

WEST OXFORDSHIRE DISTRICT COUNCIL

LANDS AREA PLANNING SUB-COMMITTEE

Date: 16th February 2015

**REPORT OF THE HEAD OF PLANNING
AND STRATEGIC HOUSING**



**WEST OXFORDSHIRE
DISTRICT COUNCIL**

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 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

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Application Number	I4/02213/FUL
Site Address	The Blue Cross Shilton Road Burford Oxfordshire OX18 4PF
Date	3rd February 2015
Officer	Miranda Clark
Officer Recommendations	Approve
Parish	Shilton Parish Council
Grid Reference	426382 E 209982 N
Committee Date	16th February 2015

APPLICATION DETAILS:

Erection of new kennel and cattery buildings. Removal of existing exercise runs and refurbishment of existing kennels

APPLICANT DETAILS:

Mr David Key
The Blue Cross
Shilton Road
Burford
Oxfordshire
OX18 4PF

I CONSULTATIONS

I.1 Parish Council

The Shilton Parish Council has considered this application and would like to see changes made and conditions applied prior to approval. To this end, can we arrange for a meeting to include yourselves, the applicant and our District Councillor to discuss how our concerns can be met and to establish the measures that will need to apply; any consideration by committee should be delayed until these discussions are settled. Furthermore, as the Blue Cross is this Parish's largest employer, it is appropriate that either a CIL payment or a section 106 order be originated to provide some benefit to the parish and its surroundings.

The concerns mainly fall into two categories, highways and development intrusion into an area of high landscape value.

The Blue Cross is located on the B4020 at an undulating part of a heavily used B road feeding RAF Brize Norton and the town of Carterton. This use results in high peak time traffic, often fast moving, that is comprised of commuters out of Carterton to places of employment and also of the RAF personnel commuting into the Carterton. This road is dangerous and there has been a fatality directly outside the Blue Cross within the last four years plus` many

cases of cars it is important to recognise that the County Highways department ,may have a view of the severity of the problem that is not as accurate as that of the residents of Shilton Parish.

The Shilton Parish Council would expect to see some measures to reduce the traffic through the B40120, controls over the use of Stonelands Lane as access/ exit from the Blue cross Estate and signage to discourage rat runs through Stonelands and the centre of 'old' Shilton.

- 1.2 OCC Highways The proposal, if permitted, will result in a reduction of the developed area together with the reduction in the number of kennels on site. I note the comments in the Design and Access Statement regarding the reduction in kennels and the Home Direct Scheme. I cannot demonstrate a significant intensification of use that would cause the severe harm that would warrant the refusal of a planning permission.
- 1.3 WODC Env Health - Lowlands No comments to make
- 1.4 Adjacent Parish Council Burford Town Council - no comments received at the time of writing.

2 REPRESENTATIONS

None received.

3 APPLICANT'S CASE

- 3.1 A full list of the planning history of the site, a Sustainability Statement, and a Supporting Statement has been submitted as part of the application. All of these documents can be viewed on line or obtained from officers. The Supporting Statement has been briefly summarised as:-

The majority of the existing animal facilities date back to 1990 when they were first constructed. During the intervening period none of these facilities have had any significant refurbishment or investment. Due to the lack of investment the facilities are now outdated and are inefficient in layout, design, services and do not allow for modern working practises.

Since the accommodation was built there have been radical changes on the thoughts and principles how animals should be kept in re homing facilities.

The complex now covers an area of 80 hectares/200 acres.

The current issues with the animal accommodation are:-

- Poor outdated and undersized accommodation;
- Lack of attached exercise runs for the kennels;
- Design and large number of animals within one main kennel building;
- Lack of quiet areas for old, young and nervous animals;

- Inadequate reception facilities;
- Poor integrated service facility;
- Lack of admission facilities to reduce the risk of disease spread;
- Lack of isolation facilities.

The continued need to invest and provide facilities that are fit-for-purpose to ensure that a professional service can be maintained and delivered has never been greater.

The proposal will bring a centre capable of supporting the work of the Blue Cross for the next generation, a reduction in the number of kennels from 60 down to 30, a reduction in the noise levels, animal and staff related stress issues, the removal of large areas of concrete, steel and concrete block walling to provide a more aesthetically pleasing setting and environment, improved client facilities, sustainability issues, items such as wider corridors, controlled discreet exits, high levels of natural daylight.

It is generally accepted within the animal welfare sector that this type of facility is best located in rural areas that are close to large areas of population. This approach ensures that noise disturbance is minimised whilst the local economy is well served.

The Blue Cross is held in high esteem by the local communities it supports as well as other animal welfare organisations.

The Blue Cross spirit is to have centres with fewer animals but with a high staff ratios and quality buildings to ensure that a complete package of high standards can be maintained. This approach removes many of the issues associated with larger, older establishments. The introduction of our Home Direct scheme works in parallel with our established centres. This is one reason why the fixed kennel numbers can be reduced.

Bring this centre up to the standard Blue Cross operates to at others centres across the UK the Blue Cross must continue to evolve by continuous improvements to its physical estate as well as its management practises. Simply standing still and failing to react to changing circumstances is not an option.

The proposal increases the number of full time employed staff and has the capacity and facilities to develop and work more closely with its volunteers and support staff.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

NE1 Safeguarding the Countryside

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application seeks consent for refurbishing existing buildings and also to construct new kennel and cattery buildings. The application is to be heard before the Committee as the Parish Council have raised objections.

- 5.2 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

- 5.3 The site is occupied by The Blue Cross, an Animal Welfare Charity, and has been since 1986. The site has had various planning applications and has matured in its appearance.
- 5.4 However some of the existing buildings are considered to be poorly designed with a lack of full facilities to support animal care and as such new buildings with modern facilities are required. Officers consider that the principle of such development is acceptable.

Siting, Design and Form

- 5.5 The three new buildings will be sited within the boundaries of the site and will form a cohesive range of buildings. The proposed buildings will be of single storey scale and a simple design. The walls will of a natural block detailing with a coloured render finish above and colour contrast doors and windows. The roofs will of insulated steel of a colour suitable for the location.
- 5.6 The use of the buildings will be to provide care for animals by providing environments that reduce levels of animal stress and safeguard the health of the animals.

Highways

- 5.7 OCC Highways have responded with no objection. This is based upon that there will be a reduction in travel movements based on the removal of some buildings and the introduction of the Home Direct Scheme which enables the Blue Cross to re home some pets without the need for them to come into the Centre.

