

Friday, 9 September 2022

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## UPLANDS AREA PLANNING SUB-COMMITTEE

You are summoned to a meeting of the Uplands Area Planning Sub-Committee which will be held in the Council Chamber, Woodgreen, Witney OX28 1NB on **Monday, 19 September 2022 at 2.00 pm.**



Giles Hughes  
Chief Executive

To: Members of the Uplands Area Planning Sub-Committee

Councillors: Elizabeth Poskitt (Chair), Rizvana Poole (Vice-Chair), Alaa Al-Yousuf, Lidia Arciszewska, Hugo Ashton, Andrew Beaney, Mike Cahill, Jeff Haine, David Jackson, Geoff Saul, Dean Temple and 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

1. **Minutes of Previous Meeting (Pages 3 - 6)**  
To approve the minutes of the meeting held on 22 August 2022.
2. **Apologies for Absence and Temporary Appointments**  
To receive any apologies for absence.
3. **Declarations of Interest**  
To receive any declarations from Members of the Committee on any items to be considered at the meeting
4. **Applications for Development (Pages 7 - 32)**  
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
9-24	21/00961/FUL	Land South Of Shaston The Green Freeland	Sarah Hegerty
25-32	22/01915/FUL	Land And Building (E) 439518 (N) 226211 Enstone Airfield North Banbury Road Enstone	Stephanie Eldridge

5. **Applications Determined under Delegated Powers and Appeal Decisions (Pages 33 - 48)**  
Purpose:  
To inform the Sub-Committee of applications determined under delegated powers and any appeal decisions.  
Recommendation:  
That the reports be noted.
6. **Progress on Enforcement Cases (Pages 49 - 56)**  
Purpose:  
To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations.  
Recommendation:  
That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of Annex A be noted.

(END)

## 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.

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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

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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

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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

## WEST OXFORDSHIRE DISTRICT COUNCIL UPLANDS AREA PLANNING SUB-COMMITTEE

**Date: 19th September 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.

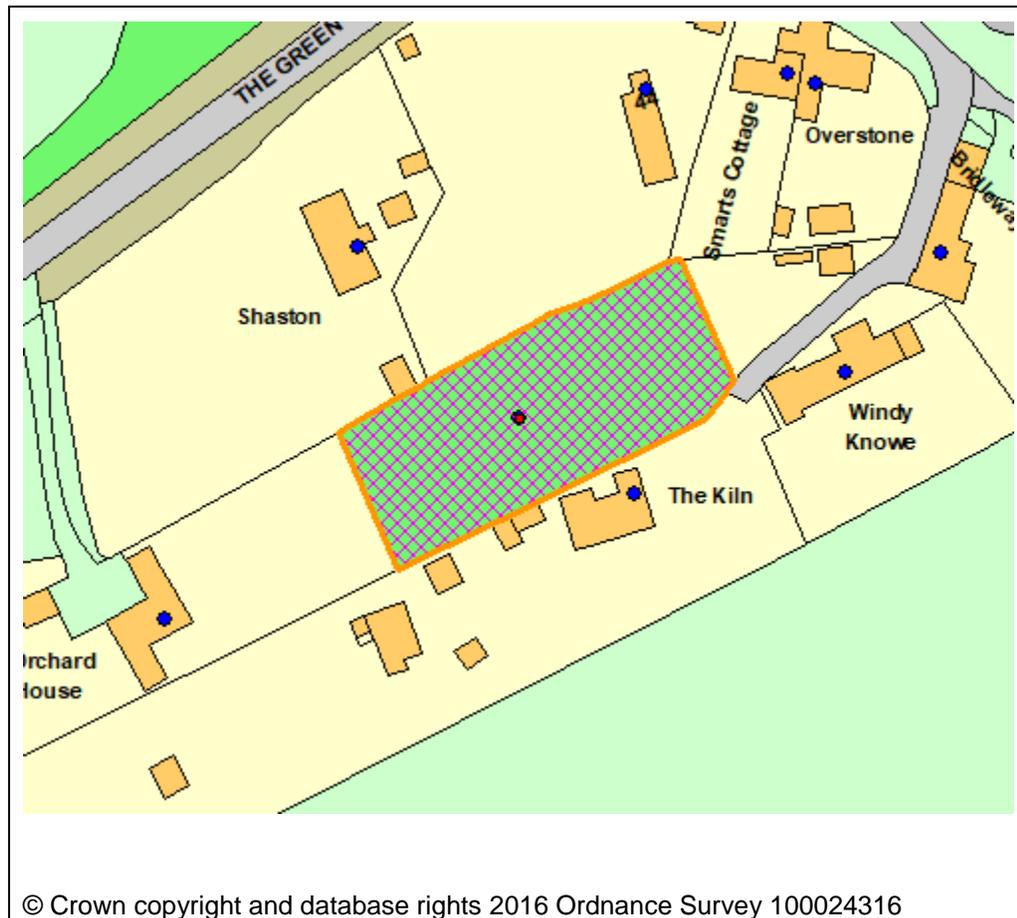
Please note that:

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](http://www.westoxon.gov.uk/meetings)

<b>Item</b>	<b>Application Number</b>	<b>Address</b>	<b>Officer</b>
9-24	21/00961/FUL	Land South Of Shaston The Green	Sarah Hegerty
25-32	22/01915/FUL	Land And Building (E) 439518 (N) 226211 Enstone Airfield North	Stephanie Eldridge

Application Number	21/00961/FUL
Site Address	Land South Of Shaston The Green Freeland Oxfordshire
Date	7th September 2022
Officer	Sarah Hegerty
Officer Recommendations	Approve
Parish	Freeland Parish Council
Grid Reference	441621 E 212122 N
Committee Date	19th September 2022

**Location Map**



**Application Details:**

New build chalet bungalow with detached double garage.

**Applicant Details:**

Mr & Mrs Neil and Catherine Tregear  
Frognal  
Blackgang Road  
Niton  
Ventnor  
Isle Of Wight  
PO38 2BN

**I CONSULTATIONS**

ERS Env. Consultation Sites

Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.

Review of the records we hold suggest that the proposed development site has remained undeveloped over time. A brick works and kiln were previously located to the south of the site, as a precaution please consider adding the following condition to any grant of permission.

I. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of the amenity.

Relevant Policies: West Oxfordshire Local Planning Policy EH8 and Section 15 of the NPPF.

WODC Drainage Engineers

No objection subject to all comments above being taken on board and pre-commencement surface water condition being adhered to in full.

District Ecologist

Latest Comments

In previous comments by the Assistant Biodiversity Officer, the woodland was referred to as "scrubby woodland" and the ecological

response below refers to trees being identifiable at the time of the survey. However, the ground flora of the woodland habitat is unknown (hence the recommendation for a survey in April-May) and it must be assumed that there is none. Clarification about the "woodland" is required to ensure that priority habitat is not being lost. Perhaps the applicant has photos of the woodland area during the spring/summer months that can be checked or does the woodland area comprise regularly mown grass rather than semi-natural woodland ground vegetation?

The revised metric appears to be sufficient, but accompanying plans of the site need to be submitted, particularly to show the proposed habitats following development. If a woodland is being created along the northern site boundary, this must be shown on a site drawing. The management of the woodland also needs to be clarified.

Landscaping details will also be required, but these could be submitted for approval as a condition of consent.

I welcome the retention of the existing orchard trees.

Other issues

A reptile mitigation strategy is still required and must be submitted as part of the application in order to provide sufficient information on protected and priority species in accordance with Local Plan policy EH3 and Circular 06/2005.

Conservation Officer

No Comment Received.

OCC Highways

The application red line area does not include access to the highway. The lane used for access is narrow, poorly surfaces and lacks adequate forward visibility. There is insufficient width for opposing vehicles to pass or a vehicle to easily pass a pedestrian/cyclist. However, given the low traffic flows and speeds I cannot demonstrate that the proposal, if permitted, would cause such harm as to warrant the refusal of the application for reasons of safety and convenience.

The proposal, if permitted, will not have a significant detrimental impact ( in terms of highway safety and convenience ) on the adjacent highway network

Recommendation:

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

At the Parish Council meeting held on 21 June 2021, it was resolved to object to the above application on the following grounds:

### 1.SITE ACCESS

The site access is along a very narrow, stone track with unclear ownership. This lane is unsuited to larger vehicles. During construction use of the lane would result in severe disturbance to neighbours, particularly those dwellings fronting onto, or being accessed from, this track, i.e. Windy Knowe (Grade II Listed), Bridleway End and Shaston.

In the long term, the additional use of this narrow unsurfaced track, which crosses the frontage of Windy Knowe, at one point less than a meter from the structure, could cause physical damage to the dwelling. Increased traffic movements will also cause disturbance to all residents.

In this respect, the proposed development would have a harmful impact on the amenity of existing occupants, albeit short term, contrary to the general principles of Policy OS2, OS4 and the West Oxfordshire Design Guide.

### 2.INTRUSION ON NEIGHBOURING PROPERTIES

Although the site is considered land within the "village envelope", the existing pattern of development is sparse, and the new dwelling would be relatively close to both the Kiln and Windy Knowe.

