

Thursday, 15 June 2023

Tel: 01993 861000

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

UPLANDS AREA PLANNING SUB-COMMITTEE

You are summoned to a meeting of the Uplands Area Planning Sub-Committee which will be held in the Committee Room 1, Woodgreen, Witney OX28 1NB on **Monday, 26 June 2023 at 2.00 pm.**



Giles Hughes
Chief Executive

To: Members of the Uplands Area Planning Sub-Committee

Councillors: Julian Cooper (Chair), Rizvana Poole (Vice-Chair), Alaa Al-Yousuf, Lidia Arciszewska, Hugo Ashton, Andrew Beaney, Jeff Haine, David Jackson, Tim Sumner, Dean Temple and Mark Walker

Recording of Proceedings – The law allows the public proceedings of Council, Executive, 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. **Apologies for Absence and Temporary Appointments**
2. **Declarations of Interest**
To receive any declarations from Members of the Committee on any items to be considered at the meeting
3. **Minutes of Previous Meeting (Pages 5 - 10)**
To approve the minutes of the meeting held on Monday 5 June 2023.
4. **Applications for Development (Pages 11 - 64)**
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 No.	Address	Planning Officer
13-28	22/02472/FUL	Land At Former Home Close Farm Shilton Road	Joan Desmond
29-34	23/00294/HH D	Upper Farm Cleveley	Mr Emile Baldauf-Clark
35-42	23/00295/LBC	Upper Farm Cleveley	Mr Emile Baldauf-Clark
43-55	23/00603/FUL	The Homestead Frog Lane	James Nelson
56-64	23/01121/FUL	Land At Manor Farm	Peter Morgan

5. **Applications Determined under Delegated Powers and Appeal Decisions (Pages 65 - 76)**
Purpose:
To inform the Sub-Committee of applications determined under delegated powers and any appeal decisions.
Recommendation:
That the reports be noted.

6. **Enforcement Update Uplands Area Planning Sub-Committee June 2023 (Pages 77 - 84)**

Purpose:

To brief the Sub-Committee on the work of the enforcement team and to provide an update on progress in respect of priority enforcement investigations.

Recommendations:

That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of [Annex A](#) be noted.

(END)

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WEST OXFORDSHIRE DISTRICT COUNCIL

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

Held in Committee Room 1, Woodgreen, Witney OX28 1NB at 2.00 pm on **Monday, 5 June 2023**

PRESENT

Councillors: Julian Cooper (Chair), Rizvana Poole (Vice-Chair), Alaa Al-Yousuf, Lidia Arciszewska, Hugo Ashton, Andrew Beaney, Jeff Haine, David Jackson, Tim Sumner and Dean Temple.

Officers: Max Thompson (Senior Democratic Services Officer), Anne Learmonth (Democratic Services Officer), Maria Harper (Democratic Services Assistant), Joan Desmond (Principal Planner), Abby Fettes (Development Manager), Emile Baldauf-Clark (Planning Officer), Clare Anscombe (Planning Officer), James Nelson (Planning Officer) and Trushar Patel (ICT Senior Support Analyst).

Other Councillors in attendance: Nil.

67 Election of Chair

The Senior Democratic Services Officer, Max Thompson, opened the meeting, welcoming Members and Officers to the Uplands Area Planning Sub-Committee meeting.

The Senior Democratic Services Officer asked the Committee for nominations to the position of Chair of the Committee for the municipal year 2023/2024.

Councillor Rizvana Poole proposed that Councillor Julian Cooper be elected Chair of the Uplands Area Planning Sub-Committee for the municipal year 2023/2024. This was seconded by Councillor David Jackson and was put to a vote. The vote carried.

Committee **Resolved** to:

1. Elect Councillor Julian Cooper as Chair of the Uplands Area Planning Sub-Committee for the municipal year 2023/2024.

68 Election of Vice-Chair

Councillor Julian Cooper, Chair of the Uplands Area Planning-Sub Committee, proposed from the Chair that Councillor Rizvana Poole be elected Vice-Chair of the Uplands Area Planning Sub-Committee for the municipal year 2023/2024.

