAL**

1.1 This report sets out the officer’s recommendation that planning permission should be granted having regard to the material planning considerations and the development plan.

1.2 The application is referred to planning committee because the recommendation to grant planning permission conflicts with the views of the Brightwell cum Sotwell parish council.

1.3 The site is located at the southern edge of Brightwell cum Sotwell. It is bounded to the east by Mackney Lane and on the other side of the road the recreation ground. The northern boundary is formed by a watercourse and a public footpath with further residential development extending northward along Mackney Lane. Boundaries to the west and south are marked by stockproof fences and hedges with agricultural land beyond.

The site is identified on the Ordnance Survey Extract attached at **Appendix 1**.

1.3 Agricultural land at the site extends to approximately 2.1 hectares, managed for hay production and livestock grazing. The land is part of a wider holding of some 12 hectares in the local area.

1.4 The land is currently served by one agricultural building located on the northern boundary of the parcel of land. The building is an open fronted storage building which is used for the storage of hay produced on the holding.

1.5 To the north of the application site and corner of the agricultural field is a newly erected dwelling which replaced a former agricultural building on the site.

1.6 **The Proposal.** The application seeks planning permission for the erection of an agricultural building to provide secure storage and livestock accommodation on the site. The building will have a width of 20.3 metres by 9.14 metres depth and a height of 5.5 metres to the ridge of the roof.

The building will be constructed in concrete block work up to one metre with cladding to the eaves. The rear eastern elevation will be clad with dark green, profiled metal

sheeting. The end elevations to the North and South and the front will be clad with spaced timber boarding. In addition, full height sliding metal doors in a dark green colour will provide access to the building. The barn will be roofed in corrugated fibre cement and will include translucent panels that will allow natural light into the building.

- 1.7 Reduced copies of the plans accompanying the application are attached as **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

2.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

- 2.1 **Brightwell-cum-Sotwell Parish Council** – Strong Objection – see **Appendix 3** for full comments. The additional information did not alter the original comments.

Third Party Responses – 11 x letters of objection covering the following issues;

- Increase in farm traffic along Mackney Lane.
- A better location for the building is possible.
- The building is ugly and will detract from the attractiveness of Mackney Lane.
- The hay store could provide for housing for livestock.
- Concern that the site is not being used for livestock.
- The building is too large and not needed to be so large.
- Too close to the public right of way.
- An agricultural building was lost to create the new dwelling on the site and would have been suitable for the uses proposed in this application.
- The applicant will later apply to convert the building to a dwelling.
- The development will undermine the Mackney gap.

Drainage – No objection subject to a surface water condition.

Highways Liaison Officer – No objection.

Countryside Officer - There are no known ecological constraints on the application site (e.g. protected species records or mapped priority habitats). The application site is comprised of arable fields that, from historic and current photography, appear to be ploughed regularly and have a low intrinsic biodiversity value. There are ponds within 250 metres of the site, but these are separated by ordinary watercourses which likely form a dispersal barrier to amphibians.

Subject to external lighting being wholly restricted on the eastern elevation of the structure, and the imposition of the following condition, I am satisfied that the proposed development would not lead to any significant adverse ecological impacts if planning permission were to be granted:

3.0 **RELEVANT PLANNING HISTORY**

- 3.1 [P20/S2746/FUL](#) - Approved (06/11/2020)

Variation of condition 2 (approved drawings - change of internal layout with additional dormer window and velux windows in the roof) on application P20/S0149/FUL

[P20/S1964/NM](#) - Approved (02/07/2020)

Non material amendment to application ref. P20/S0149/FUL - reduction in size of front vaulted lounge window by 1 bay and installation of glazed door with sash to the north side elevation (in vaulted lounge).

[P20/S0149/FUL](#) - Approved (27/03/2020)

Demolition of two agricultural barns, erection of single dwelling house

[P18/S3089/FUL](#) - Withdrawn (15/01/2020)

Demolition of two agricultural barns and erection of two dwellings and ancillary access road and access off Mackney Lane .

[P18/S1279/FUL](#) - Approved (20/07/2018)

Demolition of agricultural barn and erection of new dwelling and creation of residential curtilage.

[P17/S3120/O](#) - Refused (12/01/2018) - Appeal dismissed (01/07/2019)

Erection of three detached dwellinghouses (As amplified by Mode Transport Technical Note October 2017 accompanying agents letter dated 23 October 2017).

