

WEST OXFORDSHIRE DISTRICT COUNCIL  
LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 6<sup>th</sup> December 2021

Report of Additional Representations



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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## Report of Additional Representations

Application Number	21/02364/FUL
Site Address	Land (E) 432925 (N)209696 Downs Road Curbridge Oxfordshire
Date	3.12.21
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Witney
Committee Date	6 <sup>th</sup> December 2021

**Application Details:** Erection of 4 employment units (Class E (g iii), B2 and B8) with drainage, car parking and landscaping. (Amended plans)

**Applicant Details:** Carbide Properties And NFU Mutual Insurance Society Ltd

### I Additional Representations

- I.1 Two further representations have been received objecting to the application but no new grounds have been raised.
- I.2 Witney Town Council have requested an extension of time until 15<sup>th</sup> December for their comments on the amendments to be received.

Application Number	21/02906/S73
Site Address	Fish Hill Farm Wilcote Road North Leigh Oxfordshire
Date	3.12.21
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	North Leigh
Committee Date	06 <sup>th</sup> December 2021

**Application Details:** Removal of condition 1 of permission 10/0425/P/FP to allow the use of the barn for rearing livestock and storage of feeds, bedding and equipment associated with the agricultural or horticultural use

**Applicant Details:** Mr Stuart James

## I Additional Representations

1.1 The applicant has responded to objection comments as follows:

Response to objections received in relation to the above to be considered in the upcoming Hearing before the Lowlands Area Planning Sub-Committee on 6th December 2021. Firstly, we would like to note that OCC has no objections to the application and that WODC Env Health have no adverse comments to make regarding the application. We note there are only two objections to our application, one from the Parish Council and one from Mr and Mrs M Young of Wisteria Cottage, East End, North Leigh, OX29 6QJ, we would like to comment on each objection individually as follows:

1. Objection from the Parish Council. It is evident that the objection from Parish Council is as a direct result of the objection received by the occupants of the neighbouring property, Mr and Mrs Young, and for no other reason. The Parish Council states as its reasons for objection as being nuisance form noises and odours from farm livestock. Fish Hill Farm is working smallholding in a countryside setting which provides a living for the applicant and his family. The wellbeing of the livestock is of the utmost importance to the to the applicant and this involves keeping the small Kids very clean and warm whilst they are reared in the barn until big enough to be turned out into the paddocks. As a result, there is very little noise or odour being omitted from the barn. We would have expected this to be something WODC Env Health would have considered in their response, should it be causing a nuisance. As stated above, WODC Env Health have no adverse comments to make regarding the application.

2. Objection from Mr and Mrs M Young. Having read the report prepared on behalf of Mr and Mrs Young by The Rural Planning Practice, I would like to comment on the relevant sections in order as follows: Paragraph 2.5 states “there are approximately 200 plus indoor reared goats”. This statement is wrong and highly exaggerated. The barn has 4 rearing pens, each of which hold a maximum of 25 kid goats until they are big enough to go out into the paddocks. The kids in the pens range in size from 3Kg to 10Kg at which time they can be turned out into the paddocks.

Paragraph 4.3 refers to the original wording “horsiculture” and the proposed amendment referring to “horticulture”. I can confirm this was a “typo” as horticulture is already covered under the definition of Agriculture and the agricultural use of the land. Definition of Agricultural use: “Agricultural use means lands, buildings, or structures, excluding any portion thereof used as a dwelling unit, used, designed, or intended for use for the purpose of a bona fide farming operation, including, but not limited to, animal husbandry, dairying, livestock, fallow, field crops, removal of sod, forestry, fruit farming, horticulture, market gardening, pasturage, poultry keeping, equestrian facilities, and any other activities customarily carried on in the field of agriculture.” Section 336 of the Town and Country Planning Act 1990 defines “agriculture” includes horticulture, fruit growing,

seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly;

Paragraph 4.4 states Mr and Mrs Young's contention is that a change of use should be applied for and not a variation of condition. We do not consider this to be appropriate as the condition in question, to which we are seeking an amendment, allowed for the agricultural use of the land. From the above definitions, the rearing of livestock on the site is therefore, not fundamentally different and the suggestion that "intensive livestock rearing" is taking place is also incorrect. As previously stated, there would be a maximum of 100 Kids at any one time in the barn until they are big enough to go out into the paddocks. This number would not be considered "intensive" by any agricultural body.

Paragraph 5.2 states "it is understood that un-castrated billy goats occupy the building and rarely leave the building" This "understanding" is misconceived, there are no billy goats kept in the building, all male Kids are castrated at 3 days old and there are no breeding program on the smallholding, all Kids are bought in to be raised until they go off to slaughter.

Paragraph 6.2 suggests this application is for permitted development. The application is not for permitted development as the barn already has full planning consent, and we are merely applying for a variation to a condition imposed with the original consent

Paragraphs 6.3 and 6.4 refers to Mr and Mrs Young suffering from overpowering and nuisance odours. It is very unfortunate Mr and Mrs Young feel they are suffering from overpowering and nuisance odours. However, the applicant is confident these odours are not being generated due to the rearing of Kids in the barn and would welcome a visit at any time, so the committee can assess the level of any alleged odours for themselves. As mentioned earlier, we would have expected WODC Env Health would have considered any overpowering and nuisance odours in their response, should it be causing a nuisance. The barn is thoroughly cleaned out and new bedding put down every 3 to 4 days and due to the fact, these are small Kids from 3 to 10 Kilos in weight, the waste they produce is not excessive or particularly pungent. This is a rural area and as such, farmers often spread muck including bird muck and sometimes even human waste fertilisers on their fields, which are not particularly pleasant to smell, and would therefore, suggest the odours Mr and Mrs Young are experiencing are being generated elsewhere.