This was seconded by Councillor David Jackson and was put to a vote. The vote carried.

Committee **Resolved** to:

1. Elect Councillor Rizvana Poole to the position of Vice-Chair of the Uplands Area Planning Sub-Committee for the municipal year 2023/2024.

69 Apologies for Absence.

Apologies for Absence were received from Councillor Mark Walker.

Councillor Dean Temple arrived late to the meeting at 2.05pm.

70 Declarations of Interest

Councillor Andrew Beaney stated that he knew of the applicant's next door neighbour in relation to application 23/00603/FUL, (The Homestead Frog Lane, Milton Under Wychwood), and that it had no bearing on his judgement when considering the application.

71 Minutes of Previous Meeting

The minutes of the previous meeting, held on Tuesday 25 April 2023, were unanimously agreed by the Committee, and signed by the Chair as a true & accurate record.

72 Applications for Development

The Chair of the Committee, Councillor Julian Cooper, advised that the first two applications listed on the agenda (22/03113/HHD and 22/03114/LBC), relating to Salus House Milton Road, Shipton-Under-Wychwood, would be debated together, then voted on as separate applications.

22/03113/HHD and 22/03114/LBC, Salus House Milton Road, Shipton Under Wychwood.

Clare Anscombe, Planning Officer, introduced the applications for the erection of a garden room extension with flue and associated works, and fenestration alterations with an amended description and amended plans.

Iain Summerwood spoke in favour of the applications on behalf of the applicant. A copy of the speech is attached to the original copy of the minutes.

The Planning Officer continued with her presentation, which clarified the following points:

- Specific framework adherence in accordance within the National Planning Policy Framework (NPPF) and wider planning policy;
- Prior agreed amendments to the proposals;
- Submission of Heritage impacts statement;
- Impacts of the main proposals;
- Architectural contribution of the site;
- Enhancement of site in relation to permission prior approved by Committee in 2010;
- Character of parent village;
- Enhancement of current environment within the site;
- Usage of approved materials;
- Protection of the local Area of Outstanding Natural Beauty (AONB).

The Chair then invited the Committee to discuss the applications, which raised the following clarification points:

- No impacts within the local area;
- No impacts to neighbouring dwellings;
- Vegetation surrounding the proposed dwelling;
- Potential impacts regarding potential light pollution.

05/June2023

Councillor Jeff Haine proposed that application 22/03113/HHD be approved, in line with officer recommendations. This was seconded by Councillor David Jackson, was put to a vote and was unanimously approved by the Committee.

Councillor Jeff Haine proposed that application 22/03114/LBC be approved, in line with officer recommendations. This was seconded by Councillor David Jackson, was put to a vote and was unanimously approved by the Committee.

Committee **Resolved** to:

1. Approve the applications, in line with officer recommendations.

22/03408/FUL, Leafield Technical Centre, Leafield, Oxfordshire.

Joan Desmond, Principal Planner, introduced the application for the partial demolition of existing buildings, and development of a holiday park, comprising short stay holiday accommodation units and associated leisure facilities, through redevelopment and refurbishment, along with landscaping, boundary treatment, access, parking, drainage, services and plant. The application sought further permission for the conversion of 'Building F' to form 2, 4 bedroom dwellings (Class C3).

The Principal Planner also drew the Committee's attention to the late representations report, which had been circulated prior to the meeting and late comments received from the Parish Council relating to requested S106 matters.

Edward Lewridge spoke in favour of the application on behalf of the applicant. A copy of the speech is attached to the original copy of the minutes.

The Principal Planner continued with her presentation, which clarified the following points:

- Adherence of the application with the NPPF;
- Compliance with policy EI within the Local Plan relating to the application;
- Acceptable impacts on the landscape given existing screening and proposed additional planting;
- Containment of site within the wider landscape;
- Acceptable highways impacts.

The Chair invited the Committee to discuss the application, which raised the following clarification points:

- Sewage capacity impacts and provision for foul water;
- Representations made to, and received from Thames Water;
- Historic use of the site;
- Existing landscaping impacts on the site;
- Use of the proposed facilities within the site.

