

# WEST OXFORDSHIRE DISTRICT COUNCIL

## UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 3rd July 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***

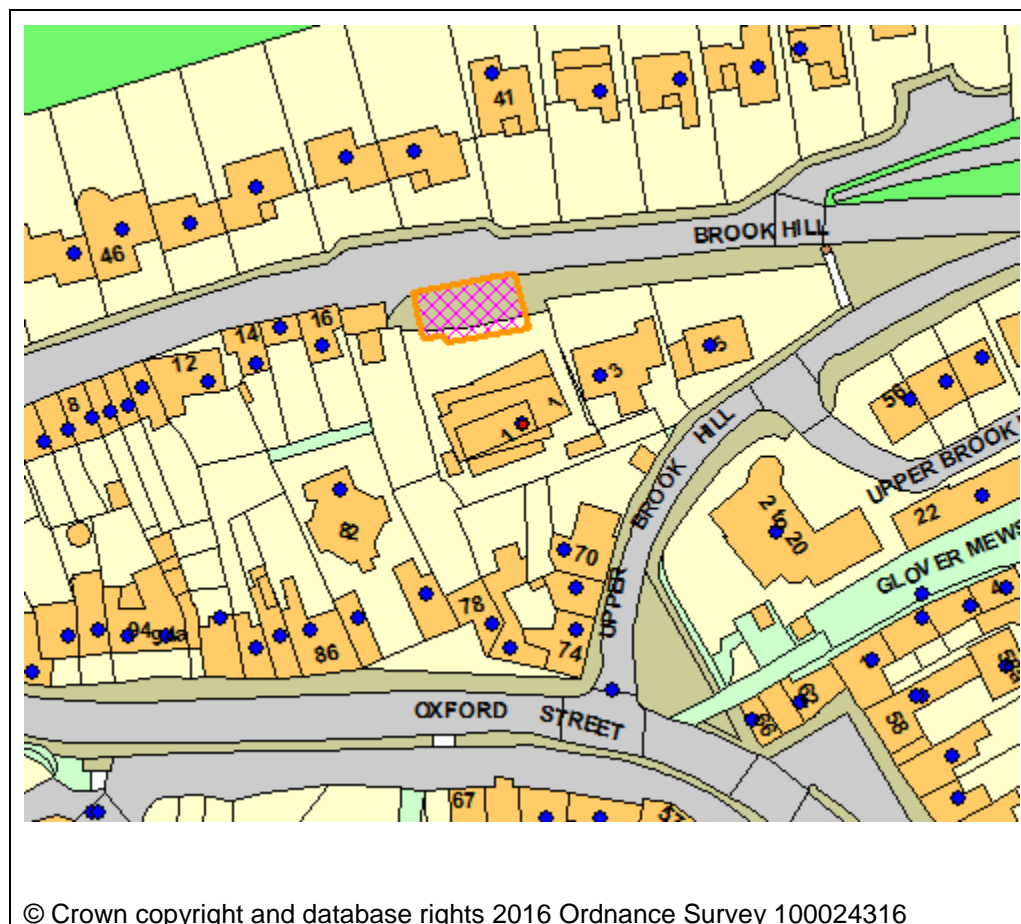
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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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Application Number	17/00710/FUL
Site Address	1 Upper Brook Hill Woodstock Oxfordshire OX20 1UA
Date	21st June 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Woodstock Town Council
Grid Reference	444479 E 216912 N
Committee Date	3rd July 2017

### Location Map



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### Application Details:

Construction of new dwelling with associated parking and landscaping.

**Applicant Details:**

Mr Dennis Allen  
1, Upper Brook Hill  
Woodstock  
Oxon  
OX20 1UA

**I CONSULTATIONS**

- I.1 OCC Highways No objection subject to
- The development shall not commence until the public highway is stopped up
  - Parking as plan
- I.2 WODC Architect From our point of view, the principle of development here is not too outrageous - there are roadside buildings adjacent, there appears to be sufficient space on the site for something modest, and the chosen earth-sheltered form would reduce prominence. I also like the idea of a contemporary aesthetic, as it would chime with the recent structure just to the south. Turning to the details of the design, I note that the main visible feature would be a stone ashlar wall, with clean contemporary fenestration and with a hedge over, to protect the drop from the earth-covered roof. I am not entirely convinced by the fenestration, which has a strong vertical emphasis: in my view, a more horizontal, banded aesthetic, reminiscent of geological strata, would have been more appropriate for a building that is tucked into the land in this way. This would also give a gentler, less jarring feel in the street-scene - and I suggest that the architect gives this some consideration. Otherwise, I think that this is a supportable proposition, from our perspective.
- I.3 WODC Drainage Engineers Soakaways should be designed to accommodate a 1 in 30 year + 30 % climate change storm event.
- The site drainage should be designed to accommodate surface water for all storm events up to and including the 1 in 100 year + 30% return period.
- An exceedance flow plan should be submitted for events above 1 in 100 year + 30%, with flows being directed away from areas in private ownership.
- I.4 Thames Water No Comment Received.
- I.5 Town Council Woodstock Town Council objects to this application predominantly on the grounds of parking. Three much needed parking spaces used by residents in Brook Hill will be removed by this application. Parking for the residents of this dwelling will be immediately outside the north facing windows of the dwelling, apart from the window to the west. This latter window looks out onto the small courtyard and the

cutaway hill and may also house a car immediately in front of that window. There is no attempt at a garden for this dwelling. The question of ownership of the kerb edging was also raised.

## **2 REPRESENTATIONS**

A total of 10 letters of objection, the principle objections are summarised below:

- It is unlikely that the occupants of the proposed dwelling would park within the courtyard area of the property.
- There are problems in the immediate area with parking which would be exacerbated by the proposed development.
- The development would be out of keeping with the existing properties in the immediate area.
- The development would have a negative visual impact on the character and appearance of the area due to the removal of the existing bank and the felling of a mature tree.
- The removal of spoil from the large bank would be likely to result in damage to mature trees.
- The proposals would result in overdevelopment of the site.
- The new build will remove any possibility for screening the original development.
- The existing dwelling to the rear has yet to be completed.
- Queries were raised as to whether the applicant owns the land.

## **3 APPLICANT'S CASE**

- 3.1 The proposed dwelling is of a contemporary, innovative and unusual design. Given its context, the proposed development is designed to respond to the site in a creative way whilst retaining a positive relationship with the host dwelling. The development not only sits well within its setting, it also creates a high degree of visual interest within the street scene.
- 3.2 There is no design homogeneity within the immediate area and modern dwellings of contemporary design dominant the street scene. Paragraph 63 of the NPPF gives considerable weight to proposals that demonstrate outstanding and innovative design solutions such as the application proposal.
- 3.3 The scale of the dwelling is appropriate for its surroundings, neither will it appear unduly prominent given that it is sunken into the hill side. The position of the dwelling and separation distance from Victorian terraces ensures the development would not detract from the visual amenity of the area.
- 3.4 The innovative and deliberate use of glazing is intended to draw light into the building and is a high-performance material in terms of the energy efficiency, meaning the dwelling is designed to operate on low energy needs, in compliance with policy BE2 and the paragraph 63 of the NPPF.
- 3.5 The position of the new dwelling to the base of no.1 Upper Brook Hill, means the new dwelling would not be overlooked, likewise it would not result in the loss of residential amenity to nearby dwellings due to loss of privacy or overshadowing. And in terms of the quality of the residential accommodation, its external amenity space and internal arrangements are sufficient for a two-bedroom dwelling.

- 3.6 Off-street car parking is provided, by means of a layby at the front of the dwelling adjacent to the carriageway. This section of Lower Brook Hill is currently unused and parking is situated to avoid obstructing the carriageway and in any case (Lower) Brook Hill is a minor roadway in which traffic through put is light.
- 3.7 The proposed dwelling poses no harm to the conservation area setting, is in full compliance with extant policy and as such should be approved without delay.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
BE5 Conservation Areas  
H2 General residential development standards  
H7 Service centres  
OS1NEW Presumption in favour of sustainable development  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH7NEW Historic Environment  
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 erection of a single storey partially subterranean dwelling fronting Brook Hill. The application site comprises of a steep banked area, which lies to the rear of a large modern detached property (1 Upper Brook Hill), which was approved in 2012 (12/1333/P/FP) and is presently under construction and near completion. The dwelling would occupy part of what would be classified as the rear curtilage area of this property.
- 5.2 The proposed dwelling would be a single storey flat roofed property, which would extend to a total height of 3.8 metres to the roof. The property would include an area of outdoor amenity space and off-street parking. The site lies within the Woodstock Conservation Area. The built form in the immediate area comprises of a mix of dwelling types ranging from a row of vernacular cottages to the west of the site, with late 20th century properties opposite and the recently constructed contemporary dwelling to the rear.
- 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 of Development  
Highways and Access  
Siting Design and Form  
Residential Amenities

## 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 timetabled for 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 Notwithstanding the Council's position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and H2 of the Emerging Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. Woodstock is classed as a service centre within both the Existing and Emerging Local plans. Policy H7 of the Existing Local Plan is permissive of new residential development in circumstances where this constitutes a 'rounding off' of the settlement area. This applies to development that would logically complement the existing built form in the immediate area. Policy H2 of the Emerging Local Plan specifies that development of new dwellings is acceptable on previously developed or undeveloped sites

within or adjacent to the main built up area of Services Centres including Woodstock, similarly where development would form a logical complement to the Existing built form.

- 5.10 In relation to whether the proposed development is complementary to the existing built form, officers consider that the application site occupies a linear position in the street scene of Brook Hill and the proposed dwelling would be sited alongside an existing row of properties to the west of the site. Officers consider that the siting of the proposed dwelling would adequately complement the existing pattern of development along Brook Hill. The site lies close to the centre of Woodstock and officers consider that this would represent a sustainable location in terms of the proximity of the dwelling to existing services and facilities in the town. In summary officers consider that the siting of the proposed dwelling would be compliant in principle with the provisions of policy H7 of the existing Local Plan and Policies OS2 and H2 of the Emerging Local Plan.

#### Siting, Design and Form

- 5.11 The dwelling would be of a contemporary design and form, although the proposed use of natural stone would be in keeping with the local vernacular materials. The dwelling would be sited within the Woodstock Conservation Area wherein the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.
- 5.12 There is a notable lack of uniformity in the appearance of the existing properties in the immediate area, which comprise mainly of 20th century properties of a suburban character. The existing property 1 Upper Brook Hill is notably of a contemporary design and appears reasonably prominent within the immediate area given the scale of the dwelling and its elevated position.
- 5.13 The scale of the proposed dwelling would be relatively modest and would extend up to 3.8 metres in height. The development would be constructed within the existing banked area of land and officers consider that the dwelling is innovatively designed in terms of how it responds to the site levels and topography. Whilst the dwelling design differs from the typical appearance of the properties in the immediate area officers consider that the design would be of a high quality and would be of visual interest.
- 5.14 The design of the frontage of the property has been amended to include greater horizontal emphasis in terms of its external façade and windows. Officers consider that the development would create an attractive frontage onto Brook Hill which would preserve the character and appearance of the Conservation Area.

#### Highways

- 5.15 Officers note that the proposed dwelling would be served by two parking spaces, one of which would be adjacent to the street, with a further space included within the courtyard area of the property. Officers consider that the quantity of parking proposed would be adequate to serve the proposed two bedroom dwelling. Given that two parking spaces are proposed, officers consider that the proposed development would be unlikely to displace vehicles onto the road. Officers note that no objections have been raised by OCC Highways regarding the proposed



development. It is noted that prior to the commencement of development that ownership issues surrounding the land and ‘stopping’ up of the public highway will need to be resolved, however this is not a material planning consideration.

### Residential Amenities

- 5.16 The proposed dwelling would be served by a relatively small area of private amenity space, which would be sited to the side of the property within a small courtyard area. Whilst the amenity space would be relatively small, the proposed dwelling would be of a modest scale and factoring in the town centre location, officers consider that the proposed space would be adequate to serve the dwelling.
- 5.17 A light well is proposed in the roof area of the property which would be potentially overlooked by the occupants of the existing dwelling to the rear of the site from both the rear window of the property and from the properties residential amenity space. In order to prevent overlooking from occurring, officers would specify that the proposed roof light window should be fitted with obscure glass by way of planning condition.
- 5.18 There would be a relatively significant separation distance of approximately 20 metres between the front windows of the proposed dwelling and the properties opposite in Brook Hill. Accounting for this distance and the proposed dwelling being single storey, officers consider that the development would not significantly compromise the amenity of the existing properties opposite by reason of overlooking. There would be a sufficient separation distance between the proposed dwelling and the adjacent property to the side No.16 Brook Hill to ensure that the development would not impact detrimentally on the amenity of this particular property.

### Conclusion

- 5.19 The application proposes the erection of a partially subterranean single storey dwelling of a contemporary design and form, but one which officers consider is of a significantly high quality and would contribute positively to the character and appearance of the street scene and Conservation Area setting. Officers consider that the development as proposed would be served by an adequate quantity of amenity space and parking provision. Officers consider that the proposed development would not result in harm to the amenity of the occupants of any adjacent properties.
- 5.20 The proposed development would, in officers opinion comply with the provisions of Policies BE2, BE3, BE5, H2 and H7 of the Existing Local Plan; Policies OS2, OS4, H2 and EH7 of the Emerging Local Plan; in addition to the relevant provisions of the NPPF.

## **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 the Town and Country Planning Act 1990 as amended by 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.