Residential Amenities

- 5.8 Officers consider that there are no nearby residential properties which will be adversely affected by the development. There is also mature screening on site.

Conclusion

- 5.9 Overall officers consider that the proposals are acceptable as they will improve the overall appearance of the site and continue to provide animal care facilities. The scale of the proposed buildings are considered to be modest and relate to the existing surroundings well.
- 5.10 In terms of the Parish Council's comments, CIL payment has yet to be introduced by WODC and Section 106 agreements cannot be triggered unless a planning issue or problem arises. In view of their comments regarding traffic issues, OCC Highways have not objected to the proposals and as such officers cannot introduce a Section 106 agreement.
- 5.11 The Parish Council has requested a meeting and the applicant, in responding to their comments, has agreed.

- 5.12 The Parish Council also mention landscaping issues, and officers have asked if they would like to expand on this issue. Their comments should be received prior to the meeting, along with Burford Town Council's response. Officers will update Members at the meeting accordingly.

6 CONDITIONS/REASONS FOR REFUSAL

- 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 the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
- 2 Before building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 3 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.
- 4 The existing buildings shown to be demolished on the site shall be demolished within two months of occupation of the buildings hereby permitted.
REASON: To protect the visual amenity of the site.

Application Number	I4/02052/HHD
Site Address	Windrush Old Minster Lovell Minster Lovell Witney Oxfordshire OX29 0RN
Date	3rd February 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Minster Lovell Parish Council
Grid Reference	431976 E 211025 N
Committee Date	16th February 2015

APPLICATION DETAILS:

Realignment of part of boundary wall and erection of new entrance gates.

APPLICANT DETAILS:

Mr Jonathan Brewer
Windrush
Old Minster Lovell
Minster Lovell
Witney
Oxfordshire
OX29 0RN

I CONSULTATIONS

I.1 Parish Council

Minster Lovell Parish Council strongly objects to this application as follows:-

When reviewing the application, there seems to be anomalies, particularly regarding detail and plans. When reviewing the layout plan, the road layout and property entrance is inaccurate. The photo at Figure 1 shows the current layout, in particular how far along the one-way system the track entrance is located. It is not understood how the property entrance can be permitted by the Authorities given its extremely dangerous position. The one way system was implemented in 2009/10 in order to prevent accidents and verge erosion. The eastern arm of the one way system starts at Windrush Farm and is a steep, downhill single track road that passes the formal entrance to "Windrush" (located on a left hand bend), large trees and bushes edge the road on both sides, the road then levels towards the junction at the bridge. Since the one way system has been implemented, it is noted that vehicles often drive faster than is recommended for the road in the knowledge that they are not going to meet oncoming traffic. As seen from figure 1 a "no entry" sign is visible at the junction as per Appendix A - a specification approved by

MLPC for the one way system. The residents are putting themselves and other road users at risk by using the "existing vehicle entrance" detailed on the plan - this planning application will in essence, formalise the unauthorised practice by permitting use of a formal gated entrance.

It is felt that the 5 bar gates are more in keeping with the surrounding rural conservation area. (The track through the woods was previously a basic footpath that has been widened over previous months). When referring to the application form, the description states "replacement of deteriorated entrance walling and adjusting position for ease of entry within the curtilage of unlisted property". You will see from figure 3 that the entrance walling is not deteriorated. The proposed wall and gates are considered out of character, particularly for this wooded area.

On the basis of the information above, it is considered that the application is contrary to the following policies; WODC Local Plan BE2 a, e, f, BE3 a, b, BE5, NE3, NE4, H2a, b, d, e, f, and NPPF 56, 57, 60 and 61.

2 PLANNING POLICIES

BE2 General Development Standards
BE3 Provision for Movement and Parking
BE5 Conservation Areas
NE3 Local Landscape Character
NE4 Cotswolds Area of Outstanding Natural Beauty
BE8 Development affecting the Setting of a Listed Building
The National Planning Policy framework (NPPF) is also a material planning consideration.

3 PLANNING ASSESSMENT

Background Information

- 3.1 The application seeks consent for the erection of new entrance gates and the realignment of part of the boundary wall. The site is located in the Conservation Area and the gates seem to be located within the AONB. The application form states that the work will entail the replacement of deteriorated entrance walling and adjusting position for ease of entry. The proposed material for the walling would be Cotswold Stone.
- 3.2 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

- 3.3 The existing property has an existing, gated, vehicular entrance from the lane located higher up the hill.

- 3.4 The second existing entrance, is located at the bottom of the hill, adjacent to the listed bridge leading through existing woodland. This entrance consists of a simple field gate set in a fence with a small piece of dry stone wall on part of the lane. The nature and appearance of the entrance and the track it serves is simple and low key and there is no domestic character to this entrance - which seems to give access to the wood only. A separate application for a new garage to be built half way up this track, within the woodland has been submitted and is to be heard at the meeting also. The reference number is 14/02239/HHD.

Siting, Design and Form

- 3.5 The proposal to construct large masonry gate piers and replace the simple 5 bar field gate with tall (apparently solid) gates is considered by officers to be wholly inappropriate for this sensitive location. The proposed extension of the small area of dry stone wall to form a curved entrance is highly uncharacteristic and an overly domestic element in this sensitive riverside location.

Highway

- 3.6 No comments have yet been received from OCC Highways in terms of road safety issues. However they are expected prior to the meeting and officers will update Members accordingly.

Residential Amenities

- 3.7 Officers do not consider that the residential amenities of adjacent properties will be adversely affected by the proposed development.

Conclusion

- 3.8 Officers consider that this application and its proposal has not been justified in terms of need or suitability. Officers consider that the proposed gates and walling are unacceptable in terms of their inappropriate form and design and their impact on the setting of the listed bridge. In addition officers are of the opinion that the proposal neither preserves the visual character and appearance of this important part of the Conservation Area and does not enhance it in any way.
- 3.9 Officers will update Members at the meeting regarding the highway comments.

4 CONDITIONS/REASONS FOR REFUSAL

- 1 By reason of the form, design and scale, the proposed gates and section of walling will form an incongruous urban and domesticated addition harming the unspoilt wooded character and visual appearance of this part of the Conservation Area, and as such fails to preserve or enhance this part of the Conservation Area, the local landscape character and the Cotswold AONB. The proposal is also considered to have a detrimental impact on the setting of the adjacent Listed Bridge. The proposal is therefore contrary to Policies BE2, BE5, BE8, NE3 and NE4 of the West Oxfordshire Local Plan 2011 and relevant paragraphs of the NPPF.

