

Friday, 25 February 2022

Tel: 01993 861522

e-mail - democratic.services@westoxon.gov.uk

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, Woodgreen, Witney OX28 1NB on **Monday, 7 March 2022 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 Ted Fenton, Councillor David Jackson, Councillor Alex Postan, Councillor Geoff Saul, Councillor Dean Temple and Councillor Alex Wilson

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 Democratic Services officers know prior to the start of the meeting.

AGENDA

- Minutes of Previous Meeting (Pages 3 - 6)**
To approve the minutes of the meeting held on 7 February 2022.
- Apologies for Absence and Temporary Appointments**
- Declarations of Interest**
To receive any declarations from Members of the Committee on any items to be considered at the meeting.
- Applications for Development (Pages 7 - 52)**
Purpose:
To consider applications for development, details of which are set out in the attached schedule.
Recommendation:
That the applications be determined in accordance with the recommendations of the Business Manager – Development Management.

Page	Application Number	Address	Officer
9 - 20	21/02570/FUL	Land West Of Greenacres Churchill Road	James Nelson
21 - 26	21/03602/HHD	Jasmine House The Green	Kirk Denton
27 – 30	21/03603/LBC	Jasmine House The Green	Kirk Denton
31 – 34	21/03649/LBC	Ground Floor 112 High Street	Naresh Kajoo
35 – 41	21/03794/FUL	Lower Court Farm Green End	James Nelson
42 – 52	21/03948/FUL	Burford Comprehensive School Cheltenham Road	James Nelson

- Applications Determined under Delegated Powers and Appeal Decisions (Pages 53 - 94)**
Purpose:
To inform the Sub-Committee of applications determined under delegated powers and any appeal decisions.
Recommendation:
That the reports be noted.

(END)

Public Document Pack Agenda Item 1

WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the Uplands Area Planning Sub-Committee

Held in the Council Chamber, Woodgreen, Witney at 2.00 pm on **Monday, 7 February 2022**

PRESENT

Councillors: Jeff Haine (Chairman), Julian Cooper (Vice-Chair), Marilyn Davies, David Jackson, Elizabeth Poskitt, Alex Postan and Geoff Saul.

Officers: Michelle Ouzman (Secretary), Briony Farmer (Planning Officer), Abby Fettes (Interim Development Manager), Sarah Hegerty (Planner (Development)) and Kelly Murray (Senior Planning Officer).

Councillor Ted Fenton was also present.

51 Minutes of Previous Meeting

The minutes of the meeting held on 10 January 2022 were approved and signed by the Chairman as a correct record.

52 Apologies for Absence and Temporary Appointments

Apologies were received from Councillors: Andrew Beaney, Dean Temple and Alex Wilson. Councillor Elizabeth Poskitt substituted for Councillor Nathalie Chapple.

53 Declarations of Interest

There were no declarations of interest received.

54 Applications for Development

21/03836/FUL Tennis Courts, Beaconsfield Hall, Shipton under Wychwood

The Planning Officer, Sarah Hegerty introduced the application for the erection of nine lighting columns to provide floodlighting for tennis courts 1 and 2.

The following people addressed the Committee:

Hilary Hibbert-Biles spoke as an objector; and

Paul Miller, the Development Officer for the Tennis Club, spoke in support of the application.

Following a question from Councillor Davies, Mr Miller confirmed that the flood lights would be used during the week up to 9.00pm, and at the weekends up to 7.00pm.

The Planning Officer continued with her presentation, noted the late representations report, which included a letter of support for the application, and concluded that she was recommending refusal of the application, with delegated authority, once all reports were received.

The Councillors discussed the lighting and the impact on the community, the Area of Outstanding Natural Beauty (AONB) and the 'dark skies'. Councillor Davies did not think that dark skies should be prioritised over children's mental health and wellbeing and the application should be approved to allow children to play tennis under lighting. Most Councillors were torn between the impact on the AONB and the dark skies issue, but referred back to the Council's planning policies, which they needed to make their decision under.

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Councillor Cooper proposed that the application be refused as per officer's recommendation, with delegated authority, and this was seconded by Councillor Postan.

On being put to the vote, it was resolved that the application be

Refused for the following reasons, subject to officers having delegated authority to act once all the Biodiversity reports are received and subject to them not containing anything substantially new.

If the papers were to be substantially different, the application would be brought back to the Committee.

1. The proposed floodlighting at this prominent site, within the Cotswolds Area of Outstanding Natural Beauty, would give rise to an incongruous and intrusive form of development which does not preserve or enhance the special qualities and character of the Cotswolds Area of Outstanding Natural Beauty, and when lit would be visually obtrusive within the wider landscape. As such the proposal is considered contrary to policies OS2, OS4, EH1 and EH8 of the West Oxfordshire Local Plan (2031), Policy CE5 'Dark Skies' of the Cotswolds conservation Boards Management plan and relevant sections of the NPPF; and
2. It is considered that insufficient ecological survey information, assessment or mitigation information has been submitted to enable the Local Planning Authority to fully assess the extent to which species and habitats (including bats and great crested newts) that are protected under the Wildlife and Countryside Act 1981 (as amended), The Conservation of Habitats and Species Regulations 2017 or listed as species/habitats of Principal Importance in s.41 of the Natural Environment and Rural Communities Act 2006 may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework (in particular Chapter 15); The Planning Practice Guidance; West Oxfordshire Local Plan 2031 Policy EH3, and ODPM Circular 06/2005. The Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Species and Habitats Regulations 2017. Without sufficient information the Local Planning Authority may be unable to meet its statutory duty under the Natural Environment and Rural Communities Act 2006 to "have regard, ..., to the purpose of conserving biodiversity".

21/03859/FUL Vicarage Field, Church Road, Chipping Norton

The Planning Officer, James Nelson introduced the application for the erection of a detached dwelling and associated works.

Mr Daniel Holmes addressed the committee in support of the application and a copy of his speech is attached to the original copy of these minutes.

Mr Nelson continued with his presentation and referred back to previous, historical applications as background information for the Councillors. Mr Nelson highlighted that one of the main differences with this application, was its proximity to the road.

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The Councillors discussed the height of the proposed dwelling and the position of the back of the building. Councillor Haine advised that he knew the area and he thought it would impose on the church view.

The Chairman proposed that the application be refused as per officers recommendation and this was seconded by Councillor Postan.

On being put to the vote, it was resolved unanimously that the application be **Refused** for the following reasons:

1. The siting, massing and design of the proposed development would result in an adverse urbanising impact on this important open space which currently contributes positively to the semi-rural and open character and appearance of the area. This would result in significant harm to the setting of adjacent Grade II listed buildings comprising St Simon and St Jude's Church and their associated listed structures, which is not outweighed by any substantive public benefits. The application is considered to be unacceptable and contrary to policies OS2, OS4, EH9, EH11 and EH13 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021; and
2. The proposed scheme by reason of its siting and design would have a harmful impact on the neighbouring property (Vicarage Field) resulting in a significant loss of privacy caused by overlooking of private amenity space. The proposal is therefore considered contrary to Policies OS2, OS4, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021.

21/03893/FUL Building referred to as Asgard South East Of Valhalla Church Street, Stonesfield

The Senior Planning Officer, Kelly Murray introduced the application for a change of use of a detached holiday let to a dwelling with associated parking.

The agent Mr Edward Watson addressed the Committee in support of the application

The officer continued with her presentation, highlighting the late representations report which include three comments of support, and two objections. The officer also referred to previous applications and appeals.

Councillors discussed previous applications on the site which had changed from a garage, to a holiday let and now a dwelling, and reflected on past appeals.

Councillor Postan proposed that the application be approved as per the officer's recommendation and this was seconded by Councillor Davis.

On being put to the vote it was resolved that the application be:

Approved subject to the following conditions and as laid out in the report:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this planning permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no windows, extensions, outbuildings or further hardstanding shall

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be installed or constructed unless expressly authorised in writing by the Local Planning Authority.

REASON: Control is needed to maintain the character of the building, the location, and to protect the privacy of neighbouring property.

3. The landscaping scheme on plan 196315/2:2A showing planting and boundary treatments which was submitted pursuant to condition 5 of the permission granted under 16/00328/FUL shall continue to be maintained so far as it relates to the application site, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of the character and appearance of the site.

21/04066/HHD 2 Church Street Fifield, Chipping Norton

The Planning Officer Briony Farmer introduced the retrospective application for the installation of a combined air source heat pump and air condition unit. The Officer highlighted the key factors of the application and Councillors discussed the benefits of new technologies in heating and air conditioning.

The Chairman proposed that the application be approved as per officers recommendations and this was seconded by Councillor Cooper.

Having been put to the vote it was unanimously agreed that the application be:

Approved subject to the conditions as laid out in the report:

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 as per Officers recommendation in the report.

55 Applications Determined under Delegated Powers and Appeal Decisions

The report outlining the Delegated Decisions taken since the last meeting were considered. It was noted that application 21/03504/HHD fell into the Lowlands area, and therefore should be considered at the next Lowlands Planning Committee.

Councillor Cooper asked for it to be recorded that recently applications under the Delegated Decisions agenda item, often included Lowlands applications. He requested that the process currently being used, be reviewed to address this.

Resolved that the report be noted.

The Meeting closed at 3.20 pm

CHAIRMAN

WEST OXFORDSHIRE DISTRICT COUNCIL UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 7th March 2022

REPORT OF THE BUSINESS MANAGER-DEVELOPMENT MANAGEMENT



WEST OXFORDSHIRE
DISTRICT COUNCIL

Purpose:

To consider applications for development details of which are set out in the following pages.

Recommendations:

To determine the applications in accordance with the recommendations of the Strategic Director. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

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

Please note that:

1. 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

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42 - 52	21/03948/FUL	Burford Comprehensive School Cheltenham Road	James Nelson

Application Number	21/02570/FUL
Site Address	Land West Of Greenacres Churchill Road Kingham Oxfordshire
Date	23rd February 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Kingham Parish Council
Grid Reference	426302 E 224248 N
Committee Date	7th March 2022

Location Map



Application Details:

Construction of dwelling together with associated outbuildings and landscaping. Close existing and formation of new vehicular access in revised position (amended plans).

Applicant Details:
Mr And Mrs A Bratt
C/o Agent

I CONSULTATIONS

Thames Water	No Comment Received.
WODC Drainage Engineers	<p>Clarification of the proposed surface water drainage strategy servicing the dwelling and outbuildings is sought to ensure its suitability, as well as the total impermeable area.</p> <p>Soakaways may/may not be viable on site, given the geology for the postcode. However, this must first be proven by infiltration tests undertaken in the location of the proposed soakaway and in accordance with BRE365.</p>
Conservation Officer	No objection to amended plans.
OCC Highways	No objection subject to conditions.
WODC Env Health - Uplands	Mr ERS Pollution Consultation No objection
Ecologist	Requested further information- Preliminary Ecological Appraisal
Parish Council	Objection (see website for details).
Parish Council	<p>Kingham Parish Council has discussed the amended plans and still opposes them.</p> <p>The modifications are not to size of the development, but to make it a little less enclosed and to reduce the overall height of the main building. Both of these are welcome but do not address our main concerns. The impact of the main house is reduced when viewed from the road by reduction in height but also by moving the main house so it lies further from the road. This means it lies even further outside the building line determined by the two houses on either side (Greenacres and East Lodge). It is germane that in the original proposal in 2017 to develop this site, it was proposed to build four houses, which would have meant building beyond this building line (though not by as much as currently proposed). This was opposed by both the Parish Council and the Planning Department at WODC. The plans were then modified and 3 houses proposed lying within the above building line</p>

and formed the basis for the planning permission granted (17/03570/FUL)

Our previous objections remain, namely that this a very large house on the relatively confined site, which inevitably extends into open countryside within the Cotswold AONB and it lies on the edge of the Kingham Conservation Area and well outside the buiding line determined by its immediate neighbours. The proposed swimming pool complex extends even further into open countryside and is an entirely inappropriate building in that context.

It is thus contrary to the following policies

1. NPPF 2018. Paragraph 170. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

2. WODC Local Plan 2031. Adopted 2018

Policy OS2

General principles

All development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development;
- POLICY EH1:

Cotswolds Area of Outstanding Natural Beauty

In determining development proposals within the Cotswolds Area of Outstanding Natural Beauty (AONB) and proposals which would affect its setting, great weight will be given to conserving and enhancing the area's natural beauty, landscape and countryside, including its wildlife and heritage. This will include consideration of any harm to the contribution that the settlement makes to the scenic beauty of the AONB.

- POLICY EH10: Conservation areas

Proposals for development in a Conservation Area or affecting the setting of a Conservation Area will be permitted where it can be shown to conserve or enhance the special interest, character, appearance and setting, specifically provided that:

- the location, form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development conserves or enhances the special historic or architectural interest, character and appearance of the Conservation Area;
- the development conserves or enhances the setting of the conservation Area and is not detrimental to views within, into or out of the Area;
- the proposals are sympathetic to the original curtilage and

pattern of development and to important green spaces, such as paddocks, greens and gardens, and other gaps or spaces between buildings and the historic street pattern which make a positive contribution to the character in the Conservation Area;

- the wider social and environmental effects generated by the development are compatible with the existing character and appearance of the Conservation Area; and - there would be no loss of, or harm to, any feature that makes a positive contribution to the special interest, character, or appearance of the Conservation Area, unless the development would make an equal or greater contribution.

We would therefore recommend refusal of this application.

2 REPRESENTATIONS

2.1 Three occupiers of adjoining properties have written in opposition to the scheme, two objectors have provided further comments in light of the submission of revised plans. The points covered are summarised as follows:

- The proposed development would not be sited in line with the adjacent properties and would not be consistent with the linear pattern of development in this part of the village;
- It would not be contained within the existing settlement envelope and would consequently read as an encroachment into the open countryside;.
- The proposal is excessive in terms of scale;
- Harmful impact upon views from Village Green and approach to the Village resulting in harm to CA and AONB;
- Inconsistent with precedent set by previous applications;
- Increased light pollution in AONB; and
- Inconsistency over historic use and management of the site.

3 APPLICANTS'S CASE

3.1 The applicant has submitted a Design and Access Statement to support the application. The main points of which are summarised below. The full document is available to view on the Council's website.

3.2. The proposal consists of a house in a sympathetic traditional design with master bedroom and five children's bedrooms. Additional accommodation includes a garage yard, garden store and a pool/gym building.

3.3 There will be a small formal garden and the plan is to maintain the existing rural nature of the remaining ownership. It is envisaged that local materials and trades will be engaged to build the house.

3.4 The objective has been to respond to the parameters imposed by the site and the character of the village.

3.5 The main element is set back from the road within its private domain. Outbuildings are used to link the main house to the village street and create a build-up in scale from the edges of the plot.

3.6 The footprint of the main house relates to other properties within the village by keeping the overall span relatively narrow (6m side elements and 6.5m central element) to echo the vernacular language of the Cotswolds. The form of the house is fragmented and domestic in scale and has been designed to give the appearance of a traditional house which has evolved over time; an example being the outbuilding along the front boundary which has been designed to appear as if though it has always formed part of the street scene.

3.7 The proportions and siting of the house have been carefully considered to preserve the semi-rural character of the entrance into the village from Churchill Road. The main house of the development is respectfully set back from the main road behind a largely soft frontage consisting of both existing mature trees and additional vegetation.

3.8 Following a productive dialogue with the conservation officer, Bryan Martin, the proposals have been revised further; principally to reduce the overall height of the house. Though reduced in height, the general proportions of the house were maintained. The diminutive end result produces something more recognisable as a 'farmhouse' and less 'grand manor' in style.

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

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH7 Flood risk

EH8 Environmental protection

EH9 Historic environment

EH10 Conservation Areas

BC1NEW Burford-Charlbury sub-area

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

Introduction

5.1 This application seeks consent for the construction of dwelling together with associated outbuildings and landscaping and formation of new vehicular access at Land West of Greenacres, Churchill Road,

Kingham. The application site is currently undeveloped land and a small section of the site lies within the Kingham Conservation Area, the entire site is considered to be within the setting of the Conservation Area. The proposed dwelling would also be located within the Cotswolds AONB.

5.2 Taking into account planning policy, other material considerations and the representations of interested parties, your officers consider that the key considerations for the application are principle, siting, design and form, visual/heritage impact, neighbourly amenity, highways impacts, ecology and drainage impacts.

Planning History

5.3 The planning history on the site is summarised as follows:

- 17/03570/FUL- Erection of three dwellings with associated parking and new access (amended description). Approved.

Principle

5.4 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. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.5 The application site sits within Kingham, which is identified as a village under West Oxfordshire Local Plan Policy OS2. In the villages, new dwellings can be permitted where they are of a proportionate and appropriate scale to their context, having regard to the potential cumulative impact of development in the locality and form a logical complement to the existing scale and pattern of development and/or the character of the area. Policy H2 states that new dwellings will be permitted in certain circumstances including on undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles set out in Policy OS2.

5.6 The general principles of OS2 that have particular relevance to this application are that development should:-

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty

5.7 The provisions of Policy BCI are also relevant to this application. The Burford-Charlbury Sub-Area Strategy outlines that despite the relative constraints placed on development by the Cotswolds AONB designation, delivery of homes should reach 774 by the end of the plan period in accordance with H1. Whilst Burford and Charlbury (as rural service centres) will be the focus for modest levels of new development, elsewhere development should be steered to the larger villages in the sub-area, such as Kingham.

5.8 As such, the principle of provision of a new dwelling in this location is acceptable subject to consideration of the resultant visual, neighbourly amenity, highways, drainage and ecology impacts being assessed against the adopted Local Plan.

Siting, Design and Form

5.9 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.10 The proposed dwelling would be sited centrally in the plot and well set back from the road. It would be oriented to align with the shape of the plot and therefore set at a slight angle to the highway. The building itself would take a neo-vernacular form comprised of a main block reaching 9.8 metres in height with two storey wings on either side and front and rear projecting gables ranging in depth. The plans also include a pool building and outbuildings along the eastern side of the plot. The application has been amended to reduce the floor levels, thereby dropping the ridge height by over 1 metre, lowering the proposed eaves height and reducing the height of outriding limbs. The dwelling would be constructed of natural Cotswold stone and stone slates with timber framed casement and sash windows. The visual impact of the proposed development is considered in the following section.

Visual and Heritage Impact

5.11 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. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application. The provisions of paragraph 176 of the NPPF are acknowledged as regards the weight to be given to conserving the landscape and scenic beauty in the AONB.

5.12 The existing site is largely screened by mature planting along the northern boundary restricting its prominence in the street scene. The rural character of the site itself provides some contribution to the setting of the village and Conservation Area by creating a semi-agricultural soft edge to the village as the land falls to the east/south east. However, given the site is largely screened from public view, its contribution to the setting of the village and Conservation Area is limited and not considered so significant as to preclude any residential development on the site.

5.13 The proposed dwelling takes a neo-vernacular form and would be constructed in locally characteristic materials. Whilst a significant amount of built form is proposed, the set down heights of side and rear elements and use of hipped forms will reduce the visual prominence of the building, thereby avoiding harm to and preserving the setting of the village and conservation area. The proposed

outbuildings take simple, low-lying forms that will appear in keeping with both the host dwelling and the established character of the village.