05/June2023

Councillor Jeff Haine proposed that the application be approved, in line with officer recommendations. This was seconded by Councillor David Jackson, and was put to a vote. There were 9 votes in favour, 1 vote against (Councillor Tim Sumner), and Nil abstentions. The vote carried.

Committee **Resolved** to:

- I. Approve the application, in line with officer recommendations.

23/00598/HHD, High Ridge, 46 High Street, Milton Under Wychwood.

Emile Baldauf-Clark, Planning Officer, introduced the application for the repair and rebuild of an outbuilding, to provide a home working and recreational space (Revised scheme).

Charles Hugill spoke in objection to the application. A copy of the speech is attached to the original copy of the minutes.

The Senior Democratic Services Officer, Max Thompson, read out a pre-submitted statement on behalf of the applicants. A copy of the speech is attached to the original copy of the minutes.

The Planning Officer continued with his presentation, which clarified the following points:

- Enhancement of the character at the site;
- Visual impacts relating to the Cotswold AONB;
- Feedback received from the Planning Inspectorate;
- Removal of window for imposing nature of neighbouring dwelling.

The Chair invited the Committee to discuss the application, which raised the following clarification points:

- Previous site visit to the dwelling by the Committee;
- Desired, unreasonable usage of the out-building;
- Potentially misleading application, owing to desired activities within outbuilding;
- Impact on neighbouring dwellings whilst the out-building is in use;
- Likely usage of out-building as a holiday letting;

Councillor Jeff Haine proposed that the application be refused, in line with Planning Policy OS4, as detailed within the West Oxfordshire Local Plan. This was seconded by Councillor Lidia Arciszewska, and was put to a vote. There were 8 votes in favour, 1 vote against, and 1 abstention. The vote carried.

Committee **Resolved** to:

- I. Refuse the application, in line with Planning Policy OS4, as detailed within the West Oxfordshire Local Plan.

REASON: The provision of increased human activity in this location as a result of the development would be unacceptable as it would create overlooking and harm to the living conditions of surrounding residents contrary to Policy OS4 of the West Oxfordshire Local Plan and Paragraph 130 of the National Planning Policy Framework.

05/June2023

23/00603/FUL, The Homestead Frog Lane, Milton Under Wychwood.

James Nelson, Planning Officer, introduced the application for the erection of two detached dwellings and associated works.

Gareth Jones spoke in favour of the application, on behalf of the applicant. A copy of the speech is attached to the original copy of the minutes.

The Planning Officer continued with his presentation, which clarified the following points:

- Adherence to policies stated in the Local Plan;
- Visual impacts on the village;
- Acceptable character of the proposed development;
- Separate development impacting on the current site;
- Loss of an existing, open space;
- Damage to the aesthetic nature of the area;
- Lack of addition to housing supply.

The Chair invited the Committee to discuss the application, which raised the following clarification points:

- Existing developments within the area;
- Potential urbanisation of the area;
- Unclear rationale of officer recommendations for refusal of application.

Councillor David Jackson proposed that the application be deferred for a site visit by the Committee. This was seconded by Councillor Tim Sumner, and was put to a vote. There were 7 votes in favour, 3 votes against, and Nil abstentions. The vote carried.

Committee **Resolved** to:

1. Defer the application, for a site visit by the Committee, to take place on Thursday 22 June at 9.30am.

23/00643/FUL, Dean Mill, Dean, Chipping Norton.

James Nelson, Planning Officer, introduced the application for the construction of detached building comprising workshop, covered parking and storage. The Planning Officer's presentation clarified the following points:

- Parking arrangements at the site;
- Location of proposed site;
- Identification of potential flooding risks;
- Reduction in building height;
- Preservation of conservation area.

05/June2023

The Chair invited the Committee to discuss the application, which raised the following clarification points:

- Lighting impacts in the local area;
- Size of the initial development;
- Desired improvement of the area;
- Proximity of the site to existing highways infrastructure.

