

# **WEST OXFORDSHIRE DISTRICT COUNCIL**

## **UPLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 25th April 2022**

### **REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT**



**Purpose:**

To consider applications for development details of which are set out in the following pages.

**Recommendations:**

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

***List of Background Papers***

All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

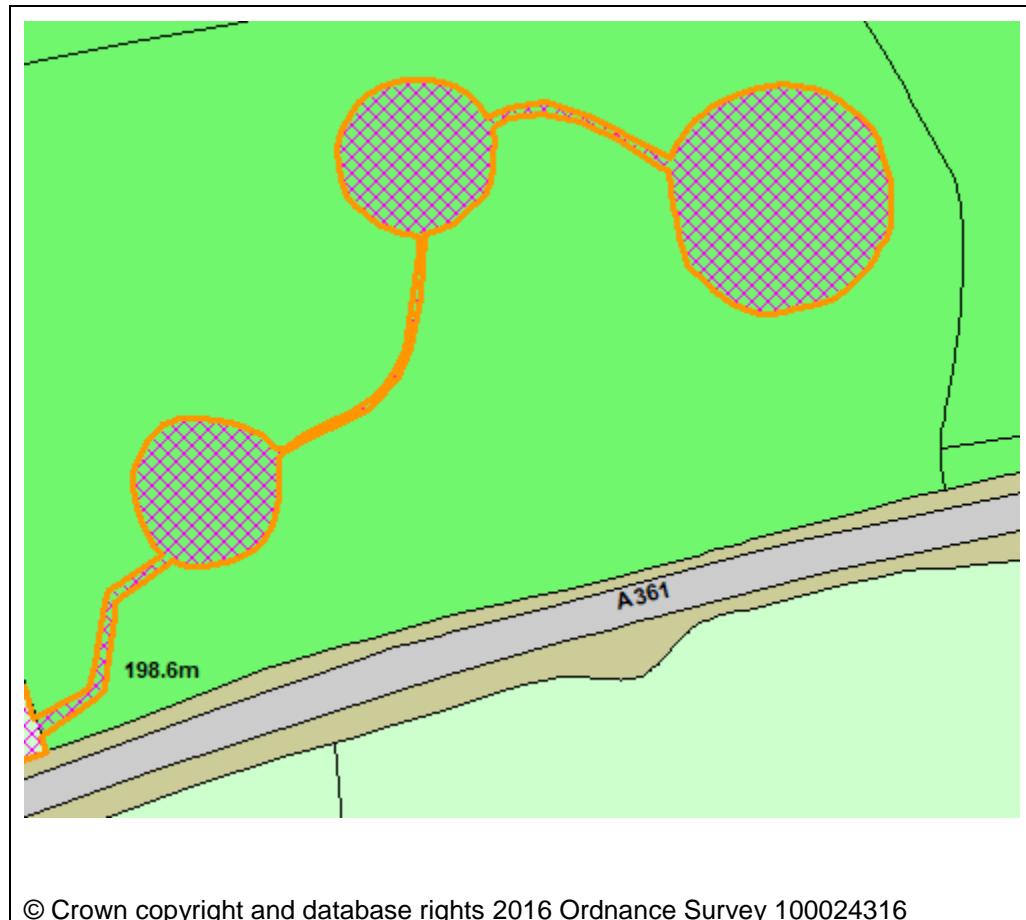
**Please note that:**

- I. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

| <b>Page</b> | <b>Application Number</b> | <b>Address</b>             | <b>Officer</b> |
|-------------|---------------------------|----------------------------|----------------|
| 11-21       | 21/02024/FUL              | Netherby Farm Banbury Road | Kim Smith      |
| 22-33       | 22/00015/FUL              | The Plough High Street     | James Nelson   |

|                         |  |
|-------------------------|--|
| Application Number      | 21/02024/FUL   |
| Site Address            | Netherby Farm<br>Banbury Road<br>Swerford<br>Chipping Norton<br>Oxfordshire<br>OX7 4AR |
| Date                    | 12th April 2022  |
| Officer                 | Kim Smith  |
| Officer Recommendations | Approve  |
| Parish                  | Swerford Parish Council  |
| Grid Reference          | 436690 E    230413 N   |
| Committee Date          | 25th April 2022  |

### Location Map



### Application Details:

Retention of a mobile home for full time agricultural worker. Change of use of land to allow two bell tents and one mobile unit for glamping. (Part retrospective)

**Applicant Details:**

Mr Jeremy Sealey  
Netherby Farm  
Banbury Road  
Swerford  
Chipping Norton  
Oxfordshire  
OX7 4AR

**I CONSULTATIONS**

Parish Council

**Original Submission**

This application builds upon 18/03198/FUL based upon 15 acres of agricultural land running alongside the A361 more or less opposite Pomfret Castle in Swerford Parish.

The Parish Council rejected application 18/03198/FUL in that the proposals glossed over what was actually taking place and that there was no realistic business plan to underpin it.

Nevertheless WODC approved the plan but asked the applicants to apply for retrospective approval for activities already taking place in 2018.

In 2021 that approval is sought for the glamping operation (that is the renting out of rather upmarket tents, supported by a utility block, to holiday makers). In that regard it continues to be our contention that any increase in access directly off the A361 will, self evidently, increase road accident risk. However it appears that OCC is not prepared to object.

HOWEVER, our prime concern is the proposal to "retain a mobile home for a full time agricultural worker", this the Parish Council totally rejects.

This proposal is in complete contradiction of the Local Plan for the area. WODC should simply refer to the case of Mrs Ross Bush and her 15 acre field in Swerford Parish (no more than a stone's throw from the Netherby site). WODC rejected her proposal for a permanent dwelling, she took the matter to appeal, which was heard at Witney, and to which this Parish Council gave evidence, the rejection was upheld and when she subsequently sought to appeal that decision the courts refused her that right.

