

Friday, 21 May 2021

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## UPLANDS AREA PLANNING SUB-COMMITTEE

You are summoned to a meeting of the Uplands Area Planning Sub-Committee which will be held in the Council Chamber, West Oxfordshire District Council, Woodgreen, Witney, OX28 1NB on **Tuesday, 1 June 2021 at 2.00 pm.**



Giles Hughes  
Chief Executive

To: Members of the Uplands Area Planning Sub-Committee

Councillors: Councillor Jeff Haine (Chairman), Councillor Julian Cooper (Vice-Chair), Councillor Andrew Beaney, Councillor Nathalie Chapple, Councillor Merilyn Davies, Councillor David Jackson, Councillor Alex Postan, Councillor Geoff Saul, Councillor Dean Temple and Councillor Alex Wilson, Councillor Ted Fenton (ex-officio)

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

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

## **AGENDA**

1. **Minutes of Previous Meeting (Pages 3 - 8)**  
To approve the minutes of the meeting held on 26 April 2021.
2. **Apologies for Absence and Temporary Appointments**
3. **Declarations of Interest**  
To receive any declarations from Members of the Committee on any items to be considered at the meeting
4. **Applications for Development (Pages 9 - 58)**  
Purpose:  
To consider applications for development, details of which are set out in the attached schedule.  
Recommendation:  
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.
5. **Applications Determined under Delegated Powers and Appeal Decisions (Pages 59 - 82)**  
Purpose:  
To inform the Sub-Committee of applications either determined under delegated powers and any appeal decisions.  
Recommendation:  
That the reports be noted.

(END)

## WEST OXFORDSHIRE DISTRICT COUNCIL

Record of Decisions of the meeting of the  
**Uplands Area Planning Sub-Committee**  
Held Virtual at 2.00 pm on **Monday, 26 April 2021**

### PRESENT

Councillors: Councillor Jeff Haine (Chairman), , Councillor Andrew Beaney, Councillor Richard Bishop, Councillor Mike Cahill, Councillor Laetisia Carter, Councillor Nigel Colston, Councillor Julian Cooper, Councillor Derek Cotterill, Councillor Merilyn Davies, Councillor David Jackson and Councillor Alex Postan

Officers: Phil Shaw (Business Manager - Development Management) and Kim Smith (Principle Planner (Enforcement))

#### **55 Minutes of Previous Meeting**

The minutes of the meeting held on 1 March 2021 were approved and signed by the Chairman as a correct record, subject to the following additions and amendments:

The Business Manager – Development Management proposed a clarification to the minutes on item 52 (iv) 20/02848/FUL – Fardon House, Frog Lane, Milton under Wychwood. The Business Manager – Development Management presented a plan defining a proposed boundary on the southern side of the site which varied between 7 metres and 14 metres in width. Councillors agreed the proposed boundary.

Councillor Cotterill advised the Committee that following the last meeting discussions had taken place with the applicant for item 52(i) 20/02830/FUL – Chevrons, Swan Lane, Burford. The applicant had agreed to leave the existing gates in place thus retaining the three existing on street parking spaces.

Councillor Beaney noted that he had asked a question on agenda item 6 with respect to Delegated Powers No 46. 20/03286/FUL and was awaiting a response to his question from an officer. The Chairman advised that officers would contact Councillor Beaney with a response.

#### **56 Apologies for Absence and Temporary Appointments**

Councillor Carter substituted for Councillor Saul.

#### **57 Declarations of Interest**

There were no declarations of interest received.

#### **58 Applications for Development**

The Sub-Committee received the report of the Business Manager – Development Management, giving details of applications for development, copies of which had been circulated.

**RESOLVED:** That the decisions on the following applications be as indicated, the reasons for refusal or conditions related to a permission to be as recommended in the report of the Business Manager – Development Management, subject to any amendments as detailed below:-

- (i) 21/00801/FUL - Land North West Of 66 Over Norton Road

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The Principal Planner (Enforcement), Kim Smith, introduced the part retrospective application to allow the already commenced engineering works,

construction of an access track, remodelling of an existing access onto the highway and the siting of four mobile caravans on the land. The caravans were presently occupied by an extended family of four households with children who had previously occupied plots at 'The Beeches'.

The Principal Planner (Enforcement) explained that the site was within to the Cotswolds AONB and close to the Over Norton conservation area. She advised that if the application was refused the family would be forced onto the roadside and highlighted that the children of the family attended school in the area.

Formal enforcement action in respect of the breaches of planning control had

been initiated by the issuing of an Enforcement Notice and Stop Notice. However, this could be withdrawn if the application was approved.

The Committee noted the late representations report which included a response from County Footpaths raising no objection, subject to conditions, an Ecology Consultation response, an objection from Chipping Norton Town Council on a number of grounds.

The Principal Planner (Enforcement) recommended refusal of the application for the reasons and informative set out below:

1. The siting of the four caravans together with the engineering operations and construction of an access track and hardstanding on a highly visible, elevated and sensitive rural site located between the town of Chipping Norton and the village of Over Norton results in a harmful visual coalescence between the two settlements which appears extremely unsympathetic and incongruous within the rural landscape, contrary to policies OS2 and H7 of the WOLP 2031;

2. The site is located in the Cotswolds AONB which has the highest status of protection in relation to landscape and scenic beauty and the NPPF states that great weight must be afforded to achieving its conservation and enhancement. In this context both the change of use and the associated operational development are considered to cause landscape and visual harm contrary to policies EH1 and H7 of the WOLP 2031, The West Oxfordshire Landscape Assessment and paragraphs 170 and 172 of the NPPF. The benefits of the proposals are not, when having ascribed the correct weighting to them, considered to outweigh these harms;

3. By reason of the elevated siting of the caravans on the land and the visual impact of the caravans, associated engineering and enabling works from adjoining and other public vantage points, the change of use and associated operational development are considered to adversely urbanise the rural character and appearance of an important open space between Chipping Norton and Over Norton that in its undeveloped

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state contributed positively to the setting of the Over Norton Conservation area and in its developed state harms that setting. There are not considered to be sufficient public or other benefits which outweigh these harms and as such both the siting of the caravans and the associated engineering works/operational development are considered contrary to policies EH9, EH10 and H7 of the adopted WOLP 2031 and paragraphs 193, 194 and 196 of the NPPF; and

4. It has not been demonstrated to the satisfaction of the Local Planning Authority based on the application submission that the development would not give rise to harm to protected species and that the drainage proposals to serve the development have not been adequately assessed or addressed. As such the development is considered contrary to policies EH3 and EH7 of the West Oxfordshire Local Plan and relevant paragraphs of the NPPF.

#### Informative

It may be possible to overcome reason for refusal(4) related to protected species and drainage through the submission of additional information should this refusal of permission be the subject of appeal.

Councillor Cahill addressed the Committee as Ward member for Chipping Norton and proposed the officers' recommendation.

Councillor Carter acknowledged the difficulty of the circumstances of the application and requested more information about the families' move to the site.

The Business Manager – Development Management confirmed that officers were satisfied with the concerns of the family which had resulted in them moving to the site and that officers were ready to work with them to find a more suitable site. It was noted that this was the only land the family owned.

Councillor Postan supported the recommendation suggesting that gypsy and traveller sites were best located within a town boundary, to encourage inclusion

Councillor Colston supported the recommendation whilst acknowledging the difficulty of the circumstances of the application. He supported officers intention to seek to find alternative sites for the family.

Councillor Cooper stated his support for the recommendation and clarified that this was a planning decision focussing on the need to protect the landscape and he therefore seconded the recommendation.

Councillor Beaney requested that training be provided for Councillors on gypsy and travellers ethnicity and status with respect to planning regulations and questioned whether

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the Council's data was up to date with respect to the level of need in the gypsy and traveller community in West Oxfordshire.

Councillor Beaney also suggested that Chipping Norton Neighbourhood Plan was a relevant policy in this case, quoting page 4, "an important open space between Chipping Norton and Over Norton" and asked that it was included in order to protect Chipping Norton's boundary.

In response, the Business Manager – Development Management agreed to re-visit the Chipping Norton Neighbourhood Plan with respect to this application.

The Principal Planner (Enforcement) noted that an application for a fence in the same area had been refused and upheld on appeal. She clarified that it was the setting of the conservation area in a very rural area for the village of Over Norton that was at risk from the application as it would diminish the rural nature of the setting.

Councillor Davies disagreed with the recommendation and would not be supporting the refusal of the application. She noted that gypsy and travellers were protected in law and had a right to live in their own way in the countryside. She also noted that the children were settled in and attending school.

Councillor Carter agreed with Councillor Davies that this was a difficult dilemma that appeared to be about land verses the family's rights to safe accommodation but that we also needed to consider the impact on the surrounding community of the development. She acknowledged the shortage of available Gypsy traveller sites and that this needs time invested to rectify in West Oxfordshire and nationally.

Councillor Cotterill informed the meeting that WODC's Local Plan had 11 gypsy and traveller sites but noted that another 19 pitches were required up to 2031. He asked what progress had been made to identify future pitches.

The Business Manager – Development Management informed the meeting that WODC had met recently with Oxfordshire County Council's Liaison Officer and the Planning Department were in discussions about at least four existing sites, to increase provision on those sites. This was the usual way to increase provision and if successful, would exceed the requirement for the current period.

Having considered the report and having listened to the comments made, the Committee voted to agree that the application be refused as per the officers' recommendation.

Refused.

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**59 Applications Determined under Delegated Powers and any Withdrawn Applications and Appeal Decisions**

The reports giving details of (i) applications determined under delegated powers were received and noted.

Councillor Cooper commented on item 93 21/00234/HHD - Woodstock and Bladon advising that there had been some confusion at the Town and Parish Councils over the category of application that a Town Council could object to. He also queried the category of application that could, following an objection, result in the application coming before a Planning sub-Committee; and which would not. He asked that training on this matter be provided to Town and Parish Councillors.

The Business Manager – Development Management informed the meeting that applications with an HHD or ADV suffix to the application number which was objected to by the Town or Parish Council would not automatically result in application coming to Committee, whereas objections to applications with other suffix's would. However, he reminded Members any District Councillor could request that applications be brought before this Planning sub-Committee.

The Business Manager – Development Management assured the meeting that this information was covered during training sessions for Town and Parish Councillors but agreed to include it in the next training sessions.

The reports giving details of (ii) appeal decisions were received and noted.

Councillor Haine thanked all Councillors and officers for the work carried out in this year's meetings.

The Meeting closed at 3.04 pm

CHAIRMAN

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## **WEST OXFORDSHIRE DISTRICT COUNCIL**

### **UPLANDS AREA PLANNING SUB-COMMITTEE**

**Date: 1st June 2021**

#### **REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT**



**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.

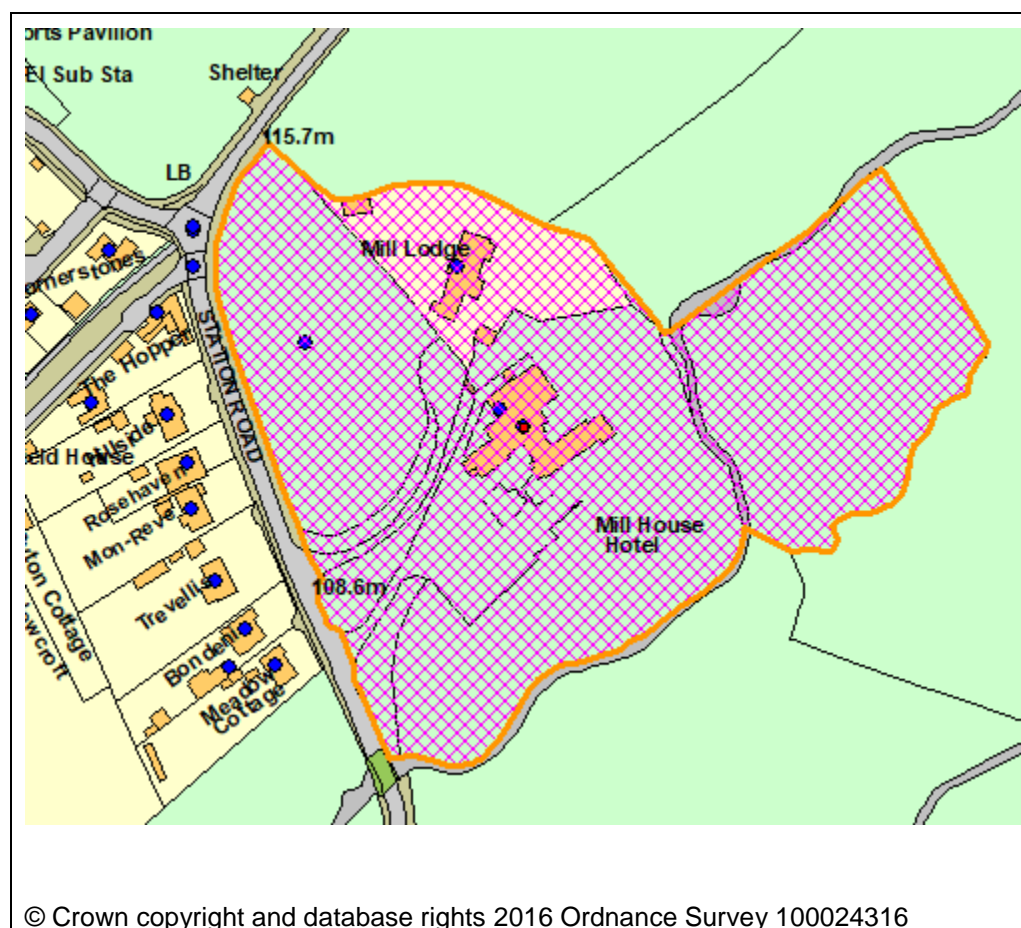
Please note that:

- I. Observations received after the reports in this schedule were prepared will be summarised in a document which will be published late on the last working day before the meeting and available at the meeting or from [www.westoxon.gov.uk/meetings](http://www.westoxon.gov.uk/meetings)

| <b>Item</b> | <b>Application Number</b> | <b>Address</b>                                    | <b>Officer</b> |
|-------------|---------------------------|---|----------------|
| 1           | 20/01165/FUL              | Mill House Hotel Station Road                     | Joan Desmond   |
| 2           | 20/01958/FUL              | Southfield House Manor Road                       | James Nelson   |
| 3           | 21/00879/FUL              | Enstone Airline Hangars Enstone<br>Airfield North | Kim Smith      |
| 4           | 21/01303/FUL              | Enstone Flying Club Enstone Airfield<br>North     | Kim Smith      |

|                         |  |
|-------------------------|--|
| Application Number      | 20/01165/FUL   |
| Site Address            | Mill House Hotel<br>Station Road<br>Kingham<br>Chipping Norton<br>Oxfordshire<br>OX7 6UH |
| Date                    | 19th May 2021  |
| Officer                 | Joan Desmond   |
| Officer Recommendations | Refuse   |
| Parish                  | Kingham Parish Council   |
| Grid Reference          | 425911 E 223437 N  |
| Committee Date          | 1st June 2021  |

### Location Map



### Application Details:

Redevelopment of site to provide a new 33 bedroom hotel and ancillary facilities including restaurant, spa, gym, swimming pool, alehouse, bakehouse, and servicing together with associated parking and landscaping and reinstatement of former mill leat.

**Applicant Details:**

The Mill  
c/o agent

**I CONSULTATIONS**

Major Planning  
Applications Team

Archaeology - Objection for the following reason - The results of an archaeological evaluation will need to be submitted prior to the determination of this application in line with the National Planning Policy Framework (2019), paragraph 189.

WODC  
Landscape And  
Forestry Officer

1. Much reliance is placed within the assessment work on the function of the hedgerow growing along the north-eastern boundary as a visual barrier to mitigate the impact of the proposed development in views from within the Conservation Area and expansive views across the wider AONB landscape to the south. However, the detailed layout and mitigation proposals illustrate that due to its close proximity to proposed buildings, and the components of the hedgerow itself, it would be considerably affected by those works. This would lead to it being much less effective at its intended purpose in the short and longer term.
2. The close proximity of development to this vegetation leaves little room for construction activity and would lead to poor relationships between the new buildings and uses and this important vegetation. Notably, in relation to the prominent Oak tree (T52) which would be put at considerable risk. Whilst the Landscape Strategy drawing indicates 'Enhanced boundary screening to mitigate impact of proposed development' in practice there would be little room available in which new tree and hedgerow planting could mature into and reach sufficient scale to contain the development within a strong landscape structure.
3. The prominent row of mature ash trees growing along the western boundary are a characteristic feature of the surrounding landscape. However, the proposed layout sites car parking, an access road and housing immediately adjacent to them and well within the minimum recommended root protection zone. Despite the fact that special 'no-dig' techniques are said to overcome this it is highly questionable that this would result in a satisfactory relationship, even if the trees were to survive the pressures of construction activity. It should be noted that due to their current physical condition and the continued spread of Ash Dieback disease their future is far from certain and their potential absence in the landscape should be taken into account as part of the overall visual assessment of the proposals.
4. In addition to the complications along the north-eastern boundary the landscape framework is quite weak at the point where the proposed development abuts the Conservation Area boundary along Station Road. Whilst a continuation of the existing roadside hedgerow is proposed there is little space for additional tree planting to soften the visual impact of this area

and to help set the complex as a whole within a strong structure. Some tree planting is identified but conflicts with proposed car parking which would also be prominent in itself in this sensitive location for some time, until new planting had time to mature. It would appear feasible to relief pressure here, and along the main access road adjacent to the Ash trees, if all parking which is currently squeezed against the hedgerow were re-located to a landscaped courtyard within the open centre of the site.

5. In order to improve the appearance of the street scene around the existing access points there is an opportunity to consolidate the two entrances to one with good vision splays and turning arrangements. This would allow existing native species hedgerows to be linked up across the site frontage resulting in a smarter and less cluttered appearance.
6. I think there has to be some doubt about the feasibility of retaining many of the existing trees shown to be retained along the access drive (G30,G31 and G32). These look to be sited within a new footpath. Whilst clearly not all these trees should be seen individually as a major constraint the loss of many of them would remove a large amount of Day 1 greenery which may have a bearing on the overall assessment of the visual impact of the scheme. Note also the proposed location of a new foul sewer running about 1m parallel to the trees shown to be retained as shown on the proposed Drainage Strategy drawing.
7. If the scheme is to be approved I suggest conditions are required to bring together the various landscape and environmental components into one plan which can be detailed alongside ecological and drainage measures etc.

|                             |  |
|-----------------------------|--|
| ERS Env. Consultation Sites | I have looked at it in relation to contaminated land and potential risk to human health. The information submitted with the application suggests that no fuels or potentially contaminating substances have been stored at the site and while I have no major concerns in relation to the land and the proposed development, I see that there is a charcoal yard present and a number of storage containers within the yard. Given the size and nature of the development please consider conditions relating to potential contamination to any grant of permission. |
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| WODC Business Development | No Comment Received. |
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| Parish Council | Overall, the Council welcomes the proposal to develop this site, and has no wish to see the site decay. Its redevelopment as a hotel is appropriate and there are many features to commend it. Other developments locally by Daylesford have been tasteful and ecologically sound, and their approach to this one is similar. We do, however, have significant concerns which should be addressed before any permission is granted. |
|----------------|---|

I. Scale This is a major development and the number of units is roughly

double that of the previous hotel. Most of the development is on the field adjacent to Station Road, which has an existing planning permission for five houses, so 46 units is substantially denser than that. The NPPF (2019), paragraph 172, states that, for developments within an AONB, "Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way: and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

The scale is large in relation to a small village (Kingham has only about 350 houses) and hence is a "major development" as defined by NPPF. It will generate significant problems in relation to traffic, parking, sewerage etc. (see below). A reduction in size would make it a more acceptable development (as well as making it a more "boutique" hotel).