Paragraph 6.5 states that "until the extent of the proposal is known, the impact on the amenity of those living nearby cannot be assessed". The extent of the proposal is known. The application is for a variation to condition 1 of the original consent to allow the barn to be used as a holding building for Kids until they are over 10Kg and big enough to be turned out into the paddocks. As stated above, the barn only has space for four pens, each of which can hold a maximum of 25 Kids, so there would be no more than 100 Kids in the barn at any one time.

Paragraphs 7.1 and 7.2 refer to waste material produced. Fish Hill Farm has operated as a livery yard for many years, Mr and Mrs Young admit to their daughter's horse being stabled at the livery between 2006 and 2008. Horses in livery produce as much waste material as is being produced now. The bedding and waste from the rearing of the Kids is dealt with the same way as the waste from the livery yard. After cleaning out the barn the waste material is transported to the dedicated "muck heap" (stone lined trench) located at the top of the smallholding to the Northern boundary. When this "muck heap" becomes a certain size, or once a year whichever comes first, a licensed disposal company is called in to remove the waste.

Section 8 Landscaping The landscaping of the smallholding is ongoing. The photographs included within the report are obviously taken when there is no foliage on the trees and hence the screening is at its lowest. The applicant does, however, have plans to enhance the boundary planting but this requires a lot of the dead wood to be removed first and is an ongoing project along with the overall enhancement of the smallholding. Section 9 Employment As stated in the accompanying documents with the application, the applicant is developing the smallholding as a business for himself and his family. The applicant has no plans to employ further staff to help run the smallholding as this is very

much a family enterprise with the applicant and his sons doing the main graft and the applicants wife helping with the office work.

Section 10 Traffic The points under this section are not applicable to the application. An amendment to the condition to allow the barn to be used for the housing of the Kids prior to their being turned out into the paddocks has no implications regarding traffic movements, or the slaughter and sale of the produce from the smallholding. For information, goats are moved onto and off the smallholding in a livestock trailer towed behind the applicant's road vehicle. Feed may be bought in from time to time by delivery lorries, or farmers may bring hay and/or straw on a trailer behind a tractor, however, these operations are required for the animals out in the paddocks, therefore, this application will have no bearing on traffic movements.

Section 11 Policy We would consider the development of the smallholding and this application for the amendment to the condition is in complete accordance with NPPF 2021.

## **1.2 Highways**

The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience ) on the adjacent highway network

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission for the variation of condition 10/0425/P/FP

Application Number	21/02628/FUL
Site Address	1 St Marys Court Witney Oxfordshire
Date	3.12.21
Officer	Abby Fettes
Officer Recommendations	Approve
Parish	Witney
Committee Date	6 <sup>th</sup> December 2021

**Application Details:** Demolition of existing two-storey housing facility and three bungalows. Erection of two-storey block of 30 flats.

**Applicant Details:** Cottsway Housing Ltd

## I Additional Representations

### I.1 Ecology

30.11.21 Further to your request for comments, I have the following response on biodiversity related issues.

#### Biodiversity net gain

The Biodiversity Net Gain Strategy dated 14<sup>th</sup> September 2021 prepared by Ecology by Design (ref. EBD01149) is considered to be satisfactory. The baseline habitats score 0.14 units and the post-development habitats score 0.19 units (the report wrongly refers to 0.019, which would actually equate to a loss in biodiversity, but I have checked the metric calculations and it should be 0.19 units post-development), which results in 37.86% net gain. This exceeds the minimum 10% target that the council is seeking through development and is therefore considered to be sufficient in this case. The information previously requested has now been incorporated into the report, including the baseline and proposed habitats plans (appendices 1 and 2).

Development must be carried out in accordance with the biodiversity net gain strategy to secure the 37.86% net gain and a Biodiversity Management and Monitoring Plan (BMMP) for at least the 30-year period required must be submitted for approval as a condition of consent before commencement of the development (this is similar to the standard requirement for a Landscape and Ecology Management Plan, but specifically for biodiversity net gain).

If a landscape scheme condition will be applied, then this must include specific reference to the biodiversity net gain strategy, especially the proposed habitats plan in Appendix 2, to ensure full compliance with the requirements in order to fulfil the biodiversity net gain outcome. If this cannot be achieved, then updated biodiversity net gain calculations would be required to ensure that this can be monitored.

#### Nesting birds

The plans attached to your email dated 24<sup>th</sup> November 2021 showing the installation of the swift and house sparrow boxes are only partially visible, particularly the west and north elevations drawing (ref. DR-A-2009), so I cannot see whether there are more than 1 swift brick. The drawing showing the house sparrow terrace box is satisfactory (ref. DR-A-2008), although the arrow is pointing too low down on the wall and the box should really be located at a higher position closer to the eaves. I therefore recommend that a condition for amended details should be applied due to the tight turn around, unless the agent is willing to amend the drawings before your deadline. I also include an informative below to provide some context.

#### Ecological Impact Assessment

This report was previously accepted as being sufficient and I have no further comments on this aspect of the application other than to recommend that the condition for “works in accordance with” includes Section 5 of this report as well as the BNG Strategy – as recommended below.

Conclusion

The implementation of the recommendations in Section 5 of the Ecological Impact Assessment and the landscaping details in the Biodiversity Net Gain Strategy must be secured as conditions of planning consent. Recommended conditions are provided below.

Amended nesting bird details, bat roost, hedgehog and external lighting details should also be provided for approval as condition of consent.