5.14 The siting of the house approximately 30 metres back from the road is considered appropriate in this context as due to the falling levels on site, by positioning the dwelling further south in the plot, its perceived height will be reduced. This means that it would not appear overly prominent in the street scene or views in to the Conservation Area from the east and south east, including from Churchill Road. Concerns have been raised by neighbours and the Parish Council that the build footprint extends too far to the south, resulting in an illogical pattern of development. Officers consider that whilst the main block of the house is set further south than neighbouring dwellings on either side, the vicinity does exhibit a loose knit character meaning that this slight variation would not appear incongruous or illogical. Further, the proposed pool building would result in little visual impact due to its height and would be sited adjacent to an existing building to the east.

5.15 Turning to the wider visual impact of the dwelling in the landscape, officers recognise that the proposed dwelling will be partially visible in approached in the village from the east. Its impact will be somewhat screened by the existing 'Greenacres' to the east and given the site will be viewed in a residential context within the built up area of Kingham. Further, the proposed large glazed elements face inwards within the site and so are unlikely to result in significant light pollution to the AONB. Therefore, no material harm to the Cotswolds AONB is identified in light of the amended plans.

5.16 The application is therefore considered by officers to accord with Local Plan Policies OS2, OS4, EH1, EH2, EH9 and EH10 and is considered acceptable in visual impact terms.

Neighbourly Amenity

5.17 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

5.18 With regard to the impact on neighbouring amenity, your officers consider that due to the siting of the dwelling in relation to its neighbours no significant impact will result upon neighbouring occupiers by way of overlooking, overbearing or loss of light. In light of this assessment, your officers consider that the proposal is acceptable in terms of neighbourly amenity. The building will provide acceptable levels of amenity for future occupiers.

Highways Impacts

5.19 Local Plan Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. The Local Highways Authority have been consulted on the application and stated that the proposal would not have a significant detrimental impact in terms of highway safety and convenience on the adjacent highway network subject to the suggested conditions (see Section 6). Therefore, officers consider that the scheme would be acceptable in this regard.

Ecology Impacts

5.20 Local Plan Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. Following consultation with the Council's

ecologist, a Preliminary Ecological Appraisal (PEA) has been submitted. The report details that the site is of low ecological interest as it mainly comprises poor semi-improved grassland. It concludes that no further surveys are necessary subject to implementation of the report's recommendations. The proposed development is therefore considered acceptable in ecological terms subject to the suggestion conditions in Section 6 of the report.

Drainage Impacts

5.21 Following consultation with the Council's drainage engineers, the applicant has provided updated information relating to the proposed drainage arrangement. The Council's drainage engineers are currently reviewing the additional information submitted. Officers consider that these technical details are likely to be overcome and therefore request delegated authority to resolve these matters subject to Members discretion.

Conclusion

5.22 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan Policies OS1, OS2, OS3, OS4, H1, H2, H4, T1, T3, T4, EH1, EH2, EH3, EH7, EH8, EH9, EH10 and BC1, the NPPF 2021 and the West Oxfordshire Design Guide and is therefore recommended to Members for conditional approval subject to the proposed drainage matters being resolved by officers on a delegated basis.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. The development shall be carried out in accordance with the plan(s) accompanying the application as modified by the revised plan(s) deposited on 14.01.2022.

REASON: The application details have been amended by the submission of revised details.

3. The external walls shall be constructed of natural local stone in accordance with a sample panel which shall be erected on site and approved in writing by the Local Planning Authority before any external walls are commenced and thereafter be retained until the development is completed.

REASON: To safeguard the character and appearance of the area.

4. The roof(s) of the building(s) shall be covered with materials, a sample of which shall be submitted to and approved in writing by the Local Planning Authority before any roofing commences.

REASON: To safeguard the character and appearance of the area.

5. Notwithstanding 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.

6. The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the architectural detailing of the building reflects the established character of the locality.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B and C shall be carried out other than that expressly authorised by this permission.

REASON: Control is needed to ensure the established character of the locality is protected.

8. No dwelling hereby approved shall be occupied until the means to ensure a maximum water consumption of 110 litres use per person per day, in accordance with policy OS3, has been complied with for that dwelling and retained in perpetuity thereafter.

REASON: To improve the sustainability of the dwellings in accordance with policy OS3 of the West Oxfordshire Local Plan 2031.

9. The car parking areas (including where appropriate the marking out of parking spaces) shown on the approved plans shall be constructed before occupation of the development and thereafter retained and used for no other purpose.

REASON: To ensure that adequate car parking facilities are provided in the interests of road safety.

10. The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

REASON: To ensure a safe and adequate access.

11. On commencement of the development the proposed access shown on the approved plans shall be formed and the existing access closed by the erection of a post and rail fence or native hedgerow planting.

REASON: To ensure a safe and adequate access.

12. The dwelling shall not be occupied until space has been laid out within the curtilage of the dwelling to enable vehicles to enter, turn round and leave the curtilage in forward gear.

REASON: In the interest of road safety.

13. The development shall be completed in accordance with the recommendations in Section 4 of the Preliminary Ecological Appraisal report dated 29.09.2021 prepared by Cotswold Wildlife Surveys. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that protected and priority species and habitats are protected in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the NPPF, Local Plan Policy EH3 and in order for the Council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

14. Before the erection of any external walls, details of the provision of integrated bat boxes (e.g. bat tubes/bricks on south or southeast-facing elevations), integrated bird boxes (e.g. house sparrow terrace, starling box or swift brick on the north or east-facing elevations) within the walls of the new buildings and hedgehog gaps/holes through any new fencing or walls shall be submitted to the local planning authority for approval. The details shall include a technical drawing 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 hereby approved is first occupied and thereafter permanently retained and maintained.

REASON: To provide biodiversity enhancements in accordance with Local Plan Policy EH3, paragraphs 174, 179 and 180 of the NPPF and for the council to meet its statutory duty under Section 40 of the Natural Environment and Rural Communities Act 2006.

15. Prior to any development above slab level, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

INFORMATIVES :-

1. Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.
2. Please note that planning permission 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 (including hedgehogs) and Protection of Badgers Act 1992.

With regard to the condition for bird and bat boxes, it is recommended that integrated boxes are used as permanent features of the new buildings that require no maintenance (i.e. built into walls). A house sparrow terrace contains 3 nesting compartments and several swift bricks (at least 3) should be incorporated as both of these species nest in colonies. The applicant and their architect should note the advice of Swift Conservation with regard to the installation of the swift bricks available at <https://www.swift-conservation.org/Nestboxes&Attraction.htm#Built%20in> Generally, bat boxes should be installed into south-facing walls and bird boxes into northern elevations away from doors and windows (to avoid accumulations of droppings).

For information on hedgehog gaps/holes in fences and walls, please refer to <https://www.hedgehogstreet.org/help/hedgehogs/link-your-garden/>

3. Applicants are strongly encouraged to minimise energy demand, and take climate action, through fitting:
 - Electricity-fed heating systems and renewable energy, for example solar panels and heat pumps; thus avoiding fossil fuel based systems, for example gas boilers
 - Wall, ceiling, roof, and floor insulation, and ventilation
 - High performing triple glazed windows and airtight frames
 - Energy and water efficient appliances and fittings
 - Water recycling measures
 - Sustainably and locally sourced materials

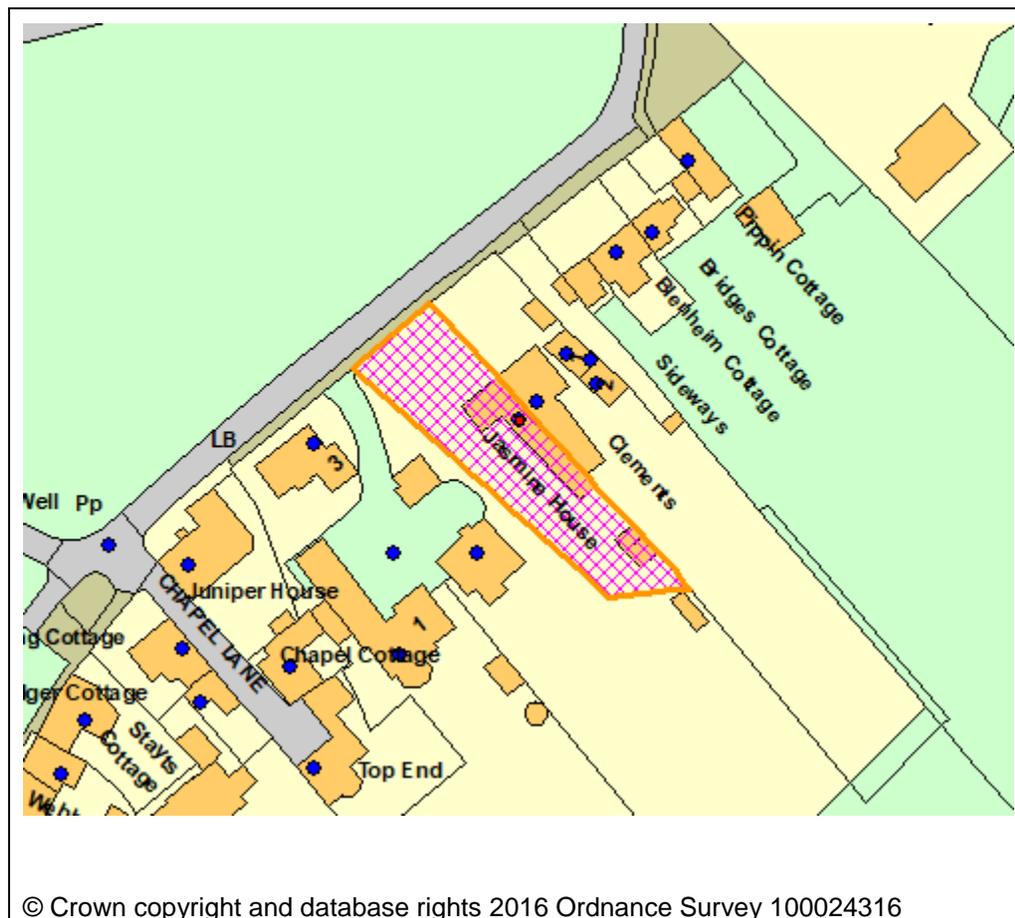
For further guidance, please visit:

<https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>
<https://www.westoxon.gov.uk/environment/climate-action/how-to-achieve-net-zero-carbon-homes/>

Contact Officer: James Nelson
Telephone Number: 01993 861712
Date: 23rd February 2022

Application Number	21/03602/HHD
Site Address	Jasmine House The Green Kingham Chipping Norton Oxfordshire OX7 6YD
Date	23rd February 2022
Officer	Kirk Denton
Officer Recommendations	Approve
Parish	Kingham Parish Council
Grid Reference	426188 E 224157 N
Committee Date	7th March 2022

Location Map



Application Details:

Alteration to external rear elevation and alterations to ground floor internals.

Applicant Details:

Mr Ben Shearer
Jasmine House
The Green
Kingham
Chipping Norton
Oxfordshire
OX7 6YD

I. CONSULTATIONS

Parish Council

No Comment Received.

2. REPRESENTATIONS

2.1 One neighbour objection received on following grounds:

1. 'Installation of one new roof light' would give rise to an unacceptable loss of residential amenity. It will cause a loss of privacy in terms of sound (main bedroom and living space) and being overlooked onto our patio space
2. 'New casement window to rear' - will give rise to an unacceptable loss of residential amenity due to overlooking.
3. ' Modern gypsum render hacked off and existing Cotswold stone rubble wall and repointed'. The removal of plaster will reduce the resistance to the passage of sound on the party wall.

2.2 The same neighbour commented on the amended plans as follows:

The applicant has provided a revised drawing, noting the roof light position at 1700mm from floor level, however this revision fails to recognise the close proximity to their neighbouring property. I wish to reiterate my objection to this roof light as it has a detrimental impact on our residential amenity in terms of loss of privacy.

The proximity of this window (2.5 metres) from the neighbouring property's main bedroom window & downstairs living space creates a total lack of privacy from a sound perspective. The distance of 2.5 metres is not an adequate privacy distance from the neighbouring property's main habitable rooms and patio. This area is our primary amenity area, an open window 2.5 metres from our property will result in an unacceptable increase in noise, disturbance and loss of privacy. We have a right to quiet and private enjoyment, in the summer months when windows are open, this proposal will unreasonably and substantially interfere with our residential amenity. The west (and south) elevation already has a roof light and provides a viable alternative which would not infringe on the privacy of neighbours. My further objections, as set out in my previous objection, remain extant.

3. APPLICANT'S CASE

3.1 The application is accompanied by a heritage, design and access statement which is available to view online.

4. PLANNING POLICIES

OS2NEW Locating development in the right places
OS4NEW High quality design

H6NEW Existing housing
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH1 Cotswolds AONB
NPPF 2021
DESGUI West Oxfordshire Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5. PLANNING ASSESSMENT

Background Information

5.1 This planning application seeks consent for works to Jasmine House.

5.2 The following alterations are proposed:

- Alteration to the back of the house to increase the size of the first floor window from approximately 0.9 metres tall to 1.2 metres tall and installing a wider door/window at ground level. This involves removing a single window and French door and replacing it with new doors with a total width of approximately 2.9 metres.
- Installation of one new conservation roof light on the north east roof slope, same size as existing roof lights (approximately 0.6m x 0.6m).
- Replacement of an existing Velux conservation roof light replaced with a new conservation roof light of the same size.
- Minor internal alterations to the internal modern building fabric.
- Replacement of modern internal staircase.
- Removal of modern gypsum plaster in part of the existing ground floor internal walls and repoint with traditional 3:1 lime mortar to allow walls to breath.

5.3 Jasmine House is a Grade II Listed building situated within the Kingham Conservation Area. This application is before committee as the Parish Council objected to the accompanying Listed Building Consent.

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

Heritage impacts

5.5 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. Further the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.

5.6 As the property is a listed building, 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 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 199 of the National Planning Policy Framework 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.

5.7 Proposed alterations to the rear of the building alter modern or altered fabric, the proposals are of a consistent form and are viewed to be acceptable. The proposed 'like for like' roof light raises no planning concerns. The removal of the modern gypsum plaster and the application of traditional lime plaster also raises no concerns and would result in the betterment of the heritage asset. The Council's Conservation Officer has no objection to the proposed development.

5.8 Due to the position and design of the proposal, it is considered that the proposal respects the listed building and its historic curtilage, the proposal is sympathetic to the Listed Building and its setting. The proposal would not harm the significance of the listed building and is considered to be acceptable.

Residential amenity

5.9 Concerns have been raised by the adjacent residents in terms of harm to amenity from the proposed development. Three points of objections have been raised these relate to loss of privacy and increase in noise due to the new roof light. Overlooking from the new ground floor window and an increase in noise as a result of the removal of plaster from internal walls. These concerns have been considered as part of the application.

5.10 Further details were requested from the applicant, they confirmed the new roof light would be 1.7 metres above floor level. The height of the roof light and the position of the roof light on the building would ensure that there would be no overlooking issues as a result of the development. In terms of noise, the proposal would not alter the existing residential use on site and is adjacent to existing openings on the building, the proposed new roof light would therefore not result in harm to adjacent residential amenity.

5.11 The casement window alterations at the first floor rear elevation is a minor extension on the existing window. It would not result in new views from the rear of the property or exasperate any existing potential overlooking.

5.12 In terms of the minor plaster alterations, it is proposed to remove the modern gypsum plaster and repoint with traditional 3:1 lime mortar to allow the walls to breathe. These internal works would not require planning permission but listed building consent, nevertheless, it is considered these minor works would not cause harm to adjacent residential amenity in terms of noise or nuisance issues.

5.13 The proposed development due to its siting and scale, is not considered to be harmful to the character and appearance of the locality, or the character and appearance of the conservation area. It is not considered to have a negative impact on the visual appearance of the street scene or wider public views.

Conclusion

5.14 In light of above, the proposed development is not considered to have a detrimental impact to the character and appearance of the Conservation Area, given the nature of what is proposed and its location. As such, the character of the Conservation Area is preserved.

Taking into account the above matters, the proposal is considered acceptable on its merits and is therefore recommended for approval. The application complies with Policies OS2, OS4 and H6, EH1,

EH9, EH10 and EH11 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2. 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. 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.

INFORMATIVES :-

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.

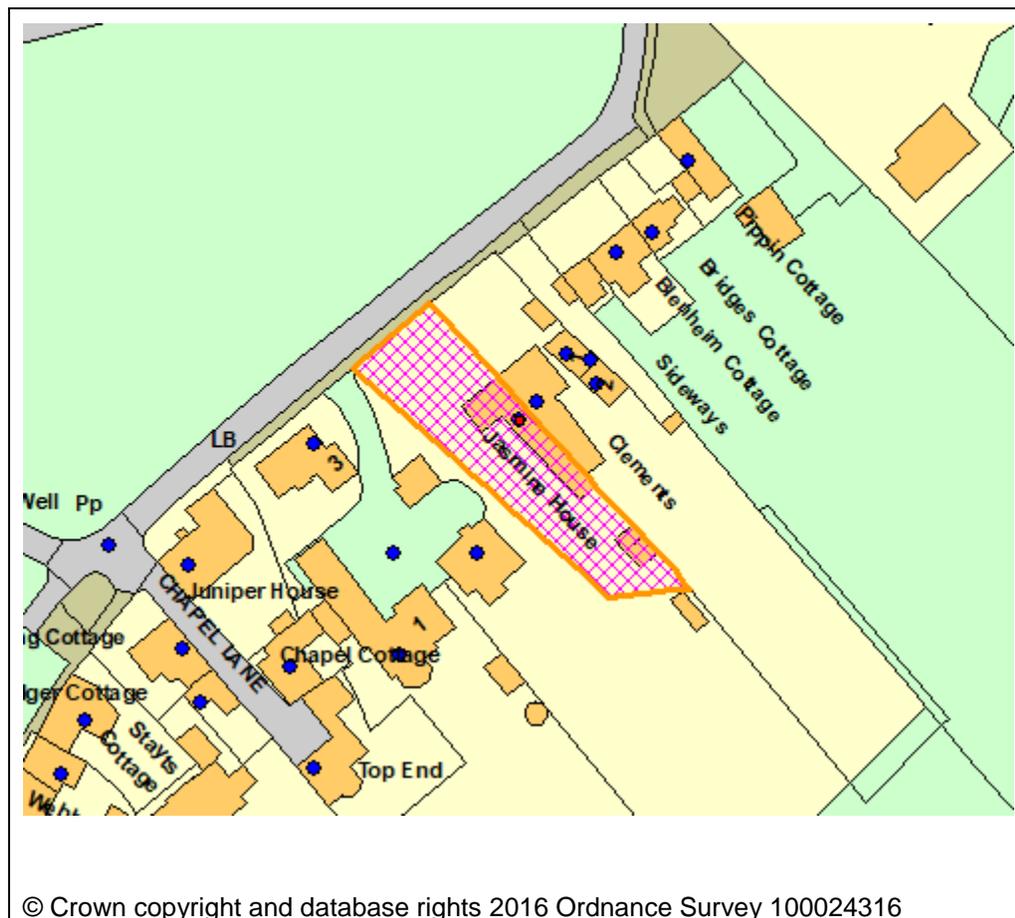
All British birds (while nesting, building nests, sitting on eggs and feeding chicks), their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and the Countryside and Rights of Way Act 2000. Works that will impact 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: Kirk Denton
Telephone Number:
Date: 23rd February 2022

Application Number	21/03603/LBC
Site Address	Jasmine House The Green Kingham Chipping Norton Oxfordshire OX7 6YD
Date	23rd February 2022
Officer	Kirk Denton
Officer Recommendations	Approve
Parish	Kingham Parish Council
Grid Reference	426188 E 224157 N
Committee Date	7th March 2022

Location Map



Application Details:

Alteration to external rear elevation and alterations to ground floor internals.