Application Number	I4/02239/HHD
Site Address	Windrush Old Minster Lovell Minster Lovell Witney Oxfordshire OX29 0RN
Date	3rd February 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Minster Lovell Parish Council
Grid Reference	431976 E 211025 N
Committee Date	16th February 2015

APPLICATION DETAILS:

Erection of garage and felling of eleven trees.

APPLICANT DETAILS:

Mr Brewer
Windrush
Old Minster Lovell
Minster Lovell
Witney
Oxfordshire
OX29 0RN

I CONSULTATIONS

I.1 Parish Council MLPC strongly objects to this application as follows:-

This application response should be considered in conjunction with MLPC response for I4/02052/HHD.

Of primary concern, access to the property (and potential new garage) is via an unauthorised gated entry situated along a one way system. The residents and their employees are driving against the flow of traffic passed a No Entry sign into oncoming traffic (See figure 2 of our response to I4/02052/HHD. The Parish Council considers that the existing garage should be used for vehicles instead of office space. Indeed, does the existing office have the appropriate planning permissions to be used as such. Another garage is felt to be superfluous to a property of this size.

The removal of 11 trees from the wood will have an adverse impact to the property, community recreational field known as Wash Meadow and the Conservation Area. The photo in figure 1 shows a taped area which is understood to be where the proposed garage will be situated. Removal of the trees will create a large gap in this area. The photo at figure 2 shows the rural surroundings of the area with

the wood on the right hand side. Wash Meadow is a much valued asset to the community and is extremely busy, particularly in dry weather with walkers and visitors. Removal of the trees will adversely affect the main area and also arguably the listed properties that border Wash Meadow that have views of the wood. The application is therefore considered contrary to the following policies; WOLP 2011.

BE2 a, c, d, e, f, BE3a, b, BE4, BE5, BE8, NE1, NE3, NE4, NE6, H2a, b, d, e, f and NPPF Policies 60, 61, 115 and 131.

1.2 WODC Env Services - Landscape

The proposed garage is sited within an existing woodland plantation which, as far as I am aware, does not fall within the domestic curtilage of the property. I am not aware of a change of use application from what was a separate plantation but which has been gradually taking on the appearance of a garden which in my opinion is detrimental to the character of the Conservation Area and setting of Wash Meadow.

The particular trees proposed for removal are not particularly special in their own right but their loss will open up the woodland quite considerably at that point and clearly once gone, and the space used for a building and parking/manoeuvring there will be a net loss of woodland and would further erode the wooded/rural character of the site. If additional garaging (bearing in mind the construction of a double garage, storeroom and office in 2002) can be justified I suggest it should be located closer to existing building, and within the curtilage of the property.

2 REPRESENTATIONS

No comments received.

3 APPLICANT'S CASE

3.1 A Design and Access Statement has been submitted and has been briefly summarised as:-

- This proposal is to erect a detached single storey pitch roof horizontal boarded double garage with felt roof. The garage will be used for parking vehicles and part storage.
- The double garage will have a floor area of 36m², eaves height of 2.1m and ridge height of 2.8m.
- It will be of open space.
- The bulk of the building will be sited below existing highway level set on existing lower ground level within the trees.
- It will be sited at the bottom of an incline down from the host dwelling. It will be erected to the south side of the existing driveway with 11 trees to be felled to accommodate. External boarding will be treated to match colour of existing boarded buildings on site. Extension of existing driveway to new garage position will be of granular material to match.
- Access will be maintained as exists at present.

4 PLANNING POLICIES

BE2 General Development Standards

BE5 Conservation Areas

NE3 Local Landscape Character

NE6 Retention of Trees, Woodlands and Hedgerows

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

5 PLANNING ASSESSMENT

Cllr Mr Robinson has requested that this application is to be heard at the Committee meeting.

Background Information

- 5.1 The application refers to a detached dwelling located within the Conservation Area. The proposal is for a new garage and alterations to the finish of the driveway. To enable accommodation of the garage on site, 11 trees are proposed to be felled. The river Windrush is located adjacent to the site.
- 5.2 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

- 5.3 Officers consider that the main issue is whether the proposed garage and felling of the 11 trees would preserve or enhance the existing visual character and appearance of the Conservation Area.
- 5.4 The proposal is to build a new garage half way up the existing unmade track, within the existing woodland. Officers consider that this existing woodland and plantation significantly contributes to this part of the Conservation Area. Officers are of the opinion that the garage is not appropriate in itself and also due to the number of trees in a single group close to the lane which need to be removed to accommodate it. Notwithstanding some effort has been made to keep the form and materials of the proposed development relatively simple, the development itself is not justified and the loss of trees will be detrimental to the appearance of the area and erode the rural wooded character of the site.

Siting, Design and Form

- 5.5 Although officers are of the opinion that the form, scale and materials have been chosen to be sympathetic to the area, due to the loss of trees and that the proposed building does not relate well to the existing dwelling (due to the distance it is located away from it), any form of development here will appear intrusive and incongruous to the setting of the Conservation Area.

Highway

- 5.6 No comments have been received.

Residential Amenities

- 5.7 Officers do not consider that adjacent properties residential amenities will be adversely affected by the development. Private views cannot be considered as a planning issue.

Conclusion

- 5.8 In view of the above comments, officers consider that this application has not been justified in terms of need or suitability as there is an existing garage with office space above. Officers are also of the opinion that the garage will have an urbanising and incongruous appearance within the woodland and adjacent to the river. As such the application fails to preserve and enhance the character of this important part of the Conservation Area.

6 CONDITIONS/REASONS FOR REFUSAL

- 1 It has not been demonstrated to the satisfaction of the Local Planning Authority that the loss of eleven trees which contribute significantly to the visual character and appearance of the Conservation Area is justified. The garage will also result in an urbanising incongruous feature within the wooded and rural context. As such the proposal is contrary to Policies BE2, BE5, NE3 and NE6 of the West Oxfordshire Local Plan 2011 and the relevant paragraphs of the NPPF.

Application Number	I4/02093/S73
Site Address	The Ark Main Road Alvescot Bampton Oxfordshire OX18 2PU
Date	3rd February 2015
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Alvescot Parish Council
Grid Reference	426660 E 204908 N
Committee Date	16th February 2015

APPLICATION DETAILS:

Variation of condition 1 of 08/1646/P/FP.

