

Cherwell *Local Plan*



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NEW DWELLINGS IN THE COUNTRYSIDE

H18 PLANNING PERMISSION WILL ONLY BE GRANTED FOR THE CONSTRUCTION OF NEW DWELLINGS BEYOND THE BUILT-UP LIMITS OF SETTLEMENTS OTHER THAN THOSE IDENTIFIED UNDER POLICY H1 WHEN

(i) IT IS ESSENTIAL FOR AGRICULTURE OR OTHER EXISTING UNDERTAKINGS, OR

(ii) THE PROPOSAL MEETS THE CRITERIA SET OUT IN POLICY H6; AND

(iii) THE PROPOSAL WOULD NOT CONFLICT WITH OTHER POLICIES IN THIS PLAN.

2.76 Policy H18 is a continuation of past policies and reflects Central Government advice. Its intention is to ensure that the countryside is protected from sporadic development whilst, at the same time, recognising the legitimate needs of agriculture and forestry.

2.77 'Essential' will normally be interpreted as a proven necessity for a worker to live at or very close to the site of their work ie it is necessary for the proper functioning of the enterprise for a new dwelling to be occupied by a worker in connection with it. Sufficient details should be provided to enable an assessment of the size, nature and viability of the existing or proposed enterprise together with details of the number and tenure of existing dwellings related to the holding or estate. Where there is any doubt that a dwelling is required for the proper functioning of an enterprise, or where a new business is being proposed, it will be necessary to supply adequate financial information to demonstrate that the proposals are sound. In particular the Council will wish to be satisfied that such need as might exist could not be reasonably secured in a nearby settlement.

2.78 When an essential need has been proven, the Council may still resist the erection of a new dwelling if the opportunity to convert an existing redundant building in compliance with policy H19, H20 or H21 exists on the land. The erection of a new dwelling will normally be expected to be of traditional design and be closely related to existing buildings in the interest of protecting the appearance and open character of the countryside.

2.79 All planning permissions for agricultural dwellings outside the villages will contain an agricultural-occupancy condition restricting their occupation to a person or persons employed or last employed in agriculture and their immediate dependants. Such conditions will only be removed if it can clearly be demonstrated that there is no need for an agricultural worker's dwelling in the locality. The requirements of any given farm holding will be considered secondary to the needs of agriculture as a whole.

2.80 Policy H18 will also apply to locations where there are already a few scattered buildings.

Minor Roads

TR7 DEVELOPMENT THAT WOULD REGULARLY ATTRACT LARGE COMMERCIAL VEHICLES OR LARGE NUMBERS OF CARS ONTO UNSUITABLE MINOR ROADS WILL NOT NORMALLY BE PERMITTED.

5.25 In order to protect the amenities of the plan area, and in the interests of highway safety, development likely to create significant traffic flows will normally, subject to consideration of the other policies in this Plan, be expected to have good access to the major through routes or County inter-town routes identified in the Structure Plan or other principal roads.

Heavy goods vehicles

TR10 DEVELOPMENT THAT WOULD GENERATE FREQUENT HEAVY-GOODS- VEHICLE MOVEMENTS THROUGH RESIDENTIAL AREAS OR ON UNSUITABLE URBAN OR RURAL ROADS WILL NOT BE PERMITTED. THE COUNCIL WILL RESIST PROPOSALS FOR THE ESTABLISHMENT OF HEAVY-GOODS-VEHICLE OPERATING CENTRES WHERE THEY WOULD CREATE TRAFFIC PROBLEMS OR ADVERSELY AFFECT THE AMENITY OF RESIDENTIAL AREAS OR VILLAGES.

5.31 Heavy-goods-vehicles are not generally compatible with residential areas, including villages, for reasons of safety, congestion and pollution and, also, should be encouraged to use major roads as far as possible and discouraged from using unsuitable minor roads. In addition to its powers under the planning acts, the Council can make representations on environmental grounds to the relevant heavy-goods-vehicle licensing authority about the establishment of operators' centres, or extensions to existing centres. Wherever possible, heavy-goods-vehicle operating centres should not be located in residential areas, or villages, and should have good access direct to the strategic road network.