Applicant Details:

Mr Ben Shearer
Jasmine House
The Green
Kingham
Chipping Norton
Oxfordshire
OX7 6YD

I CONSULTATIONS

Conservation Officer

- The alterations to the rear elevation affect modern or altered fabric, have consistent forms, and are acceptable from our point of view.
- Replacement and new rooflights are unproblematic from our point of view.
- The internal alterations affect modern or altered fabric, and are acceptable from our point of view.
- The stair is indeed modern, and replacement is unproblematic from our point of view.
- Removal of modern gypsum plaster and application of traditional lime plaster is to be welcomed.

Parish Council

Kingham PC

We wish to object to aspects of this proposal:

1. It is proposed to install a new rooflight near the garden end of the house. We understand that this would overlook the patio of the adjacent house (Clements), so causing loss of amenity for the occupants of this house. We would support their objection.
2. Their neighbours (in Clements) also have concerns as to the potential loss of sound insulation resulting from some of the works proposed. We would support these concerns being addressed.

2 REPRESENTATIONS

2.1 No representations received on the Listed Building Consent application

3 APPLICANT'S CASE

3.1 A design and Access Statement has been submitted in support of the application and can be viewed on line.

4 PLANNING POLICIES

EH11 Listed Buildings

NPPF 2021

EH9 Historic environment

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

5 PLANNING ASSESSMENT

Background Information

5.1 This Listed Building consent application seeks approval for works to Jasmine House.

5.2 The following alterations are proposed:

- Alteration to the back of the house to increase the size of the first floor window from approximately 0.9 metres tall to 1.2 metres tall and installing a wider door/window at ground level. This involves removing a single window and French door and replacing it with new doors with a total width of approximately 2.9 metres.
- Installation of one new conservation roof light on the north east roof slope, same size as existing roof lights (approximately 0.6m x 0.6m).
- Replacement of an existing Velux conservation roof light replaced with a new conservation roof light of the same size.
- Minor internal alterations to the internal modern building fabric.
- Replacement of modern internal staircase.
- Removal of modern gypsum plaster in part of the existing ground floor internal walls and repoint with traditional 3:1 lime mortar to allow walls to breath.

5.3 Jasmine House is a Grade II Listed building situated within the Kingham Conservation Area. The application is before committee as the Parish Council have objected to the proposals.

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

Historic significance

5.5 As the property is a listed building, 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 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 199 of the National Planning Policy Framework 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.

5.6 Proposed alterations to the rear of the building alter modern or altered fabric, the proposals are of a consistent form and are viewed to be acceptable. The proposed 'like for like' roof light raises no planning concerns. The removal of the modern gypsum plaster and the application of traditional lime plaster also raises no concerns and would result in the betterment of the heritage asset. The Council's Conservation Officer has no objection to the proposed development.

5.7 Due to the position and design of the proposal, it is considered that the proposal respects the listed building and its historic curtilage, the proposal is sympathetic to the Listed Building and its setting. The proposal would not harm the significance of the listed building and is considered to be acceptable.

5.8 The proposed development due to its siting and scale, is not considered to be harmful to the character and appearance of the locality, or the character and appearance of the host building. It is not considered to have a negative impact on the visual appearance of the street scene or wider public views.

Conclusion

5.9 Taking into account the above matters, the proposal is considered acceptable on its merits and is therefore recommended for approval. The application complies with Policies OS2, OS4 and H6 and EH10 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

1. The works must be begun not later than the expiration of three years beginning with the date of this consent.

REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The 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. No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.

REASON: To preserve internal features of the Listed Building.

4. All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

REASON: To preserve the architectural integrity of the Listed Building.

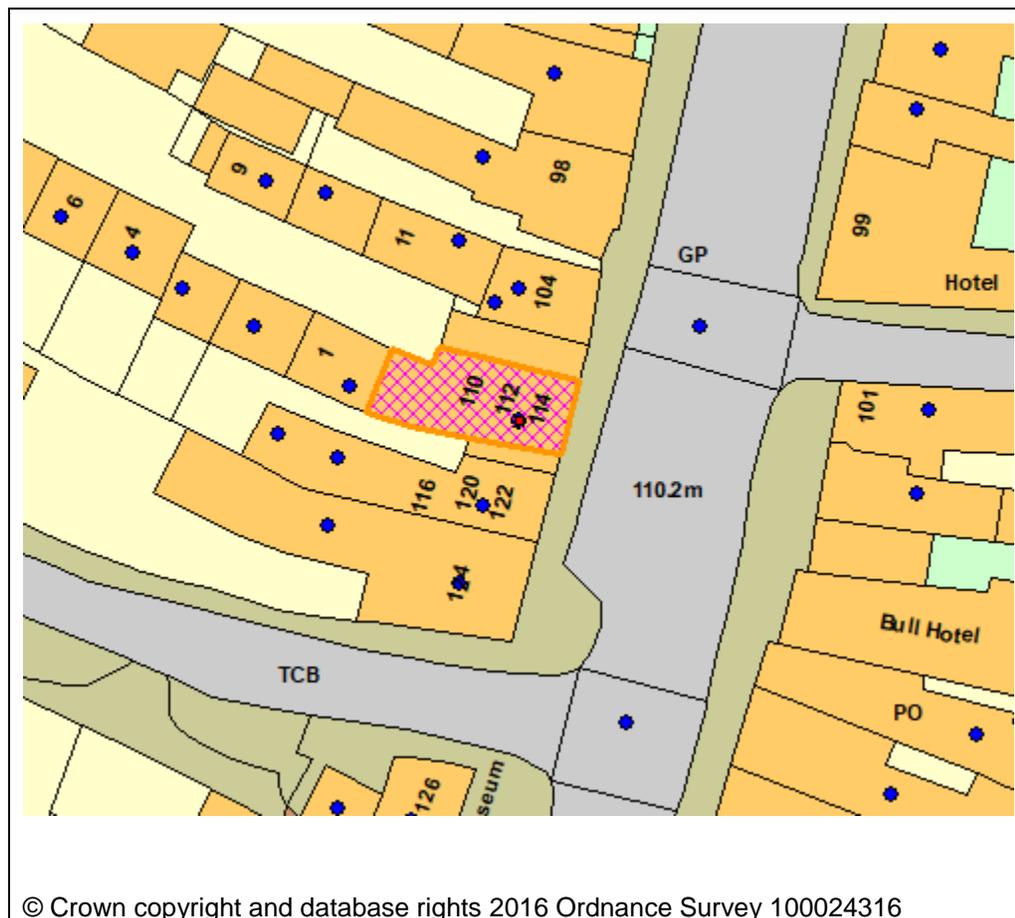
Contact Officer: Kirk Denton

Telephone Number:

Date: 23rd February 2022

Application Number	21/03649/LBC
Site Address	Ground Floor 112 High Street Burford Oxfordshire OX18 4QJ
Date	23rd February 2022
Officer	Naresh Kajoo
Officer Recommendations	Refuse
Parish	Burford Parish Council
Grid Reference	425129 E 212167 N
Committee Date	7th March 2022

Location Map



Application Details:

Installation of non-illuminated hanging sign. (Retrospective).

Applicant Details:

Mr Ian Danne
Ground Floor
112 High Street
Burford
Oxon OX18 4QJ

1 CONSULTATIONS

Conservation Officer	<p>The designs aren't particularly out of character, but plastic isn't appropriate here in the heart of this sensitive CA - it needs traditional timber, with traditional signwriting.</p> <p>The bracket to the hanging sign, with its apologetic scroll which does nothing to brace the cantilever, needs to be re-designed.</p>
Parish Council	Burford Town Council - no objection
Historic England	On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser

2 REPRESENTATIONS

2.1 No third party representations have been received.

3 APPLICANT'S CASE

- 3.1 This application has been accompanied by a Design and Access Statement submitted the content of which is summarised as follows:
- The Hanging Sign must be in keeping with similar signs on Burford High Street and of a non-illuminating nature.
 - The sign must be made of a durable material.
 - The bracket to hold the sign must also be of a durable material and include a swing limiter for safety reasons.
 - The footprint of the bracket must be no larger than the existing bracket footprint (which is to be removed due to signs of corrosion) and be bolted to the wall.
 - The Hanging Sign must be supplied and fitted by a reputable and experienced company.
- 3.2 The applicant would like the planning committee to consider the design of a painted wooden frame around the edge of the current hanging sign, so it can be in keeping with similar signs on Burford High Street and comply with the West Oxfordshire Design Guide.

4 PLANNING POLICIES

EH9 Historic environment
EH11 Listed Buildings
OS4NEW High quality design
DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks retrospective Listed Building Consent for the installation of a non-illuminated hanging sign to the front elevation of Cotswold Glass and Crafts, 112 High Street in Burford.

5.2 The property is a Grade II* Listed Building, therefore is a particularly important building of more than special interest.

5.3 Burford falls within the Upper Windrush Valley Landscape character area which has been described as an area that is highly attractive, remarkably unspoilt, and with a rural character. It falls within Burford Conservation Area and the Area of Outstanding Natural Beauty (AONB).

5.4 Since the Parish Council has made comments in support of the application which are contrary to your Officers recommendation, the application is brought before the Uplands Planning Sub-Committee for consideration.

5.5 Given that the application is for Listed Building Consent only the key considerations are considered to be as follows:

- Principle;
- Impact on the listed building.

Principle

5.6 This application for Listed Building Consent seeks retrospective permission for the installation of a non-illuminated hanging sign to the front elevation of Cotswold Glass and Crafts, 112 High Street in Burford. The principle of a hanging sign on the front elevation of the commercial premises is acceptable subject to the design and materials of the both the sign and the bracket being acceptable given the Grade II* listed status of the building.

Impact on the Listed Building

5.7 The building is a Grade II* Listed Building, and is located in a prominent location within the Conservation Area, on the Burford High Street.

5.8 Given its listed status Officers are required to take account of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is reflected in Policy EH11 of the Local Plan which refers to listed buildings.

5.9 In respect of hanging signs the 'West Oxfordshire Design Guide' paragraph 17.7 recommends as follows:

Traditional hanging signs should be sign-painted with a free-swinging board suspended below a wrought iron bracket. The size and proportions of the sign board should relate well to other aspects of the shop front, and be neither overly large, nor so small as to render the sign unintelligible.'

Where an original bracket remains in place, this should be reused if possible. Otherwise, while a more elaborate wrought iron bracket may be appropriate in some traditional contexts, in most cases a simple bracket will be appropriate.

5.10 Bearing in mind the above, whilst the size of the existing hanging sign and its location are not considered harmful, the use of modern plastic material is considered unacceptable as an addition to the front facade of the historic listed building, failing to conserve or enhance the historic interest of the building. A more sympathetic material which would respect the historic character and appearance of the listed building would be a traditional timber painted board with traditional signwriting. In addition your Conservation Architect has commented that the bracket to the hanging sign with its apologetic scroll, which does nothing to brace the cantilever, is also unacceptable. Therefore by reason of its modern plastic materials and the design of the bracket to which it is attached the retrospective hanging sign fails to conserve or enhance the special architectural character and appearance of the Grade II* listed building.

5.11 The adverse impact of the sign on the significance of the listed building as a designated heritage asset must be given great weight under paragraph 199 of the NPPF. There are no obvious public benefits that can be weighed against the harm that could not be achieved through a more appropriately designed hanging sign and bracket.

Conclusion

5.12 In light of the above assessment, the hanging sign is considered by your Officers to be contrary to policies EH11 and OS4 of the West Oxfordshire Local Plan 2031, relevant sections of the West Oxfordshire Design Guide and relevant paragraphs of the NPPF.

6 REASONS FOR REFUSAL

1. By reason of the modern plastic acrylic material of the sign and the detailed design of the bracket to which it is attached, the retrospective hanging sign fails to conserve or enhance the historic interest and special architectural character and appearance of the Grade II* Listed Building. As such it is considered contrary to policies EH11 and OS4 of the West Oxfordshire Local Plan 2031, The West Oxfordshire Design Guide and relevant paragraphs of the NPPF.

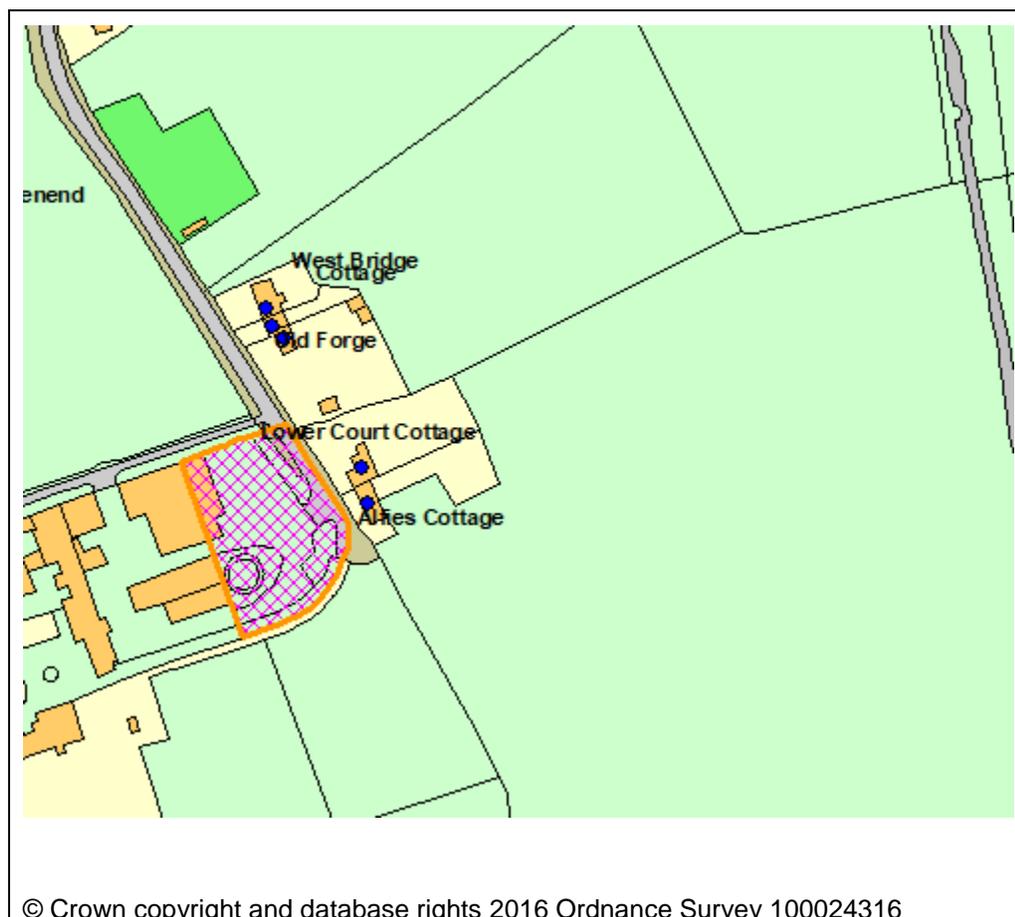
Contact Officer: Naresh Kajoo

Telephone Number:

Date: 23rd February 2022

Application Number	21/03794/FUL
Site Address	Lower Court Farm Green End Chadlington Chipping Norton Oxfordshire OX7 3NQ
Date	23rd February 2022
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Chadlington Parish Council
Grid Reference	432367 E 221158 N
Committee Date	7th March 2022

Location Map



Application Details:

Change of use of land from agricultural to domestic along with the formation of a tennis court, erection of a green house and associated landscaping.

Applicant Details:

Luke Taylor
Lower Court Farm
Green End
Chadlington
Chipping Norton
Oxfordshire
OX7 3NQ

1 CONSULTATIONS

Parish Council	Chadlington PC - No objection.
Conservation Officer	No Comment Received.
ERS Env. Consultation Sites	No Comment Received.

2 REPRESENTATIONS

2.1 No third party representations have been received.

3 Applicant's Case

3.1 The applicant has submitted a Planning Statement to support the application. The main points of which are summarised below. The full document is available to view on the Council's website.

3.2. The land the subject of this application is a disused area of farm yard that has previously housed a horse walker and been used for overspill parking and storage. The yard was formerly adjacent to a series of modern farm buildings, which detracted from the setting of the other traditional vernacular buildings and the broader setting of Lower Court Farm.

3.3 The design has been carefully conceived and attention to detail has been given in respect of the siting and how this best sits with the house, having regard to the heritage assets significance, and its landscape.

3.4 The surrounds of the tennis court will be sensitively and discretely landscaped with nonintrusive paving, grassed areas, Cotswold stone walling and planting of mixed fruit trees and native hedging. The immediate surrounds of the court adjacent to the lane will be enclosed/screened by mixed fruiting trees and existing hedgerows.

3.5 A large part of the premise behind the proposals, aside from the landscaping enhancements to the grounds associated with what is a large house in otherwise modest grounds, is to enhance the enjoyment of the dwelling for the owners and to provide a facility for those visiting the site and using the recently permitted holiday let.

3.6 It is considered that the proposed location would ensure a good relationship with the rest of the site and buildings whilst not influencing the heritage assets of importance. The site area is well defined and is

physically defined by the lane that leads to the property, which will be heavily landscaped as part of the proposals; having a twofold benefit of screening the use to preserve the occupants' privacy but also softening the appearance of the modern buildings on the approach to the site.

3.7 The design approach taken is to construct a facility which is sympathetic to the local landscape character, and one which responds appropriately to the existing architecture within the locality (particularly the design and materials of the existing house), using natural stone for means of enclosure and base of the green house and planting native trees and hedgerows.

3.8 We trust Officers will support these proposals.

4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

EH1 Cotswolds AONB

EH9 Historic environment

EH11 Listed Buildings

EH13 Historic landscape character

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Introduction

5.1 This application seeks consent for a material change in the use of land from agricultural to domestic along with the formation of a tennis court, erection of a greenhouse and associated landscaping at Lower Court Farm, Green End, Chadlington. The site sits in the south-western edge of the village of Chadlington and is located within the Cotswolds AONB. Lower Court Farmhouse (to which the application relates) is Grade II* Listed.