[P17/S0343/O](#) - Refused (23/03/2017)

Construction of four dwellings and access drive.

[P16/S3875/FUL](#) - Approved (18/01/2017)

Conversion of an agricultural building to a single dwellinghouse and creation of domestic curtilage.

4.0 **ENVIRONMENTAL IMPACT ASSESSMENT**

4.1 N/A

5.0 **POLICY & GUIDANCE**

5.1 **Development Plan Policies**

South Oxfordshire Local Plan 2035 (SOLP) Policies:

DES1 - Delivering High Quality Development

DES10 - Carbon Reduction

DES2 - Enhancing Local Character

DES3 - Design and Access Statements

DES6 - Residential Amenity

ENV1 - Landscape and Countryside

ENV6 – Historic environment

ENV8 – Conservation areas

EMP10 – Development in rural areas

EP4 - Flood Risk

INF4 - Water Resources

STRAT1 - The Overall Strategy

TRANS5 - Consideration of Development Proposals

5.2 **Neighbourhood Plan**

Brightwell cum Sotwell Neighbourhood Plan (BCSNP) policies;

BCS1 - Brightwell cum Sotwell Village Boundary

BCS6 - Local gaps

BCS7 - Landscape character and the villages

BCS9 - Design principles

BCS10 – Design principles in the Conservation Areas and their setting.

BCS12- Biodiversity, trees, hedgerows and wildlife

BCS13- Footpaths and bridleways

5.3 **Supplementary Planning Guidance/Documents**

South Oxfordshire Design Guide 2016 (SODG 2016)

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

5.5 **Other Relevant Legislation**

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.

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 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

The development plan comprises the South Oxfordshire Local Plan 2035 (SOLP) and the Brightwell cum Sotwell Neighbourhood Plan (BCSNP).

6.2 The main issues to consider in this case are:

- **Whether there is an agricultural need for the building.**
- **Impact on the landscape character of the area.**
- **Impact on the setting of the conservation area.**
- **Impact on highway safety.**
- **Impact on residential amenity.**
- **Impact on ecology.**
- **Impact on drainage.**
- **Carbon reduction.**
- **Other issues.**

6.3 **Whether there is an agricultural need for the building.**

Policy EMP10 of the SOLP states that proposals for sustainable economic growth in rural areas will be supported. It goes on to state that the Council will support the sustainable growth and expansion of all types of business and enterprise in rural areas through conversion of existing buildings. It also states that the council promote the sustainable development and diversification of agricultural and other land-based rural businesses.

6.4 The council has received objections from local residents and the parish council that have questioned whether there is a need for the proposed building on a piece of land of this size.

6.5 The applicant's agent has provided additional detail in response to these comments.

They have clarified that the applicant's agricultural business does not occupy the land at The Byre in isolation and that the proposed building will support a wider agricultural business which operates across approximately 12 hectares (30 acres) locally.

In addition, they have confirmed that the existing agricultural building on the site provides storage for hay harvested on the holding and straw which is purchased off the site whereas the new building will provide secure storage and livestock accommodation.

6.6 They have also confirmed that a sheep flock is rotated around parcels of land occupied by the applicant's farm business. Goats are currently kept on land near Cholsey but are

proposed to be relocated. The base for livestock production will relocate to The Byre so the applicants can fully monitor lambing and kidding.

- 6.7 Local objection has also been raised on the basis that the proposed building comes after the loss of an agricultural building to allow for the creation of the new dwelling on the site. I can confirm that the building replaced by the dwelling was of a size and quality that would not have been appropriate for the current intended use as set out by the applicant.
- 6.8 I have taken seriously the concerns expressed by local residents and the parish council in relation to the need of the business for a building of this size. The council has consulted with Reading Agricultural Consultants (RAC) who are an independent agricultural specialist who often advise the council on matters of agricultural need.
- 6.9 It is generally accepted that the storage of agricultural machinery when left outside and open to the weather can lead to deterioration and rusting of moving parts which can increase maintenance costs. Left out in the open, machinery is also vulnerable to theft. These facts are recognised by RAC in their assessment.
- 6.10 RAC accepts that there is a need for storage of maintenance equipment on the site, and the machinery and equipment detailed to be stored is considered appropriate for the applicant's agricultural activities.
- 6.11 RAC considers the overall total size of the proposed building (185.5m²) is of an appropriate size for the purposes of agriculture on the application site based on the type and size of equipment and machinery requiring storage and the livestock numbers involved.