The proposed development site is a former garden area, now comprising largely regenerating native trees and shrubs. It is well screened by these during summer months. However during the winter, the predominantly deciduous vegetation will provide greatly reduced screening. Additionally a good deal of existing shrub vegetation will be removed to make way for the dwelling, particularly to the eastern and southern boundaries, but also to a section of the northern boundary to make way for the garage.

As a result, the proposed development will be intrusive to neighbouring properties, with significant and unacceptable adverse visual and landscape impacts. The proposed development would adversely impact upon the setting of the Grade II Listed Building, Windy Knowe, contrary to Policies EH2 and EH9.

### 3.WILDLIFE VALUE OF THE SITE

The proposed development site is currently a rich and varied habitat after remaining largely undisturbed for many years. Mr Brady, one of

the neighbours, has had use of the land for some time, and has noted the wildlife he has observed on the site in a separate response submitted to the Council. He has observed a wide range of reptiles, mammals and birds, including grass snakes, great crested newts, badgers, hedgehogs, voles, weasels, owls and finches, amongst others.

The Parish Council therefore considers development of this site to be wholly inappropriate and echoes the comments of the Biodiversity Officer, particularly in relation to the need for a full Ecological Assessment Impact carried out in spring or summer months, rather than in January, as is the case with the current report.

We also consider this loss of habitat to be unacceptable and contrary to the principles of Local Plan Policy EH3.

#### 4.DESIGN

The proposed chalet bungalow, although reducing its potential visual impact with a lower height than a full two storey dwelling, does not reflect the architectural character of the Limestone Wolds, as set out in the West Oxfordshire Design Guide, or the traditional stone houses which give The Green its distinctive character. The typical building form is described in the Guide as having long frontages, narrow gables and steeply pitched roofs.

The Parish Council considers that any new development in this historic section of the village, which is a potential Conservation Area, should take account of this guidance.

Parish Council

No Comment Received.

## 2 REPRESENTATIONS

2.1 2 Objection comments received:

2.1.1. The Kiln Bungalow The Green Freeland, Witney OX29 8AP:

The proposed entrance way onto the property is on land currently owned by myself and I have not been approached with regards to access.

2.1.2 Overstone The Green Freeland OX29 8AP2:

I would like to object to this application on the following grounds:

- 1) The ecology report was carried out in January - winter this year. Thus I find the assessment inaccurate and a poor representation of the wildlife in the area.

- 2) Highways: The site will need excavating to enable the build to go ahead. Site access is along a quiet, unclaimed and unpaved single track which runs along my boundary and driveway. I therefore envisage heavy machinery - diggers, excavators, dumper trucks etc accessing this road on a regular basis. As a father of two very small children I am concerned for their safety during the build.
- 3) Highways: the unpaved track currently needs regular maintenance to withstand light vehicle access, I can't see how it and the bordering properties will cope with the aforementioned heavy machinery.
- 4) Noise pollution during the build. My partner works from home so this is also of concern to us. I do appreciate that I myself have carried out some small extension works recently so I'm very aware of the inconvenience this causes my immediate neighbours. It is something I've tried to limit as much as possible but unfortunately it is inevitable. An application such as this, however, will not only impact several of the residents but it will also have a significant ecological one too. So for the reasons I've stated above I would like to politely object to this application in it's current form.

## 2.2 General comments received.

### 2.2.1 44 The Green Freeland:

My wife and I have owned and lived in 44 The Green since 1976. It has always been our understanding that this piece of land would be built on in due course. I have no objection in principle. However there are a number of basic neighbourliness points which just feel wrong. I heard of this application today for the first time from Councillor Al-Yousuf. There has been no consultation of any sort. No discussion with neighbours, mailshot or yellow notices. The site runs along the entire length of our south West boundary. This boundary like many is ill defined. I made it clear several years ago to the owner of the site that the chain-link fence does not define the boundary which I believe is the hedge. The hedge was replanted when the latest fence was erected in 2009. The positioning of the new hedging plants, now severely overgrown, followed exactly the old hedge under the close supervision of Mr S Brady acting on behalf of the then owner of the site. The old hedge was not grubbed out and its line can be clearly seen from my side had the surveyor asked. While the proposed house is well clear of the boundary the garage is shown to be pretty much hard up against it. It is therefore of great importance that the position of the boundary is formally agreed before planning is granted. I am happy to discuss this with the owner or their suitably qualified representative. To make it clear at this stage I believe the boundary to be the hedge not the fence.

### 2.2.2 No address:

The proposed plans show a number of windows overlooking my property. One large window in the kitchen/diner, one smaller window in the study/playroom and one high level window on the stairwell as well as four roof lights. See proposed side elevation (4). At present there is an overgrown hedge dividing the two properties. This would go some way towards blocking sight lines and maintaining a degree of privacy in our garden, in particular our eating out area situated on the south end of the house. I note that the Ecological Officer Esther Frizell-Armitage recommends that boundary hedges be retained, and that the Tree Survey conducted by Indigo recognises that there is along our common boundary a neglected hedge. I ask the planning

officers to require that the high screening provided by the existing hedge be retained, or to restrict the windows on this side of the house

### 2.2.3 Smart's Cottage, The Green, Freeland The Green Witney OX29 8AP:

Having had use of the plot for several years, we have become familiar with the sights and habits of much of the fauna living and traversing this small wilderness, in all seasons. Notable reptilian and amphibian residents include a large grass snake (phot 6 July 2019) - 3 x juvenile snakes, egg cases, frogs, toads and great crested newts. Mammals include foraging badgers, hedgehogs, voles and field-mice, rabbits, foxes (ate our chickens), muntjac deer, weasels and stoats. Birds include a family of red legged partridges which rear young there every year, green and spotted woodpeckers, a jay, the occasional barn owl, tawny owls, a wren nesting in the shed, goldfinches and bullfinches, chaffinches, and tree creepers. It would need entomological expertise to catalogue the insect life with many butterflies. Bug 'hotels' have been made with old logs and piles of twigs. Further biodiversity/ecological study would be appreciated.

## 3 APPLICANT'S CASE

### 3.1 Following is taken from the PLANNING AND HERITAGE STATEMENT:

"In November 2019, pre-application advice was provided regarding the erection of a detached family dwelling with separate double garage (19/03138/PREAPP, Appendix A).

The advice contained within the pre-application outlined that new residential development is considered acceptable in principle provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2. It was also advised that any proposal for this location must be proportionate and appropriate in regard to its scale and must be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants."

It goes on to say:

"The proposed dwelling has been sympathetically designed to ensure that it would respect the existing character of the area and would preserve the amenity of its neighbours. The scale and massing of the building are modest, being a 1.5 storey building, with restricted head height. The first-floor accommodation will also be served with roof lights to avoid any overlooking and due to the design, siting and intervening vegetation, the proposed development would also preserve the setting of nearby Listed Buildings."

## 4 PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H2NEW Delivery of new homes

H1NEW Amount and distribution of housing

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH11 Listed Buildings

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

## 5 PLANNING ASSESSMENT

5.1 The application seeks permission for the erections of a new build chalet bungalow with detached double garage.

5.1 The application site relates to a parcel of land located to the south of 'Shaston', The Green, Freeland. The site is not within the Conservation Area or the Cotswolds Area of Outstanding Natural Beauty but is located within 20m of a Listed Building (List UID: 1198698) and falls within the red impact area for great crested newts.

5.2 Procedural points - The red line area of the application was amended to include access to the Highway. The Ownership section of the application form was subsequently amended to note the ownership of the land is unknown. An advert was placed in the local paper to satisfy the regulations in terms of attempting to contact the owner of the access to the site.

5.3 The yellow site notice advertising the application was on a post on the centre of the green area. Whilst not directly outside the site it was within public view in the vicinity and visible when the site visit on the 03.06.21 was undertaken. Officers are therefore satisfied that the application was sufficiently advertised and the local residents were aware and made comments if they wish.

5.4 The application is before members of the Planning Sub-Committee for consideration as the Parish objected to the scheme.

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

### Principle

5.6 In regards to the principle of the development, Freeland is classified as a 'Village' under the settlement hierarchy identified in Policy OS2 of the Local Plan. However the site sits in a small cluster of houses to the south of the core of the village itself.

5.7 Officers consulted the Planning Policy team regarding the sites location. They stated that "The definition of what is within and what is adjoining a settlement can be difficult to define and is open to interpretation. However, in my opinion, the site lies within a rural outlier to the south of the main nucleated part of the village, being separated by a large green gap/tongue of countryside. I agree that part of the character of the village includes pockets of open space but the land separating this outlier with the main village is far more extensive than what I would consider to be a pocket. I would therefore conclude that this site is not situated within the main part of the village and should be considered against the 'small villages, hamlets and open countryside' section of Policy OS2 and should meet the listed criteria (re-use of existing buildings, where it supports an existing business/ tourism or forms part of a farm diversification project) as well as the relevant section covering 'small villages, hamlets and open countryside' in Policy H2."

