

# WEST OXFORDSHIRE DISTRICT COUNCIL

## LOWLANDS AREA PLANNING SUB-COMMITTEE

**Date: 9th October 2017**

**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***

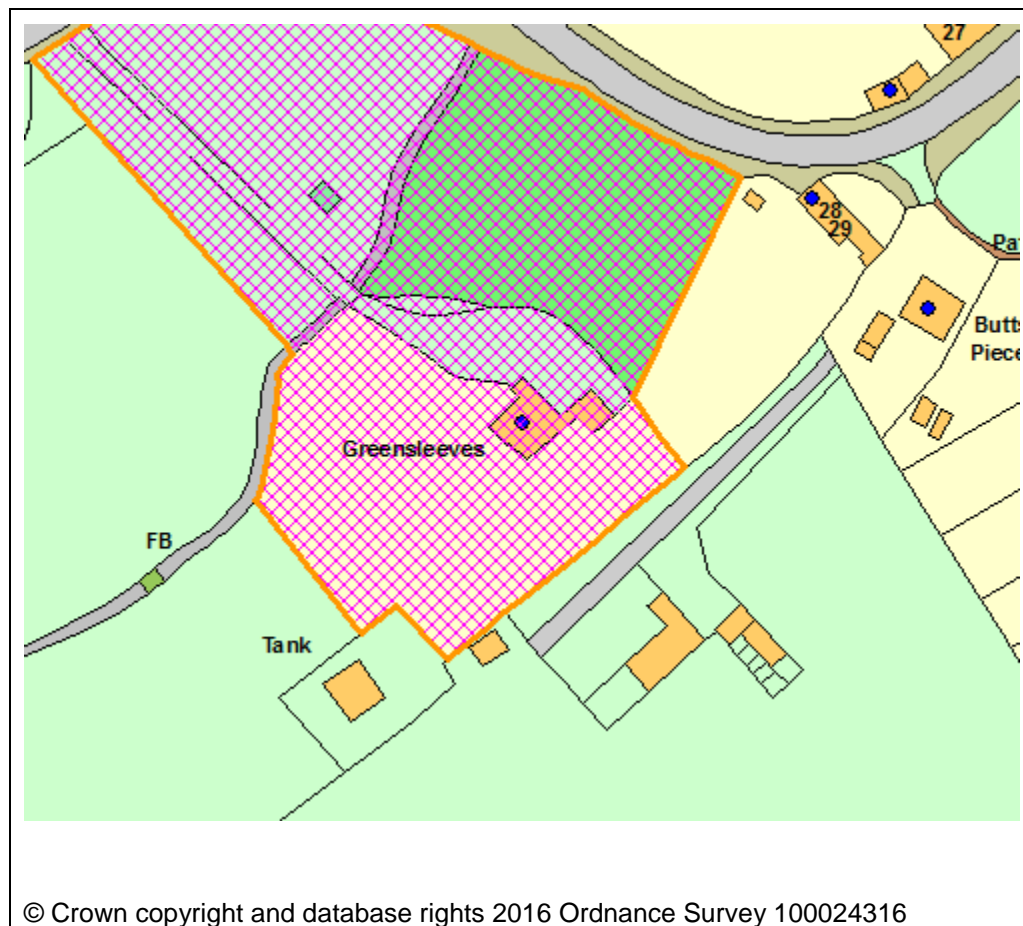
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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](http://www.westoxon.gov.uk/meetings)

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17/02330/FUL	<a href="#"><u>Land at Mount Pleasant Farm, Chapel Lane, Northmoor</u></a>	20
17/02342/FUL	<a href="#"><u>Ham Court, Weald, Bampton</u></a>	26
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17/02498/FUL	<a href="#"><u>65 Mayfield Close, Carterton</u></a>	35

Application Number	17/01245/FUL
Site Address	Greensleeves Blackditch Stanton Harcourt Witney Oxfordshire OX29 5SB
Date	27th September 2017
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Stanton Harcourt Parish Council
Grid Reference	441289 E 205709 N
Committee Date	9th October 2017

### Location Map



### Application Details:

Erection of three new dwellings and new village shop with residential flat above, including associated works related to boundary treatments, parking, vehicular and pedestrian access, landscaping and supplemental planting.

## Applicant Details:

Mrs Anne James  
C/O Agent

### I CONSULTATIONS

- |     |                         |  |
|-----|-------------------------|--|
| I.1 | WODC Rural Development  | No Comment Received.   |
| I.2 | WODC Drainage Engineers | No Comment Received.   |
| I.3 | WODC Architect          | <p>The area of open space to either side of the Main Road through Stanton Harcourt, of which the site forms a substantial part, makes a significant contribution to the appearance and character of the CA, and reflects a key aspect of Stanton Harcourt's historical pattern of settlement. Specifically, there has historically existed a clear gap between, on the one hand, the detached concentration of settlement around Blackditch Farm and its associated buildings to the west, and on the other the early administrative core of the village to the south-east, which incorporates the church and manor. While subsequent growth, particularly during the C20, has resulted in considerable enlargement of the settlement, particularly at the Blackditch 'end', the visual and physical separation of these two components of the village has conspicuously endured. It is also worth noting that the degree of physical and visual separation between these two parts as experienced when travelling around the curve of the Main Road between the Blackditch junction and the Green is pronounced.</p> <p>Residential development in this area would erode the degree of visual and physical separation between these currently distinct parts of the village, and would be likely to cause some harm to the appearance and character of the CA. While the application proposes some screening to the more prominent Plots 1 &amp; 2, in reality it is questionable to what extent this would result in these substantial detached houses being truly screened from the road; as well as the maintenance over time of screening of this nature being generally impracticable through the Planning system.</p> <p>Notwithstanding the problems with the principle of residential development in this place, there is also a question over the scale and massing of the properties, and the extent to which this aspect of the scheme responds meaningfully to local building types. In essence, the recent and adjoining settlement in the village is dominated, not by large detached houses of this scale and character, but by smaller scale properties (including cottages, often attached).</p> |
| I.4 | Thames Water            | No Comment Received.   |

I.5	OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>No objection subject to</p> <ul style="list-style-type: none"> <li>- G28 parking as plan</li> <li>- G11 access specification</li> <li>- G25 drive etc specification</li> </ul>
I.6	OCC Minerals (Safeguarded Areas)	No Comment Received.
I.7	WODC Planning Policy Manager	No Comment Received.
I.8	ERS Env Health - Lowlands	Mr ERS Pollution Consultation No objections
I.9	Parish Council	<p>Whilst we are largely in favour of the applications, the reduced number of houses, however, we must raise the following concerns (as per any new developments proposed in the Parish):</p> <p>The proposed development does not meet policy H5 (a) and (b) - no new housing except in exceptional circumstances (infilling, which it is not and conservation of agricultural buildings). It cannot be said to enhance and conserve a site in this Conservation Area (see previous Inspector's Reports in earlier Appeals). The Appeal's rationale for refusal remains valid; however, the reduced number of houses and the suggestion of a permanent shop is welcomed. As contrary to WODC Policy H5 and its central position in the village, approval may set an unwelcome precedent.</p> <p>Concerns concerning Highway risks. There are substantial parking problems in Blackditch Road and on the verges due to overflow from the Hall carpark, weekdays and weekends and at all times of the day up to and beyond midnight, as well as from vehicles turning in and out of the Village Hall car park.</p> <p>Parking - concern regarding the parking at the new Village Shop being proposed; two parking places only are in the Plans. We do think that the potential Village Shop should not rely on the parking at the Village hall (opposite) but should provide its own facilities. With the person in charge living on the premises, we believe that a minimum of five car spaces should be provided and turning space if necessary. The road outside the site (the end of Blackditch) should have yellow lines to indicate no parking permitted.</p> <p>The various footpaths around the junction are heavily used, particularly by children attending the Primary School, a situation that has already resulted in the installation of a flashing light on Main Road. It has also required the 'Playground' sign which warns of the playground attached to the Village Hall. There is also overall risk from proximity of the proposed entrance to the new shop to Main Road itself, which has blind bends in both directions shortly before its junction with Blackditch, and to the customary stopping points for the</p>

Secondary School buses. An additional hazard is caused by the worrying habit of children playing in the road close to the entrances to the Village Hall and to the application site.

There is no provision of public transport in the village any longer.

Shop - if granted, the shop must remain only a shop and annexed flat – Stanton Harcourt cannot sustain 2 similar shops in the village (ie this one and the approved Harcourt Arms food Shop and Butts Piece proposed shop next door) - there is a general view that post office and shop is a vital facility in the village.

And its present site at the village hall is temporary (the shop mornings only and the post office 3 mornings a week).

Lack of capacity at the local primary school - increase in population for which the village lacks amenities and infrastructure. Concern remains over the sewer system and excess rainwater.

Discussion have not taken place with Stanton Harcourt Parish Council on this Application.

Greensleeves is an extension of the lung which breathes through Stanton Harcourt, which has wildlife etc, owls and kingfishers in particular and is better preserved in this historic village.

## **2 REPRESENTATIONS**

- 2.1 Over 30 letters of support have been received in support for the shop and Post Office facilities.
- 2.2 An objection has been received in terms of impact to local ecology, traffic, village cannot support two shops, and sewage.

## **3 APPLICANT'S CASE**

- This document has been prepared in support of scheme proposals at the Greensleeves site, on Blackditch within the village of Stanton Harcourt for the erection of three new dwellings and new village shop with flat above.
- The application scheme hereby presented seeks to make efficient use of the subject site, whilst paying regard to all of the constraints and policy requirements that a proposal of this nature must address.
- Stanton Harcourt is recognised in both the adopted and emerging Local Plan as a settlement suitable for limited development; and we believe that our enclosed scheme proposals for low-density high quality housing, and a village shop can be sympathetically accommodated in the village, whilst preserving and enhancing the site's semi-rural landscape character in the conservation area.
- The scheme comprises a refined and well devised design response to this site, within the conservation area and if carried through, such development would, in our view, complement the existing built environment and character of the village and the conservation area and it's setting.
- The scheme retains and enhances the important open and green character in the middle of the site, and also proposed significant landscape improvements including supplemental tree, shrub and hedgerow planting.
- The NPPF makes clear that there is a presumption in favour of sustainable development; and whilst the NPPF is clear to highlight that heritage assets such as conservation areas

should be protected and enhanced, it also recognises: "...to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities". The guidance also highlights that planning policies should promote the development of local services and community facilities in villages, such as local shops. The site is an ideal location for a new village shop, which could serve the community and form part of what we consider is a sustainable rural development proposal.