They also consider that the proposed agricultural building has been appropriately designed for its intended use for machinery storage and livestock housing, it being suitably secure and well ventilated.

- 6.12 On the basis of this independent, RAC assessment I am satisfied that there is a clear need and justification for a building of this size on the holding and in particular this location.
- 6.13 Returning to the objectives of policy EMP10 of the SOLP and the council's position of supporting rural business, I am of the view that this development complies with that policy.

6.14 **Impact on the landscape character of the area.**

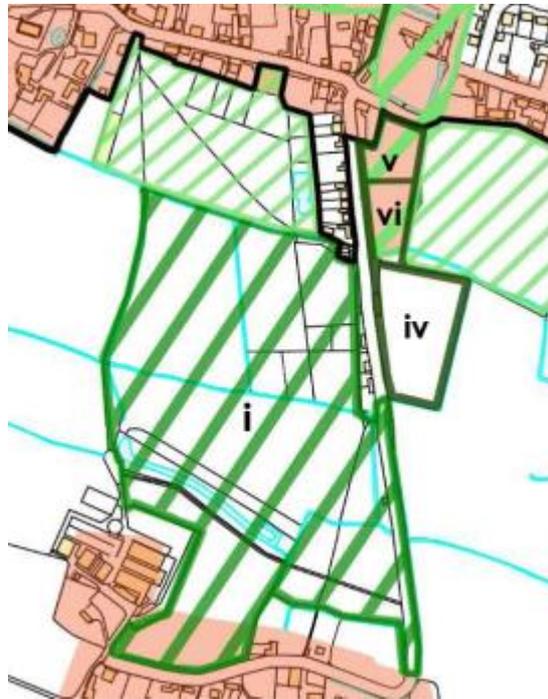
Policy ENV1 of the SOLP aims to protect South Oxfordshire's landscape, countryside and rural areas against harmful development. Development will only be permitted where it protects and, where possible enhances, features that contribute to the nature and quality of South Oxfordshire's landscapes, in particular, and amongst other criteria, the landscape setting of settlements.

Policy DES1 of the SOLP seeks to ensure that all new development is of a high-quality design subject to a series of criteria.

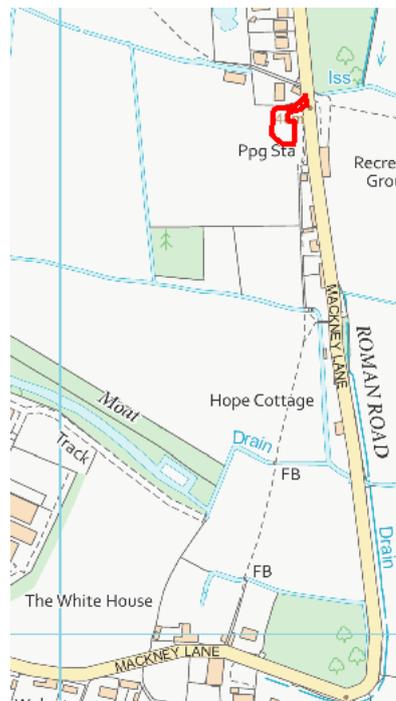
Policy DES2 of the SOLP requires that all new development must be designed to reflect the positive features that make up the character of the local area and should both physically and visually enhance and complement the surroundings.

- 6.15 Policy BCS6 of the BCSNP relates to local gaps and identifies two specific areas that are identified on the policies map within the neighbourhood plan. These are the Brightwell cum Sotwell - Mackney Gap and The Slade End Local Gap.

The application site falls within the Brightwell cum Sotwell -Mackney Gap
An extract from the Policies Map is set out below. The Brightwell cum Sotwell - Mackney Gap is identified by the thicker cross hatching with the letter 'i' in the centre.



- 6.16 For context the extract below shows the position of the application site within this area;



For clarity the site is located in the north-eastern section of the defined Brightwell cum Sotwell - Mackney Gap.

