

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the Meeting of the  
**UPLANDS AREA PLANNING SUB-COMMITTEE**  
held in Committee Room 1, Council Offices, Woodgreen, Witney, Oxon  
at 2.00pm on Monday 5 March 2018

PRESENT

Councillors: J Haine (Chairman), D A Cotterill (Vice-Chairman) R J M Bishop, N G Colston, Mrs M J Crossland#, Dr E M E Poskitt, A H K Postan, G Saul, T B Simcox and C J A Virgin.

# Denotes non-voting member

Officers in attendance: Phil Shaw, Michael Kemp, Joanna Lishman and Paul Cracknell

83 MINUTES

**RESOLVED:** that the Minutes of the meeting of the Sub-Committee held on 5 February, 2018, copies of which had been circulated, be confirmed as a correct record and signed by the Chairman.

84 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

Apologies for absence were received from Mr A C Beaney and Mr C Cottrell-Dormer.

85 DECLARATIONS OF INTEREST

There were no declarations of interest from Members or Officers relating to matters to be considered at the meeting.

86 APPLICATIONS FOR DEVELOPMENT

The Sub-Committee received the report of the Head of Planning and Strategic Housing giving details of applications for development, copies of which had been circulated. A schedule outlining additional observations received following the production of the agenda was circulated at the meeting, a copy of which is included within the Minute Book.

(In order to assist members of the public, the Sub-Committee considered the applications in which those present had indicated a particular interest in the following order:-

17/03775/HHD, 18/00038/FUL, 17/04114/RES, 17/04161/FUL, 17/04127/FUL,  
17/03151/FUL and 17/04092/FUL

The results of the Sub-Committee's deliberations follow in the order in which they appeared on the printed agenda).

**RESOLVED:** that the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Head of Planning and Strategic Housing, subject to any amendments as detailed below:

3 17/03151/FUL Walnut Tree Cottage, Swan Lane, Burford

The Planning Officer presented her report and made reference to the Town Council's request for a site visit. She indicated that there appeared to be some confusion surrounding this application and explained that, whilst there was an extant consent for the construction of a dwelling to the rear of the site, the current application sought permission for the erection of extensions to the existing frontage dwelling and its sub-division to create two dwellings.

The Planning Officer sought delegated authority to approve the application subject to the resolution of outstanding ecological issues.

Mr Cotterill indicated that this and the previously approved application represented an increase from one to three dwellings and proposed that a site visit be held to enable Members to assess the impact of the current application on the site. In seconding the proposition Dr Poskitt indicated that she had concerns over parking arrangements and the extent of development on the site.

The Development Manager reiterated that the current application sought the sub-division and extension of the existing dwelling and noted that the Highway Authority had no objection to the proposal. Whilst Officers could not identify grounds upon which to refuse the application, he acknowledged that the question of the impact of the proposal was subjective and could be better assessed on-site.

Mr Simcox questioned who would retain use of the existing garage and the Planning Officer advised that this was not within the current application site.

Mr Virgin expressed his support for a site visit and requested that the extent of the proposed extensions and parking area be identified on-site.

The recommendation of deferral was then put to the vote and was carried.

Deferred to enable a site visit to be held.

11 17/03775/HHD 2 Church Street, Fifield

The Planning Officer introduced the application.

Mr John Yaxley addressed the Meeting in objection to the application. A summary of his submission is attached as Appendix A to the original copy of these minutes.

Mr Andrew Pywell, the applicant's agent, then addressed the Meeting in support of the application. A summary of his submission is attached as Appendix B to the original copy of these minutes.

The Planning Officer then presented her report containing a recommendation of conditional approval.

Mr Haine indicated that, whilst he believed that there was scope for development on this site, he was not convinced that the current proposals were acceptable. Accordingly, he proposed that consideration of the application be deferred to enable a site visit to be held to allow Members the opportunity to assess the impact of the proposed development on-site.

The proposition was seconded by Mr Cotterill and on being put to the vote was carried.

Deferred to enable a site visit to be held

17 17/04092/FUL 70 Main Road, Long Hanborough

The Development Manager presented the report containing a recommendation of conditional approval.

Members expressed their support for the application and the Officer recommendation was proposed by Mr Cotterill and seconded by Dr Poskitt and on being put to the vote was carried.