There is no full-time agricultural occupation generated by this 15 acre site. In this area with modern technology it requires upwards of 400 acres to support one full-time agricultural worker, and there is no need for such a person to live on site. The 50 acres

directly north of the Netherby site is rented out for a mixture of sheep and cattle raising - there is no on-site shepherd. Next north is the Swerford Park estate, again with extensive sheep raising and no on-site shepherd.

This proposal seeks to justify the creation of a new and permanent right-to-dwell (completely contrary to the local plan) on the basis of the applicant's "total" agricultural activities. The vast majority of his flock is quartered on rented sites outside the parish.

Should approval be given there is nothing to prevent the applicant then transferring his rented sites to another who promptly uses them to validate building another dwelling on yet another 15 acre site in the parish, and so on until the entire parish is subdivided into 15 acre plots.

The approved local plan identifies this parish as being one in which there is to be no new (that is additional) dwellings both to retain the character of the parish and to avoid adding to any need for services to the parish. This proposal is a quite cynical attempt to break through the local plan by aggregating a whole series of activities, both agricultural and recreational, both in the parish and outside it to "justify" a dwelling. WODC should see through the smoke and reject it.

### **Amended Submission**

Swerford Parish Council wishes to object to the above application.

The Swerford Parish Council has considered the various documents put forward by the proposers of Application 21/02024/FUL. It has also had the pleasure of meeting with the proposers who attended a routine meeting of the Parish Council in 2021.

The various documents show that the two have engaged energetically and enthusiastically in the agricultural activities of sheep herd management and of glamping. We have little doubt that their experience, energy and enthusiasm (it helps to be young) will ensure that their activities will be judged well above average in those fields and that they will be reasonably economically successful. That said, whilst glamping is an enterprise whose success is founded upon the input of the operator, any efforts within the world of sheep are bounded by the inherently low profitability of a commodity market. "Boxed lamb" or "Salt Marsh Lamb" are niche-market attempts to break free from the high volume/wafer thin margins created by low cost competition from the likes of New Zealand. There is no sustained evidence that such niche markets are successful long-term.

The success or failure of the enterprises will be down to the two young proposers. It does not depend one iota upon their being based

at "Netherby Farm", a location which was three bare fields until recently. They could be equally successful based anywhere within a one, or even five, mile radius of "Netherby Farm" - and of course within that radius there are many, many unused or under-used farm buildings. If the enterprise was based there we could have no objections and would wish them every success.

The current Plan for the WODC area seeks to channel new, incremental residences into clearly defined centres with support infrastructure, but obviously supports the rejuvenation of existing farms. "Netherby Farm" fits neither criteria, it is plonked on three bare fields because that is the cheapest option. Should approval be granted there will be nothing to stop every keen couple setting up on each of the 15 acre greenfield sites in West Oxfordshire.

The Swerford Parish Council continues to be opposed to the application.

#### WODC Business Development

I have reviewed the business plan and other documentation submitted and I am supportive of the application. Agriculture is a very tough industry to get started in and one which struggles to attract younger blood. The documentation shows a hard working young family building up a business over time.

There is much evidence in the submission that shows this is a genuine farming business. While the acreage at Netherby Farm itself is small and acts as the 'home farm', the business, through various agreements, farms a much larger area. This appears to be a very genuine livestock farming business managing commercial numbers of stock and I therefore agree that the accommodation is justified. The glamping is a sensible diversification enterprise to increase income.

#### OCC 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, subject to the following condition

Prior to the commencement of the uses described ( and the retention thereafter ) the removal of vegetation along the frontage to provide vision splays at the access measuring 2.4 x 160m

#### WODC Drainage Engineers

No reply at the time of writing

## 2 REPRESENTATIONS

2.1 Four representations of support have been received in respect of the application the comments of which are summarised as follows:

2.2 The applicant and his young family are hardworking people trying to make a success of a career in farming. This is not an easy ladder to climb but through sheer grit and determination they have made a start. The site is small but a credit to them as they have both respected and improved the surrounding landscape. The diversification strategy that they have employed is one that many farmers will have to undertake as the shape of farming changes post Brexit. They should be applauded for this. I have also seen first-hand the standards that they employ in the agriculture that they practice and from animal welfare to crop husbandry they are setting a positive example. Most people in Swerford have seen success in their lives and enjoy the benefits of village life. I would like to think that rather than rejecting this application we should both support and welcome the applicant and his family into our community

2.3 Surely it is in the interest of both Swerford PC and WODC to encourage and support local families that wish to remain in the area and require some accommodation on the site where they are working? We are being overwhelmed by multi-millionaires creating eye watering, expensive accommodation and leisure facilities which can only be afforded by the wealthiest members of our society. West Oxfordshire is rapidly becoming a playground which only the rich and famous have access to. Affordable options e.g. glamping/ camping are vital to redress the balance and allow our countryside to be enjoyed by people from all walks of life. It is common knowledge that farms have to diversify and when young people are attempting to do this they should not be hampered by minority groups who in most cases do not understand how our countryside works. It is vital that enterprises such as Netherby Farm are given the full support they need otherwise rural communities as we know them will cease to exist. Swerford PC should take a look at other local villages where the second home and holiday let brigade dominate, the result has been catastrophic and destroyed the community.

2.4 There is no way any agricultural worker will be able to afford to buy around this area after house prices being driven up by said ex city folks. The parish council also say that Swerford estate has no shepherd living on site - I am willing to bet that he is in a tied house that goes with his job and not a self-funded smallholder putting everything they make back into the holding. If this application is refused it will be totally wrong. As a rural planning officer you should know that rearing livestock is a lifestyle not just a job and this application is for them to be able to live somewhere and continue investing back into their business. So, I give them my 100% backing for this and ask that you dismiss the comments made by the parish because, as usual, they do not reflect the general opinion.