APPLICANT DETAILS:

Mr Martin Johnson
The Ark
Main Road
Alvescot
Bampton
Oxfordshire
OX18 1PF
United Kingdom

I CONSULTATIONS

I.1 Parish Council

Alvescot Parish Council objects to this application for the following reasons:-

Changing the existing Condition in the way applied for would have the effect of creating a permanent Traveller Site. Whilst this Council would not object in principle to the creation of a permanent Traveller Site in the village, should the need for one be established, this would have to be done in accordance with the National Planning Policy Framework and in particular with the Planning Policy for Traveller Sites (DCLG March 2012). De facto conversion of the site in question into a permanent site would be inconsistent with this policy in a number of respects. Local planning authorities are expected to "make their own assessment of need for the purposes of planning". No assessment of need has been made by WODC which would lead to the conclusion that this site is either necessary or suitable as a permanent Traveller Site. Granting permission to convert the Ark to a permanent site would do nothing "to reduce the number of unauthorized developments and encampments and make enforcement more effective". On the contrary, given the history of the site and its

occupation since 2004, permission would act as an incentive to others to emulate the course of action which has led to the current situation. Policy A of the Planning Policy for Traveller Sites requires local planning authorities to "pay particular attention to early and effective community engagement with both the settled and traveller communities." There has been no community engagement of any sort with the settled community of this parish or its representatives. We do not know whether there has been any dialogue with representative traveller bodies or their local support groups regarding the suitability of this as a permanent Traveller Site, but we see no evidence that there has. In our view, if there were to be a case for a permanent Traveller Site in Alvescot, it is very unlikely that the Ark would be identified as a suitable location for a number of reasons, particularly: 1) despite arguments put forward by the applicant that there has been a reduction in noise from RAF Brize Norton, the site continues to be significantly affected by aircraft noise; 2) the site is outside the boundaries of the village settlement within open countryside; (the national Policy requires local planning authorities to "have due regard to the protection of local amenity and local environment"); 3) it is situated on a bend, next to a junction, on a busy main road which sees a higher than average incidence of traffic accidents; 4) the site still fails to comply in a number of respects with Policy BE2 of the current West Oxfordshire Local Plan (Quality of Development and Impact on Area), a key reason given for refusing previous applications to have the Condition removed. From the history of the occupation of this site it is clear that the sole reason why the District Council was obliged to grant retrospective permission for the hitherto unauthorized occupation of the site by the applicant and his family was concern for the welfare of the occupants. The condition placed upon that permission that occupation was restricted to those occupants and that once they moved the site should be restored to its previous state was entirely reasonable in seeking to ensure that accommodating the needs of the applicant and his family did not open the way to the creation of a permanent Traveller Site. Irrespective any argument about alleged reduction in noise, it remains inappropriate to create a permanent Traveller Site in this location. The applicant's arguments with regard to the investment he and his family have made in the site are, we believe, spurious. As noted by the Government Inspector after hearing the applicant's appeal against refusal of his last attempt to overturn the Condition, "any personal permission is also temporary or time-limited and needs to be accompanied by a requirement to restore the site when occupation ceases. No investment has taken place against a background of the use being able to continue indefinitely." The applicant has undertaken this work at his own risk with no reasonable expectation that the site would continue to be occupied after he and his family had vacated it. We therefore urge you to refuse the application to vary the Condition imposed by the earlier permission.

- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental effect on the adjacent highway network.
- I.3 WODC Env Health - Lowlands Having reviewed the noise report provided by the applicant and having regard to the most recent noise contours produced by the RAF for the Brize Norton Airfield, I would not normally recommend the relaxation of this condition for the following reasons:
1. The measurements and results provided in the noise report produced by JSP Consultants indicate that there has been a reduction in noise levels due to the change of aircraft and that the site now falls into category B in respect of the now withdrawn PPG 24 (Planning Policy Guidance 24: Planning and Noise).
 2. The most recent set of noise contours produced by the RAF for this airfield put the site within the 63dBA Leq 16hr contour, which again puts it into category B with regard to PPG 24.
 3. Category B is such that noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise.
 4. PPG24 was designed to be used for new residential development of traditional construction, mainly brick walls under a tiled roof and takes into account the amount of acoustic attenuation that is typically provided by such construction.
 5. On this site the residential accommodation is provided by mobile homes (Caravans) which do not afford the same degree of acoustic attenuation and as such will have a higher level of internal noise for a given level of external noise.
 6. The above noise is an "average" level over the 16hours. In reality there are long periods with no aircraft noise and some high noise levels over a relatively short period during an aircraft movement.
 7. The Who Guidelines for Community Noise outline the adverse consequences for people living in excessively noisy environments. In light of these I consider that there is strong public interest in ensuring that permanent residential use is not established in this location.
- However given the personal circumstances of this case, I feel that an exception can be made for the following reasons:
- A. The noise levels have actually reduced over the last few years.

B. The applicant has built a day room on the site for use by him and his family, which being of traditional type construction, will provide more attenuation to noise than the caravans.

C. The current occupant has indicated that it is his intention for him and his family to stay on the site and use by other persons will not be the predominant use.

I would however ask that if the site is made available to other families not related to the applicant, that they are made aware of the noise climate of this location prior to taking up residence.

1.4 WODC Planning Policy Manager No Comment Received.

1.5 WODC Head Of Housing No Comment Received.

2 REPRESENTATIONS

None received.

3 APPLICANT'S CASE

3.1 (In summary) Since the site was first occupied in 2009 there has been significant financial investment and although there is no intention to vacate the site the applicant has an abiding concern that should his personal circumstances change this would affect his children's ability to benefit from their investment in the site. When the previous appeal was lodged the Inspector had no evidence that the noise levels were reducing such that occupation by gypsies and travellers in general would suffer undue noise without the compensatory health mitigation. Since that time the VC10 fleet and Tristars have been taken out of service and replaced with quieter aircraft. An independent noise survey has been undertaken in Autumn of last year and the site now lies in an area where noise no longer precludes residential occupation. As such the condition could now be amended to allow more general Gypsy occupation.

3.2 The independent noise report shows that the site has moved from PPG 24 category C to Category B and concludes "On the basis of the RAF predictions and the Authors measurements it is recommended that Mr Johnson's planning condition be reviewed".

