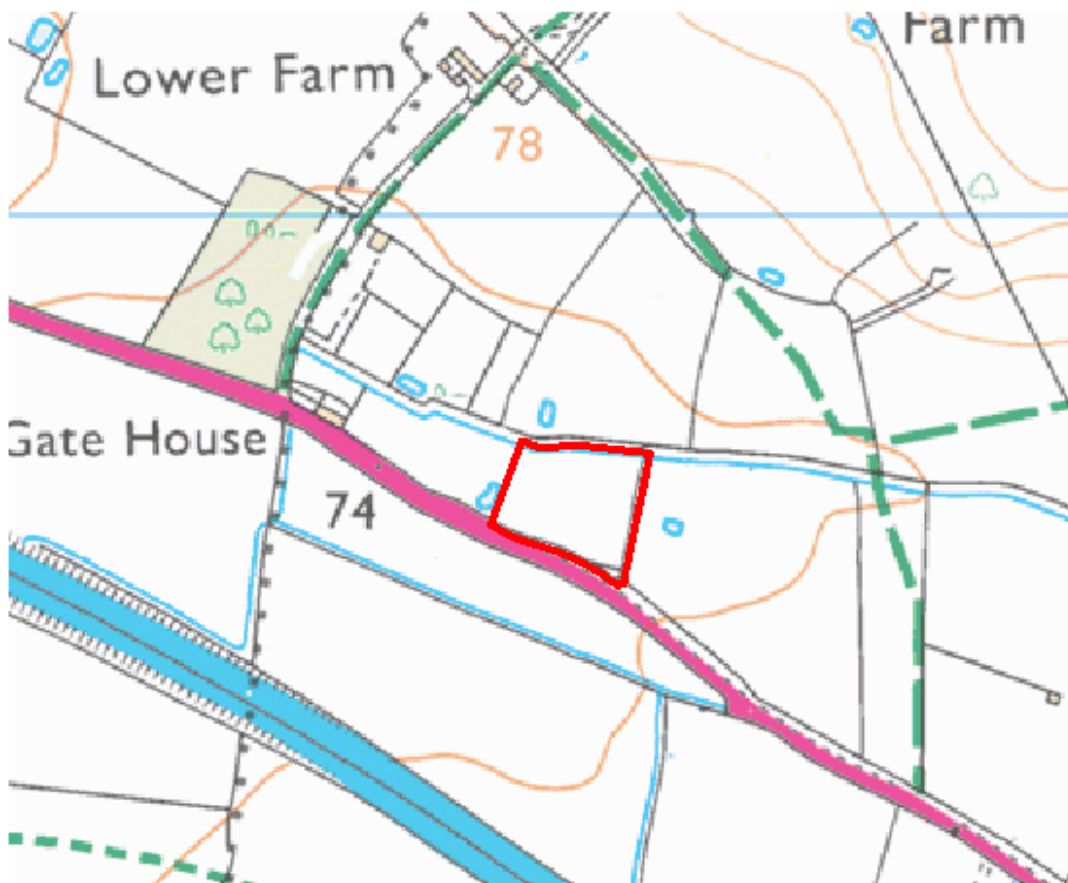


APPLICATION NO.	P22/S3825/O
APPLICATION TYPE	OUTLINE
REGISTERED	28.10.2022
PARISH	TETSWORTH
WARD MEMBER(S)	Georgina Heritage
APPLICANT	Mr R Cockram
SITE	Toll Lodge Farm London Road near Tetsworth, OX9 7AZ
PROPOSAL	Provision of equestrian fitness and rehabilitation centre, with ancillary buildings, parking and landscaping.
OFFICER	Katherine Pearce