2.5 The existing operation is run without fault, without compromising the landscape character and is a refreshing addition to an otherwise sterile farming and food landscape. - Our Parish needs youthful rural businesses to thrive. We buy our turkey from the business. Visiting friends have used their accommodation. We need more agro ecological food systems to exist and in the current political and economic climate, these enterprises need all the help they can get. - As typical farm tenancies struggle, the average age of farming rises and big agribusiness seem the only viable route to produce food, UK food and farming needs a dramatic rethink to deliver public goods and feed a nation. Netherby Farm is a model that delivers so much more than just food and should be applauded for the entrepreneurship and quality of land management. - As a young family that is also involved in farming, I support the motive to establish a full-time presence on the farm site.

### **3 APPLICANT'S CASE**

The Design and Access Statement submitted with the application advises as follows:

3.1 Netherby farm is located in fairly open countryside but in an area with natural undulations rather than all being level.

3.2 The site is well screened by semi-mature vegetation and trees - to the point where for the most part it is almost impossible to see into it from public viewpoints where the site abounds the A361 to the South.

3.3 Previous Capital Expenditure at the Farm has been invested in a steel framed barn, a Plastic Poly-Tunnel, two Bell Tents and One mobile Tent for the Glamping business. The latter two items being carried out as part of the Farm Diversification.

3.4 The design of the Caravan is typical of any mobile home and is constructed of aluminium and wood. It stands on the original metal legs which in turn sits on a hardcore pad. The mobile home is connected to a septic tank.

3.5 It is sited close to a stand of semi-mature trees which screens views from public viewpoints, and also sits in a hollow on the site, which contributes to it not being particularly visible.

3.6 There is parking on site for at least two vehicles with direct access from the A361 via an existing access drive. There is a considerable area within the site for parking and turning of vehicles to allow forward exit onto the A361.

3.7 It is noted in the Consultation process that Oxfordshire County Council Highways have no Objection to his Application, with the recommendation that a suitable vision splay be created. The Applicants would accept that requirement as a Condition.

### **PROPOSAL**

3.8 The Retention of the mobile home for residential use by the Applicant and his Partner in connection with the Use of the Land for Farming, Rural Workings and the Diversification for the Glamping business.

3.9 There are various elements of the Agricultural activity which requires on site residency to ensure the welfare of stock housed on the site, namely sheep and lambs, hay sales, calves, and turkeys for Christmas all of which require a presence on site on a permanent basis.

3.10 To support the Glamping business, and the variation in bookings throughout the year, there is a need for staffing to be on site for the purpose of booking guests in and out at the end of their stay, and to be available to provide assistance should any need arise to those staying in the Glamping business.

3.11 It has become common for Agricultural Holdings to diversify into Glamping to provide additional income.

3.12 The proposal is in accordance with the Local Plan Para. 6.40 Which states: The Council is generally supportive of well-conceived farm diversification schemes which secure long term benefits for farming and the local economy. New activities should not conflict with agricultural operations which should

remain the dominant land use. Farm diversification is not an opportunity for asset stripping to raise short term revenues and new economic activities should remain part of the farm business to provide an on-going additional farm income.

The Glamping business meets the requirements of Para 6.40.

3.13 The Proposal to retain the Glamping business as part of the permanent farm business is considered to be in accordance with WODC Policy E2 which states: Development proposals which are necessary for agricultural production or which make a positive contribution to farm or country estate diversification will be supported where they;

- 1) Are supported by or operate as part of and will continue to add value to a viable core farm/estate business and:
- 2) Remain compatible and consistent in scale with the farm/estate operation and a countryside location.

3.14 The retention of the mobile home on site originally described in NPPF Paragraph 79 as: Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances applies:

- 1) There is an essential need for a rural worker, including those taking majority control of a farm business to live permanently at or near their place of work in the countryside.

3.15 Whilst Para 79 has been replaced with Para 80, this seems to refer to sustainable housing and not specifically rural workers accommodation, and therefore it is considered that the retention of the mobile home would still meet the requirements of Local Plan Policy E2 : Development proposals which are necessary for agricultural production or which make a positive contribution to farm or country estate diversification where they:

- 1) Are supported by or operate as part of and will continue to add value to the viable core farm/estate business, and
- 2) Remain compatible and consistent in scale with the farm/estate operation and a countryside location.

3.16 The previous paragraphs under the heading "Proposal" demonstrates that from the stocking levels and timescales of each on site, that there is a constant need for full time accommodation to be provided to ensure that the appropriate stock is well cared for throughout the working day, and that care is also available throughout the hours of darkness if required.

3.17 Suitable accommodation within the locality at an affordable cost is not available, and living offsite would not allow the adequate stock care to be provided over any 24 hour period.

3.18 A search of the Internet for the locality shows that one property is for sale in Swerford, being a two bed-roomed Cottage currently on the market at £495,000.00, and a two bedroomed house in Chipping Norton is on the market at £265,000.00. Irrespective of the distances away from the Application site, both are outside of the affordability of the Applicants.

3.19 Equally should the need for care be required through the night, travelling to the Farm would not be a viable option due to the Applicants being unaware of any emergency, which can occur where livestock are involved, and again discounts any requirements of guests using the Glamping.

#### JUSTIFICATION FOR PERMANENT ACCOMMODATION ON SITE.

3.20 A Gantt chart is attached which shows the times that permanent presence is required on site, which demonstrates a 12 month cycle, which is for the agricultural element of the business which occurs

actually on site. This excludes any times when Guests will attend site for Glamping, this is due to booking dates being flexible throughout the year.