5.2 Your officers consider that the key planning considerations for this application are the principle of development, siting design and scale, impact upon the setting of the Grade II* Listed farmhouse, impact upon the Cotswolds AONB, neighbourly amenity and highways matters.

Relevant Planning History

20/02509/FUL- 'Alterations and extensions to Lower Court Farmhouse. Conversion of attached and detached farm buildings to provide principal and ancillary residential accommodation. Demolition of modern farm buildings. Erection of new garaging, estate office and service yard and associated landscaping (amended plans)'. WITHDRAWN.

20/02510/LBC- 'Alterations and extensions to Lower Court Farmhouse. Change of use of attached and detached farm buildings to provide principal and ancillary residential accommodation. Demolition of modern farm buildings (amended plans)'. WITHDRAWN.

21/00963/FUL & 21/00964/LBC- 'Alterations and extensions together with conversion of attached farm buildings to enlarge existing farmhouse.' APPROVED.

21/00967/FUL- 'Conversion of traditional farm buildings to form one holiday lets. Formation of swimming pool and associated landscaping.' APPROVED.

21/00968/LBC- 'Demolition of modern farm buildings. Internal and external alterations to convert traditional farm buildings to form one holiday let together with associated works.' APPROVED.

21/00998/FUL- 'Erection of two new replacement agricultural buildings with repairs and alterations to existing barn.' APPROVED.

21/00999/LBC- 'Demolition of existing portal frame agricultural buildings and erection of two new agricultural buildings together with repairs and alterations to existing barn.' APPROVED.

Principle

5.3 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. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.4 The West Oxfordshire Local Plan 2031 has no specific policy relating to the change of use of agricultural land to domestic uses. Therefore, Local Plan Policy OS2 provides the starting point for assessment of the principle of development.

5.5 Chadlington is defined as a village within the settlement hierarchy (Policy OS2) where limited development which "*respects the village character and local distinctiveness and would help to maintain the vitality of these communities*" may be suitable. This is subject to the general principles of OS2, those with particular relevance to this scheme are that all development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Conserve and enhance the natural, historic and built environment; and
- In the AONB, give great weight to conserving landscape and scenic beauty.

5.6 In addition to the general principles listed, officers consider that policies OS4 (high quality design), EH1 (Cotswolds AONB), EH9 (historic environment), EH11 (listed buildings) and EH13 (Historic

landscape character) are particularly relevant to this application given the proximity of the site to the Grade II* listed farmhouse and location within the AONB.

5.7 The principle of the proposed material change in the use of the land and associated work is therefore considered acceptable in principle subject to the scheme demonstrating compliance with the general principles as well as the development plan when read as a whole.

Siting, Design and Scale

5.8 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.9 In terms of siting, the proposed tennis court is sited adjacent to the site access and around 60 metres north east of the main house. The effect of the proposed siting is that the proposed tennis court would be prominent in views from Green End running to the east of the site, which forms a public right of way and serves as access to neighbouring properties. Officers therefore consider that the proposed development exhibits the potential to impact upon the setting of the heritage asset when viewed from the east. This matter will be considered fully in the following section of the report.

5.10 The proposed tennis court would be hard surfaced with a green finish and chain link fencing reaching a height of 2.6m at each service end. The site would be bounded by stone walling to the west side with hedging and planting proposed in the eastern half of the site. A dual pitched greenhouse of traditional form and design is also proposed within the existing garden area (officers note that this lies outside of the submitted red-line site plan). The visual impact of the proposed development is considered in the following sections.

Heritage Impact

5.11 The site sits immediately north east of the Grade II* listed Lower Court Farmhouse and therefore exhibits the potential to impact its setting. Officers are therefore required to take account of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended which states that when considering development which affects 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. The direct effect of the proposed development upon the significance of the identified designated heritage assets must be considered in accordance with Paragraphs 199, 200 and 202 of the NPPF and Local Plan Policies EH9, EH11 and EH13.

5.12 The site is set on the edge of the village and faces open countryside with the Evenlode Valley stretching to the south. The existing site when viewed from Green End running to the east, exhibits a distinctly rural and agricultural character. The listed farmhouse has been used in connection with farming since the first half of the 19th century and is set amongst a group of vernacular and modern farm buildings, which partially obscure the main house when viewed from the east. The former farm buildings are currently in the process of being re-developed under the application references listed in section 5.2 of this report but will retain their agricultural character due to the sensitive approach taken in previous proposals to retain their existing character. Therefore, due to the present appearance of the wider Lower Court Farm site, when viewed from Green End, the farmhouse sits in a distinctly rural and agricultural setting characteristic of its historic association with farming.

5.13 The proposed siting of the court and associated hard landscaping works facilitate the material change of use would extend the formal garden of the main house adjacent to Green End and beyond the range of buildings associated with the house. This encroachment would relate poorly to the existing garden area and built development on site and result in a formal domestic appearance and setting to the listed farmhouse when viewed from Green End. This would undermine the established rural and agricultural surroundings of the heritage asset which officers consider forms a positive contribution to its setting. The erosion of the established character caused by the siting and design of the proposed tennis court and associated works would visually dominate the open space directly fronting Green End and therefore fundamentally affect its present rural and agricultural character to the detriment of the setting of the main house and the established character of the street scene. The proposal therefore conflicts with Policy OS2 in that it fails to respect the existing character of the area resulting in harm to the setting of designated heritage asset.

5.14 Before applying an overall planning balance, a heritage balance must be carried out under paragraph 202 of the NPPF under which the harms to the setting of the designated heritage asset in isolation should be weighed against any public benefits that would result from the proposal. The harm arising from the proposal is considered to be 'less than substantial'. This is not to minimise the effect of the development upon the setting of the heritage asset but merely recognises that the harm would not materially impact upon the fabric of the building itself. Officers consider that the benefits accrued from the proposed development would be largely private in nature and small scale public benefits associated with the construction process would result in little appreciable public benefit. Therefore, officers conclude that these benefits do not outweigh the identified harm to the designated heritage asset, which must be afforded great weight in this balance under NPPF Paragraph 199. In light of this assessment, the proposed development results in deleterious impact upon the setting of the Grade II* Listed Lower Court Farmhouse in conflict with Local Plan Policies EH9, EH11 and EH13 and guidance contained in the NPPF. The proposal also fails to relate successfully to its context as required by the general principles of Policy OS2 and the requirements for good design in Policy OS4, the West Oxfordshire Design Guide and Section 12 of the NPPF and is therefore unacceptable in heritage and visual impact terms.

Impact upon the Cotswolds AONB

5.15 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 in accordance with the provisions of paragraph 176 of the NPPF. This duty is reflected in Policy EH1 of the Local Plan.

5.16 Officers consider that whilst the proposed development would result in a negative transformation of the character of the street scene as viewed from Green Lane (resulting in harm to the setting of the Grade II* main house), the change would be screened in wider views and therefore only perceived in its immediate context. Therefore, the wider landscape impact of the change would be negligible and no material harm to landscape and scenic beauty in the AONB is identified.

Residential Amenity

5.17 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

5.18 The proposed tennis court would be sited approximately 30m from two residential properties that lie east of the site. Officers consider that this separation distance is sufficient to ensure that the

proposed use would not give rise to any unacceptable levels of noise and disturbance impact. Given the nature of the proposed, no further neighbourly amenity impacts by way of overlooking, overbearing or loss of light would result from the proposed. The application is therefore acceptable in this regard.

Highways Impact

5.19 Local Plan Policy OS2 states that new development should be provided with safe vehicular access, Policies T1 and T4 are also relevant to the application. Officers consider that the proposed development would result in no material impact upon the adjacent highway network as access and parking space will be retained and there is no logical reason to conclude that the proposed use would give rise to a discernible increase in traffic movements. As a result, the application is acceptable in this regard.

Other Matters

5.20 Following discussions with the applicant's agent, the possibility of a hard surfaced court being installed within the existing residential planning unit to the south of the main house has been discussed. The applicant believes that such works could be carried out as permitted development and should therefore be regarded as a material consideration. Given the significant possibility of this work being carried out in the event of a refusal, officers agree that that this alternative can be considered a material consideration in this assessment.

5.21 In officer's assessment, locating the court within the established planning unit would likely result in a lesser visual impact than the proposed scheme, especially when considering that fencing would not be able to be erected under PD rights. Therefore, this consideration is not deemed sufficient to warrant departure from the Local Plan policies as listed in the report.

Conclusion

5.22 In light of the above, the application is considered to be unacceptable and contrary to policies OS2, OS4, EH9, EH11 and EH13 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021. The application is therefore recommended for refusal.

6 REASONS FOR REFUSAL

1. The siting and design of the proposed development would result in an incursion of formal domestic garden which would fundamentally affect the site's present rural and agricultural character. This would result in significant but 'less than substantial' harm to the setting of adjacent Grade II* listed Lower Court Farmhouse which is not outweighed by any substantive public benefits. The application is considered to be unacceptable and contrary to policies OS2, OS4, EH9, EH11 and EH13 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant provisions of the NPPF 2021.

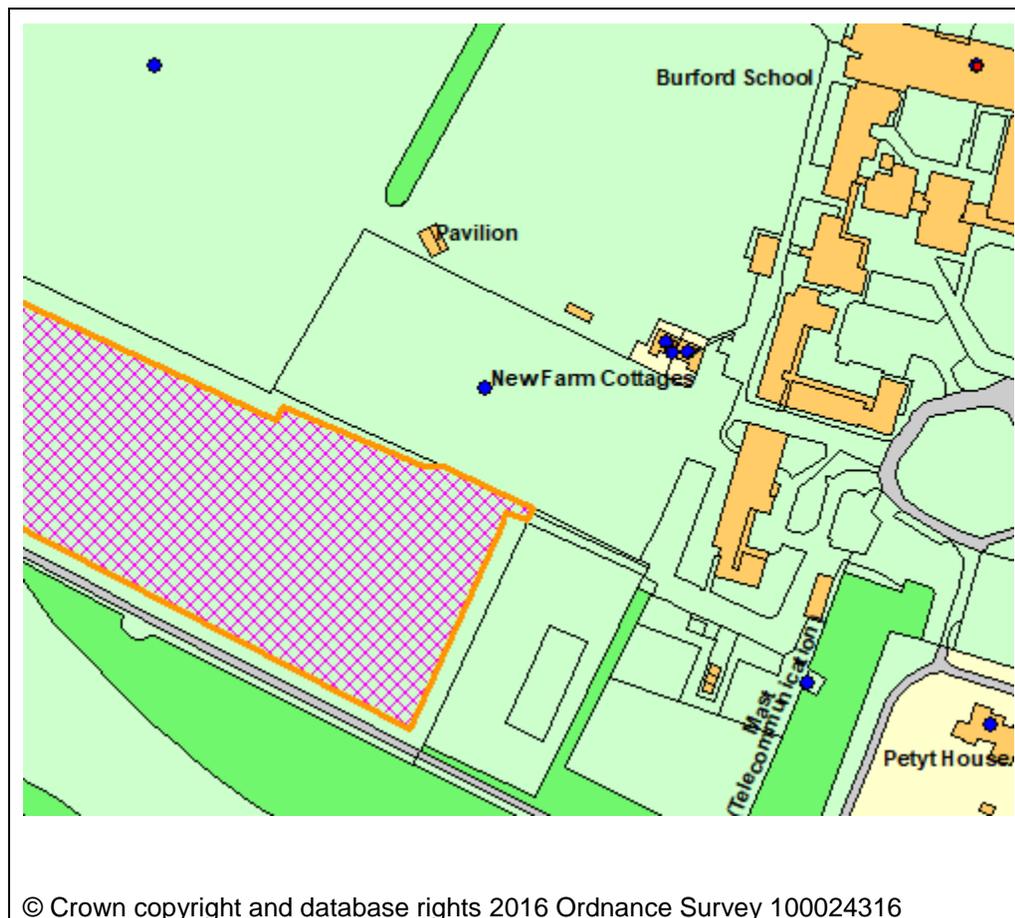
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 23rd February 2022

Application Number	21/03948/FUL
Site Address	Burford Comprehensive School Cheltenham Road Burford Oxfordshire OX18 4PL
Date	23rd February 2022
Officer	James Nelson
Officer Recommendations	Approve
Parish	Burford Parish Council
Grid Reference	424806 E 211721 N
Committee Date	7th March 2022

Location Map



Application Details:

Creation of an All-Weather sports pitch within a fenced enclosure and an outdoor activity zone. Works to include the installation of floodlights and landscaping works.

Applicant Details:

Mr Trevor Ashley
Burford School
Cheltenham Road
Burford
OX18 4PL

I CONSULTATIONS

Parish Council	Strongly in favour (full comments available on the Council's website).
WODC Landscape And Forestry Officer	No comments have been received
WODC Drainage Engineers	<p>It is acknowledged that a soakaway has been proposed and sized to the 1 in 30 year event with flows over that to be stored within the AWP field itself. In the event that the 0.5m retaining system fails we need to see a plan showing where to exceedance flow routes will be to ensure that there is no increased flood risk to third party land or development.</p> <p>We would welcome consideration of alternative uses of the water for the school instead of it draining to ground. Areas to explore could be natural SUDS such as wildlife ponds, rainwater gardens ect to promote biodiversity.</p> <p>General Comments:</p> <p>The site must contain surface water for all return periods up to and including the 1 in 100 year event + 40% climate change.</p> <p>It is important to note that development must not increase flood risk to any existing property or land beyond the site boundary and the landscaping of the site should route water away from any vulnerable property and avoid creating hazards to access and egress routes. As such, an exceedance route plan for flows above the 1 in 100 +40% CC event must be submitted with the proposal, identifying the surface water flow routes though the site should the capacity of the drainage system be exceeded.</p> <p>We highly recommend the use of permeable or granular construction on access routes and hardstandings.</p>
OCC Highways	<p>Recommendation:</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.

WODC - Sports No Comment Received.

Sport England South East Sport England offers its support to this application.

2 Representations

2.1 No third party representations have been received.

3 Applicant's Case

3.1 The applicant has submitted a Design and Access Statement to support the applicaiton. The main points of which are summarised below. The full document is available to view on the Council's website.

3.2. In a sporting context, this proposal seeks to:

- Provide opportunities for students and local community groups to participate in sport and physical activity for health improvement, enjoyment, and development of their skills, particularly amongst low participant groups;
- Operate in line with the national agenda for sport considering nationally adopted strategies;
- Generate positive attitudes in sport and physical activity by children and young adults to help reduce the dropout rate in sports participation with age;
- Increase the number of people of all ages and abilities participating in sport and physical activity including people with disabilities;
- Use the facility to encourage the range, quality, and number of sports club links and to stimulate competition that is inclusive of young people and adults;
- Provide affordable access to the facilities and to be self-financing in terms of community access;
- Contribute to strategic objectives for grassroots sports development.

3.3 In an environmental context, this proposal seeks to:

- Ensure that maintenance of the proposed sports facilities is managed by the site management grounds team on a daily and weekly routine with contractors used as necessary to perform specialist maintenance on a periodic basis;
- Collect a sinking fund using revenue from community access lettings / hire to replace the sports facilities at the end of their functional life, along with further necessary refurbishment works;
- Apply a variety of efficiencies to mitigate environmental impact and benefit the carbon footprint of the development with significant reductions in the use of energy and reduced waste experienced during the construction and operational phase of the development.

- Apply a variety of efficiencies to construction stage that mitigate environmental impacts and reduced the carbon footprint of this development.

3.3 Significant reduction in the use of energy and/or water, and reduce waste in the construction and operation of the facility will be achieved by:

- Excavations limited to the removal of turf and topsoil only.
- Imported granular sub-base aggregates to form the pitch foundations shall be locally sourced from local quarries or suppliers to reduce transportation;
- Control gears for the proposed floodlights include photocell units and time clocks, to ensure artificial lighting does not illuminate before dusk and lighting does not exceed the permitted curfew hours.
- LED floodlights require less electrical power than traditional sports-area lighting alternatives (say, HID floodlights), resulting in improved energy efficiency.
- This sand dressed hockey turf surface does not require watering and does not require SBR infill.
- For the hockey turf, the hockey turf surface, modern textile manufacturing methods and technology continues to advance. As such, it is common place for artificial turf surfaces to be recycled at the end of their life cycle and be re-made into new similar surfaces or other products. It can be expected that technological innovations will continue, to enable this environmental sustainability form of recycling to affect this proposal when refurbishment is due after an initial life cycle.

3.4 In conclusion, the proposed development would replace an amenity grassland field within the South Western part of the school grounds known as 'Farmers Field' with:

- Better quality provision.
- In a suitable location.
- Supported by effective and appropriate management arrangements.
- Implemented with best practice construction techniques to minimise waste and pollution.

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

T1NEW Sustainable transport

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH5 Sport, recreation and children's play

EH7 Flood risk

BC1NEW Burford-Charlbury sub-area

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Introduction

5.1 This application seeks consent for the creation of an All-Weather sports pitch within a fenced enclosure and an outdoor activity zone including the installation of floodlights and landscaping works at Burford Comprehensive School, Cheltenham Road, Burford. The school is set over a substantial plot of land located on the outskirts of Burford. The application site is outside of the Burford Conservation Area and the Cotswolds Area of Outstanding Beauty and is therefore not within any designated areas of control.

5.2 The application is brought before Members of the Uplands Area Planning Sub-Committee due to the height of proposed floodlights (15m).

5.3 Taking into account planning policy, other material considerations and the representations of interested parties, your officers consider that the key considerations for the application are principle, siting, design and form, visual/landscape impact, public benefits, neighbourly amenity, highways impacts, ecology and drainage impacts.

Relevant Planning History

5.4 Numerous applications for other works across the school site have established that the application site forms part of the wider school site and therefore the proposed will not impact the lawful use of the land. In 2007, permission was granted under LPA Ref: 07/0109/P/FP for:

'Construction of new sports pavilion, two artificial sports pitches with floodlighting and associated car parking'

Principle

5.5 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. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision-making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Plan.

5.6 The application site sits adjacent to the built up area of Burford, which is identified as a rural service centre under West Oxfordshire Local Plan Policy OS2 where modest levels of development to reinforce Burford's role as a rural service centre may be supported.

5.7 The general principles of OS2 that have particular relevance to this application are that development should:-

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;

- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s; and
- Conserve and enhance the natural, historic and built environment.

5.8 The provisions of Policy BC1 are also relevant to this application. The Burford-Charlbury Sub-Area Strategy outlines that despite the relative constraints placed on development by the Cotswolds AONB designation (which this site sits outside of), Burford and Charlbury (as rural service centres) will be the focus for modest levels of new development. Your officers consider that the provision of new sporting and community facilities such as that proposed may reasonably be considered modest development to reinforce the status of the town as a rural service centre.

5.9 Local Plan Policy EH5 provides broad support for built facilities to support recreation and sport which are fundamental to the quality of life and wellbeing of the District's residents. The supporting text to the policy states that:

'Additional provision will need to be made (for sporting facilities), both through new facilities and maximising the use of existing facilities such as in schools and village halls.'