5.8 Also, a recent application (21/02627/OUT) which sits approx. 150-200m further north of the application site was refused at Planning Sub-Committee as it did not meet the criteria for

development adjoining the built up area. Whilst each application is taken on its own merits and the recently refused scheme was different in terms of its scale and proposed development, Officers cannot argue that this site is within or adjoining the built up area given its location further south than a recent decision made by the Authority.

5.9 Given this assessment the criteria outlined in H2 for development in small villages and the open countryside state that:-

New dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in the following circumstances:

- where there is an essential operational or other specific local need that cannot be met in any other way, including the use of existing buildings. Where appropriate, new homes provided (other than replacement dwellings) will be controlled by an occupancy condition linked to the operational need and/or to the 'rural exception site' approach for permanent affordable dwellings;
  - where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
  - residential development of exceptional quality or innovative design;
  - new accommodation proposed in accordance with policies specifically for travelling communities;
  - accommodation which will remain ancillary to existing dwellings\*;
  - replacement dwellings on a one for one basis;
  - re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met;
- And
- on sites that have been allocated for housing development within an adopted (made) neighbourhood plan.

5.10 The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with an up-to-date development plan should be approved without delay. The NPPF goes on to say that where policies that are most important for determining the application are out-of-date, permission should be granted unless:

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

5.11 The NPPF requires applications to be considered in the context of sustainable development and sets out that there are three dimensions to sustainable development: economic, social and environmental. In essence, the economic role should contribute to building a strong, responsive and competitive economy; the social role should support strong, vibrant and healthy communities; and the environmental role should contribute to protecting and enhancing the natural, built and historic environment. These roles should not be undertaken in isolation, because they are mutually dependant.

### *The Council's housing land supply position and the implications of the NPPF*

- 5.12 The NPPF requires local planning authorities to demonstrate an up-to-date five year supply of deliverable housing sites. Where local authorities cannot demonstrate a five year supply of deliverable housing sites, paragraph 11 of the NPPF sets out that housing policies contained within development plans should not be considered up-to-date (Identified in footnote 8).
- 5.13 In a recent appeal decision (Land East of Barns Lane, Burford), the Inspector found that the Council cannot, currently demonstrate a 5-year supply of housing land. As such, the provisions of paragraph 11 of the NPPF is engaged.
- 5.14 The assessment below will take the 'tilted balance' into consideration.

### **Heritage Impacts**

- 5.15 The Council must have regard to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of any development proposal which affects a listed building or its setting. Further to this the paragraphs of section 16 'Conserving and enhancing the historic environment' of the NPPF are relevant to consideration of the application.
- 5.16 The site itself sits to the west of the Listed Building (Windy Knowe) with the proposed built form approx. 20m from the nearest corner of the Listed Building. Officers consider that given the positioning of the dwelling and the garage and the separation distances between to two, the setting of the Listed Building is not negatively impacted and therefore preserved.
- 5.17 Officers note the Parish comments regarding the sites location in a historic part of the village however given the distance from the closest Conservation Area (Church Hanborough) which lies approx. 0.6km to the east, officers cannot consider the proposal as part of or within the setting of the Conservation Area.

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

- 5.18 Policies OS2 and OS4 seek a high quality of design. Policy OS2 clearly advises that new development should be proportionate and appropriate in scale to its context and should form a logical complement to the existing scale and pattern of development and should relate well to the character of the area. Similarly Policy OS4 seeks a high quality of design that respects, inter alia, the historic and architectural character of the locality, contributes to local distinctiveness and, where possible, enhances the character and quality of the surrounding. The NPPF also makes it clear that creating high quality buildings and places is fundamental to what the planning and development process can achieve and the recently published National Design Guide provides advice on the components of good design which includes the context for buildings, form and scale, appearance, landscaping, materials and detailing.
- 5.19 The proposed dwelling is set comfortably within the plot with the garage along the northern boundary towards the corner of the site. There is a large rear amenity space and off street driveway and parking area to the front of the site serving the new dwelling. The positioning and amenity space is consistent with the surrounding properties which also benefit from large amenity spaces and off street parking areas.

- 5.20 In terms of design, considering first the dwelling. The one and half storey chalet bungalow with simple cross wing design is considered to be appropriate given the scale of the surrounding dwellings and the size of the plot itself. The siting is consistent with the surrounding properties is considered to form a logical compliment to the pattern, scale and character of the area. The materials proposed are a mix of timber cladding and stone under a tile roof which reflects the varied pallette of materials used within the area and is consistent with the identified local character for the Thames Vale within Chapter 4 of the West Oxfordshire Design Guide.
- 5.21 Officers note that the proposed window and door material is unclear however this element has been secured by condition.
- 5.22 Secondly, the separate double garage element proposed is to be single storey dual pitch and constructed of timber cladding under a tile roof. Officers consider the proposed supportable given the traditional design and materials proposed which ensures it is read as ancillary to the main dwelling on site.
- 5.23 Officers consider the proposed dwelling and garage compliant with local plan policies OS2, OS4 and West Oxfordshire Design Guide

### **Highways**

- 5.24 A new red line site plan was submitted to encompass the access from the highway to the site. The access to the site is a narrow lane which also serves 4 other dwellings. Given the proposed size of the dwelling (3 bedroom) officers consider that the residential movements associated with a dwelling of this size would be limited and would not negatively impact on the residents of the surrounding properties. Officers note the Parish comments regarding construction traffic however this is not a planning matter as these impacts are covered by separate legislation.
- 5.25 County Highways were consulted as part of the application process and have raised no objection to the proposal.

### **Residential Amenities**

- 5.26 As noted above the proposed one and half storey design is set well within the plot away from the boundaries on all sides. The closest dwelling (The Kiln) to the south is approx. 11m away from the side gable of the proposed dwelling. Other dwellings include Shaston at approx 38 m, No 44 at approx 30m and Windy Knowe approx 20m. The south (side) elevation of the property has only roof lights and no other openings within the roof. Therefore given the nature of rooflights coupled with the separation distances and mature boundary between the surrounding properties officers consider that the proposed would not give rise to any significant amenity impacts by way of overlooking, loss of privacy, overbearing or loss of light as a result of the development.

### **Ecology**

- 5.27 Officers have considered this very carefully given the representations made by neighbours and the consultation response from the Parish Council.

- 5.28 Following extensive consultation with the Biodiversity officer additional information was requested to address the concerns over the loss of habitat across the site for various species including Great Crested Newts which are a protected species.
- 5.29 The additional information submitted (including certification to the District License Scheme for Great Crested Newts) includes additional shrub and tree planting across the site, the installation of Bat and Bird Boxes, the creation of a pond to the west of the site and additional hedgerow planting in various locations. Therefore whilst the built form on the site increases there is still a Biodiversity net gain across the site for better quality habitats.

### **Conclusion/Tilted Balance**

- 5.30 In this case, there are material considerations which indicate that the application should be decided otherwise in respect of the development plan.
- 5.31 As we cannot demonstrate evidence of a five year supply of deliverable housing sites the relevant development plan policies for the supply of housing are out-of-date and that is a material consideration that can justify a departure from the plan and the grant of planning permission.
- 5.32 Where policies for the supply of housing are out of date, para.11d) of the NPPF requires a presumption in favour of sustainable development and that planning permission be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In order to judge whether a development is sustainable it must be assessed against the three dimensions of sustainable development set out in the NPPF: the economic, social and environmental planning roles.
- 5.33 With regards to the economic and social dimensions of sustainability, the proposal would provide an extra dwelling and would have some economic benefit through the provision of construction jobs and local investment during construction. I consider that limited weight should be afforded to these benefits.
- 5.34 In terms of the environmental dimension, the development given its somewhat remote location, is likely to result in future residents being reliant on the private car as the main mode of transport, but is unlikely to have a significant harmful landscape impact and would form a logical compliment to the pattern, scale and character of the area. In addition, the setting of the nearby Listed Building would not be negatively impacted upon.
- 5.35 Overall, it is your officer's opinion that there are no adverse impacts which, either individually or together, are of sufficient weight to indicate that the development should be restricted. Placing all of the relevant material considerations in the balance, it is considered that the adverse impacts, resulting from this development, would not significantly and demonstrably outweigh its limited benefits, as identified above.
- 5.36 When considered against the development plan as a whole, the proposal would represent a sustainable form of development.

## 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 In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11, and where remediation is necessary a remediation scheme must be prepared, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, and which is subject to the approval in writing of the Local Planning Authority.

Reason: To prevent pollution of the environment in the interests of the amenity.

- 5 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.

- 6 No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's organisational licence (WML-OR112 (Version 2)) and with the proposals detailed on plan 'Land South of Shaston, The Green: Impact Plan for great crested newt district licensing (Version 1)' dated 11th November 2021.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the organisational licence WML-OR112 (Version 2).

- 7 No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR112 (Version 2)), confirming that all necessary measures in regard to great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the local planning authority and the local authority has provided authorisation for the development to proceed under the district newt licence. The Delivery Partner

certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts.

