

Democratic Services

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21 June 2019

SUMMONS TO ATTEND

MEETING: UPLANDS AREA PLANNING SUB-COMMITTEE

PLACE: COMMITTEE ROOM 1, COUNCIL OFFICES, WOODGREEN,
WITNEY

DATE: MONDAY 1 JULY 2019

TIME: 2.00 PM (Officers will be in attendance to discuss applications with
Members of the Sub-Committee from 1:30 pm)

Members of the Sub-Committee

Councillors: Jeff Haine (Chairman), Geoff Saul (Vice-Chairman), Andrew Beaney,
Richard Bishop, Mike Cahill, Natalie Chapple, Nigel Colston, Julian Cooper,
Derek Cotterill, Marilyn Davies, Ted Fenton*, David Jackson, Neil Owen and
Alex Postan

(*Denotes non-voting Member)

RECORDING OF MEETINGS

The law allows the council's public meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Committee Officer know before the start of the meeting.

A G E N D A

- 1. Minutes of the meeting held on 3 June 2019 (copy attached)**
- 2. Apologies for Absence and Temporary Appointments**
- 3. Declarations of Interest**

To receive any declarations of interest from Councillors relating to items to be considered at the meeting, in accordance with the provisions of the Council's Local Code of Conduct, and any from Officers.

4. Applications for Development (Report of the Head of Planning and Strategic Housing – schedule attached)

Purpose:

To consider applications for development, details of which are set out in the attached schedule.

Recommendation:

That the applications be determined in accordance with the recommendations of the Head of Planning and Strategic Housing.

5. Applications Determined under Delegated Powers together with an appeal decision (Report of the Head of Planning and Strategic Housing – copy attached)

Purpose:

To inform the Sub-Committee of the applications determined under delegated powers together with an appeal decision.

Recommendation:

That the report be noted.

6. Progress on Enforcement Cases (Report of the Head of Planning and Strategic Housing – copy attached)

Purpose:

To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations, as set out in Appendices A-C.

Recommendation:

That the Sub-Committee notes the progress and nature of the outstanding enforcement investigations detailed in Appendices A – C.



Giles Hughes
Head of Paid Service

This agenda is being dealt with by Paul Cracknell - Tel: (01993) 861523
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WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 1st July 2019

**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

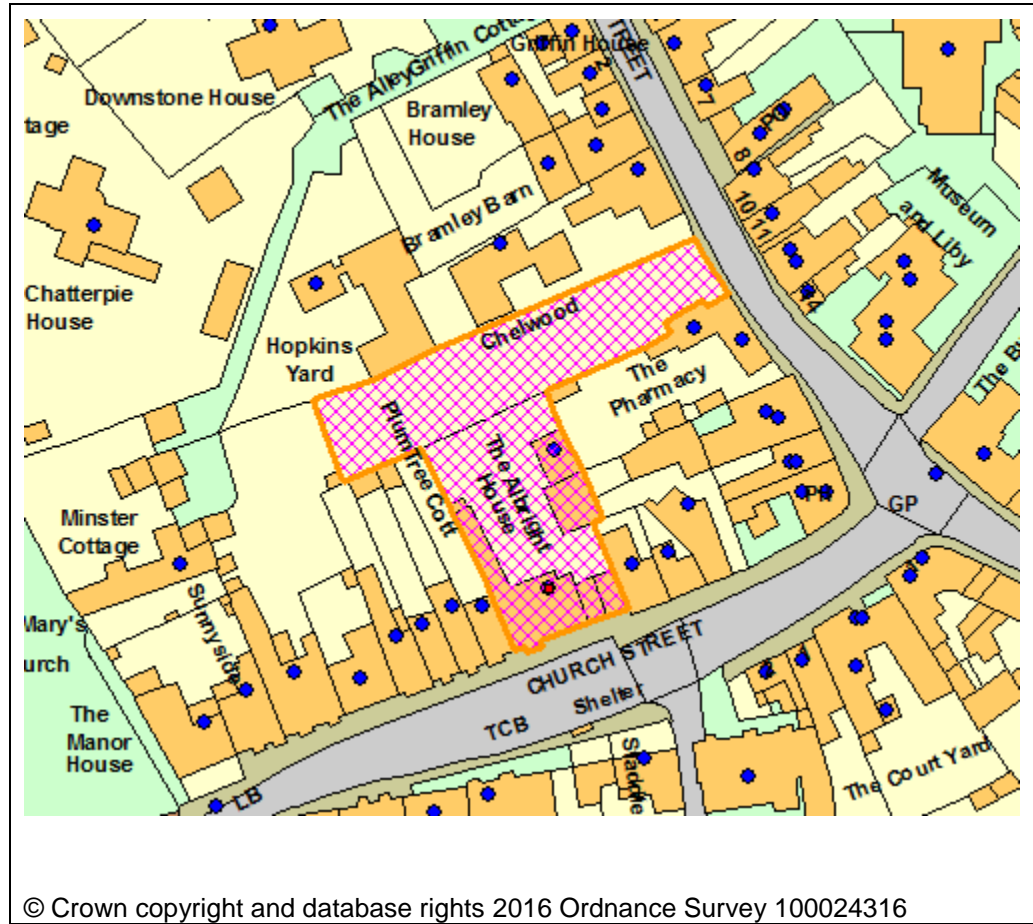
All documents, including forms, plans, consultations and representations on each application, but excluding any document, which in the opinion of the 'proper officer' discloses exempt information as defined in Section 1001 of the Local Government Act 1972.

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

Application Number	Address	Page
<u>19/00853/LBC</u>	<u>Albright House, Church Street, Charlbury</u>	3
<u>19/01077/FUL</u>	<u>39 Witney Road, Long Hanborough</u>	9
<u>19/01182/FUL</u>	<u>The Long Barn, Oxford Road, Old Chalford, Chipping Norton</u>	22
<u>19/01183/LBC</u>	<u>The Long Barn, Oxford Road, Old Chalford, Chipping Norton</u>	31
<u>19/01315/FUL</u>	<u>Valhalla, Church Street, Stonesfield</u>	39

Application Number	I9/00853/LBC
Site Address	Albright House Church Street Charlbury Chipping Norton Oxfordshire OX7 3PR
Date	19th June 2019
Officer	Tara Hayek
Officer Recommendations	Refuse
Parish	Charlbury Town Council
Grid Reference	435672 E 219453 N
Committee Date	1st July 2019

Location Map



Application Details:

Change of roof materials to rear elevation of Albright House

Applicant Details:

D Gray, Albright House, Church Street, Charlbury, Chipping Norton, Oxfordshire, OX7 3PR

I CONSULTATIONS

- I.1 Historic England Our latest guidance on Stone Slating is in the Practical Building Conservation volume on Roofing, but specific recommendations for roof pitches for different slating materials aren't given, as a lot of the evidence for what works is on local buildings rather than in Standards or Codes of Practice, and varies depending on materials and local climatic factors. In general, the wider and longer the individual slates are, the lower the pitch of the roof can be. With the largest stone slates the pitch can be as low as 30 degrees, but most Stonesfield slates will be smaller so are likely to require a steeper pitch. Some designers of modern buildings compensate for low pitch using impermeable roofing membranes, but it is much better to create a roof that will work well without relying on such secondary lines of defence.

When considering applications for consent for a change of material it is incumbent on the applicant to show that the stone slates and the existing pitch of the roof are causing water ingress. Most historic stone slate roofs would have been constructed to the correct pitch and the slates laid with the correct laps, as the builders and roofers knew what worked. So, if an old stone-slatted roof is leaking, there could be other reasons such as loss of traditional torching, or if the roof has already been re-roofed at some time in the past (perhaps using salvaged materials), it could be that the head lap has been reduced to save on slates, or the slates have been badly laid with insufficient side lap, leaving the roof more likely to suffer water ingress. In these cases, the change of material should be resisted but the covering should be re-fixed to the correct laps. More modern roofs may of course be roofed in the wrong material for the pitch, and there might be more justification for a change of material in such cases

- I.2 Conservation Officer The applicant has not shown enough evidence for inadequacy of either the stone slates and the roof structure - therefore there is no clear or convincing justification for replacement materials. Also, I requested new drawings with up-to-date (roof-pitch) measurements to ensure accuracy - these have not been forthcoming.
- I.3 Town Council No objection.

2 PLANNING POLICIES

EH11 Listed Buildings

OS4NEW High quality design

EH9 Historic environment

EH10 Conservation Areas

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

3 PLANNING ASSESSMENT

- 3.1 This application seeks listed building consent for change of roof materials to the rear elevation of Albright House. Albright House is a Grade II listed building dating from the 18th century with mid-19th century alterations and extension, which is located within Charlbury Conservation Area. The key issues for consideration are the impact on the character and architectural integrity of the listed building, and character of the conservation area.

Impact on Heritage Assets

- 3.2 The proposal is to replace the roof materials from stone slates to grey slates. As Albright House is a Grade II listed building, in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant listed building consent, special regard should be given to the desirability of preserving a listed building or any features of special architectural or historic interest which it possesses. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of any proposal on the significance of a listed building, great weight should be given to its conservation. It continues that significance can be harmed or lost through alteration. In this case, Officers are of the opinion that the current proposal to replace stone slates to grey slates at Albright House is insupportable because it will have a deleterious impact on the character and significance of this listed building.
- 3.3 Currently, the front elevation roof at Albright House has grey slates, and the rear elevation has stone slates. The applicant states that the rear roof elevation is in very poor condition. The justification for replacement is 'that there is unlikely to be more than 10% survival of the existing stone slates'. And, that the roof is not visible, and that the lighter weight roof finish will reduce the loading on the roof structure. The applicant has assessed that the harm as 'less than significant'.
- 3.4 However, Officers consider that the evidence the applicant provided with their application is inadequate (see points below); it does not show that the roof structure or stone slates are deteriorating beyond repair, nor does it show that having stone-slates at this lower roof pitch is causing significant problems for this listed building. The fact that a lower-pitch roof-scape has retained its stone slates for a significant amount of time testifies to its endurance, and could hold valuable archaeological/architectural evidence for its construction techniques and materials.

Point 1: Confusion with roof-pitch measurement

- 3.5 After informing the applicant that the application would be refused, they informed us that the roof-pitch was too low for stone slates - initially stating it was 35 degrees. On measuring the roof-pitch on Drawing 1425 54 (March 2019) supplied with the application - the measurement recorded was over 45 degrees. The applicant has subsequently sent several drawings showing the roof-pitch at 36.1 degrees and 36 degrees.
- 3.6 Whilst the roof-pitch is visibly lower compared to the adjacent buildings - Officers have some doubt about the accuracy of measurements provided. Officers requested a revised set of plans showing up-to-date and accurate sections and pitch measurement. The applicant has not re-measured the building; instead they have provided us with 2014 drawings showing the roof pitch at 36 degrees.

Point 2: Lack of Evidence for the inadequacy of the roof-structure and stone slates

- 3.7 The applicant sent a photograph showing the rear elevation roof stating that the roof was in disrepair - and not standing up well to a low pitch. However, it is Officers opinion that the image of the roof (although in need of some repair) is not showing any signs of failure - it is not bowing or sagging, it is fairly level, and the majority of the stone slates look to be in a good state of repair.
- 3.8 Because the applicant has not sufficiently demonstrated that the stone slates or roof structure is failing, or that there is any water ingress, Officers requested an assessment/analysis of the roof by a roofing company that specialises in historic buildings - looking particularly at the age of the building, the wooden framework (trusses, rafters, battens), the fixings -what materials are used, the laying techniques, the pitch of the roof, the compatibility (including loading status) of the roof that is currently covered by different materials (i.e. slate and stone), the situation (location) of the building (how it weathers), also the current condition of the existing stones. This was to determine the current status of the roof, and how it would perform in the future with stone or natural slates at a lower pitch.
- 3.9 Although the applicant has provided a copy of a roofing contractors report and structural report - neither report provided sufficient evidence that the stones and roof are failing. Furthermore, neither report addresses the queries raised by the Conservation Officer about the status of the structure and stone slates.
- 3.10 The latest research and advice from Historic England stated: 'Our latest guidance on Stone Slating is in the Practical Building Conservation volume on Roofing, but specific recommendations for roof pitches for different slating materials aren't given, as a lot of the evidence for what works is on local buildings rather than in Standards or Codes of Practice, and varies depending on materials and local climatic factors... When considering applications for consent for a change of material. It is incumbent on the applicant to show that the stone slates and the existing pitch of the roof are causing water ingress. Most historic stone slate roofs would have been constructed to the correct pitch and the slates laid with the correct laps, as the builders and roofers knew what worked...'
- 3.11 Furthermore, the Stone Roofing Association (English Stone Forum) has stated:

'A change of roof covering should be justified with evidence. So if there are leaks the reason has to be investigated and this should distinguish between inherent defect(s) and simple deterioration because the roof has come to the end of its life. If there are no leaks and this is just speculation "that the pitch is not traditional and therefore is too low" it is not justification in itself for a change of cover.

Typically Cotswold roofs are more than 45° pitch. But the issue of roof pitch for Cotswold slating is complex. It's not simply a question of using adequate head and side laps on an appropriate pitch as is the case for single sized (eg modern Welsh) slates.

In random slating which includes to all stone slates the slater sets out the batten gauging to provide an adequate head lap for the locality. These gauges reduce up the roof in relation to slate length. They then select and position each stone slate so that it has satisfactory side laps over the two slates below. But in the case of Cotswold stone slates in particular choosing and placing is complicated by the fact that the stone slates are shouldered and in some cases very

heavily so. This means there is a risk of water penetrating over the shoulder. This can be prevented by making the side lap at the heavy shoulder larger than it otherwise would be and / or using shales (thin pieces of stone) or lead soakers to protect the shoulder. This should not be regarded as bad workmanship: it is a legitimate technique.

So slating a Cotswold roof is a matter of judgement every time a slate is fixed and this requires experience and skill. If a roof has a steep pitch the vulnerability of the head and side laps and especially the shoulder laps is less than for a lower pitch. So the slating is easier. On a lower pitch the slater has to take much more care and it can place him in great difficulty. So lower pitches than are traditional are best avoided but it cannot be categorically said that they cannot work. And they may only leak in the most extreme and rare, weather events - so see underlays below.

There are other issues. Slating is not a simple array of pieces of stone or slate, it is a system. In Building Regs terms it is a water resistant roof. Torching contributes to the water tightness in traditional roofing and the shales etc are also part of the system. Today torching is often substituted by an underlay of some sort and one role this plays is to prevent any water that might occasionally pass through the slating getting into the building and to carry it out at the eaves. So I believe you are correct in resisting the change of covering and to insist on evidence of inadequacy'.

Impact on Conservation Area

- 3.12 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving and enhancing the character or appearance of that area. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. Having assessed the proposal against the NPPF and Local Plan policies, the proposed changes for replacement materials will have a deleterious impact on the Conservation Area; it does not uphold the roofing tradition for having stone slates in Charlbury, therefore it does not respect the special qualities and historic context of the Conservation Area and would not maintain the appearance of the heritage asset.