The chart commences from March 2022 with the 12 month cycle ending in March 2023, which would then recur on an ongoing 12 monthly basis, year on year.

3.21 Correspondence is also included from the applicants Veterinary Practice which also highlights the need for a 24 hr. presence on site.

#### **FINANCIAL APPRAISAL, INCOME AND EXPENDITURE**

3.22 The Applicants have provided copies of the previous year's Accounts, 2018 -2021, currently Accounts for the year ending 2022 are not available due to their Financial Year ending March 2022.

3.23 It will be seen that the Business has expanded on a year by year basis and runs profitably, and considerable investment has been made with the purchase of Plant and machinery and buildings, (Steel framed barn 18/02451/PDET28 and Polytunnel 18/03198/FUL) and that the included 5 Year Plan provided by the Applicants demonstrates that continued success and expansion is forecast, however the continuing success relies heavily on a 24 hr. presence on site being provided.

#### **CONCLUSION**

3.24 With the extensive provision of additional information relating to the Farm business, and it's diversification into a forward progressive expanding agricultural enterprise, has demonstrated the actual necessity to be located on site on a permanent basis, and that the District Council will take into consideration all of the information to allow a formal Approval to be Granted.

#### **4 PLANNING POLICIES**

E2NEW Supporting the rural economy

E4NEW Sustainable tourism

EH2 Landscape character

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

H2NEW Delivery of new homes

The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### **Background Information**

5.1 This application is part retrospective and is for the retention of a caravan on the land, approved under 18/03198/FUL as a mess facility, as an agricultural workers dwelling and the use of adjoining land for a glamping business. The application advises that Netherby Farm itself comprises 13.5 hectares in the vicinity of the site with a further 120 hectares of land being farmed under various agreements in the locality.

5.2 Supporting information with the application states that a 24 hour on site presence is required in the interests of the welfare of stock housed on the land which includes sheep, lambs, calves and turkeys at

present and for oversight of the glamping business. A gant chart has been provided which seeks to demonstrate that over any 12 month period a permanent on site presence is required.

5.3 In addition to the above, the applicant's veterinary practice has confirmed in writing the need for an on-site presence in respect of animal welfare.

5.4 Accounts have been submitted in respect of the business from 2018- 2021 together with a business plan for development of the farming activities over the next 5 years.

5.5 The key Local Plan policies for consideration in respect of the application are H2, E2, E4 OS2 and EH2 of the West Oxfordshire Local Plan. In summary these policies state as follows:

5.6 H2 - New dwellings will only be permitted in the open countryside where they comply with the general principles set out in Policy OS2 and where there is an essential operational or other specific need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes will be controlled by an occupancy condition linked to the operational need.

5.7 Policy E2- Development proposals which are necessary for agricultural production or which make a positive contribution to farm or country estate diversification will be supported where they:

*Are supported by or operate as part of and will continue to add value to a viable core farm/estate business; And remain compatible and consistent in scale with the farm/estate operation and a countryside location;*

5.8 Policy E4- New tourist and visitor facilities should be located within or close to Service Centres and Villages and reuse appropriate existing buildings wherever possible. In small villages, hamlets and the open countryside, new tourism and visitor facilities may be justified in the following circumstances:

*Where there is a functional linkage with a particular countryside attraction; or  
The nature of the tourist and visitor facility is such that it could not reasonably be located within or close to Service Centres and Villages; or  
To secure the diversification of a farm enterprise or country estate in accordance with Policy E2;*

5.9 Policy EH2- Conserve and where possible enhance landscape character.

5.10 Paragraph 80 of the NPPF advises that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

*(a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

5.11 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

## **Principle**

### **Residential Use**

5.12 In respect of the principle of utilising the mess facility approved in 2018 for full time residential occupation, the test is whether or not there is an essential need for the farmworker to live on the land in respect of the welfare of livestock on a permanent basis. In this instance the business is still

developing and whilst there is clearly evidence to suggest that an onsite presence for animal welfare purposes is desirable, and which is supported by the applicants vet, at the time of writing your Officers are not certain enough that the need cannot be met by the approved mess facility. However, the business plan submitted with the application projects an increased level of animal husbandry over the next 5 year period such that the 'essential' test maybe met in due course. In light of this your Officers recommend that the residential use of the caravan be approved for a temporary period of 3 years following which the development of the business and the need for an essential on site presence can be reviewed.

### **Glamping Business**

5.13 The application advises that the proposed glamping business is part of a farm diversification and as such needs to be considered in accordance with policies E2 and E4 of the West Oxfordshire Local Plan. The nature of the tourism use is such that it is appropriately located in the open countryside and remains compatible with the scale of the adjacent farming operation. In addition, whilst not sufficiently justified on its own merits in respect of the glamping business, the provision of the temporary residential use in association with the farming operation will no doubt aid the management of the business over the 3 year time frame

### **Landscape Impact**

#### **Residential Caravan**

5.14 The caravan which was approved in 2018 as a 'mess' facility to serve the farm has been in situ for a number of years. Had it remained as a 'mess facility' its visual impact would be the same as that of the proposed residential caravan the subject of this application.

#### **Glamping Business**

5.15 The proposal is for two bell tents and a shepherds hut located on land to the east of the farm. The site is wooded and there is a well-established hedgerow along the road frontage. In light of the woodland character of the site and the established planting your Officers consider that the use of the land for the limited accommodation proposed is acceptable in terms of landscape impact.

### **Highways**

5.16 County Highways has raised no objections to the application subject to a condition requiring the provision of an improved vision splay which may require the removal of some of the hedgerow screening between the highway verge and the application site. In order to ameliorate any degradation of the existing screening it is recommended that a condition is imposed should Members be minded to approve the application requiring the provision of additional planting to the rear of the vision splay.