- 8 No development hereby permitted shall take place except in accordance with Part 1 of the GCN Mitigation Principles, as set out in the District Licence WML-OR112 (Version 2):
- Works which will affect likely newt hibernacula may only be undertaken during the active period for amphibians.
  - Capture methods must be used at suitable habitat features prior to the commencement of the development (i.e. hand/destructive/night searches), which may include the use of temporary amphibian fencing, to prevent newts moving onto a development site from adjacent suitable habitat, installed for the period of the development (and removed upon completion of the development).
  - Amphibian fencing and pitfall trapping must be undertaken at suitable habitats and features, prior to commencement of the development.

Reason: In order to adequately mitigate impacts on great crested newts.

- 9 Notwithstanding any indication given on the plans hereby permitted, the rooflights in the south (side) facing elevation(s) shall have a minimum internal cill height of 1.7 metres above finished floor level and shall thereafter be retained as such.

REASON: To safeguard privacy in the adjacent property.

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

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

11. Notwithstanding the information submitted, a scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. 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 safeguard the character and landscape of the area.

12. No floodlighting or other form of external lighting shall be installed except in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting which is so installed shall not thereafter be altered without the prior consent in writing of the Local Planning Authority.

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

13. 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.

14. Notwithstanding details contained in the application, detailed specifications and drawings of all external windows and doors to include elevations of each complete assembly at a minimum 1:20 scale and sections of each component at a minimum 1:5 scale and including details of all materials, finishes and colours shall be submitted to and approved in writing by the Local Planning Authority before that architectural feature is commissioned/erected on site. The development shall be carried out in accordance with the approved details.

REASON: To ensure the architectural detailing of the buildings reflects the established character of the area.

#### INFORMATIVES :-

1. 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/>

2. It is recommended that the NatureSpace Best Practice Principles are taken into account and implemented where possible and appropriate. It is recommended that the NatureSpace certificate is submitted to this planning authority at least 6 months prior to the intended commencement of any works on site. It is essential to note that any works or activities whatsoever undertaken on site (including ground investigations, site preparatory works or ground clearance) prior to receipt of the written authorisation from the planning authority

(which permits the development to proceed under the District Licence WML-ORI 12 (Version 2)) are not licensed under the GCN District Licence. Any such works or activities have no legal protection under the GCN District Licence and if offences against GCN are thereby committed then criminal investigation and prosecution by the police may follow.

It is essential to note that any ground investigations, site preparatory works and ground / vegetation clearance works / activities (where not constituting development under the Town and Country Planning Act 1990) in a red zone site authorised under the District Licence but which fail to respect controls equivalent to those in condition 3 above would give rise to separate criminal liability under District Licence condition 9 (requiring authorised developers to comply with the District Licence) and condition 21 (which requires all authorised developers to comply with the GCN Mitigation Principles) (for which Natural England is the enforcing authority); and may also give rise to criminal liability under the Wildlife & Countryside Act 1981 (as amended) and/or the Conservation of Habitats and Species Regulations 2017 (for which the Police would be the enforcing authority).

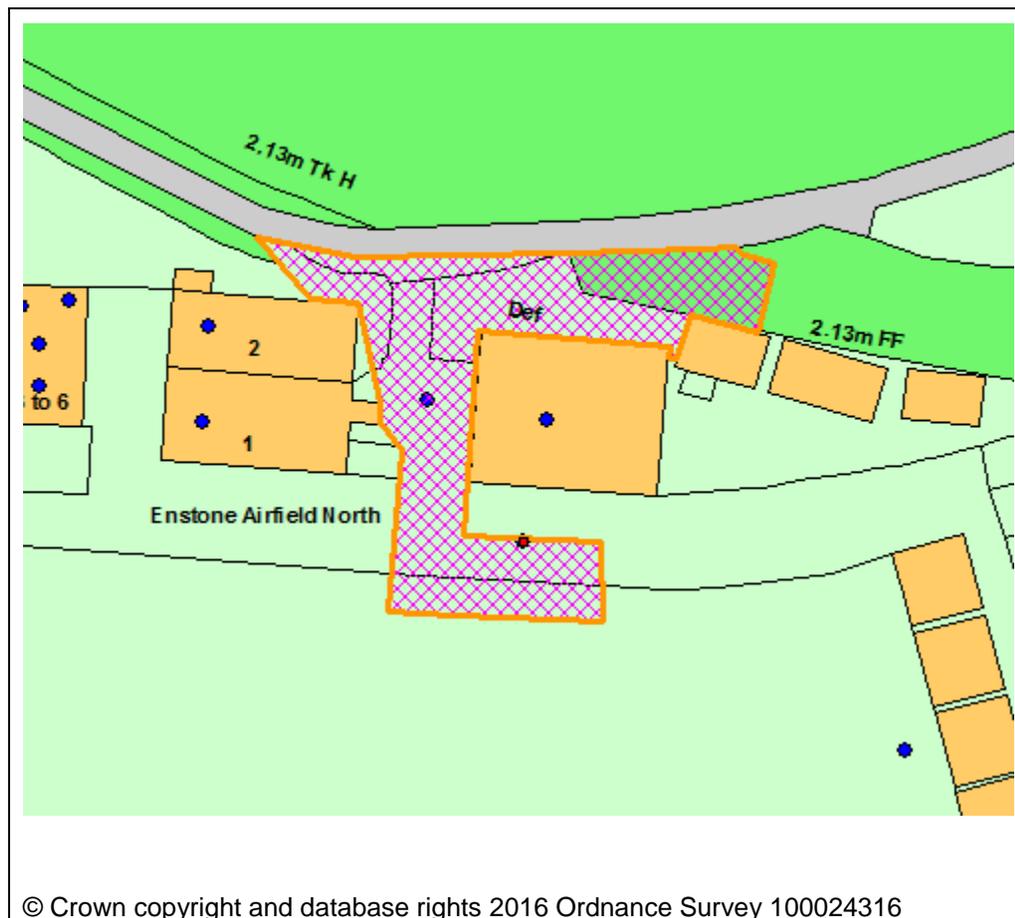
**Contact Officer:** Sarah Hegerty

**Telephone Number:** 01993 861713

**Date:** 7th September 2022

Application Number	22/01915/FUL
Site Address	Land And Building (E) 439518 (N) 226211 Enstone Airfield North Banbury Road Enstone Oxfordshire
Date	7th September 2022
Officer	Stephanie Eldridge
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	439518 E 226212 N
Committee Date	19th September 2022

### Location Map



## Application Details:

Erection of a detached building to provide administration, welfare and storage facilities for the aircraft maintenance business, flying school and resident pilots.

## Applicant Details:

Mrs Linda Gilbert  
Workshop And Premises  
Road Through Enst  
Enstone Airfield  
Enstone  
OX7 4NP

## I CONSULTATIONS

WODC Env Health - Uplands      No objection to the proposal. There is no indication in the application that it will result in an increase in activity, but it is to provide better facilities for staff and guests.

I would ask that a condition be attached to any consent granted to restrict hours of work in connection with the construction of the new facility.

OCC Highways      No objection.

WODC Drainage Engineers      No objection, subject to condition.

Parish Council      Following discussion at the Enstone Parish Council meeting on 25th August 2022, there were no objections to this application in terms of the design and location of the building.

Enstone Parish Council does, however, acknowledge the ongoing concerns of residents regarding the perception of increased activity at the airfield and, to remove speculation, suggest that West Oxfordshire District Council consider undertaking a comprehensive flight activity survey to establish the extent of aircraft movements as this is an issue that is raised regularly.

## 2 REPRESENTATIONS

2.1 Four letters of objection have been received in respect of the application. The key points raised are as follows:

- Environmental (increased noise pollution);
- Impact upon local resident's health and quality of life;

- There have been 16 planning applications on the site over the last three years, of which many are retrospective;
- Council should consider the cumulative impacts of all the development and increased activity on the site;
- The accumulation of buildings erected without consent has resulted in poor visual impact;
- The design of the building is not in-keeping with the architecture of the area.

2.2 Three letters of support have also been received. The key points raised are as follows:

- Development will greatly enhance facilities for employees and pilots who use the airfield;
- Should be supporting local business;
- Will have zero negative impact on the surrounding area and local neighbourhood;
- The building will not be visible and is of an appropriate design;
- Will help ensure the future of the airfield.

2.3 ENCON also made the following representation:

In summary the objections are as follows:

- Impact on residential amenity;
- The cumulative impact of the unauthorised developments needs to be considered;
- There is no assessment of the intensification of uses on the site on the residential amenity of neighbouring residents, in particular on noise.

#### Impact on Residential Amenity

The erection of further buildings must inevitably lead to an increase in aircraft activity and associated noise pollution.

The proposals will result in pollution in particular noise nuisance which is contrary to policy EH8 (Environmental Protection) in the adopted West Oxfordshire Local Plan (2011-2031). The cumulative development has resulted in pollution contrary to policy E8 of the West Oxfordshire Local Plan.

#### Cumulative Impact

The site has now been the subject of numerous planning applications. In the last 3 years alone, there have now been 16 planning applications on the site, as listed below.

Many of these applications are 'retrospective' planning applications, as buildings and structures have been erected without the benefit of planning permission. There are concerns that there is further substantial unauthorised development on the site.

As a result there are adverse cumulative impacts including: visual impact; noise, air quality etc.