- 6.17 Policy BCS6 states that development proposals should ensure the retention of the open character of the Local Gaps. Proposals for the re-use of rural buildings, agricultural and forestry-related development, playing fields, other open land uses and minor extensions to existing dwellings will be supported where they would preserve the separation between the settlements concerned and retain their individual identities.
- 6.18 Policy BCS9 relates to design and states that development proposals will be supported, provided they complement, enhance and reinforce the local distinctiveness of the village and where appropriate are designed to enhance the setting of the conservation areas and their settings. Proposals must show clearly how the scale, mass, density, layout and design of the site, building or extension fits in with the character of the immediate area and wider context within the village. The scale of new developments should conserve and enhance the rural character and appearance of the village and its landscape setting
- 6.19 Whilst seeking to protect this defined gap the Policy BCS6 is permissive of certain types of development taking place within it, which includes agricultural development, providing that the separation between the settlements is retained.
- 6.20 It is established that there is an identified and accepted agricultural need for the building.

This is an agricultural development and is therefore an accepted form of development that can take place within the gap as permitted by the policy BCS6.

However, this is provided that the separation between the settlements is retained.

Given the extent of the gap between the settlements and the limited size and position of the proposed agricultural building, I am satisfied that the new building will have no material impact on the separation created by the gap and accords with the Policy BCS9 of the BCSNP.

- 6.21 The building will be sited adjacent to the boundary with Mackney lane.

There are a limited number of options for siting the building. To ensure the most effective use of the land the building will likely need to be located along one of the four boundaries. The building could be located to the north adjacent to the existing agricultural building or to the South or along the western boundary.

The latter two options would increase the prominence of the building in the wider landscape in my view. The proposed location close to the existing dwelling on the site is appropriate in terms of access to the building and its use for the keeping of livestock.

- 6.22 Taken overall, I am satisfied that the position, design and appearance of a typical agricultural building are not inappropriate to the rural setting.

Whilst it will be visible from the public vantage points of the lane and the recreation ground it is not so intrusive or out of keeping that it would detract from the character of the area in your officer's view.

- 6.23 The design and siting of the building is a fairly typical situation along a rural lane and will not harm the setting of either Brightwell cum Sotwell or Mackney and will not result any significant loss of the gap between the two settlements.
- 6.24 The development is acceptable as it is designed and to be used in relation to agriculture. Should the building be used for any other purpose the justification for the development falls away. I am therefore proposing a condition that seeks to ensure that the building is used for agricultural purposes and for no other use.
- 6.25 In your officers view the proposal accords with policy DES1, DES2 and ENV1 of the SOLP and BCS6 and BCS9 of the BCSNP.

6.26 **Impact on the setting of the conservation area.**

The site is not located in the Brightwell cum Sotwell Conservation Area but it is located to the north east of the access on the other side Mackney Lane. The map at Appendix 1 shows the conservation area boundary.

- 6.27 Policy ENV6 of the SOLP relates to the historic environment and requires that proposals for new development that may affect designated and non-designated heritage assets should take account of the desirability of sustaining and enhancing the significance of those assets. Proposals for new development should be sensitively designed and should not cause harm to the historic environment.

Policy ENV8 of the SOLP relates specifically to conservation areas and states that proposals for development within or affecting the setting of a Conservation Area must conserve or enhance its special interest, character, setting and appearance.

Policy BSC10 of BCSNDP relates to design principles in the conservation area and their setting.

- 6.28 The building itself will be a significant distance from the conservation area and separated from it by Mackney Lane. It is of a conventional agricultural appearance and sited as sensitively as practical. I am satisfied that in terms of the setting of the conservation area there will be no material impact and consequently the character of the conservation area will be conserved in line with the development plan.

6.29 **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.

Policy TRANS5 of the SOLP seeks to ensure that development does not harm highway safety and provides for sufficient parking and turning areas.

- 6.30 Given the characteristics of the carriageway, vehicular traffic and speeds are considered to be relatively low.

The proposal is unlikely to result in any significant intensification of transport activity at the site given its current agricultural use.

No change is proposed to the existing access arrangements.

In my view and that of the Oxfordshire County Council Highways Officer the proposal is unlikely to have a significant adverse impact on the highway network. The development will therefore accord with Policy TRANS5 of the SOLP.

6.31 Impact on residential amenity.

Policy DES6 of the SOLP relates to residential amenity and requires that development proposals should demonstrate that they will not result in significant adverse impacts on the amenity of neighbouring uses, when considering both individual and cumulative impacts in relation to loss of privacy, day light and sunlight, dominance or visual intrusion, noise or vibration, smell dust, heat, odour or other emissions, pollution and external lighting

- 6.32 The most affected dwelling by this development would be the associated dwelling with the holding directly to the north. The building will be used in part for keeping livestock. This has the potential impact of noise and smell.