Conclusion

- 3.13 The evidence the applicant provided with their application is inadequate; it does not show that the roof structure or stone slates are deteriorating beyond repair, nor does it show that having stone-slates at this lower roof pitch is causing significant problems for this listed building. The fact that a lower-pitch roof-scape has retained its stone slates for a significant amount of time testifies to its endurance, and could hold valuable archaeological / architectural evidence for its construction techniques and materials. Therefore, it is not considered that the special interest and significance of the listed building would be preserved and the proposal does not comply with policies EH9, EH11 and OS4 of the adopted Local Plan, West Oxfordshire Design Guide and relevant paragraphs of the NPPF.
- 3.14 Furthermore, it does not preserve or enhance the Charlbury Conservation Area, contrary to the provisions of the NPPF and policies EH9 EH10 and OS4.

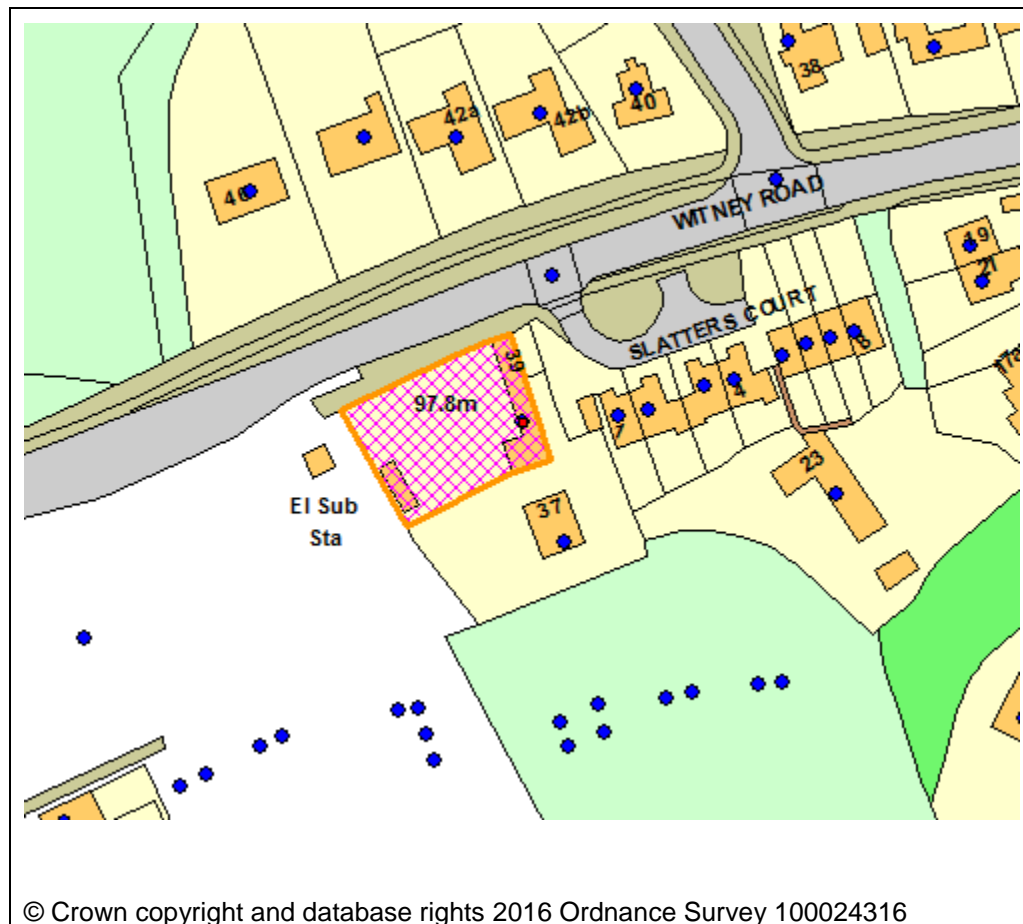
3.15 In conclusion, Officers consider the proposal in its current form would not conserve and enhance the heritage assets and their settings, which have been given special weight in this assessment, and is contrary to policies OS4 and EH9, EH10 and EH11 of the adopted West Oxfordshire Local Plan 2031, and section 16 of the NPPF.

4 REASON FOR REFUSAL

1 The replacement of roof materials from stone slate to grey slate will result in a detrimental impact to the traditional historic appearance of the Listed Building; it would not conserve or enhance the special historical and architectural character and significance. Furthermore, the proposed loss of the traditional local roofing material would not conserve or enhance the special qualities and appearance of the Charlbury Conservation Area. Therefore the less than substantial harm which would result from the development proposed would not be outweighed by any discernible public benefits. As such the proposal is contrary to Policies EH9, EH10, EH11 and OS4 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant paragraphs of the NPPF 2019.

Application Number	19/01077/FUL
Site Address	39 Witney Road Long Hanborough Witney Oxfordshire OX29 8BH
Date	19th June 2019
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Hanborough Parish Council
Grid Reference	441297 E 214139 N
Committee Date	1st July 2019

Location Map



Application Details:

Convert existing dwelling into three one bed flats, erection of four one bed flats, re-sited access, associated car parking and bio-diversity enhancement scheme.

Applicant Details:

Mr Luke Carter, South Lodge, Barnard Gate, Eynsham, OX29 6XD

I CONSULTATIONS

- I.1 WODC Drainage Engineers No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.
- I.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network.

Recommendation:

Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission, subject to condition.

- I.3 WODC Planning Policy Manager No response received to date.

- I.4 Parish Council Hanborough Parish Council (HPC) objects to planning application 19/01077/FUL in its current form, but not to the principle of allowing a few single-bedroom dwellings (e.g. 2 from converting the existing house and 2 new builds in sympathetic materials) on the proposed site.

A local Strategic Housing and Development Officer has identified "reasonably healthy demand" for such dwellings in the surrounding area, although it is unclear how much demand there is in the parish of Hanborough itself. We have found no evidence to suggest that the situation is such that desperate measures are required, so we cannot support the applicant's high density of development and its concomitant sacrifices: inadequate parking, recycling and rubbish areas, combined with meagre amenity space and no commitment to sustaining green areas after planting.

If single-bedroom dwellings were to become available for affordable rent in Hanborough, demand would probably be much higher than it would for market sales: the Homeseeker system has recorded 123 people, who have selected Long Hanborough as one of their preferred locations, interested in renting a single-bedroom home. For that reason, there has been recent interest from housing associations in purchasing entire developments for affordable housing.

However, HPC believes planning application 19/01077/FUL would fail to meet housing association standards for the same reasons as those mentioned above and because indoor living space would not compensate for external restrictions.

While WODC's Local Plan tells us to expect a modest amount of "windfall" housing, we should not like to see the applicant's proposed level of density and compromise set a precedent.

The applicant has reportedly been canvassing opinion on the development of another confined site in the parish. Neighbours of the 19/01077/FUL site have expressed considerable concern about the potential adverse impact on their amenity (e.g. parking overspill into Slatters Court) and about wider issues, such as having several vehicles emerging from an entrance-cum-exit close to an increasingly busy new junction that serves the adjacent Hanborough Gate development.

HPC urges WODC to refuse permission for this overly dense development, which would be unlikely to provide a "good standard of amenity for all existing and future occupants" as the NPPF requires, and which is anticipated to have a negative impact on neighbours, other residents in the nearby streetscape and road users.

1.5 Biodiversity Officer

No ecological assessment report has been submitted with the application, but the aim to enhance biodiversity as part of the proposed development is welcomed.

It is not clear whether the existing garage building will be demolished to facilitate the construction of the new flats, but it is considered to be likely. From the image of the building available on Google Street View, it appears to have limited potential for roosting bats. The conversion of the existing dwelling into flats will not impact upon the roof structure of the building. The floor plans do not show any habitable rooms within the roof space/attic as they are only proposed as being 1 bedroom flats. Therefore, I recommend that no bat survey is required in this case. An informative should be attached to planning consent with regard to the low risk that bats may be present.

I note that the description of the proposed development includes a "bio-diversity enhancement scheme", but there is limited information submitted with the application. The site is small and there is limited opportunity for enhancement for biodiversity, but it appears that the applicant is willing to create new habitats, including a small pond, wildflower area and tree/hedge planting. However, I do not agree with the assertion that 'BAP habitats' would be created, as shown on the Proposed Site Layout Plan, apart from the small pond and the native hedgerows, depending on how they are created. I recommend that the landscaping of the site needs more thought and a landscaping scheme should be submitted for approval as a condition of consent.

The small pond will need to be carefully designed to incorporate shallow margins to ensure that hedgehogs and other wildlife can escape from the pond. The details of the pond could be included within the landscaping scheme with pond profile drawings to

demonstrate the shallow edges. It can be left to colonise naturally for 2 years and then planted with marginal and aquatic plants if necessary after this period. Native plants from a reputable supplier would need to be guaranteed to ensure that non-native invasive species are not inadvertently introduced. Guidance on this issue is available on the Non-Native Invasive Species website.

Hedgerows should be planted as native and species-rich habitats (containing at least 6 woody tree/shrub species) along the southern, western and northern boundaries with wildflower meadow strips alongside (probably only the western and southern boundaries) rather than a small rectangular area of wildflowers. Hedgerow shade-tolerant wildflowers could be used. I would recommend that the "wildlife area" be located within the southwestern corner/part of the site rather than next to the car parking area (as there may be issues for operational management).

The 1.8 metre high fencing proposed along the southern boundary would need to incorporate hedgehog gaps beneath or holes through to ensure permeability for this species to be able to continue to access the neighbouring gardens. A hedgehog box could be installed in the southwestern corner of the site within/next to the hedgerow.

Bird and bat boxes should be incorporated within the walls (side elevations) of the new building and externally mounted onto the rear elevation of the existing converted building. Details can be submitted as a condition of planning consent.

The existing trees along the frontage of the existing property (on the northern boundary) are considered to have low value for biodiversity, as they are non-native conifers forming a domestic boundary. However, they do have potential for nesting birds.

There are existing records of hedgehogs and reptiles (e.g. slow worms) being present within local area and there is potential for nesting birds, so a precautionary approach to site clearance and vegetation removal should be taken.

2 REPRESENTATIONS

2.1 There have been a number of objections to the proposed scheme. The objections are as summarised:

- Will increase traffic issues along the A4095.
- Too many dwellings are proposed for the size of the site.
- Proposal would allow for inadequate standards of living space.
- Not enough parking both on site or nearby, this would lead to people parking in the medical centre or bus lay by.
- Not enough space on the site for parking spaces and an adequate turning area.

- Not all 3/4/5 bedroom houses are being built at the PYE Homes development. There are 6 1-bed houses (low cost) on the site.
- If this project gets the go ahead can the boundary fence be made of sound proofing materials as some of the parking bays will be close to two of our bedrooms.
- Long Hanborough cannot manage any more pressure on the local amenities, on the utilities, water, sewers, doctors and schools.
- The environment from air pollution is getting worse every day due to queueing traffic- this will get worse.
- The development would be overcrowded.
- The density of dwellings and the attendant lack of space would cause problems for residents of the site and surrounding neighbourhood.
- Where would visitors of the residents park?

2.2 There have also been a number of support comments in relation to the application. These comments are as summarised:

- The distance between the proposed flats and neighbouring dwellings across the road exceeds the Council's informal guidelines of 21 metres and measures at approximately 36 metres.
- County Highways in their parking standards state 1.2 spaces for each one bed flat, which is a total of 8.4 in this case, and they advise to round this figure down to 8. We believe the car space provision satisfies this requirement.
- There is a need for more small houses.
- There is a need of more lower cost housing for starter homes, for local young people and couples.
- Small affordable flats are needed everywhere.
- Support for the application of smaller starter properties being built.
- I can't see any issues with developing this proposal for smaller more affordable housing and given the disruption and cost of the large new housing developments with minimum affordable housing options on these current sites it only seems logical.
- This proposal gives the younger generation the chance to get on the housing ladder without being supported.
- These are to be built out of natural stone too so often flats are poorly built but this look like a quality building.

2.3 Full comments can be found on the council's website

3 APPLICANT'S CASE

3.1 In support of the proposal the agent has provided a Design and Access Statement as part of the application. This document concludes:

3.2 The aims of this application are to seek a viable, and planning compliant scheme that results in 7 small scale homes where at present only one exists.

3.3 The submitted scheme is the result of listening to the advice of the case officer supported by the team leader. With time to consider the suggested changes by the case officer, we fully acknowledge that though this will add to sale prices, the quality for living and the impact upon the neighbour and the natural environment have all been improved as a result.

3.4 The NPPF supports the view that encouraging housing mix is good for social cohesion in local communities. The case officer also mentioned that in principle the provision of good quality smaller homes was supported by the District Council. An article in "The Planner" magazine for April 2019 commented on the provision of smaller scale one bed homes, and their attractiveness both for economic and life style reasons. Whether for first time buyers or renters, or downsizers, this addition to the housing mix, the demand for small scale flats and apartments is a growing trend across the UK.

3.5 With brief reference again to the 2031 Local Plan, we fully support the case officer whose overall advice could be said to be echoed in these statements:

"Policy OS4 - High Quality Design

"High design quality is central to the strategy for West Oxfordshire. New development should respect and contribute to local distinctiveness ..."

Policy CO4 - "Locate new residential development where it will best help to meet local housing needs and reduce the need to travel."

3.6 The applicant is willing to accept all relevant planning conditions, where needed. On this basis we hope to achieve a highly sustainable development.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

H6NEW Existing housing

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH9 Historic environment

NPPF 2019

DESGUI West Oxfordshire Design Guide

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 redevelopment of no.39 Witney Road, Long Hanborough. This redevelopment includes the conversion of the existing dwelling at no. 39 Witney Road, into three one bed flats and for the erection of a new building to accommodate four one bed flats. Included within this application is the re-siting of the access, associated car parking and a bio-diversity enhancement scheme.

- 5.2 The application site is located on the southern side of Witney Road (A4095), the main distributor route between the A44 and Witney. The site is roughly square and comprises mainly the garden area for the existing host dwelling no.39 Witney Road, the host dwelling is sited hard against the eastern boundary with its northern gable-end fronting immediately onto Witney Road. The dwelling is understood to date from the 19th century and has a traditional vernacular cottage appearance. The principle elevation fronting onto the garden contains two front door openings, indicative that the current property was formerly two conjoined dwellings; there is a modern two-storey extension to the southern end.
- 5.3 The site is within the built up residential area of Long Hanborough with Nos.1-7 Slater's Court to the east of the site, No37 to the rear, and to the west is the previously consented development of 170 dwellings which is currently under construction.
- 5.4 Vehicular access is taken from the north-western corner and comprises a shallow driveway leading to a detached garage. Pedestrian access is via a short stretch of public footpath along the length of the gable-end which culminates at a footpath leading into the site from the public highway to the front of the host dwelling. The remainder of the frontage is unmade grass verge.
- 5.5 The site falls outside the Long Hanborough Conservation area and there are no listed buildings nearby. Except of the neighbouring development site, the wider landscape particularly to the north comprises a high degree of openness though typically edge of settlement in feel and appearance, comprising a mix of rural and built form.
- 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
 - Siting, design and scale
 - Neighbouring amenity
 - Highways
 - Biodiversity
 - Affordable housing
- 5.7 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:
- Principle
- 5.8 The current statutory development plan for West Oxfordshire is the West Oxfordshire Local Plan 2031 which was adopted on 27 September 2018 and must therefore be given full weight. For the purposes of housing delivery the site falls within the Eynsham and Woodstock Sub area the total anticipated housing delivery for this sub-area is 5,596 homes. In accordance with the overall housing strategy additional housing development in this sub area will be focused primarily at designated Rural Service Centres with any additional development steered towards the larger villages. It is anticipated that this overall level of provision will be met through a combination of inter alia homes already completed, existing commitments, non-strategic housing allocations and windfall development, which are of relevance to this proposal.

