

## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**Uplands Area Planning Sub-Committee**  
Held in the Council Chamber at 2.00 pm on **Monday, 22 August 2022**

### PRESENT

Councillors: Elizabeth Poskitt (Chair), Rizvana Poole (Vice-Chair), Alaa Al-Yousuf, Hugo Ashton, Andrew Beaney, Mike Cahill, Nathalie Chapple, Julian Cooper, Jeff Haine, Geoff Saul and Alex Wilson . Councillor Dean Temple was present from item 22.

Officers: Kelly Murray (Principal Planner for Enforcement and Appeals), James Nelson (Planner), Janet Eustace and Maria Harper (Democratic Services).

#### **19 Minutes of Previous Meeting**

The minutes of the meeting held on 25 July were approved and signed by the Chairman as a correct record.

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

Apologies were received from Councillor Lidia Arciszewska.

Councillor Chapple substituted for Councillor Lidia Arciszewska.

The Chair reported that the Senior Planner and Development Manager were both off sick.

#### **21 Declarations of Interest**

Declarations of Interest were received as follows:

Councillor Jackson said he was a friend of a resident of Chapel Lane but had not discussed the application with them and would not take part in the discussion.

The Chair asked the Principal Planner for Enforcement and Appeals to inform the meeting of the implications of the Appeal decision for the Land at Barns Lane, Burford. The Planning Inspector had dismissed the appeal but had found that the Council could not demonstrate a 5 year deliverable housing land supply. While the Council had not yet adopted a formal position, the appeal decision is significant because in the absence of a 5-year supply, the 'tilted balance' as set out in para 11 (d) of the NPPF applies. This requires that planning permission be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits. The Principal Planner said that this should have a bearing on the consideration of 22/00838/OUT.

#### **22 Applications for Development**

##### 22/00478/FUL Church Enstone Hall, Little Tew Road, Church Enstone

The Planning Officer introduced this application for the removal of existing bungalow adjoining the Tithe Barn and garage outbuilding, the erection of a new detached dwelling with associated works. Change of use of land to create additional domestic curtilage along with the construction of an outdoor swimming pool to serve Church Enstone Hall.

There was a statement from Richard Nares who spoke in support of the application. A copy of this submission is attached to the original copy of the minutes.

The Planning Officer gave further details of the application. In the view of officers, the application was considered to accord with WOLP 2031 Policies OS1, OS2, OS4, H2, H6, T1, T3, T4, EH2, EH3, EH9 and EH11, the West Oxfordshire Design Guide 2016 and NPPF 2021. The application was therefore recommended to Members for conditional approval.

## Uplands Area Planning Sub-Committee

22/August2022

In answer to questions, the Planning Officer explained that the main house was a replacement dwelling but that no Condition had been applied at the time of its approval to prevent the demolition and replacement of the bungalow. Councillors had some concerns about the siting of the swimming pool and whether it would cause disturbance to neighbours. The Planning Officer said it was considered far enough away from the neighbours not to be a nuisance and that visual barriers were not necessary. He explained that details of the repairs to the listed tithe barn were set out in a schedule attached to the application and would be subject to a separate schedule monument consent (SMC). Details such as the preservation of the date plaque on the newly exposed wall of the barn would be covered by the SMC.

The application was put to the vote for approval and was carried.

**Resolved** approved as per the Officer's recommendations.

### 22/00582/LBC Church Enstone Hall, Little Tew Road, Church Enstone

The Planning Officer introduced this application for internal and external alterations to Tithe Barn to include replacement of existing doors and the removal of the attached bungalow. Having paid special regard to the desirability of preserving the building and its setting, the works were considered to preserve the special character, setting and significance of the listed building, Officers recommended that LBC should be granted subject to conditions.

The application was put to the vote for approval and was carried.

**Resolved** approved as per the Officer's recommendations.

### 22/00838/OUT Land At Chapel Lane, Enstone

The Planning Officer introduced this application for outline planning permission for residential development (up to 8 dwellings), access, parking, public open space, landscaping and associated development infrastructure. (Some matters reserved).

The Planning Officer noted that a late representation had been received from Plantlife. He gave details of the application and reminded the meeting that the recent findings by the Planning Inspector concerning the shortage of deliverable land supply meant that the 'tilted balance' as set out in para 11(d) of the NPPF applied to this application. This required that the development be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Taking this into account Officers advised that the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, H2, H6, EH2, EH3, T1, T2, and T3 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016, subject to the relevant legal agreements.