- The scheme proposals accord with the key considerations confirmed in the NPPF and adopted and emerging Local Plan Policies. It is compliant with the relevant policy context as confirmed below:
  - The scheme provides new residential development, which is considered compatible and acceptable in the site's location;
  - The scheme proposes a mix of residential units to meet local housing needs;
  - The scheme proposes a loose-knit low-density development on a semi-rural site to meet housing need and encourage economic growth in the local area;
  - The scheme also proposes a village shop to improve local employment opportunities, and provide a permanent local service and facility for the community;
  - The proposed village shop would enhance the quality of life for the local community by reducing the need to travel, particularly by car, as well as enhancing the quality of life of those living in nearby towns and villages;
  - Due care and consideration has been paid in the scheme design to the character, appearance and views within the Stanton Harcourt and Sutton Conservation Area and seeks to respond to the site's history and significance;
  - The scheme has been designed to respect trees of value to the landscape and nature conservation on the site and enhance the distinct landscape character of each part of the site;
  - The proposal seeks to conserve and enhance the environmental quality of the site and proposes significant supplementary tree, hedgerow and shrub planting;
  - The amenity of adjoining properties would not be affected adversely in any way.
  - The proposed scheme will provide a high quality of living standard for future occupiers of the development;
  - The scheme proposes policy compliant car parking standards - including provision for cycle parking;
  - The scheme proposes safe highways accessibility;
  - It has been demonstrated that the proposals will amount to sustainable development in accordance with the Framework and in all other regards they would not give rise to any adverse impacts, which significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole; and
  - The scheme proposals constitute sustainable development and should be approved in accordance with the NPPF.
- It has been demonstrated that the proposals will amount to sustainable development in accordance with the Framework and in all other regards they would not give rise to any adverse impacts which significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
- Taking into account this assessment and all relevant planning and conservation considerations, we maintain that there are sound planning reasons to support this scheme.
- We trust that these development proposals and the private investment that they represent will be supported by your Officers.

## 4 PLANNING POLICIES

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
BE4 Open space within and adjoining settlements  
BE8 Development affecting the Setting of a Listed Building  
TLC1 New Tourism, Leisure and Community Facilities  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
EH7NEW Historic Environment

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

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The application is located within the Conservation Area, and sits adjacent to Listed Buildings. This application proposes three new dwellings adjacent to the existing property known as Greensleeves. A new shop with a flat at first floor is also proposed to the front of the application site. There have been previous applications for housing on the site;

04/1359/P/FP - Residential development of 11 dwellings - Refused and Appeal dismissed  
05/1019/P/FP - 6 dwellings and one flat, garages and car ports - Refused and Appeal dismissed  
15/03126/FUL - 3 dwellings and shop - Withdrawn

- 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 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.4 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .



- 5.5 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.6 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.7 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions taking place in July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.8 Paragraphs 14 and 49 of the NPPF need to be applied in these circumstances, given the current situation of WODC housing land supply. These paragraphs state that in such circumstances housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing in the local development plan should not be considered up to date. Further, in circumstances where the relevant policies are out of date (housing policies in this instance) development proposals for dwellings should be granted without delay unless either 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, or, specific policies in the Framework which indicate that development should be restricted.
- 5.9 In addition Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. In this regard whilst the housing policies of the local development plan may be considered not up to date, the environmental policies of both the adopted and emerging local plans are considered by officers to generally accord with the relevant paragraphs in the NPPF.
- 5.10 Whilst housing has been permitted within Stanton Harcourt village, officers consider that the proposed development will be out of character with the existing form and pattern of development and is out of scale and character with existing character of the immediate vicinity. The application site is within the Conservation Area, and has a distinctive visual rural character and appearance. As such your officers consider that the proposed dwellings by reason of the number, scale, form and positioning, will unacceptably urbanise this part of the Conservation Area. This is discussed within the paragraphs below.

5.11 As the site is located within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this regard the proposed dwellings are considered to have a detrimental impact to the character and visual appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is not preserved in this instance.

#### Siting, Design and Form

- 5.12 Three new dwellings are proposed. The rear gardens of two of the units will front onto the village road, with the other proposed dwelling being set more within the application site. The application site is largely screened and the submitted landscaping scheme proposes new planting and reinforcement of hedgerows along Main Road. In the 2005 appeal statement, the Inspector stated that the proposed houses in that scheme were approaching 10m and 8m high would be highly visible above the hedgerow. The views from the East were also specifically mentioned.
- 5.13 The proposed height of the two dwellings which are adjacent to Main Road in this scheme is approximately 8.6m which officers still consider will be visible above the hedgerow. Existing and proposed vegetation cannot be relied upon in perpetuity and given that the rear gardens will be adjacent to the road, if the vegetation does become sparse, the actual development would have an adverse impact to the visual appearance and character of the Conservation Area. Given that existing listed buildings are in close proximity to the application site, your officers also consider that the setting of the Listed Buildings will be adversely affected. The settings of listed buildings are given weight in both law and policy and whilst the level of harm falls within the "less than substantial harm" paragraph 134 of the NPPF advises that such harm should be weighed against any public benefit. In this instance the benefits do not outweigh the harms to the CA or setting of the listed buildings.
- 5.14 The actual design of the proposed dwellings is generally considered acceptable albeit as outlined by the Conservation Architect they are somewhat large.
- 5.15 A shop is also proposed with accommodation at first floor level. Whilst a community facility is to be welcomed your officers consider that the need for a shop doesn't override your officers concerns regarding the location that the shop will be situated in. This is discussed below:
- 5.16 The siting of the facility is at the front of the site at right angles to Blackditch, opposite the village hall. A separate car parking area is also proposed. Your officers consider that this existing area of openness greatly contributes to the historic character and setting of the Conservation Area. By siting the building in this sensitive location, it would urbanise this open part of the village to the detriment of the Conservation Area. In addition there is no guarantee that the proposed shop will remain a retail use. A case could be made for the change of use to a dwelling in the future, if accepted, this would then result in a new dwelling being located within a location which is not within the existing pattern of development. This again would erode the visual appearance of the Conservation Area.
- 5.17 The importance of the Conservation Area was discussed within both appeals in 2004 and 2005.

### Highways

- 5.18 OCC Highways has no objection to the proposal.

### Residential Amenities

- 5.19 Given the location of the application, your officers do not consider that there will be a loss of amenity to surrounding residential properties. The proposed dwellings are set away from the existing property at a sufficient distance to avoid any issues in terms of loss of light or loss of privacy issues.

### Conclusion

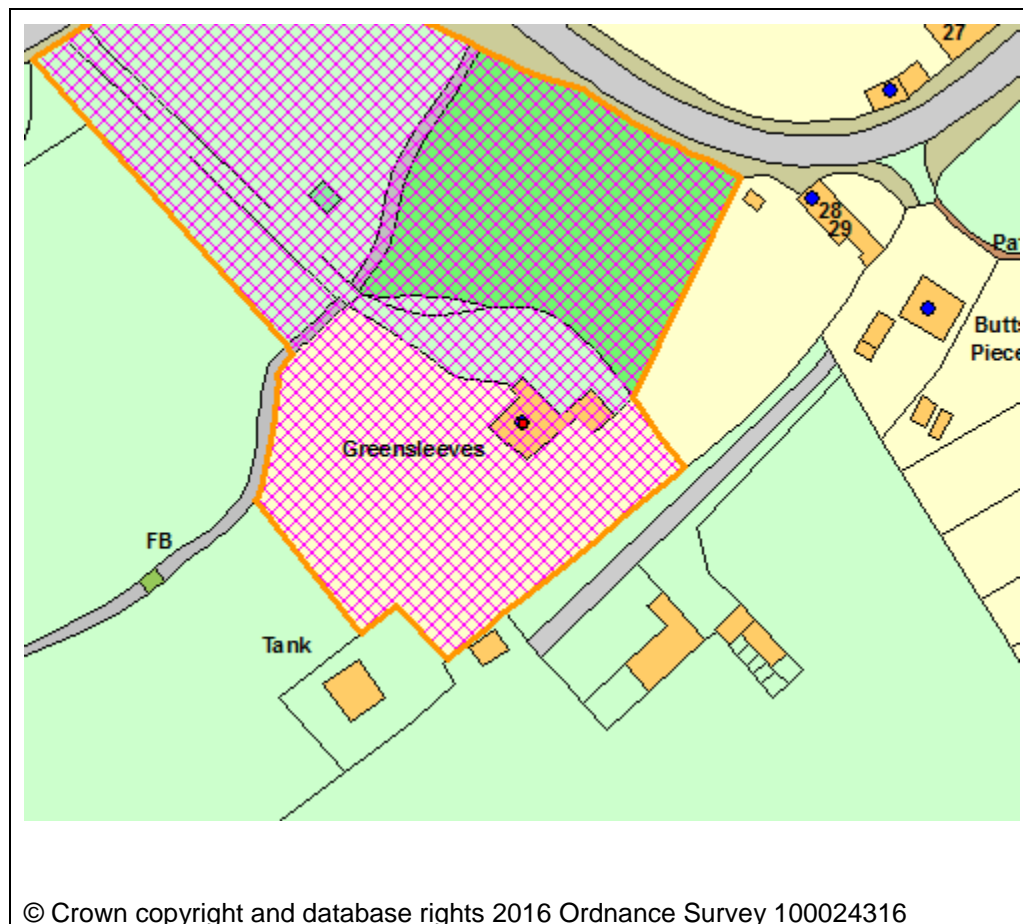
- 5.20 Given the scale and location of the proposed dwellings and the proposed shop/flat unit, your officers consider that the proposed development would have significant visual impacts upon this part of the historic Conservation Area and to the setting of the Listed Buildings. These harms have been found sufficient in the past to justify refusal and are similarly considered sufficiently harmful to outweigh the benefits of this scheme.