- 5.9 Policy OS2 of the Local Plan Locating Development in the Right Places sets out the overall spatial strategy for the District including the distribution of new development over the plan period to 2031, focusing the majority of new homes, jobs and supporting services in these main service centres. Given that the site is located within Long Hanborough, a designated Rural Service Centre (as identified in Policy OS2), further housing as indicated within the enquiry, would accord with policy EW10 of the Local Plan and would contribute towards the general level of housing delivery and the mix of housing provision within the sub area.
- 5.10 As set out in Policy H2, windfall housing development is supported in the main service centres on previously developed land within or adjoining the built up area provided that: the loss of any existing use would not conflict with other plan policies; and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan. In this case there would be a continued residential use on the site, albeit the replacement of the bungalow with flats requires consideration in the context of meeting specific housing needs as explained above.
- 5.11 The particular general principles of Policy OS2 relevant to this case include the requirement that development:
- (i) Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
 - (ii) Form a logical complement to the existing scale and pattern of development and/or the character of the area; and be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants.
- 5.12 The sub-division of the no. 39 Witney Road would be subject to Policy H6 which supports development that respects the character of the surrounding area and that will not unacceptably affect the environment of people living in or visiting that area. Officers consider that the principle of new development is acceptable in this sustainable location. Whilst officers had concerns at pre-application stage, the scale of the flats has now been decreased.
- 5.13 Policy H4 of the Local Plan requires developers to demonstrate how their proposal helps to create a more balanced housing stock and meet the needs of a range of different groups having regard to specific local needs. Officers consider that the chosen scale is acceptable and will meet the needs of a range of different groups, and as such compliant with the proposal.
- 5.14 Policy H3 requires schemes in areas of the district outside of the Cotswolds AONB to provide affordable housing on-site only where a minimum of 11 dwellings, or a maximum combined gross floor space of more than 1,000m² is proposed. As this scheme proposes the development of 7 flats, the applicant is not required to make a contribution towards the provision of affordable housing.
- 5.15 On the basis of the policies outlined above, the principle of development of the site is considered to be acceptable. The development proposes the reuse an existing housing site within a Rural Service Centre, the proposed development would therefore comply with the locational requirements of the plan.
- 5.16 That said, the council has recently adopted the West Oxfordshire District Council Local Plan (2018) and can demonstrate a 5 year housing land supply targets, plus surplus. The Council is not therefore obliged to support housing development that would not represent good quality

design and provide high quality residential accommodation for its occupiers, neighbours and visitors. In bringing forward a development proposal for residential accommodation, the applicant is strongly advised to give particular regard to policies of the local plan with a particular regard to policies OS2 and OS4 of the local plan.

Siting, Design and Form

- 5.17 In terms of the design, there are two aspects of the planning application to consider, the conversion of no.39 Witney Road and the proposed new building. Policy OS2 serves to elucidate the design aims of the plan with respect to the appearance and the impact of development upon the character and appearance of the location. With regard to the aims of the policy it is acknowledge that the linear form of Long Hanborough and the wider street scene context varies considerably and comprises a mix of building types, heights and materials, such that there is no established architectural language.
- 5.18 No. 39 readily divides into 3 flats. The scheme does not propose any major external changes other than the addition of one door to the front elevation. No other changes are proposed as part of this conversion. Given that there is little proposed by way of alteration or reconstruction, officers are of the opinion that the proposed development would not alter significantly the appearance of the dwelling and given its tradition appearance, its retention and reuse would be welcomed in preserving the character and appearance of the street scene.
- 5.19 The second part of the development relates to the proposed new building. This has been designed to have a similar appearance to that of two, small scale cottages. The external facing and roofing materials of these cottage-style buildings are to be constructed using natural local stone under a concrete tile roof. These materials are considered to be acceptable as they would harmonise with those of the existing dwelling at no.39 Witney Road and within the wider street scene. The new building would be 2 storeys in height and would comprise of 4 flats; 2 to be located at the ground floor level and 2 to be located at first floor. The ground floor flats would be accessed from the front of the dwelling which fronts the Witney Road whereas the 2 flats at first floor are to be accessed at the rear via a staircase.

Highways

- 5.20 Vehicular access would be located centrally between the buildings with new pedestrian access taken directly from Witney Road to the new building. The scheme proposes to create 8 parking spaces to serve the proposed flats. A number of objections have been raised with concerns over the number of parking spaces provided to serve the new flats and that there is little to no space for any visitor parking. The number of spaces and their dimensions of these spaces have been created in line with the parking standards set by OCC Highways. Given that these standards have been adhered to, OCC Highways have raised no objection to the proposed scheme (subject to conditions) and on this basis, officer's cannot justify a reason for refusal on the grounds of highways safety and convenience.
- 5.21 Furthermore, public transport and rail is readily accessible from this site, and close by. The footpath outside the site leads to many pedestrian options into and out of the village. On this basis, the scheme is considered to be accessible and therefore is acceptable in terms of access.

Residential Amenities

- 5.22 The proposed flats will have an amenity area which would equate to c. 25 square metres per flat. The 3 flats created from No. 39 would have private areas attached to them. The residents of these 3 flats would also have access to the communal, green areas set out on the western side of the site, and shown marked on the "Proposed Site Plan".
- 5.23 In terms of the impact of the proposed development on neighbouring amenity, this has been carefully assessed. Concerns were raised about the proposed development having car parking up to and against the shared boundary with no37. To address these concerns, The applicant proposes to add additional planting along the south and west elevations in order to create a buffer to mitigate the potential noise and visual impacts to these neighbouring properties.
- 5.24 Overall, it is not considered that the proposed development will have an undue overbearing or loss of light and/or privacy impact on the adjacent properties. There will be a change in outlook from no 39 and no. 37 however, the provision of the additional dwelling would not have such an impact as to justify the refusal of Planning Permission.

Other matters

- 5.25 The application proposes the provision of bin storage and cycle rack facilities to serve the 7 flats. The development provides sufficient space for parking, bin storage and collection points, and amenity space, each of which contributes to the overall well-being of the occupants and creates a proportionate development that is of an appropriate scale.

Affordable Housing

- 5.26 As previously mentioned, Policy H3 requires schemes in areas of the district outside of the Cotswolds AONB to provide affordable housing on-site only where a minimum of 11 dwellings, or a maximum combined gross floor space of more than 1,000m² is proposed. As this scheme proposes the development of 7 flats, the applicant is not required to make a contribution towards the provision of affordable housing.

Ecology

- 5.27 The application includes the provision of biodiversity enhancements including the insertion of BAP habitats, a 25 year environment plan which includes conservation ponds, trees, hedges and a wildflower strip. The WODC Ecologist was consulted as part of the application but had not received comments by the time of writing. Their comments will be added as part of the additional representations prior to Committee.

Conclusion

- 5.29 In light of the above, the location of the development is considered to be acceptable in terms of housing delivery and would comply with the housing strategy for the Eynsham and Woodstock sub area as set out in the Local Plan. It is considered that the proposed development would contribute positively to the range and mix of housing within the area.

- 5.30 With respect to design, the proposed development would preserve the character and appearance of the area and the immediate vicinity and preserve and retain and re-use a historic building of local significance.
- 5.31 Therefore, the application is recommended for approval in accordance with the policies listed, subject to the responses of the Ecology Officer and the Planning Policy Manager.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.
REASON: To safeguard the character and appearance of the area.
- 4 Prior to the commencement of development, 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. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The details shall include a management plan setting out the maintenance of the drainage asset. 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 (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur.
- 5 The window and door frames shall be recessed from the face of the building to match windows and doors on the existing building.
REASON: To ensure the architectural detailing of the building reflects the established character of the existing building.
- 6 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.

- 7 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.
- 8 No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.
- 9 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.
- 10 Before the occupation of the development hereby approved, a comprehensive landscape scheme shall be submitted to and approved in writing by the Local Planning Authority, including full details of all biodiversity enhancements (native, species-rich hedgerows, small wildlife pond, wildflower meadow strips/areas and gaps/holes for hedgehogs) and a 5-year aftercare maintenance plan. The scheme must show details of all planting areas, tree and plant species, numbers and planting sizes. The proposed means of enclosure and screening should also be included, together with details of any mounding, walls and fences and hard surface materials to be used throughout the proposed development.
The entire landscaping scheme shall be completed by the end of the planting season immediately following the completion of the development or the site being brought into use, whichever is the sooner.
REASON: To provide full details of proposed landscaping and biodiversity enhancements in accordance with paragraphs 170 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2011-2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.
- 11 If within a period of five years from the date of planting of any tree/hedge/shrub that tree/hedge /shrub, or any replacement, is removed, uprooted or destroyed, or dies, or becomes seriously damaged or defective, another tree/hedge /shrub of the same species and size as that originally planted shall be planted in the same location as soon as reasonably possible and no later than the first available planting season, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure effective delivery of approved landscaping and to secure enhancements for biodiversity in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

- 12 No vegetation/site clearance works shall take place until a Precautionary Working Method Statement (PWMS) for reptiles, hedgehogs and nesting birds has been submitted to and approved in writing by the Local Planning Authority. The approved PWMS shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that reptiles, hedgehogs and nesting birds are protected in accordance with the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, the National Planning Policy Framework (in particular Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 13 Before the erection of any external walls, details of bat and bird boxes into/onto the converted and new buildings shall be submitted to the local planning authority for approval. The details shall include technical drawings showing the types of features, their locations within the site and their positions on the elevations of the buildings, a specification for the types of boxes and a timetable for their provision. The approved details shall be implemented before the dwellings hereby approved are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds as a biodiversity enhancement in accordance with paragraphs 170, 174 and 175 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and Section 40 of the Natural Environment and Rural Communities Act 2006.

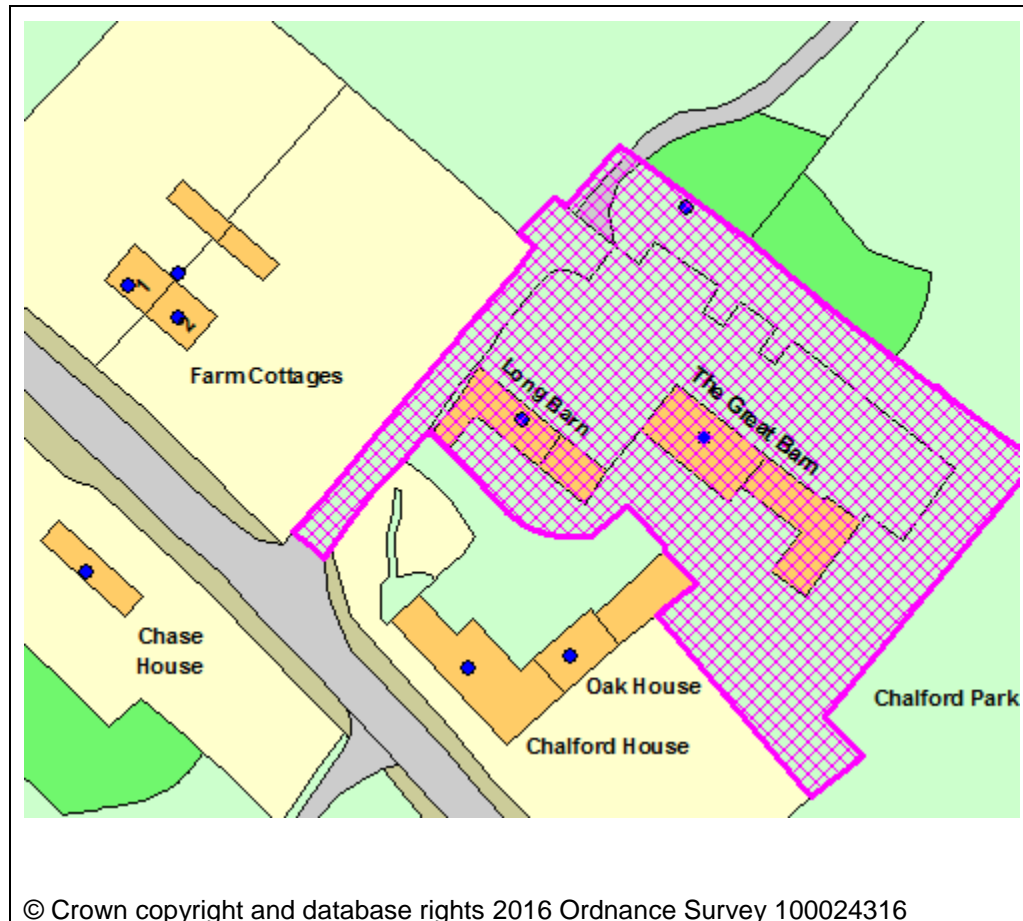
NOTES TO APPLICANT

1. The Surface Water Drainage scheme should, where possible, incorporate Sustainable Drainage Techniques in order to ensure compliance with;
 - Flood and Water Management Act 2010 (Part 1 - Clause 27 (1))
 - Code for sustainable homes - A step-change in sustainable home building practice
 - Version 2.1 of Oxfordshire County Council's SUDs Design Guide (August 2013)
 - The local flood risk management strategy published by Oxfordshire County Council 2015 - 2020 as per the Flood and Water Management Act 2010 (Part 1 - Clause 9 (1))
 - CIRIA C753 SuDS Manual 2015

2. Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992. 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 (for European protected species such as bats) prior to commencing works.

Application Number	19/01182/FUL
Site Address	The Long Barn Oxford Road Old Chalford Chipping Norton Oxfordshire OX7 5QR
Date	19th June 2019
Officer	Chloe Jacobs
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	434191 E 226786 N
Committee Date	1st July 2019

Location Map



Application Details:

Erection of a single storey extension

Applicant Details:

Evenlode Investment Management, C/O Agent.

I CONSULTATIONS

- 1.1 WODC Landscape And Forestry Officer No Comment Received.
- 1.2 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- Recommendation:
- Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission
- 1.3 Parish Council Enstone Parish Council has no objection to this planning application.

2 REPRESENTATIONS

No third party comments have been received in support or objection to this application.