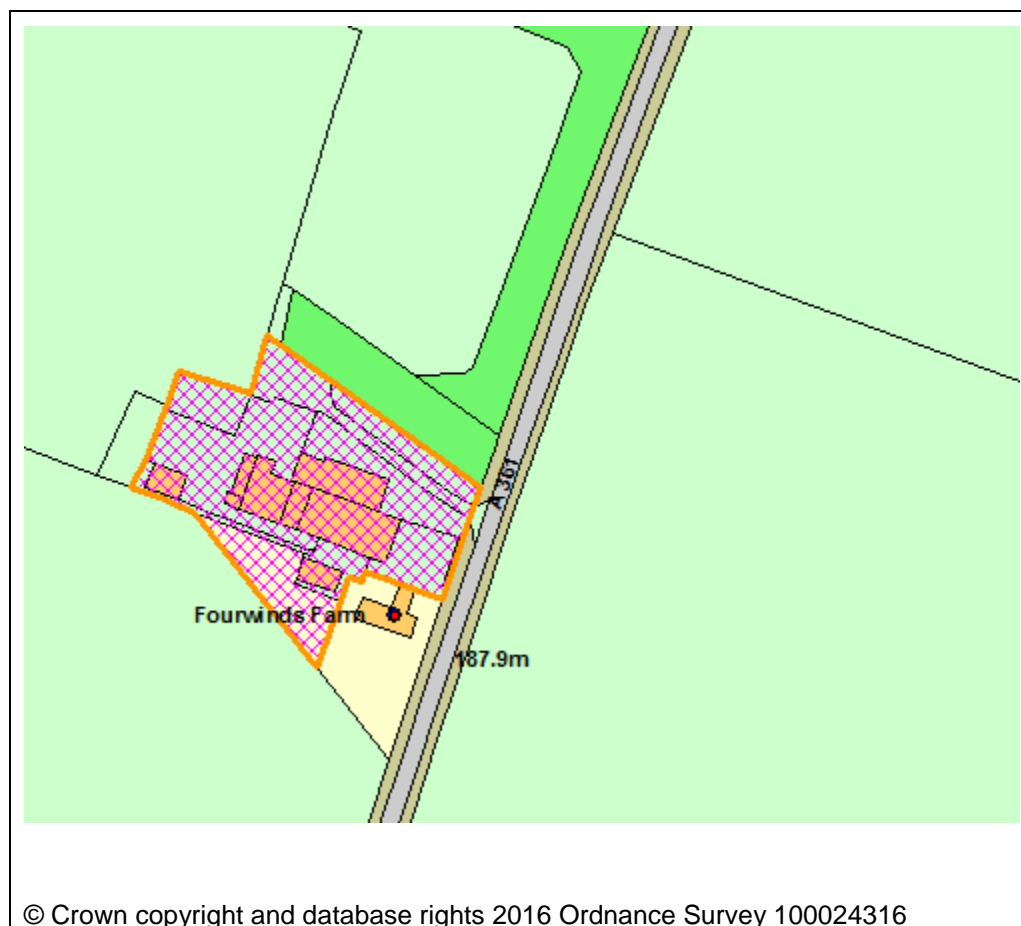
- 3 The external walls of the dwelling; shall be constructed with natural ashlar stone;, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before development commences.  
REASON: To safeguard the character and appearance of the area.
- 4 Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.
- 5 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.  
REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.
- 6 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme.  
REASON: To safeguard the character and landscape of the area.
- 7 Prior to the first occupation of the dwelling hereby approved the proposed roof light window shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To protect the residential amenity of the occupants of the approved dwelling

#### NOTE TO APPLICANT

OCC Highways have advised that a stopping up of the public highway will need to be agreed prior to the commencement of development, the grant of planning permission does not override this requirement.

Application Number	I7/00830/FUL
Site Address	Fourwinds Burford Road Shipton Under Wychwood Chipping Norton Oxfordshire OX7 6DL
Date	21st June 2017
Officer	Hannah Wiseman
Officer Recommendations	Refuse
Parish	Shipton Under Wychwood Parish Council
Grid Reference	427057 E 214966 N
Committee Date	3rd July 2017

### Location Map



### Application Details:

Conversion of barns to three dwellings.

## **Applicant Details:**

Mr And Mrs Rillie

C/O Agent

## **I CONSULTATIONS**

- |     |                         |   |
|-----|-------------------------|---|
| I.1 | Parish Council          | While the PC does not object to the development, it would like noted that development of isolated sites and lack of transport connection is a cause of concern.   |
| I.2 | WODC Architect          | Object- the buildings are of no particular merit and retaining their existence with some re building could arguably increase the impact of the setting.   |
| I.3 | OCC Highways            | <p>The agricultural barns have the potential to generate a similar number of vehicular movements to that proposed.</p> <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</p> |
| I.4 | Biodiversity Officer    | No objections subject to conditions   |
| I.5 | WODC Drainage Engineers | No objection subject to conditions and informative  |
| I.6 | Thames Water            | No Comment Received.  |

## **2 REPRESENTATIONS**

No third party comments have been received.

## **3 APPLICANT'S CASE**

- 3.1 The applicant has submitted both a Design and Access statement and a Planning statement in support of the application. The full documents can be read on the Council's Website, however the conclusions of the Planning statement are copied below:

"This Planning Statement has been prepared on behalf of the Applicant and accompanies a full planning application for the conversion of redundant farm buildings to create 3 dwellings.

The scheme has been developed with careful regard to the character and appearance of the application buildings. The proposals have also emerged in accordance with regard to the relevant planning policies of the adopted Development Plan, the NPPF and following pre-application consultation with West Oxfordshire District Council.

The buildings are no longer used in association with the farming activities at Four Winds Farm. Having been unoccupied for a number of years, the majority of the subject buildings have suffered from a lack of regular maintenance; they are now in need of restoration and re-use. There is an opportunity to enhance their immediate setting as well as the wider setting of the AONB through the removal of existing built form and careful redevelopment of the site. The buildings to be converted are those that have been identified as being structurally sound and capable of conversion.

The proposed development has been informed by a detailed design process including analysis of the character of the buildings, the structural integrity of the buildings and appraisal of the site with regard to constraints and opportunities, including neighbouring uses and site access.

The NPPF sets a presumption in favour of the re-use of existing buildings, setting a much lesser test for conversion schemes than national planning policy guidance of the past. The Development Plan for West Oxfordshire is currently time expired and the policies within are out dated. This notwithstanding, this statement demonstrates that proposal is consistency with relevant Local Plan policies, in particular Policy H10. Furthermore, it has been demonstrated that the proposed development would be sustainable, in accordance with paragraph 55 of the NPPF.

In light of the above, it is therefore respectfully requested that the District Council support this application and grant planning permission."

#### **4 PLANNING POLICIES**

T3NEW Public transport, walking and cycling  
BE2 General Development Standards  
BE3 Provision for Movement and Parking  
NE4 Cotswolds Area of Outstanding Natural Beauty  
H2 General residential development standards  
H10 Conversion of existing buildings to residential use in the countryside and  
H4 Construction of new dwellings in the open countryside and small villages  
NE1 Safeguarding the Countryside  
OS2NEW Locating development in the right places  
OS1NEW Presumption in favour of sustainable development  
H2NEW Delivery of new homes  
EH1NEW Landscape character  
NE13 Biodiversity Conservation  
EH2NEW Biodiversity  
T1NEW Sustainable transport  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The proposal is for the conversion of redundant farm buildings within a farm yard complex immediately north of the main dwelling house at Four Winds Farm, to create three dwellings with garages and associated amenity space. The farm is north of Burford and south of Shipton under Wychwood, in open countryside between the two settlements, on the west of the A361.

As such the site is not within a defined settlement and is situated within a fairly remote and rural location. The site is within the AONB. The farm is currently run as a chicken farm and the more modern farm buildings are used for this purpose.

5.2 The application has been called in by Cllr Simcox and Cllr Hill so that the matter could be heard by Committee members.

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  
Siting Design and form  
Impact on AONB  
Residential Amenity  
Highways  
Ecology

Principle

5.4 In circumstances such as this, where the development is remote from any defined settlement, the creation of new dwellings within open countryside location are usually resisted by the Council unless there is a clearly demonstrated need (agricultural/operational) or the buildings are to be used for community or leisure facilities or converted for tourist/holiday accommodation, in line with the tests of Policy H4 of the adopted local plan.

5.5 Policy H10 of the adopted local plan relates to the conversion of existing buildings to residential uses in the open countryside and small villages. It mirrors H4 above but includes that the retention/conversion of the building must also meet the overall sustainability objectives.

5.6 However, Officers note that the housing policies of the adopted local plan are increasingly considered out of date. As such policies that align and are consistent with those of the NPPF are given more weight. In this regard the provisions of paragraph 55 of the NPPF are reflected in emerging Policies OS2 and H2.

5.7 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.

5.8 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.

- 5.9 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.
- 5.10 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.
- 5.11 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 timetabled for 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.
- 5.12 Officers are of the view that the proposal for three new dwellings in this remote location would be contrary to adopted, and emerging local plan policies due to its rural location and that it does not appear to form a logical complement to any existing built up pattern of development. Also, by means of the remote location the development would not be considered sustainable as there would be a heavy reliance on the private car as means of transport. There are no nearby bus stops or accessible, lit footpaths or cycle ways etc.
- 5.13 The proposal includes the redevelopment of redundant barns and suggests that there is an overall planning gain arising from the visual improvement of the redevelopment of the site. The design will be discussed below, however within the context rural buildings and barns are not considered inappropriate and would have a neutral impact on the landscape and wider AONB as they have become an established part of the landscape. Officers would suggest there could some merit in the general improvement of the appearance of the site which may be viewed as a 'planning gain' but this in itself, is not considered to be sufficient enough to outweigh the harms in terms of the unsustainable location and impact on settlement character, as identified above.
- 5.14 There have been recent appeal decisions that give some limited/moderate weight to the contribution of housing supply when dealing with smaller residential schemes (1-3 dwellings) but that this has not 'tipped the balance' in terms of overcoming the overall sustainability objections, therefore officers would give the supply of 3 dwellings limited weight with regard to paragraph 14.

#### Siting, Design and Form

- 5.15 The existing buildings are utilitarian in construction, form and appearance and have no architectural or heritage merit. They are, however, of a type commonly found in the countryside

and are not unduly visually intrusive or discordant. It is proposed to remove a number of buildings and "convert" 3 to dwellings using the existing form and footprint of the retained structures.

- 5.16 Within the submitted planning statement it is stated that the design approach has been to work with the existing form and structure to provide a contemporary approach to the agricultural aesthetic.
- 5.17 The Council's Conservation Architect has commented on the design aspects of the scheme and states that the buildings which are to be converted are of no particular aesthetic merit and they are, as existing, ill proportioned and utilitarian, built with minimal cost or thought, and as a result reflect neither good quality nor traditional forms. Therefore from, a design point of view, there does not appear to be any justification for perpetuating their existence if the original use is no longer viable. Further, the proposals would preserve the original ill proportioned envelopes, and also tending to make them less ephemeral and more solid and therefore increasing the impact on the rural setting and altering the existing low key, agricultural character.
- 5.18 The works would be tantamount to the erection of new buildings. The design also does not appear to take any cues or influence from any particular local precedents and is not locally distinctive.
- 5.19 Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances. The applicant suggests that the 'exceptional quality and innovative design' of the barns helps to 'significantly' enhance the immediate setting (third point of fourth bullet point of paragraph 55) of the development.
- 5.20 For the reasons set out above, Officers do not consider the design of the conversions proposed reach those highest tests of design standards of 'exceptional' or 'innovative' as set out in paragraph 55 and therefore officers consider that the proposal does not comply with those relevant sections of the framework.

#### Impact on AONB

- 5.21 As stated above, the existing buildings on site have a 'neutral' impact on the landscape and are of a form and scale with natural planting that have become an established part of the landscape in this area.
- 5.22 The applicant has provided a Landscape and Visual appraisal of the proposal which describes how the site lies within the High Wolds Landscape character area and is surrounded by open and rolling fields and is elevated from the nearest settlements of Burford and Shipton under Wychwood. The appraisal has taken 12 different 'key' views from around the site and has defined the sensitivity of those receptors as medium, two as medium-high and one as high. The assessment concludes that there would be temporary visual and audible effects on the landscape character during the construction but that this would be mitigated by existing/enhanced tree planting.
- 5.23 Officers note that landscaping can provide screening to a certain extent; however this impact can vary greatly across the seasons and could come under pressure from individual occupants who will undoubtedly wish to make the most of countryside views and therefore it is likely that boundary treatments will be kept low and may be even become lopped/removed altogether.



This can be difficult to control or enforce by condition and a development of this scale is unlikely to have a management company to ensure such requirements are met.

- 5.24 In addition the red line of the application site to the rear of plot 3 (Barn 8) would appear to encroach into the open landscape and the way it is drawn on plan is very angular and would appear as a clear domestic intrusion on the open landscape. As stated in the LVIA, the Cotwolds AONB landscape strategy identifies that pressures from the domestic nature of garden areas and the associated domestic paraphernalia can adversely affect the rural aspect and encroach into open countryside. As such it is not considered there is sufficient mitigation put forward within this application that would outweigh the harm this proposal would have on the rural and open character of the AONB which must be given the highest level protection.
- 5.25 With reference to paragraph 55 of the NPPF, development in the countryside can be supported where this relates to the re-use of redundant buildings and would lead to an enhancement of the immediate setting. As referred to above, the existing buildings have a largely neutral visual presence. Nevertheless, whilst removal of some buildings might reduce bulk and visibility to a degree, the buildings to be demolished sit within the grouping and are therefore less intrusive by virtue of being screened by other built form. There has been no meaningful attempt to reduce the extent of built form on the ground. Indeed, the creation of a residential access to the north of the buildings and domestic curtilages pushing out beyond the existing footprints would have an urbanising effect and would not in the view of Officers lead to an enhancement.

#### Residential Amenities

- 5.26 The layout as proposed appears to give acceptable distances between the properties in terms of privacy. There would be an impact on the amenities of the current occupiers of the farm house in terms of their outlook and the overall increase in use of the site for residential use, however this would not be considered to be at a level which would be unacceptably harmful to existing residential amenities compared to existing agricultural operations.

#### Highways

- 5.27 There would appear to be ample off street parking available on site and the access is as existing via an agricultural double width gateway. Highways officers have raised no objections, subject to relevant conditions in terms of highway safety. However by virtue of the siting and location the development would be unsustainable as there are no safe or lit walk or cycle ways for pedestrian use and no nearby bus stop for any bus route.