The Construction of Farm Buildings

AG2 FARM BUILDINGS AND ASSOCIATED STRUCTURES REQUIRING PLANNING PERMISSION SHOULD NORMALLY BE SO SITED THAT THEY DO NOT INTRUDE INTO THE LANDSCAPE OR INTO RESIDENTIAL AREAS. WHERE APPROPRIATE A LANDSCAPING SCHEME SHOULD BE INCLUDED AS PART OF THE PLANNING APPLICATION AND MATERIALS OF CONSTRUCTION SHOULD BE CHOSEN SO THAT THE DEVELOPMENT FITS SYMPATHETICALLY INTO ITS RURAL SETTING.

8.6 Recent changes in legislation have introduced significant amendments to agricultural permitted development rights. Whilst some agricultural development does not require planning permission, most new buildings and engineering works, including alterations to existing buildings, are controlled by the planning system. On holdings of 5 hectares (12.3 acres) or more, legislation now requires a developer who proposes to erect a building or to significantly extend or alter a building, or form or alter a private way, to first apply to the Local Planning Authority for a determination as to whether the prior approval of the Authority will be required, notwithstanding permitted development rights. Those proposing such a development are advised to contact the Council's planning section in order to ascertain whether such an application is required.

8.7 Where planning permission is required for a development the form, siting and construction materials should be selected in order to minimise its impact upon the landscape. Where appropriate conditions will be attached to planning permissions to require the submission and implementation of a landscaping scheme and to control construction materials. Further guidance on when the Authority will expect to receive an application under the prior approval system and advice on the siting and design of farm buildings is contained in the Council's supplementary planning guidance entitled "Planning advice for farmers - siting and design of farm buildings".

AG3 IN THE INTERESTS OF THE AVOIDANCE OF POLLUTION, NEW INTENSIVE LIVESTOCK AND POULTRY UNITS OR EXTENSIONS TO EXISTING UNITS THAT REQUIRE PLANNING PERMISSION WILL BE RESISTED WHERE THEY WOULD HAVE A MATERIALLY DETRIMENTAL EFFECT ON NEARBY SETTLEMENTS OR DWELLINGS DUE TO SMELL.

8.8 Intensive livestock and poultry units have considerable potential for environmental pollution. The major problem is caused by smell, which results from the exhaust ventilation of the buildings and the production of large amounts of waste. In order to lessen this problem proposals will normally be expected to follow the MAFF Code of Good Agricultural Practice for the protection of air. Wherever possible intensive livestock units should be located away from existing settlements. Local topographical conditions and prevailing wind directions will be considered to be particularly relevant when individual proposals are assessed. Similarly, proposals for new dwellings and other buildings normally occupied by people in close proximity to existing intensive livestock or poultry units will not be granted if it is considered that an unacceptable standard of amenity would result.

8.9 When an existing livestock or poultry unit has given rise to environmental problems, extension to it will be resisted unless the proposal forms part of a comprehensive package which will reduce the overall level of pollution.

AG4 SUCH PROPOSALS FOR NEW INTENSIVE LIVESTOCK OR POULTRY UNITS OR EXTENSIONS TO EXISTING UNITS AS MAY BE PERMITTED IN THE

PLAN AREA WILL BE REQUIRED TO INCLUDE SUITABLE PROVISION FOR WASTE DISPOSAL.

8.10 When inadequate provision is made for waste disposal, there is a serious risk of smell problems or pollution to watercourses and ponds. The Council will seek to control the location and method of waste disposal as part of any permission granted for a new unit or an extension to an existing unit. In submitting a proposal for a new livestock or poultry unit, the applicant should be able to demonstrate that the facilities for waste disposal comply with the M.A.F.F Code of Good Agricultural Practice for the Protection of Water.

8.11 Policies AG3 and AG4 will apply to all proposals requiring planning permission which involve the rearing of birds or animals where there is little or no interdependence between the birds or animals and the land upon which the buildings are situated or proposed to be situated.

Development Involving Horses

8.12 Horse related development for recreational or commercial purposes is becoming increasingly popular. The Department of the Environment PPG7 contains advice on such development, which can provide new opportunities for employment in rural areas and an alternative use for agricultural land.

C8 SPORADIC DEVELOPMENT IN THE OPEN COUNTRYSIDE INCLUDING DEVELOPMENTS IN THE VICINITY OF MOTORWAY OR MAJOR ROAD JUNCTIONS WILL GENERALLY BE RESISTED.

9.12 Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained.