Councillor Hugo Ashton proposed that the application be approved in line with officer recommendations. This was seconded by Councillor Rizvana Poole, and was put to a vote. There were 8 votes in favour, 2 votes against, and Nil abstentions. The vote carried.

Committee **Resolved** to:

1. Approve the application, in line with officer recommendations.

73 Applications Determined under Delegated Powers and Appeal Decisions

The report giving details of applications, determined under delegated powers, was received and noted by the committee.

Committee **Resolved** to:

1. Note the report containing details of application, determined under delegated powers.

The Meeting closed at 4.10 pm

CHAIR

WEST OXFORDSHIRE DISTRICT COUNCIL UPLANDS AREA PLANNING SUB-COMMITTEE

Date: 26th June 2023

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.

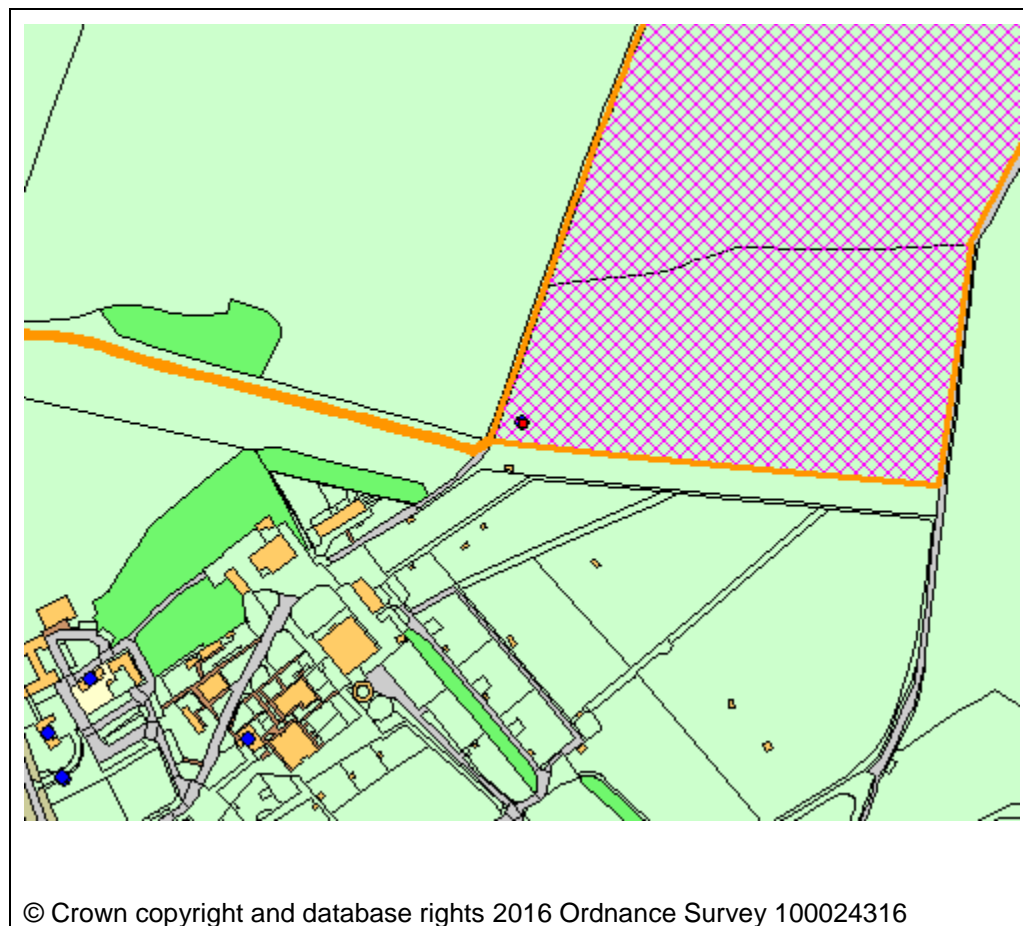
Please note that:

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

Item	Application Number	Address	Officer
13-28	22/02472/FUL	Land At Former Home Close Farm Shilton Road	Joan Desmond
29-34	23/00294/HHD	Upper Farm Cleveley	Mr Emile Baldauf-Clark
35-42	23/00295/LBC	Upper Farm Cleveley	Mr Emile Baldauf-Clark
43-55	23/00603/FUL	The Homestead Frog Lane	James Nelson
56-64	23/01121/FUL	Land At Manor Farm	Peter Morgan

Application Number	22/02472/FUL
Site Address	Land At Former Home Close Farm Shilton Road Burford Oxfordshire
Date	14th June 2023
Officer	Joan Desmond
Officer Recommendations	Provisional Approval
Parish	Shilton Parish Council
Grid Reference	426563 E 210191 N
Committee Date	26th June 2023

Location Map



Application Details:

Solar park and energy storage facility together with associated works, equipment and necessary infrastructure

Applicant Details:

Ecotricity Generation Ltd
Lion House
Rowcroft
Stroud
GL5 3BY

I CONSULTATIONS

Major Planning Applications
Team

Transport - No objection subject to:

- S106 Contributions
- An obligation to enter into a [S278] [/S38] agreement
- Planning Conditions

LLFA - Recommendation: Objection

Key issues:

- Detailed drainage strategy drawing required.
- Infiltration testing results according to BRE 365 to be provided.
- Calculations to be provided for the Swales.
- Surface water flood exceedance plan to be provided.
- Surface water catchment plan to be provided.
- SuDS construction details drawing to be provided.

Archaeology - The site is located in an area of archaeological interest immediately north of the line of Akeman Street, the Roman Road from Cirencester to St Albans (Margaery Road 16b). Roadside settlement have been recorded along the line of this road elsewhere in the County and further roadside settlement could survive within this application area. A Roman cemetery has been recorded 738m east of this proposed extraction site, along the line of this Roman Road and an area of Iron Age and Roman settlement was recorded from archaeological fieldwork to the south of this proposed site, on the southern side of the Roman Road. An undated square enclosure, thought to be later prehistoric or Roman in date has been recorded 653m north west of the site.

A ring ditch, though to be the remains of a Bronze Age barrow, was recorded immediately east of the application area from an archaeological evaluation undertaken as part of a mineral application. It is therefore possible that further archaeological deposits related to the later prehistoric and Roman settlement of the area could survive within the site and would be impacted by this proposed extraction.

The geophysical surveys cannot be relied upon on their own to identify all archaeological deposits on a site and there are numerous examples where significant archaeology has been found on sites where initial geophysical surveys did not identify any potential features. As such we do require that geophysical survey is undertaken in conjunction with trenched evaluation.

This report does actually indicate that an archaeological origin for the anomalies it did detect cannot be ruled out. As such we would need to understand if these are archaeological before we could assess their significance as set out in the NPPF. In addition, as noted above, such surveys do need to be tested through evaluation before we can provide further advice as further features may survive which were not identified through such surveys.

Therefore we would continue to recommend that an archaeological trenched evaluation of 4% of the area of the proposed development be undertaken prior to the determination of this planning application in order to provide sufficient information on the survival and significance of any heritage assets that may be present on the site.

This investigation must be undertaken in line with the Chartered Institute for Archaeologists standards and guidance for archaeological evaluation including the submission and agreement of a suitable written scheme of investigation. Once a written scheme of investigation has been agreed the archaeological investigative work must be undertaken in line with this agreed written scheme of investigation.

Minerals & Waste - Objection

Key issues:

The application site falls within a Minerals Safeguarded Area for Crushed Rock.

Landscape - I have not reviewed the supporting information in detail but security fencing, photovoltaic panels and battery storage units are uncharacteristic elements in the landscape and have the potential to adversely affect the local landscape character and views, eg from the Public Rights of Way (PRoW) that runs along the eastern boundary of the site. Existing boundary vegetation and features (eg characteristic dry stone walls if present) should be conserved and enhanced to increase screening of the proposed development. Any mitigation should take account of existing landscape character guidelines.