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

The proposals constitute further attempts to intensify part of the airfield continues to seek further intensification of the site.

The Council officers should consider whether the proposals should be screened for the need for an Environmental Impact Assessment due to cumulative impact.

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

3.1 The Design and Access Statement submitted in support of the application is concluded as follows:

3.1.1 The new 'Facilities Building' is required to improve the quality of services provided and will provide better welfare facilities and a safer environment for maintenance staff, instructors, visitors and resident pilots. The siting of the building also further assists with day to day operations, on-site vehicle management and general airfield safety too.

3.1.2 From a policy point of view the commentary above illustrates that the proposal is one which should be supported. With regard to design, context and landscape character every effort has been made to provide a proposal of utilitarian nature that's sits well with the adjacent buildings. The building can only be seen outside the airfield via long range views from very limited vantage points so diminishing the appearance of the proposal with distance.

3.1.3 Therefore, the development will not have an unacceptable impact on amenity or landscape character.

3.1.4 The above demonstrates a well thought out design & strategy to provide missing and much needed facilities which we hope will be supported.

### **4 PLANNING POLICIES**

OS2NEW Locating development in the right places

OS4NEW High quality design

E1NEW Land for employment

E2NEW Supporting the rural economy

EH2 Landscape character

EH3 Biodiversity and Geodiversity

T4NEW Parking provision

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

### **5 PLANNING ASSESSMENT**

5.1 This application seeks consent for the erection of a detached two storey building to provide administration, welfare and storage facilities for an aircraft maintenance business, flying school and resident pilots at Enstone Airfield North.

5.2 The sites context is that of an established operational airfield with a number of utilitarian buildings including hangars and maintenance facilities serving the use. To the south of the airfield is an industrial estate.

5.3 The site is located in an elevated position within the wider landscape and does not fall within any special designated areas of control.

5.4 The application is before members of the Uplands planning sub-committee for consideration due to the contentious nature of the application and that Enstone Parish Council did not explicitly raise objections to the application but did raise concerns with the intensification of the use.

### **Planning History**

5.5 There is an extensive planning history covering the Enstone Airfield North site, and your officers are aware that there have been a number of planning breaches on the site. There have been a total of sixteen planning applications covering the Enstone Airfield site over the last three years.

5.6 The following breaches of planning control have been most recently regularised:

21/02022/FUL - Provision of a car park to the North side of maintenance hangar accessed from 'Green Lane' (part retrospective) - Approved.

21/00879/FUL - Extension of existing aircraft maintenance hangar to form 'lean-to' hangar for indoor aircraft maintenance (Retrospective) - Approved.

5.7 A relatively recent application submitted by the applicant (ref: 21/03722/FUL) was withdrawn for the 'Erection of a detached building to provide administration, welfare and storage facilities for aircraft maintenance business, flying school and resident pilots' following officers concerns with the scale and design of the proposed development.

5.8 A pre-application advice enquiry for the development, the subject of this application, was then submitted. The overall siting, form and scale of the development was the same as the proposal in this application. The key differences are the window details and use of materials (the proposal the subject of the pre-app advice included the use of brick and cladding). The applicant was advised by officers at that stage that such development was unlikely to be supported.

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

### **Principle**

5.10 Policy E1 of the West Oxfordshire Local Plan 2031 (WOLP) states that proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses.

5.11 Policy E2 of the WOLP states that in rural locations such as this new and replacement buildings will be allowed where they meet a specific business need which cannot otherwise be met in a more sustainable location. It goes on to say that any new building(s) must be suitably located for the scale and type of the proposed use and have regard to the level of accessibility to settlements, facilities and services and impact on the character and amenity of the area.

5.12 In this case, your officers are of the opinion that the provision of some form of low-key office and welfare facilities to serve resident and visiting pilots has been sufficiently justified and would support

the existing use in accordance with the above policies. However, given the extent of the existing storage and maintenance facilities already serving the use in the vicinity of the site, your officers do not consider that sufficient justification has been provided to substantiate why additional space for the storage of aircraft parts and archived materials is also required contrary to policy E2 which states that new buildings will be permitted in these locations where they meet a specific business need.

### **Siting, Design and Form and Landscape Impact**

- 5.13 The site is not within a conservation area nor the AONB, however it is noted the area forms part of the Enstone Uplands Landscape character. Within this the airfield is identified as a sub rural landscape on a flat, but prominent location. The site is elevated in the landscape compared with the centre of Enstone Village which sits approximately 80ft lower than the site. Therefore, there are views of the airfield from within the village and surrounding roads and areas.
- 5.14 Officers acknowledge that the brownfield nature of the site makes it slightly more tolerant of built development, but it is noted the introduction of too many urbanising features should be minimised due to its elevated position in the local landscape. This point was made clear in a previous application (ref: 14/01457/FUL) which permitted retrospective consent for the erection of a single storey modular building to be office and ancillary facilities for an adjacent flying club. Your officers also note the extent of development which has been applied for and/or regularised on the airfield site as a whole over the last few years - and recognise the accumulative impact the existing buildings on the site have on the immediate setting and wider landscape.
- 5.5 In this case, the proposed building sits further out in the landscape than the existing buildings which generally sit north of the Enstone Airfield driveway (other than a strip of existing hangars that sit to the East of the site adjacent to the runway). The proposed building is two storey in scale taking a somewhat uncharacteristic A-form featuring first floor gables on the North and South elevations. The building would be finished in metal cladding and would feature a number of windows and two storey glazing in the gables. While the materials would match some of the existing development on the site, your officers consider that the design is overtly contemporary and would appear out of character with the existing simple low-key utilitarian style buildings in the airfield context. Given its elevated position within the landscape, your officers are of the opinion that the proposed development would appear as an alien and incongruous feature which further intensify and urbanise the visual impact of the airfield site to the detriment of the wider landscape character.

### **Highways**

- 5.6 The existing site access arrangements will remain unchanged. The access from Green Lane is used by staff only and pilots who access 'airside' areas, which is served by an adjacent car park which has recently been granted planning permission (ref: 21/02022/FUL).
- 5.7 The Local Highway Authority has raised no objections to the application in terms of parking provision, highways safety and convenience.
- 5.8 As such, the application would be considered acceptable in these terms if the overriding refusal reason did not apply.

## **Residential Amenities**

- 5.9 Given the airfield context of the site, officers do not consider that the development would have an adverse impact on residential amenities.
- 5.10 Your officers note the concerns raised by objectors that the proposed development could result in an increase and intensification in air traffic which could in turn result in adverse impacts in terms of noise and disturbance to the detriment of residents of nearby villages.
- 5.11 However, the Council's Environmental Health Officer has raised no objections to the application on these grounds as there is no indication in the application that the development will result in a material or detrimental increase in activity.
- 5.12 As such, if the overriding refusal reason did not apply then the application would be considered acceptable in these terms.

## **Drainage**

- 5.13 The site lies within Flood Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officer has raised no objection to the application subject to the imposition of a surface water drainage condition.

## **Biodiversity**

- 5.14 Policy EH3 of the West Oxfordshire Local Plan 2031 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity and minimise impacts on geodiversity, including by minor applications demonstrating a net gain in biodiversity where possible. All developments will be expected to provide towards the provision of necessary enhancements in areas of biodiversity importance.
- 5.15 Has the overriding refusal reason not applied your officers would have recommended the imposition of a condition to secure the details and delivery of biodiversity enhancements to address this matter.

## **Conclusion**

- 5.16 In light of the above assessment, the application is considered unacceptable and fails to comply with policies OS2, OS4, E1, E2 and EH2 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide and the relevant provisions of the NPPF.

## **6 REASON FOR REFUSAL**

The application fails to sufficiently demonstrate the need for additional space for the storage of aircraft parts and archived materials to support the flying school business in light of the existing provision on the airfield site. In addition, the proposed development, by reason of its siting, scale, form and design, would appear contrived and uncharacteristic, and would fail to represent good design. Further, due to its elevated position in the Enstone Uplands Landscape character area, the proposed two storey building would appear as an alien and incongruous feature in the landscape. As such, the application fails to

comply with policies OS2, OS4, EI, E2 and EH2 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant provisions of the NPPF.