In terms of the impact of siting the building in this position relative to the dwelling, I am satisfied that the distance between the buildings and the garden of the dwelling is sufficient to mitigate the impact from the height and mass of the structure.

- 6.33 The impact on the occupants of the dwelling whether they are associated with the agricultural land or not has been considered.

I am of the view that should anyone not connected to the site occupy the dwelling they would be doing so knowing that the agricultural building is there and used for livestock and factor that into their decision making as to whether they wish to live there.

In any event should the dwelling be occupied by anyone other than someone connected to the holding this will reduce the likelihood of livestock remaining on the site given the justification for the building.

- 6.34 Overall, however I am satisfied that the amenities of nearby properties are not materially harmed as consequence of this development in accordance with Policy DES6.

6.35 Impact on ecology.

Policy ENV2 of the SOLP seeks to protect ecological receptors (designated sites, protected species, priority habitats, etc.). Where adverse impacts are likely to occur, development must meet the criteria outlined under the policy.

Policy ENV3 of the SOLP seeks to secure net gains for biodiversity and requires that applications are supported by a biodiversity metric assessment. Net losses to biodiversity will not be supported.

Policy BCS12 of BCSNP states that development proposals will be supported if they have regard to a series of principles which includes that wherever possible developments should seek to have a biodiversity net gain.

- 6.36 There are no known ecological constraints on the application site (e.g. protected species records or mapped priority habitats).

The application site is comprised of arable fields that, from historic and current photography, appear to be ploughed regularly and have a low intrinsic biodiversity value.

There are ponds within 250 metres of the site, but these are separated by ordinary watercourses which likely form a dispersal barrier to amphibians.

The Council's Countryside Officer and I are satisfied that the proposed development would not lead to any significant adverse ecological impacts. This is however subject to external lighting being wholly restricted on the eastern elevation of the structure, and the imposition of a planning condition which requires the applicant to provide a biodiversity mitigation and enhancement strategy which shall include working methods, measures and precautions to be followed on site during the site clearance and construction phases of development.

In conjunction with those conditions the development will accord with Policies ENV2, ENV3 and BCS12.

6.37 Impact on drainage.

Policy EP4 of the SOLP relates to matters of flooding and requires that the risk of flooding will be minimised through;

- i) directing new development to areas with the lowest probability of flooding;
- ii) ensuring that all new development addresses the effective management of all sources of flood risk;
- iii) ensuring that development does not increase the risk of flooding elsewhere; and
- iv) ensuring wider environmental benefits of development in relation to flood risk.

Policy INF4 of the SOLP relates to water resources and requires that all new development proposals must demonstrate that there is or will be adequate water supply, surface water, foul drainage and sewerage treatment capacity to serve the whole development.

- 6.38 The council's Drainage Engineer has considered the application and has no objection on the grounds of surface water flooding subject to a condition that requires details of surface water drainage to be submitted and approved. In conjunction with this condition the proposal will accord with the development plan.

6.39 Carbon reduction.

Policy DES10 relates to carbon reduction. It states that non-residential proposals are required to meet BREEAM 'Excellent standard'.

- 6.40 This proposal is for a non-residential building and would be caught by this requirement.

However, this an agricultural building which is exempt from the building regulations and the energy efficiency that is required through that legislation. The building is purely for storing grain and is simple in form and construction materials. This type of building for this type of use would not be able to achieve this standard required by the policy. To resist this development on these grounds would have an effect on the ability of the farm to function. This then has to be weighed in the balance against the wider impact of a rural business which other policies within the plan seek to support.

Overall, I believe there are material physical and wider policy considerations that outweigh the requirement for BREEAM excellent standard in this particular instance

7.0 **CONCLUSION**

7.1 The development proposes an agricultural building for an established agricultural business. Independent specialists in this field have confirmed that there is an identified need and justification for a building of this size. The development will not compromise or harm the gap between Brighthwell cum Sotwell and Mackney, the setting of the conservation area or highway safety. In conjunction with the attached conditions the proposal will accord with the development plan.

8.0 **RECOMMENDATION**

8.1 **That Planning Permission is granted subject to the following conditions;**

Standard Conditions

1 : Commencement 3 years - Full Planning Permission

2 : Approved plans

Pre-commencement conditions

3: Surface Water Drainage

4 : Biodiversity mitigation and enhancement strategy

Compliance conditions

5 : Materials as on plan

6 : Agricultural use.

7 : No external Lighting on the eastern elevation

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