1.0 INTRODUCTION AND PROPOSAL

- 1.1 This application is referred to planning committee because the Parish Council's objection conflicts with the case officer recommendation. This application follows an appeal for the same development (P20/S4792/O). This appeal was dismissed on 23 September 2022 because of insufficient evidence to determine that European Protected Species would not be harmed by the proposal and insufficient evidence to determine that the proposal incorporates appropriate building design standards (compliance with Policy DES10 of the South Oxfordshire Local Plan).
- 1.2 The site is in the open countryside outside of the smaller village of Tetsworth. It measures 1.25ha in area. It is flat and largely rectangular shaped. The site has an extant planning permission for stables and manège in the north eastern corner of the site. The site appears to be used for storing building materials and machinery, for which an Enforcement Notice was served 4 February 2021 (Ref SE19/341). More information on the background is provided in the Relevant Planning History.



Site Location

- 1.3 The western boundary of the site is marked by an earth bund approximately 1.5-2m in height. The southern, eastern and northern boundaries are marked by tall vegetation. Along the northern and eastern boundaries is a ditch. The site is accessed from the A40, which runs parallel to the southern boundary. The M40 is located approximately 260m to the south of the site and runs parallel to the A40. Surrounding the site are fields with farms located sporadically off the A40.
- 1.4 The site is not located in any designated area. Close to the site are several ponds known to contain Great Crested Newts.
- 1.5 This is an outline application with only landscaping as a reserved matter. The access, layout, scale and appearance are to be determined under this application. The proposal is for a horse fitness and rehabilitation centre consisting of:
- covered manège – 25.5m x 56.15m (1432sqm), 4.34m in height
 - main stable block – 20m x 43.5m (870sqm), 3.3m in height
 - turn out pen – 16.8m x 12.13m (204sqm)
 - horse walker – 15.8m in diameter (183sqm), 4.42m in height
 - office and reception (L-shaped) – 10.5m x 14.3m (114sqm), 4m high
 - store room – 15m x 9m (135sqm), 3.67m in height

There would be parking for 10 cars including a disabled parking space (see drawings in **Appendix 1**).

1.6 Site access would remain in its current position, off the A40.

1.7 The proposed buildings would provide specialist technical and professional support for horses that have suffered injury, illness or require other forms of treatment on a short-medium term basis. The facility would be capable of accommodating up to 17 horses at any one time. The horses would typically stay at the site for 8 weeks. The facility would employ a mixture of full and part time staff to the equivalent of five full time jobs. Specialist vets would also visit for injury diagnosis and treatment.

2.0 SUMMARY OF CONSULTATIONS & REPRESENTATIONS

2.1 Tetsworth Parish Council – Objection

- Comments in relation to previous applications and appeal remain valid
- Planning and enforcement history of the site detailed
- The most recent application and appeal acknowledge the influence of the Tetsworth Neighbourhood Plan policies. However, application P20/S4792/O was refused prior to the decision to ‘make’ the neighbourhood plan. Similarly the appeal inspector would only have considered the planning policy framework in place at the date of SODC’s planning refusal. As a result, the grounds for refusing the application based on the Neighbourhood Plan could be strengthened.
- The development is not in accordance with Objective 1, Objective 2, Objective 4, Objective 5, Policy TET1, Policy TET3, Policy TET4 and Policy TET8 of the Neighbourhood Plan.
- Response to technical reports is left to the District Council.
- The application is an outline application but the agent’s covering letter states that it is a full application.

2.2 Countryside Officer

- The updated Preliminary Ecological Appraisal (PEA) has confirmed that the habitats on site are not a constrain to development and corroborates the previously submitted biodiversity metric assessment.
- The PEA has confirmed that Great Crested Newts (GCN) remain a constraint to development. Planning permission should not be granted until this matter is addressed.
- A Construction Environmental Management Plan (CEMP) will need to be secured, which could be by condition.
- An updated biodiversity metric is required to be submitted with the Reserved Matters application. This can be secured by condition.
- The ecological enhancements recommended in the PEA should also be captured by condition.