#### Ecology

- 5.28 The Council's Ecologist has no objections to the proposal subject to the suggested relevant conditions.

#### Conclusion

- 5.29 By reason of its remote and open countryside location the proposal is not considered to form sustainable development nor a logical complement to the pattern of development in this location. Due to the remote location the proposal would have heavy reliance on the private car and the no accessible way to access the site by other safe means. The design of the conversion

also does not appear to take any account of the wider vernacular and instead perpetuates a utilitarian form that is not of a sufficiently high standard to warrant approval.

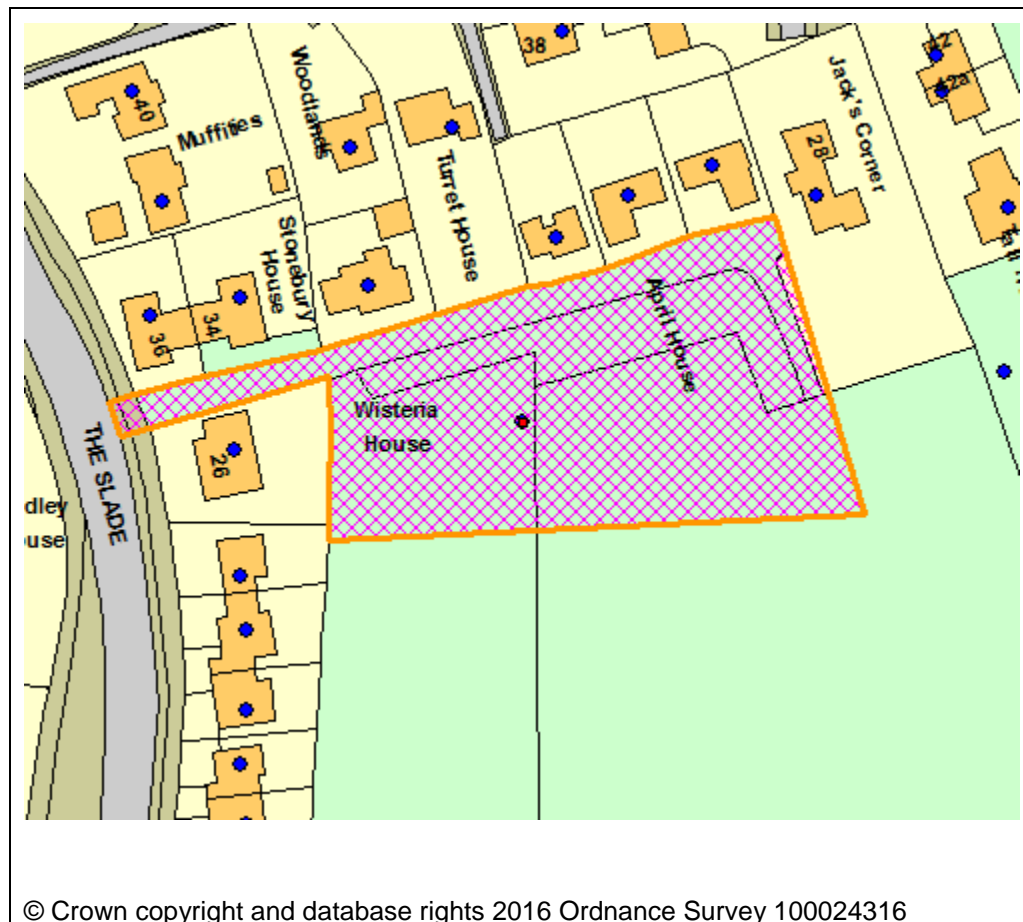
- 5.30 The existing farm complex and buildings are considered to have a neutral impact on the landscape because barns of this kind are typically found in the rural landscape. The design as proposed significantly alters the form and appearance of the retained buildings and is not considered to be sufficiently 'exceptional' to result in a visual improvement in the immediate setting which would tip the planning balance in favour of this development. The domestication of the area and encroachment in to the rural countryside would have an unacceptable impact on the special qualities of the AONB. For these reasons officers recommend the application be refused.

## **6 REASONS FOR REFUSAL**

- 1 By reason of the remote countryside location, the development as proposed would fail to represent sustainable development as it would result in new homes in an open countryside location which is remote in relation to neighbouring settlements, services and facilities and public transport links where no special circumstances have been demonstrated to apply in favour of the development. The proposal therefore represents an unsustainable location for residential development contrary to the provisions of West Oxfordshire Local Plan 2011 Policies H4, H10 and BE3, emerging West Oxfordshire Local Plan 2031 Policies OS2, H2, T1 and T3, and the relevant provisions of the NPPF, in particular paragraphs 17, 32 and 34.
- 2 The proposal represents extensive remodelling and modifications to the external elevations of the existing range of modern farm buildings on the land, together with the proposed new build and creation of residential curtilages. The site is located in a highly prominent open countryside location adjacent to the A361. By reason of the contrived design, which does not reflect the existing built form on the site or local precedents, the development that will appear highly incongruous and out of character within the open rural landscape, failing to enhance the immediate setting of the site and adversely affecting the landscape and countryside of the Cotswolds Area of Outstanding Natural Beauty within which the site is located. As such the proposal is considered contrary to West Oxfordshire Local Plan 2011 Policies BE2, H2, H10, NE1, NE3 and NE4, emerging West Oxfordshire Local Plan 2031 Policies OS2, OS4 and EH1, and the relevant provisions of the NPPF, in particular paragraphs 17, 55, 58, 64, 109 and 115 of the NPPF.
- 3 By reason of the scale, form and layout of the proposed development, together with the associated curtilages to provide gardens and off street parking and turning areas, the proposal will result in an unacceptable urbanising impact on the rural character and appearance of the area failing to conserve and enhance the natural beauty of the landscape and countryside of the Cotswolds Area of Outstanding Natural Beauty. The proposal is therefore considered contrary to West Oxfordshire Local Plan 2011 Policies BE2, H2, NE1, NE3 and NE4, emerging West Oxfordshire Local Plan 2031 Policies OS2 and EH1, and the relevant provisions of the NPPF, in particular paragraphs 17, 109 and 115.

Application Number	17/00832/FUL
Site Address	Land East of 26 The Slade Charlbury Oxfordshire
Date	21st June 2017
Officer	Michael Kemp
Officer Recommendations	Approve
Parish	Charlbury Town Council
Grid Reference	436264 E 219537 N
Committee Date	3rd July 2017

### Location Map



### Application Details:

Erection of four dwellings with associated access and landscaping.

### Applicant Details:

Mr J Gomm  
C/O Agent

## I CONSULTATIONS

- I.1 OCC Highways
- The existing access drive is private and not public highway. Even though the drive has restricted width adjacent to the large tree there is adequate geometry to serve the proposed site.  
The proposed site layout will provide a turning facility and hence improve the safety of using the existing drive.
- Visibility at the junction of the private drive with The Slade complies with standards.
- Vehicles park in the layby along The Slade adjacent to the existing access. Notwithstanding the advice detailed in Manual for Streets that parked vehicles do not obstruct visibility I consider it appropriate and an improvement to highway safety for a ' build out ' to be marked out on the carriageway in accordance with a scheme to be submitted and approved.
- The proposal, if permitted, will only generate an additional 2 or 3 vehicular movements during the peak hour ( which coincides with ' drop off ' time at the school ). An additional vehicle every 20 or 30 minutes during that period cannot have a significant impact on the safety and convenience of highway users at that time.
- At the appeal into the refusal of the previous application, 16/00939/FUL, the Inspector considered a range of objections including highway safety. He concluded that he did not share the concerns of objectors on this subject.
- 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
  - G25 drive etc specification
  - G35 SUDS sustainable surface water drainage details
- I.2 Thames Water No Comment Received.
- I.3 WODC Landscape And Forestry Officer No Comment Received.
- I.4 Biodiversity Officer I have read through the Updated Phase I Habitat Survey Report dated 19th February 2017 prepared by Windrush Ecology, and I am satisfied with the methodology, findings and recommendations. The recommendations for nesting birds in section 5.2.1 and amphibians in section 5.2.3 should be implemented during site clearance and construction as a planning condition.

I also recommend that a Landscape and Ecology Management Plan (LEMP) should be submitted for approval as a planning condition to ensure that the biodiversity enhancements recommended in the Updated Phase I Habitat Survey Report are translated into the proposed development and that they are appropriately maintained and managed in the long-term, including the provision of new hedgerows, trees and native or recognised wildlife-friendly plants as part of the landscaping scheme; and integrated bird and bat boxes within the dwellings.

- 1.5 Town Council Charlbury Town Council made the following comments regarding the application.
- Restriction should be placed to prevent further development, particularly where this seeks to avoid Section 106 affordable housing contributions.
  - Object to the application on the grounds of access. There would be benefit in promoting discussion with the developer and Town and District Councils.

## 2 REPRESENTATIONS

- 2.1 21 Letters of objection has been received in relation to this planning application, the principle reasons for objection are summarised below:

- Concerns are raised regarding the impact of the access on the safety of parents and children walking to the nearby school.
- There would be no affordable housing provision/contribution.
- The proposals would allow for further development of the site.
- The development would have a detrimental impact on the character of the Charlbury Conservation Area and Cotswolds AONB.
- The development would exacerbate flooding/contamination of 2A The Slade and risks contaminating the domestic water supply of the houses and flats at Sandford Mount.
- Flooding and contamination would have a detrimental impact on local wildlife.
- The access leading to the site is unsuitable due to the narrowness of the access and restricted visibility. Increase in the use of the access would be dangerous for pedestrian safety.
- The development would have an adverse impact on the residential amenities of the neighbouring properties in The Slade, in particular No's 24 and 26 by reason of overlooking, overbearingness and loss of light.
- The plans indicate that the buildings would be taller than those previously proposed on the site.
- The plans would result in the partial loss of an area of the grass verge which would impact on pedestrian safety.
- The applicant's ecology report is flawed and contains errors.
- The development contains no affordable housing provision.
- The development would result in the loss of 10 mature trees, which would have a resulting detrimental impact on wildlife.
- -Increased development on the land will increase water discharge.

- The removal of existing hedgerows will be harmful to site ecology.
- The development would compromise the open aspect of the area.
- The development would have a detrimental impact on the character of the Cotswolds AONB.
- The site was considered as unsuitable for development in the SHELAA.
- The provision of 4 dwellings will be limited in meeting local housing supply targets.

2.2 Charlbury Conservation Area Advisory Committee made the following comments:

While the slight reduction in dwellings was an improvement, the committee reiterated the need for detailed landscape proposals to mitigate the development in views across the Conservation Area from the Public footpaths, the absence of affordable housing and the possible precedent for further development of the field in the future. No details of fencing or surfaces were provided with the current application and it was noted that the submitted drawings showed no south side elevation of Plot 2 which differed from Plot 3 because of the garage location. This was a critical elevation in external views of the development.

### 3 APPLICANT'S CASE

- 3.1 The proposal has been amended in light of the recently dismissed appeal for 5 dwellings on the site, the reasons for which related solely to the potential impact on the residential amenity of Nos 24 and 26 The Slade. The development has been redesigned having regard to the Inspectors comments, as well as to the site constraints and submitted ecology report.
- 3.2 Charlbury is a suitable location for further housing development being a local service centre. The proposal site lies on the edge of the village but within easy access of the village amenities.
- 3.3 The current proposal is for a small, high quality development of 4 dwellings which will adjoin and round off existing housing development at The Slade. The key elements of the proposed design may be summarised as:
- The dwellings have been set back away from existing dwellings and limited in height to 1.5 storeys so not to be overbearing.
  - Development is located outside the root zones of the mature Lime trees on the western boundary – enabling these important trees to be retained.
  - The building designs and materials proposed reflect the local vernacular of the Conservation Area.
  - The dwellings are arranged in a loose grouping with space for planting and views through – avoiding presenting a line of houses as recommended by planning officers.
  - A native hedge and groups of specimen trees to the south of the development will soften and filter views from across the minor valley and provide a positive contribution to the character of the area, setting of the settlement, Conservation Area and AONB.
- 3.4 In terms of the relevant planning policy framework, it is clear that the existing Local Plan 2011 is now out of date with regard the provision of housing. In such circumstance, the NPPF paragraph 14 dictates that the proposal be considered against the presumption in favour of sustainable development. This requires an assessment of planning balance whereby any adverse impacts of the development should significantly and demonstrably outweigh the benefits.