Permitted

22 18/00038/FUL Willow View, Swan Lane, Long Hanborough

The Planning Officer introduced the application and reported receipt of further observations received from Dr and Mrs Felici, Mr and Mrs Fraser and Mr and Mrs Mitchell.

Dr Felici addressed the Meeting in opposition of the application. A summary of his submission is attached as Appendix C to the original copy of these minutes.

In response to a question from Mrs Crossland, Dr Felici indicated that the proposed building had only been reduced by approximately 1m in length from that proposed under application Ref No. 17/02345/FUL, not 4m as indicated at paragraph 5.2 of the report.

Mr Neils Chapman then addressed the Meeting on behalf of Hanborough Parish Council in opposition of the application. A summary of his submission is attached as Appendix D to the original copy of these minutes.

In response to a question from Mr Postan, Mr Chapman advised that he was not privy to the instructions that had given rise to the Counsel's Opinion he and Dr Felici had referenced in their submissions.

The Planning Officer then presented the report. Mr Cotterill sought clarification of the discrepancy in the reduction in size of the proposed building between those in the report and quoted by Dr Felici. The Planning Officer was unable to account for the variation but advised that the current proposal was for a building some 13m in length.

**Post Committee Note:** *following the meeting it was established that the reduction of 4m referred to in the report related to an earlier application submitted under Reference No. 17/00607/FUL which had been withdrawn. Subsequently, a further application was submitted under Reference No. 17/02345/FUL which proposed a smaller building. The difference of 4m was that between the withdrawn application (17/00607/FUL) and the current proposal (18/00038/FUL), not the interim application referenced in the report (17/02345/FUL).*

In response to a further question, the Planning Officer advised that, as the site was within the AONB and constituted agricultural land, an ancillary building of this size could not be constructed under permitted development rights. Mr Cotterill considered that the building should be finished in a dark green colour and the Planning Officer advised that the colour could be regulated through the proposed condition 3.

Mr Haine made reference to the objector's contention that the building would not be suitable for livestock and questioned whether the tractor sheds were appropriate and necessary to the level of agricultural use. He also enquired why the building could not be located elsewhere on the site away from neighbouring residential properties.

The Planning Officer advised that the location was convenient for access and the existing hardstanding. Officers were content that the scale of the building, which was not large in agricultural terms, was in line with the level of activity on the site.

Mr Colston suggested that the building was inappropriate for sheep as these animals preferred to remain out of doors; a holding of 17 acres would not support many sheep. The building also lacked adequate ventilation and appeared to be more of a shed than a barn. Whilst he considered the current location to be preferable to that originally proposed, Mr Colston questioned the need for and suitability of the proposed building.

The Development Manager advised Members that the building proposed a tractor shed and storage space with an open-sided shelter.

Mr Postan suggested that, without knowledge of the instructions, the Counsel's opinion referred to by the objectors should be treated with caution.

Mr Bishop expressed some concern over the final purpose of the proposed building. Whilst he recognised that the applicant had responded to the Council's request to re-orientate the building, he questioned whether it was intended for agricultural use. In response, the Development Manager advised that such concern did not warrant refusal as any alternative use would require planning permission.

Mr Haine considered the proposal to be unneighbourly and detrimental to both the AONB and nearby Conservation Area

Mr Saul noted that the Counsel's opinion obtained by the objectors appeared to suggest that the site was not in agricultural use but ancillary to the residential property. In response, the Development Manager advised that, when the site was last visited, there was stock on the land. Although this was not a commercially viable operation, there was no requirement for it to be shown to be such and he questioned whether similar concerns would have been raised if the applicant was keeping horses on a non-commercial basis. He reminded Members that they had previously intimated that a building in this revised location would be considered acceptable.

Mr Simcox noted that a new section of wall had been constructed and it was confirmed that this was to the rear of Lismore. He noted that the proposed building would be partially screened by this wall and planting to the rear of the adjacent property.

Mr Cotterill noted that this was a low-key agricultural use and recognised that the applicant had revised his application in accordance with Members' wishes. He reminded Members that any change of use would require planning permission and that the use of the site could be monitored on a pro-active basis. Accordingly, he proposed the Officer recommendation, subject to the amendment of condition 3 to specify that the building be finished in dark green timber cladding.