2.3 **Drainage – No Objection**, subject to conditions

2.4 **Forestry Officer - No Objection**, subject to conditions

2.5 Contaminated Land – No Objection

No significance contamination has been identified and the application site would appear to be suitable for the proposed development.

2.6 Env. Protection Team – No Objection, subject to condition

Suggest a condition regarding horse manure storage and removal.

2.7 Landscape Architect -

The landscape scheme submitted does not reflect previous comments and recommendations and does not provide adequate and appropriate softening and screening of the proposed development, contrary to Local Plan policies ENV1 and DES2. Whilst the application is in outline with landscape matters reserved, it would be preferable to demonstrate at this stage that the necessary landscape mitigation will be accommodated. A 20 year landscape management and maintenance plan will be required, however this can be subject to condition.

2.8 Energy Assessor (ESE Ltd) – No Objection, subject to condition

2.9 Oxfordshire County Council Highways – No Objection, subject to conditions

2.10 Oxfordshire County Council Lead Local Flood Authority – No Objection, subject to conditions

2.11 Oxfordshire County Council Archaeology – No Objection

2.12 Thames Water Development Control – No Objection

2.13 Neighbour (1):

- History of applications, refused appeals and enforcement procedures for the site.
- The open land between Milton Common and Tetsworth is an important natural buffer of agricultural land and a natural wildlife habitat.
- No facilities for manure handling or disposal shown on the plans.
- The Neighbourhood Plan designates this area as open countryside.

3.0 RELEVANT PLANNING HISTORY

Planning permission was first granted for Proposed stables with tackroom/store and menage - change of use of agricultural land to paddock land in 2014 (P14/S1318/FUL). On 4 February 2021, an Enforcement Notice was served on the owners of the site for:

“Without planning permission, the material change of use of the Land from paddock land to a mixed use of paddock land and storage of building materials and machinery including creation of hard surfacing and earth bunds.” The notice requires the landowner to stop using the Land for storage; permanently remove all building and construction materials; dig up and remove hardstanding in excess of that allowed under planning permission P14/S1318/FUL; and, remove earth bunds and return Land to grass.”

South Oxfordshire District Council – Planning Committee – 19 July 2023

On 17 March 2021 an appeal against this Enforcement Notice was received and the appeal was dismissed on 4 February 2022. The applicant has yet to comply with this enforcement notice. This is being dealt with as a separate matter by the council's Enforcement team.

The current planning application is the third application for an equestrian rehabilitation centre on the site. The first application was refused in October 2020 (P19/S4691/O). The second application made changes to reduce the height of the buildings. It was refused in May 2021 and was dismissed at appeal in September 2022 as set out in paragraph 1.1 of this report.

In October 2022 a Breach of Condition Notice was served for 'Erection of gate, walls and fences in breach of Condition 2 of Planning Permission ref: P14/S1318/FUL'. This investigation is ongoing.

Below is a list of the planning applications and enforcement history for the site, starting with the most recent:

- 3.1 [SE22/54](#) - Ongoing
Erection of gate, walls and fences in breach of Condition 2 of Planning Permission ref: P14/S1318/FUL
- 3.2 [SE19/341](#) - Ongoing
Without planning permission the material change of use of land from a mixed use of agriculture and paddock land to that of storage of building materials and machinery including creation of hardsurfacing and earth bunds.
- 3.3 [P21/S1286/DA](#) - Other Outcome (04/02/2022) - Appeal dismissed (04/02/2022)
Without planning permission, the material change of use of land from paddock land to a mixed use of paddock land and storage of building materials and machinery including creation of hard surfacing and earth bunds. (SE19/341).
- 3.4 [P20/S4792/O](#) - Refused (18/05/2021) - Appeal dismissed (23/09/2022)
Provision of equestrian fitness and rehabilitation centre, with ancillary buildings, parking and landscaping (as amplified by landscape assessment received 9 April 2021)
- 3.5 [P19/S4691/O](#) - Refused (08/10/2020)
Outline application for an equestrian fitness and rehabilitation centre, with ancillary buildings, parking and landscaping (Transport Statement received 20 July 2020 & Flood Risk Assessment received 14 September 2020).
- 3.6 [SE17/463](#) - (03/10/2018)
Alleged breach of condition 4 of P14/S1318/FUL and not being built to plan
- 3.7 [SE15/573](#) - (29/03/2016)
Without planning permission the carrying out of Major Engineering Operation.
- 3.8 [P14/S1318/FUL](#) - Approved (14/07/2014)
Proposed stables with tackroom/store and menage - change of use of agricultural land to paddock land (Amended by plans and updated D&A Statement received 24-06-2014 to provide clarity on visual matters).