2. **Parking** This appears to be inadequate with 53 spaces for 52 bedrooms (there are 46 units, but six have two bedrooms). There is thus little or no space for staff parking and effectively none for visitors either to the guests, or coming to use the hotel facilities (see paragraph 5 below). In addition, there will be service staff for maintenance of the hotel facilities (plumbers, electricians, etc). The Design and Access Statement (p23) mentions "reducing as much as possible the car parking spaces on site by implementing a minimum car use access strategy with (i) an electric shuttle bus linking the Railway Station, the centre of Kingham and the Daylesford Farm; (ii) off site car parking and valeting service; (iii) ample provisions of bicycles." There is little real discussion as to how this would work and how staff would travel and the Transport Statement (p8) is no clearer. Despite the laudable attempts to encourage visitors to come by train, many will want to visit local sites (Blenheim, Stratford, other villages etc.) so will want a car accessible. Whilst we welcome the opportunity for more local employment, inevitably many staff will come from other villages, Chipping Norton etc, and locally, public transport is poor. There needs to be a clear statement as to how staff will get on site (eg park on the main Daylesford site and be bussed down). The parking issue illustrates all too clearly the problems of a development on this scale on a relatively small site. It is noteworthy that in the "Hotel Viability Assessment", the comparator hotels are all on much larger sites.

3. Traffic We are concerned about the impact on traffic through the village. The Transport Statement (paragraph 4.5) proposes a shuttle bus between Daylesford, the Mill House and the station, which would also be available to local residents. This is obviously welcome and would tend to reduce traffic but would need to be backed up with a timetable and a commitment that it would run indefinitely with any timetable changes being agreed with the Parish Council. Despite this, we have concerns about the total impact on traffic. For example:
  - a. table 5.2 in the Transport Statement predicts for the hotel an additional 236 vehicle movements per day which, given that most would be between 8am and 8pm, amounts to one movement every three minutes, although one of their comparator sites (appendix 5) is a B&B in Arbroath, which to our certain knowledge is a very different environment to a village in the Cotswolds, so their figures are probably an underestimate.

In addition, the Parish Council has recently undertaken a traffic survey (along Station Road, next to the playing field) in which it was clear that the peaks are approximately 7.30am to 9.00 am, and 2.30pm to 5.30pm. The 85 per centile speed was 32mph and there were approximately 775 trips each way every weekday, thus there would be a significant increase in traffic.

- b. on deliveries, the Transport Statement (p8) says: "All deliveries (and refuse) for The Mill will be delivered and stored at Daylesford Organic Farm, located approximately 3.2km (2 miles) to the northwest of The Mill, which is also within the applicant's ownership. Stock will be transported from the nearby Daylesford Organic Farm site to The Mill in smaller delivery vehicles as and when required. CEC Plan 6855/SPA/202(B): [Swept Path Analysis - Delivery Vehicle] included within Appendix I, shows the swept path for a 4.6t light transit van delivery vehicle, which is the maximum size of delivery vehicle anticipated to service the proposed development. The aforementioned plan demonstrates the manoeuvre for delivery vehicles accessing the site from Station Road, routing to and turning adjacent to the proposed loading/unloading delivery area at the back of house building and egressing the site." This arrangement is confirmed in the Design and Access Statement (p20, section 7). Whilst this is welcome in terms of avoiding a large number of delivery vehicles driving through the village, there is not attempt to quantify how much traffic would be generated by this light transit delivery vehicle - would it be travelling more or less continuously during the working day?
4. Effluent and Sewerage This is mostly covered in the "Flood Risk and Drainage Strategy" (FRDS).
  - a. Surface water We have concerns about this. The FRDS states that the

buildings will be within flood risk 1 area which we accept, but the lower parts of the site (including the car park) are within flood risk 2 (annual risk of flooding between 0.1% and 1%) - we suspect that this underestimates the risk since they mention the 2008 flood without mention of subsequent flooding which has occurred since. They do, however state (paragraph 3.19) that in the event of a surface water flood the parking areas might be involved. The car owners deserve more reassurance than they seem to provide.

- b. Foul water Paragraph 4.18 of the FRDS states that foul water would be discharged into the existing public sewer and that there will be discussions with Thames Water. Thames Water indicated that the recent building of Bury Road houses could be accommodated within the existing system, but residents of both Field Road and Station Road (living in the house opposite the Mill House) say that they smell of sewerage and the risk of back flow have increased and despite complaints over many years, Thames Water has not resolved the issues.

We recommend that discussions with Thames Water occur prior to permission being given and that a joint robust plan to deal with the sewerage issues is developed before the development is permitted.

5. Access There needs to be clarity on whether the hotel would be entirely restricted to guests or whether and which parts would be open to non-residents. The Transport Statement (paragraph 5.6) states, "The development proposals also include a restaurant (80 covers), ale and bake house, spa, gym and swimming pool. All of these proposed uses will primarily be ancillary to the proposed hotel for the primary use of guests staying in the hotel. As such, these proposed uses are unlikely to generate a significant volume of vehicle trips in their own right." The Planning Statement (paragraph 9.40) says, "The bake and ale house will be open to local residents, providing alternative and expanded retail and public house facilities to those existing in the village." The Hotel Appraisal (p32) implies that the spa would be for hotel guests only but "in a similar vein the restaurant should complement the holistic nature of the resort and can serve not only as the dining point of convenience for hotel guests but also a dining option for day visitors and the local community." The hotel could make a very real contribution to the local community and we would suggest that there be a clear commitment that the bake and ale house as well as the restaurant are open to local residents and that consideration be given to opening the spa and pool to local residents, perhaps on a membership basis.
6. Staff As previously stated, we welcome the employment opportunities that this hotel will offer. From the documentation, we are uncertain how many staff will be required - the Planning Statement (paragraph 9.59) says 33, the Hotel Viability Assessment (p48) says 80. We have little expertise in this area, but suspect it will be closer to the latter



figure. Clearly most will not be existing Kingham residents (albeit hopefully some will), but they will have to live in the area. Daylesford already owns a considerable number of properties in the village, either as supplementary accommodation for the Wild Rabbit or staff accommodation. Given that there are also many second homes in Kingham, the lived-in character of the village that is the attraction for visitors (including those coming to the Daylesford properties), is endangered. We therefore hope that the Daylesford Estate could enter into a dialogue with the village (through the Parish Council) to address the very real problems of finding affordable accommodation for their staff.

7. Construction This will be a major construction site and will need a detailed construction plan. We are pleased to see a commitment in the Transport Statement that all construction traffic should be directed to enter the village from the south and so avoid the centre of the village. From experience with previous construction sites within the village, we would wish that there was a clear plan as to how this will be policed as well as a clear commitment that all construction traffic will park on-site (Station Road is entirely unsuitable for parking on). Even with this traffic plan there would be significantly increased traffic through other villages (eg Churchill and Bledington) and this would need to be managed.

Cotswolds Conservation Board

Unfortunately, the Board does not have capacity to comment on this planning application at this time.  
This should not be taken as an indication that the Board does not consider that the proposed development would have any adverse impacts on the Cotswolds AONB.  
In making your decision on this planning application, please have regard to:  
- The statutory duty of regard (S.85 of the Countryside and Rights of Way Act 2000)  
- The policies of the Cotswolds AONB Management Plan 2018-2023  
- Relevant guidance and position statements published by the Cotswolds Conservation Board.

WODC Env Health - Uplands

There is no noise assessment of mechanical plant (HVAC) or kitchen extract noise and no assessment of the filtration methods to abate commercial kitchen cooking odours. Some commentary on both would be very useful to inform a consultation response. Could this be requested?

Biodiversity Officer

Further information is required.

Thames Water

No objection subject to conditions.

|                                  |   |
|----------------------------------|---|
| Conservation Officer             | No Comment Received.  |
| Environment Agency               | Object - In the absence of an acceptable flood risk assessment (FRA) we object to this application and recommend that planning permission is refused. We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. We recommend that planning permission should be refused on this basis.  |
| Newt Officer                     | Further information is required to assess the potential impacts of the proposed development on great crested newts (GCN).   |
| Biodiversity Officer             | Following on from my previous comments on the above planning application (application no. 20/01165/FUL), I have reviewed the BNG Assessment (prepared by ADAS and dated March 2021), alongside the metric calculations, as well as the amended Preliminary Ecological Appraisal (prepared by ADAS and dated July 2019) and Ecological Impact Assessment (prepared by ADAS and dated April 2020). Additional information is still required.  |
| Environment Agency               | <p>The amended details satisfactorily address our earlier concerns. Subject to recommended conditions, we therefore withdraw our previous objections. Our previous objections related to increases in flood risk and lack of detailed information on foul sewer network capacity. The updated Flood Risk Assessment (FRA) is supported by detailed fluvial modelling. Due to characteristics of the development site and the development being proposed, we have taken a decision in this individual case that it is not necessary for us to undertake a detailed review of the hydraulic modelling.</p> <p>We are satisfied that the FRA has considered the likely impact of increased flood levels as a result of climate change and that the built development being proposed lies outside of the 1% annual probability flood extent with a 35% allowance for climate change and therefore no loss of floodplain storage is expected. The bridges that were previously proposed to cross the Cornwell Brook have been removed from the submitted plans which further reduces the risk of flooding both to and from the development site.</p> <p>The FRA also includes details of Thames Waters' confirmation that there is sufficient capacity in the foul network to receive foul drainage from this development.</p> |
| Major Planning Applications Team | OCC Highways - No objection subject to legal obligations and planning conditions as detailed in the county council's original response.   |

LLFA - No objection subject to conditions

Parish Council

No Comment Received.

Conservation Officer

This latest amended scheme is certainly the most promising yet, with a somewhat reduced amount of new building - although it remains a very significant development in a somewhat sensitive location. Dealing first with the impact on the historic mill, I think that stripping away of the various accretions is very much to be welcomed, as is reinstatement of the mill leat. I also think that the proposed new additions are along the right lines, with main addition being set to the north. However, in my view the thatched reception building is too tall - the ridge being higher than that of the mill - and it needs lowering considerably. I also think that the ale/bake house is too tall - and in addition its tall and long glazed south-east elevation will be prominent day and night in views from the south. Also in fairly close proximity is the sizeable spa building, although now somewhat lower, and making less of an impact than previous iterations. Turning to the wider site, I note that the built development has been kept away from the lower riverside land, which is to be welcomed - although the car park remains to the south-west of the mill and prominent - and I still think that this should be set within the built development to the north, reducing the urbanising effect. The proposed development along the west boundary to Station Road is of two-storey, with neo-cottage forms, and it arguably equates to the approved dwellings here. However, it returns parallel to the recreation ground at the north end, and returns into the site at the south end, where there is a further sizeable 'V' plan range - again of two-storey neo-cottage form. Arguably, it is this development in the core of the site that is most problematic, tending to urbanise what is currently a largely open area. So, I would tend to diverge from the HS conclusions below. With respect to the historic mill, I think that as currently proposed the scheme replaces one set of compromising additions with a new set - although if the proposed buildings were significantly lowered, and the south-east facing glazing mitigated, as above, I think that the change might be supportable, subject to details. With respect to the impact on the CA and the wider area, accepting that buildings have been approved along the west boundary of the site, it nonetheless seems likely that the proposed buildings within the site would be transformative of the largely rural views from the south boundary of the CA to the south, and of views towards the CA from the southern approaches, and across the river valley.

WODC Landscape And  
Forestry Officer

No Comment Received.

Cotswolds Conservation  
Board

I have still not had capacity to provide a full response to this consultation. As the next few weeks are looking very busy, I now doubt if I will be able to

provide a full response.

|                                  |   |
|----------------------------------|---|
| Cotswolds Conservation Board     | In reaching its planning decision, the local planning authority (LPA) has a statutory duty to have regard to the purpose of conserving and enhancing the natural beauty of the National Landscape. <sup>2</sup> The Board recommends that, in fulfilling this 'duty of regard', the LPA should: (i) ensure that planning decisions are consistent with relevant national and local planning policy and guidance; and (ii) take into account Board publications.   |
| WODC Planning Policy Manager     | Based on the above, the current proposal (which I note is a scaled down version from the original 46 bed hotel) constitutes major development in my opinion and the resulting impacts remain significant.   |
| Biodiversity Officer             | No Comment Received.  |
| Major Planning Applications Team | <p>OCC Highways - Objection for the following reasons:</p> <ul style="list-style-type: none"><li>- Evidence is required to demonstrate that large emergency vehicles can safely enter and turn within the site, reaching within 45m of the entrance of every building. Without this information it has not been demonstrated that the development provides safe and suitable access, as required under the NPPF, and the county council must object to the application.</li></ul> <p>LLFA - Objection. Key issues:</p> <p>None of the comments addressed in the previous submission have been taken into account in the new submission.</p> <p>County Archaeological Officer - Objection for the following reason:</p> <p>The results of an archaeological evaluation will need to be submitted prior to the determination of this application in line with the National Planning Policy Framework (2019), paragraph 189.</p> |
| WODC - Arts                      | No Comment Received.  |

## 2 REPRESENTATIONS

Full details of all representations received can be found on the Council's website.

15 Letters have been received objecting to the application, a summary of the objections raised are provided below:

- Inappropriate size and scale
- Shuttle bus service would be of limited use
- Increasing demands on infrastructure such as waste and sewage disposal and flooding risk
- Community will become more transient

- The village is not big enough to have a hotel of this size and all of traffic which would be using it.
- Increase in traffic will affect Kingham and other villages
- lack of on-site parking
- Noise concerns
- Ecological and historical negative impacts
- Over intensification of the use of the site
- Very dense and intense development of an area of land which is not big enough to accommodate so many units without there being an significant impact upon the surrounding area and the village. The previous development that allowed for detached dwelling houses represented a much more acceptable proposal in keeping with the village identity of Kingham.
- There will be an inordinate influx of people directly to the proposed development based upon the facilities offered, but there will also be a movement within the village between those units of accommodation and establishments as well as those outside the village which will have an impact upon the infrastructure serving the village and affect the amenity and enjoyment of the permanent residents of Kingham.
- Loss of amenity due to noise and traffic
- Contrary to NPPF as major development in the AONB
- Not established a need or benefit to the local community
- Design Concerns as unacceptably high density and over-development of the site
- Road safety concerns
- Harmful to character of the village
- The new hotel is likely to add to the amount of housing stock used to house staff, thus reducing the local resident numbers even further. The overall impact of the housing used for hotel guests plus the housing used for hotel staff plus the second homes, means the number of houses lived in by permanent residents is small and decreasing. The proposed development is likely to increase this problem, damaging further what was once a lively and thriving village community.
- Concern relating to access to the public footpath while construction work is in place
- Will protect and enhance this important part of the village

9 Letters of support received, summarised below:

- The existing property at The Mill is derelict and falling apart and has been somewhat of an eyesore on the landscape for a long time now. Kingham is indeed lucky to continually enjoy the interest of the Bamford Family who bring valuable and sensitive development to this part of the world and generate much-needed sustainable employment and high-value tourism with its significant economic multiplier impact which will bring employment and new spending benefits the area.
- The design and layout of the proposed development will blend in with the village
- Adequate parking appears to have been provided and the site is easily accessed and located outside the centre of the village of Kingham (and close to the station) and should thus have a low level of impact on the traffic in this area.
- Landscaping proposals thoughtfully conceived and will enhance the built form of the development and upgrade the site substantially from the current state of neglect and disrepair.
- For this proposition to be viable, one needs to develop the number of rooms that have been applied for, along with the other attractions that will make The Mill development a destination that will attract the support and customers looking for a high-quality experience that does not currently exist on a viable scale in Kingham and surrounds.
- In this terrible post COVID-19 environment that we are entering now, it is my firm belief that we desperately need the job creation and economic stimulus that such a development will contribute to this region.
- The free electric bus service to the station from Daylesford via the Mill House is welcome

One letter has been received that is generally in support of the application but raises a number of queries relating to additional land ownership and potential further expansion proposals and other matters such as provision for staff accommodation and parking.

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

The submitted Planning Statement concludes:

The principle of redeveloping the site for hotel and associated hospitality uses is acceptable in policy terms and given the site's existing hospitality use and previous planning permissions for the expansion of the hotel.

It is not considered that the proposal constitutes major development in the Cotswolds AONB, given the existing and consented uses and built form of the site, the scale of additional development proposed and the site context. However, the exceptional circumstances and public benefits of the proposals have been set out and the three criteria set out in paragraph 172 of the NPPF are met. The principle of the redevelopment of the site is therefore acceptable.

The design of the proposals has been carefully considered, taking into account the site's characteristics and surrounding context. The scale, form and layout are appropriate to these characteristics and will create a high-quality development in design and sustainability terms.

The proposed development has appropriately considered the significance of heritage assets and will not cause any harm to the identified significance of designated or non-designated heritage assets.

The proposed development responds to its local landscape context and the characteristics of the AONB and incorporates landscaping to mitigate any potential landscape impact. It will not cause harm to the special landscape qualities or scenic beauty of the Cotswolds AONB.

Transport, flood risk and drainage matters have been appropriately assessed by technical consultants and there are no issues which would preclude development. The development will not have an unacceptable impact on highway safety and will not increase flood risk on the site or surrounding area.

The ecological potential of the site has been identified through habitats and species surveys, and appropriate mitigation and enhancement measures will ensure there is no harm to protected species and that an overall biodiversity enhancement can be achieved on the site.

A tree survey and Arboricultural Impact Assessment has been carried out to identify the potential impacts on trees. Minimal tree removals are proposed, and tree protection measures will ensure the protection of retained trees on the site which may be impacted by the proposals.

The public footpath will remain in situ and will not be affected by the proposals.

The planning application includes all the technical and environmental reports required to appropriately assess the proposed development, and the Planning Statement provides the assessment of the proposal against the Development Plan. Overall, the proposed development is in accordance with the Development Plan and the NPPF.

### **4 PLANNING POLICIES**

OS1NEW Presumption in favour of sustainable development  
 OS2NEW Locating development in the right places  
 OS3NEW Prudent use of natural resources  
 OS4NEW High quality design  
 E4NEW Sustainable tourism  
 T1NEW Sustainable transport  
 T3NEW Public transport, walking and cycling  
 T4NEW Parking provision  
 EH1 Cotswolds AONB  
 EH3 Biodiversity and Geodiversity  
 EH7 Flood risk  
 EH9 Historic environment  
 EH10 Conservation Areas  
 EH8 Environmental protection  
 EH3 Biodiversity and Geodiversity  
 EH13 Historic landscape character  
 NATDES National Design Guide  
 DESGUI West Oxfordshire Design Guide  
 EH7 Flood risk  
 EH8 Environmental protection  
 EH9 Historic environment  
 EH10 Conservation Areas  
 EH12 Traditional Buildings  
 EH13 Historic landscape character  
 EH16 Non designated heritage assets  
 DESGUI West Oxfordshire Design Guide  
 NATDES National Design Guide  
 EH11 Listed Buildings  
 E5NEW Local services and community facilities  
 The National Planning Policy framework (NPPF) is also a material planning consideration.