## **6 REASON FOR REFUSAL**

- 1 By reason of the positioning and scale of the proposed dwellings the development proposal will have an unacceptable urbanising impact on the visual appearance and character of this part of the Conservation Area and the setting of the adjoining Listed Buildings. As such the proposal fails to either 'preserve' or 'enhance' the character of the Conservation Area or the setting of the listed buildings. In addition by reason of the position of the proposed shop and flat building, the proposal will have an unacceptable urbanising impact on the important 'green' space which presently subdivides the historic core of the village from the more modern outlier of 'Black Ditch' and which contributes to the rural character and ambience of the locality. As such, the proposal fails to either 'preserve' or 'enhance' the character of the Conservation Area and fails to respect the important role identified by the Inspector in respect of appeal ref APP/D3125/1195089 that the site in its undeveloped state plays in the character and appearance of the Conservation Area. The proposal is therefore contrary to Policies BE5 and BE8 of the adopted West Oxfordshire Local Plan, and Policy EH7 of the Emerging West Oxfordshire Local Plan, The West Oxfordshire Design Guide, the Stanton Harcourt and Sutton Conservation Area Appraisal document, and the NPPF, namely paragraphs 14 and 49.

Application Number	I7/01247/FUL
Site Address	Greensleeves Blackditch Stanton Harcourt Witney Oxfordshire OX29 5SB
Date	27th September 2017
Officer	Miranda Clark
Officer Recommendations	Refuse
Parish	Stanton Harcourt Parish Council
Grid Reference	441289 E 205709 N
Committee Date	9th October 2017

### Location Map



### Application Details:

Erection of three new dwellings, including associated works related to boundary treatments, parking, vehicular and pedestrian access, landscaping and supplemental planting.

**Applicant Details:**

Mrs Anne James

C/O Agent

**I CONSULTATIONS**

- I.1 WODC Architect
- The area of open space to either side of the Main Road through Stanton Harcourt, of which the site forms a substantial part, makes a significant contribution to the appearance and character of the CA, and reflects a key aspect of Stanton Harcourt's historical pattern of settlement. Specifically, there has historically existed a clear gap between, on the one hand, the detached concentration of settlement around Blackditch Farm and its associated buildings to the west, and on the other the early administrative core of the village to the south-east, which incorporates the church and manor. While subsequent growth, particularly during the C20, has resulted in considerable enlargement of the settlement, particularly at the Blackditch 'end', the visual and physical separation of these two components of the village has conspicuously endured. It is also worth noting that the degree of physical and visual separation between these two parts as experienced when travelling around the curve of the Main Road between the Blackditch junction and the Green is pronounced.
- Residential development in this area would erode the degree of visual and physical separation between these currently distinct parts of the village, and would be likely to cause some harm to the appearance and character of the CA. While the application proposes some screening to the more prominent Plots 1 & 2, in reality it is questionable to what extent this would result in these substantial detached houses being truly screened from the road; as well as the maintenance over time of screening of this nature being generally impracticable through the Planning system.
- Notwithstanding the problems with the principle of residential development in this place, there is also a question over the scale and massing of the properties, and the extent to which this aspect of the scheme responds meaningfully to local building types. In essence, the recent and adjoining settlement in the village is dominated, not by large detached houses of this scale and character, but by smaller scale properties (including cottages, often attached).
- I.2 OCC Highways
- The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network  
No objection subject to  
- G28 parking as plan
- I.3 WODC Drainage Engineers
- No Comment Received.

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I.7	OCC Minerals (Safeguarded Areas)	No Comment Received.
I.8	Parish Council	<p>Whilst we are largely in favour of the applications, the reduced number of houses, however, we must raise the following concerns (as per any new developments proposed in the Parish):</p> <p>The proposed development does not meet policy H5 (a) and (b) - no new housing except in exceptional circumstances (infilling, which it is not and conversion of agricultural buildings). It cannot be said to enhance and conserve a site in this Conservation Area (see previous Inspector's Reports in earlier Appeals). The Appeal's rationale for refusal remains valid; however, the reduced number of houses and the suggestion of a permanent shop is welcomed. As contrary to WODC Policy H5 and its central position in the village, approval may set an unwelcome precedent.</p> <p>Concerns concerning Highway risks. There are substantial parking problems in Blackditch Road and on the verges due to overflow from the Hall carpark, weekdays and weekends and at all times of the day up to and beyond midnight, as well as from vehicles turning in and out of the Village Hall car park.</p> <p>Parking - concern regarding the parking at the new Village Shop being proposed; two parking places only are in the Plans. We do think that the potential Village Shop should not rely on the parking at the Village hall (opposite) but should provide its own facilities. With the person in charge living on the premises, we believe that a minimum of five car spaces should be provided and turning space if necessary. The road outside the site (the end of Blackditch) should have yellow lines to indicate no parking permitted.</p> <p>The various footpaths around the junction are heavily used, particularly by children attending the Primary School, a situation that has already resulted in the installation of a flashing light on Main Road. It has also required the 'Playground' sign which warns of the playground attached to the Village Hall. There is also overall risk from proximity of the proposed entrance to the new shop to Main Road itself, which has blind bends in both directions shortly before its junction with Blackditch, and to the customary stopping points for the Secondary School buses. An additional hazard is caused by the worrying habit of children playing in the road close to the entrances to the Village Hall and to the application site.</p> <p>There is no provision of public transport in the village any longer.</p> <p>Shop - if granted, the shop must remain only a shop and annexed flat – Stanton Harcourt cannot sustain 2 similar shops in the village (ie</p>

this one and the approved Harcourt Arms food Shop and Butts Piece proposed shop next door) - there is a general view that post office and shop is a vital facility in the village.

And its present site at the village hall is temporary (the shop mornings only and the post office 3 mornings a week).

Lack of capacity at the local primary school - increase in population for which the village lacks amenities and infrastructure.

Concern remains over the sewer system and excess rainwater  
Discussion have not taken place with Stanton Harcourt Parish Council on this Application.

Greensleeves is an extension of the lung which breathes through Stanton Harcourt, which has wildlife etc, owls and kingfishers in particular and is better preserved in this historic village.

## **2 REPRESENTATIONS**

7 letters of support have been received for this application.

## **3 APPLICANT'S CASE**

The conclusion of the Planning Statement has been submitted has been summarised as:

- This document has been prepared in support of scheme proposals at the Greensleeves site, on Blackditch within the village of Stanton Harcourt for the erection of three new dwellings.
- The application scheme hereby presented seeks to make efficient use of the subject site, whilst paying regard to all of the constraints and policy requirements that a proposal of this nature must address.
- Stanton Harcourt is recognised in both the adopted and emerging Local Plan as a settlement suitable for limited development; and we believe that our enclosed scheme proposals for low-density high quality housing, can be sympathetically accommodated in the village, whilst preserving and enhancing the site's semi-rural landscape character in the conservation area.
- The scheme comprises a refined and well devised design response to this site, within the conservation area and if carried through, such development would, in our view, complement the existing built environment and character of the village and the conservation area and it's setting. The scheme retains and enhances the important open and green character in the middle of the site, and also proposed significant landscape improvements including supplemental tree, shrub and hedgerow planting.
- The NPPF makes clear that there is a presumption in favour of sustainable development; and whilst the NPPF is clear to highlight that heritage assets such as conservation areas should be protected and enhanced, it also recognises: "...to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities".
  - The scheme provides new residential development, which is considered compatible and acceptable in the site's location;
  - The scheme proposes a mix of residential units to meet local housing needs;
  - The scheme proposes a loose-knit low-density development on a semi-rural site to meet housing need and encourage economic growth in the local area;

- Due care and consideration has been paid in the scheme design to the character, appearance and views within the Stanton Harcourt and Sutton Conservation Area and seeks to respond to the site's history and significance;
- The scheme has been designed to respect trees of value to the landscape and nature conservation on the site and enhance the distinct landscape character of each part of the site;
- The proposal seeks to conserve and enhance the environmental quality of the site and proposes significant supplementary tree, hedgerow and shrub planting;
- The amenity of adjoining properties would not be affected adversely in any way.
- The proposed scheme will provide a high quality of living standard for future occupiers of the development;
- The scheme proposes policy compliant car parking standards - including provision for cycle parking;
- The scheme proposes safe highways accessibility;
- It has been demonstrated that the proposals will amount to sustainable development in accordance with the Framework and in all other regards they would not give rise to any adverse impacts, which significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole; and
- The scheme proposals constitute sustainable development and should be approved in accordance with the NPPF.
- It has been demonstrated that the proposals will amount to sustainable development in accordance with the Framework and in all other regards they would not give rise to any adverse impacts which significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
- Taking into account this assessment and all relevant planning and conservation considerations, we maintain that there are sound planning reasons to support this scheme.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE5 Conservation Areas

BE8 Development affecting the Setting of a Listed Building

H2 General residential development standards

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

EH7NEW Historic Environment

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application is located within the Conservation Area, and sits adjacent to Listed Buildings. This application proposes three new dwellings adjacent to the existing property known as Greensleeves. There have been previous applications for housing on the site:

04/1359/P/FP - Residential development of 11 dwellings - Refused and Appeal dismissed

05/1019/P/FP - 6 dwellings and one flat, garages and car ports - Refused and Appeal dismissed

15/03126/FUL - 3 dwellings and shop - Withdrawn



- 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 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.4 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead -in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation.
- 5.5 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years. The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.6 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions taking place in July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.7 Paragraphs 14 and 49 of the NPPF need to be applied in these circumstances, given the current situation of WODC housing land supply. These paragraphs state that in such circumstances housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing in the local development plan should not be considered up to date. Further, in circumstances where the relevant policies are out of date (housing policies in this instance) development proposals for

dwelling should be granted without delay unless either 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, or, specific policies in the Framework which indicate that development should be restricted.