- 3.5 In accordance with paragraph 7 of the NPPF there are three dimensions to sustainable development: and economic role; a social role and an environmental role. The benefits and adverse impacts of the proposal are summarised under these headings.
- 3.6 The proposal will provide additional housing where there is an identified requirement to increase housing targets and boost housing supply. The associated construction jobs and will be of economic benefit to the local area. The proposal has economic benefits and no significant and demonstrable adverse impacts.
- 3.7 The development will provide high quality housing in a sustainable location where there is an identified requirement to increase housing targets and boost housing supply. The proposal has been carefully designed so not to have any significant or adverse impact on the amenity of existing residents. The proposal will facilitate an improved access for existing and proposed residents through the provision of a turning head within the site and improved visibility with the B4022 The Slade. The proposal has social benefits with no significant and demonstrable adverse impacts.
- 3.8 In developing the design strategy, particular regard has been given to the setting of the town within the Conservation Area and AONB. Existing mature trees of significance will be retained and the proposal will not be prominent in the street scene. In views from across the minor valley to the south, the development will be seen in the context of existing housing and will not harm the character or visual amenity of the settlement edge. Rather the development has been designed to allow filtered views between buildings and the native hedge and tree planting on the southern boundary will in time soften and screen the existing and proposed development – leading to an overall enhancement. The proposal will lead to environmental benefits with no significant and adverse impacts.
- 3.9 In accordance with the presumption in favour of sustainable development, the proposal has demonstrable economic, social and environmental benefits. There are no significant and demonstrable adverse impacts which outweigh these benefits and planning permission should be granted without delay.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
 BE3 Provision for Movement and Parking  
 BE4 Open space within and adjoining settlements  
 BE5 Conservation Areas  
 H2 General residential development standards  
 H7 Service centres  
 NE1 Safeguarding the Countryside  
 NE3 Local Landscape Character  
 NE4 Cotswolds Area of Outstanding Natural Beauty  
 OS1NEW Presumption in favour of sustainable development  
 OS2NEW Locating development in the right places  
 OS4NEW High quality design  
 H2NEW Delivery of new homes  
 EH1NEW Landscape character  
 EH7NEW Historic Environment  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

## 5 PLANNING ASSESSMENT

### Background Information

- 5.1 The application seeks planning approval for the erection of four detached dwellings on an area of land comprising of an open agricultural field located on the eastern edge of Charlbury. The site is accessed via an existing surfaced track leading from The Slade. The Site in its entirety lies within the Charlbury Conservation Area. Existing development in the immediate vicinity comprises of linear development running parallel to The Slade, immediately to the West of the site. There is existing relatively modern development to the north of the site adjacent to an existing private access road serving these properties and the site. An new dwelling to the East of the site (South of Ticknell Piece) which was recently granted planning consent is presently under construction.
- 5.2 The application was deferred from the previous committee meeting held on 5th June at the request of members. It was noted at the previous committee meeting that members expressed concerns regarding overlooking from the first floor west facing windows of the proposed plots 1 and 2, in addition to overlooking from the rear amenity space and curtilage area of these dwellings. In an attempt to address these issues the applicant has re-arranged the first floor interior layout to ensure that only bathroom windows, which would be fitted with obscure glazing would be located to the rear of plots 1 and 2. The applicants have additionally shown the provision of boundary screening in the form of a close boarded fence, which would be sited to the rear of Plots 1 and 2, with the inclusion of additional boundary planting.
- 5.3 A planning application relating to a similar development of five dwellings was refused on this site by members of the Uplands Committee in 2016 (16/00939/FUL). The application was refused for the following reasons:
1. The site is located within the Charlbury Conservation Area and Cotswolds Area of Outstanding Natural Beauty. The location, siting, and scale of development would fail to respect or enhance the character of the area and its landscape, and would be harmful to visual amenity. Further, it would erode the character and appearance of the surrounding area as a result of encroachment into open countryside which makes an important contribution to the setting of the settlement. In addition, it would set an undesirable precedent for similar, further development in this sensitive location. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies BE2, BE4, BE5, NE1, NE3, NE4, and H2, emerging West Oxfordshire Local Plan 2031 Policies OS2, H2, EH1 and BC1, and the relevant policies of the NPPF.
  2. By reason of the location, siting, design and scale of the proposed development, and land levels within and adjoining the site, it would give rise to unacceptable impacts on residential amenity with regard to privacy and the overbearing appearance of the development, particularly as regards the relationship with existing residential properties which adjoin the site at The Slade. The proposal is therefore contrary to West Oxfordshire Local Plan Policies BE2, and H2, emerging Local Plan Policies OS2, and H2, and the relevant policies of the NPPF.
- 5.4 The applicants appealed the Councils refusal decision for the above application. The subsequent appeal (APP/D3125/W/16/3155795) was dismissed by the planning inspector on amenity grounds consistent with refusal reason 2, whilst the inspector concluded that there would not be adverse harm caused to either the Conservation Area character or the character of the



Cotswolds AONB. The inspector concluded that harm would be caused to the amenity of the occupants of the nearby properties in The Slade, namely Nos. 24 and 26 by reason of overlooking and the overbearing appearance of the dwellings, owing significantly to the raised topography of the site in relation to the properties in The Slade, which sit at a notably lower level.

5.5 To attempt to address refusal reason two of planning application I6/00939/FUL, the applicants have reduced the number of dwellings to four and have set the proposed dwellings further back into the site increasing the separation distance between the proposed dwellings and the existing properties fronting The Slade.

5.6 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 of Development  
Design, scale and siting  
Amenity Impacts  
Impact on Conservation Area setting

Principle

5.7 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 1,836 dwellings, plus a further 5% 'buffer' in accordance with national policy.

5.8 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.

5.9 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 .

5.10 The Council's assumed supply of deliverable housing sites includes existing large and small commitments, draft local plan allocations and anticipated 'windfall' which total 4,514 dwellings (as referred to in the October 2016 Position Statement). This gives rise to a 5.5 year supply using the Liverpool calculation. Using the alternative "Sedgefield" method the 5 year supply is 4.18 years.

5.11 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.

- 5.12 Following consultation on the modifications to the Plan, it has been submitted unaltered to the Planning Inspectorate in advance of the resumption of the Examination in May 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.
- 5.13 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.
- 5.14 Notwithstanding the Council's position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and H2 of the Emerging Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. Charlbury is classed as a service centre within both the Existing and Emerging Local plans. Policy H7 of the Existing Local Plan is permissive of new residential development in circumstances where this constitutes a 'rounding off' of the settlement area. This applies to development that would logically complement the existing built form in the immediate area. Policy H2 of the Emerging Local Plan specifies that development of new dwellings is acceptable on previously developed or undeveloped sites within or adjacent to the main built up area of Services Centres including Charlbury, similarly where development would form a logical complement to the Existing built form.
- 5.15 The site lies on the edge of the settlement, adjacent to existing development to the North and a recently approved dwelling to the West. Whilst the development does not entirely represent a rounding off of the settlement area, the development is reasonably complimentary to the existing built form and would not be incongruously sited. With regards to the siting of the development it is noted that inspector did not consider that the development would conflict with either the Existing or Emerging Local Plan Policies regarding locational provision of new housing. The site whilst located on the edge of Charlbury lies in relatively close proximity to a range of local services and facilities and could be considered a generally sustainable location for residential development in this regard.
- 5.16 In accordance with Policy H3 of the Emerging Local Plan and NPPG Paragraph 31 there would be no requirement on behalf of the applicant to provide affordable housing as part of the scheme.

#### Siting, Design, Form and Impact on Conservation Area

- 5.17 A development of four dwellings, each with a detached garage is proposed within a small cul-de-sac development. The proposed dwellings would be 1.5 storeys and would be constructed from Cotswold Stone. The general layout and design approach does not greatly differ from the previous application, albeit that the number of dwellings proposed has been reduced by 1 property.
- 5.18 The property is within the Charlbury Conservation Area wherein the Council must have regard to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of

any development proposal either preserving or enhancing the character of Conservation Area. Further the paragraphs of section 12 'Conserving and enhancing the historic environment ' of the NPPF are relevant to consideration of the application.

- 5.19 The general design approach is reflective of the existing dwellings in the immediate area and is broadly in keeping with the local vernacular. The site exists as open space of an agricultural character although public views of the land are relatively limited. Officers note that the inspector in the previous appeal on the site concluded that the development would be 'set against the backdrop of existing development and would consist of only 5 dwellings of one and a half storey height constructed of sympathetic local materials'. The inspector considered that the development would not cause harm to the character and appearance of the Conservation Area setting or the setting of the AONB.
- 5.20 The quantum of development proposed within the present application is less than previously proposed and officers consider that the visual impact would be of even lesser degree than the previous scheme. Consistent with the inspector's assessment of the site, officers consider that the development would adequately preserve the setting of the Charlbury Conservation Area and Cotswolds AONB, is appropriately designed and would not result in adverse harm. To reduce the visual impact of the development, the provision of a comprehensive landscaping plan is requested by condition. It is advised that soft landscaping in the form of hedges be provided along the south, east and west boundaries. The retention of the existing boundary hedge is required by condition to protect the character and appearance of the immediate area.

#### Highways

- 5.21 The development would be served by an existing private means of access from The Slade. The level of traffic generation is likely to be low and officers note that the previously proposed scheme comprising of an additional dwelling was not adjudged to be harmful in terms of highway safety and amenity. Officers note that no objections have been raised by OCC Highways Officers subject to conditions.

#### Residential Amenities

- 5.22 Refusal reason 2 of planning application 16/00939/FUL cited that the development by reason of its siting "would give rise to unacceptable impacts on residential amenity with regard to privacy and the overbearing appearance of the development, particularly as regards the relationship with existing residential properties which adjoin the site at The Slade". In an attempt to lessen the amenity impact of the proposed development on the occupants of the immediately adjacent properties fronting The Slade, the applicants have significantly increased the separation distance between the proposed dwellings and the boundary of the existing properties. Previously a separation distance of 28 metres was proposed between the proposed dwellings and Nos. 24 and 26 The Slade, with a distance of 15 metres proposed between the rear gardens of the proposed dwellings and the site boundary of the aforementioned properties.
- 5.23 The site is significantly elevated in relation to the existing properties fronting The Slade; the inspector in the recent appeal decision considered that owing predominantly to the topography of the site, the separation distance between the proposed dwellings and the existing properties would be inadequate in preserving the amenity of the occupants of Nos. 24 and 26 The Slade and the development would overlook these properties and would also appear overbearing and dominant in terms of scale.

- 5.24 Regarding overlooking a separation distance of 21 metres between facing rear elevation windows is generally applied as a minimum rule of thumb, however this is dependent on site specific factors including site topography. The originally submitted plans show a separation distance of at least 41 metres between the rear of the proposed plots 1 and 2 and the rear of the existing properties fronting The Slade (Nos 24 and 26). The applicant's amended plans show a proposed separation distance of 47.9 metres between the rear aspect of plots 1 and 2 and the rear of the existing properties, which front The Slade.
- 5.25 The applicant's latest amended plans include a reorientation of the interior floor space of plots 1 and 2, this would ensure that the rear first floor windows of these particular plots would be limited to bathroom windows, which can be conditioned as obscure glazed. This in officer's opinion would greatly reduce the potential likelihood of overlooking from arising. Officers additionally note the applicant's intention to erect 2 metre high panel fencing along the west boundary of the curtilage area of the properties, alongside the provision of additional planting.
- 5.26 Previously officers considered that the proposed separation distance of 41 metres would be adequate, notwithstanding the provision of first floor windows; however officers note concerns expressed by members, particularly following the site visit on the 1st June that the site topography significantly exacerbated overlooking.
- 5.27 Following the reorientation of the first floor windows alongside the provision of boundary fencing and planting as shown on the applicants amended plans; officers consider that the siting of the proposed development would not result in significant overlooking of the rear curtilage area of Nos. 24 and 26 The Slade and as such the development would not be of significant detriment to the residential amenity of the occupants of these adjacent properties. Accounting for the proposed separation distance and relatively modest height of the properties, officers consider that the development would not appear overbearing in relation to the existing properties to the West, even when accounting for the difference in topographic levels.
- 5.28 Reasonable separation exists between the proposed dwellings and the existing properties to the north of the site. It is noted that the proposed windows in the side elevations of these properties serve bathrooms and can be conditioned as being obscure glazed. Officers consider that the proposed development would not compromise the amenity of these properties.

#### Ecology

- 5.29 Officers note the findings of the supporting Ecology report which identifies the site as being improved grassland of low ecological potential. Officers therefore consider that the proposed development would be unlikely to result in adverse ecological harm.

#### Conclusion

- 5.30 The application proposes the development of four dwellings in a layout similar to that of a recently refused application for five dwellings (16/00939/FUL) which was subsequently refused and dismissed at appeal on the basis that the development would result in harm to the amenity of the nearby properties to the West of the site, fronting The Slade. Officers conclude similarly that the presently proposed development would not result in harm to the character and appearance of the Charlbury Conservation Area and would be appropriately designed in a manner which harmonises adequately with the existing built form.

- 5.31 The proposed dwellings have been repositioned further to the east, which has greatly increased the separation distance between the proposed dwellings and the existing properties fronting The Slade, as well as the associated amenity space. Officers consider that the minimum separation distances proposed would be adequate in ensuring that the amenity of these properties would not be significantly compromised through overlooking or by the overbearingness of the built form. The amendments made to the first interior layout of the properties will in officer's opinion further reduce the extent to which overlooking would arise given the flexibility to condition that these windows be fitted with obscure glazing.
- 5.32 Officers subsequently consider that the proposals overcome the previous reason for refusal as upheld at appeal and the proposals represent sustainable development in accordance with the provisions of Policies BE2, BE3, BE4, BE5, NE1, NE3, NE4, H2 and H7 of the Existing Local Plan; Policies OS2, OS4, H2, EH1 and EH7 of the Emerging Local Plan; as well as the relevant provisions of the NPPF.

## **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 the Town and Country Planning Act 1990 as amended by 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 external walls shall be constructed of either artificial stone or natural stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.  
REASON: To safeguard the character and appearance of the area.
- 4 The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.  
REASON: To safeguard the character and appearance of the area.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D, E, and G, and Schedule 2, Part 2, Classes A and B shall be carried out other than that expressly authorised by this permission.  
REASON: Control is needed to protect the residential amenity of the occupants of the adjacent properties as well as the visual amenity of the area
- 6 A full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and results of soakage tests carried out at the site to demonstrate the infiltration rate. Where appropriate the details shall include a management plan setting out the maintenance of the drainage asset. The Surface Water Drainage scheme should, where possible,

incorporate Sustainable Drainage Techniques in order to ensure compliance with the Flood and Water Management Act 2010.

The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved and shall be maintained in accordance with the management plan thereafter.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

- 7 No development shall take place until plans of the site showing the existing and proposed ground levels and finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. These levels shall be shown in relation to a fixed and known datum point. The development shall then be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and living/working conditions in nearby properties.
- 8 A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.  
REASON: To safeguard the character and landscape of the area.
- 9 Except insofar as may be necessary to allow for the construction of the means of access, the existing hedge along the whole of the north boundary of the land shall be retained at a height of not less than 2 metres; and any plants which die shall be replaced in the next planting season with others of a similar size which shall be retained thereafter.  
REASON: To safeguard a feature that contributes to the character and landscape of the area.
- 10 Notwithstanding details contained in the application, detailed specifications and drawings of all windows, dormers, rooflights, external doors, chimneys, flues, porches, eaves, verge and garage doors at a scale of not less than 1:20 including details of external finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.  
REASON: To ensure that the architectural details match the character and appearance of the area
- 11 No dwelling shall be occupied until the private road, parking and manoeuvring areas shown on the approved plans have been drained, constructed and surfaced in accordance with a detailed plan and specification that has been first submitted to and approved in writing by the Local Planning Authority. Those areas shall be retained thereafter and shall not be used for any purposes other than for the parking and manoeuvring of vehicles.  
REASON: In the interests of highway safety and amenity.