In seconding the proposition, Mr Postan enquired whether a condition could be applied precluding the parking of commercial vehicles on the site. The Development Manager advised that it would be inappropriate to seek to impose such a condition on the current application and indicated that, whilst it would remain a question of fact and degree, any unauthorised change of use would be subject to enforcement action.

Dr Poskitt expressed her support for the proposition, indicating that the current location was preferable to that previously proposed.

The revised Officer recommendation was then put to the vote and was carried.

Permitted, condition 3 being amended to read as follows:-

3. The external walls of the agricultural building shall be constructed with timber cladding painted green, 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.

27 17/04/14/RES Street Farm, 22 Nethercote Road, Tackley

The Development Manager introduced the application.

The applicant's agent, Mr Simon Joyce, addressed the meeting in support of the application. A summary of his submission is attached as Appendix E to the original copy of these minutes.

The Development Manager then presented the report and reported receipt of the further observations of the applicant's agent.

Mr Bishop proposed the Officer recommendation that the Head of Planning and Strategic Housing be authorised to approve the application subject to the resolution of the outstanding question of the management of the retained trees /public open space and to the conditions set out in the report. The proposition was seconded by Mr Cotterill.

In response to a question from Dr Poskitt, the Development Manager confirmed that the issues raised by the County council had been resolved and that their objection had been withdrawn.

Mr Postan questioned whether the applicants could be encouraged to promote affordable mortgage schemes. In response, the Development Manager advised that affordable housing arrangements had been specified within the legal agreement associated with the outline application. However, it was anticipated that the recent approval of the Growth Deal would offer the opportunity to widen out the affordable housing offer by requiring additional affordable housing rather than a greater discount.

The proposition was then put to the vote and was carried.

**RESOLVED:** that the Head of Planning and Strategic Housing be authorised to approve the application subject to the resolution of the outstanding question of the management of the retained trees /public open space and to the conditions set out in the report.

35 17/04161/FUL Beaconsfield Farm, Great Tew

The Development Manager introduced the application.

Ms Louise Steele of Framptons Town Planning addressed the meeting on behalf of a number of local residents in opposition to the application. A summary of her submission is attached as Appendix F to the original copy of these minutes.

The Development Manager then presented the report containing a recommendation of refusal and reported receipt of the further observations of the applicant's agent. With regard to the two additional refusal reasons suggested by Ms Steele in her presentation, he indicated that, whilst he was less inclined to incorporate a refusal reason based upon the agricultural quality of this land, he was prepared to give consideration to the question of the detrimental impact upon the safety of users of the bridleway once a response to the concerns raised by Officers had been received from the County Council.

The Development Manager emphasised that, should the application be refused, the Council would need to work closely with the applicants to ensure that any remedial work did not cause further damage to the underlying archaeology.

Mr Haine questioned why the new surfacing material could not be dug out and replaced with soil. In response, the Development Manager indicated that the Council would have to work closely with the County Archaeologist to ensure that any remedial work carried out was undertaken in such a way as to ensure that no damage was done to archaeological remains.

Mr Colston believed that the new material could be dug out and the land reverted to its previous state. He agreed that planning permission should be refused as access to Beaconsfield Farm could be gained from Tracey Lane. Mr Colston proposed that the application be refused for the reasons set out in the report and for such other reasons as were considered appropriate by the Head of Planning and Strategic Housing.

The proposition was seconded by Mr Simcox who expressed doubt that this was intended as an agricultural access.

Mr Postan stressed the importance of adherence to the development control process and questioned the underlying purpose and intent of this construction. Dr Poskitt concurred, emphasising the detrimental impact of this development in both archaeological and landscape terms.

The recommendation of refusal was then put to the vote and was carried.

Refused for the reasons set out in the report and for such other reasons as are considered appropriate by the Head of Planning and Strategic Housing.

42 17/04127/FUL 41 Manor Road, Bladon

The Planning Officer introduced the application.

Dr John Jones addressed the meeting on behalf of a number of local residents in opposition to the application. A summary of his submission is attached as Appendix G to the original copy of these minutes.

Mr Ian King then addressed the meeting on behalf of the Bladon Parish Council in opposition to the application. A summary of his submission is attached as Appendix H to the original copy of these minutes.