Councillor Haine said that, at the previous Council meeting, he had been given assurances that the Council had in excess of 5 years deliverable land supply. He asked that Senior Planners should explain, as a matter of urgency, why these figures had changed and what action was needed to get things back on target. He felt that each application should be treated on its merits. Councillor Beaney asked why the Committee had only been notified of this shortfall at the meeting and queried whether this meant that the Local Plan policies were no longer of relevance in light of requirements of the NPPF. The Principal Planner for Enforcement & Appeals said that Local Plan policies were still relevant but that the balance between identified harm and the public interest in provision of housing had now changed. She went on to say that reasons for planning decisions would have to be carefully set out as the Inspector's

22/August2022

findings meant that the Council was now more vulnerable to successful appeals and associated costs.

The Chair invited the three speakers to make their statements. The first speaker was Robin Bourne-Taylor who spoke to object to the application. A copy of this submission is attached to the original copy of the minutes.

The second speaker was Councillor Nichola Knott, Chair of Enstone Parish Council, who spoke to object the application. A copy of this submission is attached to the original copy of the minutes.

The third statement was from Jason Tait who spoke in support of the application. A copy of this submission is attached to the original copy of the minutes.

In answer to questions Mr Tait said that the open space would be an informal area maintained by the management company. This company would also maintain those stretches of stonewall not in private ownership. The additional parking by the shop had been provided at the request of the Parish Council and had been seen as a positive benefit at the pre application stage. The development would most likely come forward in one go rather than piecemeal although there was local interest in a self-build plot. He confirmed that there would be no more than eight dwellings on the site and that two of these would be affordable being offered at 30% below market value under the Government's First Home Initiative.

Councillor Beaney commented on the fact that it was difficult to make decisions on the basis of an outline application. There were a number of stated benefits to the scheme but he queried whether residents saw these as benefits. He also commented on two different and contradictory ecological reports. The Planning Officer advised that Council accepted the ecological report submitted by the Council's ecologist rather than reports from non-statutory consultees.

Councillor Ashton noted that the Highways Authority had not raised any objections but he had concerns about disruption during the construction. Councillor Saul felt that the arguments were finely balanced and that the important question was how the application should be considered in relation to the 5 year land supply question. Councillor Chapple expressed her support for the proposals but emphasised the importance of ensuring that the height, scale and level of the dwellings be given very careful consideration to ensure they did not become overly dominant in the village setting.

Councillor Haine said that the site meeting had been very helpful in that it had demonstrated how important the open green space is to the village. He felt that the gains of two affordable houses and four parking spaces did not outweigh the importance of the land as a local amenity.

It was proposed by Councillor Haine and seconded by Councillor Temple that the Committee refuse the application. The Chair took a vote in which seven Councillors voted for refusal and five for approval.

**Resolved** to refuse the application.

The Chair then took a vote on the reasons for refusal in which 8 voted for and four voted against.

**Resolved** that the application be refused on the grounds that it does not comply with Policy OS2, in particular with bullet points 2,4,5,6,7 and 9 in the General Principles section.

The Chair called a short break in the meeting at 3.35pm.

On reconvening Councillors returned to the question of the deliverable land supply. The Principal Planner stated that the Inspector had found that the Council had 3.6 years of land

22/August2022

supply due to the fact that some approvals had expired and other larger developments had not come forward as quickly as expected. Planning Policy officers were working on a position statement but she was not able to say when this would be ready. Councillors expressed the need for an urgent Development Control meeting to allow full discussion of the matter.

### **23 Applications Determined under Delegated Powers and Appeal Decisions**

The Planning Officer explained that 22/00123/CND (no 12 on the Schedule) was a split decision. The Chair thanked the Officers for their work on processing the applications.

Appeal 21/00506/FUL. Partial costs had been awarded against the Council as the Inspector has found the Officer's report was not sufficiently clear in respect of assertions about impact.

The third appeal listed was in error as it referred to the same appeal as the first one on the list.

It was agreed that a copy of the Inspectors report on Barns Lane, Burford should be circulated to members of the Committee. Councillors asked that thanks be conveyed to Officers who had been involved with the Inquiry.

The Meeting closed at 3.46 pm

CHAIR