4.0 ENVIRONMENTAL IMPACT ASSESSMENT

- 4.1 The proposed development does not fall within Schedule 1 or Schedule 2 of the Environmental Impact Assessment Regulations 2017, and it is not located in a sensitive area, and therefore EIA is not required.

5.0 POLICY & GUIDANCE

5.1 Development Plan Policies

South Oxfordshire Local Plan 2035 (SOLP) Policies:

STRAT1 - The Overall Strategy

EMP10 – Development in Rural Areas

DES1 - Delivering High Quality Development

DES2 - Enhancing Local Character

DES7 - Efficient Use of Resources

DES8 - Promoting Sustainable Design

DES10 - Carbon Reduction

ENV1 - Landscape and Countryside

ENV2 - Biodiversity - Designated sites, Priority Habitats and Species

ENV3 - Biodiversity

ENV5 - Green Infrastructure in New Developments

ENV11 - Pollution - Impact from existing and/ or Previous Land uses on new Development and the Natural Environment (Potential receptors of Pollution)

ENV12 - Pollution - Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution)

EP3 - Waste collection and Recycling

EP4 - Flood Risk

INF4 - Water Resources

TRANS4 - Transport Assessments, Transport Statements and Travel Plans

TRANS5 - Transport - Consideration of Development Proposals

5.2 Neighbourhood Plan

The Tetsworth Neighbourhood Plan (TNP) was made on 20 May 2021 and therefore carries full weight in decision making. The relevant policies in the Neighbourhood Plan are:

TET1: Development within the Tetsworth Village Settlement and Surrounding Countryside

TET3: Countryside Character Sectors

TET8 – Biodiversity and the Natural Environment

5.3 Supplementary Planning Guidance/Documents

South Oxfordshire and Vale of White Horse Joint Design Guide 2022

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 The relevant planning considerations are the following:

- **Principle of development**
- **Landscape, design and character**
- **Ecology and biodiversity**
- **Sustainability requirements**
- **Drainage**
- **Access and parking**
- **Environmental matters**
- **Community Infrastructure Levy (CIL)**

6.2 Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with relevant policies in the Development Plan unless material considerations indicate otherwise.

6.3 As well as the policies relevant to this scheme, material considerations relating to this proposal are the appeal decision in 2022 and the planning history. The refusal reason relating to the principle of development on the previous application for the proposed development (P20/S4792/O) reads as follows:

“The proposed development does not constitute the sustainable growth and expansion through the conversion of existing buildings, or the sustainable development and diversification of agricultural and other land-based rural businesses. The proposed development is in an unsustainable location and would result in new business premises in the open countryside. The principle of development is therefore unacceptable and the proposal is contrary to the NPPF, particularly paragraphs 83 and 84, Policies STRAT1 and EMP10 of the South Oxfordshire Local Plan 2035 and Policy TET1 of the Tetsworth Neighbourhood Plan.”