## **5 PLANNING ASSESSMENT**

5.1 The application seeks planning permission for the redevelopment of the site to provide a new 33 bedroom hotel (Class C1) and ancillary facilities including restaurant, spa, gym, swimming pool, alehouse, bakehouse, and servicing together with associated parking and landscaping and reinstatement of the former mill leat. The application has been amended to reduce the amount and size of guest accommodation; changes to the spa building (B); reduction and reconfiguration of the parking provision and omitting the new bridges and leat connection to the Brook. The leat will be reinstated but it will be ornamental.

5.2 The site is located on the south western side of the village of Kingham and is approximately 3.1Ha in area. It comprises the former Mill House Hotel, the Mill Lodge which is in residential use and surrounding land including a field to the east. The site is located within the Cotswolds AONB and adjoins the Kingham Conservation Area. Parts of the site lie within Flood Zones 2 and 3. The Cornwell Brook, a tributary of the Evenlode River crosses the site. A public footpath (267/1) runs through the site from south east to north west round the front of the existing hotel and Mill Lodge.

### **Planning background**

5.3 There is a detailed planning history for the site which principally relates to works/extensions to the hotel premises and conversion of The Mill Lodge to be used as conference rooms, expanding the hotel facilities on the site.

5.4 An application for demolition and redevelopment to provide a care community within Use Class C2, comprising 85 care apartments, together with communal facilities, landscaping, parking and other associated works (17/04022/FUL) was withdrawn in 2018.

5.5 The north western part of the site has an extant planning permission for five dwellings (16/01522/FUL).

5.6 This application has been submitted following pre application advice for the redevelopment of the Mill House Hotel site to provide a new hotel and associated facilities (Ref: 19/02229/PREAPP).

5.7 An extension of time for the determination of the application has been agreed to allow amended plans and additional information to be submitted and considered to try and resolve issues raised.

5.8 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**

Layout, design and scale

Impact on the Cotswolds AONB

Impact on Heritage Assets

Accessibility/Highway Issues

Flood Risk/Drainage

Neighbouring amenity

Biodiversity

**Principle**

5.9 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. In the case of West Oxfordshire, the Development Plan is the West Oxfordshire Local Plan 2031 adopted in September 2018.

5.10 In terms of the principle of this development, the main relevant policies are OS2 (Locating development in the right places) and E4 (Sustainable Tourism). Policy OS2 states that villages, such as Kingham, are suitable for limited development which respects the character and local distinctiveness and would help to maintain the vitality of these communities. 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.



- (iii) Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- (iv) As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- (v) Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;
- (vi) Not be at risk of flooding or likely to increase the risk of flooding elsewhere;
- (vii) Conserve and enhance the natural, historic and built environment;
- (viii) In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development

5.11 Policy E4 seeks to support tourism and leisure development which utilises and enriches the natural and built environment. Proposals in the Cotswolds AONB should conserve and enhance the landscape quality and biodiversity of the area and support the objectives of the Cotswolds AONB Management Plan and Sustainable Tourism Strategy. The design approach to the redevelopment scheme is influenced by the historic importance of the original mill building which it is intended to retain.

5.12 On the basis of the policies outlined above and given the existing use of the site as a hotel (albeit presently unoccupied), the principle of the re-development of the site to provide new hotel facilities is considered to be acceptable. The main issue relates to the scale of the proposed development, given its location within the Cotswolds AONB, which is addressed in more detail below. The detail of the proposal is also assessed against the general principles of Policy OS2 of the Local Plan below.

### **Layout, Design and Scale**

5.13 Paragraph 127 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policy OS2, as detailed above, sets out general principles for all development including that it should be proportionate and appropriate in scale to its context having regard to the potential cumulative impact of development in the locality. Policy OS4 of the Local Plan encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the recently published National Design Guide.

5.14 The Design and Access Statement (DAS) advises that the layout has been developed by retaining the Mill building and enhancing it by removing all recent extensions; siting the front of house facilities to the south as a series of interlinked buildings located around the Mill building and siting the accommodation and the back of house facilities building to the north west of the site. The Planning Statement advises that the layout of the development has taken into account the characteristics and topography of the site and existing and extant built form with sensitive areas of the site with high landscape and ecological character being avoided, such as the area south of the Mill House buildings and the eastern field. Previously developed areas of the site including around the Mill House building and Mill Lodge and along the north western part of the site where the extant planning permission are the focus for the built form of the development.

5.15 The number of guest bedrooms has been reduced from 46 to 33 with additional facilities provided including a spa, pool, restaurant, alehouse and bakehouse. The main changes to the plans include:

- o Removal of guest accommodation block E.IB
- o Reduction in size of guest accommodation blocks E.IA and E.IC
- o Splitting guest accommodation block E.ID into two
- o Changes to spa building (B) - removal of majority of first floor, reduction in height
- o Reduction and reconfiguration of parking

5.16 The DAS advises that the main site axis will run north-south along the route of the public footpath with a secondary axis running west east complimenting the existing site access. A route will also run around the edge of the accommodation blocks to allow access and servicing of these buildings. The existing car parking area is to be reconfigured with car parking provision off the access road along the western edge of the site. The historic elements of the Mill House Building are at the centre of the proposed development and the proposal seeks to enhance the site's links to its past uses by retaining the Mill House building and public footpath link to the village and the reinstatement of the leat. It is also stated that the proposed development is reflective of the local context in terms of materials and form.

5.17 Notwithstanding, the amendments to the scheme including a reduction in the amount of guest accommodation, the scale of the development is not considered to be proportionate and appropriate to its context. The proposal would introduce a significant amount of built form onto land that is largely devoid of structures. The presence of the buildings and access roads, associated lighting, activity and vehicles would dramatically change and diminish the open character of the northern part of the land. Whilst it is acknowledged that there is an extant planning permission for 5 detached dwellings on the north western part of the site, this development is more centrally spread out on the land. In contrast the new development is more continuous (terracing) and runs along the whole of the western edge of the land (along the roadside) and turns the corners extending along the southern and northern boundaries. Similarly, the present low key bungalow (Mill Lodge) located on the north eastern part of the site will be replaced with a terrace of buildings of greater height (Two storey) close to the boundary with limited open space remaining.

5.18 The resultant scale of development on this sensitive outer edge of the village which adjoins open countryside to the south and east and the recreation grounds to the north would be harmfully and inappropriately disproportionate to the existing built form and character of this part of the village.

### **Impact on the Cotswolds AONB**

5.19 The site lies within the Cotswolds AONB, a nationally important designation, where great weight should be given to conserving and enhancing landscape and scenic beauty. This duty is reflected in policy EHI of the local plan and the NPPF which require great weight to be given to conserving and enhancing landscape beauty in Areas of Outstanding Natural Beauty. This duty is also embodied in the Countryside and Rights of Way Act 2000. The Cotswolds Conservation Board's Management Plan and guidance documents are also material considerations in decision making relevant to the AONB. The Cotswolds Conservation Board has been consulted but has advised that it does not have capacity to comment on this planning application at this time.

5.20 Paragraph 172 of the NPPF advises that 'The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.' Consideration of such applications will need to include an assessment of the following:

a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

*Exceptional circumstances case*

5.21 In this case, the agent has sought to argue that the proposed development is not 'major', given the existing and consented uses and built form of the site, the scale of additional development proposed and the site context. The NPPF sets out that whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The applicant has submitted Counsel's opinion which advises that 'net scale' should be considered in the light of existing development on the site including elements to be removed/replaced. However, in the officers opinion, this would not include extant or previously consented schemes that have now expired as the applicant is seeking to argue. Given the nature, scale and sensitive rural setting of this site, it is Officer opinion that this development is 'major' and as such exceptional circumstances would need to be demonstrated.

5.22 Notwithstanding the applicant's view that the development is not 'major', the case put forward in support of the application is summarised below:

- a) Tourism is a key contributor to the Oxfordshire economy and the Cotswolds AONB Management Plan identifies that it is of major importance to the economy of the Cotswolds AONB. Sustainable tourism is also supported by Local Plan policy and the proposed development will conserve and enhance the qualities of the Cotswolds AONB. The existing hotel is not viable and the need for further development to secure the long-term viability of the hotel has been evidenced. Will deliver significant economic benefits and will assist in meeting strategic tourism objectives. If development is not permitted to secure the viability of a hotel business in this location, then the site will likely be repurposed for alternative uses and the economic benefits that the overnight accommodation brings to Kingham and the wider local economy will be lost.
- b) There is sustained and continued demand for tourist accommodation in West Oxfordshire and the Cotswolds AONB which is only likely to increase. Identifying suitable sites to provide such accommodation within these areas is extremely difficult. The site is a rare brownfield site with significant potential to be redeveloped to meet this demand for overnight accommodation. Local Plan policy seeks to resist the loss of employment sites. There is no opportunity to develop outside of the AONB.
- c) Various measures will reduce the environmental impact of the development. This includes the use of Daylesford Farm as a hub for the servicing of the site, reducing the number and size of vehicles needing to access the site for delivery, laundry, and refuse purposes. Guests will be encouraged to take advantage of discounted rates for not travelling by the private car, and significant bicycle parking provision will facilitate this as a mean of transport. The proposed redevelopment is unlikely to significantly affect the wider landscape setting or indeed Kingham itself. The scale of the change is not perceived as being of a level to create a significant effect on the special landscape qualities of the Cotswolds AONB. It is also argued

that wider recreational opportunities will be increased by the development by use of the free shuttle bus.

5.23 The evidence on viability depends on a report prepared in 2017 relating to a scheme to redevelop the site for a Care Home. No updated viability evidence to support this application has been provided. The only document submitted is a feasibility study for a hotel concept such as a health/lifestyle retreat. Even this study does not accurately reflect the development being proposed and is based on a different scheme and site of 40 acres (16 ha) whereas the application site measures only 3.1 ha. The Design and Access Statement (DAS) also appears to provide conflicting evidence in that it states that an independent study to assess what would be required to transform the existing Mill Hotel into a commercially viable rural hotel identified a minimum amount of accommodation that would need to be provided would be 46 rooms/suites. Despite this study the application has been amended to reduce the number of rooms/suites from 46 to 33 which raises queries over the viability issues raised. Viability issues have been queried with the agent but no response has been received. In terms of point b) the arguments focus on the benefits of the existing site and no consideration has been given to why the scale of this development is necessary in this AONB location nor whether there are alternative sites that could accommodate this form of development. The agent has submitted Counsel's opinion which argues that factors such as the need to undertake the overall balancing exercise weighing both positive and negative features; the 'previously developed' nature of the site and the support for tourism development in principle in the AONB, may mean that little weight should be given to any alternative site search outside the AONB and that such a failure to look outside the AONB is not a matter which should weigh strongly against the proposal in the overall 'exceptional circumstances' balance. Whilst this may be the case in terms of the consideration of alternative sites, there has been no response on why the scale of this development is necessary in this AONB location. In terms of point c), various measures are suggested to reduce the environmental impact of the development and increase recreational opportunities but no mechanism for the delivery of these measures has been suggested or agreed. For instance, it is argued that Daylesford Farm would act as a hub for the servicing of the site but it is unclear how such a servicing arrangement would be controlled and managed should permission be granted. Similarly, OCC as detailed below in the highway section, has raised queries over the proposed shuttle bus service. The argument that the proposed development is unlikely to significantly affect the wider landscape setting or indeed Kingham itself is also disputed as set out in more detail below.

5.24 As well as demonstrating exceptional circumstances, the NPPF also requires that it must be demonstrated that the development is in the public interest. It is argued that the number of benefits that will be secured by the proposals demonstrate that it is in the public interest. These benefits included:

- Retention of this long-standing hospitality use on the site which provides significant employment and economic benefits adjacent to the village. If a commercially viable use cannot be found then the hospitality use will be lost and the existing buildings and site will fall into poorer condition.
- the provision of a free shuttle bus to serve the site, railway station and Daylesford Organic Farm.
- Expanded retail and public house facilities
- Employment opportunities
- Heritage benefits including reinstatement of the mill leat and retention of the historic core of the Mill building. Social and community benefits by better revealing the history of the site.

In conclusion, whilst it is not disputed that the existing hotel facilities will need investment including modernisation works and that the proposal would bring benefits, it has not been demonstrated that an alternative smaller scale hotel development is unviable (e.g. Boutique hotel concept) or that there is a need for this scale of development. Also no other sites (outside the designated area) have been

considered. This is major development within the AONB and no convincing evidence has been submitted to demonstrate that exceptional circumstances apply in this case to justify the development.

#### *Landscape Impact*

5.25 This is a large site on the edge of Kingham, with a low proportion of built development to green space. It provides a soft edge to the village, surrounded by countryside/open space on all sides other than to the west.

5.26 The Landscape and Visual Impact Assessment submitted with the application concludes that the chosen building materials and method of which they will be implemented, and the composition that the buildings will adopt will go a long way to reducing the visual impact of the development over time. No physical works are required beyond the application site boundary as part of the proposed development. The fabric of the landscape surrounding the application site would remain physically unaffected with the proposals in place. The existing access points will be retained. Whilst receptors north of the site have a higher sensitivity to visual change resulting from the proposals, these views will be mitigated to an acceptable level by Year 10 by extending the existing hedge, and additional tree planting. The visual assessment demonstrates that views of the proposed development from within the wider landscape would be restricted by intervening landscape features and the proposals would not give rise to any important levels of effect. Where evident, the proposed development would be viewed only at close proximity, as discrete elements rather than in full entirety. Typically, where visible, the proposals would be viewed in the context of existing residential development thus limiting effects. Existing vegetation and built form beyond the Application Site would act to filter or partially filter many views of the proposed development. Mitigation measures in the form of new tree and shrub planting would reduce the level of visual effects of the scheme and will further mitigate any effects on site character. Once established, planting will mature and become more effective over time, diminishing the level of effect further by Year 10. At Year 1, effects on site character are assessed as being moderate, reducing to minor by Year 10. Effects on the wider landscape are assessed as minor adverse at Year 1, becoming beneficial by Year 10. In conclusion, whilst the proposed development will result in some levels of effect on the site landscape character and a small number of visual receptors north of the site, these effects are very localised and will be mitigated to an acceptable level, strengthening the landscape resource in the long-term, and providing greater community benefit.

5.27 The comments of the Council's Landscape Officer (LO) are detailed below:

'Much reliance is placed within the assessment work on the function of the hedgerow growing along the north-eastern boundary as a visual barrier to mitigate the impact of the proposed development in views from within the Conservation Area and expansive views across the wider AONB landscape to the south. However, the detailed layout and mitigation proposals illustrate that due to its close proximity to proposed buildings, and the components of the hedgerow itself, it would be considerably affected by those works. This would lead to it being much less effective at its intended purpose in the short and longer term. The close proximity of development to this vegetation leaves little room for construction activity and would lead to poor relationships between the new buildings and uses and this important vegetation. Notably, a prominent Oak tree (T52) would be put at considerable risk. Whilst the Landscape Strategy drawing indicates 'Enhanced boundary screening to mitigate impact of proposed development' in practice there would be little room available in which new tree and hedgerow planting could mature into and reach sufficient scale to contain the development within a strong landscape structure.

The prominent row of mature ash trees growing along the western boundary are a characteristic feature of the surrounding landscape. However, the proposed layout sites car parking, an access road and housing immediately adjacent to them and well within the minimum recommended root protection

zone. Despite the fact that special 'no-dig' techniques are said to overcome this it is highly questionable that this would result in a satisfactory relationship, even if the trees were to survive the pressures of construction activity. It should be noted that due to their current physical condition and the continued spread of Ash Dieback disease their future is far from certain and their potential absence in the landscape should be taken into account as part of the overall visual assessment of the proposals.

In addition to the complications along the north-eastern boundary the landscape framework is quite weak at the point where the proposed development abuts the Conservation Area boundary along Station Road. Whilst a continuation of the existing roadside hedgerow is proposed there is little space for additional tree planting to soften the visual impact of this area and to help set the complex as a whole within a strong structure. Some tree planting is identified but conflicts with proposed car parking which would also be prominent in itself in this sensitive location for some time, until new planting had time to mature. It would appear feasible to relief pressure here, and along the main access road adjacent to the Ash trees, if all parking which is currently squeezed against the hedgerow were re-located to a landscaped courtyard within the open centre of the site.'

5.28 The LO has also identified an opportunity to consolidate the two entrances to one with good vision splays and turning arrangements. This would allow existing native species hedgerows to be linked up across the site frontage resulting in a smarter and less cluttered appearance and queries the feasibility of retaining many of the existing trees shown to be retained along the access drive. The Cotswold Conservation Board has also recently adopted a new Landscape-led Development Position Statement which reiterates the advice in the NPPF regarding the need for exceptional circumstances to justify major development and advises that taking a landscape-led approach is particularly important for such development, as this scale of development has the greatest potential to adversely affect the purpose of AONB designation. Policy CE11 of the Cotswolds AONB Management Plan 2018-2023 specifies that: /i Any major development proposed in the Cotswolds AONB, including major infrastructure projects, should be 'landscape-led', whereby it demonstrably contributes to conserving and enhancing the natural beauty of the Cotswolds AONB and, where appropriate, to the understanding and enjoyment of its special qualities. This should include fully respecting and integrating the special qualities of the AONB into the planning, design, implementation and management of the development, from the very beginning of the development's inception.

5.29 It is Officer opinion that the proposed development would have a harmful impact on the scenic beauty of the area and would fail to conserve and enhance the landscape. The development would be visually intrusive with clear views from various public vantage points including the public right of way that passes through the site and beyond and from the adjoining roadside. The amended plans do little to reduce this impact. As identified by the LO, the scheme is likely to result in the loss of existing trees and hedgerow and would leave little space for adequate mitigation measures. It is not considered that a Landscape-led Development approach has been adopted in this instance as advised by the Cotswold Conservation Board.

### **Impact on Heritage Assets**

5.30 The site adjoins the Kingham Conservation Area, and Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas which includes its setting. Case law has established that such a provision requires the decision maker to give "considerable importance and weight" to the desirability of avoiding harm to heritage assets. Policy EH10 of the Local plan reflects this duty and seeks to ensure that development is not detrimental to views within, into or out of the area.

5.31 The Mill House hotel building is also considered to be a non-designated heritage asset and as such is subject of Policy EH16 of the Local Plan which seeks to avoid harm or loss of such an asset and advises that such proposals will be assessed using the principles set out for listed buildings (Policy EH11).

5.32 Paragraph 193 of the NPPF provides when considering the impact of a proposal on a designated heritage asset, great weight should be given to the asset's conservation. It continues that significance can be harmed or lost through alteration. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits.