Mr Julian Cooper, the local representative, then addressed the meeting in opposition to the application. A summary of his submission is attached as Appendix I to the original copy of these minutes.

The applicant, Mr David Dunphy, then addressed the meeting in support of the application. A summary of his submission is attached as Appendix J to the original copy of these minutes.

The Planning Officer then presented his report containing a recommendation of conditional approval.

Dr Poskitt questioned whether the current application represented an over-development of the site and proposed that consideration of the application be deferred to enable a site visit to be held to allow Members the opportunity to assess the impact of the proposed development on-site. The proposition was seconded by Mr Cotterill.

Mr Postan queried whether the proposed car parking arrangements were satisfactory.

The recommendation of deferral was then put to the vote and was carried.

Deferred to enable a site visit to be held

87 APPLICATIONS DETERMINED UNDER DELEGATED POWERS AND APPEAL DECISIONS

The report giving details of applications determined under delegated powers together with an appeal decision was received and noted.

88 UPDATE ON PROGRESS (AND, WHERE RELEVANT, REASSESSMENT) OF APPLICATIONS SUBJECT TO A RESOLUTION TO APPROVE BUT IN RESPECT OF WHICH NO DECISION HAS YET BEEN ISSUED

The Sub-Committee received and considered the report of the Head of Planning and Strategic Housing which provided Members with an update as to progress with regard to some of the key applications in respect of which a resolution to approve had been made but where a decision had not been issued and, where relevant, invited Members to reconsider the planning balance in light of the new prevailing circumstances and following receipt of the Local Plan Inspector's recent letter dated 16 January 2018.

In response to a question from Mr Haine, Members of the Sub-Committee confirmed that they had received letters from Professor Pullman regarding the development at Hixet Wood and Mr Jim Clemence on behalf of the Friends of the Oxfordshire Cotswolds.

The Development Manager reported receipt of this correspondence, together with the further observations of the Charlbury Town Council regarding the applications at Hixet Wood and The Grange. He went on to report the further observations of the Council's Planning Policy Manager and Housing Enabling Manager.

The Sub-Committee went on to give consideration to the individual applications detailed in the report.

15/03099/FUL - Rushy Bank, Charlbury

Mr Haine indicated that, whilst supportive of the objectives, he considered this application to be in an inappropriate location. He suggested that Officers be requested to seek



independent legal advice on the Sub-Committee's earlier decision to ensure that it remained in accordance with the Local Plan Inspector's report.

In response to a question from Mr Postan, the Development Manager advised that Officers had sought Counsel's opinion on this application from the time that it became the subject of a Judicial Review and confirmed that he would be happy to seek a further opinion. Members questioned whether this advice could be made available to Members and, whilst it could be possible to provide a summary of the advice received, the Development Manager cautioned against placing information in respect of which a claim to legal professional privilege could be maintained in legal proceedings in the public domain.

**RESOLVED:** That further consideration of this application be deferred pending the receipt of independent legal advice and the submission of a further report.

17/01082/OUT – Long Hanborough, North of A4095

**RESOLVED:** That the views of the Parish Council be invited and further consideration of this application be deferred pending the submission of a further report.

17/02163/OUT – Finstock Cattery

**RESOLVED:** That the Sub-Committee reaffirms its decision to grant planning permission.

17/00889/FUL - Police Houses, Charlbury

Mr Haine indicated that this was a small development of the sort that the Council expected to permit but noted that a number of objectors had questioned the adequacy of the proposed on-site parking provision and proposed that Officers be requested to seek to secure additional on-site parking. The proposition was duly seconded and it was:-

**RESOLVED:** That the Sub-Committee reaffirms its decision to grant planning permission and Officers be requested to seek to secure additional on-site parking.

17/03423/FUL – The Grange, Charlbury

**RESOLVED:** That the Sub-Committee reaffirms its decision to grant planning permission.

In order to enable any remaining applications to be dealt with in an efficient and timely fashion, the Sub-Committee then:-

**RESOLVED:** That the Head of Planning and Strategic Housing and Development Manager be authorised to proceed to issue the decisions provided that no new material planning issues arise in the period before a decision is issued.

The meeting closed at 4:45pm.

CHAIRMAN