5.10 The need for increased provision of artificial sports pitches in the area is also outlined in the consultation response of Sport England. Officers therefore consider that the addition of the facility as proposed within the existing school site is supportable in principle subject to consideration of the matters below.

5.4 Siting, Design and Form

5.11 Local Plan Policy OS4 states that new development should respect the historic, architectural and landscape character of the locality. Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'development that is not well designed should be refused, especially where it fails to reflect local design policies' (Para. 134).

5.12 The proposed pitch and outdoor activity zone will be sited in the south-western extremity of the school site. The application site is therefore sited as far as practicably possible from the Cotswolds AONB and Burford Conservation Area boundary some 200m (approx.) to the north.

5.13 The artificial pitch will measure 102m x 68m and be surrounded by steel open mesh fencing reaching a maximum height of 4.5m and eight floodlight towers reaching 15m in height. The proposed floodlighting will use a 350 Lux LED System designed to provide sufficient lighting to the playing surface whilst minimising spillage. The application has been furnished with an assessment of the light levels generated to demonstrate the resultant light levels across the site. Submitted plans show that the light pool would be wholly contained to within the application site.

Visual and Landscape Impact

5.14 Local Plan Policy EH2 states that new development should conserve and, where possible, enhance the intrinsic character of the local landscape and avoid causing light pollution resulting in an adverse

impact upon landscape character. The general principles of OS2 reiterate the importance of protecting landscape character.

5.15 Officers consider that the proposed surface, fencing and landscaping to create the outdoor activity zone would result in minimal visual perception from of site due to the siting of the scheme. The proposed floodlights therefore exhibit the largest potential to result in harm to the landscape setting of the site. In this regard, the pitch would be sited well into the school site and surrounded by mature tree planting on three sides. Further, the proposed lighting arrangement would ensure that light spillage is restricted to a minimum and would be viewed in the context of the existing building development on the school site. Due to the siting of the pitch, topography of the landscape and screening provided by existing trees, the perception of the pitch in the wider landscape would not be significant. Officers therefore consider that the proposed development would result in a negligible impact upon the landscape character in this location. As such, the application accords with Policies OS2 and EH2 and is acceptable in this regard.

Public Benefits

5.16 As outlined above, Local Plan Policy EH5 outlines the potential for new sporting and community facilities to provide substantial public benefits for local residents. NPPF paragraph 98 also reiterates the importance of access to a network of high quality opportunities for sport. The West Oxfordshire Open Space Study (2013) (which officers consider a material consideration) also found that specifically with regard to hockey, the District's facilities are relatively poor. This view is supported in the representation of Sport England to the application. It is also noted that the representation of the Burford Town Council expresses strong support for the facility based on a perceived need for such a facility in the town.

5.17 In this context, officers consider that the scheme exhibits the potential to result in significant public benefits which should be awarded weight in the planning balance. In order to ensure that the full potential public benefits of the scheme are realised, officers consider that it is necessary and reasonable to ensure that a Community Use Agreement is sought as a condition of any planning consent. This will ensure that the facility is accessible to all members of the local community and not just pupils of the school thereby maximising the public benefits of the scheme. Therefore, subject to the conditions as outlined in Section 6 of the report, officers consider that substantial public benefits will result from the scheme.

Residential Amenity

5.18 Local Plan Policy OS2 states that new development should be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants. The importance of minimising adverse impacts upon the amenity of future and neighbouring occupiers is reiterated in Policy OS4, the West Oxfordshire Design Guide and NPPF paragraph 185.

5.19 The application site occupies a relatively isolated position in relation to residential development. The only dwelling within relatively close proximity to the site is 'Petyt House which is some 150-160m to the east of the proposed pitch. The site is boarded to the south by Burford Golf Club and to the west by open fields. In this context, the proposed development would give rise to no impact upon the amenity of adjoining properties.

Highways

5.20 Local Plan Policy OS2 states that new development should be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities. The Local Highways Authority have been consulted on the application and stated that the proposal would not have a significant detrimental impact in terms of highway safety and convenience on the adjacent highway network. The existing school site is furnished with adequate vehicular and pedestrian access which is considered suitable to support the proposed use. Therefore, officers consider that the scheme would be acceptable in this regard.

Ecology

5.21 Local Plan Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity. The application has provided a Biodiversity Net Gain Assessment which finds that given the proposed habitat creation works, the scheme will result in a 18-19% increase in the number of habitat units on site. The application has not provided a Habitats Plan or details of the proposed louvres to limit light spillage into the adjacent hedgerow, officers (following consultation with the Council's ecologist) therefore consider that these details should be secured through planning conditions (as set out in Section 6 of the report). Subject to the conditions as set out, the application is considered to accord with Policy EH3 and is therefore acceptable from an ecological perspective.

Drainage

5.22 Following consultation with the Council's drainage engineers, the applicant has provided updated information relating to the proposed drainage arrangement. The plans have been amended to incorporate a swale along the eastern site boundary in order to retain and drain water within the site. The Council's drainage engineers are currently reviewing the additional information submitted. Officers consider that these technical details are likely to be overcome and therefore request delegated authority to resolve these matters subject to Members discretion.

Conclusion

5.23 In light of the above assessment, the application is considered to accord with West Oxfordshire Local Plan Policies OS1, OS2, OS3, OS4, T1, T3, T4, EH2, EH3, EH5, EH7 and BCI, the NPPF 2021 and the West Oxfordshire Design Guide and is therefore recommended to Members for conditional approval subject to the proposed drainage matters being resolved by officers on a delegated basis.

6 CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

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

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

3. The development shall be constructed with the materials specified in the application.

REASON: To ensure that the development is in keeping with the locality and for the avoidance of doubt as to what is permitted.

4. The floodlights hereby permitted shall be switched off no later than 22:15hrs on any given day.

REASON: In order to protect local landscape character and prevent unnecessary electricity usage.

5. The development shall be completed in accordance with the recommendations for mitigation in Sections 4 and 5 of the Ecological Appraisal report (RPS, November 2021 (19/11/2021), Version 2) and the 'Description of Proposed Habitats On-Site with Biodiversity Benefits and Outline Management' section on pages 3-4 of the Biodiversity Net Gain Assessment report (RPS, 18th November 2021, ref. ECO01903) as submitted with the planning application to secure a 18.74% increase in the number of habitat units.

All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained and maintained.

REASON: To ensure that biodiversity is protected and enhanced in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 as amended, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

6. Prior to any development above ground level, a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and hedge enhancements to secure a 18.74% increase in the number of habitat units, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

REASON: To ensure the safeguarding of the character and landscape of the area during and post development.

7. A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the Local Planning Authority before commencement of the development. The content of the BMMP shall include, but not necessarily be limited to, the following information:

- i. Description and evaluation of features to be managed; including location(s) shown on a site map;
- ii. Landscape and ecological trends and constraints on site that might influence management;
- iii. Aims and objectives of management, including ensuring the delivery of the approved Biodiversity Net Gain Strategy to delivery of the X habitat units (the 'biodiversity net gain target outcome') on site;
- iv. Appropriate management options for achieving aims and objectives;
- v. Prescriptions for management actions;
- vi. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over a 5 or 10 year period;

- vii. Details of the body or organisation responsible for implementation of the plan;
- viii. Ongoing monitoring of delivery of the habitat creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
- ix. Timeframe for reviewing the plan;
- x. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- xi. The submission of regular reports to the local planning authority, e.g. every 5 years, to demonstrate progress towards the biodiversity net gain target outcome; and
- xii. The submission of a 30-year audit report to the local planning authority.

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

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

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

REASON: To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF (in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

8. Within 3 months of practical completion certificate being issued, a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the Artificial Grass Pitch, sports lighting, car park, changing and toilets and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

REASON: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with Development Plan Policy.

9. Prior to the development hereby approved coming into use, written and illustrative details of the number, type and location of Electric vehicle charging points (EVCP) to be installed to service the development shall be submitted to and approved in writing by the local planning authority. The EVCP shall then be installed in accordance with the approved details prior to the development coming into use. The EVCP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

REASON: To ensure a satisfactory standard of development which meets the needs of current and future generations in accordance with Local Plan Policy OS3.

10. Prior to the development hereby approved coming into use, written and illustrative details of the number, type and location of Solar Photovoltaic Panels (SVP) to be installed to service the development shall be submitted to and approved in writing by the local planning authority. The SVP shall then be

installed in accordance with the approved details prior to the development coming into use. The SVP shall be maintained and kept in good working order thereafter as specified by the manufacturer.

REASON: To ensure that the development provides adequate provision towards the generation of electricity to service the floodlighting.

Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 23rd February 2022

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 14th February 2022

Application Number.	Ward.	Decision.
I. 21/02293/CND Affecting a Conservation Area	Charlbury and Finstock	APP
Discharge of condition 4 (details of integrated bat roosting and nesting opportunities for birds) of planning permission 21/00849/HHD The Rise Hixet Wood Charlbury Mr Rickard		

2. **21/02416/HHD** Kingham, Rollright and APP
Enstone
Affecting a Conservation Area

Erection of a single storey extension and construction of a detached garage with home office above. Works to include conversion of existing outbuilding, including replacement windows and doors, to create cinema/games room and the formation of a new driveway and access.
Griffin House Hook Norton Road Swerford
Mr and Mrs Ian and Sarah Heath
3. **21/02417/LBC** Kingham, Rollright and APP
Enstone
Affecting a Conservation Area

Internal and external alterations to include erection of single storey extension to main dwelling with changes to internal layout and conversion of existing outbuilding, including replacement windows and doors, to create cinema/games room.
Griffin House Hook Norton Road Swerford
Mr and Mrs Ian and Sarah Heath
4. **21/02874/HHD** Chadlington and Churchill APP
Affecting a Conservation Area

Replacement windows and roadside door (Amended).
2 The Square Churchill Chipping Norton
Mrs Anne Mandry
5. **21/02875/LBC** Chadlington and Churchill APP
Affecting a Conservation Area

Replacement windows and roadside door (Amended).
2 The Square Churchill Chipping Norton
Mrs Anne Mandry
6. **21/03139/HHD** Brize Norton and Shilton APP
Affecting a Conservation Area

Erection of a pool house and a plant room along with the construction of an outdoor swimming pool
Vicarage Swinbrook Burford
Mr And Mrs D Golding

7. **21/03241/CND** Burford APP
 Discharge of conditions 7 (landscaping scheme) and 10 (surface water drainage scheme) of planning permission 19/03151/FUL.
Tansley Farm Shilton Road Burford
 Mr Alokik Advani
8. **21/03251/HHD** Burford APP
 Affecting a Conservation Area
 Installation of automated vehicular gates.
The Mill Coach House 95 Witney Street Burford
 Mr M Percival
9. **21/03311/HHD** Chadlington and Churchill APP
 Affecting a Conservation Area
 Erection of detached car port/home office. Proposed single storey extension to west.
The Old Carthouse 7 Chillford Barns Churchill
 Mr Sid Blake
10. **21/03457/FUL** Stonesfield and Tackley APP
 Erection of single storey scout hut
Scout Hut Churchfields Stonesfield
 Mr Paul Orsi
11. **21/03461/S73** The Bartons APP
 Affecting a Conservation Area
 Erection of a detached single storey studio (amendment to 21/02140/HHD to regularise the proposed site plan drawing)
The Chapel House 10 Fox Lane Middle Barton
 Mr George Dailey
12. **21/03495/FUL** Woodstock and Bladon APP
 Affecting a Conservation Area
 Installation of 8 new electric car chargers.
Estate Office Blenheim Park Woodstock
 Otilie Harris

13. **21/03496/LBC** Woodstock and Bladon APP
Affecting a Conservation Area
- Installation of 8 new electric car chargers.
Estate Office Blenheim Park Woodstock
Ottilie Harris
14. **21/03591/HHD** Kingham, Rollright and Enstone APP
Affecting a Conservation Area
- Proposed link extension to connect the two separate ground floor spaces of the dwelling, external like-for-like stone repairs to quoins, coping stones and stone walls, installation of a new perimeter French drain and internal alterations and refurbishments
I Blue Row The Lane Chastleton
Mr C Walker
15. **21/03592/LBC** Kingham, Rollright and Enstone APP
Affecting a Conservation Area
- Proposed link extension to connect the two separate ground floor spaces of the dwelling, external like-for-like stone repairs to quoins, coping stones and stone walls, installation of a new perimeter French drain and internal alterations and refurbishments
I Blue Row The Lane Chastleton
Mr C Walker
16. **21/03614/HHD** Stonesfield and Tackley APP
Affecting a Conservation Area
- Full width single storey rear extension, part two storey rear extension, new roof and attic conversion with dormers, new porch and render to existing artificial stone walls. (Amended).
Broadlands Churchfields Stonesfield
A. Gordon and A. Hautau
17. **21/03619/CND** Woodstock and Bladon APP
- Discharge of conditions 3 (schedule of materials), 4 (external wall sample panel), 6 (details of external windows and doors), 8 (access between the land and highway), 9 (surface water disposal), 13 (details of integrated bat roosting and nesting opportunities for birds), 14 (details of external lighting), 15 (comprehensive landscape scheme), 17 (full surface water drainage scheme) and 18 (existing and proposed ground levels) of planning permission 21/00238/FUL
Former Village Hall Grove Road Bladon
Vanbrugh Unit Trust

18. **21/03684/FUL** Chipping Norton APP
Affecting a Conservation Area
- Installation of a traditional canvas awning to the shop front
1 Middle Row Chipping Norton Oxfordshire
Mrs Sarah Neale
19. **21/03685/LBC** Chipping Norton APP
Affecting a Conservation Area
- External alterations to install a traditional canvas awning to the shop front
1 Middle Row Chipping Norton Oxfordshire
Mrs Sarah Neale
20. **21/03702/FUL** Chadlington and Churchill APP
- Demolition of existing equestrian arena to allow for the conversion and extension of the traditional barn to form one dwelling with associated garaging and access and landscape works.
Barley Hill Farm Chipping Norton Road Chadlington
Mr Paul O'Brien
21. **21/03715/LBC** Freeland and Hanborough APP
Affecting a Conservation Area
- Internal and external alterations to include the erection of a replacement porch, replacement of rainwater goods, doors and windows along with the addition of traditional render to walls of the existing extension.
Forge Cottage 3 Millwood End Long Hanborough
Mr And Mrs Rand
22. **21/03722/FUL** Kingham, Rollright and WDN
Enstone
- Erection of a detached building to provide administration, welfare and storage facilities for aircraft maintenance business, flying school and resident pilots
Land And Building (E) 439525 (N) 226233 Enstone Airfield North Banbury Road
Mrs Lynda Gilbert
23. **21/03723/FUL** Chipping Norton APP
Affecting a Conservation Area
- Change of use of first and second floors from letting rooms to residential.
10 New Street Chipping Norton Oxfordshire
Mr P Cosgrove

24. **21/03724/LBC** Chipping Norton APP
Affecting a Conservation Area
- Internal alterations to ground floor layout.
10 New Street Chipping Norton Oxfordshire
Mr P Cosgrove
25. **21/03728/FUL** Burford APP
Affecting a Conservation Area
- Ground floor and first floor extensions to provide two bedrooms and installation of a fire escape
Highway Hotel 117 High Street Burford
Mr Ian Apsley
26. **21/03729/LBC** Burford APP
Affecting a Conservation Area
- Internal and external alterations to include the erection of ground floor and first floor extensions to provide two bedrooms and installation of a fire escape
Highway Hotel 117 High Street Burford
Mr Ian Apsley
27. **21/03754/HHD** Hailey, Minster Lovell and REF
Leaffield
- Affecting a Conservation Area
- Erection of wooden fence around front garden (retrospective)
65 Lower End Leaffield Witney
Mrs Laura Thompson
28. **21/03791/CND** Kingham, Rollright and APP
Enstone
- Affecting a Conservation Area
- Discharge of conditions 4 (details of bat roosting and nesting opportunities for birds) and 5 (details of external lighting) of planning permission 21/01728/HHD
The Old House Church Street Kingham
R Daylesford Organic
29. **21/03796/HHD** Burford APP
Affecting a Conservation Area
- Addition of stone cladding to East elevation
12 Guildenford Burford Oxfordshire
Mr Robert Culbert

30. **21/03811/HHD** Chipping Norton APP
 Erection of single storey extensions along with the conversion of garage to create extra living space
Oldner House Bungalow Charlbury Road Chipping Norton
 Mrs Margaret Long
31. **21/03813/CND** Stonesfield and Tackley APP
 Discharge of condition 5 (access between the land and highway) of planning permission 20/00017/S73
Adina Woodstock Road Stonesfield
 Mr James Wiltshire
32. **21/03868/S73** Chadlington and Churchill APP
 Variation of condition 2 of planning permission 20/02104/FUL to increase size of building and to allow changes to doors and fenestration, and provision of first floor office, kitchen and WC facilities.
Storage Land Horseshoe Lane Chadlington
 Mr Jonathan Betts
33. **21/03911/FUL** Ascott and Shipton APP
 Formation of an agricultural private way from an existing access (amended plans)
Quarry Hill Farm Shipton Under Wychwood Chipping Norton
 Mr Robert Biles
34. **21/03912/HHD** Woodstock and Bladon APP
 Erection of a two storey side extension
Squirrel House 18A Hensington Close Woodstock
 Mr S Cottingham
35. **21/03913/CND** Ascott and Shipton APP
 Affecting a Conservation Area
 Discharge of conditions 6 (details of external windows and doors) of planning permission 21/00694/LBC
17 High Street Shipton Under Wychwood Chipping Norton
 Ms Harvey

36. **21/03951/FUL** Burford APP
Affecting a Conservation Area
- Change of use from information centre to jewellers (amended).
33A High Street Burford Oxfordshire
Mr Derek McGrath
37. **21/03915/HHD** Kingham, Rollright and APP
Enstone
- Affecting a Conservation Area
- Removal of existing garage and erection of replacement single storey extension, installation of two rooflights to existing boot room and provision of pedestrian gateway. Conversion of loft to create additional living space to include insertion of two additional dormer windows and a rooflight in West elevation roof slope.
Greenmore Chastleton Moreton-In-Marsh
Ms Maggie Todd
38. **21/03916/LBC** Kingham, Rollright and APP
Enstone
- Affecting a Conservation Area
- Internal and external alterations to refurbish existing property, to include removal of existing garage and erection of replacement single storey extension, installation of two rooflights to existing boot room and provision of pedestrian gateway. Conversion of loft to create additional living space with the insertion of two additional dormer windows and a rooflight in West elevation roof slope.
Greenmore Chastleton Moreton-In-Marsh
Ms Maggie Todd
39. **21/03917/HHD** Kingham, Rollright and APP
Enstone
- Affecting a Conservation Area
- Alterations to install air source heat pump and additional rooflight. (Retrospective).
Partridge Barn 3 Lonsdale Court Great Rollright
Mr Alan Monro
40. **21/03927/HHD** Ascott and Shipton APP
Affecting a Conservation Area
- Alterations to include replacement bay windows, reinstate opening, conversion of store to office and single storey rear and side extension.
Wych Court High Street Shipton Under Wychwood
Mr And Mrs Paul Makin