3 APPLICANT'S CASE

- 3.1 In support of the proposal the agent has provided a design and access statement as part of the application. The following paragraphs are the conclusion of the document:
- 3.2 The application proposes a small single storey addition to the existing structure to form additional space for existing EIM staff employed at the site. The proposed development will provide a small addition to the rear of the building which will read as a clearly later phase of development and will be reversible. The proposal is considered to lead to less than substantial harm to the remaining significance of the Listed Building.
- 3.3 The provision of the additional floorspace, enables the existing occupiers to use the space within the buildings more efficiently and effectively. This will provide significant benefits and will enable the employer to stay on site and in West Oxfordshire. Significant weight should be given to the proposal as it supports economic growth, in accordance with paragraph 80 of the NPPF. The proposal further responds to a clear existing need and is therefore supported by local planning policies. The applicant has explored other possible opportunities for securing the required floor space and has concluded that the proposed development is the most appropriate option.
- 3.4 The proposals are considered to enable the retention of an important local employer in the rural economy in line with the guidance of the NPPF and the West Oxfordshire Local Plan 2031. The less than substantial harm is considered to be outweighed by the retention of this important contribution to the rural economy. The proposal would also retain historical features of the building without further compromise in accordance with policies EH9 and EH11 of the Local Plan and would not have any impact upon neighbouring properties maintaining their amenity, in accordance with Policy OS2.
- 3.5 Therefore, the proposed development is considered to constitute sustainable development, and we hereby respectfully request Officers to grant permission for the proposals of this application.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

E2NEW Supporting the rural economy

EH9 Historic environment

EH11 Listed Buildings

EH12 Traditional Buildings

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site relates to an employment site built up of three barns. The application specifically refers to the Long Barn, a grade II listed Barn dating from the early 18th century. The Long barn is also located within close proximity to 'The Great Barn' another grade II listed building, dating from the same period. The barns were part of Chalford Oaks Farm complex.

Planning History

- 5.2 Two applications for the conversion of the barns to residential properties were submitted in 1987 one was withdrawn and the second was refused.
- 5.3 A further application was submitted in 1996 for conversion of the barns to two dwellings and this was also refused.
- 5.4 In 2000, a number of applications for the conversion of the buildings to office accommodation including the provision of extensions were approved.
- 5.5 Further applications for the insertion of rooflights were submitted in 2001 and were also approved.
- 5.6 Applications were submitted for a single storey extension to The Great Barn which was withdrawn and for a two-storey extension to The Long Barn which was also withdrawn.
- 5.7 12/1835/P/LB - Following comments from Conservation – WITHDRAWN.
- 5.8 The proposed extension will disrupt the vernacular south-west facing elevation of the Listed Building, which is a fundamental part of the special interest of the former agricultural barn. As such, the proposed works will harm the special interest of the Listed Building contrary to Policy BE7 of the West Oxfordshire Local Plan 2011, the guidance of the West Oxfordshire Design Guide and the provisions of the National Planning Policy Framework.
- 5.9 The Great Barn, Oxford Road, Old Chalford is a Grade II Listed former agricultural barn which now serves as business premises. Although the barn has been extensively altered, in general terms it retains its integrity and interest as a former agricultural building, and in officers' view its

vernacular front elevation and overall 'agricultural silhouette' are fundamental components of its special interest. This application seeks Listed Building Consent for single storey extension to the front elevation. The key consideration in the determination of this application is whether or not the special interest of the Listed Building will be preserved. In this regard, as the proposed development will disrupt the fundamentally important and attractive vernacular front elevation, and as the overall silhouette of the building will be disrupted, officers consider that the character and special interest of the Listed Building will be unacceptably harmed. With this in mind, officers do not consider that the proposal will 'preserve the special interest' of the Listed Building. In light of these observations, officers consider that the proposed works are in not accordance with Policy BE7 of the West Oxfordshire Local Plan 2011, the guidance of the adopted West Oxfordshire Design Guide or the provisions of the National Planning Policy Framework and are therefore unacceptable on their planning merits.

- 5.10 15/00783/LBC - Following comments from Conservation the application was WITHDRAWN.
- 5.11 This is an earlier conversion and, as previously noted, the new fenestration is rather too domestic in nature, and does tend to compromise the original walling, although at least the form of the basic envelope remains legible. The current proposal is for a two storey extension, of no huge volume, although unfortunately it would be set at the northern cart door opening. As you are aware, there is a general presumption against extensions to barns, as they subvert the original simple, utilitarian forms, but in this case the extension is even more problematic, because: 1) this is an individually listed barn; 2) it would compromise an important and highly characteristic original feature. So, from our point of view, this proposal is not supportable.
- 5.12 In 2015, the committee approved the erection of a two storey detached office building with additional parking on the site (15/03730/FUL). As part of this application, officers concluded that 'The establishment of the site for commercial purposes has occurred as a result of a change of use planning application to convert the Grade II listed barns to office space. This has constrained the ability of the existing businesses on site to expand as any substantial extension to the listed barns is likely to result in harm or less than substantial harm to the historic character of the buildings and would contrary to Local Plan Policy BE7 (Now Policy EH11). Therefore, as part of this previous application it was considered that the expansion of the existing businesses is best achieved through the construction of new build office space as any extension to the listed barns is likely to have a detrimental impact on the Listed Building.
- 5.13 More recently, a pre-application enquiry and site meeting was carried out where the principle of development, the need for the additional floor space and the impact on the Grade II Listed Building were discussed. The pre-application sought advice on an extension to The Long Barn, however, proposals for listed buildings require a clear and convincing justification where the public benefits have to outweigh the harm to any heritage asset. In this case, officers determined that because there was no clear planning justification as to why the extension was required nor had alternative solutions been thoroughly sought. Officers proposed an alternative solution to address the issues regarding the lack of space: i.e. an extension to the 2015 approved, modern building - 'New Barn'.
- 5.14 The agent then proposed a new building which would be located on the recently approved additional car park. Officers were of the opinion that the creation of a new building on extant parking space, currently used by employees and visitors would not be supported as developing over necessary car park space is not an effective solution for any expanding business and if the development was to be permitted then further additional car parking would then be required.

Officers were also of the opinion that by adding an additional building in the proposed location would also affect the setting of the listed buildings and would amount to an over-development of the site, which would have a significant impact on the listed buildings and historic character of this location.

- 5.15 Officers advised that the most suitable solution would be to create a small-scale, ethereal and light-weight extension to the New Barn that is subservient in nature that can be accessed internally / externally for privacy.
- 5.16 The application has been brought before Members of the Uplands Sub-Committee for consideration as the Parish Council have not objected to the application. This application was also called in to be brought before members by Councillor Beaney on Policy OS2 grounds.
- 5.17 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 the listed building

Residential amenity

Highways

Principle

- 5.18 Policy E1 of the WODC Local Plan 2031 states that proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses.
- 5.19 Policy E2 states that outside villages, "new...buildings will be allowed where required for...specific business need which cannot otherwise be met in a more sustainable location." Having engaged in pre-application advice with the agent, it is believed that there is an alternative, more sustainable location for the proposed development and in its current location, would be contrary to policy.
- 5.20 Policy EH9 - states that all proposals should conserve and / or enhance the special character; appearance and distinctiveness of West Oxfordshire's historic environment, including the significance of the District's heritage assets, in a manner appropriate to their historic character and significance, and in a viable use that is consistent with their conservation, in accordance with national legislation, policy and guidance for the historic environment.
- 5.21 It directs Officers to assess whether applicants have demonstrated that their proposal would, in order of preference: avoid adverse impacts on the significance of the asset(s) (including those arising from changes to their settings) and, wherever possible, enhance or better reveal the significance of the asset(s); minimise any unavoidable and justified (by the public benefits that would accrue from the proposed development - see below) adverse impacts and mitigate those impacts in a manner proportionate to the significance of the asset(s) and the nature and level of the impact, investigate and record changes to or loss of physical fabric, features, objects or other remains and make the results publicly available. c) demonstrate that any new development

that would result in the unavoidable and justified loss of all or part of a heritage asset would proceed within a reasonable and agreed timetable that makes allowance for all necessary safeguarding and recording of fabric and other remains, including contingencies for unexpected discoveries.

- 5.22 Proposals which would harm the significance of a designated asset will not be approved, unless there is a clear and convincing justification in the form of substantive tangible public benefits that clearly and convincingly outweigh the harm, using the balancing principles set out in national policy and guidance.
- 5.23 Policy EH11 - whilst the policy, in principle, allows for development, it sets out that additions to Listed Buildings will be permitted where development; conserves or enhances the special architectural or historic interest of the building's fabric, detailed features, appearance or character, and setting, respects the building's historic curtilage and retains the special interest that justifies its designation. The policy, in principle, allows for development.
- 5.24 Policy EH12 states that in determining applications that involve the conversion, extension or alteration of traditional buildings, proposals will not normally be permitted where they would extensively alter the existing structure or remove features of interest or include extensions or alterations which would obscure or compromise the form or character of the original building.
- 5.25 Owing to the compromising impact of the extension on the character and form of the existing barn, Officers consider that the development would result in less than substantial harm to the significance of the Grade II listed barn. In accordance with the provisions of Paragraph 198 of the NPPF, when assessing the public benefits of the proposed development, namely providing additional space for employees, against the compromising impact of the extension on the significance of the listed barn officers are of the opinion that the public benefits do not outweigh the harm that this proposal will have on the character and significance of this listed building; including its setting.

Siting, Design and Form

- 5.26 The application proposes to erect a single storey extension which is proposed to sit on the rear (south) elevation of the existing building within an enclosed garden area. The extension is to be constructed out of timber and is proposed to be linked to the existing building through a narrower linking element before widening to form the small room. Whilst the extension has been designed so that it can be reversed and removed, officers are of the opinion that the extension would appear as a permanent structure which would ultimately harm the character and appearance of the traditional, Grade II Listed barn.
- 5.27 Given the siting of the proposed extension to the rear of the existing building, the extension would be concealed from public vantage points and so would not be visible on the street scene. Furthermore, a stone wall separates the office accommodation from the residential development to the south providing further screening of the rear elevation, making the extension less prominent and visible within the landscape.
- 5.28 Notwithstanding, and irrespective of the design, the proposal is:
- Contrary to OS2 as it does not 'Conserve and enhance the natural, historic and built environment'.

- Contrary to OS4 as the proposal does not respect the historic and architectural character of this traditional farm complex and it does not conserve and enhance the listed building.
- Contrary to EH9, EH11 and EH12 - because the proposal does not conserve and enhance the listed building. In particular, Policy EH12 states that in determining applications that involve the conversion, extension or alteration of traditional buildings, proposals will not normally be permitted where they would extensively alter the existing structure or remove features of interest or include extensions or alterations which would obscure or compromise the form or character of the original building. Owing to the comprising impact of the extension on the character and form of the existing barn, officers consider that the development would result in less than substantial harm to the significance of the Grade II listed barn. In accordance with the provisions of Paragraph 198 of the NPPF, when assessing the public benefits of the proposed development, namely providing additional space for employees, against the comprising impact of the extension on the significance of the listed barn officers consider are of the opinion that the public benefit does not outweighs the harm that this proposal will do to the character and significance of this listed building; including its setting.
- Consequently officers consider that the development would be contrary to the provisions of Policies OS2, OS4, EH9, EH11 and EH12 of the Local Plan; and the provisions of section 16 of the NPPF and the relevant paragraphs of the WODC Design Guidance relating to Agricultural Buildings and Alterations and Extensions

Impact on the Listed Building

- 5.29 Officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant planning permission for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.30 As part of the application, the agent has stated that the current complex's architectural and historical character has been eroded over time by previous alterations. Notwithstanding, when there is a chance that a proposal can conserve and enhance heritage assets, or better reveal its significance it will be approved, whereas, any proposal that has the potential to further harm the integrity of a heritage asset will be refused.
- 5.31 The applicant also states that the proposal affects the rear elevation which is less prominent and visible in landscape, however, whether the proposed extension to the rear can be seen from the public realm or not, is of no consequence, because harm to a listed building is not only stems from its appearance. In this case the harm is related to its plan form, and therefore its architectural and historic significance and character as a traditional farm barn.
- 5.32 Although, the Long Barn has already undergone a significant amount of alterations, which have eroded the historical character and traditional vernacular of the barn there is a limit to the amount of change that this vernacular agricultural building can take before its simple utilitarian agricultural silhouette is eroded. Therefore to retain its historical and architectural significance the addition of an extension is insupportable.
- 5.33 Section 15 of the West Oxfordshire Design Guide - Conversion of Agricultural Buildings states: 'Traditional agricultural buildings are a conspicuous and precious feature of the settlements and

landscapes of West Oxfordshire. The best possible use for these buildings is the one for which they were originally designed'... however, 'where planning permission is required for the change of use or for alterations, the Council's primary objective will be to secure the preservation of the agricultural building ...'

- 5.34 In regard to agricultural buildings of any type it goes on to say: '...the plan, form and massing should remain substantially unaltered. It is difficult to extend or enlarge an agricultural building without causing harm to its character; particularly in the case of extensions, especially of conspicuously residential character'. The proposal to erect a single-storey extension would alter the traditional plan, form and massing of this building, consequently, harming the significance, character and nature of this traditional farm building.
- 5.35 Furthermore, proposals for listed buildings require a clear and convincing justification where the public benefits have to outweigh the harm to any heritage asset (NPPF Para 194), in previous pre-application advice it was recommended that an alternative solution to the applicant's lack of space: 'an extension to the modern building - 'New Barn'.... a small-scale, ethereal and light-weight extension that is subservient in nature, and can be accessed internally / externally for privacy; an extension that will not significantly harm the historic character of this location, and setting of the listed buildings'. As there are alternative solutions to the applicant's lack of space, in this instance, officers are of the opinion that the public benefit does not outweigh the harm that this proposal will do to the character and significance of this listed building; including its setting.
- 5.36 Consequently, the proposal in its current form would have a deleterious impact on the character and significance of this listed building; including its setting and is therefore contrary to Policies OS4, EH9, EH11 and EH12 of the Local Plan; and the provisions of section 16 of the NPPF.

Residential Amenities

- 5.37 Given the nature of what is proposed and its location, the proposed extension is not considered to give rise to any adverse impacts in terms of neighbouring amenity. The single storey nature of the proposed extension means that it would not be overbearing on the neighbouring property and given the separation distance and the stone wall boundary to the south elevation which separates the office accommodation from the residential development, the proposed development would not give rise to overlooking, loss of light and/or loss of privacy. On this basis, the proposed single storey extension is considered acceptable in regards to neighbouring amenity.

Highways

- 5.38 The site benefits from an existing access which serves the adjacent barns. The proposed erection of a single storey extension would not result in an increase in staff on the site and thus will not generate additional traffic. Therefore the proposal is considered to be acceptable in terms of highways safety and convenience.

Conclusion

- 5.39 Having assessed the application, officers consider that the extension by reason of its design, scale and form would result in less than substantial harm to the significance of the Grade II listed barn, which would be insufficiently outweighed by the limited public benefits associated with its use.
- 5.40 Officers therefore consider that the development would be contrary to the provisions of Policies OS4, EH9, EH11 and EH12 of the Local Plan and the relevant paragraphs of the NPPF.
- 5.41 For the reasons expressed above officers recommend that permission should be refused.