6.4 As part of the Appeal Statement, the appellant stated that the land to the west of the site was to be used for the turning-out of horses and therefore the proposal did represent a land-based rural business. The Council argued that as this land was outside of the redline boundary it could not be considered as part of the application and therefore the proposed use related only to the proposed buildings. The appellant also sought to argue that the use of the land for equine purposes had been established by the previous, implemented planning permission for ‘Proposed stables with tackroom/store and menage - change of use of agricultural land to paddock land (Amended by plans and updated D&A Statement received 24-06-2014 to provide clarity on visual matters)’ (P14/S1328/FUL).

6.5 In considering the matter of the principle of development, the Inspector of the appeal on application P20/S4792/O agreed with the Council on the point regarding the application only including the proposed site and not the land to

the west. The Inspector also agreed with the Council that there was no need case put forward for the development to justify development in the open countryside. The Inspector stated at paragraph 34 of the decision notice that:

“Overall, the proposal would not be a land based rural business or relate to very specific needs and therefore would conflict with Policies STRAT1 and EMP10 of the South Oxfordshire Local Plan 2020, Policy TET1 of the Tetsworth Neighbourhood Plan 2021 and Paragraphs 84 and 85 of the Framework. Among other things, these policies seek to support the development and diversification of agricultural and other land based rural businesses.”

- 6.6 However, the Inspector went on to consider planning permission P14/S1328/FUL and the fall-back position that this presented. The Inspector found that because of this, the site benefits from an equine use without restriction, because there was no condition limiting the development to a personal use. This means that an equine business use, similar in nature to the one proposed, could be established under this permission. The Inspector acknowledged there was in difference in the amount of built form, but that that does not go to the heart of whether the proposal is acceptable in this location as a matter of principle.
- 6.7 The Inspector concluded at paragraph 39 that:
“Altogether, in the context of the fallback position, the principle of development is all but established and this provides a material consideration indicating that a decision on this main issue should be taken otherwise than in accordance with the development plan and the Framework.”
- 6.8 This assessment makes clear that the principle of the proposed development is acceptable. The Parish Council has asserted that the Inspector did not give full weight to the policies in the Neighbourhood Plan because at the time application P20/S4792/O was decided, the Neighbourhood Plan had not been ‘made’.
- 6.9 Paragraph 5.2 of the Officer’s Delegated Report for application P20/S4792/O states that *The Tetsworth Neighbourhood Plan has succeeded at referendum and therefore carries full weight.*” This was the correct interpretation of the weight to be attributed to the Neighbourhood Plan as per paragraph 006 of the NPPG (Reference ID: 41-006-20190509). Furthermore, when the Inspector made their decision the Neighbourhood Plan had been ‘made’ and as part of the appeal questionnaire documents sent at the start of the appeal, the Inspector received extracts of the Neighbourhood Plan, including the front cover which stated that it was the ‘Made Version 2021’. There has therefore been no material change in circumstance since the appeal decision was made to warrant additional weight being granted to the Neighbourhood Plan policies.
- 6.10 On the basis of this assessment, whilst the proposed development would be contrary to Policies STRAT1 and EMP10 of the SOLP, Policy TET1 of the TNP and paragraphs 83 and 84 of the NPPF, material considerations comprising the appeal decision and permitted scheme demonstrate that a decision on the

principle of development should be taken otherwise. The principle of development is therefore acceptable.

6.11 **Landscape, Design and Character**

The second reason for refusal of permission P20/S4792/O stated that *“The proposed development, by reason of its scale and massing, would be harmful to the landscape character of the area and to the visual amenity of the area. The proposals are be [sic] contrary to the NPPF, particularly paragraphs 127, 130 and 170, Oxfordshire Local Plan Policies 2035 Policies DES1, DES2, DES10 and ENV1 and Tetsworth Neighbourhood Plan Policy TET3.”*

6.12 In assessing character and appearance of the proposal through the appeal, the Inspector found that the proposed buildings would be similar to those under the extant planning permission insofar as their height would not exceed that of the approved stable block and their use of materials would be consistent with that of the approved buildings generally. It was also noted that the use of boundary planting and traditional materials were found to be acceptable forms of mitigation in principle on the extant permission P14/S1328/FUL.