- 12 The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the dwelling to which those spaces relate and shall thereafter be retained and used for no other purpose.  
REASON: In the interests of highway amenity
- 13 No development, including any works of demolition, shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide for:
- I The parking of vehicles for site operatives and visitors
  - II The loading and unloading of plant and materials
  - III The storage of plant and materials used in constructing the development
  - IV The erection and maintenance of security hoarding including decorative displays
  - V Wheel washing facilities
  - VI Measures to control the emission of dust and dirt during construction
  - VII A scheme for recycling/disposing of waste resulting from demolition and construction works.
  - VIII Working hours at the site.
- REASON: In the interests of highway amenity
- 14 Before first occupation of any dwelling all bathroom/WC window(s) and all first floor windows in the west elevations of plots 1 and 2 shall be fitted with obscure glazing and shall be retained in that condition thereafter.  
REASON: To protect the privacy of the occupants of the proposed dwellings and the amenity of the adjacent properties
- 15 The development shall be completed in accordance with the recommendations in Section 5.2.1 (nesting birds) and 5.2.3 (amphibians) of the Updated Phase 1 Habitat Survey Report dated February 2017 prepared by Windrush Ecology (ref. W2359\_rep\_land off The Slade Charlbury\_19-02-17). All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the LPA, and thereafter permanently maintained.
- Measures for the protection of habitats and wildlife must be implemented throughout the development period, and all measures must be implemented and completed in full prior to the development being brought into use. This Condition will be discharged on receipt of information (photographs, plans, etc) demonstrating all measures have been implemented as approved.  
REASON: To ensure that precautionary measures for nesting birds and amphibians are implemented in accordance with The Conservation of Habitats and Species Regulations 2010, the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular section 11), and policies NE13, NE14 and NE15 of the West Oxfordshire District Local Plan 2011 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.
- 16 A Landscape and Ecology Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the LEMP shall include, but not necessarily be limited to, the following information:

- i. Full specification of habitats to be created, including new hedgerow planting using locally native species of local provenance and locally characteristic species, integrated bird and bat boxes; and other features in accordance with the recommendations in Section 5 of the Updated Phase I Habitat Survey Report dated February 2017 prepared by Windrush Ecology (ref. W2359\_rep\_land off The Slade Charlbury\_19-02-17);
  - ii. Description and evaluation of features to be managed; including location(s) shown on a site map;
  - iii. Landscape and ecological trends and constraints on site that might influence management;
  - iv. Aims and objectives of management;
  - v. Appropriate management options for achieving aims and objectives;
  - vi. Prescriptions for management actions;
  - vii. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-10 year period);
  - viii. Details of the body or organisation responsible for implementation of the plan;
  - ix. Ongoing monitoring and remedial measures;
  - x. Timeframe for reviewing the plan; and
  - xi. Details of how the aims and objectives of the LEMP will be communicated to the occupiers of the development.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery.

The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented.

The LEMP shall be implemented in full in accordance with the approved details.

REASON: To maintain and enhance biodiversity, and to ensure long-term management in perpetuity, in accordance with the NPPF (in particular section 11), Policy NE13 of the West Oxfordshire District Local Plan 2011 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 17 Prior to commencement of the development, a scheme shall be submitted to and approved in writing by the Local Planning Authority that demonstrates that each dwelling can connect to and receive a superfast broadband service (>24mbs). The connection will either be to an existing service in the vicinity (in which case evidence from the supplier that the network has sufficient capacity to serve the new premises as well as means of connection must be provided) or a new service (in which case full specification of the network, means of connection and supplier must be provided). The Council will be able to advise developers of known network operators in the area.

REASON: In the interest of improving connectivity in the District.

- 18 Details of the design and specification of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall be constructed before the use hereby permitted is commenced.

REASON: To safeguard the character and appearance of the area and because details were not contained in the application.



## NOTE TO APPLICANT

The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (as amended) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Further information can be found at the following websites:

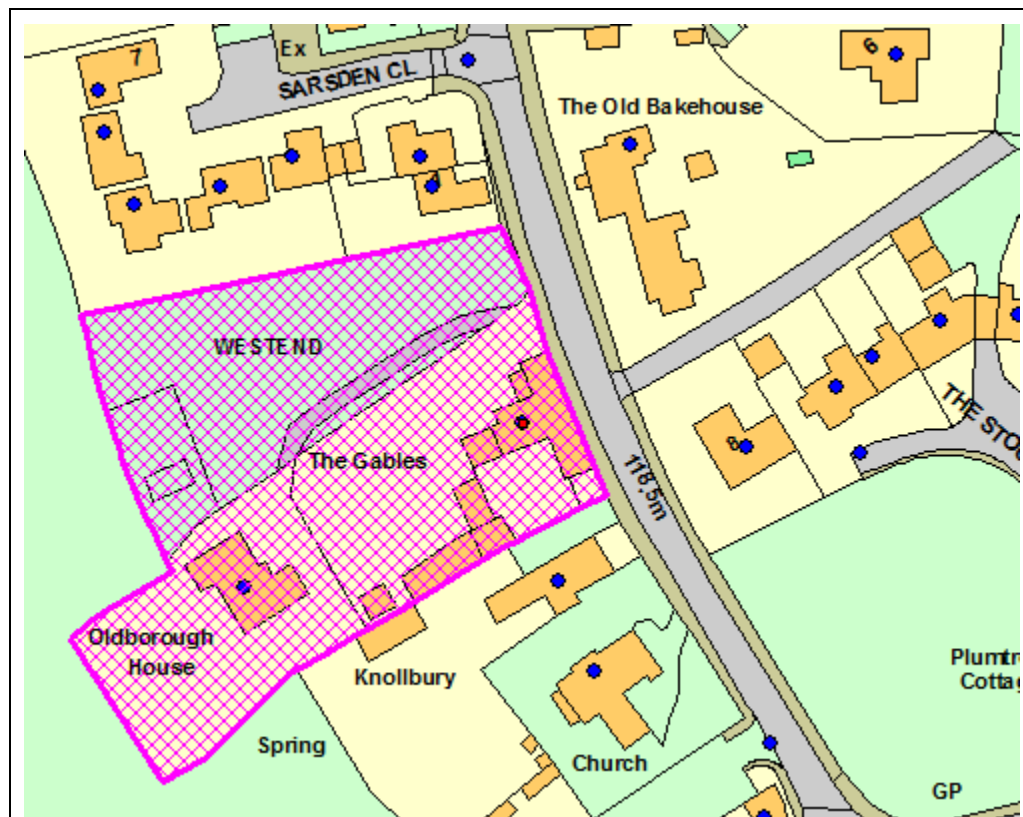
West Oxfordshire District Council website: <http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-evidence-base/> (download a copy of the 'Biodiversity and Planning in Oxfordshire' guidance document under the heading 'Environment, nature and open space' and selecting 'Biodiversity' from the drop down box)

Biodiversity Planning Toolkit:

[http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621\\_what\\_are\\_nationally\\_protected\\_species](http://www.biodiversityplanningtoolkit.com/stylesheet.asp?file=621_what_are_nationally_protected_species)

Application Number	17/01079/OUT
Site Address	The Gables West End Chadlington Chipping Norton Oxfordshire OX7 3NJ
Date	21st June 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Chadlington Parish Council
Grid Reference	432704 E 222067 N
Committee Date	3rd July 2017

### Location Map



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### Application Details:

Outline planning application for the construction of three dwellings with access to be approved and all other matters reserved

## Applicant Details:

Slatter  
c/o Agent

### I CONSULTATIONS

- I.1 OCC Highways No Comment Received.
- I.2 WODC Drainage Engineers I am now content that SuDS have been considered and am therefore happy for my recent objection to be removed and our pre-commencement surface water condition to be attached.
- I.3 Parish Council  
At the Chadlington Parish Council Meeting held on 8 May 2017 nearly all residents of Sarsden Close attended in order to give their views on the above mentioned planning application. They were all very concerned about the following:
- (i) The new building will be on a greenfield site known as The Paddock.
  - (ii) The impact of increased traffic on to Harveys Corner where currently parked cars create a blind spot for traffic coming from all directions i.e. Chapel Road, Horseshoe Lane, Bull's Hill and Chipping Norton Road.
  - (iii) The Paddock has a lot of wildlife which would be disrupted.
- I.4 WODC Architect  
CONTEXT: Area of open land between housing (including C19), prominent in the street scene, and with open and expansive AONB landscape beyond.
- OPINION: There appear to be significant problems with these proposals. As has been consistently maintained by the LPA (and upheld by Planning Inspectors) the wedge of open land in question plays a significant role in the character and appearance of Chadlington. Specifically, the settlement itself occupies a distinctive, open and rolling AONB landscape setting. A significant component of the character of the settlement is derived from this expansive rural setting. This sizeable gap in the street scene allows for long views out from the built-up settlement into the landscape to the west, and contributes significantly to Chadlington's sense of place, and to one's understanding of its relevant and wider landscape context.
- The proposed scheme would significantly close up this gap, and in doing so would cause clear harm to the character and appearance of the settlement. The accompanying Design and Access Statement suggests that a 'landscape view corridor' would be maintained (though whether this would be the case in reality is open to question); however, a significant component of the value of the current view through to the landscape beyond in this case is precisely that it is not a glimpsed view, but instead a broad and generous aspect through to the landscape beyond; in other words, it is not merely the fact of

being able to view the landscape beyond that matters, but the quality and nature of that view. Given the general lack of such openings through to the landscape beyond, it would seem especially important that this wedge of open land is left open and undeveloped.

RECOMMENDATION: Advise consents be refused.

REASONS: Appears incompliant with LP Policies BE2, BE4 & NE4

## **2 REPRESENTATIONS**

A total of 7 letters of objection have been received in relation to this application, the main points of objection are summarised below:

- The development would result in a loss of views towards the open countryside from the village.
- The site is a green field plot where previous applications for development have been refused.
- Existing access to the site is dangerous and will be exacerbated by further weight of traffic.
- The development would cause visual harm to the character of the Cotswolds AONB.
- The development would be harmful to on-site biodiversity.
- The development would result in a loss of light to neighbouring properties.
- The development would result in a loss of privacy to neighbouring properties.
- The use of heavy machinery during construction would cause environmental damage.
- Local residents would suffer from noise disturbance, smell and pollution.
- Heavy ground works during construction may affect the foundations of properties in Sarsden Close.
- The site contains a number of springs and water courses making it unsuitable for development.
- The proposed density of development would be excessive.
- The development would detrimentally affect the occupants of Abbeyfields Care Home.
- There are sites better suited to development in Chadlington.
- The development would affect the peace and privacy enjoyed by residents in Sarsden Close, particularly as a result of the location of access and resulting light from vehicle headlights.
- The development would result in an increase in light pollution.
- The development would result in the loss of a large Horse Chestnut tree.

## **3 APPLICANT'S CASE**

- 3.1 The proposal is for a small scale infill plot which makes use of an existing and unused plot of land between Chadlington Stores and Sarsden Close.
- 3.2 The site represents sustainable development, providing three dwellings on an infill plot within the settlement boundary. Whilst there is no demonstrable housing land supply, the policies of the NPPF must be taken into account. In particular, at paragraph 14:

Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

3.3 It is submitted that there are the following benefits from the scheme:

- Providing employment during the construction phase
- Providing housing and contribution to the housing land supply
- Providing family homes within the District
- Use of natural infill plot
- Providing support to the local economy from the residents of the new dwellings - i.e. - use of local shops, services and facilities

3.4 There are few negative impacts from the proposal:

- Landscape impact
- Loss of green space

3.5 These negative impacts are considered to be low and are outweighed by the considerable benefits derived from the development.

3.6 The development proposal does not represent isolated dwellings in the countryside. This makes use of an unused and unmanaged infill plot, within the settlement boundary. The use of this land will enable the enhancement and maintenance of the vitality of Chadlington and nearby villages and Chipping Norton, through the use of the services and facilities at these locations.

- The inherent beauty and reasons for designating the AONB are not compromised through the proposed development. A low density scheme such as this which has been carefully prepared, takes into account the sensitivity of the AONB and the impacts to it. The site will remain seen as part of the settlement of Chadlington and will not cause harm to the overall landscape and scenic beauty of the AONB.
- It has been demonstrated that the landscape impacts are low to negligible. The site will remain to be seen as part of the existing development within Chadlington and will not extend out into the countryside. The important views can be retained, whilst providing a high quality development which respects the local area and the location of the site within the AONB.
- The site is not located within a Conservation Area. The nearest designated heritage asset is found approximately 50m to the south at the dwelling known as Knollbury. It is submitted that the distance, and the intervening land uses between this and the application site mean that this heritage asset and its setting will not be affected.
- The proposal will provide three dwellings in an important village, in an infill plot. There are good links to both local and district-wide (and beyond) facilities, services and amenities including bus and train networks.
- The proposal represents a sustainable option to further enhance the local area and provide some small scale additional housing within the village.

- 3.7 In considering the development proposals, there are no adverse impacts which significantly and demonstrably outweigh the benefits. We have concluded that the proposals have regard to both local and national planning policy and we respectfully submit that planning permission should be forthcoming.

