



Appeal Decision

Site visit made on 5 July 2019

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2019

Appeal Ref: APP/C3105/W/19/3226838

Land east of, and adjacent to roundabout, Bicester Road, Launton.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr I Brent-Smith against Cherwell District Council.
 - The application Ref 19/00163/F, is dated 26 January 2019.
 - The development proposed is construction of accommodation building and associated ancillary external works to accommodate gas fuelled demand response electric generation facility to support the National Grid.
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Decision

1. The appeal is allowed and planning permission is granted for construction of accommodation building and associated ancillary external works to accommodate gas fuelled demand response electric generation facility to support the National Grid on land east of, and adjacent to roundabout, Bicester Road Launton in accordance with the terms of the application, Ref 19/00163/F, dated 26 January 2019, and the plans submitted with it, subject to the 6 conditions appended to this decision letter.

Preliminary Matter

2. This appeal arises following the failure of the Council to determine the application. The Council's main concerns are expressed in a putative refusal reason and relate to the visual effect of the proposal on landscape character and the coalescence of the village of Launton with Bicester. In the interests of accuracy and clarity I have adjusted the address of the site given on the application form to include wording used by the Council.

Main Issue

3. The main issue is the effect of the development on the landscape character and appearance of the area and upon the setting of the village of Launton.

Reasons

4. The proposed development would occupy part of an open field at the eastern edge of Bicester and north of the village of Launton. Although the appeal site lies outside the settlement of Bicester in open countryside, it would be accessed from the existing roundabout at the junction of the A4421 with Bicester Road which runs through Launton. The location does not have a tranquil rural character due to its proximity to Bicester and main road network.

5. The appeal site is screened by significant hedging along the adjacent main road sitting within the generally flat surrounding landscape. Due to its height, the main building would be visible from a number of viewpoints; the smaller ancillary structures referred to would be less apparent. These viewpoints include the gaps in the hedge to the Bicester Road near the site access roundabout and from the road overbridge to the railway which runs south of the appeal site. Whilst it is also likely that the development would be visible from some points within the village of Launton, this would be at a distance of several hundreds of metres, and beyond the tree-lined railway route.
6. Importantly, these viewpoints will also capture the recently constructed large-scale industrial buildings on an allocated employment site at the edge of Bicester. The scale and extent of this development is significant, intruding into the skyline and would appear as a backdrop to the appeal building in any views from Launton and the road overbridge. The appeal building would also (in other viewpoints) be seen against a backdrop of hedging and trees to the east. Consequently, whilst there would be a visual impact from the proposed development this is offset by its quasi-agricultural appearance in the wider setting and visual association with the built form of Bicester.
7. At its closest, Launton is separated from the A4421 Charbridge Lane, which tightly encircles the built area of Bicester, by a single small field. However, the appeal site does not sit between the settlements at this point but further north, separated by an expanse of open land. Together with the intervening tree-lined rail line there is a significant degree of separation between Launton and Bicester in the area to the east of Bicester Road which contains the appeal site. Having regard to the use proposed, which attracts no users or traffic other than for maintenance purposes, I am not persuaded that the proposed development would unduly harm the openness of land which distinguishes the settlement of Launton, or that it would contribute to any coalescence with Bicester.
8. Saved Policy C8 of the Cherwell Local Plan 1996 (CLP 1996) resists sporadic development in the open countryside and the explanatory text indicates this would 'apply to all new development'. The objectives of maintaining the character of rural areas is consistent with the aims of the National Planning Policy Framework (Framework). I have had regard to the comments of the parties, however it seems to me a 'general' resistance to all types of development other than that related to the needs of agriculture 'beyond the built-up limits of settlements' is not consistent with the approach to development in rural areas found in the Framework. Further, it is far from clear how the policy would address infrastructure development, in which respect the passive character of the use proposed distinguishes it from the generality of development. Therefore, in so far as this policy is relevant to the determination of this appeal, I give it little weight.
9. The proposed 'STOR' facility would use natural gas to respond to short-term demand peaks on the national electricity grid. Although the facility does not generate energy from renewable sources, as renewable electricity generation increases so does the need for balancing capacity such as the proposal would provide. Consequently, it is not unreasonable to conclude that the proposed development would constitute development required for the exploitation of sources of renewable energy and that the proposal should attract weight accordingly. The Council appear to suggest a form of sequential test should have been applied to the proposal to prioritise brownfield locations but I have

nothing before me to justify such a requirement; in any event the nature of the development is that it has locational parameters which restrict the availability of suitable sites. The Framework¹ requires the planning system to support infrastructure associated with renewable and low carbon energy and this adds significant weight in favour of the proposal.

10. There would be a degree of change to the character and appearance of the area as would arise from the insertion of any significantly-sized building in the countryside. However, I am not persuaded that the proposed building would be unduly prominent or intrusive in the landscape if developed with a suitable scheme of planting as the appellant proposes. The development would, therefore, not conflict with the relevant policies of the development plan, namely Policy C15 of the CLP 1996 which seeks to prevent coalescence of settlements by resisting development 'in areas of open land which are important in distinguishing them', or with Policies ESD13 of the Cherwell Local Plan 2011-2031 Part 1 (2015) (CLP 2015) which seek to protect and enhance local landscape.
11. The Council refer to a number of other policies in the CLP 2015 but it seems to me these have very limited relevance to the main issues and do not add to their case. I have indicated little weight can be attached to Policy C8 of the CLP 1996 in relation to the specific matter before me. Other matters can be dealt with through suitably worded conditions.
12. For these reasons, my overall conclusions are that the proposal would accord with the development plan taken as a whole and, in consequence, the appeal is allowed.

Conditions

13. The Council have proposed a number of conditions which I have considered and adjusted to meet the tests (in this case) of relevance and necessity. A 'plans' condition is appropriate to ensure the development proceeds in accordance with the basis of this decision. Details of access, parking and turning areas and related drainage are appropriate to ensure suitable /parking arrangements and mitigate the effects of introducing impermeable surfaces into the open countryside. Foul drainage is not required for the development. A scheme of landscaping is necessary to make the development acceptable in planning terms and the appellant has suggested a scheme should be submitted for approval rather than relying on the submitted landscape masterplan. Given also the comments from CDC Ecology I have included a requirement for such proposals to include measures for biodiversity protection and enhancement.

Andrew Boughton

INSPECTOR

¹ Paragraph 148

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2) Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Site Location Plan – P/BB/18/001
 - Proposed Site Plan – P/BB/18/003 Rev C
 - Proposed Block Plan – P/BB/18/004 Rev B
 - Proposed Floor Plan – P/BB/18/005
 - Proposed Elevations – P/BB/18/006
 - Proposed Site Compound Elevations – P/BB/18/007
- 3) Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, parking and turning areas including drainage thereof and the use of permeable surfaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use, the drainage, access, driveways and turning areas shall be completed in accordance with the details approved.
- 4) The development hereby approved shall not implemented other than in accordance with the approved details of surface water drainage as set out in the Flood Risk Assessment (R - 18152/S – 001) hereby approved and shall be retained as such thereafter.
- 5) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping to include, but not limited to, structural planting as indicated on the approved landscape masterplan 6727/LM/ASP3 and also measures for the protection and enhancement of biodiversity. The scheme shall also include indications of all existing trees and hedgerows on or in proximity to the land and identify those to be retained and set out measures for their protection throughout the course of development. The development shall proceed in accordance with the approved details.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.