- 5.8 In addition Paragraph 49 of the NPPF specifies that all applications for housing are determined in accordance with the presumption in favour of sustainable development as outlined within paragraph 7 of the NPPF. This requires that an assessment is made with regards to the social, economic and environmental sustainability of the proposed development and its accordance with relevant Local Plan Policy, where relevant policies are considered to be in date. In this regard whilst the housing policies of the local development plan may be considered not up to date, the environmental policies of both the adopted and emerging local plans are considered by officers to generally accord with the relevant paragraphs in the NPPF.
- 5.9 Whilst housing has been permitted within Stanton Harcourt village, officers consider that the proposed development will be out of character with the existing form and pattern of development, is out of scale and character with existing character of the immediate vicinity. The application site is within the Conservation Area, and has a distinctive visual rural character and appearance. As such your officers consider that the proposed dwellings by reason of the number, scale, form and positioning, will unacceptably urbanise this part of the Conservation Area. This is discussed within the paragraphs below.
- 5.10 As the site is located within a Conservation Area, officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. In this regard the proposed dwellings are considered to have a detrimental impact to the character and visual appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is not preserved in this instance.

#### Siting, Design and Form

- 5.11 Three new dwellings are proposed. The rear gardens of two of the units will front onto the village road, with the other proposed dwelling being set more within the application site. The application site is largely screened and the submitted landscaping scheme proposes new planting and reinforcement of hedgerows along Main Road. In the 2005 appeal statement, the Inspector stated that the proposed houses in that scheme were approaching 10m and 8m high would be highly visible above the hedgerow. The views from the East were also specifically mentioned.
- 5.12 The proposed height of the two dwellings which are adjacent to Main Road in this scheme is approximately 8.6m which officers still consider will be visible above the hedgerow. Existing and proposed vegetation cannot be relied upon in perpetuity and given that the rear gardens will be adjacent to the road, if the vegetation does become sparse, the actual development would have an adverse impact to the visual appearance and character of the Conservation Area. As with the similar proposals considered under ref 16/01245/FUL given that existing listed buildings are in close proximity to the application site, your officers also consider that the setting of the Listed Buildings will also be adversely affected.

- 5.13 The actual design of the proposed dwellings is generally considered acceptable albeit as advised by the conservation officer too large in context.

#### Highways

- 5.14 The access to the proposed dwellings will utilise the existing driveway and OCC Highways have no objection to the proposal.

#### Residential Amenities

- 5.15 Given the location of the application, your officers do not consider that there will be a loss of amenity to surrounding residential properties. The proposed dwellings are set away from the existing property at a sufficient distance to avoid any issues in terms of loss of light or loss of privacy issues.

#### Conclusion

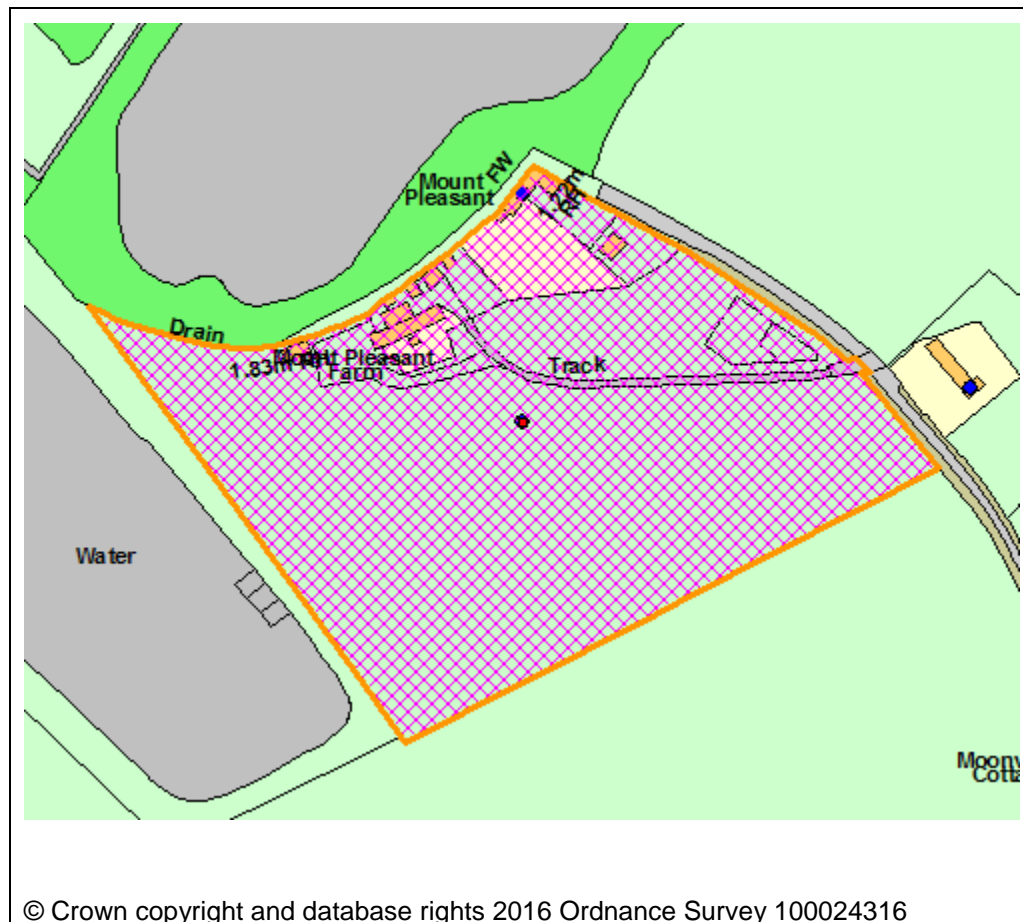
- 5.16 Due to the positioning and scale of the proposed dwellings, your officers consider that the proposal will be contrary to the relevant West Oxfordshire Local Plans and the NPPF by in causing significant harm to the visual appearance and character of the Conservation Area and to the setting of the Listed Buildings. These harms are not outweighed by the benefits of the scheme.

## **6 REASON FOR REFUSAL**

- I By reason of the positioning and scale of the proposed dwellings the development proposal will have an unacceptable urbanising impact on the visual appearance and character of this part of the Conservation Area and the setting of the Listed Buildings. As such the proposal fails to either 'preserve' or 'enhance' the character of the Conservation Area or the setting of those buildings. The proposal is therefore contrary to Policies BE5, BE4 and BE8 of the adopted West Oxfordshire Local Plan, and Policy EH7 of the Emerging West Oxfordshire Local Plan, The West Oxfordshire Design Guide, the Stanton Harcourt and Sutton Conservation Area Appraisal document, and the NPPF, namely paragraphs 14 and 49.

Application Number	17/02330/FUL
Site Address	Land at Mount Pleasant Farm Chapel Lane Northmoor Oxfordshire
Date	27th September 2017
Officer	Kim Smith
Officer Recommendations	Refuse
Parish	Northmoor Parish Council
Grid Reference	441945 E 203506 N
Committee Date	9th October 2017

### Location Map



### Application Details:

Change of use of caravan to residential.(Retrospective)

### Applicant Details:

Mr Matthew Prickett, Land at Mount Pleasant Farm, Chapel Lane, Northmoor, Oxfordshire

## **I CONSULTATIONS**

- 1.1 Parish Council Northmoor Parish Council did not have a scheduled meeting in August and therefore this application has been sent to all Parish Councillors of Northmoor Parish Council for their e-mail comments. In addition the Application has been circulated via our Village Mail system, requesting comments from parishioners. From the village I received one reply in support and one, from a number of residents of Chapel Lane close to Mount Pleasant, strongly objecting to this Application.
- The majority of Parish Councillors were of the opinion that this Application should be refused. They recognised the concerns of local residents, living next to essentially a greenfield site, and were afraid that if consent was given it would act as a precedent that would allow others to follow, first with a mobile home and subsequently to be replaced with a permanent dwelling on any piece of vacant agricultural land. Referring to their Planning Policy, they also felt that the application was not in a category they would be likely to favour, such as an existing building, a brownfield site or accommodation for an essential agricultural worker.
- 1.2 OCC Minerals (Safeguarded Areas) No Comment Received.
- 1.3 OCC Highways The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network.
- No objection

## **2 REPRESENTATIONS**

- 2.1 Mark Chattoe has submitted a representation on behalf of Mr and Mrs Sharp Dent, Mrs M Every, Mr and Mrs C Westby, Mr and Mrs Boyes -Weston and Mr and Mrs C Norris. The comments in respect of this application are précised as follows:
- Whilst there would be no objections to the applicant conducting his business in a reasonable way in accordance with his planning permission, his clear disregard for the amenities of the area has become intolerable.
  - For a home in the open countryside to be justified in policy terms there needs to be a genuine essential agricultural or other operational need for a full time worker to live on the site.
  - It is clear from the details submitted with the application that the applicant has not been able to establish any material level of need.
  - The matter of trespass can be dealt with by basic improvements in security.
  - The caravan with its gazebo and garden furniture, represents an incongruous and unsightly feature at odds with the rural character and amenities of the area.
- 2.2 Mr Richard Ashton of 4 Chapel Lane Northmoor has commented as follows:

- Matthew is a nice chap who keeps himself to himself but is also always on hand to help out neighbours/villagers with all sorts of mechanical/engineering problems.
- He contributes to the upkeep of the lane and has never caused any disturbances to my knowledge. His business runs from the site and his family have owned the land for generations. I see no reason he shouldn't be allowed to live there full time. He's an asset to the village.

2.3 Mrs Mary Anne Florey of Rectory Farm Northmoor has commented as follows:

- I would like to support Matthew's application for change of use of caravan to residential.
- Matthew and his family have lived and worked in the village for a long time - the land at Mount Pleasant has been in his family for some 95yrs. Matthew served on the Parish Council for many years and is always willing to help within our community if asked to. He keeps a few horses and animals at the site as well as running a business from there and in the interests of security it is beneficial for him to be living on the site. Sadly it seems to be a sign of the times that you need to live near your livestock in order to protect them - I believe that has already been a fire at the location.

2.4 Mr Reg Berry of 1 Griffiths Close Northmoor has commented as follows:

- I fully support Matthew's application for change of use of caravan to residential.
- Matthew hugely contributes and supports community projects when required. I see no negative impact at all to the community from this application.

