PLANNING & REGULATION COMMITTEE – 12 APRIL 2010

EXCAVATION OF STONE TO PROVIDE: 1. EXTENSION TO FARMYARD FOR AGRICULTURAL AND EQUESTRIAN ACTIVITIES; 2. CONSERVATION STONE FOR DRY STONE WALLING, BUILDING STONE AND FEATURE STONE; AND 3. WORKS TO FACILITATE HAUL ROAD AND RESTORATION OF LANDFORM

Report by the Head of Sustainable Development

Location
Stone Farm, Lidstone

Applicant
Mr and Mrs Wenman

Application No
09/1581/P/CM

District Council Area
West Oxfordshire

Introduction

1. This is an application for the extraction of Chipping Norton Limestone from a 0.3 hectare site adjacent to farm buildings. It is proposed to extract for a 18 month period to create a level area which could be used as an extension to the farmyard for the storage of equipment. The application states that stone removed from the site could be used for dry stone walling, building and general masonry.

Location

2. Stone Farm lies 300 metres to the south west of the village of Lidstone, which is approximately 6.5 kilometres (4 miles) south east of Chipping Norton.

The Site and its Setting

3. Stone Farm includes a farm house, stables and barns, a workshop, three holiday cottages, a studio, fields for livestock and horses, a disused equestrian ménage and areas of hardstanding forming access tracks and a farmyard. The application site comprises unused land to the south west of the existing farmyard.

4. Access is proposed to be from a track running parallel to a bridleway also used as a secondary vehicle track linking the farm complex to the Chalford Green to Lidstone road.

5. The area proposed to be worked is 0.3 hectares.
Shakespeare’s Way long distance footpath runs through the Stone Farm complex. The proposed access track would be parallel to an existing bridleway and at incorporate it at the access junction. The applicant has suggested they could divert this bridleway if considered appropriate.

The nearest residential properties to the site are more than 250 metres away in Lidstone village.

The site lies approximately 160 metres south of Glyme Valley SSSI and is adjacent to Glyme and Dorn Valley Conservation Target Area.

**Details of Application**

This proposal is to extract approximately 16,000 tonnes of Chipping Norton limestone, of which 10,000 tonnes would be removed off site. It would be extracted from a 0.3 hectare site at Stone Farm.

After the mineral has been worked the area will be restored to form an extended farm yard area. At present the site is sloping and so not suitable for this use.

The site would be accessed from a temporary haulage track off the Chalford Green to Lidstone local road. There would be on average approximately 10 vehicle movements per week, for a two year period. However, it is likely that the material would be removed over intermittent periods so there might be 10 movements per day over a 3 day period followed by a period of no movements. The mineral would be removed in lorries with a capacity of 32 tonnes or less.

Further information was submitted in support of the application as the original application contained errors in relation to the tonnage of the material to be worked (the tonnage to be worked has been confirmed to be 16,000). The further information also amended the application area to provide room to improve the access junction.

**Consultations**

West Oxfordshire District Council -

*Planning:*

Stone Farm and the surrounding land is located within the open limestone wolds, as described within the West Oxfordshire Landscape Assessment. The limestone wolds are characterised by elevated landscapes which are very visually exposed and particularly sensitive to development. One of the principal factors that potentially threatens the landscape quality in this area is agricultural intensification and the resulting loss of field boundaries. Given this, it is my view that the ground works involved in extending Stone Farm to the south west would visually extend development into the open countryside neither preserving nor enhancing the sensitive open landscape character of the limestone wolds.
15. The excavated land and temporary road will appear alien and incongruous within the landscape and the eventual farm yard extension will visually extend development into the open countryside to the detriment of the scenic qualities of the visual landscape character of the limestone wolds. As such, the proposal is considered to be contrary to the general principle of safeguarding the countryside for its own sake and Policies BE2, NE1 and NE3 of the adopted West Oxfordshire Local Plan 2011.

16. Response to additional information – Continue to have concerns about the visual impact of the workings, access road and extended farmyard. Advise applicant to submit a series of photomontages. Without this supporting information it is difficult for the application to demonstrate that the proposal will preserve or enhance the local landscape character of the limestone wolds, as required by West Oxfordshire Local Plan policy NE1 and NE3.