41. **21/03952/HHD** Milton Under Wychwood APP
 Erection of a single storey rear extension
Dougen Frog Lane Milton Under Wychwood
 Rev Karen Rozzello
42. **21/03938/HHD** Chadlington and Churchill APP
 Affecting a Conservation Area
 Proposed rear extension (replace existing conservatory). Two rear roof lights and one new roof light (re-instate) on front elevation
Chartwell Chipping Norton Road Churchill
 Mike & Helen Checkley
43. **21/03940/FUL** Kingham, Rollright and Enstone APP
 Affecting a Conservation Area
 Erection of holiday let comprising one cabin building to provide open plan bedroom/living area with decking together with associated building providing modest kitchen and shower room.
Leys Farm Chapel End Swerford
 Leys Farm Partnership
44. **21/03942/FUL** Hailey, Minster Lovell and Leaffield WDN
 Affecting a Conservation Area
 Alterations to existing property to include erection of single storey front and two storey and first floor rear extensions. Construction of two further attached new dwellings together with associated works and provision of new vehicular accesses to serve existing and new houses.
49 Lower End Leaffield Witney
 Mr David Law
45. **21/03953/HHD** Freeland and Hanborough APP
 Erection of a single storey extension to front and side
5 Walkers Close Freeland Witney
 Mr Oliver Puddle
46. **21/03954/CND** Kingham, Rollright and Enstone APP
 Discharge of condition 5 (details of integrated bat roosting and nesting opportunities for birds) of planning permission 21/02661/HHD
Kiteney House Hull Farm Stratford Road
 Mr And Mrs Longsdon

47. **21/03955/HHD** Chadlington and Churchill APP
Affecting a Conservation Area
- Single storey extension to provide orangery
Grange Farm Chipping Norton Road Churchill
Mr And Mrs A Morton
48. **21/03956/HHD** Burford APP
- Single storey rear extension to form annex and garden studio. (Amended plans).
Wagtail Cottage Westhall Hill Fulbrook
Mrs Charlotte Yates
49. **21/03964/CLP** Freeland and Hanborough REF
- Certificate of lawfulness (erection of a single storey rear extension and landscaping works to create additional parking)
23 Oakland Close Freeland Witney
Mr and Mrs Clark
50. **21/03977/HHD** Stonesfield and Tackley APP
- Erection of extensions and conversion of loft, including insertion of dormer window, to create additional living space.
15 Twynhams Road Tackley Kidlington
Mr M McMahon
51. **21/04081/ADV** Chipping Norton APP
Affecting a Conservation Area
- Installation of traditional canvas illuminated by existing lighting
1 Middle Row Chipping Norton Oxfordshire
Miss P Jaffe
52. **21/03985/FUL** Kingham, Rollright and APP
Enstone
- Erection of a detached oak frame pergola with metal roof and glazed link from Barwell Barn.
Soho Farmhouse Great Tew Chipping Norton
Soho House UK Limited

53. **21/03996/HHD** Charlbury and Finstock APP
 Erection of a two storey rear extension with canopy above rear door and conversion of attic space with the addition of two dormer windows to front elevation. Construction of a detached outbuilding and landscaping works
Hill Barn Farm Laughton Hill Stonesfield
 Mr And Mrs Petrillo
54. **21/04002/HHD** Hailey, Minster Lovell and Leaffield APP
 Alterations to existing annex to include conversion of the existing two-bay carport to create an additional bedroom
The Pot House Witney Lane Leaffield
 Sean And Sarah Dunn
55. **21/04004/HHD** Stonesfield and Tackley APP
 Erection of a single storey rear extension. Alterations to include timber cladding to external elevations along with changes to window and door openings.
Forest View 10 Stonesfield Road Combe
 Mr And Mrs Gray
56. **21/04017/HHD** Ascott and Shipton APP
 Construction of two rear dormer windows
6 Heritage Lane Ascott Under Wychwood Chipping Norton
 Ms Marybeth Harasz
57. **21/04029/HHD** Milton Under Wychwood APP
 Proposed new wall
Old Foxcote Farmhouse Foscot Chipping Norton
 Mr & Mrs Helm
58. **21/04033/HHD** Stonesfield and Tackley APP
 Affecting a Conservation Area
 Replacement of existing rear dormer
Home Close High Street Stonesfield
 Mr Simon Warr

59. **21/04044/S73** Chadlington and Churchill APP
Affecting a Conservation Area
- Variation of conditions 2 and 3 of planning permission 20/03515/HHD to allow changes to design and materials.
Wigwell House Spelsbury Chipping Norton
Mr J Mckellar
60. **21/04054/FUL** Freeland and Hanborough APP
- Change of use from an office to an Eye Clinic along with the installation of a bin store and air conditioning plant
Unit 14 Fenlock Court Fenlock Road
Mr James Clarke
61. **21/04062/HHD** Charlbury and Finstock APP
Affecting a Conservation Area
- Convert an existing garage and conservatory to a pitched roofed rear extension
39 The Green Charlbury Chipping Norton
Ms Maraget Landale
62. **21/04067/HHD** Milton Under Wychwood APP
- Side and rear extension with the installation of new/replacement dormer windows and new roof tiles (Amended).
The Homestead Frog Lane Milton Under Wychwood
Jones
63. **21/04069/HHD** Freeland and Hanborough APP
- External alterations to existing property (amended)
83 Main Road Long Hanborough Witney
Mr and Mrs Ciaran Kennedy
64. **21/04090/HHD** Burford APP
Affecting a Conservation Area
- Single storey front extension and detached garage (Amended plans).
Greenfields 36 Tanners Lane Burford
Mr and Mrs Batty

65. **21/04102/FUL** Chipping Norton APP
Affecting a Conservation Area
- Internal alterations to convert the existing restaurant to a prayer room
2B Horsefair Chipping Norton Oxfordshire
Mr Salman Ahmed
66. **21/04108/NMA** Kingham, Rollright and Enstone APP
- Conversion of existing barns to form four residential properties, the conversion of a barn to form ancillary accommodation and the erection of a car port and ancillary works (Amended). (Non-material amendment to allow replacement of window with blockwork and external doors).
Chapel House Farm Chipping Norton Oxfordshire
Adalta Real
67. **21/04133/PN56** Kingham, Rollright and Enstone P2NRQ
- Change of use of buildings from agricultural use to mixed office and retail use
Chapel House Farm Chipping Norton Oxfordshire
Adalta Real
68. **21/04111/CND** Chadlington and Churchill APP
- Discharge of conditions 5 (details of external lighting), 8 (details of bat roosting and nesting opportunities for birds), 9 (comprehensive landscape scheme) and 11 (comprehensive restoration scheme) of planning permission 20/00974/FUL
Land North Of Langston Priory Workshops Station Road
Mr White
69. **21/04113/CND** Kingham, Rollright and Enstone APP
- Discharge of condition 5 (full surface water drainage scheme) of planning permission 21/03344/FUL
Soho Farmhouse Great Tew Chipping Norton
Soho House UK Limited
70. **21/04116/HHD** Burford APP
Affecting a Conservation Area
- Proposed two storey side extensions, and proposed greenhouse
15 Tanners Lane Burford Oxfordshire
Mr Nicholas Gay

71. **21/04117/FUL** Charlbury and Finstock APP
Affecting a Conservation Area
- Alterations to existing ground floor commercial unit to include replacement shop front and windows, and installation of new rear kitchen extraction system together with the sub-division of existing first floor flat above to create two smaller flats.
Post Office 8 Market Street Charlbury
Mr Richard Harvey
72. **21/04127/HHD** Burford APP
Affecting a Conservation Area
- Demolition of existing garage and store and erection of store with attached greenhouse and home office above
Old Coach House 173 The Hill Burford
Mr McCormack and Gossiaux
73. **22/00013/PN56** Stonesfield and Tackley WDN
- Change of use of ground floor of existing garage building to a self contained single bedroomed holiday let
Sansoms Cottage Wootton Woodstock
Mr Tim Sumner
74. **22/00008/PDET28** Ascott and Shipton P2NRQ
- Erection of 2 open barn buildings to house farm machinery and general farm equipment.
Honeydale Farm Station Road Shipton Under Wychwood
Mr Ian Wilkinson
75. **22/00014/FUL** Chadlington and Churchill APP
Affecting a Conservation Area
- Aesthetic external alterations to approved residential units and construction of adjoined single storey open fronted three bay garage to serve the three dwellings
Units 6-8 Mount Farm Junction Road
Heywood-Lonsdale
76. **22/00038/HHD** Burford APP
- Timber clad garden building, for use as a home office
35 Tanners Lane Burford Oxfordshire
Mr Toby Silvester

77. **22/00041/OUT** Ascott and Shipton APP
Affecting a Conservation Area

Erection of a two storey detached dwelling with associated parking and works (Outline planning with all matters reserved)

Land Adjacent To 10 Coombes Close Shipton Under Wychwood

Sigrid Houston

78. **22/00099/NMA** Charlbury and Finstock APP
Affecting a Conservation Area

Conversion of the existing detached workshop to create a studio, along with an extension to create a home office, green house with potting shed. Erection of a new workshop and plant room for a newly installed Ground Source Heat Pump (non-material amendment to 21/00162/HHD to allow the use of Cotswold stone in place of render for the West elevation of the green house and changes to the bike shed fenestration).

Lamorna Stonesfield Lane Charlbury

Mr Ben Peters

79. **22/00319/NMA** Woodstock and Bladon APP

Reserved Matters application for landscaping, appearance, scale, access and layout for the construction of 254 dwellings together with 884sqm (GIA) of class uses A1, A2, B1 and D1 floorspace and associated infrastructure, engineering and ancillary works including provision of public open space and formation of accesses. (Amended plans). (Non-material amendment to allow changes to the approved layout to provide a more practical access solution to Pest House).

Land East Of Woodstock Oxford Road Woodstock

Mr Mark Utting

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Appeal Decisions

Site visit made on 26 October 2021

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2021

Appeal A: APP/D3125/W/21/3269520

Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Davies against the decision of West Oxfordshire District Council.
 - The application Ref 20/02156/HHD, dated 18 August 2020, was refused by notice dated 11 December 2020.
 - The development proposed is an extension, garden/log store and associated external & internal alterations.
-

Appeal B: APP/D3125/Y/21/3269675

Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr N Davies against the decision of West Oxfordshire District Council.
 - The application Ref 20/02157/LBC, dated 18 August 2020, was refused by notice dated 11 December 2020.
 - The works proposed are an extension, garden/log store and associated external & internal alterations.
-

Decisions

1. Appeal A is allowed and planning permission is granted for an extension, garden/log store and associated external & internal alterations at Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX in accordance with the terms of the application, Ref 20/02156/HHD, dated 18 August 2020 subject to the conditions set out at the end of my decision.
2. Appeal B is allowed and listed building consent is granted for an extension, garden/log store and associated external & internal alterations at Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX in accordance with the terms of the application Ref 20/02157/LBC dated 18 August 2020 subject to the conditions set out at the end of my decision.

Main Issue

3. The main issue in both appeals is whether the proposal would preserve the special architectural and historical interest of the Grade II listed Lyndhurst and the effect of the proposed development on the character and appearance of the Swerford Conservation Area.

Reasons

4. Lyndhurst is set at the western end of Swerford, a small linear settlement which has two main cores; Church End where Lyndhurst is sited is based around the Grade II* listed Church of St Mary, and East End which is based around several large farmsteads. The two elements of the village are separated by agricultural land.
5. The Church of St Mary is set on a rise and dominates the small hamlet of Church End, overlooking a triangular road junction and small village green. Various listed buildings are located on the south side of the primary road through the village, and Lyndhurst is set to the west, the northerly end terrace of three properties which also includes Woodlea and Corner Cottage. All three houses are Grade II listed. The Scheduled Monument of Swerford Castle is located to the northern side of the Church. The Grade II* listed Old Rectory is set back to the south behind a pair of listed gate posts and the Grade II listed War Memorial is set on the south side of the green.
6. Lyndhurst dates from the 18th century. The property is constructed in marlstone and limestone rubble with wooden lintels and has a slate roof. The listing notes that the property originally would have had a single unit plan but has been extended to two units with a central 4 panel door on its easterly façade. A later extension to the north houses a double garage whose large door faces to the north. The listing notes that the property is included for group value. Woodlea and Corner Cottage share a listing. These properties are also constructed in marlstone and limestone with wooden lintels and slate roofs. Corner Cottage has a distinctive return with dormer windows following the route of a lane to the south.
7. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. Section 72(1) of the same Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. Paragraph 199 of the National Planning Policy Framework (the Framework) says 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. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting (paragraph 200).
9. Section 14.2 of the West Oxfordshire Design Guide 2016 (the Design Guide) notes that no property can accommodate endless enlargement without fundamentally compromising aspects of its original character and design and that extensions should remain clearly secondary and subservient to the original property. Section 14.6 of the same guide states that any proposed extensions likely to obscure the original form of a Listed Building or which fails to respond sympathetically or meaningfully to the Listed Building is unlikely to be supported. The Swerford Conservation Area Proposals for Preservation & Enhancement (SCAPPE) document states that accumulation of extensions can easily obscure the simple form of traditional buildings and should be avoided, and that important groups of buildings often have a special value and character which can be harmed by new development.

10. The special interest and significance of Lyndhurst arises primarily from the historical interest of the façade and core older parts of the property, the evolution of the property from the front and its group value with Woodlea and Corner Cottage. The setting of the property opposite the Church and village green also contributes to its special interest. Value is increased by the harmony between the three listed properties which constitute a coherent whole facing the centre of Church End.
11. The property and its neighbouring cottages contribute to the character and appearance of the Swerford Conservation Area (SCA), with the use of Marlstone dominating the built environment of the settlement providing visual and aesthetic harmony to the village. The area of semi-parkland separating the two parts of the settlement – Church End with its focus on the church, and East End with its more workman like air based on large farmsteads and attractive large farmhouses - also contributes to the character and appearance of the SCA.
12. A shaded plan contained with the appellants evidence (and also referred to by the Council in their statement of case) provides details of the age of the respective parts of the cottage. The left-hand side of the property (when viewed from the road) is identified as the oldest part of the house, with the two-unit plan dating from the early 18th century. To the right of this is an extension dating from the later parts of the 18th century (with some 19th century modifications) with late 20th century extensions to side (garage) and rear (kitchen and living room extension). The proposal seeks to convert the garage and build on top of this structure, extending to the rear to make a northern wing, filling in the area to the south with a single storey extension. Internally alterations would be made to the late 20th century extensions of the property, with the exception of a new opening upstairs to the northern wing through the late 18th century wall of what is currently a toilet. A separate garden/log store is also proposed, to which the Council have no objections. I share this view.
13. From the front of the property the proposal would appear subservient to the oldest parts of the cottage, with the roof ridge set down below and the front building line continuing to be set back. Fenestration at both floors would provide relief into the two-storey façade that the current side garage wall is lacking. While the size of the windows proposed may be smaller than that in the older parts of the cottage, this would emphasise their subservience.
14. In views from the north from St Mary's Lane the side elevation of the extended property would be fairly extensive; particularly the length of the northern wing. However, the height of the roof ridge at a lower level than the main building (and that subsequently of Woodlea behind) would ensure subservience. The fenestration and detailing on this elevation would be a significant visual improvement on the existing large plastic double garage door and I do not consider that the roof junctions would appear awkward or confusing or that the proposed side door would appear as if another cottage had been created. Furthermore, the design of the wing, in providing a return to the north of the cottage would to a certain degree mirror the form of the return of Corner Cottage at the southern end of the group of listed cottages.
15. From the rear the gabled design would fit in with the overall cottage design and the single storey lean to extension would maintain subservience. The extent of

the original historic cottage, such that can be seen at present, would still be clear from views from the rear, whether from the rear garden, or the footpath which runs along the back of the property's garden, with the various extensions appearing as later additions in a subservient manner, maintaining the primacy of the historical form of the heritage asset.

16. My attention is drawn to the size of the proposed extensions, both individually and cumulatively with previous extensions and their effect on the scale of the original cottage in footprint terms. However, while I can appreciate such concerns of the Council, the extensions proposed are primarily sited to the rear and side and build upon previous extensions allowed during the late 20th century. In some respects, as detailed above, these improve the design of such later extensions and the overall scale of them can be accommodated in my view by the original and slightly later additions to the cottage without overwhelming the historic integrity of the footprint or the form of the cottage, which would still clearly be able to read when inside and outside the property.
17. I note that upstairs the proposal would require the removal of some historic fabric, in creating an access through from the landing area to the new upper floor level. This would inevitably cause some harm to the listed building, as this would be in an area of later 18th century extensions. However, such extent of removal would be reduced by the fact that there is already a window in this location. I consider that this harm would be outweighed by the positive aspects of the proposal, through the removal of the garage door and the fenestration in the front of the property, such that as a result in total the proposal would not cause harm to the heritage asset.
18. For the same reasons, the proposal would not cause harm to the Swerford Conservation Area, and in improving the façade and northern elevation of the property would enhance the character of the SCA, if only to a limited degree. Consequently, no harm would also be caused to the setting of the Church or to any other local listed buildings such as Woodlea, Corner Cottage, the Old Rectory or the War Memorial to the south of the site whose setting encompasses the centre of the village. Important views emanating from the Green would be enhanced and any effects on views of the Church spire from the public right of way to the site would be transitory and negligible.
19. I therefore conclude that the proposal would preserve the special architectural and historical interest of the Grade II listed Lyndhurst and would enhance the character and appearance of the Swerford Conservation Area. The proposals would comply with policies OS2, OS4, EH9, EH10, EH11, and EH12 of the West Oxfordshire Local Plan 2031 (September 2018), which when read together, state that development in rural areas will be limited to that which respects the intrinsic character of the area and demonstrates high quality design which gives great weight to conserving or enhancing areas and buildings of historic and architectural significance, including listed buildings and conservation areas. The location, form, scale, massing and height of proposals should not cause harm to Conservation Areas and retain the special interest that justifies designation of Listed Buildings and extensions should not obscure the form or character of the original building.
20. Further, by not causing harm to the heritage assets by remaining clearly secondary and subservient to the original property and not obscuring the form of the original building, the proposals would also comply with the Framework,

the Design Guide, the SCAPPE, and Historic England advice on the significance and setting of heritage assets.

Conditions and Conclusion – Appeals A and B

21. Conditions are imposed on both consents for time and plans to provide certainty. The proposed plans altered through the life of the planning application – plans referred to in the conditions are the final version, revision C. Conditions are also imposed on both consents to ensure that details of materials and rooflights are submitted and approved by the Council, and that window and door frames are recessed, with all works and works or making good carried out in materials to match existing except where shown on approved plans. Window materials are detailed within the application form. All such conditions are required to ensure the special interest of the listed building is maintained. For the same reason a separate condition is imposed on Appeal B to ensure no internal alterations are carried out other than where shown on plans. This condition has been amended slightly from the wording suggested by the Council in the interests of clarity.
22. To summarise I consider that the proposals would preserve the special architectural and historical interest of the Grade II listed building and would not harm the character and appearance of the SCA. Therefore, for the reasons given above I conclude that the appeals should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF SIX CONDITIONS FOR APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1857-2020-LP-BP, 1857-2020-04 revision C.
- 3) No work on the development hereby approved shall take place until details of the materials to be used in the external walls and roof slopes of the extensions hereby permitted have been submitted to and approved in writing by the LPA. Thereafter the works shall be carried out in accord with the approved details.
- 4) Notwithstanding details contained in the application, detailed specifications and drawings of all rooflights 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.