2.5 Mr Charlie Wilder of Littlebrook Nurseries Standlake Rd Witney has commented as follows:

I am in support of Mr Prickett's planning application (as outlined in my email to you of 14 July 2017). Due to the isolated location of his business and the high value of plant and equipment at the site, security is a major concern. By permitting him to live in the mobile home, which is already on site, security would be greatly improved. This would provide his customers with greater peace of mind when using his services.

2.6 Julie Bury, M Fitchett, Colin and Jillian Savage, Mrs Terri Allison, John Eaton, and Betty Morrison have also written in support of the application.

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

3.1 The property has been in the family for over 95 years and was run as a smallholding by my grandparents in the 1950's and 1960's. After my grandmothers death my mother sold the house but retained the field, which is roughly 5 acres, and the original farm buildings. These are the buildings I now use for my business.

3.2 The caravan/mobile home has been on site since 2003 and was originally used by us as an office and holiday home for weekends and some school holidays.

3.3 I have been staying there at weekends and sometimes with my mother in Standlake and sometimes friends during the week. However, since February this year I have been living in the mobile home full time.

- 3.4 There has been evidence of trespass when someone has let the older horse and two Shetland ponies out of their stables during the night/early morning three times. The older horse suffers from laminitis and has to be kept in until later in the day as the sweetness of the morning grass could prove fatal.
- 3.5 I am also worried after the arson attack on the fisherman's hut at Willow Pool in August last year. If this happened during the night, when I was not there, it could have spread to the stables and workshop. I called the fire brigade and opened the farm gate so that they could come across the farm track to put the fire out. They could not get to the fire via the bridleway at the back because it is too narrow.
- 3.6 I just want to get on with my business and have somewhere to live. I am not trying to turn it into a mobile home park. I contribute to the upkeep of Chapel Lane and don't interfere with anyone.

#### **4 PLANNING POLICIES**

H14 Residential mobile homes  
H4 Construction of new dwellings in the open countryside and small villages  
H2NEW Delivery of new homes  
BE2 General Development Standards  
NE1 Safeguarding the Countryside  
OS2NEW Locating development in the right places  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

##### Planning History

- 5.1 05/0002/P/FP- Planning permission granted for permanent use of former agricultural building as a workshop. Conditions attached to the permission limit the use to Mr M Prickett only, to a BI use only, that no storage, industrial or other business use shall take place outside of the building and restricts business hours to between 9.00am and 5.00pm on weekdays.
- 5.2 The caravan, the subject of this application, is presently sited on the land and being occupied for residential purposes by the applicant without the benefit of planning permission. This application has been submitted in an attempt to regularise the breach of planning control. Part of the site is located within Flood Zone 2 and a Mineral Consultation Area.
- 5.3 Whilst not the subject of this application there are other alleged breaches of planning control on the land that are presently under investigation.
- 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 In considering the principle of a residential use on the land the key adopted and emerging local plan policies are H4, H14 and H2. Paragraph 55 of the NPPF which recognises that there are special circumstances when isolated new homes in the countryside will be acceptable is also of relevance.
- 5.6 The above noted policy context allows for residential development in the open countryside, away from larger settlements that might provide the appropriate range of facilities and services for day to day living, subject to certain criteria being met, in particular that an essential or operational need to live on the site that cannot be met in any other way can be demonstrated.
- 5.7 In respect of the above, the applicant's case is essentially that he needs to live on site for security purposes as there has been evidence of trespass on the land and that he is worried about a possible arson attack.
- 5.8 In your officers opinion the case that has been put forward by the applicant does not demonstrate a robust enough case to satisfy an essential or operational need to live on the site. The security issues raised by the applicant can be addressed by an improvement in security systems installed within the site.
- 5.9 In light of the above, the retrospective development is considered contrary to policies H4 and H14 of the adopted Local Plan, H2 of the emerging Local Plan and the provisions of Paragraph 55 of the NPPF in that the proposal does not constitute sustainable development and the adverse impacts of its location away from any larger settlement significantly and demonstrably outweighs any benefits it may bring.

### Impact on Character and Appearance of the Area

- 5.10 Whilst the residential caravan and associated domestic paraphernalia are located in relatively close proximity to a range of existing former agricultural buildings on the land, in the winter months the development will be visible from both the Chapel Lane and a network of public rights of way in the vicinity of the site, appearing as a utilitarian and visually incongruous feature detracting from the rural character and appearance of the area.
- 5.11 In light of the above assessment, the development is considered contrary to policies BE2 and H14 of the adopted Local Plan, OS2 of the emerging Local Plan and relevant paragraphs and advice in the NPPF.

### Highways

- 5.12 OCC Highways has raised no objections to the proposal on highway safety and convenience.

### Flooding

- 5.13 At the time of writing the impact of the retrospective development in flooding terms is still under consideration and Members will be updated verbally at the meeting.



### Mineral Consultation

- 5.14 At the time of writing a consultation response from County Minerals has not been received. Members will be updated at the meeting in respect of the response.

### Conclusion

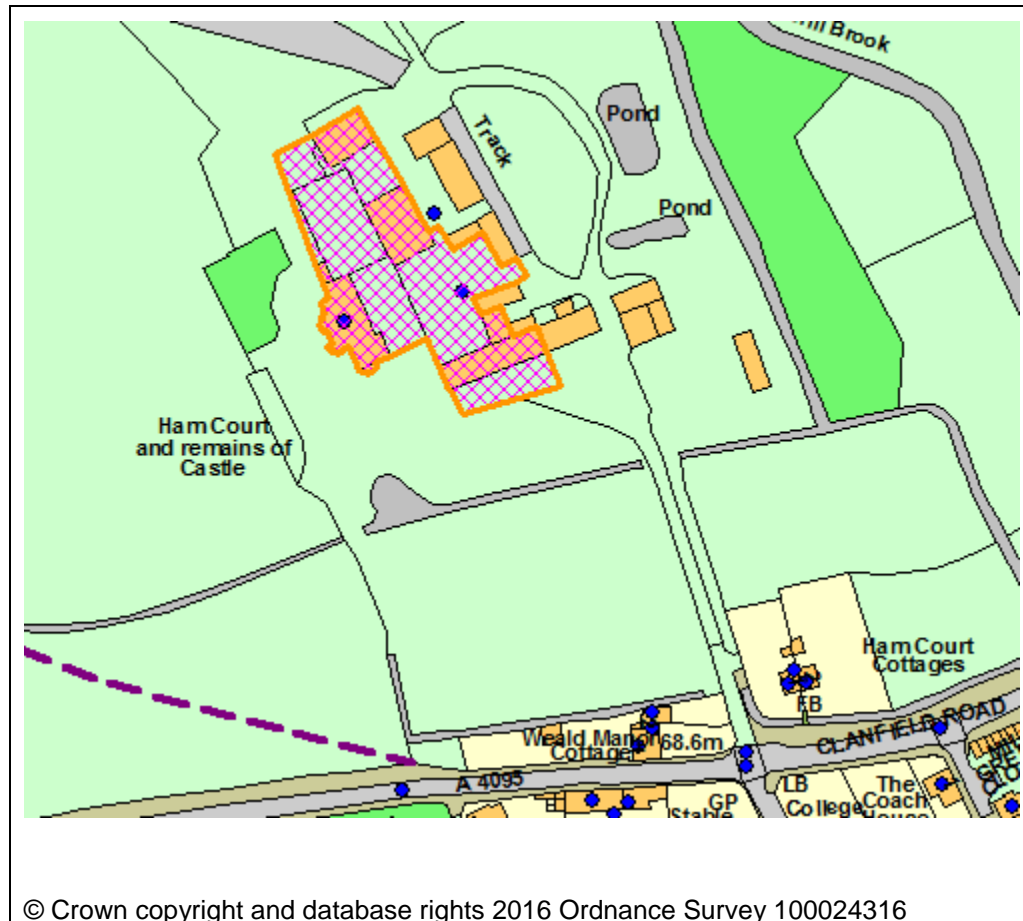
- 5.15 In light of the above planning assessment, the application is recommended for refusal as it has not been demonstrated to the satisfaction of the Local Planning Authority that there is an overriding essential or operational need for the residential use on the land, and further that the retrospective development appears as an alien and incongruous feature within the open countryside. The planning merits in respect of both flooding and mineral consultation issues will be addressed verbally at the meeting.
- 5.16 Given that the development is retrospective and in light of the recommendation of refusal, a separate enforcement report in respect of the breach of planning control appears as an agenda item on the October Schedule.

## **6 REASONS FOR REFUSAL**

- 1 It has not been demonstrated to the satisfaction of the Local Planning Authority that there is an overriding operational or essential need for a residential caravan to be located on the land in the open countryside some distance from local services and facilities. As such the development is considered contrary to policies H4 and H14 of the adopted West Oxfordshire Local Plan, H2 of the Emerging Local Plan 2031 and Paragraph 55 of the NPPF.
- 2 In the winter months the development will be visible from both the Chapel Lane and a network of public rights of way in the vicinity of the site and will appear as a utilitarian and visually incongruous domestic feature within the open countryside detracting from the rural character and appearance of the area. As such, the development is considered contrary to policies BE2 and H14 of the adopted Local Plan, OS2 of the emerging Local Plan and relevant paragraphs and advice in the NPPF.

Application Number	17/02342/FUL
Site Address	Ham Court Weald Bampton Oxfordshire OX18 2HG
Date	27th September 2017
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	430966 E 203056 N
Committee Date	9th October 2017

### Location Map



### Application Details:

Creation of garden walls and erection of two self contained units for staff and guest use.