5.33 The submitted Heritage Statement concludes that the proposals will retain and better reveal the historic mill building and provide it with a sustainable ongoing use. The removal of the current 20th century additions to the historic mill and their replacement with newly designed structures of a higher architectural quality will better reveal the historic mill building and provide new buildings more sympathetic to its historic character unlike the current ones which, although broadly traditional, somewhat dilute and reduce the role of the historic building within the site. In terms of the impact on the setting of the Conservation Area, it concludes that the change proposed will preserve elements of heritage value, and the redevelopment is informed by both the site and scale of previously consented schemes which, in being consented, are considered to be achievable without harming heritage values. The continuation of a hotel use with its wider social effects is entirely compatible with the existing character and appearance of the conservation area. No harm to the significance of heritage assets is identified through the proposed changes to the site which forms a part of the setting of the Kingham Conservation Area and St Andrews Church. As no harm to heritage significance is identified the requirements of paragraphs 195 and 196 of the NPPF are not engaged. There is preservation for the purposes of the decision maker's duty under Section 66(1) of the Act.

5.34 The Council's Conservation Officer (CO) has welcomed the reduction in the amount of new buildings on the site but notes that it remains a very significant development in a somewhat sensitive location. In terms of the impact on the historic mill, the stripping away of the various accretions is welcomed, as is reinstatement of the mill leat and the new additions are considered to be designed along the right lines, with the main addition being set to the north. However, the CO still considers that the thatched reception building is too tall, the ridge being higher than that of the mill, and needs lowering considerably. The ale/bake house is also felt to be too tall and in addition its tall and long glazed south-east elevation will be prominent day and night in views from the south. Also in fairly close proximity is the sizeable spa building. In terms of the wider site, the CO is still of the view that the car park should be set within the built development to the north, reducing its urbanising effect and that the development in the core of the site is still the most problematic, tending to urbanise what is currently a largely open area. As such the CO diverges from the conclusion of the Heritage Statement as follows:

*'With respect to the historic mill, I think that as currently proposed the scheme replaces one set of compromising additions with a new set - although if the proposed buildings were significantly lowered, and the south-east facing glazing mitigated, as above, I think that the change might be supportable, subject to details. With respect to the impact on the Conservation Area (CA) and the wider area, accepting that buildings have been approved along the west boundary of the site, it nonetheless seems likely that the proposed buildings within the site would be transformative of the largely rural views from the south boundary of the CA to the south, and of views towards the CA from the southern approaches, and across the river valley.'*

5.35 It is Officer opinion that the harm to the setting of the Conservation Area and Mill building, a non-designated heritage asset, as detailed above, is not outweighed by the public benefits deriving from the development.

5.36 The applicant has submitted an archaeological desk-based assessment which sets out a description of the archaeological background for the site and identifies that the site contains archaeological features related to the medieval and post medieval mill and that the site has a high potential to contain further unidentified archaeological remains. The desk-based assessment also concludes that an archaeological evaluation will need to be undertaken on the site in advance of the determination of this application. Such an evaluation has been requested by OCC but has not yet been provided. As such OCC still object to the application on the grounds that the results of an archaeological evaluation has not been submitted in line with the National Planning Policy Framework (2019), paragraph 189.

### **Accessibility/Highway Issues**

5.37 There is no current public transport service within walking distance of the development that would be suitable for the purpose of travel to work or which would be well used by guests to the site. The submitted Transport Statement refers to the provision of a free electric shuttle bus service which would operate between Kingham Railway Station, The Mill, The Wild Rabbit public house in Kingham and Daylesford Organic Farm. OCC Transport welcomes this proposal but note that limited details have been provided as to how this shuttle bus service will operate and OCC is concerned that these measures could not be secured in perpetuity if, for example, the operator and / or nature of the hotel changes.

5.38 While measures are proposed which could enable travel to the site by sustainable modes, the location of the development site could not be considered easily accessible. OCC welcomes the measures being suggested to encourage the use of sustainable transport among staff and visitors, it is nonetheless likely that due to the development's location, the vast majority of visitors and staff will travel to the site by private car. Similarly no mechanism for delivering the proposed measures has been agreed.

5.39 OCC accept that the nature of the proposed uses would not generate significant numbers of peak-hour trips. While the proposed development would undoubtedly lead to an increase in vehicle trips to the site across the day, given the location of the site this increase in trips would not be likely to have a significant impact in terms of highway capacity or safety. The existing access arrangement is to be utilised with some minor alterations proposed and the existing public right of way which provides access to the Station Road to the north of the site is to be retained.

5.40 OCC has raised some concerns in relation to the adequacy of the parking which could lead to overspill on-street parking in the village. OCC recommend that the occupancy of the parking spaces provided on site is carefully monitored with additional spaces and / or an overspill parking area being provided if required. Such development would inevitably have an impact on the landscape which would need to be carefully assessed. In the DAS it is stated that the car parking spaces has been reduced to a minimum with off site car parking to be provided. No details of this off site parking area has been submitted with the application and despite a request for such information no details have been provided. The Parish Council has also raised concerns relating to inadequate parking provision and consider that there is no capacity (and no justification) for off-site parking.

5.41 OCC's objection based on lack of evidence to demonstrate that large emergency vehicles can safely enter and turn within the site has now been addressed with the submission of a swept path analysis for a fire tender. As such OCC Transport does not object to the proposed application subject to a contribution towards the creation of a traffic free 'greenway' between the site and Dylesford Organic Farm (£150,000) and improvement works to other local public rights of way (£10,000) and



appropriate highway conditions. Given the unsustainable location of the site due to lack of public transport availability, a Travel Plan is recommended to help deliver some of the mitigation measures detailed in the Transport Statement but it is unclear how such a travel plan would ensure the delivery of such measures including the provision of an electric shuttle bus and incentives to encourage visitors to travel by train.

### **Flood Risk/Drainage**

5.42 Parts of the site are in Flood Zone 2 and 3 and shown to be at risk of surface water flooding. Although the built development is shown outside of the flood risk areas, the original FRA had not considered an allowance for climate change. Following objections raised by the Environment Agency (EA) and the Local Lead Flood Authority (LLFA) a revised Flood Risk Assessment and Drainage Strategy has been submitted.

5.43 The LLFA no longer raise an objection to the development subject to a surface water drainage condition.

5.44 The EA also objected on the grounds that the proposed development involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. Following the submission of amended details and additional information, the EA have removed their objection subject to the imposition of appropriate conditions to reduce flood risk and the provision of an ecological buffer zone. It is also noted that the revised FRA includes details of Thames Waters' confirmation that there is sufficient capacity in the foul network to receive foul drainage from this development.

### **Neighbouring Amenity**

5.45 Given the location of the site at the outer edge of the village the site is surrounded by open countryside on two sides (South and East). To the west and north the site abuts onto Station Road with houses on the opposite side of the road to the west and the sports field to the north. Given the siting and retention of roadside hedgerow along Station Road there will be no undue adverse impact on the amenity of nearby residential properties.

### **Biodiversity**

5.46 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features.

5.47 Following the submission of additional information, the Biodiversity Officer still requires further details relating to Biodiversity Net Gain (BNG); Bat mitigation measures and assessment of protected species in the northern field. Revised plans have recently been submitted annotating bat mitigation measures but the further information is still awaited. Members will be updated on the progress on biodiversity issues at Committee.

### **Infrastructure/Developer Contributions**

5.48 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure and Policy T3 states that new development will be expected to contribute towards the provision of new and/or enhanced public transport, walking and cycling infrastructure to help encourage modal shift and promote healthier lifestyles. As detailed above, OCC Transport has recommended that a contribution should be paid towards the creation of a traffic free 'greenway' between the site and Dylesford Organic Farm (£150,000) and improvement works to other local public rights of way (£10,000). It is suggested that other measures such as the shuttle bus and incentives to encourage visitors to travel by train could be addressed via a Travel Plan but it is unclear how such a Plan could ensure the delivery of such measures and in the case of the shuttle bus service, in perpetuity. Requested details for the delivery of the mitigation measures proposed, have not been provided.

5.49 The Parish Council believe that improvements to the dangerous walkway over the railway bridge at Kingham Station would be much more beneficial to the local community and a better use of the contribution money requested by OCC. Government Guidance on Planning Obligations clearly sets out however, that planning obligations must meet the following tests:

- o necessary to make the development acceptable in planning terms;
  - o directly related to the development; and
  - o fairly and reasonably related in scale and kind to the development.
- In respect of this development, OCC recognise that there is no current public transport service within walking distance of the development that would be suitable for the purpose of travel to work or which would be well used by guests to the site and that it is likely that due to the development's location, the vast majority of visitors and staff will travel to the site by private car. As such, a contribution towards improvements over the railway bridge is not considered to be justified in this instance and would fail to meet the necessary tests.

5.50 There is not a completed S106 making provision for the required contribution or mitigation measures proposed. As such the proposal conflicts with Policies OS5 and T3 of the Local Plan.

## **Conclusion**

5.51 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

5.52 Benefits likely to be generated from the proposal are recognised including economic benefits to the local economy from the construction and operation of the hotel and associated facilities including the provision of jobs and the wider spending of future guests. Nevertheless, the development comprises major development within the Cotswolds AONB and an exceptional circumstances case has not been made to justify this development which would have a significant adverse impact on the area's natural beauty and landscape including its heritage. The development would also harm the setting of the Conservation Area and Mill Building, a non-designated heritage asset and no archaeological field evaluation has been carried out. As such the development conflicts with adopted Local Plan policies and the NPPF and is thus recommended for refusal.

## **6 CONDITIONS/REASONS FOR REFUSAL**

I The proposed development comprises major development within the Cotswolds AONB and no exceptional circumstances case has been made to justify this development which would have a significant adverse impact on the area's natural beauty and landscape including its heritage. The development would

also be of a disproportionate and inappropriate scale to its context and would not form a logical complement to the existing scale and pattern of development or the character of the area. As such, the proposed development would conflict with Policies OS2, OS4, EH1 and BC1 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, the National Design Guide 2019, and the relevant paragraphs of the NPPF.

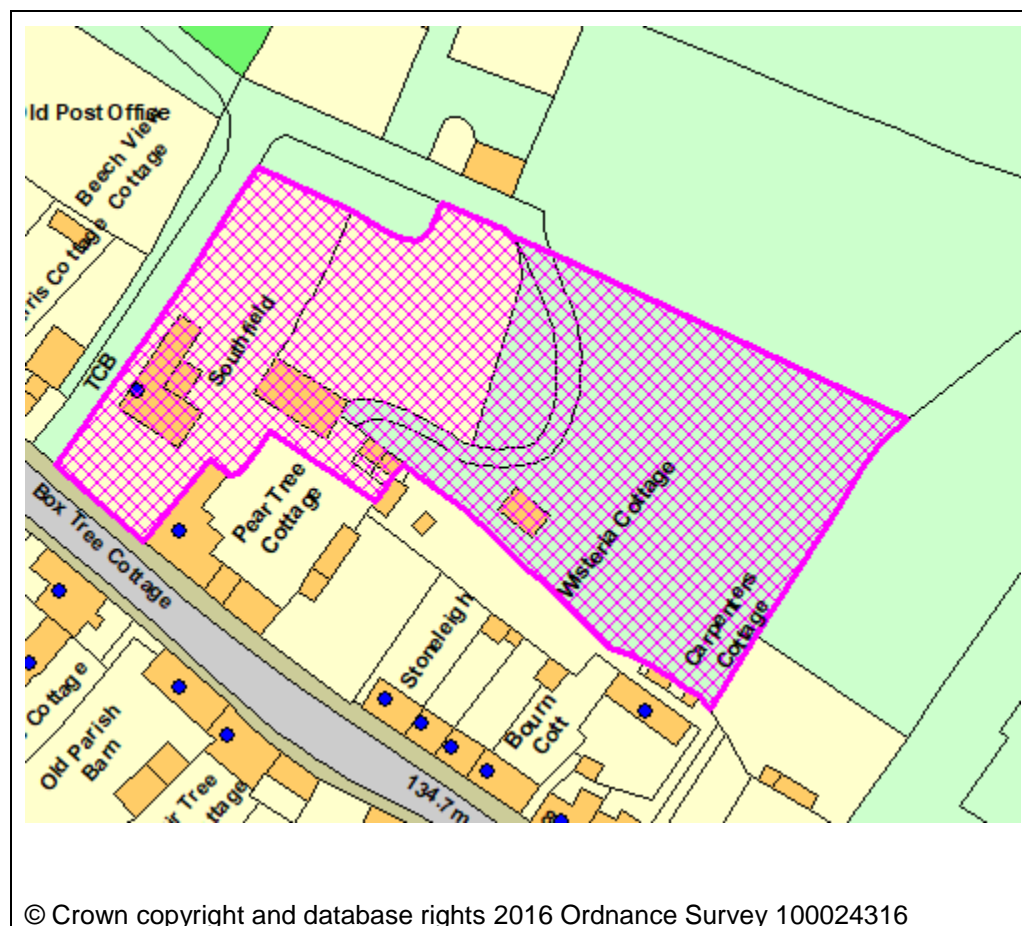
2 The scale, siting and design of the proposed development would have a harmful impact on the setting of the Kingham Conservation Area and the Mill building, a non-designated heritage asset, and the results of an archaeological evaluation have not been submitted in conflict with Policies EH9, EH10, EH11, EH15 and EH16 of the adopted West Oxfordshire Local Plan 2031 and the NPPF.

3 The applicant has not entered into a legal agreement to provide the required contribution/mitigation measures to maximise opportunities for walking, cycling and public transport and the proposal is therefore also contrary to West Oxfordshire Local Plan 2031 Policies OS5 and T3 and the relevant paragraphs of the NPPF.

**Contact Officer:** Joan Desmond  
**Telephone Number:** 01993 861655  
**Date:** 19th May 2021

|                         |   |
|-------------------------|---|
| Application Number      | 20/01958/FUL  |
| Site Address            | Southfield House<br>Manor Road<br>Sandford St Martin<br>Chipping Norton<br>Oxfordshire<br>OX7 7AG |
| Date                    | 19th May 2021   |
| Officer                 | James Nelson  |
| Officer Recommendations | Approve   |
| Parish                  | Sandford St Martin Parish Council   |
| Grid Reference          | 442113 E 226530 N   |
| Committee Date          | 1st June 2021   |

### Location Map



### Application Details:

Changes to the design of the pool house roof material and front elevation (alternative to 19/01227/HHD); re-cladding of an existing outbuilding used for plant and storage and its continued use

ancillary to the dwelling house; and re-siting of an existing outbuilding to provide an Apiary Hut.  
Associated landscaping (Part retrospective).

**Applicant Details:**

E Houston  
Southfield House,  
Manor Road  
Sandford St Martin  
OX7 7AG

**I CONSULTATIONS**

Conservation Officer

The pool house: The combination of thatch with a concealed flat roof is arguably strange, but the principle has already been conceded with the approved stone slate version. It would be worth asking them for a large scale sectional detail of the junction between the two materials at the ridge. The elevation is changed considerably, but the proposed forms are unobjectionable. So, no obvious objections from our point of view - although in their D&A statement they describe the thatch as 'water reed', which is not a local material or technique. I think they must mean 'combed wheat reed' - but they need to clarify.

The plant room: The cladding in natural stone and oak and the natural slate roofing is traditional - and it represents an aesthetic improvement. There are no obvious objections from our point of view.

The apiary hut: This is a timber structure, of no great quality. But it is of modest size and it would be tucked into the corner of the site beside mature hedging and trees. There are no obvious objections from our point of view.

Biodiversity Officer

I understand that the pool house is already under construction and that this is nearly complete. I am also aware that the re-cladding and re-roofing of the outbuilding have now been carried out. Although the works to these structures have nearly been completed, I recommend that bat and/or bird boxes are still implemented to provide additional enhancements on site, these can be mounted onto the external walls or mature trees on site. Furthermore, I recommend that hedgehog holes/gaps are created within any boundary features (e.g. fencing or walls) to ensure continued dispersal. The details of the roosting and/or nesting features as well as the hedgehog gaps, including the elevation plans and the specific design, should be submitted to the LPA as a condition of planning consent.

A landscaping has been proposed (shown in drawing no. 218-PL001). The proposed features are welcome. However, the specific species will need to be detailed and further information is required with

regards to the maintenance. I therefore recommend that a comprehensive landscaping scheme is prepared to detail the habitat features to be created and enhanced, along with a 5-year maintenance plan. The landscaping scheme will need to be submitted to the LPA as a condition of planning consent.

Parish Council

Sandford St Martin PC wish to object to the following aspects of this planning application.

The site is within the Sandford St Martin Conservation Area. The Council does not believe that the thatch roof of the pool house is in keeping with the character of the village, as required by the West Oxfordshire Local Plan 2031, policy EH10: Conservation Area. The Council also believe that the permanent building outside the curtilage, to be used for plant and storage, is contrary to this policy.

The Council note that the Design and Access Statement, 3.1.3.3 states that hives should "ideally be on level ground", but consider that the levelling of the whole of that area to be excessive for the space required for the four sets of hives shown on diagram 218-PL001. The Council also noted on its site visit that the grass area surrounded by the four hive boxes in situ at the time, did not appear to have been planted to allow for the dappled shade, as per point 3.1.3.3, "Put the hive in dappled shade, ie in a sunny position but with planting around it".

If the LPA is minded to approve the application, the Council would like to request that it is conditional on the landscaping being completed as per 218-PL001 and the requirements for successful beekeeping noted in the Design and Access Statement, and on the recommendations from the Biodiversity Officer regarding the comprehensive landscape scheme and five year maintenance plan.

## **2 REPRESENTATIONS**

2.1 One letter of representation has been received in objection to the proposal and it is summarised as follows:

It is regrettable that this is another part-retrospective application at Southfields House. Whilst understanding it is sometimes necessary to make changes as a building project progresses, replacing the roofing material for the pool house from stone tiles to thatch suggests a change of mind rather than necessity. Is the type of thatched roof traditional for the area? If thatch were substituted, there would be a substantial change in terms of height and roof profile. Stone tiles are far more long lasting and would blend more naturally with the main house and other buildings in the village. It is of great regret that the choice of roofing material for the pool house, as well as other aspects of this application were not considered more careful at the outset in order to avoid retrospective planning applications which waste

considerable time and effort of the local authority and local council, not to mention the goodwill of neighbours.

### **3 APPLICANTS CASE**

3.1 A planning statement has been submitted with the application and is available on the Council's website.

3.2 The applicant states that the proposals have been the result of an organic development of the site where workmanship and standard has been high, but importantly they do not look to encroach the domestic use of the site into the area currently outside the domestic curtilage.

3.3 The proposed estate rail fence would assist in easily identifying the areas, where the land outside the domestic curtilage is proposed to retain a natural, organic character with wildflower planting, apiary, orchard planting and vegetable garden, with an apiary hut (recycled from site) in the far corner.

3.4 The proposals form an enhancement to what existed previously with more planting of trees and wildflowers, with additional betterment to the design and materials of the outbuilding and poolhouse.

### **4 PLANNING POLICIES**

OS4NEW High quality design

EH3 Biodiversity and Geodiversity

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

NPPF 2019

DESGUI West Oxfordshire Design Guide

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

### **PLANNING ASSESSMENT**

#### **Background Information**

5.1 This application seeks retrospective consent for changes to the design, roof material and front elevation of the pool house approved under LPA Ref: 19/01227/HHD, the re-cladding of an existing outbuilding used for plant and storage and re-siting of an existing outbuilding to provide an Apiary Hut with associated landscaping at Southfield House, Manor Road, Sandford St Martin, a Grade II Listed dwelling within the Sandford St Martin and Ledwell Conservation Area.