_environmental health:

17. No objection. Noise and dust need not be a concern given the distance between the source and receivers.

18. Enstone Parish Council - Unable to support this application. Appears to be a request to extend the farm yard, yet in reality it is a request for a commercial quarrying operation. There is no explanation of why it is necessary to excavate the area to a depth of 5 metres. The applicant did not fully consult residents on these plans prior to submitting the application. Further information is needed before a decision can be taken:

- Assessment of the impact on road safety
- Details of how HGV routeing would be controlled
- Consideration of the impact of HGVs through Chipping Norton
- Confirmation of the exact extraction quantities proposed
- Impact on the bridleway
- Evidence that there would be no impact on protected species
- Noise and dust. Buffer zone of 250 metres is not sufficient when the County Council has a standard policy of 350 metres.

19. Response to additional information – Very concerned that the tonnage figure is now three times what was originally proposed. This will lead to additional lorry movements. The application suggests that footpath users could use a stretch of road but this would be unsafe.

20. Environment Agency - No objection. Provides advice to the applicant regarding who to contact if waste is used for restoration processes, or if dewatering is required. Recommend that the applicant puts in place measures to control dust and mud.

21. Natural England - No objection. The development is unlikely to affect Glyme Valley SSSI. Suggests conditions to ensure that no materials, machinery or plant is stored or disposed of within the SSSI and no machinery and plant is
driven within the SSSI. States that all possible measures should be put in place to reduce adverse impacts on the SSSI, for example dust suppression measures.

22. **Response to further information – Support the biodiversity enhancements proposed.** Advises that native plant species should be used and Natural England should be consulted before seed mixes are imported. The fields closest to the SSSI should be maintained as grass. A condition should be added to any permission granted requiring a management plan and monitoring programme for habitats and species affected by this development.

23. **BBOWT - No objection.** As the site adjacent to the Glyme and Dorn Conservation Target Area (CTA) and therefore if it is permitted it should include enhancements towards the aims of the CTA. Request that the creation of hedgerows and calcareous grassland as set out in the application, is required by condition. Further opportunities should also be taken to provide for farmland birds and enhance the meadow habitats to complement the nearby SSSI. Should Natural England consider it appropriate, suggest management or enhancement of the meadows between the application site and the SSSI as a possible biodiversity enhancement. Also, any opportunities to provide further suitable farmland bird habitat, including species rich hedgerows, provision of nest boxes, and planting of wild bird seed mixtures should be taken.

24. **English Heritage - Responded, no comments to make.**

25. **British Horse Society - Object.** Application is for a commercial, industrial quarry at the intersection of bridle paths. It is proposed to build a new HGV road right next to an existing bridleway. Horses will be easily startled by lorries and machinery. The development would have a negative impact on the rights of way in this area, contrary to policies in the Oxfordshire Structure Plan policies R1 and R2 and the aims of Oxfordshire Rights of Way Improvement Plan. The applicant has not taken this document into account or made plans for mitigation. There are an estimated 100 horses in the Lidstone area and the applicant must consider plans for enhancing the rights of way affected. It is not clear why permanent permission has been applied for. Not clear what equestrian facilities will be provided, understand that the livery on the farm was closed years ago. The quarry is not necessary to extend the yard. Noisy and dusty machinery would be problematic for horse riders, mitigation of this is not detailed in the application. The operator should erect signage to warn users of the bridleway about periods of heavy use in advance. Signs would also be needed to warn drivers on the temporary road of horses. Suggests a high noise barrier could be erected around the site. Should be more detail about how this development would reduce the need to drive stock down the rights of way. There should be measures to ensure the removal of the temporary access track and reinstatement of the land.

26. **Response to additional information – Welcome the acknowledgment that the applicant will have to warn local riders of lorry movements. However cannot remove objection due to strong reservations.** If the bridleway is diverted onto a road this could be dangerous. It is misleading to suggest the proposed traffic generation is comparable to that caused by agricultural operations.
Misleading to state that this is not a commercial enterprise. Proposal to plant hedges along bridleways in the open countryside is not an enhancement as it would enclose and narrow the route.

27. Campaign to Protect Rural England - No objection in principal. However, the application states that the development would be permanent. If permission is granted OCC should restrict the time allowed for the quarrying and removal of stone and rigorously enforce this condition. Would object to any long term quarrying activity on site.