### Applicant Details:

Mr Matthew Rice, Jubilee Barn, Ham Court, Weald, BAMPTON, OX18 2HG

## **I CONSULTATIONS**

- |     |                             |   |
|-----|-----------------------------|---|
| 1.1 | OCC Highways                | The proposals are unlikely to have any adverse impact upon the local highway network from a traffic and safety point of view, therefore I offer no objection.   |
| 1.2 | WODC Architect              | No Comment Received.  |
| 1.3 | Historic England            | <p>This application is to create a walled garden to the north of Ham Court, a farmhouse which inhabits the gatehouse of what was once a castle with a courtyard plan. This would have tower at one corner and a cart shed and 'apple store' diagonally opposite. The proposals have been carefully crafted, informed by a thorough understanding of the site and attempt to create additional amenity and living space while evoking lost parts of the curtain wall and reinforcing the farmyard character of the centre of the site. The result is attractive and playful while giving an impression of what the castle may have been like without trying to recreate it in detail - something that could never be done with confidence. As the proposal makes the medieval elements of Ham Court more intelligible without loss of any significant fabric we are of the view that the proposals to enhance the significance of this grade II* listed building.</p> <p>Obviously the success of the proposals would depend on the quality of the materials used and the design details. A key element to get right would be the larch rod rainscreen on the north fact of the tower. The size and density of the rods needs to be thick and frequent enough to give an impression of solidity and verticality while allowing views out. If your Council resolves to grant planning permission we would be content for this issue to be dealt with via an appropriately worded condition.</p> |
| 1.4 | OCC Archaeological Services | No Comment Received.  |
| 1.5 | WODC Drainage Engineers     | No Comment Received.  |
| 1.6 | Environment Agency          | No Comment Received.  |
| 1.7 | Thames Water                | No Comment Received.  |
| 1.8 | Parish Council              | NO OBJECTIONS.  |

## **2 REPRESENTATIONS**

- 2.1 One letter of support from Mrs Rouse has been received as follows:

Wonderful addition to an old building that needs much doing to both the building and surrounding area to make it a joy to see as well as something fit for the twenty first century.

The owners have thrown themselves into life in Bampton and are great supporters of all aspects of life here. I do hope you will allow this development.

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

- 3.1 Writing in support of the application the agents have tabled a considerable volume of information derived from a very thorough and extensive period of archaeological and other research into the history of the site and flowing from that the optimum means to re-develop it. A key section of the Planning Statement is set out below:

Following the extensive research carried out on the site, as laid out in the Site Appraisal above, it should by now be clear how significant the history of Bampton Castle is to the place of Ham Court, and how its forms and layouts have stamped their impression on the intervening centuries. The oldest extant fabric, the Old Gatehouse, exerts considerable influence on the atmosphere and appearance of the site, dominating the Front Yard and communicating on all sides, including its influence on the public highways (footpath and minor road) to the west. The massive curtain wall, remaining extant in its southern extent, now shelters and overshadows what would in any other instance be a large Victorian house. The sheer power of this masonry construction alone forces one to consider what the full west wall would have looked like, and how it would have commanded the country from afar. Sober archaeological investigations and academic historical research have shown that, in all probability, the stone curtain wall extended all the way to the North Moat, terminating in a substantial tower in a classical "masculine" cadence and appropriate fortification (even if this was, in the ultimate analysis, a "cosmetic" gesture). The proposed scheme is conceived as growing out of the historical precedents suggested by the site itself, by the landscapes and forms of the region, and by the vernacular traditions appropriate to this part of west Oxfordshire. Archetypes of the defensive nature of fortifications, of castle walls punctuated by towers and buttresses, and of protected domestic oases within strong enclosures, are drawn out into a contemporary aesthetic that, it is hoped, belongs firmly and naturally in its place and context. This is to be found in the proposed layouts, forms, massing and materials which, while unmistakably contemporary, form part of a living and vibrant history.

### **4 PLANNING POLICIES**

BE1 Environmental and Community Infrastructure.  
BE2 General Development Standards  
BE12 Archaeological Monuments  
BE5 Conservation Areas  
BE7 Alterations and Extensions to Listed Buildings  
BE8 Development affecting the Setting of a Listed Building  
E2NEW Supporting the rural economy  
EH1NEW Landscape character  
H2 General residential development standards  
NE3 Local Landscape Character  
OS4NEW High quality design  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 This is a very unusual application for a major intervention in a sensitive and historic site. Bampton Castle lies to the south of the settlement lying within a moated enclosure. The remains of the gatehouse along with part of the curtain wall sit on the southern extremity of the site and are Grade ii\* listed. Much of the remaining land within the moated enclosure has been used for agriculture for a number of centuries and there are a series of barns and other buildings, also listed lying to the north of the gatehouse. The applicants have cleared away much of the more modern agricultural buildings and have undertaken major works to the moat and restored one of the listed barns. However this application seeks to take the restoration a stage further.
- 5.2 Much of the former curtain wall has been lost since it was first erected but the applicants have archaeological findings that determine its location and are proposing to erect a new wall that will follow the line of the original, but is designed to be clearly distinguishable as new rather than original work. This will lead to perhaps the most dramatic intervention- a new tower and viewing platform at the SW corner of the site designed in a modern style but to mirror the location where the original tower would have stood. The curtain wall then follows the west bank of the moat before turning back into the centre of the site where a series of new ancillary buildings and conversions will provide additional living and working space. The net result will be the creation of a new walled garden and business/residential accommodation in a modern form but based on a detailed and exhaustive analysis of what was there previously.
- 5.3 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

- 5.4 The proposals involve the creation of a new walled garden along with a series of new buildings for entertaining, business and ancillary accommodation. In that regard the applicants advise that the clients' desire is "to create a home which is at least partially self-sustaining, both socially and economically. Ham Court is envisaged as a Great Court, where a domestic heart expands through its yard, outbuildings and kitchen gardens to the wider productive farmland with a range of agricultural barns. The proposals look to consolidate this "middle ground" of semi-domestic food production and smallholding animal husbandry, while respecting and encouraging the purer farming activities lying further from the homestead. A further element of complexity is added by the large and charismatic design studio situated in the Long Barn to the south, a nerve centre for the activities of Emma Bridgewater Ltd, whose reputation in pottery and domestic design precedes them. The activity associated with this business hub, in addition to the maintenance and day-to-day running of the estate, means that several staff members are employed on the site, lending the place as a whole a busy atmosphere, and one which itself makes an important contribution to the local economy. The heart of Ham Court is formed by the remaining buildings of Bampton Castle, whose history stretches back to the 13th century and the reign of Henry III. The intervening centuries have woven the story of the place into a complex tapestry of uses, materials, forms and histories, not least its conversion from a fortified castle site to a working farm, probably in the late 16th century. While evidence points to the supposition that the fortifications were probably always more cosmetic than functional, they continue to exert a

strong influence on the character and ambience of the site - and have similarly been the driving force behind the proposed garden layout and structures”.

- 5.5 Your officers are satisfied that provided that the new buildings are conditioned as ancillary to the authorised use of the remainder of the site that there is no in principle objection to what is proposed.

Siting, Design and Form and impact upon heritage assets

- 5.6 This is clearly the key issue. The site is very sensitive with grade II and II\* listed buildings upon it and is located within the Conservation Area. There are a number of other listed buildings within Bampton, not least the spire of the Grade I listed St Mary's church which will be visible in the same view as that of the extended castle and in particular the new tower feature. The tower has been designed to keep its topmost point below the height of the existing house to reduce its impact on the setting of that building and that in turn has meant that its impact on the skyline is also reduced. The applicants have undertaken very extensive tree planting in the estate as a whole such that views from the A4095 and the road to Black Bourton are generally very limited even when the trees are not in leaf and virtually non-existent at this time of year. However there is a public footpath running closer to the site from which there will be views available and officers will make available a series of photo montages that seek to create that view. There is no doubt that for some time until the landscaping matures the setting of the church will be affected- albeit that the form/silhouette of the tower has been carefully designed to minimise any harms. The applicants assert with some justification that Ham Court itself is barely seen and that as the tower is a similar scale the tree planting will in time help hide those views. In contrast the Church tower is dominant above the trees and is likely to remain as such.
- 5.7 Members will be aware of the legal duty to consider both the impact on the fabric of a listed building but also its setting. Similar principles as regards the impact on the Conservation Area are also relevant. Paragraph 132 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be and that alteration of the asset or development within its setting can harm significance. As they are irreplaceable harm or loss should require clear and convincing justification and substantial harm to GI or GII\* assets should be wholly exceptional and be refused unless it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh the harm. Where there is substantial harm paragraph 133 of the NPPF advises consent should be refused and where there is less than substantial harm the harm should be weighed against public benefits including securing the optimum viable use.
- 5.8 In making the assessment the relevant assets are considered to be the below ground archaeology, the works to extant buildings on site, the works impacting their setting, the works affecting the setting of the listed buildings in the wider area and the impact on the Character and Appearance of the Conservation Area.
- 5.9 The scheme has evolved as a result of extensive exploratory work to ascertain what is in the ground and a similarly comprehensive desk based assessment of archives and other source material. The scheme has evolved as evidence has arisen and in your officers view is soundly based upon a thorough understanding of the assets on site and the wider impacts. The interventions that are proposed are in your officer's assessment well conceived and justified and when seen in the context of the demolition and removal of many of the former utilitarian farm

buildings previously on site will enhance the architectural status and appearance of the site. In that regard the localised impacts are considered acceptable.

- 5.10 The impact of the tower of the wider setting of Bampton and in particular the setting of the Church is somewhat more balanced in your officer's assessment. The landscape is relatively flat such that taller structures will have an impact - but equally the tower is not taller than existing structures on site and from more distant views will in time become assimilated into the landscape by the substantial new tree planting. Where viewed in a more local context the form is consciously "castlelike" and as such whilst more visible will help to re-inforce the nature and history of the site.
- 5.11 Your officers are also mindful that the applicants have already (and are undertaking as part of this application) to invest considerable sums into securing the future of this site and its buildings as viable and attractive commercial/residential/agricultural premises and that this could be considered the optimum viable use in NPPF terms.
- 5.12 Taking all the above into account your officers consider that there will be some residual "less than substantial" harm but that this will decrease over time as the landscaping matures and that this harm is balanced by securing the optimum viable use of the building for the future. Historic England, the Government's advisors on historic buildings, has commented that "the proposals have been carefully crafted, informed by a thorough understanding of the site and attempt to create additional amenity and living space while evoking lost parts of the curtain wall and reinforcing the farmyard character of the centre of the site. The result is attractive and playful while giving an impression of what the castle may have been like without trying to recreate it in detail - something that could never be done with confidence. As the proposal makes the medieval elements of Ham Court more intelligible without loss of any significant fabric we are of the view that the proposals enhance the significance of this grade II\* listed building." Your officers would concur whilst adding that in providing an appropriate immediate context the scheme has additionally safeguarded the wider landscape impacts to sufficient of a degree that the benefits of the new use outweigh any residual impacts. Thus subject to the imposition of conditions to ensure that the materials and details are appropriate the design and impact is considered acceptable.