6.13 The Inspector noted that the proposed development would be of significantly greater scale than the extant permission, in terms of footprint, and consequently the massing would have a greater visual impact in the landscape. Despite this, the Inspector considered that the general appearance of the buildings would be in keeping with the agricultural landscape and that the use of boundary vegetation and traditional materials were acceptable forms of mitigation. The Inspector stated that *“there is clear potential to provide robust landscape planting and mitigation as detailed by the landscape officer.”* The Inspector agreed with the conclusions of the Landscape and Visual Appraisal submitted with the application, that the site has to capacity to accommodate the proposed development without significant effects on the surrounding landscape or visual amenity.

6.14 The Landscape Officer comments for this current application state:

“The landscape scheme submitted does not reflect previous comments and recommendations and does not provide adequate and appropriate softening and screening of the proposed development, contrary to Local Plan policies ENV1 and DES2. Whilst the application is in outline with landscape matters reserved, it would be preferable to demonstrate at this stage that the necessary landscape mitigation will be accommodated.”

6.15 The guidelines for the South Oxfordshire Local Landscape Character Area 3 include strengthening the hedgerow network with trees such as oak and to enhance and strengthen the character of the tree-lined watercourses by planting willow. The submitted Landscaping Scheme shows Bird Cherry and Small Leaved Lime to the south and west of the site, three Rowan trees to the north of the main stable block and some planting beds around the site. The Landscape Officer has commented that the species proposed are not appropriate. Additional tree planting as recommended by the guidelines above

would be beneficial along the hedgerows on the eastern and southern boundaries. A new native hedgerow with trees should be provided on the western boundary. This would reinforce the existing hedgerow network and would be in keeping with the local landscape character.

- 6.16 Landscaping is a Reserved Matter so the exact planting to be used can be agreed at a later stage, provided there is sufficient space to do so. It is quite a large site with buildings mostly set away from the boundaries, so there is scope to accommodate enhanced boundary planting. However, there is a pinch point created at the southern corner of the main stable block where the building is around 4.4m from eastern boundary. The Landscape Officer has recommended at least 5m to ensure suitable mitigation planting can take place. Whilst there is plenty of space on the site to enable this building to be set further from the boundary to accommodate more appropriate planting, the applicants wished to site the building as per the appeal scheme. An enhanced area for landscaping would be preferred but in view of the amount of shortfall in space, I do not consider this sufficiently significant enough to recommend refusal.
- 6.17 The Council's Forestry Officer initially raised concern that the Drainage Strategy showed an outfall ditch/swale and foul water rising main encroaching into the root protection area (RPA) of a group of Willow trees on site. The Drainage Strategy was amended to show these elements outside of the RPAs of any trees on site. The Forestry Officer has confirmed that the proposal is acceptable in terms of impact on trees, subject to tree and hedgerow protection conditions.

Ecology and Biodiversity

- 6.18 Reason for refusal 5 of planning permission P20/S4792/O related to the lack of information to demonstrate that European Protected Species, Great Crested Newts in particular, would not be harmed by the proposed development. It also stated that the applicant had failed to demonstrate there would be a net gain in biodiversity.
- 6.19 There are seven ponds within 250m of the site, which are well connected to the site. The closest pond is 2m from the western boundary, with two other ponds within 30m. There are confirmed records of Great Crested Newts (GCN) in ponds surrounding the application site. Therefore, it is reasonably likely that Great Crested Newts are present on site. The Countryside Officer has set out two options for dealing with this risk:
1. Undertake GCN surveys of relevant ponds close to the application site and (likely) produce a site-based mitigation and enhancement strategy to demonstrate that a derogation license would like to issued by Natural England;
 - or
 2. Enter the proposed development into the GCN District Level Licensing Scheme.
- 6.20 As part of the appeal the Inspector supported the District Council in stating that the District Level Licensing (DLL) Scheme was required to be entered into prior to planning permission being granted. This is to ensure the level of potential harm to the GCN habitat is established so that the correct level of mitigation

and compensation can be secured under the DLL scheme and via planning conditions.