5.2 The application site comprises of outbuildings within the planning unit of Southfield House and an area of paddock land that are in common ownership. It is brought before Members of the Uplands Area Planning Sub-Committee following objection from the Sandford St Martin Parish Council.

#### **Relevant Planning History**

5.3 The relevant planning history on the site is listed below:

- o 19/01227/HHD & 19/01228/LBC- 'Proposed indoor pool building to the side of the existing barn'

- 19/02057/CLP- 'Certificate of lawfulness (To erect wall around land adjacent to Southfield House)'

5.4 Numerous applications for domestic alterations, extensions and landscaping have been approved at Southfield House in recent years. The paddock land has been used as a compound during construction works at Southfield House causing significant upheaval to the site. The landscaping proposals contained in this application seek to regularise alterations made to the land when reinstating it including the installation of planting, a vegetable patch and a small storage building to serve bee hives.

5.5 Taking into account planning policy, other material considerations and the representations of interested parties your officers are of the opinion that the key considerations of the application are:

- o Principle;
- o Visual Amenity;
- o Residential Amenity; and
- o Biodiversity

### **Principle**

5.6 The principle of development for the pool house is established in light of the previously approved applications. The principle of alterations to the existing outbuilding serving the residential use of Southfield House is also considered acceptable. The landscaping proposals will not impact upon the lawful use of the land and as such, are also considered acceptable in principle subject to careful consideration of the design, amenity and biodiversity impacts of the proposal being assessed against the development plan and other relevant material considerations.

### **Visual Amenity**

5.7 The application seeks to regularise unapproved changes to the pool house including the substitution of a slate roof for combed wheat reed thatch concealing a flat roof, the junction between the materials will be covered using lead flashing after amended plans were sought by officers. The front elevation of the pool house has been altered from a fully glazed elevation to one which is infilled with stone and stone mullion windows. Whilst the pool house is a new construction and not listed, the proposal does exhibit the potential to effect the setting of the listed main house. Therefore, officers are required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that considering development which affects the setting of a listed building, the local planning authority shall have special regard to the desirability of preserving the building or its setting or of any features of special architectural or historic interest which it possesses. Paragraph 193 of the National Planning Policy Framework also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The Council's conservation architect has been consulted on the proposals and has supported officer's view that the changes in roofing material and to the composition of the front elevation of the pool house are in keeping with their immediate context and therefore preserve the setting of the listed building.

5.8 The alterations to the plant room use natural stone, oak and natural slate roofing. These materials are considered traditional and characteristic of the locality. As a result, officers consider that the changes are acceptable on visual amenity grounds. Further, the proposed apiary hut is a modest shed-type outbuilding formed of wood and tucked into the corner of the plot. It will not be visible other than from within the site and from adjoining properties and is screened from wider view by mature



vegetation. In light of this assessment, these aspects of proposal are recommended for approval on visual amenity grounds.

5.9 The proposed landscaping comprises of the planting including new wildflower turf, orchard planting and other tree planting and a vegetable growing area. It is stated that the applicants wish to use this land for the keeping of bees and so will site a number of hives on the land. This part of the site is well screened by established vegetation and is not prominently visible within the public realm. Further, the proposed scheme retains an agricultural and rural character which is clearly delineated and separate from the formal garden of Southfield House. As a result, this aspect of the scheme is considered to result in no negative impacts upon the visual amenity of the area.

5.10 Within a Conservation Area, Officers are required to take account of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that, with respect to buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Given the above discussion of each element of the proposed, the application is considered to preserve the character and appearance of the conservation area and is therefore recommended by officers for approval.

### **Neighbour Amenity**

5.11 The application site shares common boundaries to the south with a number of residential properties along Manor Road. The proposed alterations in fenestration to the pool house affect only the northern elevation which faces away from neighbouring properties and back into the application site, therefore the changes will result in no impact upon neighbouring properties. Concerns have been raised in representations regarding the substitution of roofing material resulting in an increased height of the building. The proposed will measure 2.9 metres to the eaves and 4.8 metres to the ridge and be set back from the southern boundary of the site by 3-5 metres. Given that it is also screened by vegetation and separated from the nearest property by over 30 metres, no detrimental amenity impact will result from the alteration. Further, the proposed re-cladding of an existing building is considered to result in no impact upon the amenity of adjoining neighbours. The site is well screened by mature planting and as a result, officers consider that no unacceptable levels of overlooking or loss of privacy will result from the proposal. In addition, officers take the view that there is no reason to conclude that the proximity of the site to nearby gardens will result in any issues of noise disturbance and therefore, the development proposed is acceptable on the grounds of neighbourly amenity and recommended to Members for approval.

### **Biodiversity**

5.12 The proposed landscaping for the site comprises of a number of biodiversity enhancement features including orchard and other tree planting and use of wildflower turf. In consultation with the Council's biodiversity officer, the proposed landscaping scheme is considered acceptable in principle but officers recommend that conditions are imposed requiring that a detailed scheme be submitted as a condition of the planning consent alongside a 5-year maintenance plan. Bat a bird boxes will also be sited on suitable elevations of the two buildings which officers recommend is secured through planning condition. On this basis, officers consider that the application is acceptable on biodiversity grounds.

### **Conclusion**

5.13 In light of the above assessment, the proposed development is considered by your officers to accord with West Oxfordshire Local Plan 2031 Policies OS4; EH3; EH9; EH10; EH11 and EH13, relevant

sections of the NPPF 2019, the West Oxfordshire Design Guide 2016 and other material planning considerations and is therefore recommended for approval subject to the conditions set out in Section 6 of the report.

## **RECOMMENDATIONS**

- 1 That the development be carried out in accordance with the approved plans listed below.

REASON: For the avoidance of doubt as to what is permitted.

- 2 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.

- 3 Notwithstanding the details contained in this application, before occupation details of the provision of bat roosting features (e.g. bat boxes/tubes/bricks on south or southeast-facing elevations) and nesting opportunities for birds (e.g. house sparrow terrace, starling box, swift brick or house martin nest cup on the north or east-facing elevations) either integrated within or mounted onto external walls/mature trees, as well as hedgehog gaps/holes through the fences, shall be submitted to the local planning authority for approval. The details shall include a drawing/s showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The approved details shall be implemented before the dwelling/s hereby approved is/are first occupied and thereafter permanently retained.

REASON: To provide additional roosting for bats and nesting birds and ensure permeability for hedgehogs 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.

- 4 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 biodiversity enhancements (such as native, species-rich hedgerows, a wildlife pond, wildflower meadow areas or woodland bulb planting) and a 5-year 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 enhance the site for biodiversity 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.

- 5 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.

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.

#### **INFORMATIVES :-**

I. 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 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

#### **Notes to applicant**

I 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 (as amended), or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

All British bat species are protected under The Conservation of Habitats and Species Regulations 2017 (as amended), which implements the EC Directive 92/43/EEC in the United Kingdom, and the Wildlife and Countryside Act 1981 (as amended). This protection extends to individuals of the species and their roost features, whether occupied or not. A derogation licence from Natural England would be required before any works affecting bats or their roosts are carried out.

All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact upon active birds' nests should be undertaken outside the breeding season to ensure their protection, i.e. works should only be undertaken between August and February, or only after the chicks have fledged from the nest.

In the event that your proposals could potentially affect a protected species, or if evidence of protected species is found during works, then you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works (with regard to bats).

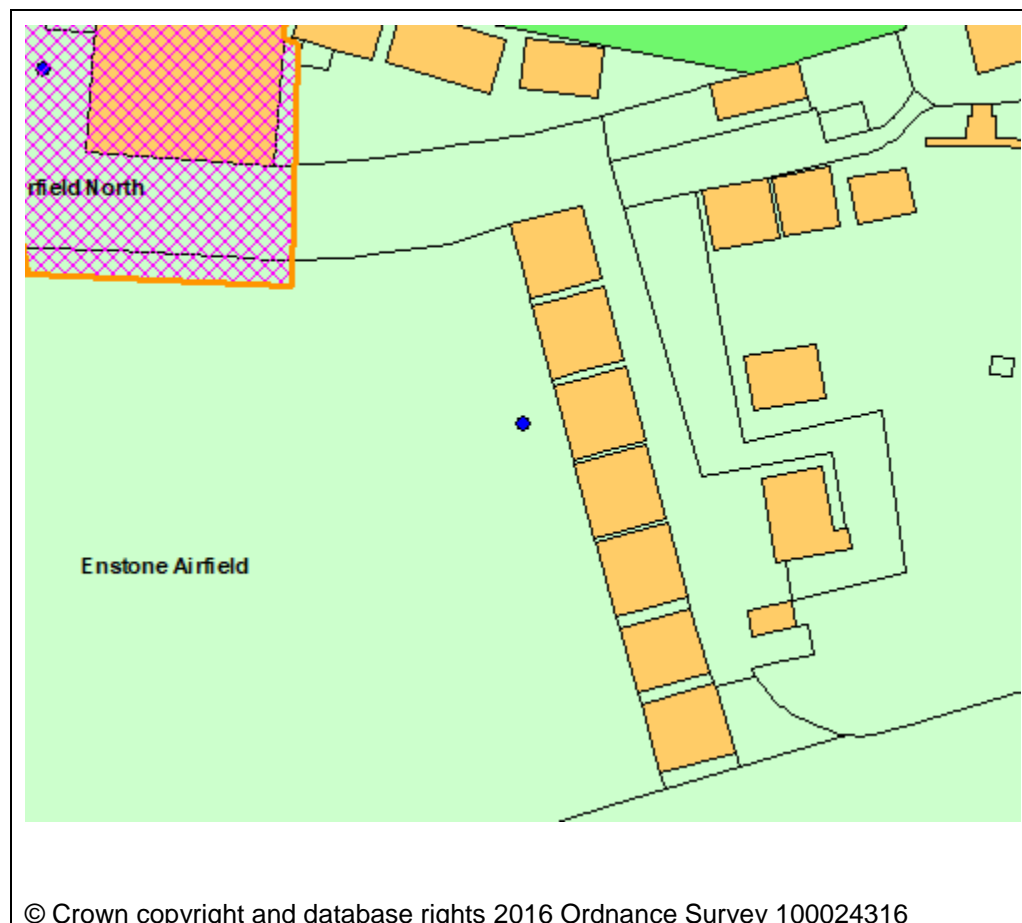
**Contact Officer:** James Nelson

**Telephone Number:** 01993 861712

**Date:** 19th May 2021

|                         |   |
|-------------------------|---|
| Application Number      | 21/00879/FUL  |
| Site Address            | Enstone Airline Hangars<br>Enstone Airfield North<br>Banbury Road<br>Enstone<br>Oxfordshire |
| Date                    | 19th May 2021   |
| Officer                 | Kim Smith   |
| Officer Recommendations | Approve   |
| Parish                  | Enstone Parish Council  |
| Grid Reference          | 439582 E 226177 N   |
| Committee Date          | 1st June 2021   |

### Location Map



### Application Details:

Extension of existing aircraft maintenance hangar to form 'lean to' hangar for indoor aircraft maintenance. (Retrospective)

### Applicant Details:

Mr Steve Gilbert  
Workshop And Premises  
Enstone Airfield North  
Enstone  
OX7 4NP

## **I CONSULTATIONS**

|                           |   |
|---------------------------|---|
| OCC Highways              | <p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>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</p> |
| Civil Aviation            | No reply at the time of writing   |
| WODC Env Health - Uplands | No objection in principle.  |
| Parish Council            | Enstone Parish Council has no objection to this planning application.   |

## **2 2 REPRESENTATIONS**

2.1 At the time of writing 15 representations have been received including one from the Enstone Conservation Trust. The comments that have been received are summarised as follows:

### **Lack of information submitted with the Planning Application**

There is no LVIA assessment;

There is no transport assessment;

There is no assessment from the intensification of uses on the site on the residential amenity of neighbouring residents;

There is no drainage, ecology, air quality, contamination or lighting assessment submitted with the proposals.

### **Noise**

This has resulted in the intensification of the use of the site to the detriment of the amenity of local residents who are impacted by noise;

The cumulative impact of the unauthorised developments needs to be considered;

The proposals constitute planning by stealth. They have resulted in pollution contrary to policy E8 of the WOLP;

The airfield has become a serious source of noise and traffic issues and is destroying the residential amenity of my home and garden and those of my neighbours. There used to be 11 light aircraft on the site and now there are over 80 and the attendant traffic this has created.

### **Visual Impact**

There are visual cumulative impacts from the unauthorised buildings which are large in scale, which has resulted in the introduction of too many urbanising features with a resultant adverse impact on visual amenity and the landscape;

### **Other**

The documents submitted with the application refer to a future submission for an additional car park which suggests potential traffic impacts from the development;

We also request that the full extent of previous unauthorised development at the site is presented to District Councillors alongside these retrospective planning applications;

It is asserted that that these retrospective planning applications, and further substantial unauthorised development, have all taken place on land in which an Enstone Parish Councillor has a beneficial interest;

-ENCON have undertaken a survey to assess local attitudes to Enstone Airfield which has identified the following:

Of 105 respondents 78 have noticed an increase in flying, 79 have expressed concern about the extent of flying and the stated main areas of concern are the extent of flying, the noise of the planes, flying over villages, aerobatics and repetitive noise(i.e. repeated take off and landings).35 respondents said that they feel endangered by the planes and 64 said that they wish to see a change in the pattern of use of the airfield. The change in pattern is for pilots to be more considerate and to avoid flying over settlements, to avoid repetitive circuits and restrict overall number of movements and timings;

- ENCON would like to engage constructively with the airfield operators to help mitigate some of the issues identified in a spirit of neighbourliness;

- The operators who 'control' the flying on the airfield show a blatant disregard for procedure;

- Object on the grounds that this proposal will if allowed undoubtedly add to airfield activities which will contravene WODC Environmental Protection Policy and inflict further distress on local residents who simply wish to enjoy rural Oxfordshire and being in their gardens;

- Last year saw a significant deterioration in noise pollution due to repeated and low flying over our village;

-It is alleged in the representations that the distress of low flying was pointed out to the flying clubs on several occasions but our requests for cooperation from pilots has largely been ignored;

- Last year was without doubt the worst year we have experienced for noise pollution since 1994. Activity at the airfield appears to lack the required control. A complete review of flying activity at Enstone may be required with WODC considering what stricter controls will be necessary to protect local residents and to uphold WODC environmental policy;

- Erection of further buildings to accommodate aircraft must inevitably lead to an increase in aircraft activity and associated noise pollution. The fact that the development is already built and permission sought to retain it retrospectively should not be encouraged and the application should be refused;

- The ecological harm, both local and global, which inevitably accompanies any intensification of airfield activity should come into consideration in relation to Council policies on sustainability;
- Lawless behaviour such as building without the required permission should be discouraged;
- If more space is needed to store or repair aircraft, it implies that the airfield is busier or expects to become busier, but the applicant has failed to address this in the very limited amount of information submitted with the proposal.

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

3.1 The applicants case is stated as follows:

Enstone Airfield is a former world war 2 RAF aerodrome built in 1942 and is currently occupied by a variety of businesses both commercial and flying oriented.

The applicant owns and runs an aircraft maintenance and flying business based on the North-side of Enstone Airfield. The business is a CAA (Civil Aviation Authority) Continuing Airworthiness Management Organisation which maintains a wide variety of aircraft across the UK and also rebuilds and restores historic aircraft. The business also leases hangar space to private pilots and operates the grass runway 'North-side Grass' for incoming and outgoing aircraft of maintenance clients and the private pilots based in the hangars.

The business is accessed via what was the North side perimeter track, which is concrete track in a poor state of repair which links to the B4022 at the Western end of the airfield.

There is also an entrance to the business from the more recently upgraded and adopted 'Green Lane' which also runs from the B4022 to the North of the airfield also serving Soho Farmhouse deliveries.

The existing operation currently has limited indoor hangar / workshop space, so some aircraft are worked on outside on the apron. This isn't ideal as the weather often prevents work (especially in winter). The apron in front of the workshop gets cross trafficked by vehicles from the access to the Green Lane which causes conflict and safety issues.

There is therefore a need for additional hangar / workshop space to both work safely on aircraft and in a controlled environment.

The lack of indoor workspace is also an issue for staff health and safety and also staff retention.

Control of traffic movement and management of 'airside' operations- an area trafficked by aircraft, where access is prohibited by unauthorised persons or vehicles.

The existing hangar maintenance hangar is sited immediately North of the former perimeter track of Enstone Airfield (called Enstone Airfield Driveway). This 'peri' track forms one of the main access routes for businesses from the B4022 at the western end of the runways. This concrete roadway is used by multiple businesses both at the North West side of the airfield and along the northern edge of the airfield.

The Enstone Airfield Driveway is privately owned and extends into Mr Gilberts ownership. Whilst the track did extend onward to premises operated by 'Oxfordshire Sport Flying' it is not their legal access, which is actually via the industrial estate to the South. The access has recently been fenced, gated and locked by the owners.



A way of preventing & discouraging unauthorised vehicles accessing 'airside' areas is therefore a strategic objective and the proposals have been designed to forward this.

#### Create a better airfield pleasing environment

Mr Gilberts team have a strategy to create a better environment for clients, pilots, employees and visitors. This will promote a more professional approach, a safer airfield and a visually pleasing environment.

Over many years there has been an accumulation of eyesores, including damaged and decaying aircraft, 2 double decker busses, scrap metal, scrap cars and various portacabins. During 2019 much of this has been removed and the site is now much improved.

#### The Existing and Proposed Hangar/Workshop

The existing business has 2 hangar / workshops. The smaller one (Hangar 2) is used for body repairs and assembly together with the small parts stores. The larger one (Hangar 1) is used for aircraft maintenance work, major aircraft rebuilds, bench workshop and office together with racking for large parts.

Hangar 1 fronts onto the main workshop apron with its' side facing the 'peri' track and main grass airfield. It is of sufficient height to add a lean-to extension to the side which would provide indoor space for 2 to 3 aircraft (depending on size / span).

The majority of this area was disused and taken up by an old portacabin and scrap cars, aircraft parts and scrap metal posing a health and safety risk. The rest of the 'peri' track up to the grass, is used to access the 'airside' area beyond to the East.

The siting and design of the hangar has several advantages.

- 1 Creates valuable additional workshop space for maintenance operations.
- 2 Makes use of the end wall of Hangar 1, reducing structure and heat losses.
- 3 Maintains internal connectivity for staff members.
- 4 Keeps height of new buildings down for visual amenity.
- 5 Reduces the physical width of the access to 'airside' areas to maintain safety.
- 6 Deters access to 'airside areas' via reduced visibility and by provision of additional signage.
- 7 Extension is adjacent to the grass airfield making 'ground source' heating practical.
- 8 The hangar is constructed using a steel frame and insulated cladding finished in plastisol coated profiled steel sheeting to match the existing hangars (roof, walls and doors)
9. The new building is the same type and appearance as it's surroundings and fits in with the use classes for the airfield.

#### Proposed Access

Existing site entrance access arrangements will remain unchanged. The prime access to MrGilberts premises are from the Enstone Airfield Driveway for public, clients, and deliveries.

The access from Green Lane remains for staff only and resident pilots who access 'airside' areas. As mentioned above the route alongside the new hangar extension will be for 'airside' authorised vehicles only and not a through route.