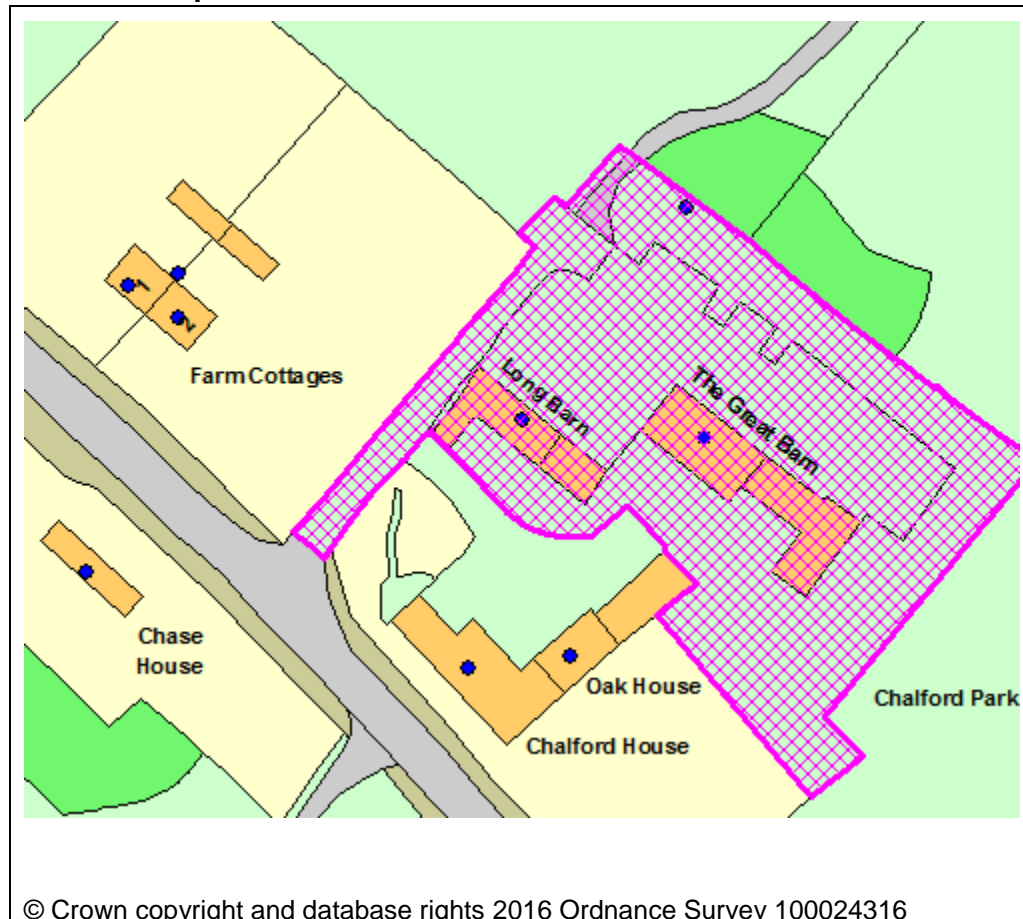
6 REASON FOR REFUSAL

- 1 The proposed extension by reason of its position to the rear and its design, scale and form, would result in the loss of the original simple plan form of this traditional, Grade II Listed barn and would be out of keeping and harmful to the simple character of the original building, as such will appear an obscuring and incongruous addition, failing to respect or enhance the character and appearance of the listed building. The less than substantial harm which would result from the development proposed would not be outweighed by any discernible public benefits.

The proposal is therefore considered to be contrary to policies OS2, OS4, EH9, EH11 and EH12 of the West Oxfordshire Local Plan, the provisions of section 16 of the NPPF and section 15 of the West Oxfordshire Design Guide 2016.

Application Number	19/01183/LBC
Site Address	The Long Barn Oxford Road Old Chalford Chipping Norton Oxfordshire OX7 5QR
Date	19th June 2019
Officer	Chloe Jacobs
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	434191 E 226786 N
Committee Date	1st July 2019

Location Map



Application Details:

Erection of a single storey extension

Applicant Details:

Evenlode Investment Management, C/O Agent.

I CONSULTATIONS

- 1.1 Conservation Officer The applicant has stated that the current complex's architectural and historical character has been eroded over time by previous alterations. Nevertheless, when there is a chance that a proposal can conserve and enhance heritage assets, it will be approved, whereas, any proposal that has the potential to further harm the integrity of a heritage asset will be refused. In this case, the proposal to erect a single-storey extension to this listed Barn is insupportable; it will alter the traditional plan, form and massing of this building, consequently, harming the significance, character and nature of this traditional farm building.

Furthermore, proposals for listed buildings require a clear and convincing justification where the public benefits have to outweigh the harm to any heritage asset (NPPF Para 194), in previous pre-application advice I recommended an alternative solution to the applicant's lack of space: 'an extension to the modern building - 'New Barn'.... a small-scale, ethereal and light-weight extension that is subservient in nature, and can be accessed internally / externally for privacy; an extension that will not significantly harm the historic character of this location, and setting of the listed buildings'. Because there are alternative solutions to lack of space, in this instance, I do not believe that the public benefit outweighs the harm that this proposal will do to the character and significance of this listed building; including its setting.

Consequently, I raise an objection to this proposal in its current form because it will have a deleterious impact on the character and significance of this listed building; including its setting.

N.B.: The proposal in its current form is contrary to local and national legislation and policy, including, WODC Local Plan policies EH9 (Historic Environment), EH11 (Listed Buildings), EH12 (Traditional Buildings), and OS4 (High Quality Design), also, Section 16 of the NPPF, and WODC Section 15.

- 1.2 Parish Council Enstone Parish Council has no objection to this planning application.

2 REPRESENTATIONS

No third party comments have been received in support or objection to this application.

3 APPLICANT'S CASE

- 3.1 In support of the proposal the agent has provided a design and access statement as part of the application. The following paragraphs are the conclusion of the document:
- 3.2 The application proposes a small single storey addition to the existing structure to form additional space for existing EIM staff employed at the site. The proposed development will

provide a small addition to the rear of the building which will read as a clearly later phase of development and will be reversible. The proposal is considered to lead to less than substantial harm to the remaining significance of the Listed Building.

- 3.3 The provision of the additional floorspace, enables the existing occupiers to use the space within the buildings more efficiently and effectively. This will provide significant benefits and will enable the employer to stay on site and in West Oxfordshire. Significant weight should be given to the proposal as it supports economic growth, in accordance with paragraph 80 of the NPPF. The proposal further responds to a clear existing need and is therefore supported by local planning policies. The applicant has explored other possible opportunities for securing the required floor space and has concluded that the proposed development is the most appropriate option.
- 3.4 The proposals are considered to enable the retention of an important local employer in the rural economy in line with the guidance of the NPPF and the West Oxfordshire Local Plan 2031. The less than substantial harm is considered to be outweighed by the retention of this important contribution to the rural economy. The proposal would also retain historical features of the building without further compromise in accordance with policies EH9 and EH11 of the Local Plan and would not have any impact upon neighbouring properties maintaining their amenity, in accordance with Policy OS2.
- 3.5 Therefore, the proposed development is considered to constitute sustainable development, and we hereby respectfully request Officers to grant permission for the proposals of this application.

4 PLANNING POLICIES

OS4NEW High quality design

EH9 Historic environment

EH11 Listed Buildings

EH12 Traditional Buildings

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 The application site relates to an employment site built up of three barns. The application specifically refers to the Long Barn, a grade II listed Barn dating from the early 18th century. The Long barn is also located within close proximity to 'The Great Barn' another grade II listed building, dating from the same period. The barns were part of Chalford Oaks Farm complex.

Planning History

- 5.2 Two applications for the conversion of the barns to residential properties were submitted in 1987 one was withdrawn and the second was refused.
- 5.3 A further application was submitted in 1996 for conversion of the barns to two dwellings and this was also refused.

- 5.4 In 2000, a number of applications for the conversion of the buildings to office accommodation including the provision of extensions were approved.
- 5.5 Further applications for the insertion of rooflights were submitted in 2001 and were also approved.
- 5.6 Applications were submitted for a single storey extension to The Great Barn which was withdrawn and for a two-storey extension to The Long Barn which was also withdrawn.
- 5.7 12/1835/P/LB - Following comments from Conservation – WITHDRAWN.
- 5.8 The proposed extension will disrupt the vernacular south-west facing elevation of the Listed Building, which is a fundamental part of the special interest of the former agricultural barn. As such, the proposed works will harm the special interest of the Listed Building contrary to Policy BE7 of the West Oxfordshire Local Plan 2011, the guidance of the West Oxfordshire Design Guide and the provisions of the National Planning Policy Framework.
- 5.9 The Great Barn, Oxford Road, Old Chalford is a Grade II Listed former agricultural barn which now serves as business premises. Although the barn has been extensively altered, in general terms it retains its integrity and interest as a former agricultural building, and in officers' view its vernacular front elevation and overall 'agricultural silhouette' are fundamental components of its special interest. This application seeks Listed Building Consent for single storey extension to the front elevation. The key consideration in the determination of this application is whether or not the special interest of the Listed Building will be preserved. In this regard, as the proposed development will disrupt the fundamentally important and attractive vernacular front elevation, and as the overall silhouette of the building will be disrupted, officers consider that the character and special interest of the Listed Building will be unacceptably harmed. With this in mind, officers do not consider that the proposal will 'preserve the special interest' of the Listed Building. In light of these observations, officers consider that the proposed works are in not accordance with Policy BE7 of the West Oxfordshire Local Plan 2011, the guidance of the adopted West Oxfordshire Design Guide or the provisions of the National Planning Policy Framework and are therefore unacceptable on their planning merits.
- 5.10 15/00783/LBC - Following comments from Conservation the application was WITHDRAWN.
- 5.11 This is an earlier conversion and, as previously noted, the new fenestration is rather too domestic in nature, and does tend to compromise the original walling, although at least the form of the basic envelope remains legible. The current proposal is for a two storey extension, of no huge volume, although unfortunately it would be set at the northern cart door opening. As you are aware, there is a general presumption against extensions to barns, as they subvert the original simple, utilitarian forms, but in this case the extension is even more problematic, because: 1) this is an individually listed barn; 2) it would compromise an important and highly characteristic original feature. So, from our point of view, this proposal is not supportable.
- 5.12 In 2015, the committee approved the erection of a two storey detached office building with additional parking on the site (15/03730/FUL). As part of this application, officers concluded that 'The establishment of the site for commercial purposes has occurred as a result of a change of use planning application to convert the Grade II listed barns to office space. This has constrained the ability of the existing businesses on site to expand as any substantial extension to the listed barns is likely to result in harm or less than substantial harm to the historic character of the

buildings and would be contrary to Local Plan Policy BE7 (Now Policy EH11). Therefore, as part of this previous application it was considered that the expansion of the existing businesses is best achieved through the construction of new build office space as any extension to the listed barns is likely to have a detrimental impact on the Listed Building.

- 5.13 More recently, a pre-application enquiry and site meeting was carried out where the principle of development, the need for the additional floor space and the impact on the Grade II Listed Building were discussed. The pre-application sought advice on an extension to The Long Barn, however, proposals for listed buildings require a clear and convincing justification where the public benefits have to outweigh the harm to any heritage asset. In this case, officers determined that because there was no clear planning justification as to why the extension was required nor had alternative solutions been thoroughly sought. Officers proposed an alternative solution to address the issues regarding the lack of space: i.e. an extension to the 2015 approved, modern building - 'New Barn'.
- 5.14 The agent then proposed a new building which would be located on the recently approved additional car park. Officers were of the opinion that the creation of a new building on extant parking space, currently used by employees and visitors would not be supported as developing over necessary car park space is not an effective solution for any expanding business and if the development was to be permitted then further additional car parking would then be required. Officers were also of the opinion that by adding an additional building in the proposed location would also affect the setting of the listed buildings and would amount to an over-development of the site, which would have a significant impact on the listed buildings and historic character of this location.
- 5.15 Officers advised that the most suitable solution would be to create a small-scale, ethereal and light-weight extension to the New Barn that is subservient in nature that can be accessed internally / externally for privacy.
- 5.16 The application has been brought before Members of the Uplands Sub-Committee for consideration as the Parish Council have not objected to the application. This application was also called in to be brought before members by Councillor Beaney on Policy OS2 grounds.
- 5.17 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
Impact on the listed building
- Principle
- 5.18 Policy EI of the WODC Local Plan 2031 states that proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses.
- 5.19 Policy E2 states that outside villages, "new...buildings will be allowed where required for...specific business need which cannot otherwise be met in a more sustainable location." Having engaged in pre-application advice with the agent, it is believed that there is an alternative,

more sustainable location for the proposed development and in its current location, would be contrary to policy.

- 5.20 Policy EH9 - states that all proposals should conserve and / or enhance the special character; appearance and distinctiveness of West Oxfordshire's historic environment, including the significance of the District's heritage assets, in a manner appropriate to their historic character and significance, and in a viable use that is consistent with their conservation, in accordance with national legislation, policy and guidance for the historic environment.
- 5.21 It directs Officers to assess whether applicants have demonstrated that their proposal would, in order of preference: avoid adverse impacts on the significance of the asset(s) (including those arising from changes to their settings) and, wherever possible, enhance or better reveal the significance of the asset(s); minimise any unavoidable and justified (by the public benefits that would accrue from the proposed development - see below) adverse impacts and mitigate those impacts in a manner proportionate to the significance of the asset(s) and the nature and level of the impact, investigate and record changes to or loss of physical fabric, features, objects or other remains and make the results publicly available. c) demonstrate that any new development that would result in the unavoidable and justified loss of all or part of a heritage asset would proceed within a reasonable and agreed timetable that makes allowance for all necessary safeguarding and recording of fabric and other remains, including contingencies for unexpected discoveries.
- 5.22 Proposals which would harm the significance of a designated asset will not be approved, unless there is a clear and convincing justification in the form of substantive tangible public benefits that clearly and convincingly outweigh the harm, using the balancing principles set out in national policy and guidance.
- 5.23 Policy EH11 - whilst the policy, in principle, allows for development, it sets out that additions to Listed Buildings will be permitted where development; conserves or enhances the special architectural or historic interest of the building's fabric, detailed features, appearance or character, and setting, respects the building's historic curtilage and retains the special interest that justifies its designation. The policy, in principle, allows for development.
- 5.24 Policy EH12 states that in determining applications that involve the conversion, extension or alteration of traditional buildings, proposals will not normally be permitted where they would extensively alter the existing structure or remove features of interest or include extensions or alterations which would obscure or compromise the form or character of the original building.
- 5.25 Owing to the compromising impact of the extension on the character and form of the existing barn, Officers consider that the development would result in less than substantial harm to the significance of the Grade II listed barn. In accordance with the provisions of Paragraph 198 of the NPPF, when assessing the public benefits of the proposed development, namely providing additional space for employees, against the compromising impact of the extension on the significance of the listed barn officers are of the opinion that the public benefits do not outweigh the harm that this proposal will have on the character and significance of this listed building; including its setting.