#### Highways

- 5.13 Whilst extensive the proposals are essentially ancillary to the existing use of the site and as such are unlikely to generate substantial additional traffic. OCC do not object as Highway Authority.

#### Residential Amenities

- 5.14 There are no third party properties directly affected and as such it is not considered that the impact upon residential amenity is an issue that would preclude development.

#### Conclusion

- 5.15 The application proposes a bold intervention into a sensitive and historic site covered by a number of planning protections. However the intervention has been conceived as a result of exhaustive research and has been through a series of iterations with a view to balancing the needs to respect the sensitivity of the context whilst ensuring that the proposals meet the needs of the current occupiers and are not a pastiche. Your officers concur with the opinions of

Historic England that this balance has been successfully achieved and that whilst there may be some impact in the shorter term from the erection of the proposed tower that in time this will reduce and that the residual harm is less than substantial and outweighed by the benefits of securing a viable optimum use for the wider site. As such conditional approval is recommended.

## **6 CONDITIONS**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.  
REASON: For the avoidance of doubt as to what is permitted.
- 3 The residential accommodation hereby approved by way of the apple store, tower, tower hall and garden room shall only be used for purposes ancillary to the residential use of the Gatehouse/main house and not separately therefrom and not for any other purposes without the prior express consent of the LPA.  
REASON: The creation of separate dwellings would be contrary to the policies seeking to ensure sustainable development.

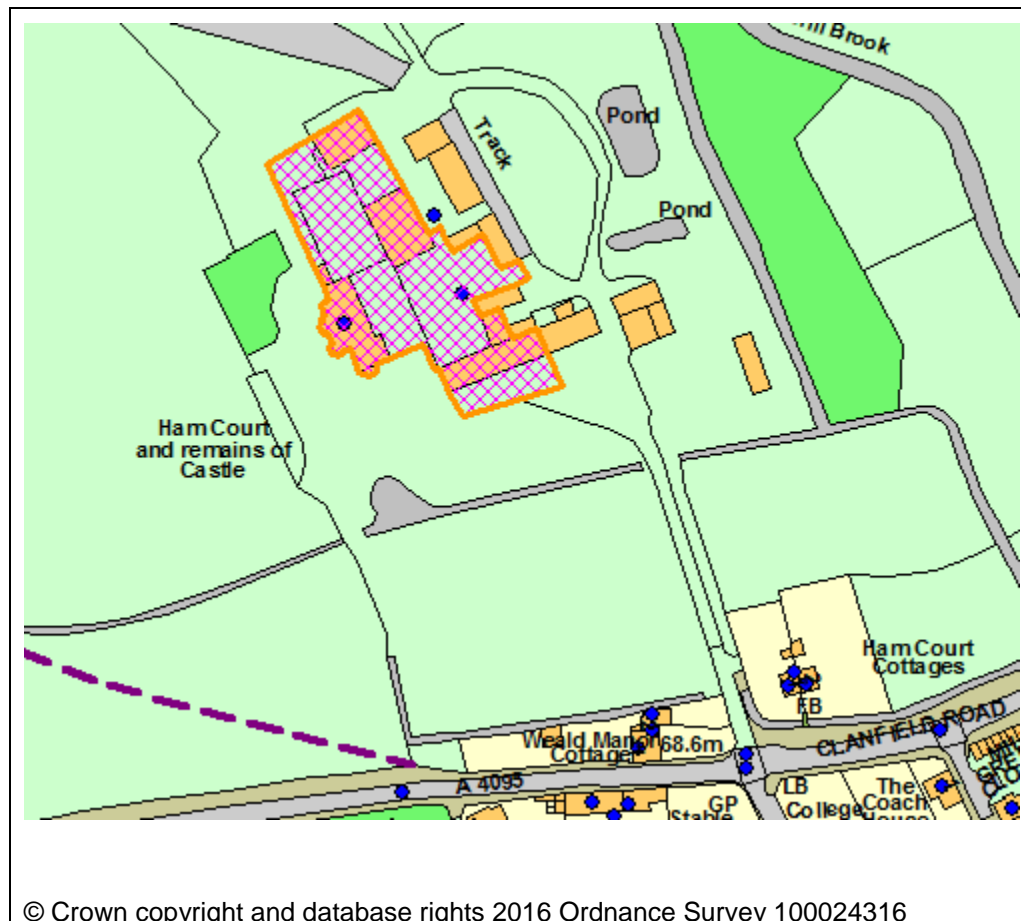
### NOTE TO APPLICANT

You are reminded of the terms of the conditions on the parallel application for listed building consent.



Application Number	17/02343/LBC
Site Address	Ham Court Weald Bampton Oxfordshire OX18 2HG
Date	27th September 2017
Officer	Phil Shaw
Officer Recommendations	Approve
Parish	Bampton Parish Council
Grid Reference	430966 E 203056 N
Committee Date	9th October 2017

### Location Map



### Application Details:

Alterations to include erection of walls and two residential units.

### Applicant Details:

Mr Matthew Rice, Jubilee Barn, Ham Court, Weald, BAMPTON, OX18 2HG

## **I CONSULTATIONS**

- |     |                       |                      |
|-----|-----------------------|----------------------|
| 1.1 | The Victorian Society | No Comment Received. |
| 1.2 | The Georgian Group    | No Comment Received. |
| 1.3 | The Gardens Trust     | No Comment Received. |
| 1.4 | WODC Architect        | No Comment Received. |
| 1.5 | Parish Council        | No Comment Received. |
| 1.6 | Historic England      | No Comment Received. |

## **2 PLANNING POLICIES**

BE7 Alterations and Extensions to Listed Buildings  
EH7NEW Historic Environment  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **3 PLANNING ASSESSMENT**

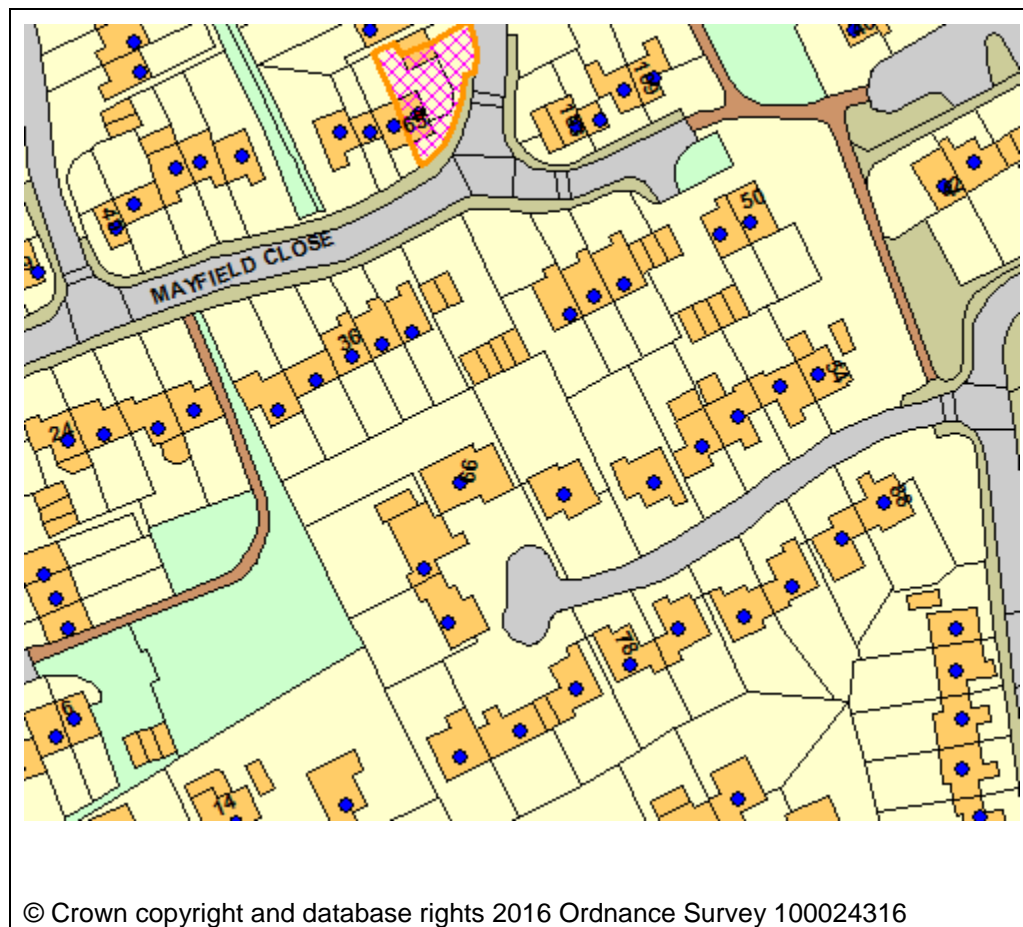
Please see report in respect of application ref 17/02342/FUL.

## **4 CONDITIONS**

- 1 The works must be begun not later than the expiration of three years beginning with the date of this consent.  
REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2 The external walls of the proposed new works shall be constructed with natural stone, render and timber, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 3 Prior to its erection a 2m by 2m sample of the proposed timber screen to the tower shall be created on site for approval by the LPA and amended as required with a view to ensuring that the internal windows are sufficiently screened. Development shall only proceed in accordance with the said agreed details.  
REASON: To ensure that the screen limits views of the internal windows such that the screening is the dominant feature of the elevation.
- 4 No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.  
REASON: To preserve internal features of the Listed Building.