#### **4 PLANNING POLICIES**

BE2 General Development Standards

BE3 Provision for Movement and Parking

BE4 Open space within and adjoining settlements

H2 General residential development standards

H5 Villages

NE1 Safeguarding the Countryside

NE3 Local Landscape Character

NE4 Cotswolds Area of Outstanding Natural Beauty

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

EH1NEW Landscape character

EH7NEW Historic Environment

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

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application seeks outline planning permission for the erection of three detached dwellings to include access with all remaining matters reserved. The application site comprises of an undeveloped open space sited to the north of Chadlington Stores and a detached property known as Oldborough House. Sarsden Close, a relatively modern cul-de-sac lies to the immediate north of the site, with the rear curtilage areas of a number of these properties adjoining the site. The site is presently accessed via a gravel track serving an area of parking for Chadlington Stores and also serves Oldborough House to the rear of the site. The main access point adjoins West End at a section adjacent to the village shop.
- 5.2 The application was taken to planning committee at the request of Councillor Owen. Whilst noting that there was no specific objection raised by Chadlington Parish Council, the concerns of a number of residents in the adjacent Sarsden Close are represented within the Parish Councils response.
- 5.3 Planning permission was granted in February 2017 (16/04004/FUL) for development comprising of the erection of one detached dwelling and the conversion of a store building to a habitable dwelling. The development additionally involved the provision of a new area of parking for the village shop.
- 5.4 The site was previously subject of two planning applications in 1991 (1562/91) for four dwellings and a further application in 1992 for the erection of two dwellings (WV92/0345). Both applications were subject of dismissed appeals in 1992 APP/D3125/A/92/208290/P5 and

APP/D3125/A/92/208365/P5. The respective appeals were dismissed on the basis of what the inspector deemed to be harm to the character of the settlement of Chadlington in addition to harm to the character of the Cotswolds AONB.

- 5.5 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 of Development  
Residential Amenity  
Highways and Access

Principle

- 5.6 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.
- 5.7 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 .
- 5.8 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.
- 5.9 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.
- 5.10 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 timetabled for 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.

- 5.11 Chadlington is listed as a ‘village’ within the Existing Local Plan and in line with the provisions of Policy H5, residential development is considered permissible in circumstances where this constituted ‘infilling’ of an otherwise continuous gap within a frontage. The provisions for residential development in villages including Chadlington have been expanded within Policy H2 of the Emerging Local Plan to also include the development of suitable sites, within or adjacent to settlements, where the proposed development is necessary to meet housing needs and is consistent with OS2.
- 5.12 In terms of Policy OS2, officer’s note that the site is surrounded on three sites by existing development and in this sense the site is reasonably contained; in this context it could be reasonably considered that the development would logically complement the existing built form in this part of Chadlington. The site is generally considered to be a sustainable location in relation to its proximity to local services and facilities in the village as well as local bus links.
- 5.13 Notwithstanding this it is expected that all development complies with the wider provisions of the existing and emerging local plans. Policy H2 of the Emerging Local Plan and Policy BE4 of the Existing Local Plan requires that an assessment is made as to whether an area of open space makes a significant contribution to the character and appearance of the settlement or area. The site exists as an area of open space, within an otherwise continuous built form along West End. The open nature of the site allows for significant and prominent views from West End towards the adjoining landscape to the west. Owing to existing development along West End, there are only limited views towards the open landscape remaining and officers consider that the presently unspoilt views are of great importance to the settlement character of Chadlington.
- 5.14 Officers note that the site was subject of a dismissed appeal in 1992, relating to two applications, the first of which related to the development of four dwellings, on the application site; and secondly the development of two dwellings to the rear of the village shop. In paragraph 3 of the inspectors report, it is referenced that the key consideration is to effect of the development on the character and appearance of Chadlington. The inspector mentions in Paragraph 5 of his report that the proposed development of two dwellings to the rear of the shop would not harm the surrounding countryside or AONB. Accounting for this assessment officers similarly considered that the recent application relating to the erection of a single dwelling approved in 2017 to the rear of the shop would not result in harm to the character of the AONB, given that the dwelling would be sited between the shop and Oldborough House. When referencing Appeal A, which related to development on the application site, the inspector states that the proposed 4 dwellings would restrict the view of the rolling countryside, which would be to the detriment of the character of the village. The inspector in Paragraph 6 mentions that the extension of development across the gap would be harmful to the character and environment of the village as this is the only significant gap on the western side of the street frontage.
- 5.15 Officers would also note that the site is subject of a legal agreement established at the time of planning permission being granted for a residential development at Sarsden Close in 1981. The section 52 agreement was established to ensure that the land would remain as undeveloped open space in the interests of the visual amenity of the area.
- 5.16 Officers note that the policy context has changed since the determination of the previous appeal in 1992 and furthermore since the determination of the appeal development has been approved



to the rear of the shop, this being the development of Oldborough House as well as the recently consented scheme relating to the additional dwelling to the rear of the shop. The context of the application site itself has not however changed; neither has the weight attributed within the NPPF or Existing and Emerging Local Plans towards the character and appearance of Areas of Outstanding Natural Beauty.

- 5.17 Officers similarly consider that the open space provides an important contribution to the rural character of the village of Chadlington. Whilst the applicants contend that there would be some limited views of the open countryside retained through the centre of the site officers consider that the views would be likely to be predominantly lost and whilst the frontage of the site would remain open, the site would to all intents and purposes be urbanised and the value of the site as an area of open space would be clearly eroded, alongside the wider views to the open countryside beyond.
- 5.18 The development falls within an area identified within the West Oxfordshire Landscape Appraisal as a minor valley. The site is located in an elevated position in the immediate landscape, although the dwellings would be set against the backdrop of existing development, notably the adjacent dwellings in Sarsden Close. Officers consider that although there would be views of the site from the adjacent countryside to the south, notably from the public right of way leading from Cross's Lane, the wider visual impact in terms of the character and appearance of the Cotswolds AONB would be limited.
- 5.19 Officers however consider that the loss of important public views from West End and the loss of an important area of open space would be of significant detriment to both the settlement character of Chadlington and the special landscape qualities of the Cotswolds AONB. The development would therefore be considered contrary to the provisions of Policies BE2, BE4, NE1, NE3 and NE4 of the Existing Local Plan; Policies OS2, OS4, H2 and EH1 of the emerging Local Plan.

#### Highways

- 5.20 The development would be served by an existing means of access serving the village shop and associated parking. The proposed access road leading to the dwellings presently serves Oldborough House. Officers note the concerns raised by the adjacent residents with regards to the proposed access, however officers consider that the level of traffic generation arising from the proposed development is likely to be relatively low and visibility appears adequate at the site entrance. Officers consider that the proposed development would be unlikely to be harmful to highway safety or amenity.

#### Residential Amenities

- 5.21 The matters of scale and layout are reserved within this outline application and officers note that the layout provided is purely indicative. Notwithstanding this consideration should be given as to whether three dwellings can feasibly be sited without compromising the amenity of the adjacent properties. Officers note that the rear aspect and private amenity space belonging to a number of properties in Sarsden Close face the site.
- 5.22 Whilst the proposed layout is indicative the relative separation distances would appear to comply with minimum standards generally applied when assessing whether proposed development would result in a substantial loss of privacy by reason of overlooking. A distance of

24 metres would be retained between the rear of dwelling J and the facing property in Sarsden Close. No indication is given of the scale of the dwellings although it would appear logical to assume that the proposed dwellings would be two storey to match the existing properties in Sarsden Close. In this context officers would raise concerns regarding potential overlooking of the private amenity space of existing properties in Sarsden Close. Were the dwellings to be two storeys and were the rear aspect of the properties to face the existing dwellings in Sarsden Close it is likely that the rear amenity space of the existing dwellings in Sarsden Close would be unacceptably overlooked. The layout for dwelling J shows a distance of 7 metres between the rear gable and the curtilage area of the opposite facing property and 10 metres from the main rear elevation and the rear garden of this property. Officers consider that overlooking at this distance would not retain an acceptable degree of privacy for the occupants of these properties.

- 5.23 Notwithstanding this it would be possible to arrange the indicative layout to move the dwellings further away from the boundary, similarly as the present application is in outline it would be feasible to limit the dwellings to single storey, were it deemed likely that an unacceptable degree of overlooking would arise. In a similar vein officers consider that there would be sufficient scope at a reserved matters stage to ensure that dwelling heights would be limited to a level which is sufficiently low, so as to avoid the development appearing potentially overbearing in relation to the properties in Sarsden Close. In summary whilst officers would have some misgivings about the indicative layout with regards to the potential amenity impacts, officers consider that a layout could feasibly be achieved, which would not significantly compromise the amenity of the occupants of the immediately adjacent properties.

#### Other Issues

- 5.24 The site is identified as amenity grassland of relatively low ecological potential; officers accept the findings of the supporting Ecological Assessment which concludes that there would be no significant adverse harm to site ecology.
- 5.25 The development would be located within the wider setting of a Grade II listed property known as Knollbury which lies to the South East of application site. There is a considerable separation distance between the application site and the side elevation of this property and officers consider that the proposed development would not affect the significance of this designated heritage asset.

#### Conclusion

- 5.26 The application proposes in outline the siting of three dwellings on an area of open space between the existing village shop and a relatively modern development at Sarsden Close to the North of the site. The site has been subject of a previously dismissed planning appeal, whereby the inspector concluded that development within this open space would result in harm to the settlement character, by reason of the loss of important views to the open countryside to the west. Whilst the policy context has changed locally since the determination of the previous appeal in 1992, the site remains as undeveloped space in the AONB which continues to provide a significant contribution to the settlement character of Chadlington.
- 5.27 Officers consider that by reason of the loss of the existing open aspect and resulting views of the open countryside to the west, that the development would result in harm to the settlement character of Chadlington and the AONB contrary to the aims of Policies BE2, BE4, NE1, NE3

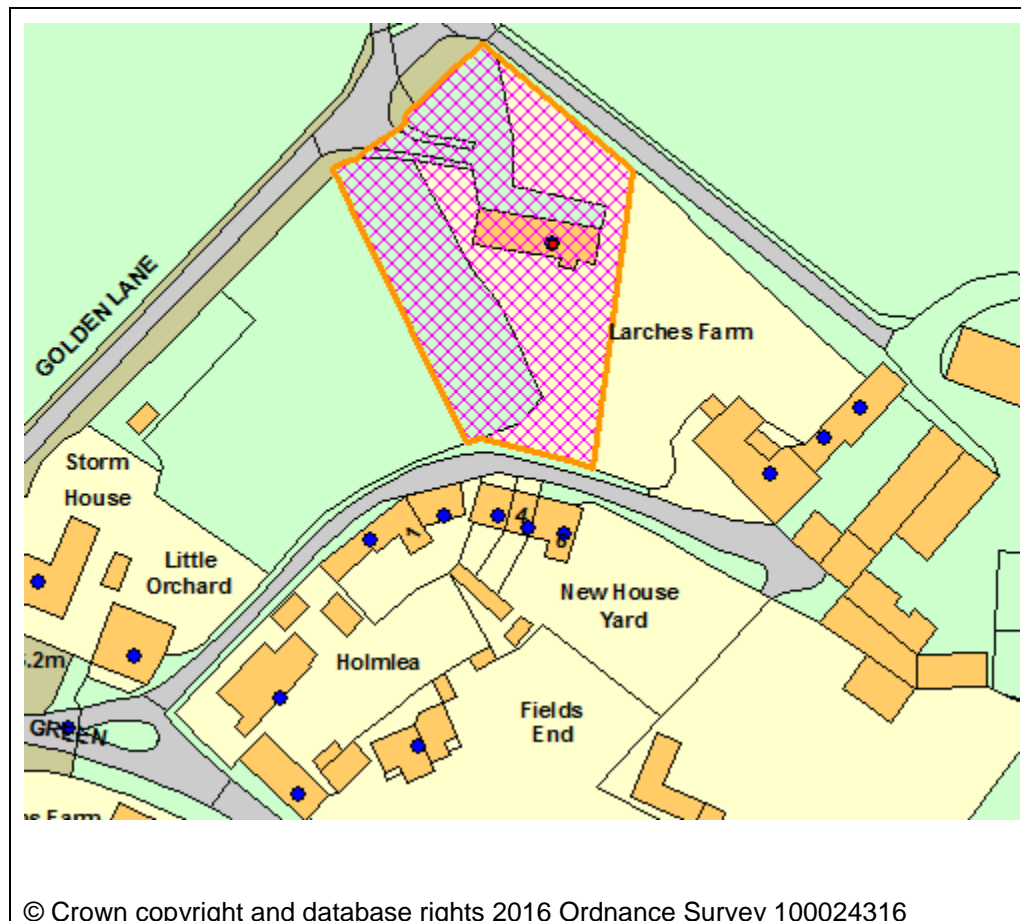
and NE4 of the Existing Local Plan; Policies OS2, OS4, EH1 and H2 of the Emerging Local Plan; in addition to the relevant provisions of the NPPF, in particular Paragraphs 17, 64 and 115.

## **6 REASON FOR REFUSAL**

- I By reason of the loss of important public views and the loss of an important area of open space, the development as proposed would be of significant detriment to both the settlement character of Chadlington and the special landscape qualities of the Cotswolds AONB. The development would therefore be contrary to the provisions of Policies BE2, BE4, NE1, NE3 and NE4 of the Existing Local Plan; Policies OS2, OS4, H2 and EH1 of the emerging Local Plan; in addition to the provisions of the NPPF in particular Paragraphs 17, 64 and 115.

Application Number	17/01258/HHD
Site Address	Larches Bungalow Salford Chipping Norton Oxfordshire OX7 5YY
Date	21st June 2017
Officer	Hannah Wiseman
Officer Recommendations	Approve
Parish	Salford Parish Council
Grid Reference	429124 E 228292 N
Committee Date	3rd July 2017

### Location Map



### Application Details:

Erection of two storey extensions, raise existing roof height and insertion of dormer windows to create first floor accommodation to renovate and modernise existing bungalow.

**Applicant Details:**

Mr Oliver Colston  
2 New House Yard  
Salford  
Oxon

**1 CONSULTATIONS**

- 1.1 Parish Council                      No objections

**2 REPRESENTATIONS**

No third party comments received.

**3 APPLICANT'S CASE**

The applicant has provided a design and access statement in support of the application. The full details can be read on the Council's website.