### **Conclusion**

5.17 In light of the above assessment the application is considered compliant with policies E2, E4 and EH2 of the adopted Local Plan. In respect of Policy H4 of the Local Plan and paragraph 80 of the NPPF it is recommended that the application be approved on a temporary 3 year basis rather than a permanent basis in order to ensure that the essential need for a 24/7 on site presence is evidenced as the farming business develops. The position can then be reviewed in three years' time when the temporary consent lapses.

## **6 CONDITIONS**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON:** To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 That the development be carried out in accordance with the approved plans listed below.

**REASON:** For the avoidance of doubt as to what is permitted.

3 The use of the mobile home for residential purposes hereby approved shall be discontinued and the use returned to that of a 'mess' facility in accordance with the conditions attached to planning permission 18/03198/FUL within three years of the date of this grant of planning permission.

**REASON:** The permission is for a temporary period only as the essential operational need to live on the land in accordance with local plan policy and paragraph 80 of the NPPF is not yet definitively proven but may be evidenced over the next three year time frame given the business plan submitted with the application.

4 The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or a widow or widower of such a person, and to any resident dependants.

**REASON:** Permission is granted only because of the agricultural need for the mobile home.

5 Within two months of the date of this grant of planning permission vegetation along the frontage of the site shall be removed to provide vision splays at the access measuring 2.4 x 160m. The said vision splays shall be retained as such thereafter.

**REASON:** In the interests of highway safety.

6 Within three months of the date of this planning permission a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the date of this planning permission or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

**REASON:** To ensure the safeguarding of the character and landscape of the area having regard to the removal of planting to achieve the requisite vision splay.

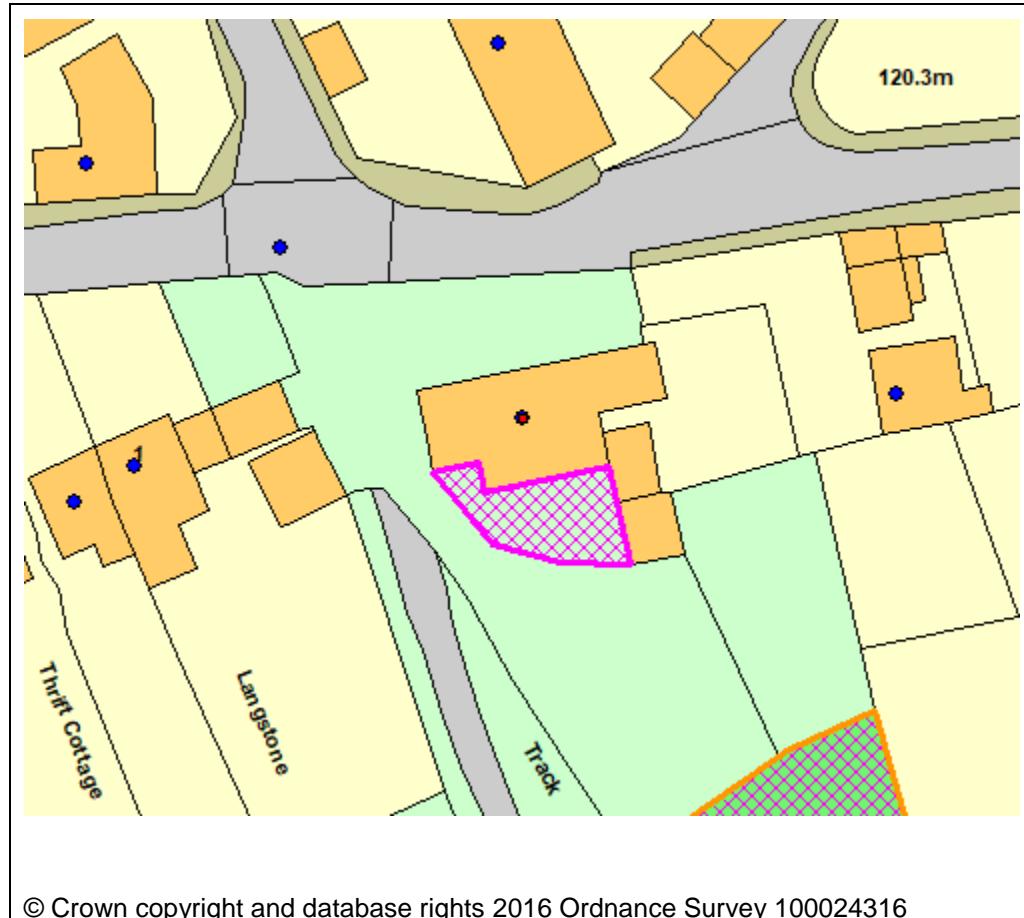
**Contact Officer:** Kim Smith

**Telephone Number:** 01993 861676

**Date:** 12th April 2022

|                         |  |
|-------------------------|--|
| Application Number      | 22/00015/FUL   |
| Site Address            | The Plough<br>High Street<br>Finstock<br>Chipping Norton<br>Oxfordshire<br>OX7 3BY |
| Date                    | 12th April 2022  |
| Officer                 | James Nelson   |
| Officer Recommendations | Approve  |
| Parish                  | Finstock Parish Council  |
| Grid Reference          | 436160 E 216127 N  |
| Committee Date          | 25th April 2022  |

### Location Map



### Application Details:

Change of use of land to extend external dining area and siting of glamping pods together with associated works and landscaping.

## **Applicant Details:**

Mr Guy Wallis  
The Plough  
High Street  
Finstock  
Oxfordshire  
OX7 3BY

## I CONSULTATIONS

OCC Highways

The application proposes 5 car spaces ( I presume 1/glamping pod ) but no spaces for the additional dining area. I note the lack of safe/secure cycle parking.