## Parking

Parking on the site is largely along the 'peri' track roadside and is generally wide enough to allow parking at the side it is however not sufficient for current uses particularly when including visitors which is why an additional private car park will be required.

Private pilots with hangered or 'tied down' aircraft are allowed to take their vehicles into the 'airside' areas as they are briefed on safe operations.

In order to avoid traffic through the workshop apron area (via Green Lane) it is proposed to create a car park behind the hangars which will be subject to a separate application.

Land negotiations have now been concluded and the red line boundary reflects the agreed boundary to the north of the hangars.

## Summary

The new Hangar extension is required to improve the quality of services provided and will provide a better and safer environment for maintenance staff by reducing outdoor working.

The siting of the building also assists with on-site vehicle management and safety too.

The above plus the simple and complimentary form of the extension, and the use of similar materials demonstrates a need for the development and a well thought out strategy to deliver a sensible solution.

## 4 PLANNING POLICIES

T1NEW Sustainable transport

OS2NEW Locating development in the right places

EH2 Landscape character

EH8 Environmental protection

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

## 5 PLANNING ASSESSMENT

### Background Information

5.1 This application is retrospective and has been submitted as a result of your officers recent review of development on the airfield which has identified a number of breaches of planning control in respect of various land owners which have been reported to Members at the last Enforcement update.

5.2 The retrospective development is a lean-to extension to an existing aircraft maintenance hangar in order to provide additional 'indoor' workshop space to provide a safer environment for maintenance staff by reducing outdoor working. The siting of the extension is also said to assist with on site vehicle management and safety. The external materials match those of the existing building.

5.3 Members will note that there is a large body of representation submitted in respect of this application alleging that the extension to the workshop together with other unauthorised development on the airfield has allowed for increased use of the airfield. It is stated in a number of the representations that the amenity of nearby residential occupiers in Parishes in close proximity to the airfield through increased number of flights, low flying of aircraft, flight paths directly above settlements and traffic movements on the local highway network is being unacceptably harmed and as such the development the subject of this application should be refused.

5.4 In respect of the concerns that have been raised about an apparent increase in flying activity associated with the airfield your Officers consider that this requires a separate investigation into the operation of the airfield as a whole which is limited by planning conditions in terms of the type and size of aircraft together with a limitation upon numbers and times of aircraft movements each day. This will involve looking at the flying activities associated with all of the operators using the airfield as the planning conditions cover the use of the land as an airfield as a whole and not the individual operators.

5.5 In order for your Officers to determine if the conditions of the enabling consents as amended by subsequent applications/appeals for the airfield are in breach, a body of evidence will need to be provided in order to substantiate a 'material' breach of the conditions.

5.6 Your Officers consider that given that there are operational planning conditions on the wider airfield which have been imposed to safeguard the interests and amenities of nearby residents, that this application should be considered on its individual planning merits alone.

5.7 Due to the level of representation received in respect of the application which is for a small scale development within the context of an airfield your Officers have referred the application to Committee for consideration by Members.

5.8 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
- Landscape impact
- Impact on Amenity
- Highways

### **Principle**

5.9 Given that the land is authorised as an airfield the principle of allowing an extension to an existing aircraft maintenance building is acceptable.

5.10 In terms of principle Paragraph 104 of the NPPF states that planning policy should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt to change over time - taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government's General Aviation Strategy.

### **Siting, Design and Form**

5.11 The extension is of a subsidiary lean to design in materials to match the existing building. The dark green colour finish matches that of other buildings located within this section of the airfield.

### **Landscape Impact**

5.12 In the representations it has been asserted that there should be an LVIA assessment submitted with the application and that the visual impacts of this extension together with other unauthorised buildings on the land has resulted in too many urbanising features with a resultant adverse impact on visual amenity and the landscape.

5.13 In respect of an LVIA assessment, given that the site is not located within the AONB , that the site is 'Brownfield land' and that the retrospective development is for a modest extension to an existing building seen against a backdrop of other established buildings on the land your Officers consider that an LVIA assessment is not required in order to assess the landscape impact of the development in this instance.

5.14 Given, the modest dimensions of the structure, it's dark green colour finish and that it sits within the context of a cluster of existing buildings and hangars serving the airfield, Officers consider that from wider viewpoints off site the extension to the existing building will not appear as a highly discernible feature in the landscape and where it is seen it is 'airfield' development in an 'airfield' context.

### **Impact on Amenity**

5.15 In the representations received there has been a lot of concern raised regarding noise from the alleged increase use of the airfield over the last year by aircraft. In respect of this application for an extension to a workshop on the airfield the extension allows for a noisy external activity to be moved indoors. Your Environmental Health Officer has raised no objections to the application.

### **Highways**

5.16 There have been concerns raised in the representations that the development the subject of this application together other unauthorised development at the airfield will result in traffic issues in the locality. In this regard County Highways has raised no objection to the application.

### **Conclusion**

5.17 In light of the above assessment the retrospective extension the subject of this application is considered acceptable on its planning merits and is recommended for approval.

5.18 The issues that have been raised in the representations about increased flying activity and associated noise will be investigated separately by Officers.

## **6 RECOMMENDATION**

- I 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.

- 2 That the workshop extension hereby approved shall be only be used in association with the maintenance and stationing of aircraft associated with the operational airfield and for no other purposes.

REASON: To ensure that a use unsuitable to the site is not established.

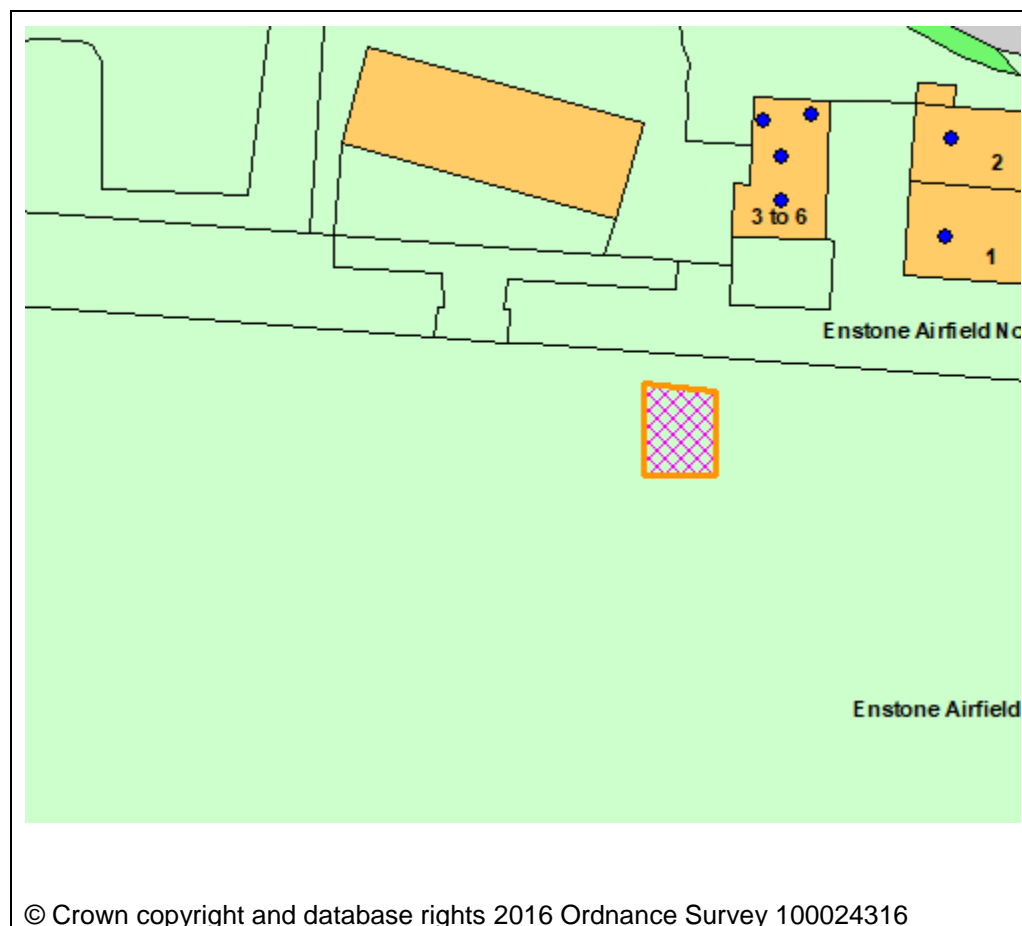
**Contact Officer:** Kim Smith

**Telephone Number:** 01993 861676

**Date:** 19th May 2021

|                         |   |
|-------------------------|---|
| Application Number      | 21/01303/FUL  |
| Site Address            | Enstone Flying Club<br>Enstone Airfield North<br>Banbury Road<br>Enstone<br>Chipping Norton<br>Oxfordshire<br>OX7 4NS |
| Date                    | 19th May 2021   |
| Officer                 | Kim Smith   |
| Officer Recommendations | Approve   |
| Parish                  | Enstone Parish Council  |
| Grid Reference          | 438792 E 226046 N   |
| Committee Date          | 1st June 2021   |

### Location Map



### Application Details:

Erection of Hangar (Retrospective).

**Applicant Details:**

Mr Nigel Collins  
Court Farm  
Lower Lemington  
Moreton-in-Marsh  
Glos  
GL56 9NP

**I CONSULTATIONS**

|                           |   |
|---------------------------|---|
| WODC Business Development | No reply at the time of writing.  |
| OCC Highways              | <p>The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network</p> <p>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</p> |
| WODC Env Health - Uplands | No Objection in principle.  |
| Civil Aviation            | No reply at the time of writing   |
| Parish Council            | Enstone Parish Council has no objection to this planning application.   |

**2 REPRESENTATIONS**

2.1 At the time of writing there have been 11 representations received in respect of the application many of which are the same as those submitted in respect of planning application 21/01303/FUL for an extension to an existing hangar on the northern section of the airfield.

The comments that have been received are summarised as follows:

Lack of information submitted with the Planning Application

- There is no LVIA assessment;
- There is no transport assessment;
- There is no assessment from the intensification of uses on the site on the residential amenity of neighbouring residents;
- There is no drainage, ecology, air quality, contamination or lighting assessment submitted with the proposals.

## Noise

- This has resulted in the intensification of the use of the site to the detriment of the amenity of local residents who are impacted by noise;
- The cumulative impact of the unauthorised developments needs to be considered;
- The proposals constitute planning by stealth. They have resulted in pollution contrary to policy E8 of the WOLP;
- The airfield has become a serious source of noise and traffic issues and is destroying the residential amenity of my home and garden and those of my neighbours. There used to be 11 light aircraft on the site and now there are over 80 and the attendant traffic this has created.

## Visual Impact

- There are visual cumulative impacts from the unauthorised buildings which are large in scale, which has resulted in the introduction of too many urbanising features with a resultant adverse impact on visual amenity and the landscape.

## Other

- We also request that the full extent of previous unauthorised development at the site is presented to District Councillors alongside these retrospective planning applications;
- It is asserted that that these retrospective planning applications, and further substantial unauthorised development, have all taken place on land in which an Enstone Parish Councillor has a beneficial interest;
- ENCON have undertaken a survey to assess local attitudes to Enstone Airfield which has identified the following:

Of 105 respondents 78 have noticed an increase in flying, 79 have expressed concern about the extent of flying and the stated main areas of concern are the extent of flying, the noise of the planes, flying over villages, aerobatics and repetitive noise(i.e. repeated take off and landings).35 respondents said that they feel endangered by the planes and 64 said that they wish to see a change in the pattern of use of the airfield. The change in pattern is for pilots to be more considerate and to avoid flying over settlements, to avoid repetitive circuits and restrict overall number of movements and timings;

- Object on the grounds that this proposal will if allowed undoubtedly add to airfield activities which will contravene WODC Environmental Protection Policy and inflict further distress on local residents who simply wish to enjoy rural Oxfordshire and being in their gardens;
- Last year saw a significant deterioration in noise pollution due to repeated and low flying over our village. It is alleged in the representations that the distress of low flying was pointed out to the flying clubs on several occasions but our requests for cooperation from pilots has largely been ignored. Last year was without doubt the worst year we have experienced for noise pollution since 1994. Activity at the airfield appears to lack the required control. A complete review of flying activity at Enstone may be required with WODC considering what stricter controls will be necessary to protect local residents and to uphold WODC environmental policy;
- Erection of further buildings to accommodate aircraft must inevitably lead to an increase in aircraft activity and associated noise pollution;
- The fact that the development is already built and permission sought to retain it retrospectively should not be encouraged and the application should be refused;
- The ecological harm, both local and global, which inevitably accompanies any intensification of airfield activity should come into consideration in relation to Council policies on sustainability.
- Lawless behaviour such as building without the required permission should be discouraged.

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

The application advises that planning consent was granted for a hangar in a different location on the airfield under 18/01841/FUL but due to local politics a new site was sought and the hangar erected.

### **4 PLANNING POLICIES**

EH2 Landscape character

OS2NEW Locating development in the right places

EH8 Environmental protection

TI NEW Sustainable transport

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

### **5 PLANNING ASSESSMENT**

#### **Background Information**

5.1 This application is retrospective and has been submitted as a result of your officers recent review of development on the airfield which has identified a number of breaches of planning control in respect of various land owners which have been reported to Members at the last Enforcement update.

5.2 The retrospective development is a polytunnel style hangar which is 12.5m by 10.5m and a maximum height of 4.8m. It is covered in a dark green PVC material stretched over a metal frame. It is to house a single aircraft which was parked on the airfield in the open along with other parked aircraft. Permission for a hanger of this design and materials was given in 2018 on land to the south west of its present location but was never implemented.

5.3 As with planning application 21/00879/FUL which is also on this schedule for consideration, Members will note that there is a large body of representation submitted in respect of this application alleging that the hangar together with other unauthorised development on the airfield has allowed for increased use of the airfield. It is stated in a number of the representations that the amenity of nearby residential occupiers in Parishes in close proximity to the airfield through increased number of flights, low flying of aircraft, flight paths directly above settlements and traffic movements on the local highway network is being unacceptably harmed and as such the development the subject of this application should be refused.

5.4 In respect of the concerns that have been raised about an apparent increase in flying activity associated with the airfield your Officers consider that this requires a separate investigation into the operation of the airfield as a whole which is limited by planning conditions in terms of the type and size of aircraft together with a limitation upon numbers and times of aircraft movements each day. This will involve looking at the flying activities associated with all of the operators using the airfield as the planning conditions cover the use of the land as an airfield as a whole and not the individual operators.

5.5 In order for your Officers to determine if the conditions of the enabling consents as amended by subsequent applications/appeals for the airfield are in breach, a body of evidence will need to be provided in order to substantiate a 'material' breach of the conditions.



5.6 Your Officers consider that given that there are operational planning conditions on the wider airfield which have been imposed to safeguard the interests and amenities of nearby residents, that this application should be considered on its individual planning merits alone.

5.7 Due to the level of representation received in respect of the application which is for a small scale development within the context of an airfield your Officers have referred the application to Committee for consideration by Members.

5.8 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  
Landscape impact

### **Principle**

5.10 Given that the land is authorised as an airfield the principle of a hangar to house aircraft which are parked on the airfield is considered acceptable.

5.11 In terms of principle the NPPF at paragraph 104(f) states that planning policies should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time- taking into account their economic value in serving business, leisure, training and emergency service needs, and the Governments General Aviation Strategy.

### **Siting, Design and Form**

5.12 Given the modest dimensions of the structure, its dark green colour finish , its functional relationship with the airfield and that it is viewed with the context of existing established buildings located on the northern section of the airfield, the siting and design of the hangar is considered acceptable in planning terms.

### **Landscape Impact**

5.13 In the representations it has been asserted that there should be an LVIA assessment submitted with the application and that the visual impacts of this hangar together with other unauthorised buildings on the land has resulted in too many urbanising features with a resultant adverse impact on visual amenity and the landscape.

5.14 In respect of an LVIA assessment, given that the site is not located within the AONB , that the site is 'Brownfield land' and that the retrospective development is for a modestly sized hangar seen against a backdrop of other established buildings on the land your Officers consider that an LVIA assessment is not required in order to assess the landscape impact of the development in this instance.

5.15 Given, the modest dimensions of the structure, its dark green colour finish and that it is seen against a backdrop of existing buildings and hangars serving the airfield, Officers consider that from wider viewpoints off site the hangar will not appear as a highly discernible feature in the landscape and where it is seen it is 'airfield' development in an 'airfield' context.

## **Conclusion**

5.16 In light of the above assessment the retrospective hangar the subject of this application is considered acceptable on its planning merits when considered against the relevant policy considerations and is recommended for approval accordingly.

5.17 The issues that have been raised in the representations about increased flying activity and associated noise will be investigated separately by Officers.

## **6 RECOMMENDATION**

I 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.