**Contact Officer:** Stephanie Eldridge

**Telephone Number:**

**Date:** 7th September 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

Application Number.	Ward.	Decision.
I. <b>21/02973/S73</b> Affecting a Conservation Area	Charlbury and Finstock	APP
Variation of conditions 3, 4, 5 and 13 of planning permission 17/00889/FUL to allow changes in materials relating to external walls, roofs, windows and driveways. <b>I Police House Hixet Wood Charlbury</b> Mr Matthew Neilson		

2. **21/03510/HHD** Chadlington and Churchill APP  
 Alterations and extensions to existing dwellinghouse. Demolition of existing outbuilding and erection of replacement outbuildings. Relocation of existing outdoor swimming pool.  
 (Amended.)  
**The Dower House Sarsgrove Wood Churchill**  
 C/O Agent
3. **21/03511/LBC** Chadlington and Churchill APP  
 Alterations and extensions to existing dwellinghouse. Demolition of existing outbuilding and erection of replacement outbuildings. Relocation of existing outdoor swimming pool.  
 (Amended.)  
**The Dower House Sarsgrove Wood Churchill**  
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4. **21/04140/FUL** Woodstock and Bladon APP  
 Erection of a children's nursery and associated works.  
**Land East Of Woodstock Oxford Road Woodstock**  
 Mr A Maltman
5. **22/00254/CND** Charlbury and Finstock APP  
 Discharge of conditions 3 (parking details), condition 6 (construction traffic management plan), condition 7 (surface water drainage scheme), condition 8 (construction management plan), condition 12 (scheme of hard and soft landscaping) and condition 13 (trees in relation to design demolition and construction) of planning permission 15/03099/FUL  
**Land South Of Forest Road Charlbury**  
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6. **22/00313/CND** Charlbury and Finstock APP  
 Affecting a Conservation Area  
 Discharge of condition 5 (details of integrated bat roosting and nesting opportunities for birds) and condition 6 (details of external lighting) of planning permission 20/00032/FUL  
**Land South Of Dark Lane Wilcote Riding Finstock**  
 Mr Jonathan Gumm
7. **22/00683/LBC** Burford APP  
 Affecting a Conservation Area  
 Internal and external alterations to include erection of a single storey rear extension and upgrade of existing extension (amended).  
**The Cobblers House 35 Witney Street Burford**  
 Mr And Mrs Lawton

8. **22/01170/HHD** Burford APP  
Affecting a Conservation Area
- Erection of a single storey rear extension together with associated works (amended).  
**The Cobblers House 35 Witney Street Burford**  
Mr And Mrs Lawton
9. **22/00789/FUL** Kingham, Rollright and Enstone APP
- Conversion of existing agricultural building and barn to form new office building and amenity building together with associated works including construction of car park and formation of pedestrian access to Banbury Road.  
**Chapel House Farm Chipping Norton Oxfordshire**  
Adalta Real
10. **22/01009/HHD** Woodstock and Bladon APP  
Affecting a Conservation Area
- Extension to rear of property.  
**16 Park Street Bladon Woodstock**  
Mrs Hannah O'Keeffe
11. **22/01011/LBC** Woodstock and Bladon APP  
Affecting a Conservation Area
- Extension to rear of property and internal alterations.  
**16 Park Street Bladon Woodstock**  
Mrs Hannah O'Keeffe
12. **22/01197/FUL** Kingham, Rollright and Enstone APP
- Demolition of existing agricultural building and erection of new building to form coffee shop with associated car parking.  
**Chapel House Farm Chipping Norton Oxfordshire**  
Adalta Real
13. **22/01298/HHD** The Bartons APP
- Demolition of existing conservatory and erection of two storey side extension. Alterations to existing family room to include replacement roof with roof lantern. Formation of new vehicular access and associated works. (amended)  
**13 Orchard Way Middle Barton Chipping Norton**  
Mr C Fowler

14. **22/01373/HHD** North Leigh APP  
 Erection of a garden shed and Oak pergola.  
**37 Breakspear Way North Leigh Witney**  
 Mrs Samantha Knowlton
15. **22/01428/HHD** Stonesfield and Tackley APP  
 Alterations to include erection of single storey rear extension, provision of new external boiler room at low level in service yard and enclosed log store under external stair together with associated landscaping works.  
**Honeysuckle Cottage Glympton Woodstock**  
 Mr Robert Mills
16. **22/01460/FUL** Kingham, Rollright and Enstone APP  
 Proposed siting of 10 holiday lodges in lieu of 18 touring caravans with alternative site access, extension to pub car park and landscaping throughout.  
**Greedy Goose Camp Site Chastleton Moreton-In-Marsh**  
 Mr Tom Hartley Jnr
17. **22/01472/HHD** Kingham, Rollright and Enstone REF  
 Affecting a Conservation Area  
 Rear extension with side curtain walling, internal alterations, new traditional dormers to front of garage and large rear dormer to rear or garage (amended).  
**20 Manor Farm Close Kingham Chipping Norton**  
 Mr Greg Elliott
18. **22/01473/HHD** Hailey, Minster Lovell and Leafield APP  
 Affecting a Conservation Area  
 Erection of single and two storey rear extensions (previously approved 19/00965/HHD)  
**16 Fairspear Road Leafield Witney**  
 Mrs H Barrett
19. **22/01497/FUL** Chadlington and Churchill REF  
 Affecting a Conservation Area  
 Construction of detached building comprising workshop, covered parking and storage.  
**Dean Mill Dean Chipping Norton**  
 Mr James Buchan

20. **22/01519/HHD** Kingham, Rollright and APP  
Enstone  
Affecting a Conservation Area  
  
Erection of greenhouse in garden and alterations to well attached to dwellinghouse  
**Hornbeam House Old Road Great Tew**  
C Campbell
21. **22/01520/LBC** Kingham, Rollright and APP  
Enstone  
Affecting a Conservation Area  
  
Erection of greenhouse in garden and alterations to well attached to dwellinghouse  
**Hornbeam House Old Road Great Tew**  
C Campbell
22. **22/01576/CLP** Kingham, Rollright and APP  
Enstone  
  
Certificate of Lawfulness (construction of four garden rooms).  
**Chapel House Farm Chipping Norton Oxfordshire**  
Adalta Real
23. **22/01619/HHD** Chadlington and Churchill APP  
Affecting a Conservation Area  
  
Proposed rear single storey extension, front porch, removal of conservatory and alterations to garage to form hobby room /home office  
**11 Langston Close Churchill Chipping Norton**  
Mr and Mrs Field
24. **22/01671/FUL** Stonesfield and Tackley WDN  
  
Change of use of agricultural land to residential curtilage associated with Starvaell Farm and the erection of a 4-bay garage.  
**Starvaell Farm Woodleys Woodstock**  
Mr Brendan O'Brien
25. **22/01675/HHD** Stonesfield and Tackley APP  
Affecting a Conservation Area  
  
Demolition of rear extension to be replaced with new two and single storey rear extensions with associated internal alterations and conversion of existing garage to ancillary annex together with external landscaping (amended plans).  
**Greystones Pond Hill Stonesfield**  
Mr & Mrs G Booth

26. **22/01690/CND** Kingham, Rollright and APP  
Enstone
- Discharge of condition 5 (Arboricultural Method Statement) of planning permission  
22/00601/HHD  
**2 Chalford Park Cottages Oxford Road Old Chalford**  
Mr And Mrs C Nel
27. **22/01680/HHD** Freeland and Hanborough APP
- Whole house renovation to raise roof, front and rear extensions  
**Chalfont 3 Wroslyn Road Freeland**  
Mr Frank Creese
28. **22/01681/HHD** Charlbury and Finstock REF  
Affecting a Conservation Area
- Single story rear extension and replacement garage  
**13 Hill Close Charlbury Chipping Norton**  
Mr Andrew Chapman
29. **22/01698/LBC** The Bartons APP  
Affecting a Conservation Area
- Installation of a T3 aerial.  
**Park Farm House Ledwell Road Sandford St Martin**  
Mr Tim Moore
30. **22/01714/HHD** Milton Under Wychwood APP  
Affecting a Conservation Area
- Proposed two storey extension and external alterations  
**Church Farm House Church Street Idbury**  
Ms Teresa Stopford Sackville
31. **22/01715/LBC** Milton Under Wychwood APP  
Affecting a Conservation Area
- Proposed two storey extension and external alterations  
**Church Farm House Church Street Idbury**  
Ms Teresa Stopford Sackville

32. **22/01726/FUL** Woodstock and Bladon APP  
Temporary consent for the erection and use as Sales and Marketing suite with associated parking and landscaping  
**Land East Of Woodstock Oxford Road Woodstock**  
Mr Mark Utting
33. **22/01730/FUL** Stonesfield and Tackley APP  
Change of use of land to residential garden/ curtilage (retrospective)  
**Land North Of Fox Hill Tackley**  
Mr J Schicht
34. **22/01732/HHD** Chipping Norton REF  
Alterations including: remodel the entrance hall and bathroom, erection of a two-storey extension, rebuild the conservatory as a garden room on the same footprint. The proposal also includes small increases to the area of hard surface for the entrance driveway  
**3 Cox Lane Chipping Norton Oxfordshire**  
Mr Berwyn Jones
35. **22/01762/FUL** Burford APP  
Affecting a Conservation Area  
Installation of air source heat pumps within timber enclosure.  
**Warwick Hall Church Green Burford**  
Mr David Spragg
36. **22/01763/LBC** Burford APP  
Affecting a Conservation Area  
Installation of air source heat pumps within timber enclosure.  
**Warwick Hall Church Green Burford**  
Mr David Spragg
37. **22/01772/HHD** Ascott and Shipton WDN  
Affecting a Conservation Area  
Rear extension to existing cottage at ground floor (amended)  
**Licence Cottage Church Street Shipton Under Wychwood**  
Mr Sebastian Veeder