*Cycle and additional vehicular parking subsequently added to the scheme*

WODC Env Health - Uplands

In order to safeguard the amenity of the area and to avoid the risk of nuisance; if planning consent is given, I would recommend the following condition:

"Prior to the first use of the development hereby permitted, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall state how noise complaints will be responded to and detail full management procedures, policies and the administration of the business to address the management of guests leaving, entering the site, appropriate signage and complaints procedure. The development shall operate fully in accordance with the approved NMP".

**Reason: To protect the amenity of the locality, especially for people living and/or working nearby.**

WODC - Tourism

## No Comment Received.

WODC Business Development

I am writing to give my full support for this application from the economic development perspective. Rural pubs have had to look at ways of diversifying their income for a considerable time and the COVID pandemic has exacerbated that need. Extending the number of covers available to serve food is an obvious way to do this. At the same time, the recent interest in low impact domestic tourism has created a demand for small glamping schemes such as the one proposed. Simple accommodation such as this is a good way for the business to boost its income while encouraging visitors to stay overnight also benefits other attractions in the area.

I therefore hope that the application will be approved.

|                         |   |
|-------------------------|---|
| Conservation Officer    | The pods sit to the rear of the listed property, they appear as fairly ethereal and temporary in design and character, and will not overly harm the setting of the heritage assets. No conservation objections. |
| Parish Council          | No objection on balance, full response available on the Council's website.  |
| WODC Drainage Engineers | Further detail required, please see Council website for full response.  |

## **2.0 THIRD PARTY REPRESENTATIONS**

2.0.1 This application has attracted a significant amount of local interest with 32 letters of representation received and reviewed by officers. 17 local residents have written in objection to the scheme (18 letters in total) whilst 14 residents have expressed support for the scheme. The matters covered are summarised below.

### **2.1 Objection Comments**

#### **Neighbourliness**

2.1.1 The first and foremost concern of many objectors is the impact of the proposed development upon the amenity of adjoining neighbours by way of noise disturbance. It is asserted that the 'bowl-shaped' topography of the area, nature of the proposed use and proximity of the pods to neighbours will create an unacceptable level of noise disturbance. Objectors recognise the potential implications of living in close proximity to a public house but suggest the intensified use of the site will lead to unacceptable impacts. One comment also suggest the amenity levels for visitors will be substandard.

#### **Sewerage and Drainage**

2.1.2 Objectors raise concerns that the existing sewerage system is unable to cope with existing demand and therefore the proposal would exacerbate issues. Evidence has also been provided to show that the High Street has been flooded, most recently in December 2020, and increasing the amount of build development on the site would increase the potential for future flooding.

#### **Heritage Impact**

2.1.3 The design, siting and appearance of the proposed pods is considered by many objectors to result in harm to the setting of the listed public house and wider conservation area.

#### **Light Pollution**

2.1.4 Objectors raise concerns that the lighting to serve the glamping pods will increase light pollution to an unacceptable level. The proposed fire pit is also considered by some objectors to increase the

potential for light pollution as well as pose a safety risk. The lack of street lighting in the vicinity is said to raise sensitivity in this location.

### **Ecology**

2.1.5 Concerns are raised regarding the level of information submitted to assess the ecological impact of the scheme. Neighbours suggest that various species have been sighted in the vicinity of the site.

### **Precedent for backland development**

2.1.6 Concerns are raised that the glamping pods would relate poorly to the existing pattern of development and set a precedent for backland development. Application W95/1203 is referenced as an example.

### **Business Case**

2.1.7 Many comments doubt the economic benefits that would result from the use, particularly in relation to the local shop. Concerns are also raised with the lack of detailed business case and existing provision within the surrounding area meaning demand may not sustain the use.

### **Highways Impacts**

2.1.8 It is claimed that the site would not be provided by sufficient parking and would increase parking along the high street. Construction and visitor traffic disturbance are also referenced.

### **Other Matters**

2.1.9 One comment states that the applicant failed to display the yellow notice immediately. The LPA sent the Notice to the applicant upon registration of the application and extended the public consultation period to allow all neighbour and Parish Council comment to be taken into consideration.

## **2.2 Support Comments**

### **Public Benefits**

2.2.1 Support comments focus on the perceived public benefits accrued from the diversification of the public house, as the only such facility in the village, and increased footfall for the local shop and other such financial benefits associated with increased tourism such as job creation.

### **Neighbourliness**

2.2.2 Support comments suggest that the neighbourliness concerns raised by objectors have been overplayed due to the siting of pods and subsequent separation distances between the site and neighbouring properties.

### **Drainage**

2.2.3 Support comments suggest that the flooding issues raised by objectors would be little impacted by the proposed scheme.

## **Light Pollution**

2.2.4 Support comments state that suitable control may be exercised over lighting on site and therefore the issues raised may be overcome.

## **Highways Impacts**

2.2.5 Comments suggest that parking on site is rarely fully utilised and the additional spaces will cope with demand.

## **3.0 APPLICANTS CASE**

3.0.1 The application has been furnished with a Design and Access Statement in support of the scheme. The document can be viewed on the Council's website but the key points are summarised as follows.

### **3.1 Design and Access Statement**

3.1.1 The Plough Inn and restaurant has survived the difficult times of Covid by diversifying into 'carry out' food and recently with relaxed restrictions increased outdoor dining. Clearly there is merit in expanding the range of options provided by The Plough attracting a wider range of customers and increasing the profitability of the business while maintaining the character and charm of the main building. This in turn would require employment of more local staff and generate increased income not only for The Plough but for many other tourist based businesses in the area.

3.1.2 The Plough is very popular with walkers and cyclists who find the surrounding open countryside, many footpaths, bridleways and historic buildings a great attraction and could use The Plough as a base.