4 PLANNING POLICIES

BE19 Noise
BE2 General Development Standards
HI3 Gypsies

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

5 PLANNING ASSESSMENT

Planning History

- 5.1 This site first secured consent under ref 08/1646. Previous applications had been refused residential and Gypsy use as the site was located under the flightpath of the air base and failed World Health Organisation (WHO) noise guidelines. The applicant then applied elsewhere and secured a consent but this was purchased by third parties preventing his occupation. In light of this Members requested that officers work with the applicant to try to seek alternative sites but none were available. The lack of a settled base was having an adverse impact on the health of the applicant and his family that was deemed to be more harmful than the aircraft noise and so a personal consent was granted on site.
- 5.2 Subsequently, when considering making further investment in the site the applicant was concerned that with a personal consent this investment would be lost if for any reason he wished to vacate the site. He therefore applied to have the personal consent lifted under applications ref 10/1777 and 11/0415. These were refused on the basis that it was not clear that other Gypsy families would have the same balance of health needs and in the absence of a reduction in noise the WHO guidelines would prevent their occupation. An appeal against the refusal was dismissed with the Inspector supporting that argument.

Background Information

- 5.3 The current application is made on the same basis as the one that failed at appeal but is now accompanied by independent noise survey data that demonstrates that the levels of noise have reduced as a result of the withdrawal of the noisier aircraft from service.
- 5.4 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations are:

Noise

- 5.5 The reason that the site did not secure a general Gypsy consent was because the noise environment was too adverse unless the compensatory health issues as displayed by the applicant and his family were in place. However now that the noise environment has improved the need to retain the personal consent has gone as occupation by Gypsies without those particular health needs would now not be precluded - albeit that Members will note that the PC has raised strong objections that the effect of removal of the condition is to establish a permanent site. To set against that concern is the advice of the EHO that whilst noise is still an issue the circumstances on site are such that he would not object to the personal consent being widened.
- 5.6 The advice of the Governments Planning Guidance is that:

"Unless the permission otherwise provides, planning permission runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need.

A condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building, but might, for example, result from enforcement action which would otherwise cause individual hardship."

- 5.7 In that such personal consents are generally discouraged and that the circumstances that led to the imposition of this one have now ceased your officers advice is that the personal consent can no longer be justified on its planning merits and that as such the application should be allowed. A condition has been imposed to ensure that other than allowing more general occupation all the other controls remain in place.

6 CONDITIONS/REASONS FOR REFUSAL

- 1 The site shall not be occupied by any other persons other than Gypsies and Travellers as defined in Part I of Annex I of the document "Planning Policy for Traveller Sites 2012".
REASON: The site is given approval as an exception to the usual policies of restraint upon residential development in the countryside as a result of the Gypsy status of the applicant.
- 2 Other than the change to the occupation condition outlined above the site shall only be occupied in accordance with the plans and conditions set out in the enabling consent 08/1646.
REASON: For the avoidance of doubt.

NOTE TO APPLICANT

- 1 Please be advised that the site lies in close proximity to the flight path of an active air base and that as such it is subject to frequent aircraft noise.

Application Number	I4/02252/OUT
Site Address	Land West Of Adams Farm House Main Street Clanfield Oxfordshire
Date	3rd February 2015
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Clanfield Parish Council
Grid Reference	428368 E 201519 N
Committee Date	16th February 2015

APPLICATION DETAILS:

Erection of a single dwelling and garage.

APPLICANT DETAILS:

Mr Conlon
c/o JPPC
United Kingdom

I CONSULTATIONS

- I.1 Parish Council No comments received.
- I.2 OCC Highways No comments received at the time of writing.

2 REPRESENTATIONS

- 2.1 4 letters have been received from Ms Bradford of 25a Mill Lane, Mr Barnett of Bushey Farm, A. Hart of Bramble Cottage, and a 14 page letter from Mrs Brock of Kemp and Kemp on behalf of Tim and Lisette Cook of Adams Farmhouse, Alan and Claire Hart of Bramble Cottage, Martin Jenner and Julie Eagleton of High House and Nick and Sharon Trown of Verdoran. The letters can be viewed in full on the website.

- Rent stables at Clover Court since 1 October 2014 and visit stables at least twice a day and there have never been any chickens in the field since I moved my horses there.
- There is a small empty chicken house with run which was recently erected.
- I have seen 2 people arrive at the field.
- Impact upon the health and welfare of the animals.
- At present Adams Farm House only has their own vehicles which park in front of the house on the proposed access. With a building behind, the side of the house would be a thoroughfare to residents of the new property also delivery vehicles driving through to the new property due to its distance from the road. The village only has a tiny village post office and primary school. This means that the services needed by a large detached property in a rural area, will be by car and multiple delivery vehicles (oil tankers, supermarket deliveries, internet mail orders etc).

- There are NO CHICKENS kept on the existing site and never have been in the last 20 years. In fact for many years the area in front of the access gate from Adams Farm was planted as part of Adams Farm House garden. In essence the access to the proposed development has probably never been used regularly since Adams Farm ceased to be a farm.
- Also the plans show only half of the site being used, so one would assume that in the future, there will be an other application to use the same entrance if approval is given and the building line pushed back farther into the Agricultural land.
- Adding a 1.8 metre fence to screen the tiny rear garden of Adams farm house from road traffic to and from the new development. Fails on two counts, though a barrier is placed between the north aspect of the existing small rear garden. This fence in effect widens and extends the wall of the garage to make visibility of vehicles joining the shared access from Adams farmhouse worse. There is no proposed screening of the front of the house or the houses main garden. The detailed drawing of the access and the main drawing do not agree on the actual line of the main garden. Looking at the google earth.
- Image, will show you that the actual line is somewhere between these two extremes. The majority of which would become a shared access, with a single track, used by both households and delivery vehicles severely effecting, Adams Farmhouse residents safety and quality of life.
- The Appendix I photographs are totally misleading. The only section of Clanfield that the Planning Officers wanted to put a preservation order on was the unique collection of Farms and their buildings in a linear development going out of the village. i.e. Adams Farm, Bushey Farm, Wind Mill Farm and Lower Farm. Therefore the only relevant photos covering this area are 14, 15 and 16. 16 is looking across the village green which does show the open aspect but being on the opposite side of the road irrelevant. 15 shows Bushey Farm and its barn, if the photographer had moved left and taken the picture directly up the track then you would see a five bar wooden gate and open countryside.
- The public footpath, crossed by traffic using the access detailed in the drawings, serves a conference centre, football stadium with social club and a Caravan Club site. All of which produce an exponentially growing numbers of pedestrians using this path. The conference centre has large numbers of attendees, who's average age will decrease, when A++ expands its youth Adventure courses. The village school also uses the conference centre facilities and walks along the path. Because of speeding motorists and large Agricultural Contracting vehicles, local cyclists also use the path for safety.
- Reasons, to and from the various facilities beyond Adams Farmhouse. Visibility from the drive when crossing the path is therefore critical. As with most of Clanfield the path and road is unlit at this point. The above drawings show only too well that vehicles would completely cover the path, before driver visibility up and down the path is possible. With the solid high stone walls producing an effective sound barrier it would be difficult to
- Produce a more dangerous unlit public footpath crossing. Visibility splays do not even begin to address the problem, the footpath would need to be re aligned nearer the main road, or large sections of Cotswold stone wall demolished from High House, a listed building.
- When the barn for agricultural use was built at Clover Court as part of the permission was the statement that its building permission could not be used as justification for further buildings. This is just what is being proposed defining the proposed site as infill based upon it. Taking the building line as being parallel to Main Street and designated by the human habitation, then this would bisect the proposed house.
- The area to the South side of the development is used as horse stabling and as such is equestrian, is not for human habitation so the plan is not bounded.
- By three sides of habitable residential housing. If you take a more zoomed out view of the area as in diagram 1.1 below you can see that the applicant's planned development area is