- 6.21 The applicant has still not provided GCN surveys or entered into the District Licensing Scheme. However, the applicant has stated that they would do so prior to the grant of planning permission and they already have a quotation from NatureSpace to enter into Stage 1 of the scheme (see **Appendix 2**). Once the Stage 1 fee is paid to NatureSpace they will undertake a detailed site assessment and produce a report setting out the second stage fee and any mitigation requirements. Once the Local Planning Authority receive this report, we can ensure the appropriate conditions are attached to the planning permission to ensure compliance with all of the legal requirements. NatureSpace guarantee to produce this report with 10 working days, therefore a timeframe of 1 month is ample time for the applicant to obtain and submit this report in order for planning permission to be granted. If the District Licensing Scheme is not entered into within this time frame and there are no mitigating factors regarding the time frame, the permission will not be issued.
- 6.22 Regarding Biodiversity Net Gain, following the submission of further evidence as part of the appeal, the Countryside Officer concluded that it is likely that the site can achieve compliance with the development plan with regard to no net loss of biodiversity and this can be confirmed at Reserved Matters stage when a Landscaping Scheme is submitted. The proposal is therefore in accordance with SOLP Policy ENV3.

Sustainability Requirements

- 6.23 Reason for refusal 3 of planning permission P20/S4792/O related to the proposals not being able to demonstrate that BREEAM Excellent standard would be met and that the buildings would achieve a reduction in carbon emissions as required by DES10. This reason for refusal was upheld by the Inspector, who found that the proposals would conflict with SOLP Policies DES1, DES8 and DES10.
- 6.24 The applicant has submitted an Energy Statement which shows that improved insulation and air tightness standards, and mechanical and electrical specification, as well as use of an air source heat pump and photovoltaic array will ensure carbon reduction can be achieved in accordance with DES10. A BREEAM Pre-assessment has also been submitted, which demonstrates that the development could meet the Excellent standard. These documents were assessed by an independent Energy Consultant, who confirmed that the proposals were in accordance with SOLP Policy DES10. A verification condition will therefore be required to ensure the development is delivered in accordance with these details.

Drainage

- 6.25 The site is located in Flood Zone 1 for fluvial flooding but it is in an area of potential high risk of surface water flooding according to the Environment Agency's data. A Hydraulic Modelling Report has been submitted with the application, which identifies a surface water flood risk over part of the site and gives detailed flood levels and extents for this risk.

- 6.26 The Drainage Strategy for the site involves draining into the existing stream along the northern boundary. It is proposed to store and attenuate run-off water within a permeable sub-base to the new hardstanding area, which will also allow water to be filtered from pollutants. The water will then travel through an open green swale feature to the outfall. Foul Water will be treated onsite using a private package sewage treatment plant, which will treat the effluent to a high enough standard to allow it to be discharged into the watercourse on the site's northern boundary. The District Council's Drainage Engineer and Oxfordshire County Council Lead Local Flood Authority have no objection to the proposed drainage, subject to conditions. Thames Water has also confirmed that it has no objection to the proposal. The development is therefore in accordance with SOLP Policy INF4, EP4 and ENV4.

Access and Parking

- 6.27 The Transport Statement submitted in support of the application demonstrates that the proposed access can meet the required visibility splays for the speed of the road, meaning that vehicles would be able to safely enter and exit the site in a forward gear. The Transport Statement confirms that there would be a total of 18 vehicle trips to and from the site per day. The Oxfordshire County Council Transport Planner confirms that this is reasonable and that this increase on the highway network would be imperceptible.
- 6.28 The plans show enough parking for 10 cars including a disabled space. There is ample space on site to park cars should more space be required on an ad hoc basis. The County Council Transport Planner is satisfied that the proposals include a suitable number of parking spaces. Overall, I consider the proposals to be in accordance with SOLP Policy TRANS5.