**4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H2 General residential development standards  
NE4 Cotswolds Area of Outstanding Natural Beauty  
OS2NEW Locating development in the right places  
OS4NEW High quality design  
T4NEW Parking provision  
EH1NEW Landscape character  
H6NEW Existing housing  
The National Planning Policy framework (NPPF) is also a material planning consideration.

**5 PLANNING ASSESSMENT**Background Information

- 5.1 This is an application for extensions to an existing bungalow in the village of Salford. The property lies to the north of the settlement and is set within a large plot, a generous distance away from any neighbouring properties. The site is not within a Conservation Area but it is situated within the AONB. There are no heritage assets in close proximity.
- 5.2 The proposal comprises of a two storey rear extension, raising of the roof and insertion of dormer windows to allow for first floor accommodation along with remodelling of the internal space. The applicant is a relation of Cllr Colston, therefore in accordance with the scheme of delegation the matter is for consideration by the Uplands Planning Committee.
- 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  
Siting design and form  
Impact on Residential Amenities  
Impact on AONB

#### Principle

- 5.4 The application is seeking extensions to an existing dwelling within a village location. Providing the proposals do not conflict with any other aims of the plan, in terms of design, impact on neighbouring amenities etc., in principle a well-proportioned and well-designed extension is likely to be considered acceptable in principle.

#### Siting, Design and Form

- 5.5 The proposal involves the erection of a two storey extension to extend the ground floor living accommodation and provide an additional bedroom on the first floor. In terms of footprint, this remains the same apart from the extension on the rear elevation which measures 6.3m from the rear (north) elevation and is 4.6m wide.
- 5.6 The eaves of the roof will be raised by 1.8m with a total ridge height of 8.3m. The insertion of the pitched dormers in the eaves lead to a more vernacular appearance and the extensions are considered to form an appropriate addition to the host dwelling which is of an appropriate scale and form which respects the character and context of the area.
- 5.7 The roof will be finished in dark brown plain concrete tiles and the facing walls will be completed in a natural stone to match the existing. Casement windows are proposed set under a stone lintel. In terms of the siting, design and form, the proposal is considered acceptable.

#### Residential Amenities

- 5.8 The property is set some distance away from the buildings at Larches Farm to the east and the properties to the south. There are open fields to the rear of the property. As such the proposal will not result in any adverse impacts on the amenities currently enjoyed by nearest residential properties.
- 5.9 Parking arrangements remain unaffected by this proposal as sufficient off street parking remains.

#### Impact on AONB

- 5.10 The property is within the Cotswold AONB. Paragraph 115 of the NPPF has regard to the weight to be given to conserving the landscape and scenic beauty of the AONB. In this instance the proposal is an overall modest addition to an existing dwelling on the outskirts of a residential area and therefore it is not considered it would be harmful to the AONB.

#### Conclusion

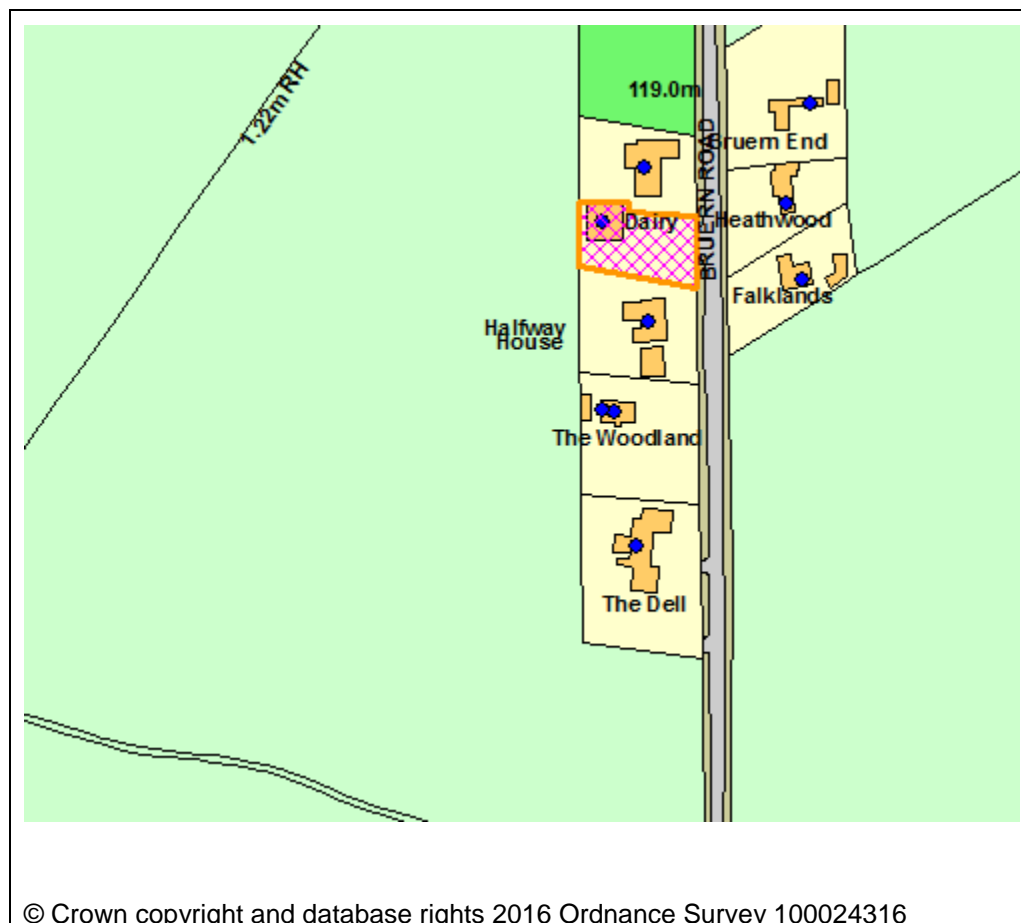
- 5.11 The proposal will result in a well-designed and re-furbished accommodation which will form a visually appropriate addition to the main dwelling and within the wider village setting. Taking into account all of the above matters raised in this report, officers recommend approval of the application subject to suggested conditions.

## **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 the Town and Country Planning Act 1990 as amended by 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 development shall be constructed with the materials specified in the application.  
REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

Application Number	17/01291/OUT
Site Address	The Dairy Wychwood Dairy Bruern Road Milton Under Wychwood Oxfordshire
Date	21st June 2017
Officer	Michael Kemp
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426387 E 219227 N
Committee Date	3rd July 2017

### Location Map



### Application Details:

Demolition of existing outbuilding. Subdivision of existing garden to allow space for new house and garage (all matters reserved).



**Applicant Details:**

Mr Ivan Puschnik  
The Dairy  
Wychwood Dairy,  
Bruern Road  
Milton Under Wychwood  
Oxon OX7 6LL

**I CONSULTATIONS**

- I.1 Parish Council The Parish Council has no objections to this development.
- I.2 OCC Highways I note the application is outline with all matters reserved  
  
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 A total of four letters of objection have been received in relation to this application:
- 2.2 Mr Pratt commented that the sloping site and the position of the buildings will spoil the privacy of the adjacent dwelling, Halfway House. Concerns were also raised regarding sewerage capacity and existing flood risk.
- 2.3 Mrs Pratt raised concerns regarding the safety of road users, in addition to flood risk, sewerage capacity and residential privacy.
- 2.4 Mr Simpson raised concerns regarding overlooking of Halfway House in addition to a loss of privacy to the rear curtilage area of this property. Concerns were raised about the visual impact of the development and the position of the proposed new build alongside increased flood risk, risk to pedestrian safety and the deemed locational unsuitability of the site. It is further referenced that the development would not represent infill and would set a precedent for further development along Bruern Road. It is stated that should the application be approved the size of the dwelling should be restricted to a single storey property.
- 2.5 Mr Sinfield raised concerns regarding precedent setting, road safety and sewerage capacity.

**3 APPLICANT'S CASE**

- 3.1 The application site is primarily a flat piece of land at the end of an existing garden. The site served as the now redundant dairy for the area. The viability of the site as a commercial venture does not support the primarily residential aspect of the immediate area, and would not be supported, either by the neighbours or the wider community as a whole. The possibility of running a dairy from this site does not make financial sense as national dairy companies now serve the community and are able to undercut any possible venture that may be begun.

- 3.2 A new separate vehicular access will be created to access the new building from Bruern Road, with a new separate access to the existing residential dwelling at the west of the site.
- 3.3 There is currently no existing footpath running along the side of Bruern Road, however the road is fairly quiet and is mostly occupied with farm machinery serving the surrounding farms. There is a cemetery to the east of the site and this too does not enjoy a pedestrian access, as do the other residential dwellings in the locality.
- 3.4 It is intended that the development would be in keeping with the village and the rural setting that it would be in. The transition between site and the surrounding fields would have to be handled sensitively, with new tree and hedge planting.
- 3.5 The National Planning Policy Framework (NPPF) sets out the Government's policy with regard to planning, and it is the basis for all planning decisions today. The policies of the NPPF and the accompanying National Planning Practice Guidance (NPPG) are also material considerations which must be taken into account in planning decisions.
- 3.6 Paragraph 6 of the NPPF states that 'The purpose of the planning system is to contribute to the achievement of sustainable development'. This emphasis on the need for sustainable development is echoed throughout the NPPF. Paragraph 7 summarises the three dimensions of sustainable development as follows:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.'
- 3.7 The fundamental precept of the NPPF is a presumption in favour of sustainable development. Paragraph 14 states that for decision-taking, this means:
- 'approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.
- 3.8 Footnote 9 then clarifies that the policies in the NPPF which may indicate that developments should be restricted relate to a number of issues, such as the protection of designated wildlife sites, landscapes or Green Belt, none of which we feel relates to this application. At present the site has commercial status that is not in line with the surrounding area, and is clearly more suited to a residential classification. We do not believe that any of the policies in the NPPF indicate that development should be restricted on the application site, and we certainly do not

believe that there would be any adverse impacts which would meet the high test of 'significantly and demonstrably outweighing the benefits' that the application would bring. As such, we believe that this application benefits from the presumption in favour of sustainable development.

3.9 Paragraph 17 states that:

'Every effort should be made to meet the housing and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability...'

3.10 Paragraph 19 states that planning 'should operate to encourage and not act as an impediment to sustainable growth'.

3.11 With regard to residential development in rural areas, paragraph 54 states that 'local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs'.

3.12 With regard to flood risk, Paragraph 100 states that:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

3.13 At present the site is within Flood Zones 1:

3.14 The NPPG provides further guidance on the flood risk sequential test, which is summarised as follows:

'This general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.'

3.15 Planning policy H4 states that:

The conversion of buildings that are well suited for business use will not be permitted unless the applicant has made every reasonable attempt to secure suitable business use and the application is supported by a statement of the efforts that have been made."

3.16 A brief review of the viability of the sale of the business shows that there are some key business drivers that lead to an unsustainable business model on the present site.

3.17 The business would require to expand considerably to compete in what is a very competitive market, and with this would bring intensified activity and extended working hours. This would also bring a growth in trading disadvantages such as on-site storage. It would also bring an increasing environmental impact. This intensification, together with the acknowledgement of the close proximity to residential neighbours does not point to a sustainable business on this site. Local employment is available from other dairies make this site no longer sustainable for commercial use, together with the diverse nature of the local employment market, the high

levels of employee mobility, and more importantly, the location of the site in terms of environmental impact and close proximity to the residential population.

- 3.18 Policy H2 concerns new residential development, which will be acceptable within settlements, subject to a number of criteria, and where it would contribute positively to the character of the local area. We feel that this development would meet this criteria, and remove an existing, unsustainable commercial building, and return the site as a whole to the more appropriate residential use.
- 3.19 We have demonstrated throughout this statement that there are no adverse consequences to the surrounding area as a result of this development. The proposed development would comply with the requirements of national policy, and also the more specific development management aspects of Local Plan policies. As such, we respectfully request that outline planning permission should be granted for the proposed development without delay, in accordance with the presumption in favour of sustainable development.

#### **4 PLANNING POLICIES**

BE2 General Development Standards  
BE3 Provision for Movement and Parking  
H2 General residential development standards  
H4 Construction of new dwellings in the open countryside and small villages  
NE1 Safeguarding the Countryside  
NE3 Local Landscape Character  
NE4 Cotswolds Area of Outstanding Natural Beauty  
OS1NEW Presumption in favour of sustainable development  
OS4NEW High quality design  
H2NEW Delivery of new homes  
EH1NEW Landscape character  
T1NEW Sustainable transport  
T3NEW Public transport, walking and cycling  
The National Planning Policy framework (NPPF) is also a material planning consideration.

#### **5 PLANNING ASSESSMENT**

##### Background Information

- 5.1 The application seeks planning approval with all matters reserved for the erection of a detached dwelling on an area of land, which formerly operated as a commercial dairy. The site lies between two existing residential dwellings in an outlying area of residential development to the north of Milton under Wychwood. The site is presently accessed via a driveway associated with an adjacent bungalow to the north of the site. The adjacent property was approved in 1987 (W87/1717) as a workers dwelling for the commercial dairy, which formerly operated on the site. The development was approved subject to the condition that the building be occupied only by persons associated with the dairy operation on the site. This condition was removed in 2004 by virtue of a Section 73 application (04/1062/P/S73).
- 5.2 The dairy operation on the site has ceased and the site comprises of an area of domestic curtilage space associated with the adjacent property in addition to an area of parking for this property and former storage buildings associated with the dairy.

- 5.3 Officers note that planning permission was previously refused in 2000 for the erection of a single dwelling for three reasons. Refusal reason 1 of planning reference (W2000/608) states that the site would be located within an isolated area of open countryside and lists the developments deemed contradiction with policy H4 of the Existing Local Plan. Two further refusal reasons relate to the design and visual impact of the development and a failure to demonstrate that the site is viable for reuse for commercial purposes.
- 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 of development  
Residential Amenity  
Highways and Access  
Landscape Impact and Impact on Cotswolds AONB.