28. Transport Development Control - Initial response - the proposal would be detrimental to highway safety and convenience as the adjacent highway network is unsuitable for use by the large vehicles that are expected. The submitted documents do not provide enough information on traffic generation, vehicle type or the access junction. The route west from the site is a rural highway with a narrow carriageway and there is little/no opportunity to pass HGVs. Further from the site there are concerns regarding the junction of B4026 near to Chalford Green and the junction of A361/B4450 at Chipping Norton, layout and visibility being inappropriate for large vehicles. Understand that vehicles would not use the route to the east of the site.

29. Response to additional information – the additional information does not resolve highway concerns. The proposal would be detrimental to highway safety and convenience as the adjacent highway network is unsuitable for use by large vehicles. The widening of the proposed access has incorporated the adjacent right of way which would increase the risk of conflict between vehicles and users of the right of way. The highway leading from the proposed access to the B4026 is totally inappropriate for the vehicles associated with the proposed use. One passing place is shown which provides little mitigation. Visibility on the access junction is only appropriate when the southern arm of the junction is used, which requires more complicated manoeuvring. It is likely that vehicles would overrun verges or have to perform complicated manoeuvres as the swept paths show there is little room spare. Proposal would involve HGVs through Chipping Norton, which is a matter of concern, although the impact of these vehicles may be small compared to existing HGV flows on the network.

30. Archaeology - No objection. The proposal does not appear to directly affect any presently known archeological sites. However, records do indicate the presence of known archeological finds nearby, and this should be borne in mind by the applicant. If archeological finds do occur the applicant should notify the County Archaeologist.

31. Ecologist Planner - No objection. The proposed development would have negligible negative impact on biodiversity but would result in a permanent extension of the existing farm development which could have an impact on the landscape. Enhancement measures would go some way towards mitigating that landscape impact and provide biodiversity enhancements. Suitable enhancements would include the creation of species-rich hedgerows and grassland, the installation of feeding stations and nest boxes for tree sparrows, planting an area with wild bird seed mixture to benefit linnets and
management of the fields south of the Glyme Valley SSSI to create calcareous grassland and buffer the SSSI.

32. The development is unlikely to affect Glyme Valley SSSI or the Glyme and Dorn Conversation Target Area (CTA) but due to its proximity the development should contribute towards the targets of the CTA.

33. Rights of Way - No objections. Application will not have a significant impact on rights of way network locally. Signage should be agreed in advance. The rights of way should not be interfered with or restricted. Suggests condition for a 10 mph speed limit on the access road. Noisy activities such as crushing and screening should be avoided when riders are using the bridleway, and quarry staff should be vigilant in checking when riders are on the bridleway and working in a way that will not frighten the horses may all help avoid any conflicts and should be adopted for the site. The suggestion to warn users of intense periods of activity is welcomed, providing that the right of way remains open and usable. If an interpretation board is put up, this should not obstruct the rights of way.

Representations

34. 23 letter of objection were received for this application. Please see Annex 2 for further details

**Relevant Planning Policies (see Annex 1)**

35. The main policy issues are mineral policy, traffic and the effect on amenity and environment.

Mineral Policy

36. Oxford Minerals and Waste Local Plan (1996) (OMWLP) policy SD3 states that new planning permission will not normally be granted for limestone quarries. Very small quarries to supply traditional local building stone to the immediate area may be permitted as an exception to this policy.

37. OMWLP policy PE2 states that planning permissions for mineral workings will not be granted outside the areas identified in that plan unless the working would be acceptable under policy SD2 or the proposal satisfies the policies of the development plan and demand cannot be met from within areas identified in the plan. Policy SD2 refers to sand and gravel quarries and so is not relevant to the consideration of this application.

38. OMWLP policy PE13 states that mineral workings should be restored within a reasonable timescale to an afteruse appropriate to the location and surroundings. Proposals for restoration should be submitted with the planning application.
Amenity and Environment

39. OMWLP policy PE18 states that in determining applications for mineral development, the County Council will have regard to the Code of Practice in the plan. This sets out details on issues such as odour, noise, dust and hours of working. Development should not be permitted if it would cause an unacceptable environmental or amenity impact that could not be satisfactorily controlled through condition.