Application Number	17/02498/FUL
Site Address	65 Mayfield Close Carterton Oxfordshire OX18 3QS
Date	27th September 2017
Officer	Cheryl Morley
Officer Recommendations	Refuse
Parish	Carterton Town Council
Grid Reference	427591 E 206340 N
Committee Date	9th October 2017

**Location Map**



**Application Details:**

Construction of attached dwelling with associated parking and access.

**Applicant Details:**

Mr Dave Haines, Unit 3, Avenue 3, Station Lane, Witney, Oxon OX29 4PB

## **I CONSULTATIONS**

- 1.1 OCC Highways OCC Residential Parking Standards indicate that a 2 bed dwelling requires 2 parking spaces.
- The proposal provides 1 space for the proposed 2 bed dwelling. However records show this space to be located partly on the public highway.
- In this location adjacent to junction and bend parking on the highway would be detrimental to the safety and convenience of other road users.
- Refuse that the proposal fails to provide adequate off street parking which in this location would be detrimental to the safety and convenience of highway users.
- 1.2 Town Council The parish council made comments in support of the Planning Application.

## **2 REPRESENTATIONS**

Ten letters of objection have been received of which highlight the following concerns:

- Highway safety;
- Parking;
- Loss of light;
- Drainage;
- Overlooking;
- Scale of development;

## **3 APPLICANT'S CASE**

- 3.1 We have suggested a traditional form of dwelling that will blend in with the character of the site and its surroundings, while adding to new house numbers in a very popular location. It also adds to the housing mix.
- 3.2 The intention is to form a small scale dwelling, with good aspect and an appropriate amenity space, off street parking and sufficient internal accommodation and facilities. No. 65 Mayfield Close retains the larger rear garden, commensurate with being a larger dwelling. In our view this proposal makes best use of available developed land, at a time when the as yet unprecedented under supply of new small scale housing is at such a critical level.
- 3.3 West Oxfordshire District Council has not yet secured sufficient new housing sites to meet its forecasted quota, "windfall" sites such as this are a 10 modest, positive addition to the housing that is needed. Furthermore, WODC stated that 2 and 3 bed dwellings are those most needed to meet demand.
- 3.4 The lack of sufficient housing across the District is even more acute than thought, and the need for smaller scale units is a major issue within the overall housing problem. In itself this does not

justify any site, what we ask is that the merits of this proposal be seen in this light. If changes are required to the submitted scheme, then we request the Council contact us before making a formal decision.

- 3.5 Our view is that in principle, the proposal complies by dint of location within the built up housing areas of Carterton. The detailed relationship of the proposal to its site and surroundings has been carefully considered. Other recent new housing in Carterton and elsewhere in the District is of a similar scale, amenity area and off street parking, we can quote a number of relevant examples if so required.
- 3.6 It is similar, yet slightly smaller in scale than No. 65 and neighbouring dwellings. It is designed so as not to overlook neighbours, and as we see it, would function well and provide a good standard of living conditions.
- 3.7 In taking on board the Council Drainage Engineer's requirements, we have carried out a percolation test, which has shown the site is corn brash, through which water percolates relatively freely. This report is attached as an appendix to this statement.
- 3.8 Taking on board the Council Planning Officer's advice, we have removed the side extension, placed the door on the front as with No. 65, enhanced the amenity area and provided for a concealed recycle area. We have complied with all requests put to us and amended the scheme accordingly.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H2 General residential development standards  
H7 Service centres  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
T4NEW Parking provision  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application seeks planning permission for the construction of an attached dwelling with associated parking and access.
- 5.2 The application is to be heard before the Committee as the Parish Council are in support of the application.
- 5.3 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:

The principle of a new dwelling;  
The siting and design;  
Highway safety;

#### Principle

- 5.4 Following the first sessions of the Examination of the emerging Local Plan 2031 in November 2015, the Council undertook further work on housing land supply matters, including a call for additional sites to be considered in a review of the SHLAA. In October 2016 the Council published an updated Housing Land Supply Position Statement and modifications to the Plan. The 5 year requirement is now based on the 660pa midpoint identified in the SHMA. This gives rise to a requirement over the plan period of 13,200 dwellings. Added to this will be WODC's apportionment of Oxford City's unmet need 2,750 dwellings, and the accumulated shortfall since the year 2011, currently 1,978 dwellings, plus a further 5% 'buffer' in accordance with national policy.
- 5.5 In accordance with a common assumed start date of 2021, the Council is proposing through the Local Plan that Oxford's unmet need will be dealt with after the year 2021 to take account of lead-in times on large, strategic sites. Furthermore, in order to maintain an annual requirement that is realistically achievable the Council is proposing that the accumulated shortfall will be spread over the remaining plan period to 2031 using the "Liverpool" calculation rather than addressing it in the next 5 years under the alternative "Sedgefield" calculation .
- 5.6 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 5,258 dwellings (as referred to in the May 2017 Position Statement). This gives rise to a 5.85 year supply using the Liverpool calculation and a 5% buffer. Using a 20% buffer the supply is 5.12 years.
- 5.7 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHELAA 2016, and approving, and resolving to approve, a large number of housing proposals. The Council will be making a strong case for the "Liverpool" calculation and is confident that its approach is appropriate to address housing needs in the District in a realistic and sustainable manner over the plan period.
- 5.8 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate and the Examination resumed on 9th May 2017, with further sessions taking place in July 2017. Although the Council's approach has yet to be endorsed by the Local Plan Inspector, the direction of travel and commitment to boost the supply of new housing in the District is clear. Officers are therefore of the view that increasing weight should be attached to the emerging plan given its progression to the next stage of examination. Nevertheless, whilst there is still some uncertainty as to the housing land supply position, it remains appropriate to proceed with a precautionary approach and assess proposals applying the provisions of the second bullet of "decision taking" under paragraph 14 of the NPPF.
- 5.9 Carterton is classified in the adopted West Oxfordshire Local Plan 2011 as a Group C settlement (service centre). The town benefits from a full range of services.
- 5.10 The Emerging West Oxfordshire Local Plan 2031 Policy OS2 refers to development within Main Service Centres will be primarily focused within and on the edge of these settlements.

- 5.11 The Emerging West Oxfordshire Local Plan 2031 Policy H2 allows for new dwellings within main service centres coinciding that they are consistent with other policies of the plan.
- 5.12 However, Policy H2 also identifies the general principles in section 3 that where acceptable in principle, all residential development will be expected to be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality; not have a harmful impact on the amenity of adjoining occupants; form a logical complement to the existing scale and pattern of development and the character of the area; Protect and where possible enhance the local landscape and setting of the settlement of which officers are of the opinion the proposed development would not.

#### Siting, Design and Form

- 5.13 The key adopted local plan 2011 policies in the determination are H2 and BE2.
- 5.14 The adopted policy H2 identifies that proposals for new dwellings should not erode the character and appearance of the surrounding area and should not set an undesirable precedent for other sites where equity development would be difficult to resist and where cumulatively the resultant scale of the development would erode the character and environment of the area. Given the siting of the development and relationship to the footpath and highway officers are of the opinion that the development would be unacceptable in regards to policy H2.
- 5.15 Policy BE2 also highlights that new development should respect and where possible improve the character and quality of its surrounding and provide a safe, pleasant, convenient and interesting environment. The proposal should be well designed and should respect the existing scale, pattern and character of the surrounding area.
- 5.16 New buildings or extensions to existing buildings are designed to respect and enhance the form, siting, scale and massing and external materials and colours of adjoining buildings, with local building traditions reflected as appropriate.
- 5.17 our officers are therefore of the opinion that the proposed development would not respect the character of the surrounding street scene and is considered to be an overdevelopment of the site which is further reflected through the allocated parking which falls on the public highway. Officers are therefore of the opinion that the proposed development is not designed to respect and enhance the form, siting, scale and massing of the surrounding area, would contribute to an overdevelopment of the site and would therefore fail to comply with Policy BE2.

#### Highways

- 5.18 The Local Highways Authority were consulted on the application and have stated that the OCC Residential Parking Standards indicate that a 2 bed dwelling requires 2 parking spaces.
- 5.19 The proposal provides 1 space for the proposed 2 bed dwelling. However records show this space to be located partly on the public highway.
- 5.20 In this location adjacent to the junction and bend, parking on the highway would be detrimental to the safety and convenience of highway users.

- 5.21 The Local Highway Authority can therefore not support the proposed development and recommends the application is refused on the basis that the proposal fails to provide adequate off street parking which in this location would be detrimental to the safety and convenience of highway users.

#### Residential Amenities

- 5.22 The proposed development would not be located in close proximity to any neighbouring properties to cause an undue adverse effect in regards to the loss of light or loss of privacy.

#### Conclusion

- 5.23 Given the above your officers consider that although the addition of a dwelling would be acceptable in principle, the development as proposed would be unacceptable in terms of highway safety, parking provision. Your officers also consider that it would form an overdevelopment to the site which is further reflected by the parking being located partly on the public highway, and therefore would impact on the visual appearance of the street scene. The proposal is therefore contrary to Policies BE2 and H2 of the West Oxfordshire Local Plan 2011 and policies OS2, OS4 and H2 of the Emerging Local Plan 2031 and the relevant policies of the NPPF.

## **6 REASONS FOR REFUSAL**

- 1 By reason of the scale of the proposed development, the parking to serve the proposed development would be detrimental to the safety and convenience of other road users being located partly on the public highway and would fail to provide adequate off street parking set by the OCC highway standards, which in the proposed location would also be detrimental to the safety and convenience of highway users. The proposal is therefore contrary to policies BE2, BE3 of the West Oxfordshire Local Plan 2011 and policies OS2 and T4 of the Emerging Local Plan 2031 and the relevant policies of the NPPF.
- 2 The development as proposed would contribute to an over development of the site which is further emphasised by the parking provision being partly located on the public highway, it would appear cramped in relation to the footway, would appear incongruous and unduly prominent to the detriment of surrounding properties and to the visual amenity and appearance of the street scene. The proposal is therefore contrary to policies BE2 and H2 of the West Oxfordshire Local Plan 2011 and policies OS2, OS4 and H2 of the Emerging Local Plan 2031 and the relevant policies of the NPPF.