Principle

- 5.5 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.
- 5.6 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 .
- 5.7 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.
- 5.8 The Council has been making great efforts to boost the supply of housing by making further Plan allocations, identifying suitable sites in the SHLAA 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.
- 5.9 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 timetabled for 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.

- 5.10 Notwithstanding the Councils position on housing land supply, the location based strategy for new housing development, outlined in Policies H4-H7 of the existing Local Plan and H2 of the Emerging Local Plan specifies that the majority of housing development should be located within the service centres and larger settlements in the district. Milton-under-Wychwood is listed as a larger village within the Existing Local Plan, whereby residential development is considered permissible under the provisions of Policy H6 in circumstances where this constitutes infilling or a rounding off of the settlement area. In a similar vein the provisions of Policy OS2 of the Emerging Local Plan allow for the development of new residential dwellings in circumstances where the proposed development would be deemed to form a logical complement to the existing pattern of development, however the site is not part of the settlement and is detached, therefore development is subject to Policy H4 of the Existing Local Plan which relates to new development in the open countryside.
- 5.11 The site is a linear plot which lies between two existing properties. The siting of a dwelling in the proposed position could be considered to represent a form of infill based development, which could be considered generally complimentary to the existing built form. Officers however consider that development lies outside the settlement area of Milton-under-Wychwood within an outlying and isolated row of peripheral dwellings lying in a linear position to the north of the main body of the village. The site lies approximately 400 metres from the boundary of the main settlement area of Milton-under-Wychwood but lies around 1km from the village shop and 1.8km from the primary school.
- 5.12 In assessing the general sustainability of the location, officers note that the site would not be served by any safe means of pedestrian access to Milton and the associated facilities and services in the village. In officers opinion the occupants of the proposed dwelling would be dependent on vehicular transport and in this sense the site represents a location which would be considered isolated.
- 5.13 In this context officers consider that the provisions of Policy H4 of the Existing Local Plan and Policy OS2 of the Emerging Local Plan are applicable to the determination of this application in addition to the provisions of Paragraph 55 of the NPPF, which aims to restrict the development of isolated homes in the open countryside unless there are special circumstances.
- 5.14 Officers consider that the site represents an isolated location in terms of its locational proximity to existing services and facilities and as such the proposals would represent unsustainable development which would be contrary to the aims of Paragraph 55 of the NPPF particularly given the dependence of future occupants on private means of transport. Officers consider that developing a dwelling in a location where future occupants would be dependent on private vehicular transport would run contrary to the aims of Paragraphs 17 and 32 of the NPPF which requires that development should be in locations where full use can be made of public transport, walking and cycling in order to ensure that development is socially and environmentally sustainable.

- 5.15 In considering the sites commercial use, officers note that the site has not been operational as a dairy for a significant length of time. No justification has been provided justifying the loss of the site for commercial purposes; however the site is small which would limit the viability of the continued use or reuse of the site for commercial purposes. Furthermore as the site lies in close proximity to two residential dwellings, the appropriateness of the use of the site for commercial purposes would be questionable on residential amenity grounds.

#### Siting, Design and Form

- 5.16 The application is all matters reserved and no indicative elevations have been provided, although an indicative layout is provided. A single dwelling on the site would broadly represent infill based development, which would be largely complementary to the existing built form and would be unlikely to appear incongruous or visually prominent within the street scene or in immediate or wider views in the landscape.
- 5.17 Officers note that the adjacent development comprises of a mix of bungalows and two storey properties. The adjacent property to the north of the site is a bungalow, whereas the property to the south is a two storey dwelling, although officers note that the later property lies in a lower position owing to the topography of the site. To avoid the development appearing unduly prominent in the street scene and to achieve a degree of consistency with the immediate built form, officers consider that the scale of any dwelling should be limited to a single storey building or a 1.5 storey property of limited height.
- 5.18 The site lies between two existing properties and providing that the scale of the dwelling would be modest officers consider that the development would not result in demonstrable harm to the landscape qualities of the Cotswolds AONB.

#### Highways

- 5.19 The proposed dwelling would be served by the existing vehicular access serving the adjacent bungalow to the north, with a new access formed to serve the existing property. The access adjoins a 60mph section of road, although there are a number of existing access points onto this road serving existing properties and visibility would appear adequate at the site entrance. The likely traffic generation would be lower than the sites former commercial use as a dairy and officers note that no objections have been raised by OCC Highways officers with regards to highway safety or amenity.

#### Residential Amenities

- 5.20 Whilst the proposed siting is indicative, the submitted plans show a distance of 10 metres between the side elevation of the proposed dwelling and the existing property to the south of the site known as Halfway House. Notwithstanding the existing elevated position of the site in relation to Halfway House, officers consider that there would be sufficient separation distance between the proposed dwelling and the side elevation of Halfway House to ensure that a dwelling of an appropriate scale would not substantially compromise the amenity of this property by reason of overlooking, overbearingness or loss of light.
- 5.21 To adequately preserve the amenity of the occupants of Halfway House it would be expected that any dwelling should be limited to 1 or 1.5 storeys; otherwise a larger property would be likely to appear overbearing in scale and would result in potential overshadowing and loss of

light. Officers consider that a dwelling of an appropriate scale and design would not significantly compromise the amenity of the occupants of the adjacent property to the north or either property to the east of the site.

### Conclusion

- 5.22 Whilst the siting of the proposed dwelling would constitute a form of infill based development, which would be broadly complementary to the existing built form, officers consider that the site lies in a outlying area and is not part of the built up area of the village of Milton-under-Wychwood, which would represent an isolated location in terms of its locational proximity to existing services and facilities and consequently the occupants of the proposed dwelling would be dependent on private vehicular means of transport. Officers consider that the proposed development would fail to comply with the provisions of Policy H2, H4 and BE3 of the Existing Local Plan and Policy OS2 of the Emerging Local Plan; in addition to Paragraph 55 of the NPPF, which seek to avoid the development of isolated new homes in the open countryside. Furthermore the dependence of future occupants on private means of transport would be at odds with the provisions of Paragraphs 17 and 32 of the NPPF and Policies T1 and T3 of the Emerging Local Plan.

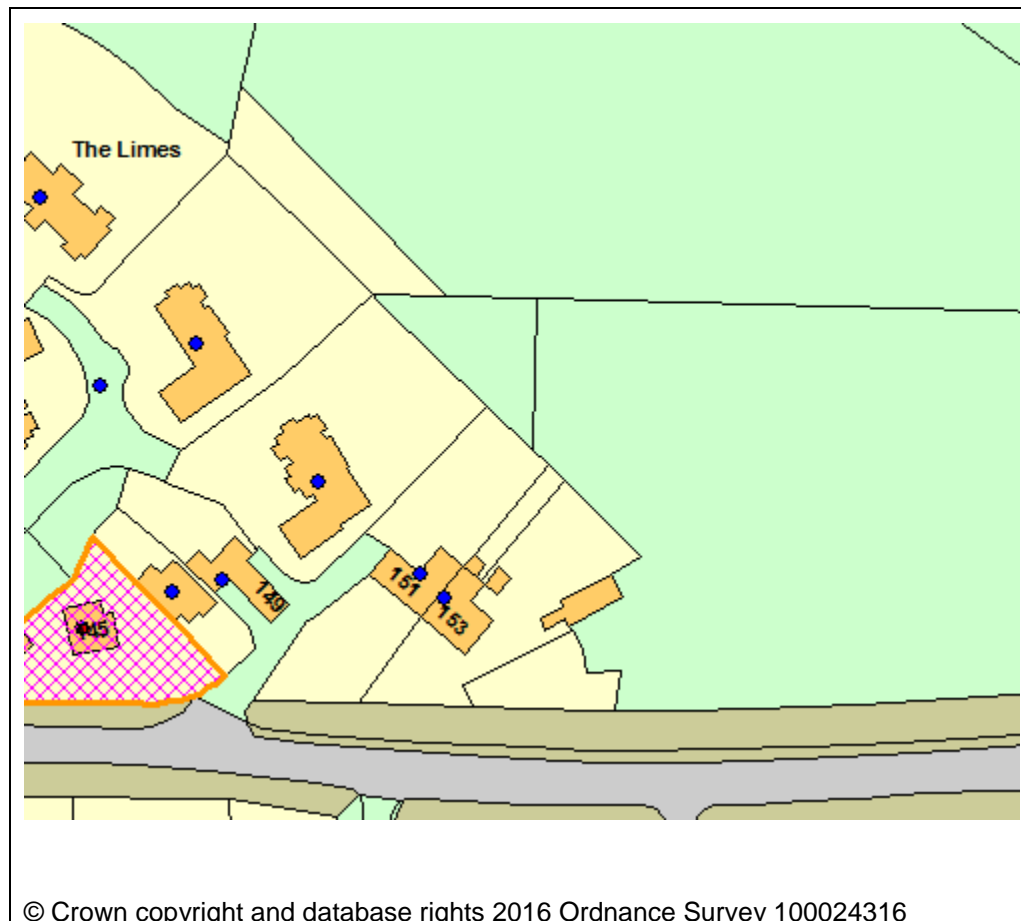
## **6 REASON FOR REFUSAL**

- 1 The proposed dwelling would be sited in an isolated and unsustainable location within the open countryside outside of any built up settlement area and would be remote in terms of locational proximity to existing services and facilities. Owing to the isolated location of the dwelling and lack of footways and street lighting the future occupants of the property would be dependent on private vehicular means of transport. The proposed development would be contrary to the provisions of Policy H2, H4 and BE3 of the Existing West Oxfordshire Local Plan 2011; Policies OS2, H2, T1 and T3 of the Emerging West Oxfordshire Local Plan 2031; in addition to the relevant provisions of the NPPF, in particular Paragraphs 17, 32 and 55.



Application Number	17/01607/HHD
Site Address	145 Main Road Long Hanborough Witney Oxfordshire OX29 8JZ
Date	21st June 2017
Officer	Stephanie Eldridge
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	442794 E 214328 N
Committee Date	3rd July 2017

### Location Map



### Application Details:

Erection of single storey side extension. (Retrospective)

## **Applicant Details:**

Mr And Mrs A Edwards  
145 Main Road  
Long Hanborough  
Witney  
Oxfordshire  
OX29 8JZ

## **1 CONSULTATIONS**

- 1.1 Parish Council                      Hanborough Parish Council have no objections to this application.

## **2 REPRESENTATIONS**

Three letters of objection have been received in respect of this application from Mr and Mrs Man at 147 Main Road, Mr Salsbury on behalf of Mr and Mrs Man, and A. Stevenson at 149 Main Road. Full versions of their representations with photographs can be viewed on the Council's website. Below is a summary of the points made:

- Issues raised over the inaccuracies shown on the plans submitted for application 16/01440/HHD, in particular the incorrect siting of No. 147 shown on the site plan.
- The extension results in a loss of light to the detriment of no.147 and the occupants main living space.
- The extension is grossly intrusive and more overbearing.
- New design fails to meet the 45 degree rule requirement.
- Results in overshadowing due to the increase in height .
- Visually not in keeping with the vernacular architecture of its surroundings - similar design to commercial buildings.

## **3 APPLICANT'S CASE**

A full version of the Planning Statement submitted can be viewed on the Council's website. It is concluded as follows:

We believe that the as built extension is appropriate for the site and location, has due regard to the amenity of neighbouring properties and does not have an undue visual impact in relation to its surroundings.

## **4 PLANNING POLICIES**

BE2 General Development Standards  
H2 General residential development standards  
OS2NEW Locating development in the right places  
H6NEW Existing housing  
The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

- 5.1 This application seeks retrospective consent for 'as built' modifications made to previously approved application 16/01440/HHD for the erection of single storey side extension at 145 Main

Road. The site is not within any special designated areas of control. The submitted drawings show an increase in the height of the extension from 2.6m as approved to 2.85m as built. The height to eaves has not increased and has been built in accordance with the approved plans to 2.15m. The increase in 25cm is on the roof 'hat' due to the required roof insulation. Application 16/01440/HHD was approved by officers under the scheme of delegation and it has come to light post the decision that the property next door, No. 147 Main Road, was shown incorrectly on the submitted site plans. However, an on-site assessment was made by the officer at the time which enabled them to gain an accurate understanding of the actual relationship between the two properties before making a full assessment and making the decision to approve the application. It appears that No. 147 Main Road is shown correctly on the plans submitted for this application. This application has been brought to members for consideration at the request of Councillor Reynolds.

- 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  
Siting, Design and Form  
Residential Amenities

Principle

- 5.3 The principle of the erection of a single storey side extension to the property has already been approved through planning permission 16/01440/HHD. Officers now have to assess the additional impact of the increase in height of 25cm in comparison to the previously approved scheme with regard to the below considerations.

Siting, Design and Form

- 5.4 Officers do not consider that the increase in height results in any significant or harmful change to the approved design, form or siting of the extension. As such, the application is considered to be acceptable in these terms.

Residential Amenities

- 5.5 In this regard, officers note the objections raised to the retrospective development by the occupants of neighbouring property, No. 147. However, following a site visit to no. 147 officers are of the opinion that the increase in the height of the extension does not result in any significant, additional harm. By virtue of the orientation of the dwellings, whilst the extension may result in the loss of some evening light to the front garden and potentially the front living area, officers consider that the increase in the height of the extension of 25cm would not have a significantly greater impact than that already approved. Further, by reason of its siting at an angle travelling away from the neighbour, its single storey form, and the existing 2m high fence which sits along the boundary, the as built development is not considered to be overbearing or result in a loss of privacy to the detriment of No. 147.

## Conclusion

- 5.6 Whilst a number of different players are suggesting that there are inaccuracies in the height of the extension and eaves detail shown on the drawings submitted, the retrospective development is built and several detailed on site assessments have been made. Officers have determined on site that the impact of the as built development is not so harmful that it warrants a refusal of the application.
- 5.7 In light of the above, the application is considered to be acceptable and compliant with policies BE2 and H2 of the adopted West Oxfordshire Local Plan 2011, OS2 and H6 of the adopted West Oxfordshire Local Plan 2031, and relevant paragraphs of the NPPF.

## **6 CONDITION**

- 1 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.