3.1.3 The pods would provide basic but high standard sleeping accommodation and individual sanitary facilities and a snack bar while main meals would be provided by the pub.

3.1.4 The statement goes on to detail how basic services will be provided and that a walkover ecological survey found no evidence of protected species.

## **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

E4NEW Sustainable tourism

E5NEW Local services and community facilities

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

BC1NEW Burford-Charlbury sub-area

NPPF 2021

DESGUI West Oxfordshire Design Guide

The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5.0 PLANNING ASSESSMENT**

### **5.1 Introduction**

5.1.1 This application seeks consent for a material change in the use of land to extend the external dining area and siting of glamping pods together with associated works and landscaping at The Plough, High Street, Finstock. The Plough is a Grade II Listed public house sited within the Finstock Conservation Area. The site is outside of the Cotswolds AONB.

5.1.2 The site has historically been considered as within the planning unit of the public house and is therefore a *sui generis* use. The proposed tourism use would cover the southern half of the site and is delineated by fencing as shown on the submitted proposed site plan, this use is also considered a *sui generis* use but the change in the nature and character of the use is considered material and therefore amounts to development.

5.1.3 The application is brought before Members due to Councillor call in on the grounds of neighbouring amenity impact.

5.1.4 Taking into account planning policy, other material considerations and the representations of interested parties, your officers consider that the key considerations for the application are principle, siting, design and form, visual and heritage impact, public benefits, neighbourly amenity, highways impacts, ecology and drainage impacts.

### **5.2 Relevant Planning History**

5.2.1 The relevant planning history on the site is summarised as follows:-

**W93/1224-** Erection of a single storey annexe in rear garden adjacent to public house to form bedrooms for letting accommodation (approved).

**W95/1203-** Siting of residential caravan in SE corner of garden (refused).

**W98/1430-** Erection of a single storey annexe to form bedrooms for letting accommodation (renewal of planning permission 1224/93) (approved).

### **5.3 Principle**

5.3.1 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 revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The

NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.3.2 The application site sits adjacent to the built up area of Finstock, which is defined as a village under the settlement hierarchy in Local Plan Policy OS2. According to Policy OS2, the villages are "*suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities*". All development must demonstrate compliance with the general principles of OS2. The general principles of OS2 that have particular relevance to this application are that development should:-

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- Conserve and enhance the natural, historic and built environment;

5.3.3 Further, Policy E4 of the adopted Local Plan states that "*tourism and leisure development which utilises and enriches the natural and built environment and existing attractions of West Oxfordshire to the benefit of visitors and local communities will be supported*". It continues... "*new tourist and visitor facilities should be located within or close to Service Centres and Villages*". As Finstock is identified as a village under Policy OS2, Policy E4 is considered to provide support for the principle of development.

5.3.4 Local Plan Policy E5 sets out the LPA's approach managing development that affects community facilities. Broad support is offered to "*development and retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities*". Given 'The Plough' is a long established public house and further is the only such facility in Finstock, officers consider that E5 is relevant to this application and supports the principle of development.

5.3.5 Local Plan Policy BCI is also of relevance and states in this sub-area "*development elsewhere will be limited to meeting local housing, community and business needs and will be steered towards the larger villages*". Support is also offered for small-scale employment opportunities such as sustainable tourism and seeking to retain and develop community facilities. Officers therefore consider that given the location of the site and proposed use to diversify an existing business, BCI provides support for the principle of development in this case.

5.3.6 Officers therefore consider that the proposed use of land in this location is supportable in principle subject to consideration of the matters below.

## **5.4 Siting, Design and Form**

5.4.1 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.4.2 The proposed glamping pods would be set in an irregular, inward facing manner in the southern half of the site. The site at present is grassed with significant boundary vegetation along its boundaries. The pods themselves would take a convex curved form reaching 3 metres in height set over modest sized linear (3 pods) and T-plan (2 pods) footprints. The pods would be clad in timber and stand on the ground without the need for significant groundworks. Given their siting, scale and large size of the parcel of land, the pods may be comfortably accommodated within the site and do no read as overdevelopment of the plot. Further works would include the extension of the parking area and minor landscaping.

## **5.5 Visual and Heritage Impact**

5.5.1 The site sits immediately south of the Grade II listed public house and therefore exhibits the potential to impact its setting. Officers are therefore required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that when considering development which affects a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. The direct effect of the proposed development upon the significance of the identified designated heritage assets must be considered in accordance with Paragraphs 199, 200 and 202 of the NPPF and Local Plan Policies EH9 and EH11.

5.5.2 Within a conservation area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

5.5.3 Officers consider that given the diminutive scale of the pods, discrete siting to the rear of the land and subsequent visual separation from the listed building, the pods will result in no material harm to the setting of the listed building. This assessment is supported by the Council's conservation officer. Further, the character and appearance of the conservation area will be preserved due to the siting, design and scale of the pods as well as the considerable screening provided by existing trees surrounding the site. The associated landscaping works, including to provide parking, are not considered to result in a material visual impact. The application is therefore considered acceptable in terms of visual and heritage impact.

## **5.6 Public Benefits**

5.6.1 Officers consider that given the application relates to a community facility and a tourism use, the proposed exhibits the potential to help diversify the business's income and therefore secure the pub's long term use and increase footfall for other local business. The application is supported by the Council's business development officer who stated in his representation that:

*"Rural pubs have had to look at ways of diversifying their income for a considerable time and the COVID pandemic has exacerbated that need. Extending the number of covers available to serve food is an obvious way to do this. At the same time, the recent interest in low impact domestic tourism has created a demand for small glamping schemes such as the one proposed. Simple accommodation such as this is a good way for the business to boost its income while encouraging visitors to stay overnight also benefits other attractions in the area. I therefore hope that the application will be approved."*

5.6.2 Officers therefore consider that the potential for the scheme to support the long term viability of an important community facility, local jobs and nearby business would result in a public benefit that accords with Local Plan Policies E4 and E5 and should be awarded significant weight in the planning balance.