38. **22/01776/HHD** Stonesfield and Tackley REF  
Affecting a Conservation Area
- First floor side extension.  
**11 Cockshoot Close Stonesfield Witney**  
Mr Steve Thomas
39. **22/01779/FUL** Burford APP  
Affecting a Conservation Area
- Erection of single storey extension to main dwelling and conversion of existing garden store to create self contained holiday let.  
**Chevrons Swan Lane Burford**  
Mrs Bigwood
40. **22/01780/LBC** Burford APP  
Affecting a Conservation Area
- Erection of single storey extension to main dwelling and conversion of existing garden store to create self contained holiday let.  
**Chevrons Swan Lane Burford**  
Mrs Bigwood
41. **22/01789/HHD** Freeland and Hanborough APP  
Removal of existing extension and erection of new full width extension to rear of property.  
**33 Churchill Way Long Hanborough Witney**  
Mr Neil Garrard
42. **22/01792/HHD** Hailey, Minster Lovell and APP  
Leaffield
- Affecting a Conservation Area
- Installation of two additional first and second floor double glazed, hardwood, casement windows.  
**Lower End Farmhouse 87 Lower End Leaffield**  
Mr Rajat Mathur
43. **22/01793/FUL** Freeland and Hanborough APP  
Construction of a detached single storey, self contained annex.  
**1 Glyme Way Long Hanborough Witney**  
Mr D Fraser

44. **22/01800/S73** The Bartons APP  
Affecting a Conservation Area
- Variation of condition 2 of planning permission 21/02984/FUL to allow for a different dwelling to be erected on plot 3.  
**Manor Farm Barns North Street Middle Barton**  
Mr David Cheyne
45. **22/01807/S73** Chadlington and Churchill APP
- Variation of conditions 2 and 3 of planning permission 21/00257/HHD to omit the approved two storey extension, allow adjustment to existing door opening in South elevation and replace bay window with non-projecting window.  
**Willowbrook Brook End Chadlington**  
Mr And Mrs A Eriksen
46. **22/01813/FUL** Woodstock and Bladon APP  
Affecting a Conservation Area
- Replacement dwelling on partial footprint of existing dwelling and separate garage (incorporating some external walls) (amended)  
**3 The Homestead Bladon Woodstock**  
Mr Jonathan Sunburk
47. **22/01814/HHD** The Bartons APP  
Affecting a Conservation Area
- Replace existing shed and former greenhouse with a cedar shingle clad studio  
**Cricket Field Cottage Ledwell Road Sandford St Martin**  
Ned Colville
48. **22/01819/HHD** Charlbury and Finstock WDN  
Affecting a Conservation Area
- Proposed extension to the west elevation  
**Sheepstor 36 High Street Finstock**  
Mr Mervyn Cawley
49. **22/01824/HHD** Kingham, Rollright and APP  
Enstone
- Affecting a Conservation Area
- Proposed single and two-storey extensions to front and side  
**The Gables West End Kingham**  
Mr + Mrs J. Tustian

50. **22/01926/PN56** Kingham, Rollright and P4REF  
Enstone

Conversion of an agricultural building to a dwelling house.  
**Litchfield Farm Lidstone Road Enstone**

51. **22/01841/FUL** Charlbury and Finstock APP  
Affecting a Conservation Area

Replacement timber casement window and addition of 1 No. external downpipe  
**Flat 4 Bayliss Yard Charlbury**  
Rev. Canon Jeff West

52. **22/01842/LBC** Charlbury and Finstock APP  
Affecting a Conservation Area

Replacement timber casement window and addition of 1 No. external downpipe  
**Flat 4 Bayliss Yard Charlbury**  
Rev. Canon Jeff West

53. **22/01847/FUL** Ascott and Shipton APP  
Affecting a Conservation Area

Change of use of land from paddock to garden and conversion of an existing stable block into a yoga studio and garden machinery store  
**Lane House Barn Milton Road Shipton Under Wychwood**  
Mr Steven Webber

54. **22/01855/HHD** Milton Under Wychwood APP

Single and two storey rear extensions  
**42 The Sands Milton Under Wychwood Chipping Norton**  
Mr Steve Metcalfe

55. **22/01857/FUL** Chipping Norton REF

Conversion of agricultural storage building to a self contained unit for holiday letting.  
**Westfield Farm Churchill Road Chipping Norton**  
Mr Robin Woodcock

56. **22/01861/HHD** Woodstock and Bladon APP  
 Construction of a replacement front entrance canopy, raised entrance steps and insertion of first floor gable window  
**28 Heath Lane Bladon Woodstock**  
 Mr And Mrs D Jameson
57. **22/01862/HHD** Charlbury and Finstock APP  
 Affecting a Conservation Area  
 Ground floor single-storey rear extension and addition of 1 no. conservation rooflight to rear roof slope  
**The Cottages Church Lane Charlbury**  
 Mr Oliver Beaumont
58. **22/01863/CLP** Woodstock and Bladon APP  
 Certificate of Lawfulness (construction of ancillary garden pavilion).  
**Merry Piece Oxford Road Woodstock**  
 Mr Gary Holmes
59. **22/01883/HHD** Chipping Norton APP  
 Replace existing rear extension with new single storey rear and side extension, to include insertion of 6 no. roof lights on new extension roofs and holistic energy retrofit to main rear roof slope.  
**8 Brassey Close Chipping Norton Oxfordshire**  
 Mr Bill Thatcher
60. **22/01886/HHD** Kingham, Rollright and Enstone APP  
 Affecting a Conservation Area  
 Replace old boiler shed with new boiler room and pool changing facilities (amendment to plans approved under 21/02223/HHD).  
**Old Pound House The Green Kingham**  
 Mr And Mrs Blomefield
61. **22/01887/CLP** Woodstock and Bladon APP  
 Certificate of Lawfulness (Insertion of rooflights to front elevation and rooflights/mini-dormers to rear elevation).  
**28 Heath Lane Bladon Woodstock**  
 Mr And Mrs D Jameson

62. **22/01936/CND** Kingham, Rollright and APP  
Enstone
- Discharge of condition 5 (details of external lighting) of planning permission 21/03464/FUL  
**Heythrop Park Hotel Heythrop Park Heythrop**  
Warner Leisure Hotels
63. **22/01955/HHD** Chipping Norton APP
- Replace garage with two storey side extension  
**22 Cross Leys Chipping Norton Oxfordshire**  
Mr S King
64. **22/01956/FUL** Freeland and Hanborough APP
- Change of use to Class E (shop and cafe) and F2 (local community uses)  
**Freeland Methodist Church Wroslyn Road Freeland**  
Mr Colin Smith
65. **22/01957/FUL** Burford WDN  
Affecting a Conservation Area
- Proposed Conversion of Garage Block and commercial store into Two Bedroom Living  
Accommodation  
**Garage Block 5A Priory Lane Burford**  
Mr Neil Lauder
66. **22/01958/LBC** Burford WDN  
Affecting a Conservation Area
- Proposed Conversion of Garage Block and commercial store into Two Bedroom Living  
Accommodation  
**Garage Block 5A Priory Lane Burford**  
Mr Neil Lauder
67. **22/01961/HHD** Kingham, Rollright and REF  
Enstone
- Proposed loft Conversion  
**The Beeches Great Rollright Chipping Norton**  
Ms Imogen Wyatt

68. **22/01967/CLP** Woodstock and Bladon APP  
 Certificate of Lawfulness (Conversion of existing garage to habitable use)  
**21 Vanbrugh Close Woodstock Oxfordshire**  
 Ms L Milloini
69. **22/01976/HHD** Woodstock and Bladon APP  
 Pitched roof porch with white UPVC windows  
**32 Blackberry Way Woodstock Oxfordshire**  
 Mr Chris Yates
70. **22/02071/LBC** Kingham, Rollright and Enstone APP  
 Affecting a Conservation Area  
 Replace old boiler shed with new boiler room and pool changing facilities (amendment to plans approved under 21/02224/LBC).  
**Old Pound House The Green Kingham**  
 Mr And Mrs Blomefield
71. **22/02191/NMA** Charlbury and Finstock APP  
 Affecting a Conservation Area  
 Change of use of land to extend external dining area and siting of glamping pods together with associated works and landscaping (non-material amendment to allow the repositioning and altered details of the pods).  
**The Plough High Street Finstock**  
 Mr G Wallis
72. **22/02183/NMA** Kingham, Rollright and Enstone APP  
 Change of use of agricultural land together with conversion of barn and stables to ancillary residential use. Works to include, construction of an outdoor pool with associated landscaping works and walling (non-material amendment to allow changes to fenestration, doors and wood burner flue).  
**Little Tew Grounds Enstone Road Heythrop**  
 Mr And Mrs Andrew Cowley

73. **22/02315/NMA** Stonesfield and Tackley REF  
Affecting a Conservation Area
- Ground floor and first floor side extensions with conversion of attic (non-material amendment to allow the addition of a gable window, two roof lights and a stainless steel flue system).  
**Cambo Peaks Lane Stonesfield**  
Ms Hannah Crowe
74. **22/02322/NMA** Charlbury and Finstock APP  
Affecting a Conservation Area
- Proposed first floor rear extension (non-material amendment to allow alteration to dog leg wall to angled and addition of roof lights).  
**The Old Fire Station Browns Lane Charlbury**  
Mr Hulme
75. **22/02334/NMA** Woodstock and Bladon APP  
Affecting a Conservation Area
- A lean-to single storey side extension (non-material amendment to allow the removal of all windows, relocation of door to the east elevation and the addition of two roof lights).  
**22 Heath Lane Bladon Woodstock**  
Mr Ahmed Amin

APP/D3125/W/22/3293656

Land East of Barns Lane, Burford

The development proposed is up to 141 assisted extra care residential units (Class C2) and up to 32 affordable housing units (Class C3) along with associated communal facilities, parking, vehicular and pedestrian access, internal roads, public open space, landscaping, drainage and other associated infrastructure.