40. WOLP policy NE1 states that proposals in the countryside should maintain or enhance the value of the countryside for its own sake. WOLP policy NE3 states that development will not be permitted if it harms the local landscape character.

Traffic

41. South East Plan policy T1 states that policies should encourage development which is located to reduce average journey length, improve the maintenance of the existing transport system and where possible minimise the negative environmental impacts of transport.

42. West Oxfordshire Local Plan (WOLP) policy BE1 states that development will not be permitted unless appropriate supporting transport infrastructure is available and appropriate provision has been made to safeguard the local environment.

Comments of the Head of Sustainable Development

43. The key issues to consider in determining this application relate to minerals policy and the effect of the proposed development on amenity and environment.

Mineral Policy

44. The application suggests that the stone worked would be used to supply traditional building stone to the farm and surrounding villages. However, the information submitted with the application in relation to the stone thickness and type is weak and no borehole data was submitted with the application. A representation from a geological consultant states that it is unlikely that more than a few tens of tonnes of blockstone would be retrieved from the site. Up to 10% of the material could be suitable for walling stone. I consider that it is unlikely that this quarry would yield significant quantities of building stone and the majority of the material would be suitable for use as aggregate only. Therefore I do not consider that this proposal meets the exception to Oxfordshire Minerals and Waste Local Plan policy SD3 which allows very small quarries for the supply of traditional building stone. This proposal is in my view contrary to OMWLP policy SD3.

45. This is a small scale extraction proposal which is not identified as a site in the OMWLP. Therefore policy PE2 requires that the proposal must satisfy other development plan policies and there must be a demand that cannot be met
from the areas identified in the plan. As this proposal does not comply with OMWLP policy SD3 it cannot accord with OMWLP policy PE2 either.

46. Restoration plans have been submitted with this application and it is proposed to complete restoration within 6 months of the completion of extraction. The restoration plan is considered acceptable. Therefore this element of the development is in accordance with OMWLP policy PE13.

47. Neither the original application nor the additional information sufficiently demonstrate that there is adequate space on the site for a working area, stockpiles of different products, lorry access and plant. If permission is given I anticipate that that any operator would ask for an extension to allow the site to be worked satisfactorily and that could result in a further extended farmyard. As the application has not provided full details of the working arrangements demonstrating that the site area is feasible for this development, it is contrary to sections 3 and 4 of the OMWLP Code of Practice and policy PE18, which sets out what should be included in planning applications for mineral development.

48. The extraction of stone from the site has commenced under permitted development rights. The removal of the stone which has already been worked from the site and restoration of the area to a level farm yard could be acceptable. However, the application proposes working to a greater depth, which would cause more material to be transported off site over a longer extraction period. Given the nature of the material I do not consider there to be justification for this.

Amenity and Environment

49. There has been local concern about the impact of this development on the village. However there has been no objection from the Environmental Health Officer in terms of noise or dust. Therefore I have no reason to believe that potential nuisances could not be adequately controlled by planning conditions. This development could be implemented in accordance with the sections on noise and dust in the Code of Practice and therefore is in accordance with OMWLP PE18 in this respect.

50. The District Council have expressed concern about the visual impact of the development. On the basis of the information currently submitted it is not clear that the development would maintain the value of the countryside for its own sake or result in no harm to the local landscape character. Therefore, as presented in the application, the development is contrary to WOLP policies NE1 and NE3.

Traffic

51. Advice from transport development control is that this development would be detrimental to highway safety and convenience. Further information submitted by the applicant has been unable to overcome these concerns. Therefore this development is contrary to WOLP policy BE1 as appropriate transport structure is not available and SEP policy T1 in that the negative environmental impacts of transport would not be minimised.
Conclusions

52. This is a proposal for a small scale quarry which would be situated a sufficient distance from residential properties. However, it is located in a rural village location where the roads are not suitable for frequent HGV journeys. The development is unacceptable in terms of its impact on highway safety and convenience. As it is unlikely that the workings would produce a significant quantity of local building stone, the quarrying of this area is not justified in terms of minerals policy. Additionally, it is not clear that there would be no adverse visual impact on the landscape character as a result of the temporary quarrying operation or permanent extended farmyard. Finally, it has not been demonstrated that the development could take place within the application area.