Impact on the Listed Building

- 5.26 The Long Barn is a grade II listed Barn (List Entry Number: 1368058) dating from the early 18th century, it is located nearby 'The Great Barn' another grade II listed building, dating from the same period. Officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest which it possesses.
- 5.27 As part of the application, the agent has stated that the current complex's architectural and historical character has been eroded over time by previous alterations. Notwithstanding, when there is a chance that a proposal can conserve and enhance heritage assets, or better reveal its significance it will be approved, whereas, any proposal that has the potential to further harm the integrity of a heritage asset will be refused.
- 5.28 The applicant also states that the proposal affects the rear elevation which is less prominent and visible in landscape, however, whether the proposed extension to the rear can be seen from the public realm or not, is of no consequence, because harm to a listed building is not only stems from its appearance. In this case the harm is related to its plan form, and therefore its architectural and historic significance and character as a traditional farm barn.
- 5.29 Although, the Long Barn has already undergone a significant amount of alterations, there is a limit to the amount of change that this vernacular agricultural building can take before its simple utilitarian agricultural silhouette is eroded. Therefore to retain its historical and architectural significance the addition of an extension is insupportable.
- 5.30 Section 15 of the West Oxfordshire Design Guide - Conversion of Agricultural Buildings states: 'Traditional agricultural buildings are a conspicuous and precious feature of the settlements and landscapes of West Oxfordshire. The best possible use for these buildings is the one for which they were originally designed'... however, 'where planning permission is required for the change of use or for alterations, the Council's primary objective will be to secure the preservation of the agricultural building ...'
- 5.31 In regard to agricultural buildings of any type it goes on to say: '...the plan, form and massing should remain substantially unaltered. It is difficult to extend or enlarge an agricultural building without causing harm to its character; particularly in the case of extensions, especially of conspicuously residential character'. The proposal to erect a single-storey extension would alter the traditional plan, form and massing of this building, consequently, harming the significance, character and nature of this traditional farm building.
- 5.32 Policy EH12 states that in determining applications that involve the conversion, extension or alteration of traditional buildings, proposals will not normally be permitted where they would extensively alter the existing structure or remove features of interest or include extensions or alterations which would obscure or compromise the form or character of the original building. Owing to the comprising impact of the extension on the character and form of the existing barn, officers consider that the development would result in less than substantial harm to the significance of the Grade II listed barn. In accordance with the provisions of Paragraph 198 of the NPPF, when assessing the public benefits of the proposed development, namely providing additional space for employees, against the comprising impact of the extension on the

significance of the listed barn officers consider are of the opinion that the public benefit does not outweighs the harm that this proposal will do to the character and significance of this listed building; including its setting.

- 5.33 Furthermore, proposals for listed buildings require a clear and convincing justification where the public benefits have to outweigh the harm to any heritage asset (NPPF Para 194), in previous pre-application advice it was recommended that an alternative solution to the applicant's lack of space: 'an extension to the modern building - 'New Barn'.... a small-scale, ethereal and light-weight extension that is subservient in nature, and can be accessed internally / externally for privacy; an extension that will not significantly harm the historic character of this location, and setting of the listed buildings'. As there are alternative solutions to the applicant's lack of space, in this instance, officers are of the opinion that the public benefit does not outweigh the harm that this proposal will do to the character and significance of this listed building; including its setting.
- 5.34 Consequently, the proposal in its current form would have a deleterious impact on the character and significance of this listed building; including its setting and is therefore contrary to Policies OS4, EH9, EH11 and EH12 of the Local Plan; and the provisions of section 16 of the NPPF.

Conclusion

- 5.35 Having assessed the application, officers consider that the extension by reason of its design, scale and form would result in less than substantial harm to the significance of the Grade II listed barn, which would be insufficiently outweighed by the limited public benefits associated with its use.
- 5.36 Officers therefore consider that the development would be contrary to the provisions of Policies OS4, EH9, EH11 and EH12 of the Local Plan and the relevant paragraphs of the NPPF.
- 5.37 For the reasons expressed above officers recommend that permission should be refused.

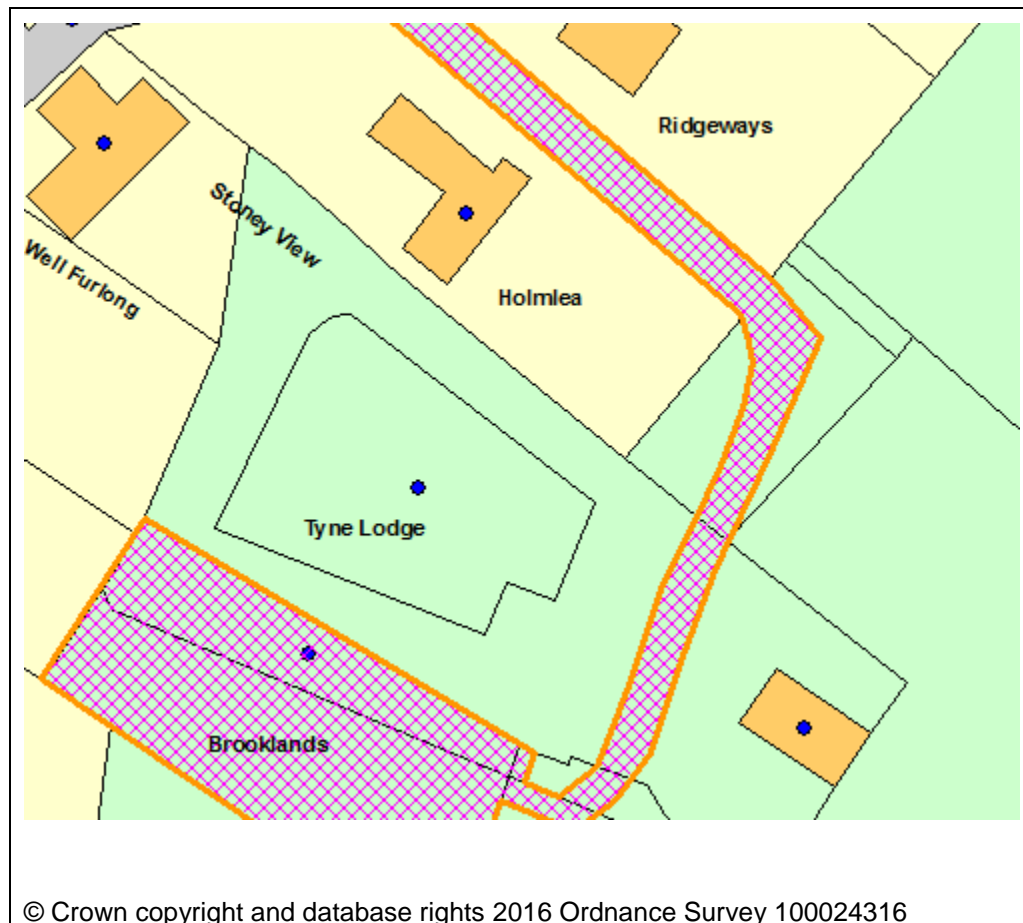
6 REASON FOR REFUSAL

- I The proposed extension by reason of its position to the rear and its design, scale and form, would result in the loss of the original simple plan form of this traditional, Grade II Listed barn and would be out of keeping and harmful to the simple character of the original building, as such will appear an obscuring and incongruous addition, failing to respect or enhance the character and appearance of the listed building. The less than substantial harm which would result from the development proposed would not be outweighed by any discernible public benefits.

The proposal is therefore considered to be contrary to policies OS2, OS4, EH9, EH11 and EH12 of the West Oxfordshire Local Plan, the provisions of section 16 of the NPPF and section 15 of the West Oxfordshire Design Guide 2016.

Application Number	I9/01315/FUL
Site Address	Valhalla Church Street Stonesfield Witney Oxfordshire OX29 8PS
Date	19th June 2019
Officer	Chloe Jacobs
Officer Recommendations	Approve
Parish	Stonesfield Parish Council
Grid Reference	439421 E 216881 N
Committee Date	1st July 2019

Location Map



Application Details:

Change of use of detached garage into one-bedroom holiday let, including changes to fenestration and insertion of new rooflights.

Applicant Details:

Mr Derek Hobbs, c/o Agent.

I CONSULTATIONS

- I.1 Parish Council The Stonesfield Parish Council would like to confirm that we 'Object' the planning application 19/01315/FUL - Mr Derek Hobbs - Valhalla Church Street, Stonesfield.
- The parish OBJECTS to this planning application on the basis that the access to the site via the existing driveway is not adequate for existing use (it is single drive access only) and there is a hazardous junction with Church Street, which is a blind corner, which is not safe to take additional traffic. This change of use is for commercial use and those visiting will not know the area making this particularly hazardous. In addition we feel that this could set a precedent for further development requests on this land.
- Can it be reflected that the clear assurances that we were given at the time that no change of use would be requested on this land but several have been presented.
- I.2 WODC Drainage Engineers With regards to building control having signed off the drainage when the garage was originally constructed, I would note that building control only require soakaways to be designed to cope with a 1 in 10 year event, whereas we would ask for a 1 in 100 year event + 40% climate change. By a rule of thumb we would expect to see 1m³ of geocellular soakaway for every 25m² of footprint.
- As this drainage infrastructure has been carried out very recently we cannot object to the application on these grounds however, as a recommendation I believe it would be in the applicant's interest to increase the size of the soakaway in line with the guidance above. As the soakaway is much smaller than we would expect, we would still like to see the introduction of water butts into the drainage scheme.
- I.3 OCC Highways The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network
- Recommendation:
- Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission.
- I.4 Thames Water No Comment Received.
- I.5 Conservation Officer No Comment Received.

2 REPRESENTATIONS

No third party representations have been received.

3 APPLICANT'S CASE

- 3.1 A planning statement was submitted as part of this application. The conclusion of this statement states:
- 3.2 This Statement has been prepared by Strutt & Parker on behalf of Mr Derek Hobbs in support of an application submitted to West Oxfordshire District Council seeking full planning permission for the change of use of the detached garage at Valhalla, Church Street in Stonesfield into a holiday let, including associated external alterations.
- 3.3 It has been demonstrated that the principle of the development is acceptable according to local and national planning policies and that sustainable rural tourism is to be encouraged. Furthermore, there are recent examples of holiday lets being approved by West Oxfordshire District Council in close proximity to the site, which demonstrates that the local area is suitable for such developments, particularly as Stonesfield is a historic village located within the Cotswolds Area of Outstanding Natural Beauty, in close proximity to a number of other notable visitor attractions.
- 3.4 The resulting holiday let will be of a high quality design and will not cause harm to the character of the immediate locality nor the special landscape value of the Cotswolds AONB.
- 3.5 Finally, ample off-street parking provision will be provided for the proposed holiday let and the new dwelling, ensuring that the applicant and guests to the holiday let will not need to park on surrounding roads.
- 3.6 The application complies with all relevant local and national planning policies and constitutes sustainable development as defined by the National Planning Policy Framework. It is therefore submitted that full planning permission should be granted.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

E3NEW Reuse of non residential buildings

EH1 Cotswolds AONB

EH9 Historic environment

EH10 Conservation Areas

T4NEW Parking provision

NPPF 2019

DESGUI West Oxfordshire Design Guide

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 conversion of the existing garage building into holiday let accommodation. The application includes some changes to the external fenestration including the addition of 3 roof lights, a glazed apex in place of the existing windows in the South

East elevation, Oak boarding to be installed beneath the ground floor window, and the insertion of a small single pane window in the North West elevation.

- 5.2 The building subject of the application is a natural stone detached garage located forwards of the principle elevation of the host dwelling, Valhalla. The site is located on the southern edge of Stonesfield, which falls within the 'Villages' tier of the Council's settlement hierarchy. The village and the site itself are within the Cotswolds Area of Outstanding Natural Beauty ("AONB"). The site falls outside of the Stonesfield Conservation Area.
- 5.3 The site comprises a broadly rectangular piece of land which is approximately 0.11 ha (0.27 acre) in size. The site comprises the recently completed chalet bungalow and associated detached garage approved under applications 18/02816/S73 and 16/00328/FUL respectively.

Planning History

- 5.4 The following planning applications have previously been submitted on the site:
- 15/01198/FUL - Erection of a detached chalet bungalow - Approved 2nd June 2015.
- 16/00328/FUL - Erection of detached garage within the curtilage of the approved chalet bungalow - Allowed on appeal 12th August 2016.
- 18/02816/S73 - No compliance with condition 2 of 15/01198/FUL, so that the amended version of the development (chalet bungalow) can be constructed - Approved 12th November 2018.
- 5.5 The application has been brought before Members of the Uplands Sub-Committee for consideration as the Parish Council have objected to the application.
- 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
Siting, design and form
Highways
Residential amenity
Impact on the surrounding area

Principle

- 5.7 Policy E3 of the West Oxfordshire Local Plan 2031 is permissive of the change of use of existing buildings for tourism uses providing there is adequate parking provision and providing there would not be a detrimental impact on the amenity of any adjoining properties, in addition to the building being capable of conversion without extensive alteration.
- 5.8 Policy E4 supports new tourist and leisure development within or close to the service centres and villages and which re-use appropriate buildings in accordance with Policy E3. The site is located on the southern edge of Stonesfield, which is defined within Policy OS2 as a main village in terms of the local plan settlement hierarchy, therefore it is considered to accord with the

locational criteria. Furthermore, it is considered to be a re-use of an appropriate building in accordance with Policy E3.

- 5.9 The building is located on the edge of Stonesfield, which is identified as a medium sized village within Policy OS2 and the site is considered to be a reasonably sustainable location for a tourist accommodation use.
- 5.10 A condition has been added to the application in order to restrict holiday tenancies for a maximum of 8 weeks (in each case).

Siting, Design and Form

- 5.11 The building subject of the application is a natural stone detached garage located forwards of the principle elevation of the host dwelling, Valhalla. The site is within 10m of the Stonesfield Conservation Area and is situated within the Cotswold AONB.
- 5.12 The proposal involves the conversion of the existing garage building which is considered to be capable of conversion and further no extensions are proposed to enable the provision of the accommodation. The conversion of the building does not involve any significant alterations so Officers consider that the scale, form and massing of the development would remain largely unaltered. The minor alterations proposed as part of this application include new openings such as the insertion of 3 rooflights, 2 to the NE elevation and 1 to the SW elevation, the garage doors to be changed to glazing are considered, by virtue of their siting, scale and design, to be appropriate in this context.
- 5.13 Other than the proposed car parking at the back of the site the existing yard area remains unchanged. As such, Officers are of the opinion that the proposed development will preserve the visual amenity of the area and will not appear alien in the wider streetscene.

Residential Amenities

- 5.14 Officers consider that the proposed extension would not adversely impact on the residential amenity of any adjacent properties by reason of overlooking, overbearingness or loss of light. It is sufficiently separated from the neighbouring properties, with no windows located within elevations that would give rise to overlooking and or loss of privacy. There is adequate parking provision on site to serve both the existing property and proposed holiday let building.
- 5.15 Given the existing use of the site, the proposed holiday let residential use is considered to be appropriate and will not give rise to any undue noise or disturbance to the detriment of the nearby dwellinghouses. As such, the application is considered to be acceptable in these terms.