- outside the current southerly line of the housing development of Clanfield village limits and also significantly breaks up the green areas that are currently situated both West and East side of the area of Adams Farm down to Clover Court.
- There is not mitigation for field flood water run off. The size of the development will accentuate this problem. The submitted report states:
 - Medium level of risk. We request the development is moved much further (e.g. twice the current distance) from the boundaries with Adams Farm House and Bramble Cottage so as to further mitigate this run off risk. The applicant owns an area plot double to the size of the plan submitted and there is no reason for a development of this size, with the given flood risk, to be situated so close to our property.
 - Bramble Cottage only has one primary aspect of light access to the property and this is from the West where the development will be situated. The substantial size of this plan would dominate our aspect. Request : Should the development be approved at the (large) SCALE of plan submitted we ask that the developer honour his commitment to all of the neighbouring properties and situate at suitable distance from our boundary walls and fence.
 - I would expect the final plan for the development to be sited as far from the Adams Farm House and Bramble Cottage western boundaries as is possible. This would maintain light and the amenity of aspect and outlook to our property, Bramble Cottage, that has all of its major outlook and windows facing towards the proposed development. We would like the scale of the property to be reconsidered, as it would be dominate in the façade of neighbouring properties as well as our property.
 - Bramble Cottage has an historic Cotswold stone wall, which was a former barn. Should the planning go ahead we would request a buffer zone is made to protect the wall including no undue vibration before, during and after any build project.
 - Any development should take into account subsidence risk and avoid any damage. This should also be extended to our garage, which is close to the boundary of the proposed development.
 - The perception from both ourselves and a number of neighbours is that the planned area is very rarely accessed over the last decade and that the higher.
 - Frequency of movement is very recent and is made only to further the planning application and appeal.
 - There are potentially a number of inconsistencies in the statements made in the planning resubmission / appeal.
 - The application should be carefully checked with the potentially inconsistent statements corrected. Items 6, 12, 14, 15, 24 should be verified. We further request (second time of asking) that all reference to Bushey Drive is removed from all plans. Bushey Drive is South of Bramble Cottage and Clover Court and is not in any way included in the development.
 - The definition for sewage disposal is made in the planning proposal and due consideration is given for the already overloaded sewage system at Bramble Cottage.
 - It is noted that the planning application is for a development which is identical to that which was refused dated 9 July 2014. The applicants seek to overcome reasons for refusal 3 and 4 in the current application with additional information in respect of flooding and highway matters.
 - Refusal reason 1 - the proposed access road runs directly through the garden of Adams Farmhouse and within 1 metre of the northern elevation of the property and directly adjacent to the only private amenity area of the property which is at the rear. The introduction of a dwelling to the rear will significantly adversely affect the amenity of the occupants. This is contrary to Policy H2 and BE2. Concern is also raised regarding the overall impact on amenity of the proposed development of the enjoyment of the properties

- that face the application site namely, Bramble Cottage which is single aspect and faces the application site, Setting Barn, a listed building and High House also listed.
- Number of concerns regarding the use of this driveway. It is clear from looking at Adams Farmhouse that the driveway is just that, a driveway that provides access to the property. The owners of the land to the rear have a right of way over the driveway in line with the deed of variation dated 6 January 2006 with a tolerance of no less than 3.004m, however they generally only exercise this a few times a year. The application site plan shows the width of the access road being 4 m in parts in reality this cannot be achieved. The proposed low level wall shown to the north of Adams Farmhouse to protect pedestrian is proposed on land not under the control of the applicant.
 - There has historically been very little use of the access and we cannot envisage any significant changes should permission be refused. Even if the field was used as a pony paddock the traffic movement would be less than a dwelling.
 - The applicant is claiming in the appeal statement that was submitted with the application that the site is being used to house chickens. This only has been the case since the first week of January 2015 despite the chicken house being in place since mid October 2014.
 - Please note that the area shaded beige on drawing I3605/14 showing the access and car parking area is not land that the applicant has full control over this is misleading.
 - Refusal reason 2 still relevant - impact to the setting of the listed building. The grant of planning permission would further erode the setting of the Listed Building. The enclosed CAD mock ups clearly show the adverse relationship that would be created
 - As the FRA has concluded that the site is considered to be medium risk of flooding, accordingly this statement is factually incorrect and the development proposed does not fully comply with national and local planning policy
 - The FRA does not assess the risk to people using the associated footway of Main Street, we would consider that Marsh Lane does not provide a suitable alternative means of escape. In summary it is our view that the planning submission is either lacking in necessary information or contrary to policy on the following grounds:
 - The Sequential Test has not been applied to the site.
 - A suitable FRA has not been prepared.
 - Means of safe access and residential residual risk to people have not been properly considered.
 - Surface water drainage proposals which demonstrate that flood risk to neighbouring properties will not be increased have not been submitted.
 - The turning area available for Adams Farmhouse will be much reduced and it will become near impossible to turn in this remaining area without using the shared drive. The occupants of Adams Farmhouse will have very limited visibility of vehicles exiting the new dwelling due to the location of the northern part of the dwelling adjacent to the access road.
 - The grant of planning permission would result inadequate access along Adams Farmhouse drive serving two dwellings. The level of use of the driveway would increase significantly way beyond the minimal levels of use to the rear of the site that it currently experiences.
 - In addition to the refusal reasons cited in the decision letter there are a number of other areas which my clients continue to object to.
 - Development contrary to the Local Plan - its not infilling - in my view it is clear that when assessed against the definition of infilling the proposed development fails; its is not the infilling of a plot within an otherwise built up frontage, but the development of an undeveloped green field located to the rear of properties beyond the limits of the built up part of the settlement.