- 5) The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the LPA.
- 6) All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

SCHEDULE OF SEVEN CONDITIONS FOR APPEAL B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 1857-2020-LP-BP, 1857-2020-04 revision C.
- 3) No works shall take place until details of the materials to be used in the external walls and roof slopes of the extensions hereby permitted have been submitted to and approved in writing by the LPA. Thereafter the works shall be carried out in accord with the approved details.
- 4) Notwithstanding details contained in the application, detailed specifications and drawings of all rooflights 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 works shall be carried out in accordance with the approved details.
- 5) The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the LPA.
- 6) All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
- 7) No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.



Appeal Decisions

Site visit made on 26 October 2021

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2021

Appeal A: APP/D3125/W/21/3269520

Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Davies against the decision of West Oxfordshire District Council.
 - The application Ref 20/02156/HHD, dated 18 August 2020, was refused by notice dated 11 December 2020.
 - The development proposed is an extension, garden/log store and associated external & internal alterations.
-

Appeal B: APP/D3125/Y/21/3269675

Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr N Davies against the decision of West Oxfordshire District Council.
 - The application Ref 20/02157/LBC, dated 18 August 2020, was refused by notice dated 11 December 2020.
 - The works proposed are an extension, garden/log store and associated external & internal alterations.
-

Decisions

1. Appeal A is allowed and planning permission is granted for an extension, garden/log store and associated external & internal alterations at Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX in accordance with the terms of the application, Ref 20/02156/HHD, dated 18 August 2020 subject to the conditions set out at the end of my decision.
2. Appeal B is allowed and listed building consent is granted for an extension, garden/log store and associated external & internal alterations at Lyndhurst, Church End, Swerford, Chipping Norton OX7 4AX in accordance with the terms of the application Ref 20/02157/LBC dated 18 August 2020 subject to the conditions set out at the end of my decision.

Main Issue

3. The main issue in both appeals is whether the proposal would preserve the special architectural and historical interest of the Grade II listed Lyndhurst and the effect of the proposed development on the character and appearance of the Swerford Conservation Area.

Reasons

4. Lyndhurst is set at the western end of Swerford, a small linear settlement which has two main cores; Church End where Lyndhurst is sited is based around the Grade II* listed Church of St Mary, and East End which is based around several large farmsteads. The two elements of the village are separated by agricultural land.
5. The Church of St Mary is set on a rise and dominates the small hamlet of Church End, overlooking a triangular road junction and small village green. Various listed buildings are located on the south side of the primary road through the village, and Lyndhurst is set to the west, the northerly end terrace of three properties which also includes Woodlea and Corner Cottage. All three houses are Grade II listed. The Scheduled Monument of Swerford Castle is located to the northern side of the Church. The Grade II* listed Old Rectory is set back to the south behind a pair of listed gate posts and the Grade II listed War Memorial is set on the south side of the green.
6. Lyndhurst dates from the 18th century. The property is constructed in marlstone and limestone rubble with wooden lintels and has a slate roof. The listing notes that the property originally would have had a single unit plan but has been extended to two units with a central 4 panel door on its easterly façade. A later extension to the north houses a double garage whose large door faces to the north. The listing notes that the property is included for group value. Woodlea and Corner Cottage share a listing. These properties are also constructed in marlstone and limestone with wooden lintels and slate roofs. Corner Cottage has a distinctive return with dormer windows following the route of a lane to the south.
7. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. Section 72(1) of the same Act states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. Paragraph 199 of the National Planning Policy Framework (the Framework) says 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. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting (paragraph 200).
9. Section 14.2 of the West Oxfordshire Design Guide 2016 (the Design Guide) notes that no property can accommodate endless enlargement without fundamentally compromising aspects of its original character and design and that extensions should remain clearly secondary and subservient to the original property. Section 14.6 of the same guide states that any proposed extensions likely to obscure the original form of a Listed Building or which fails to respond sympathetically or meaningfully to the Listed Building is unlikely to be supported. The Swerford Conservation Area Proposals for Preservation & Enhancement (SCAPPE) document states that accumulation of extensions can easily obscure the simple form of traditional buildings and should be avoided, and that important groups of buildings often have a special value and character which can be harmed by new development.

10. The special interest and significance of Lyndhurst arises primarily from the historical interest of the façade and core older parts of the property, the evolution of the property from the front and its group value with Woodlea and Corner Cottage. The setting of the property opposite the Church and village green also contributes to its special interest. Value is increased by the harmony between the three listed properties which constitute a coherent whole facing the centre of Church End.
11. The property and its neighbouring cottages contribute to the character and appearance of the Swerford Conservation Area (SCA), with the use of Marlstone dominating the built environment of the settlement providing visual and aesthetic harmony to the village. The area of semi-parkland separating the two parts of the settlement – Church End with its focus on the church, and East End with its more workman like air based on large farmsteads and attractive large farmhouses - also contributes to the character and appearance of the SCA.
12. A shaded plan contained with the appellants evidence (and also referred to by the Council in their statement of case) provides details of the age of the respective parts of the cottage. The left-hand side of the property (when viewed from the road) is identified as the oldest part of the house, with the two-unit plan dating from the early 18th century. To the right of this is an extension dating from the later parts of the 18th century (with some 19th century modifications) with late 20th century extensions to side (garage) and rear (kitchen and living room extension). The proposal seeks to convert the garage and build on top of this structure, extending to the rear to make a northern wing, filling in the area to the south with a single storey extension. Internally alterations would be made to the late 20th century extensions of the property, with the exception of a new opening upstairs to the northern wing through the late 18th century wall of what is currently a toilet. A separate garden/log store is also proposed, to which the Council have no objections. I share this view.
13. From the front of the property the proposal would appear subservient to the oldest parts of the cottage, with the roof ridge set down below and the front building line continuing to be set back. Fenestration at both floors would provide relief into the two-storey façade that the current side garage wall is lacking. While the size of the windows proposed may be smaller than that in the older parts of the cottage, this would emphasise their subservience.
14. In views from the north from St Mary's Lane the side elevation of the extended property would be fairly extensive; particularly the length of the northern wing. However, the height of the roof ridge at a lower level than the main building (and that subsequently of Woodlea behind) would ensure subservience. The fenestration and detailing on this elevation would be a significant visual improvement on the existing large plastic double garage door and I do not consider that the roof junctions would appear awkward or confusing or that the proposed side door would appear as if another cottage had been created. Furthermore, the design of the wing, in providing a return to the north of the cottage would to a certain degree mirror the form of the return of Corner Cottage at the southern end of the group of listed cottages.
15. From the rear the gabled design would fit in with the overall cottage design and the single storey lean to extension would maintain subservience. The extent of

the original historic cottage, such that can be seen at present, would still be clear from views from the rear, whether from the rear garden, or the footpath which runs along the back of the property's garden, with the various extensions appearing as later additions in a subservient manner, maintaining the primacy of the historical form of the heritage asset.

16. My attention is drawn to the size of the proposed extensions, both individually and cumulatively with previous extensions and their effect on the scale of the original cottage in footprint terms. However, while I can appreciate such concerns of the Council, the extensions proposed are primarily sited to the rear and side and build upon previous extensions allowed during the late 20th century. In some respects, as detailed above, these improve the design of such later extensions and the overall scale of them can be accommodated in my view by the original and slightly later additions to the cottage without overwhelming the historic integrity of the footprint or the form of the cottage, which would still clearly be able to read when inside and outside the property.
17. I note that upstairs the proposal would require the removal of some historic fabric, in creating an access through from the landing area to the new upper floor level. This would inevitably cause some harm to the listed building, as this would be in an area of later 18th century extensions. However, such extent of removal would be reduced by the fact that there is already a window in this location. I consider that this harm would be outweighed by the positive aspects of the proposal, through the removal of the garage door and the fenestration in the front of the property, such that as a result in total the proposal would not cause harm to the heritage asset.
18. For the same reasons, the proposal would not cause harm to the Swerford Conservation Area, and in improving the façade and northern elevation of the property would enhance the character of the SCA, if only to a limited degree. Consequently, no harm would also be caused to the setting of the Church or to any other local listed buildings such as Woodlea, Corner Cottage, the Old Rectory or the War Memorial to the south of the site whose setting encompasses the centre of the village. Important views emanating from the Green would be enhanced and any effects on views of the Church spire from the public right of way to the site would be transitory and negligible.
19. I therefore conclude that the proposal would preserve the special architectural and historical interest of the Grade II listed Lyndhurst and would enhance the character and appearance of the Swerford Conservation Area. The proposals would comply with policies OS2, OS4, EH9, EH10, EH11, and EH12 of the West Oxfordshire Local Plan 2031 (September 2018), which when read together, state that development in rural areas will be limited to that which respects the intrinsic character of the area and demonstrates high quality design which gives great weight to conserving or enhancing areas and buildings of historic and architectural significance, including listed buildings and conservation areas. The location, form, scale, massing and height of proposals should not cause harm to Conservation Areas and retain the special interest that justifies designation of Listed Buildings and extensions should not obscure the form or character of the original building.
20. Further, by not causing harm to the heritage assets by remaining clearly secondary and subservient to the original property and not obscuring the form of the original building, the proposals would also comply with the Framework,

the Design Guide, the SCAPPE, and Historic England advice on the significance and setting of heritage assets.

Conditions and Conclusion – Appeals A and B

21. Conditions are imposed on both consents for time and plans to provide certainty. The proposed plans altered through the life of the planning application – plans referred to in the conditions are the final version, revision C. Conditions are also imposed on both consents to ensure that details of materials and rooflights are submitted and approved by the Council, and that window and door frames are recessed, with all works and works or making good carried out in materials to match existing except where shown on approved plans. Window materials are detailed within the application form. All such conditions are required to ensure the special interest of the listed building is maintained. For the same reason a separate condition is imposed on Appeal B to ensure no internal alterations are carried out other than where shown on plans. This condition has been amended slightly from the wording suggested by the Council in the interests of clarity.
22. To summarise I consider that the proposals would preserve the special architectural and historical interest of the Grade II listed building and would not harm the character and appearance of the SCA. Therefore, for the reasons given above I conclude that the appeals should be allowed.

Jon Hockley

INSPECTOR

SCHEDULE OF SIX CONDITIONS FOR APPEAL A

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1857-2020-LP-BP, 1857-2020-04 revision C.
- 3) No work on the development hereby approved shall take place until details of the materials to be used in the external walls and roof slopes of the extensions hereby permitted have been submitted to and approved in writing by the LPA. Thereafter the works shall be carried out in accord with the approved details.
- 4) Notwithstanding details contained in the application, detailed specifications and drawings of all rooflights 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.

- 5) The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the LPA.
- 6) All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.

SCHEDULE OF SEVEN CONDITIONS FOR APPEAL B

- 1) The works authorised by this consent shall begin not later than 3 years from the date of this consent.
- 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 1857-2020-LP-BP, 1857-2020-04 revision C.
- 3) No works shall take place until details of the materials to be used in the external walls and roof slopes of the extensions hereby permitted have been submitted to and approved in writing by the LPA. Thereafter the works shall be carried out in accord with the approved details.
- 4) Notwithstanding details contained in the application, detailed specifications and drawings of all rooflights 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 works shall be carried out in accordance with the approved details.
- 5) The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the LPA.
- 6) All new works and works of making good shall be carried out in materials, and detailed, to match the adjoining original fabric except where shown otherwise on the approved drawings.
- 7) No demolitions, stripping out, removal of structural elements, replacement of original joinery or fittings and finishes shall be carried out except where shown and noted on the approved drawings.



Appeal Decision

Site visit made on 25 January 2022

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/D3125/W/21/3281624

Access Track, Land to north of Beaconsfield Farm, Great Tew, Oxfordshire OX7 4JR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Clarry against the decision of West Oxfordshire District Council.
 - The application Ref 20/03020/FUL, dated 3 November 2020, was refused by notice dated 25 February 2021.
 - The development proposed is to regularise the use of the access track and amend the construction and landscaping details.
-

Decision

1. The appeal is dismissed.

Background

2. There is a complex planning history concerning the appeal site following the construction of an access track between Beaconsfield Farm and Ledwell Road. Planning permission¹ was subsequently obtained for an agricultural access track subject to conditions. However, more recently and notably since the Council made its decision on the appeal proposal, another permission² has been granted to vary the conditions on the original permission.
3. The most recent permission effectively allows for the retention of the existing hardcore surface dressing, post and rail fencing and hedgerow on the southern section of the track. It also includes a condition to implement the submitted landscaping scheme³ which requires the resurfacing of the northern section of the track with a drought resistant seeded soil mix to a depth of 50mm. There would be no hedgerow or post and rail fencing along the eastern side of the northern section. At my site visit I observed that some soil had been added to the surface of the northern section, and that although the eastern hedgerow remained, the post and rail fencing along this section had been removed.
4. The appeal proposal is a separate full planning application relating to the access track, whereby the appellant seeks to regularise it and clarify that it would serve all traffic to Beaconsfield Farm. It proposes to strip back the existing hardcore surface and provide two concrete 'tramlines' with a central grass strip which would extend to a width of approximately 3.6m. In addition,

¹ Planning reference 18/02236/FUL

² Planning reference 21/03357/S73 dated 15 November 2021

³ Plan 1649 L 6 D

an automated security gate and turning head are positioned approximately halfway along its length. Landscaping details are also included to show groups of trees on both sides of the track, and the retention of the hedgerow to the east of the track. It also shows the timber post and rail fence to the east of the northern portion of the trackway as removed.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the proposed use of the access by non-agricultural vehicles, having particular regard to the impact on the significance of designated heritage assets.

Reasons

6. The appeal site concerns a linear route of over a kilometre in length in a broadly north/south alignment. The northern section is fairly close to field boundaries, whereas the southern section bisects two fields. The presence of limited built form, proximity of agricultural land, parkland, woodland and hedgerows results in a strong countryside character to the area. My observations are consistent with the inclusion of the area within the semi-enclosed limestone wolds sub-area of the Ironstone Valleys and Ridges character area in the West Oxfordshire Landscape Assessment produced in 1998 (WOLA). The WOLA describes the character areas' complex landform and patchwork landscape pattern stating it to possess a very attractive and unspoilt rural character with few detracting influences⁴. This was consistent with my general observations.
7. There is also a concentration of designated heritage assets near to the appeal site. There are a group of six Grade II listed buildings⁵ at Beaconsfield Farm just to the south of the appeal site. These mostly stone built structures dating from the 18th and 19th centuries include the farmhouse and associated historic agricultural buildings broadly arranged around a yard. Their significance is derived from a combination of factors including their historic and evidential value and surviving historic fabric. Added importance is derived from their group value which allows an appreciation of the past agricultural use. The appeal site is situated on agricultural land connected with the farm and therefore, contributes towards the rural setting and historic function of the listed buildings. I am mindful of my statutory duty to have special regard to the desirability of preserving listed buildings or their setting⁶.
8. In addition, part of the Great Tew, Grade II Registered Park and Garden lies to the north of the site on the opposite side of Ledwell Road. According to the official list entry, the landscape park originated in the 17th century, was attached to an early 18th century country house and has informal pleasure grounds and a series of 17th century walled gardens. It possesses significance due to its considerable evidential, historic and aesthetic value.
9. The wider setting of the parkland is rural and predominantly agricultural, the presence of which generally enhances its significance. The appeal site forms

⁴ Page 25

⁵ Beaconsfield Farmhouse; Beaconsfield Farmhouse Garden Wall to south; Beaconsfield Farmhouse Barn Range approximately 50m to south west; Beaconsfield Farmhouse Granary Range approximately 40m to west; Beaconsfield Farmhouse Stable Range approximately 20m to west and Beaconsfield Farmhouse Sheltershed and Cottage Range approximately 50m to south west.

⁶ Section 66, Planning (Listed Buildings and Conservation Areas) Act 1990

part of that context. The contrast between the formalised parkland landscape with mature tree specimens enclosed by stone boundary walling and the open agricultural fields to the south can be readily appreciated from Ledwell Road. I observed a gated entrance into the park from Ledwell Road directly opposite the appeal site, although the historic maps suggest that this is a relatively recent development.