9.13 Policy C8 will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.

Trees and Landscaping

C14 IN EXERCISING ITS DEVELOPMENT CONTROL FUNCTIONS THE COUNCIL WILL NORMALLY ACCEPT OPPORTUNITIES FOR COUNTRYSIDE MANAGEMENT PROJECTS WHERE

(i) ALL IMPORTANT TREES, WOODLAND AND HEDGEROWS ARE RETAINED,

- (ii) THE ECOLOGICAL VALUE OF THE SITE WILL NOT BE REDUCED; AND
- (iii) NEW TREE AND HEDGEROW PLANTING USING SPECIES NATIVE TO THE AREA IS PROVIDED.

9.28 The Council recognises the important contribution that trees make to the attractiveness of the rural landscape. It co-operates with the Countryside Commission in promoting landscape conservation and gives grants for schemes involving tree planting, woodland management, willow pollarding and pond restoration. The Council will continue to protect by means of a tree preservation order any tree or group of trees which is under threat and considered to be of high amenity value. Further details of these grant schemes can be obtained from the Leisure Services Department at Bodicote House.

9.29 The importance of hedgerows has recently been recognised by the Government, which has issued proposals on their protection. The proposals have yet to be confirmed, but are likely to involve a notification procedure for those wishing to remove or reduce hedgerows to enable local authorities to register those of value and secure their retention. Hedgerow management grants may also become available from the Government to encourage maintenance and positive management of hedgerows.

C28 CONTROL WILL BE EXERCISED OVER ALL NEW DEVELOPMENT, INCLUDING CONVERSIONS AND EXTENSIONS, TO ENSURE THAT THE STANDARDS OF LAYOUT, DESIGN AND EXTERNAL APPEARANCE, INCLUDING THE CHOICE OF EXTERNAL-FINISH MATERIALS, ARE SYMPATHETIC TO THE CHARACTER OF THE URBAN OR RURAL CONTEXT OF THAT DEVELOPMENT. IN SENSITIVE AREAS SUCH AS CONSERVATION AREAS, THE AREA OF OUTSTANDING NATURAL BEAUTY AND AREAS OF HIGH LANDSCAPE VALUE, DEVELOPMENT WILL BE REQUIRED TO BE OF A HIGH STANDARD AND THE USE OF TRADITIONAL LOCAL BUILDING MATERIALS WILL NORMALLY BE REQUIRED.

Pollution Control

ENV1 DEVELOPMENT WHICH IS LIKELY TO CAUSE MATERIALLY DETRIMENTAL LEVELS OF NOISE, VIBRATION, SMELL, SMOKE, FUMES OR OTHER TYPE OF ENVIRONMENTAL POLLUTION WILL NOT NORMALLY BE PERMITTED.

10.4 The Council will seek to ensure that the amenities of the environment, and in particular the amenities of residential properties, are not unduly affected by development proposals which may cause environmental pollution, including that caused by traffic generation. In addition to the above policy, policies AG3 and AG4 of chapter 8 relate specifically to intensive livestock and poultry units and associated problems of smell and waste disposal.

10.5 Where a source of pollution is already established and cannot be abated, the Council will seek to limit its effect by ensuring that development within the affected area maintains a suitable distance from the pollution source.

Contaminated Land

ENV12 DEVELOPMENT ON LAND WHICH IS KNOWN OR SUSPECTED TO BE CONTAMINATED WILL ONLY BE PERMITTED IF:

- (i) ADEQUATE MEASURES CAN BE TAKEN TO REMOVE ANY THREAT OF CONTAMINATION TO FUTURE OCCUPIERS OF THE SITE
- (ii) THE DEVELOPMENT IS NOT LIKELY TO RESULT IN CONTAMINATION OF SURFACE OR UNDERGROUND WATER RESOURCES
- (iii) THE PROPOSED USE DOES NOT CONFLICT WITH THE OTHER POLICIES IN THE PLAN.

10.19 Proposals for the redevelopment of sites known or suspected to be contaminated will be considered against the above policy. Development on land known or suspected to be contaminated must accord with the regulations set out in Circular 21/87.

Minerals and Waste Disposal

10.20 Oxfordshire County Council is responsible for minerals and waste disposal planning, and the relevant structure plan policies controlling this type of development are contained in appendix A.

10.21 The minerals that are worked in Cherwell District are ironstone (Hornton and Alkerton), limestone (Ardley and Stratton Audley), soft sand (Duns Tew) and sharp sand and gravel (Yarnton). Mineral extraction has ceased at Shipton on Cherwell (Blue Circle Cement Works).

10.22 Whilst the County Council is the waste disposal authority, this Council has some responsibilities with reference to recycling. A Recycling Plan has been prepared which sets out the authority's targets, including the promotion and expansion of community based recycling centres.