## **5.7 Residential Amenity**

5.7.1 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

5.7.2 The site is bordered to the east, west and north by residential properties. Taking into account the representations of neighbours and the proposed built form, officers consider that no overlooking, overbearing or loss of light impact will result from the scheme and the key issue regarding the amenity of neighbours is noise and disturbance that may result from the proposed use. Due to the siting of the proposed glamping use, officers consider that the properties that are likely to be most affected by any noise impacts are 'Collicutt' to the east and 'Langstone' to the west. Officers note that the owners/occupiers of both of these properties have objected on the grounds on noise and disturbance.

5.7.3 The proposed glamping pods would be sited between 48-70 metres (m) from the closest point of the rear elevation of Collicutt and 27-58m from the closest point of the rear elevation of Langstone. The application site is also screened on each boundary by mature vegetation, which the application does not seek to remove, and is largely protected due to the site's position within the conservation area. The significant separation distances to nearest neighbours and screening is likely to minimise noise disturbance.

5.7.4 Further, whilst the addition of five glamping pods is likely to increase activity on the site, each pod and amenity area would be set significantly further from neighbouring properties than the pub and existing garden which are likely to be the source of any significant noise disturbance and cannot be controlled under planning legislation due to the longstanding use of the pub. In addition, officers do not consider that the nature of the proposed use is likely to attract visitors with a particular propensity to create noise disturbance. This is further emphasised by the size of the pods (1 bed), which would mean only small groups, or couples are likely to visit the site.

5.7.5 The application has been subject to consultation with the Council's ERS Team with regard to noise disturbance. The specialist officer has not raised objection to the scheme subject to the imposition of a planning condition to secure a Noise Management Plan (NMP) is submitted to and approved by the LPA prior to first use of the site. The plan shall detail how noise complaints will be responded to and full management procedures, policies and the administration of the business to address the management of guests leaving, entering the site, appropriate signage and a complaints procedure. Subject to the imposition of this condition therefore, officers conclude that the proposed development would not give

rise to any unacceptable increase in noise or disturbance to neighbours and is therefore acceptable in this regard.

## **5.8 Highways**

5.8.1 NPPF paragraph 111 states that:

*"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".*

5.8.2 Local Plan Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. In this context, the proposed glamping site would be located in village as identified by the settlement hierarchy in Policy OS2. Officers therefore consider that Finstock is a sustainable location for such uses in highways terms. The proposal would involve the provision of an additional space for each pod and would not necessitate any new access to the site. The Local Highways Authority have been consulted on the application and not raised objection though additional information has been requested and subsequently provided regarding provision of additional spaces to serve the additional outdoor tables and cycle parking. In light of these amended plans, the application is considered acceptable in terms of highways impact.

## **5.9 Drainage**

5.9.1 The application has been subject to consultation with the Council's drainage engineers who have not objected to the scheme but requested further information from the applicant who has provided updated information relating to the proposed drainage arrangements. The Council's drainage engineers are currently reviewing the additional information submitted. Officers consider that these technical details are likely to be overcome given the initial drainage response and therefore request delegated authority to resolve these matters subject to Members discretion.

5.9.2 In relation to foul water matters as raised by objectors, such details will be addressed under Building Control legislation as set out in the application. This is therefore not considered a planning reason to refuse the grant of permission.

## **5.10 Ecology**

5.10.1 The application site is considered to be of low ecological value as it is presently a low quality lawn with little vegetation other than along the site boundaries and two imposing groups of non-native cedars, which would not be removed. The issue of external lighting and potential subsequent pollution is raised in objection comments and given the application has not been furnished with such detail, officers consider it would be reasonable to secure these details through planning condition. This will ensure that light spillage into wildlife corridors is minimised. The pods themselves are lightweight in character and sit on the land which is currently grassed meaning the proposal would result in a negligible ecological impact and is therefore acceptable in this regard.

## **5.11 Conclusion**

5.11.1 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan Policies OS1, OS2, OS3, OS4, T1, T3, T4, E4, E5, EH2, EH3, EH7, EH8, EH9, EH10, EH11, EH13 and BC1, the NPPF 2021 and the West Oxfordshire Design Guide and is therefore recommended

to Members for conditional approval subject to the proposed drainage matters being resolved by officers on a delegated basis.

## **6 CONDITIONS**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

3 The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

4 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before the development hereby permitted comes into use and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

5 The cycle storage racks shown on plan PSA- 11 shall be installed prior to the glamping pods coming into first use and retained thereafter.

REASON: To ensure adequate provision for cycle storage and to encourage sustainable travel.

6 No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

REASON: To safeguard the character and appearance of the area and to protect local ecology.

7 Prior to the first use of the development hereby permitted, a Noise Management Plan (NMP) shall be submitted to and approved in writing by the Local Planning Authority. The NMP shall state how noise complaints will be responded to and detail full management procedures, policies and the administration of the business to address the management of guests leaving, entering the site, appropriate signage and complaints procedure. The development shall operate fully in accordance with the approved NMP thereafter.

REASON: To protect the amenity of the local residents.

8 The occupation of the accommodation hereby permitted shall be limited to holiday purposes only. None of the units are to be used at any time as permanent accommodation or as a primary place of

residence. The owner shall provide upon request by the District Council a list of all persons who in the twelve (12) month period leading up to the date of such a request have occupied one or all of the units (such list is not to be unreasonably withheld or delayed).

**REASON:** The accommodation is on a site where residential development would not normally be permitted, and is unsuitable for continuous residential occupation.

**INFORMATIVES :-**

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 12th April 2022