**Contact Officer:** Kim Smith

**Telephone Number:** 01993 861676

**Date:** 19th May 2021

## West Oxfordshire District Council – DELEGATED ITEMS

### 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 Week Ending 28th April 2021

| Application Number.   | Ward.                 | Decision. |
|---|-----------------------|-----------|
| I. 20/02848/FUL   | Milton Under Wychwood | APP       |
| Change of use of paddock land to extend domestic garden.<br><b>Fardon House Frog Lane Milton Under Wychwood</b><br>Mr And Mrs Paul And Deborah Horner |                       |           |

- |  |  |                                     |     |
|--|--|-------------------------------------|-----|
| 2.   | <b>20/03108/FUL</b>                                  | Kingham, Rollright and Enstone      | APP |
| <p>Change of use of land from agricultural to residential use together with associated access and landscaping works including the installation of solar panels and a swimming pool and the erection of gazebo and pergola (amended information)</p> <p><b>Beggars Lodge Great Tew Chipping Norton</b><br/>Mr And Mrs John And Fiona Williams</p> |  |                                     |     |
| 3.   | <b>20/03118/FUL</b>                                  | Chadlington and Churchill           | APP |
| <p>Conversion of extension of existing agricultural buildings to form one dwelling along with extensions to the existing cottages to create ancillary accommodation. Works to include the erection of a car port with store and demolition of one barn.</p> <p><b>Lower Buildings Green End Chadlington</b><br/>Mr O Corbett</p>                 |  |                                     |     |
| 4.   | <b>20/03436/FUL</b>                                  | Hailey, Minster Lovell and Leafield | APP |
| <p>Installation of outdoor swimming pool and construction of detached pool house (amended proposal and plans).</p> <p><b>Greenwich Lane Farm Greenwich Lane Leafield</b><br/>Mr And Mrs T Rycroft</p>  |  |                                     |     |
| 5.   | <b>21/00019/CLE</b>                                  | Burford                             | APP |
| <p>Certificate of lawfulness to allow the use of property in breach of condition 2 of permission W385/63</p> <p><b>Tadpole Farm Taynton Burford</b><br/>Mr And Mrs James Bainbridge</p>  |  |                                     |     |
| 6.   | <b>21/00035/FUL</b><br>Affecting a Conservation Area | The Bartons                         | APP |
| <p>Change of use of land and outbuilding/shed from residential use to commercial use, to be used as parking and for storage of garage equipment. (Retrospective).</p> <p><b>57 North Street Middle Barton Chipping Norton</b><br/>Mr Graham Cox</p>  |  |                                     |     |
| 7.   | <b>21/00049/LBC</b><br>Affecting a Conservation Area | Kingham, Rollright and Enstone      | APP |
| <p>Internal and external alterations to insert an additional second storey window in north elevation.</p> <p><b>The Grange Chipping Norton Road Little Tew</b><br/>Mr And Mrs Tyce</p>   |  |                                     |     |

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| 8.  | <b>21/00111/FUL</b><br>Affecting a Conservation Area   | Woodstock and Bladon           | APP |
|     | <p>Refurbishment of existing office and storage outbuilding (Class use E) to include single and two storey front extension and provision of first floor outdoor amenity space with metal balustrading.</p> <p><b>Garrett House 5 Park Street Woodstock</b><br/>Garrett Studios</p>                               |                                |     |
| 9.  | <b>21/00126/HHD</b><br>Affecting a Conservation Area   | Stonesfield and Tackley        | APP |
|     | <p>Demolition of existing stone boundary wall and formation of new vehicular access together with the construction of entrance gates and new walling.</p> <p><b>Doggetts House Churchfields Stonesfield</b><br/>Mr Mark Hughes</p>   |                                |     |
| 10. | <b>21/00143/HHD</b><br>Affecting a Conservation Area   | Kingham, Rollright and Enstone | APP |
|     | <p>Alterations to include the removal of the existing single-storey side extension. Erection of a two storey and single storey side extension and associated external works.</p> <p><b>Kingham Lodge West End Kingham</b><br/>C And P Stockwell</p>  |                                |     |
| 11. | <b>21/00204/HHD</b><br>Affecting a Conservation Area   | Burford                        | APP |
|     | <p>Conversion and increase in height of the roof of the existing detached double garage with the addition of an external staircase and first floor terrace to provide ancillary accommodation to the main dwelling (amended plans).</p> <p><b>Walnut Tree Cottage Swan Lane Burford</b><br/>Ms Sarah Millard</p> |                                |     |
| 12. | <b>21/00411/HHD</b><br>Affecting a Conservation Area   | Chipping Norton                | APP |
|     | <p>Insertion of windows to side elevation (amended plans).</p> <p><b>9 Ackerman Road Chipping Norton Oxfordshire</b><br/>Mr Joe Godden</p>   |                                |     |
| 13. | <b>21/00301/HHD</b>  | Kingham, Rollright and Enstone | APP |
|     | <p>Construction of detached greenhouse in south garden.</p> <p><b>Dunthorp House Heythrop Chipping Norton</b><br/>Mrs Harriet Tuohy</p>  |                                |     |

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| 14.   | <b>21/00324/HHD</b><br>Affecting a Conservation Area | Kingham, Rollright and Enstone | APP |
| Alterations and new stone porch to entrance door (amended plans).<br><b>Garden House 2 The Lane Chastleton</b><br>Mr And Mrs G George   |  |                                |     |
| 15.   | <b>21/00325/LBC</b><br>Affecting a Conservation Area | Kingham, Rollright and Enstone | APP |
| Internal and External alterations and new stone porch to entrance door (amended plans).<br><b>Garden House 2 The Lane Chastleton</b><br>Mr And Mrs G George   |  |                                |     |
| 16.   | <b>21/00326/HHD</b><br>Affecting a Conservation Area | Chadlington and Churchill      | APP |
| Removal of existing garden shed and erection of new garden shed.<br><b>Nethercote Cote Lane Taston</b><br>Mr Peter Mann   |  |                                |     |
| 17.   | <b>21/00336/HHD</b>                                  | Burford                        | APP |
| Alterations to replace existing wooden doors in front elevation along with Installation of new doors to rear elevation.<br><b>Fulbrook House Upper End Fulbrook</b><br>Mr Simon Gill  |  |                                |     |
| 18.   | <b>21/00704/LBC</b>                                  | Burford                        | APP |
| Internal and external alterations to replace existing wooden doors in front elevation along with Installation of new doors to rear elevation.<br><b>Fulbrook House Upper End Fulbrook</b><br>Mr Simon Gill  |  |                                |     |
| 19.   | <b>21/00276/HHD</b><br>Affecting a Conservation Area | Stonesfield and Tackley        | APP |
| Erection of single and two storey front extension and conversion of garage to habitable space together with associated works, widening of existing vehicular access and erection of a garden shed (amended)<br><b>Middlecote High Street Stonesfield</b><br>Mr And Mrs Hounsell |  |                                |     |

20. **21/00352/HHD** Charlbury and Finstock APP  
Affecting a Conservation Area
- Erection of single storey side and rear (with roof lantern) extensions and replacement front porch. Construction of detached three bay garage and workshop/hobby building together with associated landscaping works (amended plans).  
**Fawler Manor Main Road Fawler**  
Mr And Mrs T Shuker
21. **21/00353/LBC** Charlbury and Finstock APP  
Affecting a Conservation Area
- Internal and external alterations to include erection of single storey side and rear (with roof lantern) extensions and replacement front porch, changes to internal layout and replacement windows (including additional rooflight) (amended plans).  
**Fawler Manor Main Road Fawler**  
Mr And Mrs T Shuker
22. **21/00372/FUL** Kingham, Rollright and Enstone APP
- Demolition of existing bungalow and erection of replacement dwelling (amended plans).  
**Trevellis Station Road Kingham**  
Mr And Mrs D Shadbolt
23. **21/00373/S73** Ascott and Shipton APP  
Affecting a Conservation Area
- Variation of condition 2 of Planning Permission 19/01006/S73 to allow the glass doors and windows to remain in the garage serving Plot 1 along with conversion to home office  
**Land South Of Milton Road Shipton Under Wychwood**  
c/o Agent
24. **21/00407/FUL** Chipping Norton APP
- Open fronted agricultural building for storage of fodder and farm machinery  
**Nuholme Worcester Road Chipping Norton**  
Mr Ben Hillman
25. **21/00461/HHD** Stonesfield and Tackley APP
- Formation of new access and formal driveway to the front of The Old Rectory.  
**The Old Rectory Nether Kiddington Woodstock**  
Mr and Mrs Diosi

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| 26.  | <b>21/00462/LBC</b><br>Affecting a Conservation Area | Charlbury and Finstock         | APP |
| External works to flats 1 to 4 Bayliss Yard and 11 Sheep Street, to include replacement corrugated sheets to lean to roofs and replacement of all upvc gutters with new prefinished cast aluminium gutters and downpipes.<br><b>Flat 3 Bayliss Yard Charlbury</b><br>Mr J West |  |                                |     |
| 27.  | <b>21/00464/HHD</b><br>Affecting a Conservation Area | Freeland and Hanborough        | REF |
| New glazed door to North elevation<br><b>Thresher Barn 6 Millwood Farm Barns Abelwood Road</b><br>Mr George Burdon   |  |                                |     |
| 28.  | <b>21/00465/LBC</b><br>Affecting a Conservation Area | Freeland and Hanborough        | REF |
| New glazed door to North elevation<br><b>Thresher Barn 6 Millwood Farm Barns Abelwood Road</b><br>Mr George Burdon   |  |                                |     |
| 29.  | <b>21/00767/LBC</b><br>Affecting a Conservation Area | Woodstock and Bladon           | APP |
| Refurbishment of existing oak structure and roof retaining as much original timbers and tiles as possible<br><b>Pump Grove Road Bladon</b><br>Ms Penny Aldridge  |  |                                |     |
| 30.  | <b>21/00490/HHD</b><br>Affecting a Conservation Area | Kingham, Rollright and Enstone | APP |
| Alterations to include the erection of a first floor rear extension, re roofing, changes to fenestration and reposition main chimney on rear roof slope (amended proposal and plans)<br><b>Lower Barn West Street Kingham</b><br>Mr Stephen Cooper And Mary Trefgarne          |  |                                |     |
| 31.  | <b>21/00495/HHD</b><br>Affecting a Conservation Area | Chadlington and Churchill      | APP |
| Erection of a single storey studio and workshop<br><b>Coldron Mill Church Lane Spelsbury</b><br>Mr Stephen Barber  |  |                                |     |



32. **21/00507/HHD** Chadlington and Churchill APP  
 Erection of a three bay carport (amended proposal and plans)  
**Drive Cottage Sarsden Chipping Norton**  
 Mr And Mrs Gallagher
33. **21/00508/FUL** Kingham, Rollright and Enstone APP  
 Phase I works including partial refurbishment of, and works to, the main building complex, landscaping, removal of marquee, provision of Arrivals Lodges and all incidental works. Development part of overall upgrading of Heythrop Park Hotel and estate (Use Class C1).  
**Heythrop Park Hotel Heythrop Park Heythrop**  
 Warner Leisure Hotels
34. **21/00509/LBC** Kingham, Rollright and Enstone APP  
 Phase I works including partial refurbishment of, and works to, the main building complex, landscaping, removal of marquee, provision of Arrivals Lodges and all incidental works. Development part of overall upgrading of Heythrop Park Hotel and estate (Use Class C1).  
**Heythrop Park Hotel Heythrop Park Heythrop**  
 Warner Leisure Hotels
35. **21/00533/HHD** Hailey, Minster Lovell and Leafield APP  
 Affecting a Conservation Area  
 Erection of replacement entrance gates and boundary walling.  
**Pratts Cottage The Green Leafield**  
 Mr Sarah Harston
36. **21/00535/HHD** Burford APP  
 Affecting a Conservation Area  
 Alterations to include changes to fenestration and roofing material (from natural stone slates to natural Welsh blue slates) to two storey extension approved under 18/02634/HHD.  
**The Mill Cottage 93 Witney Street Burford**  
 Mrs Amadea West
37. **21/00536/LBC** Burford APP  
 Affecting a Conservation Area  
 Internal and external alterations to include changes to fenestration and roofing material (from natural stone slates to natural Welsh blue slates) to two storey extension approved under 18/02634/HHD.  
**The Mill Cottage 93 Witney Street Burford**  
 Mrs Amadea West

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| 38. | <b>21/00538/HHD</b>   | Freeland and Hanborough             | APP |
|     | <p>Erection of two storey side and single storey rear extensions<br/> <b>10 Churchill Way Long Hanborough Witney</b><br/> Mr Craig Carter</p>   |                                     |     |
| 39. | <b>21/00544/LBC</b>   | Hailey, Minster Lovell and Leafield | APP |
|     | <p>Installation of 3 Conservation rooflights to north elevation.<br/> <b>Hill Farm Buttermilk Lane Leafield</b><br/> Mr And Mrs Grace</p>   |                                     |     |
| 40. | <b>21/00545/HHD</b>   | Kingham, Rollright and Enstone      | APP |
|     | <p>Affecting a Conservation Area</p> <p>Provision of one dormer window and one rooflight to garage (amended proposal and plans)<br/> <b>Hays House Church Street Kingham</b><br/> Mr And Mrs J Dewar</p>            |                                     |     |
| 41. | <b>21/00546/HHD</b>   | Kingham, Rollright and Enstone      | APP |
|     | <p>Alterations to include the erection of first floor extension and provision of a canopy over main entrance (amended plans)<br/> <b>West Manor Church Enstone Chipping Norton</b><br/> Ms M Curnock-Cook</p>       |                                     |     |
| 42. | <b>21/00547/LBC</b>   | Kingham, Rollright and Enstone      | APP |
|     | <p>Internal and external alterations to include the erection of first floor extension and provision of a canopy over main entrance<br/> <b>West Manor Church Enstone Chipping Norton</b><br/> Ms M Curnock-Cook</p> |                                     |     |
| 43. | <b>21/00567/HHD</b>   | Kingham, Rollright and Enstone      | APP |
|     | <p>Erection of a single storey rear extension and new porch, rendering of existing external walls.<br/> <b>4 Orchard Way Kingham Chipping Norton</b><br/> Mr James Mathias</p>                                      |                                     |     |
| 44. | <b>21/00571/HHD</b>   | Ascott and Shipton                  | APP |
|     | <p>Affecting a Conservation Area</p> <p>Erection of single storey side extension.<br/> <b>18 St Michaels Close Shipton Under Wychwood Chipping Norton</b><br/> Mr P Hooper</p>                                      |                                     |     |

45. **21/00860/HHD** Stonesfield and Tackley APP  
 Alterations to include the erection of a single storey side and rear infill extension and the replacement of the existing rear pitched roof with a new flat roof  
**9 Combe Road Stonesfield Witney**  
 Mr Gary Smith
46. **21/00588/HHD** Kingham, Rollright and Enstone APP  
 Erection of single storey rear extension to existing studio (amended plans).  
**Dower House Cottage Dunthorp Road Heythrop**  
 Mr And Ms Chris And Jane Edwards And Cassidy
47. **21/00591/S73** Milton Under Wychwood APP  
 Variation of conditions 2 and 3 of planning permission 19/03113/FUL to allow the reduction in overall size of the new gym/music building with the use of timber walling material in place of stone, changes to fenestration and the use of slate roof with solar panels to SE elevation (superceding 20/01657/S73).  
**Old Foxcote Farmhouse Foscot Chipping Norton**  
 Mr And Mrs Helm
48. **21/01000/S73** Milton Under Wychwood APP  
 Variation of conditions 2 and 3 of listed building consent 19/03114/LBC to allow the reduction in overall size of the new gym/music building with the use of timber walling material in place of stone, changes to fenestration and the use of slate roof with solar panels to SE elevation (superceding 20/01650/S73).  
**Old Foxcote Farmhouse Foscot Chipping Norton**  
 Mr And Mrs Helm
49. **21/00600/HHD** Chadlington and Churchill APP  
 Alterations to include the addition of cladding to South and West elevations, conversion of attic space to create extra living space with the insertion of a dormer window and roof lights  
**Plum Tree Chapel Road Chadlington**  
 Mr Jeremy Lowe
50. **21/00603/LBC** Charlbury and Finstock APP  
 Affecting a Conservation Area  
 Alterations to replace the external stone staircase which serves the barn with a new timber staircase  
**6 Dyers Hill Charlbury Chipping Norton**  
 Mrs Georgiana Slack

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| 51. | <b>21/00608/HHD</b>  | Chipping Norton           | APP |
|     | <p>Construction of detached garden room.<br/> <b>11 Scarsbrook Crescent Chipping Norton Oxfordshire</b><br/>         Professor Doug Clelland</p>   |                           |     |
| 52. | <b>21/00611/HHD</b>  | Chipping Norton           | APP |
|     | <p>Construction of front entrance porch.<br/> <b>16 Insall Road Chipping Norton Oxfordshire</b><br/>         Mrs Julie Wilson</p>  |                           |     |
| 53. | <b>21/00612/FUL</b>  | The Bartons               | APP |
|     | <p>Affecting a Conservation Area</p> <p>Erection of two detached dwellings together with associated works including erection of detached garage building with first floor home office/ancillary space above and detached two bay car port (amended plans)<br/> <b>Land North West Of 33 South Street Middle Barton</b></p> |                           |     |
| 54. | <b>21/01215/HHD</b>  | Charlbury and Finstock    | APP |
|     | <p>Affecting a Conservation Area</p> <p>Alterations to replace the external stone staircase which serves the barn with a new timber staircase<br/> <b>6 Dyers Hill Charlbury Chipping Norton</b><br/>         Mrs Georgiana Slack</p>  |                           |     |
| 55. | <b>21/01045/HHD</b>  | Freeland and Hanborough   | APP |
|     | <p>Single storey link extension<br/> <b>23 Witney Road Long Hanborough Witney</b><br/>         Mr Ian Coleman</p>  |                           |     |
| 56. | <b>21/00660/HHD</b>  | Chadlington and Churchill | APP |
|     | <p>Single storey oak framed orangery<br/> <b>1 Eversley Lane Churchill Chipping Norton</b><br/>         Mr Mylam</p>   |                           |     |

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| 57. | <b>21/00664/HHD</b><br>Affecting a Conservation Area<br><br>Erection of a detached greenhouse<br><b>Peachey's Cottage Asthall Burford</b><br>Mr Christopher Allen   | Brize Norton and Shilton            | APP |
| 58. | <b>21/00678/HHD</b><br><br>Erection of a single storey detached outbuilding to provide ancillary accommodation<br><b>44 Church Road Long Hanborough Witney</b><br>Mr and Mrs Dyer   | Freeland and Hanborough             | APP |
| 59. | <b>21/00683/HHD</b><br><br>Erection of a two storey and single storey rear extension.<br><b>Westbury Bull Hill Chadlington</b><br>Mr Jonny Fletcher   | Chadlington and Churchill           | APP |
| 60. | <b>21/00699/HHD</b><br>Affecting a Conservation Area<br><br>Replacement of existing cladding and windows to both front and rear elevations.<br><b>2 Park Close Bladon Woodstock</b><br>Mrs Elizabeth Wood                             | Woodstock and Bladon                | APP |
| 61. | <b>21/00701/LBC</b><br><br>Affecting a Conservation Area<br><br>Replacement of stone slates with natural slates to roof of existing garden room<br><b>Old George House The Green Leafield</b><br>Mr and Mrs Burns                     | Hailey, Minster Lovell and Leafield | APP |
| 62. | <b>21/00702/CLP</b><br><br>Certificate of Lawfulness (Formation of a rear dormer window along with the insertion of three Velux windows in the front facing roof slope)<br><b>21 Main Road Long Hanborough Witney</b><br>Miss S Moore | Freeland and Hanborough             | APP |
| 63. | <b>21/00707/HHD</b><br><br>Single storey extension to provide Orangery. Addition of lantern to existing Conservatory.<br><b>Manor Farm Little Rollright Chipping Norton</b><br>Mr And Mrs Alasdair MacLeod                            | Kingham, Rollright and Enstone      | APP |

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| 64.  | <b>21/00708/LBC</b> | Kingham, Rollright and Enstone | APP |
| <p>Internal and external alterations to include the erection of a single storey extension to create an Orangery and the addition of lantern to existing Conservatory.<br/> <b>Manor Farm Little Rollright Chipping Norton</b><br/>         Mr And Mrs Alasdair MacLeod</p>                                     |                     |                                |     |
| 65.  | <b>21/00715/HHD</b> | Chadlington and Churchill      | APP |
| <p>Erection of an oak framed detached car port.<br/> <b>Apple Brook House Horseshoe Lane Chadlington</b><br/>         Mr D Bryars</p>  |                     |                                |     |
| 66.  | <b>21/00727/FUL</b> | The Bartons                    | APP |
| <p>Affecting a Conservation Area</p> <p>Erection of a replacement agricultural building<br/> <b>Cockley Barn Ledwell Chipping Norton</b><br/>         Mr Tim Ringrose</p>  |                     |                                |     |
| 67.  | <b>21/00731/LBC</b> | Chipping Norton                | APP |
| <p>Affecting a Conservation Area</p> <p>Interanal alterations to existing ceilings throughout the Arctic Fish Bar to achieve 30min fire protection to comply with an enforcement notice provided by the Fire Brigade<br/> <b>8 New Street Chipping Norton Oxfordshire</b><br/>         Mr Michael Nicolaou</p> |                     |                                |     |
| 68.  | <b>21/00738/FUL</b> | Stonesfield and Tackley        | APP |
| <p>Erection of two dwellings<br/> <b>19 Combe Road Stonesfield Witney</b><br/>         Mr Terry Barlow</p>   |                     |                                |     |
| 69.  | <b>21/00741/HHD</b> | Woodstock and Bladon           | APP |
| <p>Erection of single storey structure to rear of existing garage to create study / garden room<br/> <b>34 Blackberry Way Woodstock Oxfordshire</b><br/>         Mr M Dunlop</p>   |                     |                                |     |