10. Finally, Beaconsfield Farm is on the site of a Roman villa, which is recognised as a Scheduled Monument of national importance. The archaeological information provided indicates that the land to the north of the monument, which includes the appeal site, contains cropmarks potentially reflecting a prehistoric or Roman field system. As such, it is likely to contain archaeological information regarding the rural context of the Roman villa and therefore, contributes towards its archaeological significance. Hence, the appeal site forms part of the setting of the monument.
11. I have already outlined the nature of the proposals as part of the explanatory background and there is no dispute between the parties that consent for an agricultural access track exists at the appeal site. The proposal would be of a similar length and alignment to the approved scheme. Therefore, it is appropriate to focus on the areas of difference between the proposed and approved schemes, and what impact they would have on the character and appearance of the area and settings of the designated heritage assets outlined.
12. Relative to the most recently approved scheme, there are three aspects of the appeal proposal that would have an adverse effect on the settings of designated heritage assets. As a consequence, the proposal before me would be less sympathetic to their significance. Firstly, even allowing for weathering, the use of concrete tramlines would result in a greater impression of formality and permanence than both the low-key appearance of a planted hardcore surface along the northern section of the track and the retained unmade hardcore surface along the southern section.
13. Secondly, the introduction of a security gate and turning area along the length of the track would further markedly add to development in such a rural setting. Finally, the hedgerow along the eastern side of the northern section would definitively separate the access track from the adjacent field thereby encroaching more obviously into the historic field pattern⁷. Together these features would give the access track an appearance and status commensurate with a primary access to Beaconsfield Farm. The resulting visual impression would signal a broadly equivalent status to the existing historic access from Tracey Lane⁸.
14. I accept that, notwithstanding the description of development in the consented scheme referring to an agricultural access track, there is no restriction imposed on the nature or number of vehicles traversing the approved route to Beaconsfield Farm. However, the approved irregular surfacing, with the northern section planted, once weathered over time, would be likely to deter smaller or domestic vehicles from using it, especially given the existing access via Tracey Lane. Hence, the proposed concrete surfacing would be likely to facilitate more frequent usage. My view

⁷ Historic maps, Appendix 1b, Council's Appeal Statement

⁸ Evident in OS extract maps Figs. 8-17, Archaeological Desk-based Assessment prepared by Oxford Archaeology, dated May 2018

- on this is reinforced by the reference to the use of concrete being more practical than the approved grassed-over hardcore to allow for cars as well as heavy farm vehicles⁹.
15. These combined factors would result in a more obtrusive physical feature, that would encourage more frequent usage than the approved scheme. This would harmfully detract from the informal rural qualities of the local area and negatively impact on the agrarian surroundings in which the group of listed buildings and registered park are experienced.
 16. Planning Practice Guidance advises that the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting¹⁰. Nevertheless, in this case there is a public right of way to the south of the appeal site from which views of the listed group as well as part of the access track would be apparent. Moreover, given the proximity of the northern section to Great Tew Park, the harmful impact on its setting would be clearly apparent from Ledwell Road and obvious to those using the access into the park directly opposite. This would exacerbate the degree of harm arising. For similar reasons the harm identified would increase the detracting influences on the attractive and unspoilt rural character described in the WOLA.
 17. However, I accept that the proposal would incorporate a construction methodology designed to prevent any further damage to archaeology. Moreover, there is little intervisibility between the appeal site and the Scheduled Monument, particularly as there are no upstanding remains associated with it. Therefore, the relationship between this designated heritage asset and its context is best appreciated with the aid of interpretive media. The proposals would not materially alter this situation. On that basis, the proposals would not harm the archaeological significance of the Scheduled Monument. This is reinforced by the comments of the County Archaeologist¹¹, which given her expertise attracts considerable weight.
 18. Nevertheless, this would not negate the harm I have found to the settings of the listed buildings at Beaconsfield Farm and Great Tew Park and Garden. I am not persuaded that the use of conditions could fully surmount my concerns. However, given the relatively modest differences relative to the consented scheme, the resultant harm in this case would be less than substantial in nature.
 19. Paragraph 202 of the National Planning Policy Framework advises that in such circumstances the harm should be weighed against the public benefits of the proposal. The development would be likely to encourage most vehicular traffic to Beaconsfield Farm to access it from Ledwell Road, thereby avoiding the use of Tracey Lane. In turn, this may reduce conflict with other traffic using Tracey Lane which is generally single carriageway. However, the consented scheme already provides a suitable route for larger slow moving agricultural vehicles, which pose most risk of conflict with other traffic on Tracey Lane and in any event, it is not shown that there is presently a highway safety problem with the use of Tracey Lane. Furthermore, the appellant suggests that the additional use of the track by vehicles unconnected to the running of the agricultural business

⁹ Landscape Statement prepared by Portus and Whitton, dated August 2020

¹⁰ Paragraph:013 Reference ID:18a-013-20190723

¹¹ Dated 10.12.20, Appendix 4, Appellant's Appeal Statement of Case

would be quite limited¹². Consequently, the advantages to the travelling public from likely changes to highway use as a result of the proposals would be limited, and therefore, attract a commensurate amount of weight.

20. The proposals include measures for tree planting and the retention of a hedgerow that would positively contribute to biodiversity. Given the modest scale of the proposal, this attracts limited weight as a public benefit.
21. Although less than substantial, mindful of the statutory duty and national policy¹³, the harm to the significance of designated heritage assets attracts great weight. This weighting is reiterated in policy EH9 of the West Oxfordshire Local Plan 2031, September 2018 (LP) which seeks to safeguard the district's historic environment. Therefore, the limited public benefits identified would not clearly and convincingly outweigh the harm to the settings of the group of listed buildings and registered park.
22. As already alluded to, based on the evidence presented, there is no mechanism contained in the existing approvals whereby domestic traffic connected with Beaconsfield Farmhouse could be prevented from using the access track if they chose to do so. Nevertheless, this would not amount to sufficient justification for the harmful physical measures proposed.
23. Accordingly, I find that the proposal would cause additional unjustified harm to the settings of a group of six listed buildings and registered park and garden over and above the access track already approved. Furthermore, it would result in harm to the rural character and appearance of the area. Therefore, the proposal would conflict with policies OS2, EH2 and EH9 of the LP. Amongst other matters, policy OS2 sets out general principles relevant to all development which includes seeking to conserve and enhance the natural, historic and built environment and as far as is reasonably possible protecting or enhancing the local landscape. Policy EH2 generally seeks to conserve and enhance the landscape character of the district. Finally, policy EH9 stipulates that proposals which would harm the significance of a designated heritage asset will not be approved, unless there is a clear and convincing justification in the form of substantive tangible public benefits that clearly and convincingly outweigh the harm.

Conclusion

24. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise¹⁴. Based on the information before me, there are no other considerations that would justify determining the proposal other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

Inspector

¹² Paragraph 7.4, Appellant's Appeal Statement of Case

¹³ Paragraph 199 National Planning Policy Framework

¹⁴ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

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Appeal Decision

Site visit made on 25 January 2022

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 January 2022

Appeal Ref: APP/D3125/W/21/3283756

Lansdowne, Bruern Road, Milton-Under-Wychwood, Oxfordshire OX7 6LL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J Fox against the decision of West Oxfordshire District Council.
 - The application Ref 21/01229/FUL, dated 31 March 2021, was refused by notice dated 26 August 2021.
 - The development proposed is the demolition of the existing bungalow and erection of two detached dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing bungalow and erection of two detached dwellings at Lansdowne, Bruern Road, Milton-Under-Wychwood, Oxfordshire OX7 6LL in accordance with the terms of the application, Ref 21/01229/FUL, dated 31 March 2021, subject to the conditions in the attached schedule.

Procedural Matters

2. In my heading above I have used the description of development on the decision notice as it is more succinct and accurate than that given on the application form.
3. The appellant has confirmed that the proposed floor plans as submitted should be read as the mirror image to be consistent with the proposed site layout and elevations. A corrected version of drawing no. 1918/200 has been provided for clarification. It appears that the Council have interpreted the plans in that way¹ and I am satisfied that no party would be seriously prejudiced by my determining the proposal on this basis.

Main Issues

4. The main issues are:
 - Whether the proposal would provide a suitable location for residential development having regard to local planning policies, and;
 - The effect on the character and appearance of the area including the Cotswolds Area of Outstanding Natural Beauty (AONB).

¹ Section 2, Council's Appeal Statement

Reasons

Location

5. The appeal site accommodates a detached bungalow and grounds on the northern periphery of Milton-Under-Wychwood, which is a settlement recognised as a 'village' in the West Oxfordshire Local Plan 2031, September 2018 (LP)². Policy OS2 of the LP is headed 'Locating development in the right places.' It states that such villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities. It goes on to outline general principles that are applicable to all development. By contrast, it also contains a more restrictive approach to development in the small villages, hamlets and open countryside.
6. Policy H2 of the LP reinforces this by outlining four circumstances where new dwellings will be permitted at villages, subject to the general principles in policy OS2. This covers both previously developed and undeveloped land within or adjoining the built-up area of a village. The policy also sets out specific exceptions to the general resistance to new dwellings in the open countryside.
7. The parties disagree as to which parts of policies OS2 and H2 are applicable to the proposal before me. Essentially, this is because they dispute whether the appeal site falls within the built-up area of Milton-Under-Wychwood or not. The Council assert that for the purposes of the LP, the site ought to be considered as open countryside.
8. The LP does not contain a defined settlement boundary for the village. It follows that whether an individual site is within the built-up area of a settlement is ultimately a matter of judgement. My assessment on this point primarily turns on the position on the ground and the pattern of the settlement.
9. The West Oxfordshire Design Guide, Supplementary Planning Document, 2016³ (SPD) categorises the village as having both a nucleated and dispersed settlement pattern. The description given refers to the original dispersed form of the village having been consolidated over time. I observed that the main body of the village certainly lies to the south of the appeal site which is consistent with the descriptions given in some of the representations received. Nevertheless, there is a notable northern linear projection of built form along Church Road, which logically extends to contain the short section of ribbon development along the eastern side of Bruern Road within which the appeal site sits.
10. The appeal site is flanked either side by residential development. Both Lansdowne and the adjacent Threeways are detached bungalows built in the latter half of the twentieth century. Their form and generous plot size resonate with the pattern of development further to the south along Church Road. Therefore, although separated by Lyneham Road and close to open countryside, they nevertheless read as a continuation of residential development in the village rather than as an obviously separate grouping.
11. Hence, when approaching the village from the north, it is the converted Heath Barn that signals the edge of the village on the eastern side of Bruern Road.

² Table 4b

³ Section 5, page 8

Although not determinative, the position of the village entrance signs nearby reinforces my impression. Combining these factors, I find that the appeal site comprises part of a northern spur on the edge of the village, which forms part of the built-up area of the settlement.

12. It is brought to my attention that historically there was no development north of Lyneham Road other than small agricultural holdings. Be that as it may, my assessment is based on the present situation. To my mind the small section of residential development that now exists north of Lyneham Road is an example of how the settlement pattern has been consolidated over time as described in the SPD. Furthermore, the short section along the eastern side of Bruern Road that contains the appeal site is distinct from other development found further to the north⁴ due to a combination of its proximity to the remainder of the village and an absence of intervening agricultural land along the eastern side. Consequently, they read as a continuation of development.
13. I am aware that my finding on this point differs from the views of some local residents who object to the proposal. Perhaps it is unsurprising that there is not universal agreement on whether the appeal site is within the built-up area of the settlement given the multiple elements that comprise the unique characteristics of any given place. Nevertheless, I must exercise my own judgement having carefully weighed the evidence including my observations. My finding on this point is specific to the appeal site and therefore, the references made in the representations to various other sites in or near the village have only limited relevance to my assessment. However, it follows on that basis that such a finding would be unlikely to establish a general precedent for additional future development in other locations. In any event, development proposals are primarily considered on their individual planning merits, which is the approach I have taken in this case.
14. The removal of the existing bungalow and its replacement with two dwellings would make more efficient use of land already in residential use, and a net gain of one dwelling would be accurately described as limited development. Hence, in principle, the proposal would be permitted by policies OS2 and H2 of the LP. As it relates to a built-up area of the village, there is no further policy requirement to demonstrate a particular housing need, nor is there any specific restriction to prevent the loss of existing bungalow accommodation.
15. Whether the proposal meets the general principles in policy OS2 relating to character and appearance is a matter I shall consider as part of the next main issue. However, in relation to this main issue I find that the proposal would provide a suitable location for residential development having regard to local planning policies as it would comply with the locational strategy for new dwellings contained in policies OS2 and H2 of the LP.

Character and appearance

16. In aesthetic terms Lansdowne is an unobjectionable building but it makes few concessions that are locally distinctive. However, its low profile, established gardens and proximity of open land to the east and west result in a spacious and verdant character.

⁴ Highlighted in map on Page 38, Council's Appeal Statement

17. The proposal would remove the existing dwelling and subdivide the plot to provide two detached two storey dwellings. This would increase the height and volume of built form across the site. Nevertheless, the proposals would retain the spacious and verdant qualities of the site due to the following factors.
18. Firstly, there is sufficient space within the site to comfortably accommodate the more compact footprint of two storey houses whilst allowing for reasonable spacing between them, as well as to the side boundaries. As such, when seen from the road the development would still allow for some glimpses of greenery between the buildings. This is illustrated in the street scene elevation provided⁵.
19. Secondly, the dwellings would be well set back from the road, in a broadly similar alignment to the existing bungalow. This would retain a sense of spaciousness to the frontage. Moreover, as the dwellings would share the existing access, the existing front boundary hedgerow and frontage trees would be retained. As such, there would be limited change to the most prominent part of the site adjacent to the road.
20. Thirdly, the effects of the increase in height would be successfully moderated by utilising the roof space to provide accommodation, thereby maintaining a relatively low eaves level and keeping the overall ridge heights comparable to Heath Barn. The massing of the built form would be reduced by the use of dormers and lower height sections. Finally, the design would reflect a more sympathetic locally distinctive approach drawn from the vernacular form, detailing and materials.
21. Therefore, overall, the design would retain important characteristics whilst providing a modest aesthetic improvement. For the reasons outlined it would form a logical complement to the existing scale and pattern of development and the character of the area, as required by the general principles in policy OS2 of the LP. In this respect the proposal would adhere to the requirements of paragraph 130 of the National Planning Policy Framework (the Framework) that developments should add to the overall quality of the area and are sympathetic to local character, including the surrounding built environment and landscape setting, while not preventing appropriate change (such as increased densities).
22. The Council assert that the development would have a significant harmful impact on the natural, scenic beauty and character of the AONB. I am mindful that paragraph 176 of the Framework, the general principles contained in policy OS2 and policy EH1 of the LP all stipulate that great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. The special qualities of the AONB include its rich, diverse high quality landscape primarily derived from the Cotswold hills and underlying limestone geology. Amongst other things this has resulted in attractive rolling agricultural grassland, valleys and woodland and the distinctive form and materials evident in many buildings.
23. The limited scale of the proposal would be contained within an existing residential plot in the village and so would have little impact on the scenic qualities of the wider landscape. It is not shown that the proposal would interfere with or notably feature in long views identified as important. Any localised impact would generally be a positive one as the proposals employ a

⁵ Drawing number 201

more sympathetic form closer to the distinctive appearance of built form of the locality than the present bungalow. Combined with the careful use of local materials it would connect the development with local identity more firmly. Therefore, overall, the proposal would conserve the special qualities of the AONB.

24. Accordingly, I find that the proposal would have a small positive effect on the character and appearance of the area and would not result in harm to the AONB. Therefore, I find no conflict with policies OS2, H2, EH1 or EH2 of the LP, which, amongst other matters, seek development that respects the existing pattern of development and conserves and enhances the character and distinctiveness of West Oxfordshire's natural environment, including the special scenic qualities of the AONB.

Other matters

25. In coming to my views, I have taken account of the representations received both for and against the proposal. Many of the matters raised have been covered when dealing with the main issues. However, there are some additional areas of concern raised that are not disputed by the main parties, most of which were addressed in the Council's committee report⁶ concluding that there would be no material harm in these regards. Little substantiated evidence has been submitted that leads me to any different view.
26. Nevertheless, relative to the existing situation an additional dwelling would only be likely to marginally increase the amount of traffic in the area. Furthermore, it would use the existing access arrangement and I am mindful that, subject to conditions, no objection was raised by the Highway Authority with regards to the safety of the access, nor the likely effects of traffic from the development on the wider road network. Given their expertise and local knowledge, this attracts considerable weight and I have little basis to find otherwise.
27. Given the separation distances, orientation and position of windows, I am satisfied that subject to securing obscure glazing in the first floor side elevation bathroom and en-suite windows, the privacy of adjacent residential occupiers would not be unreasonably compromised. Other concerns regarding drainage and impact on ecology can be adequately addressed by the imposition of conditions.
28. I note that the parish council would prefer a scheme for a single dwelling but as I have not found harm would arise from the proposal before me, it would be too prescriptive to insist upon a single dwelling and disproportionate to seek to prevent the development based on a generalised wider concern regarding future possible development at other sites.

Conditions

29. The Council suggested 17 conditions which I have considered against the Framework and Planning Practice Guidance. It is the Government's intention that planning conditions should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification. Therefore, in some cases, I have amalgamated conditions and/or simplified the wording to contain less detail to align with national guidance.

⁶ Appendix 2, Appellant's Statement of Case

30. A condition relating to the commencement of development is necessary, as is reference to the approved plans in the interests of certainty. To ensure the design quality of the proposal I acknowledge it is necessary to agree the materials to be used and the detailing of fenestration reveals. For similar reasons, conditions are imposed to agree and implement a landscaping scheme, including boundary treatments.
31. To protect and enhance biodiversity, particularly in relation to bats which are a protected species, conditions are imposed to fulfil the recommendations of the ecological reports submitted. A specific condition is imposed to require the submission and agreement of an ecologically sensitive lighting scheme.
32. In the interests of highway safety, there is a need to secure the proposed vehicular access, parking and turning prior to the first occupation of the development and their retention thereafter. Furthermore, to ensure that the site is appropriately drained, a surface water drainage scheme should be agreed and implemented. In order to be effective, I am satisfied that it is justified that such details should be agreed in advance of construction commencing.
33. Securing obscure glazing in the side windows of first floor bathrooms and en-suites would prevent unreasonable overlooking to neighbouring residential occupiers. Finally, to accord with the prudent use of natural resources outlined in policy OS3 of the LP, a condition is imposed to secure water efficiency measures.
34. The Council also suggested a condition in relation to land contamination. However, given that the site is currently in residential occupation, there is little basis to suppose that the risk of hazardous contamination would be anything other than low. I am also mindful that paragraph 184 of the Framework confirms that where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner. In these circumstances, I am not persuaded that such a condition would be necessary to make the proposal acceptable in planning terms. Therefore, I have not imposed it.

Conclusion

35. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. For the reasons given above, I conclude that the proposal accords with the development plan, and there are no material considerations that would lead me to find otherwise. Therefore, the appeal should be allowed.

Helen O'Connor

Inspector

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Topo Survey & Site Location, drawing no. 100; Proposed Site Layout Plan, drawing no. 202; Proposed Floor Plans, drawing no. 200 (as corrected) and Proposed Elevations; drawing no. 201.
- 3) Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved materials.
- 4) The window and door frames shall be recessed a minimum distance of 75mm from the face of the building unless otherwise agreed in writing by the local planning authority.
- 5) No dwelling shall be occupied until the access and gravelled driveway providing parking and turning area space has been laid out within the site in accordance with drawing no. 202 (Proposed Site Layout Plan) and that space shall thereafter be kept available at all times for those purposes.
- 6) Development shall not commence until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 7) Prior to the first occupation of either dwelling there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all retained trees and hedgerows on the land and shall specify the boundary treatments proposed.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of either dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 9) The development shall be completed in accordance with the following documents:
 - a) The recommendations, bat method statement, proposed mitigations and enhancements in Section 7 of the Preliminary Bat Survey and Walkover Survey, dated 2nd December 2020 prepared by 4 Acre Ecology Limited;
 - b) The recommendations, bat method statement, proposed mitigation/compensation and enhancements in Section 7 of the Bat Emergence Surveys, dated 22nd July 2021 prepared by 4 Acre Ecology Limited;
 - c) Drawing no. 300 (dated July 2021) – Bat mitigation measures; and

- d) All measures outlined within the Forest Of Dean District Council's Precautionary Working Method Statement guidance note dated 16th May 2012 available at:
<https://www.fdean.gov.uk/media/wjth1ruj/precautionary-method-of-working-for-reptiles.pdf> .

All the recommendations shall be implemented according to the specified timescales, as modified by a relevant European Protected Species Licence, unless otherwise agreed in writing by the local planning authority, and thereafter permanently retained.

- 10) Before the erection of any external walls, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. All external lighting shall be installed in accordance with the specifications and locations agreed and shall thereafter be maintained as such. No other external lighting shall be installed.
- 11) Before the erection of any external walls, details of the provision of integrated nesting opportunities for birds within the walls of the new buildings, as well as the provision of holes/gaps through new fences/walls, 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 as agreed and thereafter permanently retained.
- 12) Before first occupation of the dwelling concerned, the first floor windows in the side elevations serving the en-suite and bathroom shall have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. The obscured glazing shall be retained thereafter.
- 13) No dwelling hereby approved shall be occupied until measures to ensure a maximum water consumption of 110 litres use per person per day for that dwelling has been provided. Such measures shall be retained in perpetuity thereafter.