Highways

- 5.16 The Highways Authority has been consulted on the application and has raised no objections to the scheme in respect of parking, traffic generation and the overall impact on the local road network. As such, the application is considered to be acceptable in terms of highways safety.

Impact on the surrounding area

- 5.17 Paragraph 172 of the NPPF 2019 requires great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. In this instance the proposal involves the conversion of an existing garage building, requiring only minor external alterations to provide a holiday let within a cluster of both residential and existing holiday let, chalet-style buildings. Therefore, Officers do not consider that the development will have any real visual impact beyond its immediate setting. As such, the application is considered to be acceptable in these terms.
- 5.18 Adjacent to the Stonesfield Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Further the paragraphs of Section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. In this regard the proposed conversion to a holiday let would respect the special qualities and historic context of the Conservation Area and would maintain the appearance of the heritage asset given the nature of what is proposed and its location.

Conclusion

- 5.19 Officers consider that the principle of development is acceptable and compliant with the provisions of Policies OS4, E3, EH1, EH9, EH10, H6, and T4 of the West Oxfordshire Local Plan 2031, the relevant policies of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 That the development be carried out in accordance with the approved plans listed below.
REASON: For the avoidance of doubt as to what is permitted.
- 3 The 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.
- 4 The occupation of the accommodation shall be limited to holiday tenancies not to exceed 8 weeks (in each case) and no person shall occupy the accommodation in consecutive tenancy periods.
REASON: To protect the amenity of the adjacent dwelling and the building has no independent amenity space.

Application Types Key

<u>Suffix</u>		<u>Suffix</u>	
ADV	Advertisement Consent	LBC	Listed Building Consent
CC3REG	County Council Regulation 3	LBD	Listed Building Consent - Demolition
CC4REG	County Council Regulation 4	OUT	Outline Application
CM	County Matters	RES	Reserved Matters Application
FUL	Full Application	S73	Removal or Variation of Condition/s
HHD	Householder Application	POB	Discharge of Planning Obligation/s
CLP	Certificate of Lawfulness Proposed	CLE	Certificate of Lawfulness Existing
CLASSM	Change of Use – Agriculture to Commercial	CND	Discharge of Conditions
HAZ	Hazardous Substances Application	PDET28	Agricultural Prior Approval
PN42	Householder Application under Permitted Development legislation.	PN56	Change of Use Agriculture to Dwelling
PNT	Telecoms Prior Approval	POROW	Creation or Diversion of Right of Way
NMA	Non Material Amendment	TCA	Works to Trees in a Conservation Area
WDN	Withdrawn	TPO	Works to Trees subject of a Tree Preservation Order
		FDO	Finally Disposed Of

<u>Decision Code</u>	<u>Description</u>	<u>Decision Code</u>	<u>Description</u>
APP	Approve	RNO	Raise no objection
REF	Refuse	ROB	Raise Objection
PIREQ	Prior Approval Required	P2NRQ	Prior Approval Not Required
P3APP	Prior Approval Approved	P3REF	Prior Approval Refused
P4APP	Prior Approval Approved	P4REF	Prior Approval Refused

West Oxfordshire District Council – DELEGATED ITEMS

	Application Number.	Ward.	Decision.
1.	18/02694/CND Affecting a Conservation Area	Kingham, Rollright & Enstone	APP
	Discharge of conditions 3, 4 and 6 (17/00047/LBC). Bricks House Church Street Kingham Mr E Lynch		
2.	18/02997/FUL	Ascott and Shipton	APP
	Proposed barn conversion and change of use to holiday lets (amended) Barn Hill Buildings Burford Road Mr Richard Hartley		

3. **18/03458/S73** Chipping Norton APP
 Non compliance with conditions 4,7 and 9 of planning permission 16/02284/FUL (amendment to 16/00557/FUL) to allow approval of access, drainage and landscaping following construction which is now complete.
Land South And East Of Walterbush Road Walterbush Road Chipping Norton
 Mr Glyn Jones
4. **18/03289/FUL** Kingham, Rollright & Enstone APP
 Development of retention pond associated with surface water drainage to sporting centre development (amended).
Kingham Hill School Kingham Hill Kingham
 Mrs Lidia Pocock
5. **18/03310/RES** Chipping Norton APP
 Application for approval of Reserved Matters following outline approval (16/03416/OUT), for the erection of 100 dwellings, including open space, drainage and other associated works.
Land South Of Banbury Road Chipping Norton
 Mr Jon Bryan
6. **18/03413/HHD** Woodstock and Bladon APP
 Affecting a Conservation Area
 Removal of two storey rear extension, erection of single storey extension, internal alterations and associated works. (Amended plans received 8.3.19)
63 Oxford Street Woodstock Oxfordshire
 Lorna Marsh
7. **18/03414/LBC** Woodstock and Bladon APP
 Affecting a Conservation Area
 Removal of two storey rear extension, erection of single storey extension, internal alterations and associated works. (Amended plans received 8.3.19)
63 Oxford Street Woodstock Oxfordshire
 Lorna Marsh
8. **19/00087/FUL** Chipping Norton REF
 Siting of four mobile homes for temporary staff accommodation.(Retrospective)
Cotswolds Hotel And Spa Southcombe Chipping Norton
 Mr Glucka Wijisuriya
9. **19/00096/S73** Stonesfield and Tackley APP
 Affecting a Conservation Area
 Non compliance with condition 2 of planning permission 18/01459/FUL to allow amendment to site access.
Dorn Valley Barn Wootton Woodstock
 Mr Matthew Neilson

10. **19/00189/CLE** Chadlington and Churchill APP
 Lawful Development Certificate relating to application 07/1039/P/FP Alterations and erection of two storey extension. New vehicular access and stone boundary wall.
Drive Cottage Sarsden Chipping Norton
 Mr Gallagher
11. **19/00329/FUL** Hailey, Minster Lovell & Leafield APP
 Affecting a Conservation Area
 Erection of detached dwelling.
Windrush 6 The Green Leafield
 Mr Fintan Fielding
12. **19/00445/HHD** Kingham, Rollright & Enstone APP
 Two storey extension and single storey extension with roof terrace above. Construction of detached triple garage with external stairs to bedroom and en suite above. Creation of an outdoor swimming pool (amended).
Woodland Lodge 66 Over Norton Road Chipping Norton
 Mr And Mrs J Bennett
13. **19/00603/FUL** The Bartons APP
 Construction of new vehicle access.
Land South Of 19 Fox Lane Middle Barton
 Mr Deon Lotter
14. **19/00516/HHD** Woodstock and Bladon APP
 Two storey side extension. Single and two storey extensions to rear. Erection of double detached garage (amended plans)
 new detached double garage.
21 Oxford Road Woodstock Oxfordshire
 Ms J Topliss
15. **19/00561/FUL** Chipping Norton APP
 Extension to reception
Cotswolds Hotel And Spa Southcombe Chipping Norton
 Mr Glucka Wiji
16. **19/00576/OUT** Eynsham and Cassington REF
 Erection of dwelling.
Land South Of 39 Witney Road Eynsham
 Steven Sensecall

17. **19/00634/HHD** Charlbury and Finstock APP
Affecting a Conservation Area
- Demolition of existing garage and construction of side extension to provide attached annex and conversion of the existing loft space to accommodate newly created bedrooms, through the provision of three new dormers to the rear elevations.
Lyndale Witney Road Finstock
Ms Rachel Champman
18. **19/00657/HHD** Chadlington and Churchill APP
Creation of mezzanine to existing barn. Erection of shed and two outbuildings along with a plunge pool.
Courtyard Cottage Mill End Chadlington
Mr N Luckey
19. **19/00660/FUL** Kingham, Rollright & Enstone APP
Affecting a Conservation Area
- Alterations and extension to garage (amended plans)
Land And Garage South Of Hunts Barn High Street Great Rollright
Mrs L Micklethwait
20. **19/00687/HHD** Kingham, Rollright & Enstone APP
Affecting a Conservation Area
- Replace existing window in ground floor North elevation with new, larger window.
Manor House Chipping Norton Road Little Tew
David And Alison Reston
21. **19/00688/LBC** Kingham, Rollright & Enstone APP
Affecting a Conservation Area
- Alterations to replace existing window in ground floor North elevation with new, larger window.
Manor House Chipping Norton Road Little Tew
David and Alison Reston
22. **19/00949/ADV** Chipping Norton APP
Erection of replacement signage (amended).
1 Primsdown Industrial Estate Worcester Road Chipping Norton
Mr Edwyn Stobart
23. **19/00950/FUL** Woodstock and Bladon APP
Alterations to subdivide existing property to create two dwellings together with associated works.
7 New Road Woodstock Oxfordshire
Mr And Mrs S Flowers

24. **19/00749/LBC** Charlbury and Finstock APP
Affecting a Conservation Area
- Alterations to re-locate extractor unit.
The Bull Inn Sheep Street Charlbury
Mr C Crossley
25. **19/00762/HHD** Burford APP
Affecting a Conservation Area
- Erection of ground floor extension to form garden room and first floor side extension above existing garage. Raise part of perimeter stone wall by 400mm.
Thackeray House 12 Taynton Burford
Mr Philip Harrison
26. **19/00769/HHD** Charlbury and Finstock REF
Affecting a Conservation Area
- Addition of canopy to front porch (retrospective).
Spring Cottage Sheep Street Charlbury
Mrs H Bessermer-Clarke
27. **19/00981/HHD** Charlbury and Finstock APP
Affecting a Conservation Area
- Erection of single storey side and rear extension, incorporating existing garage. Alterations to enlarge existing vehicular access.
1 Nine Acres Close Charlbury Chipping Norton
Mr Trevor Benfield
28. **19/00799/HHD** Chipping Norton APP
Affecting a Conservation Area
- Installation of new window to ground floor of Flat 5.
Flat 5 The Old Chapel New Street
Mr Kenneth Norman
29. **19/00800/LBC** Chipping Norton APP
Affecting a Conservation Area
- Installation of new window to ground floor of Flat 5.
Flat 5 The Old Chapel New Street
Mr Kenneth Norman
30. **19/00804/HHD** Woodstock and Bladon APP
Affecting a Conservation Area
- Conversion of loft to create first floor accommodation including front and rear dormer windows (Amended scheme)
22 Manor Road Bladon Woodstock
Miss Claire Gadsby

31. **19/00818/HHD** Stonesfield and Tackley APP
Affecting a Conservation Area
- Demolish and replace conservatory with flat roof single storey side and rear extension. Removal of cat slide roof, replace with gable ended block. (Amended)
Well Cottage Well Lane Stonesfield
Ms Amanda Courdery
32. **19/00823/HHD** Kingham, Rollright & Enstone APP
Affecting a Conservation Area
- Alterations and erection of single storey side extension and associated landscaping works
Swerbrook Church End Swerford
Mrs Beverly Chan
33. **19/00824/LBC** Kingham, Rollright & Enstone APP
Affecting a Conservation Area
- Alterations and erection of single storey side extension and associated landscaping works
Swerbrook Church End Swerford
Mrs Beverly Chan
34. **19/00864/FUL** Kingham, Rollright & Enstone APP
- Retractable awnings (within Main Courtyard).
Soho Farmhouse Great Tew Chipping Norton
Soho House Group
35. **19/00865/HHD** Freeland and Hanborough REF
- Extension to the first floor above existing extension.
Pelican House Lower Road Church Hanborough
Mr Russ and Tim Funnell and Tucker
36. **19/00883/FUL** Kingham, Rollright & Enstone APP
Affecting a Conservation Area
- Erection of detached annexe associated with 2 Timber Yard Cottages (amended plans)
2 Timber Yard Cottages Enstone Road Little Tew
Mr Justin Parker
37. **19/01161/HHD** Freeland and Hanborough APP
- Conversion and extension to garage to create annexe and utility room.
Wrestlers Mead 35 Wroslyn Road Freeland
Mr And Mrs J Bartrip

38. **19/00888/HHD** Charlbury and Finstock APP
Affecting a Conservation Area
- Loft conversion including insertion of two dormer windows to the rear elevation and rooflights. Changes to fenestration. Addition of garden shed. (Amended).
22 Church Rise Finstock Chipping Norton
Mr And Mrs McKenna
39. **19/00901/FUL** Kingham, Rollright & Enstone APP
Erection of industrial building comprising 8 starter units (Use Class B1/B2/B8) and associated landscaping
Land North West Of Unit 12 Elmsfield Industrial Estate Chipping Norton
Mr Stobart
40. **19/00902/HHD** Ascott and Shipton APP
Affecting a Conservation Area
- Erection of a 10m long retaining wall. Erection of Oak framed car port/store (amended).
South Lea Mawles Lane Shipton Under Wychwood
Mr Paul Newton
41. **19/00916/HHD** Burford APP
Affecting a Conservation Area
- Addition of entrance canopy and insertion of rooflight, both to front elevation.
2 Burford Hill Mews Burford Oxfordshire
Mr Nick Brookwell
42. **19/00965/HHD** Hailey, Minster Lovell & Leafield APP
Affecting a Conservation Area
- Erection of a single and two storey rear extension.
16 Fairspear Road Leafield Witney
H Barrett
43. **19/00992/HHD** The Bartons APP
Erection of single storey rear extension and removal of outbuilding to create off road parking space.
12 Worton Road Middle Barton Chipping Norton
Mr Andrew Shirley
44. **19/01026/HHD** Kingham, Rollright & Enstone APP
Replacement of raised patio/gravel area with raised wooden decking.
2 Cleveley Road Enstone Chipping Norton
Mr Toby Shipway

45. **19/01034/HHD** Charlbury and Finstock APP
Affecting a Conservation Area
- Erection of three bay carport with office/storage space above.
Kantara Woodstock Road Charlbury
Mr Greg Lynch
46. **19/01052/S73** Chadlington and Churchill APP
- Non compliance with condition 2 of planning permission 16/01505/FUL to allow changes to the South elevation and slight re-positioning of the dwelling (whilst still incorporating all changes as approved under 18/01735/S73).
Curdle Hill Farmhouse Chipping Norton Road Chadlington
Mr J Clarkson
47. **19/01261/HHD** Freeland and Hanborough APP
- Removal of detached garage and erection of single storey side extension.
Poppin House 1 Slatters Court Long Hanborough
Mr And Mrs G Woods
48. **19/01062/FUL** Milton Under Wychwood APP
- Erection of detached bungalow and associated works.
Land West Of 42 Ansell Way Milton Under Wychwood
Mr & Mrs M & C SMITH
49. **19/01316/HHD** Kingham, Rollright & Enstone APP
Affecting a Conservation Area
- Erection of single storey rear extension and porch.
Garden House 2 The Lane Chastleton
Mr Matthew Burnford
50. **19/01317/LBC** Kingham, Rollright & Enstone APP
Affecting a Conservation Area
- `Alterations and erection of single storey rear extension and porch.
Garden House 2 The Lane Chastleton
Mr Matthew Burnford
51. **19/01354/S73** Chadlington and Churchill APP
- Non compliance with condition 2 of planning permission 18/01288/FUL to allow relocation of chimney, new porch and alterations to windows. (amended plans)
Land North Of Tite Inn Mill End Chadlington
Mr D Pye