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| 70. | <b>21/00756/HHD</b><br>Affecting a Conservation Area  | Charlbury and Finstock  | APP |
|     | Alterations to include erection of first floor bedroom extension with roof lantern, balcony and external staircase.<br><b>Greenville Bungalow 8 Wards Lane Finstock</b><br>MR J Woollard  |                         |     |
| 71. | <b>21/01154/HHD</b>   | Milton Under Wychwood   | APP |
|     | Construction of detached outbuilding.<br><b>84A High Street Milton Under Wychwood Chipping Norton</b><br>Mr Chris Hood  |                         |     |
| 72. | <b>21/00772/LBC</b><br>Affecting a Conservation Area  | Chipping Norton         | APP |
|     | Internal and external alterations to replace existing window and door on rear elevation with new glazing and doors.<br><b>26 New Street Chipping Norton Oxfordshire</b><br>Mr Tim Bennett |                         |     |
| 73. | <b>21/00770/HHD</b>   | Chipping Norton         | APP |
|     | Replacement conservatory<br><b>42 Lords Piece Road Chipping Norton Oxfordshire</b><br>Mr Gary Bridges   |                         |     |
| 74. | <b>21/00771/HHD</b><br>Affecting a Conservation Area  | Chipping Norton         | APP |
|     | Replacement of existing window and door on rear elevation with new glazing and doors.<br><b>26 New Street Chipping Norton Oxfordshire</b><br>Mr Tim Bennett                               |                         |     |
| 75. | <b>21/00778/HHD</b>   | Freeland and Hanborough | APP |
|     | Erection of a retaining boundary wall with closed board fencing above along with the installation a new gate<br><b>8 Slatters Court Long Hanborough Witney</b><br>Miss Hanna Blincowe     |                         |     |

76. **21/00780/HHD** Freeland and Hanborough APP  
 Alterations to conservatory and garage roof to include changes to pitch and height along with the insertion of a roof lantern (Retrospective)  
**73 Main Road Long Hanborough Witney**  
 Mr Iain Bales
77. **21/00785/FUL** Chipping Norton WDN  
 Affecting a Conservation Area  
 Erection of agricultural building for hay and straw storage.  
**West End Farm Churchill Road Chipping Norton**  
 Mr Glyn Pearman
78. **21/01150/S73** Charlbury and Finstock APP  
 Affecting a Conservation Area  
 Removal of condition 5 of planning permission 07/1862/P/FP to allow retention of existing building.  
**The Pavilion Dyers Hill Charlbury**  
 Mr Michael Geeson-Brown
79. **21/00801/FUL** Kingham, Rollright and Enstone REF  
 Change of use of land to use as a residential caravan site for four gypsy/travellers families, including the laying of hard standing, construction of access driveway and associated earthworks (part retrospective)  
**Land North West Of 66 Over Norton Road Chipping Norton**  
 Mr Tyson Shepherd
80. **21/00804/CND** Woodstock and Bladon APP  
 Affecting a Conservation Area  
 Discharge of condition 3 (acoustic enclosures and fencing) and condition 5 (stone sample) of planning permission 20/02088/FUL.  
**Woodstock House Rectory Lane Woodstock**  
 Mr Tim Smissen
81. **21/01156/HHD** Stonesfield and Tackley APP  
 Affecting a Conservation Area  
 Erection of single storey rear extension and alterations to replace existing rear dormer with larger dormer window.  
**Home Close High Street Stonesfield**  
 Mr Simon Warr



82. **21/01141/HHD** Chipping Norton APP  
Removal of existing garage and erection of single storey front, and single storey side and rear extensions (amended proposal and plans).  
**28 Park Road Chipping Norton Oxfordshire**  
Mr B Griffiths
83. **21/00626/LBC** Woodstock and Bladon APP  
Affecting a Conservation Area  
Internal and external alterations to install a flue to serve wood burning stove.  
**11 Manor Road Woodstock Oxfordshire**  
Mr Nick Jones
84. **21/00839/CND** Burford APP  
Affecting a Conservation Area  
Discharge of conditions 4 (Drainage Details and Soakaway Calculation) and condition 7 (Ecology Report) of planning Permission 20/03364/FUL  
**Stonefield Lodge 210A The Hill Burford**  
Mr And Mrs Lentin
85. **21/01093/HHD** Woodstock and Bladon APP  
Affecting a Conservation Area  
Installation of a flue to serve wood burning stove.  
**11 Manor Road Woodstock Oxfordshire**  
Mr Nick Jones
86. **21/01056/PDET28** Kingham, Rollright and Enstone P2NRQ  
Erection of a tractor shed  
**Dower House Dunthorp Road Heythrop**  
Mr Richard Barker
87. **21/01129/NMA** Milton Under Wychwood APP  
Erection of two storey and single storey rear extension and insertion of two dormer windows in existing rear roof. Insertion of first floor window and rooflight in North elevation, remove existing and rebuild new larger rear lean-to and relocate door to outbuilding (Non material amendment to allow the rooflights to be set 75mm above the roof slope).  
**2 Church Street Fifield Chipping Norton**  
Mrs Ana Morales

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| 88.  | <b>21/01226/PDET28</b> | Chadlington and Churchill | P2NRQ |
| <p>Erection of a general storage building.<br/> <b>Lower Court Farm Green End Chadlington</b><br/> Mr L Taylor</p>   |                        |                           |       |
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| 89.  | <b>21/01206/NMA</b>    | Stonesfield and Tackley   | APP   |
| <p>Affecting a Conservation Area</p> <p>Erection of single storey extension (Non-material Amendment to approved windows and doors to match new glazing style and the removal of balcony).<br/> <b>The Rectory Tew Lane Wootton</b><br/> Mr Desmond Loftus</p>  |                        |                           |       |
|  |                        |                           |       |
| 90.  | <b>21/01314/NMA</b>    | Chipping Norton           | APP   |
| <p>Affecting a Conservation Area</p> <p>Alterations and reconfiguration to create four additional dwellings including changes of use of Beauty Salon, retail use and offices and change of use of part of Beauty Salon to retail use at ground floor (Class A1). Provision of parking spaces (Amended) (non-material amendment to allow change of use of basement from retail storage to basement to dwelling).<br/> <b>4 West Street Chipping Norton Oxfordshire</b><br/> Grant And Milne</p> |                        |                           |       |

## **APPEAL DECISION(S)**

**APPLICATION NO: 19/03504/OUT**

The Development proposed is described as 'outline planning permission with all matters except access reserved for the development of a holiday village with 73 holiday homes (Class C3), landscaping and associated infrastructure, and other ancillary development at Cotswolds Hotel and Spa – Cotswold Hotel and Spa, Road from Chipping Norton to Oxford Road, Southcombe, **CHIPPING NORTON**.

**APPEAL DISMISSED**

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**APPLICATION NO: 19/03504/OUT (APPEAL REF: APP/D3125/W/20/3264356)**

The appeal was against refusal of outline planning permission for the development described as 'outline planning permission with all matters except access reserved for the development of a holiday village with 73 holiday homes (Class C3), landscaping and associated infrastructure, and other ancillary development at Cotswolds Hotel and Spa – Cotswold Hotel and Spa, Road from Chipping Norton to Oxford Road, Southcombe, **CHIPPING NORTON**.

**AWARD OF COSTS REFUSED**

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**APPLICATION NO: 20/02212/S73**

The development permitted was described as 'removal of conditions 6 (relating to windows that serve en-suites) and 12 (to allow the garage accommodation to be used, in addition to the parking of vehicles, for storage, DIY, hobbies and other similar purposes) and non-compliance with condition 2 (to allow the plans as approved under 19/03002/FUL to be used) all of planning permission 18/00890/FUL'.

The conditions in dispute are Nos 11, 12, 13 and 14 which are listed, along with their reasons, in the attached Schedule 1: Appeal A Disputed Conditions - Roselyn, 60 Lower End, **LEAFIELD**.

**APPEAL APPROVED**

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**APPLICATION NO: 20/02212/S73**

The development permitted was described as 'Variation of condition 2 and removal of condition 6 (relating to windows that serve en-suites) of planning permission 18/00890/FUL, to allow relocation within the site of the dwelling and garage together with changes to layout and design, and to include additional living space within the attic and provision of a basement. Removal of condition 12 (also of permission 18/00890/FUL) to allow garage accommodation to be used in addition to the parking of vehicles, for storage, DIY, hobbies and other similar purposes (Amended plans)'.

The conditions in dispute are Nos 11, 12, 13 and 14 which are listed, along with their reasons, in the attached Schedule 2: Appeal B Disputed Conditions - Roselyn, 60 Lower End, **LEAFIELD**.

**APPEAL APPROVED**

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**To go on bottom of delegated list June 2021**

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## Appeal Decisions

Site visit made on 4 May 2021

**by Stephen Hawkins MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 May 2021**

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**Appeal A Ref: APP/D3125/C/20/3262127**

**Appeal B Ref: APP/D3125/C/20/3262128**

**Lower Farm, Witney Lane, Leafield, Oxfordshire OX29 9PG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Fenella Nicholas (Appeal A) and Mr Ben Nicholas (Appeal B) against an enforcement notice issued by West Oxfordshire District Council.
- The enforcement notice was issued on 23 September 2020.
- The breach of planning control as alleged in the notice is the unauthorised material change in the use of the land from agricultural use to domestic tennis court.
- The requirements of the notice are: (i) Cease the use of the land as a tennis court. (ii) Remove the area of hardstanding; and (iii) Reinstate the land on which the court was located to natural ground level and to a similar condition as the agricultural land immediately surrounding it by seeding it with grass.
- The period for compliance with the requirements is: (i) One month. (ii) and (iii) Four months.
- Appeal A is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Appeal B is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period for Appeal B, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

**Summary of Decisions: The appeals are dismissed and the enforcement notice is upheld.**

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**Appeal C Ref: APP/D3125/C/20/3262148**

**Appeal D Ref: APP/D3125/C/20/3262149**

**Lower Farm, Witney Lane, Leafield, Oxfordshire OX29 9PG**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeals are made by Mrs Fenella Nicholas (Appeal C) and Mr Ben Nicholas (Appeal D) against an enforcement notice issued by West Oxfordshire District Council.
- The enforcement notice was issued on 23 September 2020.
- The breach of planning control as alleged in the notice is the unauthorised construction of a hard surfaced tennis court.
- The requirements of the notice are: (i) Remove the area of hardstanding; and (ii) Reinstate the land on which the court was located to natural ground level and to a similar condition as the agricultural land immediately surrounding it by seeding it with grass.
- The period for compliance with the requirements is four months.
- Appeal C is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. Appeal D is proceeding on the grounds set out in section 174(2) (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fees have not been paid within the specified period for Appeal D,

the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act as amended have lapsed.

**Summary of Decision: The appeals are dismissed and the enforcement notice is upheld.**

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## **Appeals A and C-Ground (a) appeals**

### **Main Issue**

1. The main issue in these appeals is the effect of the tennis court on the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty (AONB).

### **Reasons**

#### *Landscape and scenic beauty of the AONB*

2. Lower Farm is part of a small group of traditional rural buildings located in open countryside within the AONB, some distance from the built-up part of the village. The dwelling and its associated grounds are set within an expansive open landscape, offering far-reaching views across substantial arable fields bounded by hedges and low dry stone walls, with relatively few trees. These factors contribute significantly to the attractive and largely unspoilt rural character and appearance of the surrounding countryside, which forms part of the 'Wychwood Uplands' landscape character area (LCA) in the West Oxfordshire Landscape Character Assessment.
3. The above factors are also largely consistent with the identified landscape characteristics of the '*open limestone wolds*' landscape character type (LCT), which makes up part of the LCA. According to the LCA map, Lower Farm and adjoining land on the east side of Witney Lane forms part of this LCT. Although land to the west forms part of the '*semi-enclosed limestone wolds (smaller-scale)*' LCT, in practice I found there to be little significant difference in the surrounding area in terms of the landscape characteristics of the respective LCTs. Therefore, neither the limited incidences in the vicinity of Lower Farm of smaller fields and taller hedges or the presence of structures associated with animal-rearing activity reflect the overall character and appearance of the surrounding AONB landscape.
4. The tennis court is situated in an L-shaped field, several metres away from the rear of the dwelling. The ground has been dug out by up to approximately 0.5 m at the north-east end of the field, to form the court's level surface. The court has a macadam topped surface finished a light green colour, edged with pavements. There is a low net along the centre line, supported by posts on either side. I am aware that a previous appeal at Lower Farm concerning a similarly-sited tennis court was dismissed in May 2016<sup>1</sup>. I have determined these appeals on the basis of the current circumstances.
5. Between the court and the dwelling's established garden is an intervening area of land. The presence of a stable block gives this land a notably rural character and appearance, even though the grass is mown, there is some ornamental planting and horses no longer seem to be kept there. Whilst this land is also accessed from the established garden by a pedestrian gate, a hedge reinforces

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<sup>1</sup> Appeal Ref: APP/D3125/W/16/3141891.

- a definite sense of visual as well as physical separation from the dwelling. The field containing the court is beyond the intervening land and although mown with some ornamental planting and a bench seat, it is bounded by hedges with rural fencing and adjoined on three sides by other fields. There is access between the court field and the adjoining fields through significantly sized gaps in the hedges. There is no firm evidence to show that the court field or land between it and the established garden can lawfully be used for purposes other than agriculture.
6. Due to the substantial distance separating the court from the dwelling, together with the predominantly non-residential character and appearance of the land outside the established garden and the proximity of open fields, I consider that the court is not well-related to the dwelling. The court is detached from the dwelling in a location which could not reasonably be regarded as adjoining the outer edge of the established garden. Its location is closely related, visually and physically, to the adjacent fields. These factors have all resulted in an intrusion of development associated with the dwelling into the open countryside.
  7. The reduction in ground levels to form the court has had a modest but nevertheless significant physical effect on the landform of the field. The alterations to the landform together with the hard surface treatment, the angular lines of the edges and the centre net and posts have all given the court a rather 'engineered' profile. This differs considerably from the gentle contours associated with the smoothly rolling landform of the surrounding countryside. The court has therefore appreciably and harmfully eroded, albeit at a small scale, a characteristic feature of the local landscape. The above factors have also given the court a rather harsh and obviously man-made appearance, more typically found in a suburban setting. This is entirely at odds with the softer profiles and more naturalistic visual qualities of the environs, resulting in the court appearing as an alien feature in the otherwise predominantly rural landscape setting.
  8. Unlike in the previous appeal proposal, the court is not surrounded by high chain link fencing. Also, due to the taller hedge planting on the field boundaries and in the vicinity, the court and its associated activity is largely screened in views from beyond Lower Farm. Even so, there is a difference between the impact on the landscape and visual impact. The former is mainly concerned with matters such as local changes to topography and landform or the effects on individual features such as trees and hedges, whilst the latter largely relates to how people will be affected by changes to views and visual amenity at different places. Therefore, the limited available views of the court should not be taken as meaning that there is an absence of harm to the fabric of the landscape or the visual qualities of the surroundings; rather, it simply means that there are few opportunities for perceiving that harm in the wider area.
  9. In any event, as taller hedges are not a characteristic feature of the surrounding largely open landscape, they merely serve to screen the court. Consequently, the hedges have a limited effect in terms of visually integrating the court into its rural context. Furthermore, as the longer term retention of the hedges cannot reasonably be assured, there is a clear prospect that they could be significantly reduced in height or removed at some stage in the future,

thereby opening up the court and its associated activity to wider views in the surroundings and giving further emphasis to the visual harm caused.

10. The appellants supplied the addresses of several other tennis courts as well as manèges located in the wider area. However, as few details were provided, I am not clear whether the circumstances in which any of the examples originated can be compared with the circumstances in these appeals. For instance, it was not made clear whether any of the examples were granted planning permission in the context of current local and national policy. In any event, the presence of other tennis courts in the wider area does not necessarily mean that they are an accepted feature in the local landscape; for example, no reference to tennis courts in the LCA was drawn to my attention. Also, unlike in the case of a tennis court, a manège is unlikely to be found other than in a rural setting. The Council supplied copies of three appeal decisions concerning tennis courts, two of which were in the AONB, although none were recent. As a result, I afford the examples of other developments referred to by the main parties limited weight. Ultimately, I have considered the tennis court in these appeals on the basis of its individual planning merits.
11. Therefore, I conclude that the court has harmfully eroded the landscape and scenic beauty of the AONB. In doing so, the court does not accord with Policy EH1 of the West Oxfordshire Local Plan 2031 (LP). By neither respecting the intrinsic character of the area, protecting the local landscape or conserving the AONB's landscape and scenic beauty, the court does not accord with LP Policy OS2 and for similar reasons it does not accord with LP Policies OS4, EH2 and EH13. Furthermore, as the AONB's landscape and scenic beauty is afforded the highest status of protection the court is inconsistent with the National Planning Policy Framework.

#### *Other matters*

12. The outdoor recreation opportunities provided by the court are likely to contribute to the physical health and well-being of the appellants, as well as possibly that of their wider family members and friends. The unavailability of communal recreation facilities at times during the COVID-19 pandemic emphasises the likely role that the court has played and could continue to play in future. Also, I am given to understand that the appellants have offered the use of the court to children from the village primary school. I am mindful that improving residents' health and well-being through increased choice and quality of, amongst other things, recreational facilities, is a core objective of the LP. Similarly, the AONB Management Plan seeks to improve residents' health and well-being through enhancing recreational facilities.
13. Nevertheless, any benefits offered by the court in the above respects are likely to be largely private and limited in scale. Moreover, there is little certainty that the ability of the school to access the court would endure. For instance, future owners of Lower Farm might not wish to continue such an arrangement, whilst it is also entirely possible that the school would deem it unsuitable for children to access the court via roads which largely lack separate footways and lighting and where the national speed limit applies in places. Therefore, any benefits offered by the court do not outweigh the harm to the AONB.



*Conclusion on ground (a)*

14. The court fails to conserve the landscape and scenic beauty of the AONB, it does not accord with the Development Plan and is inconsistent with the Framework. Therefore, the ground (a) appeals do not succeed.

**Appeals A, B, C and D-Ground (g) appeals**

15. This ground of appeal concerns whether the time for complying with the requirements of the enforcement notices falls short of what should reasonably be allowed.
16. The four-month period specified in the notices provides ample time in which to undertake the required remedial works, including removing the court and reinstating the affected land to its former profile. Also, due to the date the notices will take effect the compliance period means that the works should in all probability be undertaken during the summer and early autumn. This offers sufficient opportunity for minimising potential damage to surrounding fields and private ways due to any movement of mechanical plant and equipment that might be associated with the works.
17. Accordingly, extending the compliance period to one year would unduly perpetuate the planning harm caused by the breach. The ground (g) appeals fail.

**Conclusion**

18. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notices and refuse to grant planning permission on the applications deemed to have been made under section 177(5) of the 1990 Act as amended.

**Formal Decisions**

19. Appeals A and B-the appeals are dismissed and the enforcement notice is upheld.
20. Appeals C and D-the appeals are dismissed and the enforcement notice is upheld.

*Stephen Hawkins*

INSPECTOR

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