Appeal Dismissed & Costs Partially Allowed.

APP/D3125/W/21/3288685

Land off Toy Lane, Chipping Norton.

The development proposed is erection of detached dwelling house.

Appeal Dismissed.

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 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>Uplands Area Planning Sub-Committee: Monday 19 September 2022</b></p>
<p>Report Number</p>	<p><b>Agenda Item No. x</b></p>
<p>Subject</p>	<p><b>Progress on Enforcement Cases</b></p>
<p>Wards affected</p>	<p>As specified in <a href="#">Annex A</a></p>
<p>Accountable officer</p>	<p>Abby Fettes, Business Manager, Development Management Email: <a href="mailto:abby.fettes@publicagroup.uk">abby.fettes@publicagroup.uk</a></p>
<p>Author</p>	<p>Kelly Murray, Principal Planner (Enforcement and Appeals) Tel: 01993 861674 Email: <a href="mailto:kelly.murray@westoxon.gov.uk">kelly.murray@westoxon.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>To inform the Sub-Committee of the current situation and progress in respect of enforcement investigations</p>
<p>Annex</p>	<p><a href="#">Annex A</a> – Schedule of cases (Sections A to C)</p>
<p>Recommendation</p>	<p>That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of <a href="#">Annex A</a> be noted.</p>
<p>Corporate priorities</p>	<p>N/A</p>
<p>Key Decision</p>	<p>N/A</p>
<p>Exempt</p>	<p>No</p>

## **I. BACKGROUND AND MAIN POINTS**

- 1.1. [Section A](#) of Annex A contains cases where the requirements of a formal notice have not been met within the compliance period ([page 3](#)).
- 1.2. [Section B](#) contains cases where formal action has been taken but the compliance period has yet to expire ([page 5](#)).
- 1.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([page 6](#)).
- 1.4. The Sub-Committee should be aware that the cases included in this update constitute only a small number of the overall enforcement caseload across the District, which at the time of writing consists of 280 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 12% of the total caseload.

## **2. FINANCIAL IMPLICATIONS**

- 2.1. There are no financial implications resulting from this report.

## **3. ALTERNATIVE OPTIONS**

- 3.1. Not applicable, as the report is for information.

## **4. BACKGROUND PAPERS**

- 4.1. None

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

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

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Unicorn Public House, Great Rollright	Listed Building allowed to fall into a state of disrepair	<p>The pub has been closed for many years and the subject of on-going complaint regarding its appearance/state of repair.</p> <p>Report to Cabinet in November 2018 recommended that if the building is to be secured it will be necessary to enact the resolution to compulsorily purchase it and make budgetary provision for such action. A full report was put to Council on 23 January 2019 and agreed.</p> <p>Since then:</p> <p>Building Control has continued inspections to review safety of the structure.</p> <p>Estates commenced discussions with the owner to ascertain whether a negotiated purchase can be secured without the need for formal CPO action.</p>	This matter is now with Property Services. A scheme of enabling development is being promoted which would secure sufficient funding to enable the restoration and re-opening of the pub. In the interim the condition of the building is being monitored by Building Control with overview by the Council's conservation officers.

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

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

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Netherby Farm, Swerford	Unauthorised residential occupation of caravan	Members resolved to refuse planning permission for temporary residential use.	The Council served an enforcement notice in May. This is currently the subject of an appeal.
Land to the East of the Slade Charlbury	Change of use of part of site to storage of building materials and machinery	An application for a certificate of lawfulness was submitted last year and refused.	The Council served an enforcement notice in July. This is the subject of an appeal which will be determined by way of an inquiry.

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

<b>Site Address and Case No.</b>	<b>Unauthorised Development</b>	<b>Notes</b>	<b>Update/Action to be taken</b>
The Beeches, Old London Road, Chipping Norton	Car park extension. Additional caravans located on the periphery of the site.  Extension of the site to the south of the site access.	Officers have noted that a number of plots on the periphery of the site have additional caravans on them. Further that there is a car park extension to the south east of the site. Whilst Officers do not consider the car park extension to be harmful, the peripheral expansion of the site does result in the site appearing more visually prominent within the AONB.	A recent multi-agency visit to the site took place in which it was possible to determine the extent and nature of activity on site. At present Officers consider there are no planning breaches warranting action. There are, however, other, non-planning issues on the site that are being investigated by other services within the Council and other agencies.
26 High Street, Ascott under Wychwood	Unauthorised change of use of land from agricultural to garden.	Planning application 16/03240/FUL was submitted in an attempt to regularise the breach. It was refused on the grounds that the extension of the garden curtilage adversely intrudes into and urbanises the open countryside thus failing to conserve and enhance the Cotswolds AONB.	There has been periodic monitoring of the site and it is considered that whilst there may have been a material change of use, in the circumstances (noting that the adjoining property appears to have extended its garden) the extension does not result in 'material' harm to the rural character and appearance of the area.  Case to be closed.
Burford House 99 High Street	Alterations to listed building	Unauthorised works have been undertaken to a Grade II listed building	Applications for part retrospective works were approved under 19/01293/FUL and 19/01294/LBC but were not implemented and have now lapsed.  Officers are in contact with the new owner/operator of the hotel and the next step is to consider the expediency of enforcement action.
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed	A thatcher has been repairing the roof on a like-for-like basis. Our conservation officer is monitoring the works.
Track at Tracey Lane Great Tew	Unauthorised track created	Planning permission refused retrospectively	Amended application seeking to address archaeological and landscape issues was approved under reference 18/02236/FUL. However, the track is in use by vehicles and

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
			the required top dressing has not been applied in full. Officers are now considering serving a Breach of Condition Notice.
Enstone Airfield	Use of compound as a lorry park and for the siting of residential caravans  Scaffolding Business, porta loo hire business and storage of containers	Members will note that historically there have been a number of alleged breaches in respect of various interests. Many of these have now been regularised.	There remains unauthorised storage of waste material in respect of which an application was submitted to OCC for a temporary use of the land for the storage and sorting of waste. This is a matter for OCC and the Environment Agency.  There are no current breaches that are considered to justify action at this stage. Monitoring of the number of flights has been undertaken and this falls well within the amount of flying activity that is allowed from the site
14 Park Street Woodstock	Internal and external operations being carried out without consent.	Listed building being converted to residential user. Former Barclays bank.	Applications requested and finally received 10 June. The windows were removed and replaced without permission and Officers are considering whether it would be appropriate to take further action in this case.
Wychwood Grange, Fordwells	Alleged unauthorised material change of use from two dwellings to a single 'party house'	The site formerly consisted of two dwellings which are now occupied as a single unit accommodating up to 30 people	This remains an open case since a pattern of use needs to be established in order to determine if there has been a material change of use. At the time of writing there is insufficient information to determine whether this is the case, but monitoring is continuing.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Land adjoining The Old Quarry, Ledwell Road Great Tew Oxon	Alleged change of use of land to motocross. Construction of motocross track	This is a recent complaint for which no planning permission has been granted. The site is located within the open countryside abutting a right of way and in close proximity to a residential use.	Track removed from the land. Case closed.
Annexe at Bondeni, Station Road, Kingham	Use of annex as a separate dwelling/sub division of plot		A recent site visit confirmed that the annex is not being occupied separately and that there is no breach. Case closed.
Barwood Homes, Tackley	Elevated footpath	Officers negotiated an amended landscape scheme in order to ameliorate the impact of the footpath	A revised landscaping scheme has been agreed and part- Unfortunately this failed during the hot weather and so replanting will be required in the coming planting
Diddly Squat Farm, Chipping Norton Road, Chadlington	Various alleged breaches of conditions attached to planning permissions.		In August the Council served an enforcement notice in respect of the change of use of the site (including the use of a converted barn to the south of the lambing shed). At the time of writing Officers are not aware of an appeal having been made.
West End Farm, Chipping Norton	Unauthorised hard standing		There remains unauthorised hardstanding which was originally built without permission as the base for a new barn. This is considered to cause landscape harm and to impact adversely on the setting of Bliss Mill. Officers are in contact with the landowner in an attempt to secure the removal of the development.
DC Automotive Home Farm	Unauthorised material change		The contraveners have been asked to submit evidence of lawful use but have failed to do so. Expediency of enforcement action has been considered and the next step is issue and service of an enforcement notice.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
Mount Skippett Ramsden	of use - sale of second hand cars		
121 High Street Burford	Listed building in disrepair		Officers have carried out a recent site visit and are now in the process of trying to contact the owner.