52. **19/01144/HHD** Charlbury and Finstock APP
Proposed refurbishment of existing house and single storey extension with associated landscaping.
Bobwell Farm Spelsbury Road Charlbury
Mr & Mrs Dine and Marjorie Glasgow
53. **19/01145/CLP** Freeland and Hanborough APP
Certificate of lawfulness to allow conversion of garage to living accommodation
8 New Road Long Hanborough Witney
Mr & Mrs E May
54. **19/01157/FUL** Chipping Norton APP
Affecting a Conservation Area
Alterations to remove the glazing to one window on the ground floor North elevation and replace with galvanised steel acoustic louvre.
Telephone Exchange Banbury Road Chipping Norton
BT
55. **19/01167/LBC** Kingham, Rollright & Enstone APP
Affecting a Conservation Area
Raise height of boundary wall.
The Old Cottage East End Swerford
Mr & Mrs P. Chubb
56. **19/01169/FUL** Woodstock and Bladon APP
Widen the existing gate way, dismantle the existing pillar, alter the boundary wall and re-erecting the pillar in the new location adjusting the gate leaves to suit.
Eagle Lodge Blenheim Park Woodstock
Mr Richard Bowden
57. **19/01170/LBC** Woodstock and Bladon APP
Widen the existing gate way, dismantle the existing pillar, alter the boundary wall and re-erecting the pillar in the new location adjusting the gate leaves to suit.
Eagle Lodge Blenheim Park Woodstock
Mr Richard Bowden
58. **19/01187/HHD** Stonesfield and Tackley APP
Affecting a Conservation Area
Erecting detached single garage
Foxhill 17 Ball Lane Tackley
Mr & Mrs Benson

59. **19/01222/AGR** Kingham, Rollright & Enstone P2NRQ
Affecting a Conservation Area

Erection of agricultural building
Land West Of Evenlode Lane Evenlode Lane Chastleton
Mr Greg Dancer

60. **19/01306/PN42** Witney South P2NRQ

Erection of single storey rear extension (4.3m in length x 2.9m in height and 2.9m to eaves height).

37 Curbridge Road Witney Oxfordshire
Mr And Mrs Smith

APPEAL DECISION(S)

APPLICATION NO: 18/03539/FUL

Erection of a single detached dwelling and associated works.
- 26 Balliol Close, **TACKLEY**.

APPEAL ALLOWED

WEST OXFORDSHIRE DISTRICT COUNCIL

UPLANDS AREA PLANNING SUB-COMMITTEE

MONDAY 1 JULY 2019

PROGRESS ON ENFORCEMENT CASES

REPORT OF BUSINESS MANAGER – DEVELOPMENT MANAGEMENT

(Contact: Kim Smith 01993 861676)

I. PURPOSE

1.1. To Inform the Members of the Area Planning Sub-Committee of the current situation and progress in respect of enforcement investigations (**Sections A-C**).

1.2. **Section A** – contains cases where the requirements of a formal notice have not been met within the compliance period.

Section B – contains cases where formal action has been taken but the compliance period has yet to expire.

Section C At present there are contains cases which are high priority but where the expediency of enforcement action has yet to be considered.

2. RECOMMENDATIONS

That, the Sub-Committee notes the progress and nature of the outstanding enforcement investigations detailed in Sections A – C.

3. BACKGROUND

3.1 The cases listed on this update constitute only a small number of the overall enforcement caseload which at the time of writing consists of 285 live cases.

3.2 As the relatively newly appointed team members expand their knowledge base and experience it is anticipated that the backlog of low priority cases will be further reduced allowing the priority cases to be progressed more expeditiously and pro-active monitoring to be actively commenced in due course.

SECTION A – PROGRESS ON CASES WHERE THE REQUIREMENTS OF A FORMAL NOTICE HAVE NOT BEEN MET WITHIN THE COMPLIANCE PERIOD

3.3 The cases listed in the following section are those where a notice has been served and the requirements have not been met within the compliance period or there has been an unauthorised display of advertisements. This means that an offence is likely to have been committed and that the Council need to consider the next steps to secure compliance. In some cases this will entail the initiation of legal proceedings to bring about a prosecution.

Site Address and Case Number	Unauthorised Development	Notes	Update/Action to be taken
Unicorn Public House, Great Rollright	Listed Building allowed to fall into a state of disrepair	The pub has been closed for many years and the subject of on-going complaint regarding its appearance/state of repair.	<p>Since the last enforcement progress report in Jan 2019 and following the report to Cabinet in November 2018 where Officers recommended that if the building is to be secured it will be necessary to enact the resolution to compulsorily purchase it and make budgetary provision for such action a full report was put to Council on 23 January 2019 and agreed.</p> <p>Since then:</p> <p>Building Control has continued inspections to review safety of the structure.</p> <p>Officers have met specialist external consultants to clarify CPO process/next steps</p> <p>Estates have commenced discussions with the owner to ascertain whether a negotiated purchase can be secured without the need for formal CPO action</p> <p>A verbal update on progress to be given at the meeting.</p>

SECTION B – PROGRESS ON ENFORCEMENT INVESTIGATIONS WHERE FORMAL ACTION HAS BEEN TAKEN.

The cases listed in Section B are ones where a notice has been served but the compliance date has not yet passed.

Site Address and Case Number	Unauthorised Development	Notes	Update/Action to be taken
The Bull Inn, Sheep Street, Charlbury	Unauthorised flue and extraction system.	<p>Planning and Listed Building consent applications for the unauthorised extraction flue were submitted under references 16/01140/FUL and 16/01141/LBC and were subsequently withdrawn.</p> <p>Applications were refused for the same extraction flue at a different location on the building (Ref nos. 17/00790/FUL and 17/00791/LBC).</p> <p>In light of the refused applications and the fact that the existing system that is in situ is considered to adversely</p>	<p>On 7th August 2017 Members of the Uplands Planning Sub-Committee 07/08/2017 resolved that Officers be authorised to issue an enforcement notice to secure removal of the extraction unit with flue within 3 months of the notice coming into effect.</p> <p>On 22nd September 2017 Enforcement Notices were served which would take effect on 30th October 2017.</p> <p>On 30th October 2017 an appeal was lodged against the notice.</p> <p>The appeal was dismissed on 30 October 2018 and the enforcement</p>

		impact on both the architectural character and appearance of the listed building and the Conservation Area, your Officers prepared an enforcement report with a recommendation to take formal enforcement action.	notice upheld. Listed Building Consent was approved for an alternative extraction unit and flue on 30 May 2019. In light of the approval your officers are working with the site owner to ensure that the approved unit is expedited as quickly as possible and the unauthorised unit removed without the need for further action.
Goose Eye Farm, Eynsham	Alleged unauthorised 39 metre long structure	Planning application ref 17/00091/FUL for replacement dwelling refused Enforcement action taken which took effect on 5/1/18 requiring removal of the extension by 18 May 2019.	Following a recent site visit officers can confirm that the 39metre long extension has been removed in accordance with the requirements of the Enforcement Notice. CASE CLOSED
Orchard Cottage Churchill	Alleged non - compliance with enforcement notice	Owner moved back onto site in contravention of extant enforcement notice	Given Human Rights issues a further enforcement notice was issued that required cessation of the residential use of the site once the current occupier ceased to occupy the land. Following an appeal the enforcement notices were found to be nullities and quashed. Post the appeal decision a planning application was submitted by the landowner a personal consent to occupy the land for residential purposes. In light of this at the Uplands Area Planning Sub Committee on 3 December 2018 Members resolved as follows: (a) That new Enforcement Notices be prepared to address both the unauthorised residential occupation of the site and to require the removal of the structures and chattels from the land; (b) That in the event that the current planning application was refused Enforcement Notices would then be issued ;and (c) That the Head of Planning and Strategic Housing be authorised to issue the Enforcement Notices and to specify the compliance period(s) prior to

			<p>issue.</p> <p>The planning application was subsequently approved subject to conditions and a legal agreement. The legal agreement has now been signed and the application is due to be issued.</p> <p>CASE CLOSED</p>
Unit A, Farm Buildings, Farley Lane, Stonesfield	Breach of condition 1 of planning permission 07/1871/P/S73 which restricted the use of the building for the purposes of a welding business for one year only.	Given that this consent was only granted for one year the business has been operating from the site for nearly 10 years without consent and conditions controlling the use(hours of operation, noise etc).In addition to the above in the interim period a small housing estate has been constructed in close proximity to the building.	<p>Once the breach came to light and given the very tight timeframe in respect of the unfettered use becoming lawful, your Officers issued an enforcement notice requiring the use to cease within 6 months of the notice coming into effect.</p> <p>The Enforcement Notice is the subject of an appeal the outcome of which is not known at the time of writing.</p>
The Golden Pheasant, High Street, Burford	Unauthorised ATM and signs	Following refused retrospective applications and dismissed appeals an Enforcement Notice was issued requiring removal of the ATM pod, concrete base and bollards.	The Enforcement Notice requires removal of the unauthorised works by 8 July 2019.
45 High Street, Ascott Under Wychwood	Unauthorised pergola and first floor balcony.	<p>Planning permission for the retrospective works was refused and subsequently dismissed at appeal.</p> <p>A later planning permission was approved for an amended pergola and balcony detail that was considered to address the concerns raised by the Planning Inspector.</p> <p>Despite repeated confirmation from the owner that the amended approved scheme would be implemented in order to address to the breach, the pergola and balcony remains unaltered.</p>	An Enforcement Notice seeking removal of the unauthorised pergola and balcony has been issued with a short compliance period.

SECTION C – PROGRESS ON OTHER ENFORCEMENT INVESTIGATIONS IDENTIFIED AS BEING HIGH PRIORITY

Site Address and Ref No.	Unauthorised Development	Notes	Update/action to be taken
The Heyes, Churchill	Unauthorised Storage and processing of logs The Heyes, Churchill	As reported to Members in the last update report the landowner is claiming that the use under investigation has been going on for in excess of 10 years and is therefore lawful. Officers have advised that in order to evidence this claim a CLEUD application needs to be submitted for consideration. No such application has been received to date.	Since the last report to Members in respect of this issue the contravener has made it quite clear that he has no intention of submitting a CLEUD application to seek to evidence a lawful use. Latest contact with the contravener has confirmed that a local agent has been instructed to submit a retrospective planning application in an attempt to regularise the breach.
The Beeches, Old London Road, Chipping Norton	Unauthorised two storey building, car park extension and additional caravans located on the periphery of the site.	Following investigation it has come to light that on one of the plots on The Beeches a two storey building has been constructed, the proposed use of which has not yet been established. In addition Officers have noted that a number of plots on the periphery of the site have additional caravans on them.	As there are likely to be a number of issues relating to the alleged breaches of planning control on the land that are not planning matters, Officers are seeking to liaise with other relevant Services within the Council and possibly other agencies in order to discuss the best way to approach the investigation. Members will recall that they noted at the last meeting that an external specialist has been engaged to progress action on this site following priority action on a similar site in Lowlands.
26 High Street, Ascott under Wychwood	Unauthorised change of use of land from agricultural to garden.	Planning application 16/03240/FUL was submitted in an attempt to regularise the breach. It was refused on the grounds that the extension of the garden curtilage adversely intrudes into and urbanises the open countryside thus failing to conserve and enhance the Cotswolds AONB.	In light of the refusal of planning permission and in the absence of an appeal your officers anticipated that that if the unauthorised change of use was not resolved voluntarily that it would be expedient to issue a Planning Enforcement Notice in respect of the breach. It has however been difficult to date to confirm whether or not the contravener has ceased using the land as garden because of the ability to move goal posts, trampolines etc very easily on to and off of the land. Periodic complaints that the land is still being used as garden are still being received. In light of the above periodic monitoring of the site continues.

I Swan Cottage, Asthall Leigh	Unauthorised outbuilding being used as a residential annexe	In December 2016 the contravener was granted a lawful development certificate for the siting of a mobile home in the garden to be used for ancillary residential use. Officers received a complaint in February 2017 alleging that a building was being constructed on the land. Following investigation Officers concluded that the works that were being undertaken on the land constituted a building operation the siting and dimensions of which constituted a breach of planning control. Planning application ref 17/01277/HHD was approved detailing a flat rather than pitched roof and was approved. A further application to retain the pitched roof was refused.	Following an appeal in respect of the refusal for the unauthorised pitched roof building the Planning Inspector allowed the development. CASE CLOSED
Burford House 99 High Street	Alterations to listed building	Unauthorised works have been undertaken to a Grade II listed building	Applications for retrospective works have been received and are under consideration.
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed	Owner given until time to provide a schedule of works to restore the building. No schedule received. Officers have re-visited the site and consider that no action is justified at this time. Condition of building to be monitored.
New Chalford Farm Chipping Norton	Unauthorised works to barn to create separate residential use	Planning application submitted	Approved as holiday let CASE CLOSED
Priory Mill, Hook Norton Road Chipping Norton	Unauthorised works to barn to create separate residential use	Planning application submitted and refused.	Subsequently a further planning application was approved for a storage building which has been implemented. CASE CLOSED
Track at Tracey Lane Great Tew	Unauthorised track created	Planning permission refused retrospectively	Amended application seeking to address archaeological and landscape issues has been submitted and is still under consideration pending further more extensive archaeological investigations.
Westbury Farm Enstone	Unauthorised access	Retrospective application submitted	Granted. CASE CLOSED

19 Tilsley Road Chipping Norton	Erection of enclosure and change of use of verge to garden	Advice given to remove or submit retrospective application but no change/application	Next steps under consideration
Bowerham Shipton U Wychwood	Insertion of 7 rooflights	Application refused but modified application for 4 subsequently approved	7 rooflights remain. Next steps under consideration
Sidings Station Road Kingham	Use of Ag building for non- agricultural purposes	Application submitted and approved	CASE CLOSED
1 Lords Piece Road Chipping Norton	Fence and change of use to garden	No retrospective application received	Next steps under consideration
Spring Cottage Sheep Street Charlbury	Porch and Canopy in CA	Retro application refused	Next steps under consideration
Davenport Close Gt Rollright	Greenhouse in front garden	Retro application refused and the subject of an appeal.	Await appeal decision.
Hemplands Gt Rollright	Unauthorised vehicular access	No application submitted	Next steps under consideration
1 Washington Terrace Middle Barton	Fence and Garden in floodplain	No application submitted	Next steps under consideration
34 Grove Road Bladon	Works not as per approved plans	Members noted retro application was being sought at May 2019 meeting	Agent advises App will be submitted imminently

4. ALTERNATIVES/OPTIONS

There are no alternatives for the report which is provided for information only.

5. FINANCIAL IMPLICATIONS

There are no financial implications.

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Background Papers:

None