Environmental Matters

- 6.29 A ground investigation report was submitted with the application, which showed that no significant contamination had been identified and the development would appear suitable for the proposed development. The Council's Contaminated Land Officer has confirmed the report is acceptable and has not recommended any conditions are necessary. The proposed development is in accordance with SOLP Policy ENV11.
- 6.30 Initially the Council's Environmental Health Officer had concerns that adequate waste management of horse manure had not been considered. A Waste Management Plan was therefore requested to demonstrate it would be managed and disposed of satisfactorily. The applicant confirmed that manure would be collected regularly and contained within a 40 cubic yard sealed container, located in the yard area, before being removed from the premises to a specialist composting site. The Environmental Health Officer has confirmed this information is acceptable and has requested it be included as a condition. The proposed development is therefore in accordance with SOLP Policy ENV12.

- 6.31 **Community Infrastructure Levy**
The development is not CIL liable.

7.0 CONCLUSION

- 7.1 The need for development of this type and scale in this rural location has not been made and the proposals do not conform with agricultural diversification and local rural business needs envisaged by the NPPF and SOLP Policy EMP10 and therefore the principle of development does not accord with the Development Plan. However, material considerations indicate that a decision should be taken otherwise than in accordance with the Development Plan, namely the appeal decision in 2022 where the Inspector confirmed that fallback position created by the extant planning permission for equine use, should be given significant weight, above the Development Plan policies.
- 7.2 The scale and mass of the proposal has been found to be acceptable by an independent Planning Inspector. The Inspector considered that the proposal was similar in scale and appearance to other agricultural enterprises in the vicinity. Furthermore, the Inspector considered the use of appropriate materials and boundary planting could mitigate the impact of the development to an acceptable level.
- 7.3 Insufficient evidence has been submitted to demonstrate that the risk to Great Crested Newts can be adequately addressed. However, this can be addressed by the applicant entering into the District Licensing Scheme and submitting the relevant documentation. This must be done prior to the issuing of planning permission. Conditions recommended by the scheme will need to be added to planning permission.
- 7.4 All technical matters relating to drainage and flood risk, highways, impact on trees, contaminated land and other environmental matters have been satisfactorily addressed.
- 7.5 In light of the material considerations planning permission should be granted subject to the applicant entering into the Great Crested Newts District Licensing Scheme.

8.0 RECOMMENDATION

- To delegate to the Head of Planning in consultation with the Chair of Planning Committee, to grant outline planning permission, subject to**
- a) the applicant entering into the Great Crested Newts District Level Licensing Scheme with NatureSpace, within 1 month of this decision, and conditions associated with this scheme, and**
 - b) the following conditions:**
 - 1 : Commencement - Outline with Reserved Matters**
 - 2 : Approved plans**
 - 3 : Levels (details required)**
 - 4 : Schedule of Materials**
 - 5 : Energy Statement Verification**
 - 6 : BREEAM Design Stage Certificates**
 - 7 : New vehicular access**
 - 8 : Vision splay dimensions**

- 9 : Tree Protection (General)**
- 10 : Landscaping & protection of retained trees / hedgerows**
- 11 : Landscape Management Plan**
- 12 : Construction Environment Management Plan (CEMP)**
- 13 : Biodiversity Enhancement Plan (BEP)**
- 14 : DLL condition to be specified by NatureSpace**
- 15 : DLL condition to be specified by NatureSpace**
- 16 : DLL condition to be specified by NatureSpace**
- 17 : Lighting**
- 18 : Surface water drainage works (details required)**
- 19 : SUDS compliance**
- 20 : Foul drainage works (details required)**
- 21 : Manure storage and disposal**