RECOMMENDATIONS

53. It is RECOMMENDED that planning permission for application 09/1581/P/CM be refused for the following reasons:

(1) the proposed development is contrary to WOLP policy BE1 in that the surrounding transport infrastructure is not appropriate to take the HGV's which would be generated by the development;

(2) the proposed development is contrary to OMWLP policy SD3 in that it is a new limestone quarry that does not meet the criteria which allows exception to the normal policy that allows small quarries to supply traditional local building stone;

(3) the proposed development is contrary to WOLP policies NE1 and NE3 in that the application has not demonstrated that there would be no harm to the local landscape character or that it would maintain the value of the countryside;

(4) the application has not provided full details of the working arrangements demonstrating that the site area is feasible for this development, contrary to sections 3 and 4 of the OMWLP Code of Practice and policy PE18.

CHRIS COUSINS
Head of Sustainable Development
Environment & Economy

Background Papers:

March 2009
ANNEX 1

Relevant Development Plan and other Policies

**Oxfordshire Minerals and Waste Local Plan (OMWLP) 1996**

SD3, PE2, PE13, PE18,

**South East Plan**

T1

**West Oxfordshire Local Plan**

BE2, NE1, NE3
ANNEX 2

Representations

There have been 23 objections from local residents. The points which have been raised are summarised in bold and the officer response is beneath.

- Proposal appears to be for an extended farm yard but this is misleading and it is in fact for a commercial quarry:
  - Application claims new yard will be used for equestrian activities but the applicants have stated that they no longer wish to continue this business
  - Scale of extraction is more than needed to create yard
  - Quarry not necessary to extend the farm yard
  - States 7000 tonnes for applicants own use, this is excessive
  - Size of new yard would be excessive for a farm this size
  - Demand in local area does not justify scale – need is weak

The application states that this development is not accurately described as a commercial quarry due to its small scale and the fact money received for the stone will be used for improving the farm and extending the yard. However, in the sense that material will be sold and transported off-site this is a commercial development. As mineral is proposed to be extracted from the site, the application must be determined against mineral policies, as development at other quarries are.

- Proximity to Lidstone:
  - prevailing winds
  - noise
  - dust
  - visual impact of quarry and access road

There has been significant local concern about the impact of this development on the quiet countryside setting. However, there has been no objection or requirement for further assessments from the Environmental Health Officer so I am satisfied that noise and dust could be controlled through condition. The quarry area is located 250 metres from the nearest residential property outside the farm complex, which is a sufficient buffer.

- Imprecise/inadequate application:
  - States extraction will be 18 months but output will be subject to market conditions
  - States ‘approximately’ 16 000 tonnes extraction
  - Form states 2000 tonnes per year will be sold and supporting statement says 3000
  - Ecological report dated prior to the inspection
  - No design and access statement
  - Inaccurate description of site, not derelict
  - Contradicts itself regarding the need for dry stone walling material
  - Details of stone density not provided
  - Has underestimated tonnage
  - Not enough information about proposed new access road
- ‘Mobile chopper’ referred to will in fact be a noisy crusher
- No SEC/SEA has been carried out as required

The original application did include inaccuracies regarding the proposed tonnages. Further information was sought from the applicant to address this. Details such as the timescales for extraction can be controlled through condition. No Design and Access Statement or SEA/SEC are required for this type of development.

- **Highways:**
  - Local roads too narrow
  - Sat navs already take HGVs through village
  - Increased accidents
  - Increase in traffic through Chipping Norton
  - Damage to verges and walls

The Highway Authority also takes the view that this development is not acceptable in terms of highway safety and convenience.

- **Does not accord with policies:**
  - Not identified in the local plan
  - Contrary to West Oxfordshire Local Plan NE15, Oxfordshire Minerals and Waste Local Plan policy SD3

Relevant development plan policies are considered in the main report.

- **Principal of extraction:**
  - No shortage of building stone in Cotswolds area, in better situated quarries
  - Stone will be of poor quality
  - Stone from this quarry would be at the expense of existing local commercial quarries

The principal of extraction in this location is considered in the main report.

- **Visual amenity:**
  - Financial incentive for applicant does not override amenity concerns
  - Would be visible from A44
  - Visual impact in an area of high landscape value

This development is considered against policies relating to visual amenity in the main report. The financial incentive for the applicant is not relevant in determining the application.