- Out of keeping.
- Impact on ecology.
- Sunken tank.
- 5 year housing supply.

3 APPLICANT'S CASE

3.1 A Design and Access Statement has been submitted and has been summarised as below. The application also includes a copy of the appeal statement which has not been summarised, but is available to view also on the website.

- The application seeks approval of matters of access, scale and layout at this stage.
- Looking at the character of the surrounding area, Bushey Drive to the south and High House Close to the north are modern developments of detached two storey dwellings, whilst to the east, the properties on Main Street are mainly older dwellings, again two storey. The area is mainly residential in character. The site is not located in an area liable to flood and there are no tree preservation orders on the site.
- The application site has previously been the subject of applications for residential development, albeit as part of a wider scheme for development.
- This smaller site has not been the subject of an application in its own right.
- The most recent application, albeit over 9 years since its determination, covered the application site and area to the south. It sought planning permission for the erection of 2 dwellings (04/01832/P/OP refers). Planning permission was refused and the subsequent appeal dismissed. That application was considered under the old Local Plan, proposed a different access and was of a different character to the current proposal. Since that previous application, planning permission has been granted for the erection of a stables, garaging and a storage room and the change of use of the land to residential on part of the site the subject of the appeal (11/1626/P/FP refers).
- The proposed dwelling would be accessed via the existing field access which runs to the north of Adams Farmhouse, with good visibility in each direction along Main Street. The proposed dwelling would be sited perpendicular to Main Street, giving it a traditional east / west axis with the main elevations facing north and south. It would be sited broadly in the centre of the plot directly behind and with the eastern elevation approximately 30 metres from the rear elevation of Adams Farmhouse. It would be between Setting Barn to the north and Clover Lodge to the south.
- The proposed dwelling would have a floor area of around 400 square metres with a detached garage. The height of the dwellings would be no more than 6 metres to the eaves and 10 metres to the ridge, to allow for a traditional steeply pitched roof.
- Looking at the housing policies, Clanfield is a 'Category A' settlement. Policy H5 considers residential developments in such locations, which will be permitted if it involves infilling or the conversion of appropriate buildings. Infilling is then defined as the filling of a small gap in an otherwise continuous built up frontage. The built up frontage is not required to be residential buildings and the frontage is not required to front a highway.
- In the 2005 appeal the Inspector considered whether the site was infilling, however the site appeared much different at that time and the planning policy framework was much different. It was also a much larger and longer site that was being considered.
- The application site is within the built up area of Clanfield. It is bounded on three sides by other residential curtilages and its development would provide a logical complement to the

settlement pattern in the locality. The development of the site would not extend the built up area of Clanfield into open countryside.

- The NPPF advises that the Council's housing policies should be considered as being out of date, if it cannot demonstrate a five year supply of housing land. The Council does not have such a supply and the issue of the Strategic Housing Market Assessment for Oxfordshire has identified a worse situation than previously was thought to be the case. The weight therefore that can be placed on the strict definition of infilling within Policy H5 is diminished in the absence of a five year housing land supply and a more general consideration must be had as to whether the proposal is sustainable development and whether it is in keeping with the characteristic pattern of development in the settlement. Previous appeal Inspectors have opined that in such circumstances it is relevant to consider the concept of infilling more widely. At paragraph 7 of the attached appeal decision 2166994 the Inspector notes that where the openness of the site is not important to the character of the streetscene, as is the case here, infilling can be interpreted more widely. Similarly, at paragraph 5 of decision 2192023 the Inspector opines that a gap set back from the road frontage can still be a suitable infill location (Appendix 1).
- In the first instance we would therefore suggest that the application site is a infill plot, as it would fill the gap between Settling Barn to the north and Clover Court and the associated buildings to the south. The red line on the photograph below indicates the existing residential curtilages and buildings.
- If the site is considered an infill plot, given the change in circumstances since 2005, then the Council may conclude the proposal is in accordance with policy H5. Paragraph 47 of the NPPF confirms the need for a council to have a demonstrable five year supply of housing land. It is now accepted that WODC, whilst performing better than other Oxfordshire authorities, does not currently have this five-year supply.
- If it is concluded that the application is contrary to H5 as it is not an infill location, consideration must then be given to the fact that Policy H5 is inconsistent with the NPPF, whilst the council does not have a five-year housing land supply and the application must be assessed on its site-specific merits and whether, under the NPPF, it is a sustainable form of development.
- Clanfield as a settlement is considered a suitable new place for dwellings in both the existing and emerging plans and a dwelling on the edge of this settlement, close to the services therein, must be considered a sustainable location.
- The NPPF's tests of sustainability primarily relate to location, design, landscape impact, drainage and highway safety. The proposal's relationship to services and facilities would not lead to an unacceptable increase in private vehicle use. In this regard it would accord with the [NPPF] which, whilst seeking to avoid new isolated homes in the countryside, notes that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- It is also important to highlight that the current local plan does not restrict any residential development in Clanfield completely, merely stating that it has to be within the built up limits. The NPPF requires an assessment of how places work, rather than applying this restriction strictly. With this in mind, it is important to highlight how closely this proposed dwelling would relate to the village. The site does not project any further west into open countryside than surrounding development and in terms of access to the facilities of the village, being less than 200 metres from the primary school and 100 metres from bus stops, is closer than many existing parts of the settlement to these facilities that might otherwise be considered suitable infill plots.
- The proposals location will represent a sustainable extension to the built up limits of the village that accords with the NPPF, which takes precedence over in the in-principle

objection of Policy H5. Therefore, the principle of residential development on this site should now be supported.

- It would be set suitable distances from the site boundaries to ensure neighbours amenity is protected and the more loose knit layout of the area is maintained and is proposed to be sites with an east west axis such that it would enjoy a pleasant southerly aspect in accordance with the principles of passive solar design.
- The proposed dwelling would be two storeys high and sited to complement the layout of existing dwellings and other buildings in the vicinity. It would be vernacular in design and of an appropriate scale that would ensure it would remain subservient to High House. It would be built in local stone with a slate or cardinal slate roof.
- Access, Parking and Movement, The site would be accessed via the existing field access, and thus via a different route to the previous larger site which was dismissed at appeal. Safe access to the highway network can be provided at the entrance to the site and there would be no harm to the safety of other users of the highway in the vicinity.
- The proposals would not materially increase the use of the access over and above the existing potential movements which might otherwise occur, through either its grazing by livestock or use (which is more likely) as a pony paddock.
- The matter of the setting of the adjacent listed buildings was covered by the Inspector when considering the 2005 appeal on the site. It was concluded in that instance that development on this land would not harm the setting of the listed buildings to the north and nothing has changed materially to suggest that any other conclusion ought to be drawn in this instance.
- This statement has examined the planning background of the site and the relevant national and local planning policy framework in respect of the proposed new dwelling.
- The proposal would make efficient use of land in a sustainable location where the provision of a new dwelling would be entirely appropriate and accord with the relevant National Planning Policy.
- Clanfield is considered a suitable and sustainable location for new dwellings in the existing and emerging local plans. In the absence of a five year supply of housing land the particular circumstances in which policy H5 provides for new dwellings in this location has diminished weight.
- It is concluded that the development would be in accordance with the national planning policy and relevant parts of the development plan and the presumption should be in favour of the proposal on the site being permitted.

4 PLANNING POLICIES

BE2 General Development Standards

BE3 Provision for Movement and Parking

H2 General residential development standards

BE8 Development affecting the Setting of a Listed Building

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

5 PLANNING ASSESSMENT

- 5.1 The application for a dwelling and garage has been submitted in outline form and is seeking consent for the access, layout and scale only. A previous application, reference I4/0583/P/OP, was refused for the same development for the following reasons:-

- 1 By reason of its backland location, the access road to the site which is very narrow and which directly abuts the relatively small private amenity space serving 'Adams Farmhouse' is considered to have an adverse impact on the amenity of the occupiers of that property by way of pedestrian and vehicular movements associated with the proposed dwelling. As such, the development is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan 2011 and relevant paragraphs of the NPPF.
 - 2 By reason of its scale the dwelling will appear from gaps in between the predominantly linear development along the road frontage as an urban intrusion in to an area of countryside which forms an attractive rural setting to this part of the village. In addition, by reason of it's proximity to the listed building known as 'Setting Barn', the rural setting of the listed barn will be harmed by the proposal. The development is therefore considered contrary to policies H2, BE2 and BE8 of the adopted West Oxfordshire Local Plan 2011 and relevant paragraphs of the NPPF.
 - 3 In the absence of a Flood Risk Assessment and in the light of evidence that the site flooded in 2007, it has not been demonstrated to the satisfaction of the LPA that the development would not be at risk of flooding. As such, the proposal is considered contrary to paragraph 99 of the NPPF.
 - 4 By reason of the inadequacy of the vision splays and access arrangements serving the development the proposal is considered contrary to policy BE3 of the adopted West Oxfordshire Local Plan 2011 and paragraph 32 of the NPPF.
- 5.2 The current application seeks to address two of the refusal reasons regarding flooding and highway issues by submitting an amended FRA and a more specific plan regarding the access and vision splays.
- 5.3 At the time of writing, an appeal has been lodged with the Planning Inspectorate for the previous refused scheme. The agent has included a copy of this statement in with this application which can be viewed on the WODC website.

Background Information

- 5.4 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

- 5.5 The application site is located in the village of Clanfield where under the West Oxfordshire Local Plan 2011, Policy H5, allows for new development under the definition of infilling. Given the location of the site, set back to the rear of Adams Farmhouse and the main street frontage dwellings, and the site not being a small gap in an otherwise continuous built up frontage, officers do not consider that the proposed plot is an infill development.
- 5.6 However given that WODC has not confirmed whether there is a 5 year land supply, officers consider that the NPPF is the main consideration when discussing the principle of such development. The NPPF supports sustainable development, and officers consider that Clanfield

is within a relatively sustainable location when compared with open countryside locations. The NPPF continues by stating that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Officers remain of the opinion that any proposed dwelling in this back land location would result in an adverse impact to the local characteristics of the area as the proposed development would be visibly seen as an intrusion into an area of countryside which forms an attractive rural setting to this part of the village. Officers are also of the view that due to the proximity of the dwelling to an adjacent listed building, the resultant development would outweigh the benefits.

Siting, Design and Form

- 5.7 As the application is in outline only, the design cannot be fully considered, however officers note that there was concern regarding the scale of the proposed dwelling in terms of it being visible from the main streetscene and this concern is still an issue with the current application.

Highway

- 5.8 Officers note that there were discussions regarding the access prior to the previous application being refused. Officers have noted the concerns raised from the representations received regarding the limited use of the field and ownership and so forth, but at the time of writing no comments have been received from OCC. These are anticipated to be received prior to the meeting where officers will update Members.
- 5.9 In addition officers are still awaiting advice regarding the amended FRA and anticipate that these comments will also be received prior to the meeting.

Residential Amenities

- 5.10 The proposed dwelling has been sited away from neighbouring properties and although the design is not one of the considerations, officers consider that there may not be direct overlooking to the adjacent properties. However the access is set against the rear small private amenity space of Adams Farmhouse and officers have concerns that any increased pedestrian and vehicular movements associated with the new dwelling would have an adverse impact to the residential amenity of Adams Farmhouse.

Conclusion

- 5.11 Apart from the issues relating to access, highway safety and flooding issues, officers consider that the proposed development is not acceptable or appropriate in this location, given that any development would represent an urbanising intrusion into an area of countryside, adversely affecting the adjacent Listed Building. Furthermore by way of the location of the access being immediately set against the private amenity space to the rear of Adams Farmhouse, officers still consider that the development would have an adverse impact to the residential amenities of Adams Farmhouse.
- 5.12 Officers will update Members of the outstanding comments at the meeting.

6 CONDITIONS/REASONS FOR REFUSAL

- 1 By reason of its backland location, the access road to the site which is very narrow and which directly abuts the relatively small private amenity space serving 'Adams Farmhouse' is considered to have an adverse impact on the amenity of the occupiers of that property by way of pedestrian and vehicular movements associated with the proposed dwelling. As such, the development is considered contrary to policies H2 and BE2 of the adopted West Oxfordshire Local Plan 2011 and relevant paragraphs of the NPPF.

- 2 By reason of its scale the dwelling will appear from gaps in between the predominantly linear development along the road frontage as an urban intrusion in to an area of countryside which forms an attractive rural setting to this part of the village. In addition, by reason of it's proximity to the listed building known as 'Setting Barn', the rural setting of the listed barn will be harmed by the proposal. The development is therefore considered contrary to policies H2, BE2 and BE8 of the adopted West Oxfordshire Local Plan 2011 and relevant paragraphs of the NPPF.