- **Development was started without permission and caused noise nuisance**

The development was started under permitted development rights as the applicant was permitted to extract material for use on the farm. As it is now the intention to sell the material off-site a planning application has been made.
• Development should be temporary not permanent
The quarrying aspect of this development is proposed to be temporary and this would be enforced through planning condition. The applicant indicates that the permanent element would be the extended farmyard.

• The land is not registered in the name of the applicant
This is not relevant to the determination of this application.

• The neighbour notification letter by the applicant was misleading in terms of scale and scope
Neighbours have now had the chance to consider the full details of the proposals through the consultation on the planning application.

• If HGVs did not use new access road, then HGVs accessing Stone Farm would affect our property
Conditions could be used to ensure that the development was carried out in accordance with the submitted plans, including for access.

• Concern that this will set a precedent
Any further application in the area would have to be the subject of a new planning application which would be considered against the development plan taking into account any other material considerations.

• Impact on bridleway adjacent to new road and the national bridleway, Shakespeare’s Way and footpaths
There has been no objection to this application from the Rights of Way team. The applicant has proposed mitigation measures which could be required through condition to protect the rights of way.

• Impact on biodiversity and Glyme Valley SSSI
Natural England have confirmed that this development is unlikely to cause any adverse effect on the SSSI. There has been no objection to this application from either OCC’s Ecologist Planner or Natural England.

• Comments from Councillor Hilary Biles (District Councillor Ascott and Shipton Under Wychwood, County Councillor Chipping Norton)
There are significant issues over the transportation of stone through Chipping Norton as WODC and OCC are trying to remove HGVs through the town. OCC is also in the process of putting a weight limit on the A44 to discourage HGVs. Appears that the equestrian side of the business has closed. While I am for diversification, I do not think it should be to the detriment of others.
Second round of consultation

Additional information was sought from the applicant. This was consulted on. Many of the points raised in the second consultation had already been raised and are covered above. Additional points are covered below.

- **Extraction details:**
  - 350 metre buffer zone should apply
  - Claims 22,000 tonnes will be used on site – this is excessive
  - Figures for tonnages should be treated with suspicion as density not provided
  - There is no need or market demand for this stone
  - Drawings submitted with additional information show the quarry as 3 or 4 times bigger than farm yard extension
  - Amendments lead to an increased tonnage and therefore greater effect on roads and amenity.

The extraction details are considered against planning policy in the main report.

- **Bridleway**
  - Concern about the proposal to reroute the national bridleway – would have the effect of forcing horses to share with quarry traffic
  - Proposals to warn users of the rights of way of danger are inadequate
  - Proposed screening of bridleway and footpath would limit open views and not add to their enjoyment by users

The additional information shows changes to the access junction which include the incorporation of the bridleway into the access road. However, there has been no objection to this application from the Rights of Way team. The application suggests the bridleway could be diverted if appropriate, but is not formally proposing this.

- **Ecological information inadequate:**
  - ignores pollution from lorries
  - does not cover the SSSI

The ecological information is considered adequate by the County’s Ecologist Planner. Natural England have no objection to this application.

- **Traffic information inadequate:**
  - misleading information regarding number of vehicles when the farm was farmed
  - transport Statement not helpful – subjective and lacking in data

The additional information has not satisfied the Highway Authority that this development is acceptable.
• Further assessments should have been included with additional information:
  - noise assessment
  - dust assessment
  - design and access statement
  - traffic impact assessment
  - geological assessment of quality of stone

Noise and dust assessments were not required by the Environmental Health Officer. Design and Access Statements are not needed for this type of development.

The main report considers the issue of the evidence regarding the quality of the stone.

• Lorry routeing to Stone Farm has failed in the past

The Highway Authority has objected to this development.

• Additional information makes several sections of the original application form incorrect

The additional information amends the original submission. If permission were granted key issues could be controlled through condition.

• Comments from Geological Consultant

In my professional judgement it is highly unlikely that, at most, more than a few tens of tonnes of blockstone would be recovered from the proposed excavation. About 5% - 10% of the material may be suitable for use as walling stone. There is absolutely no possibility that 5,000 - 10,000 tonnes of walling, building and masonry stone could be recovered from the proposed excavation. Little proper investigation or careful research appears to have been undertaken to support the present application.