The Detailed Landscape Proposals drawing shows that mixed native hedgerow and tree planting is proposed along the boundaries. Consideration should be given to whether these measures are adequate and sufficient to effectively mitigate the impact of the development on landscape character and views.

In addition, adequate long-term management of existing and new planting and habitats should be secured as part of any potential planning consent. This should be coordinated with any ecological requirements.

Although the scheme is not expected to require much in the way of lighting, it is recommended that a lighting condition is added to any potential consent to keep lighting to a minimum and to ensure the protection of the natural landscape and the dark skies. Any potential

lighting should be sensitively designed not harm biodiversity and to protect the dark sky.

District Ecologist	Further information required.
WODC Env Health - Uplands	I have reviewed the documentation with this application. I have no objection in principle.
WODC Env Consultation Sites	<p>Review of the historical maps and aerial photographs we hold suggest that the proposed development site has remained undeveloped agricultural land. Land to the north of the site has been excavated as part of a quarry. The quarry does not appear to have been infilled. If any area had been infilled there would be potential for ground gas to be present beneath the site.</p> <p>Given the nature of the proposed development and that the quarry does not appear to have been infilled I have no objection to the proposal and request a condition be added to any grant of permission as a precaution.</p>
Thames Water	No Comment.
Environment Agency	No Comment.
Conservation And Design Officer	No Comment Received.
WODC Planning Policy Manager	No Comment Received.
Natural England	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England's generic advice on other natural environment issues is attached as Annex A.
WODC Env Services - Landscape	No Comment Received.
MOD MOD (Brize Norton)	No Comment Received.
Sustainability Checklist Officer	No Comment Received.

OCC Archaeological Services	No Comment Received.
Major Planning Applications Team	<p>Transport - Detail comments</p> <p>The submitted access plan does not appear to address all the main comments made concerning the access and highway issues for the above application. Tracking should be provided for vehicle that would access and leave the site in both directions.</p> <p>It is acknowledged that visibility height is provided due to ground level varying, clear site should be provided from 600mm eye height. The Visibility Splays appear to intersect trees on the submitted drawing. If this is the case, the applicant should indicate the trees to be removed because they obstruct access visibility for road users. Where there is a need to provide a Stage 1 Road Safety Audit in accordance with GG119 (5.46.1). This will be required in advance of planning permission being granted as the findings may result in the red line boundary having to change due to road safety remedial measures being required.</p>
Parish Council	No Comment Received.
Cotswolds Conservation Board	The Board does not wish to object to this application.
WODC Landscape And Forestry Officer	No Comment Received.
District Ecologist	No Comment Received.
OCC Archaeological Services	No Comment Received.
Major Planning Applications Team	No Comment Received.
Major Planning Applications Team	<p>Transport - The Transport Officer has considered the issues raised in Blue Cross's letter of 28th November 2022 concerning the Mown Strip from Whitehills Farm to the bridleway and comments as follows:</p> <ul style="list-style-type: none"> • We do sympathise with the disease control viewpoint of Blue Cross • is it possible to be sent landownership plan? - as we would like to see if the existing bridleway passes over their land and if so, together do something about it. The additional connections were there as aspirations to be negotiated.

- Our aim is to improve safety and connectivity for non-motorised rights of way users, especially horseriders, so we are looking at this and other solutions. There is a public safety justification for measures to connect bridleways and we cannot exclude any routes from future investigations - but ideally this is done in agreement with all landowners and stakeholders.
- As it is, the LPA is free to disregard our specific item about blue and pink route consideration if they are satisfied to Blue Cross landownership extent. The request for s106 still stands for making connections and improvements to the PRoW network. We hope these comments addresses the issues raised by Blue Cross

2 REPRESENTATIONS

2.1 No representations have been received.

3 APPLICANT'S CASE

3.1 The submitted Planning Statement concludes as follows:

The proposed development would involve the construction of a ground mounted solar park along with associated security fencing, battery storage inverters and substation within the application site, as well as incorporating planting enhancements that will result in a biodiversity net gain in excess of 226%. The development is expected to have an installed capacity of around 8MW and supports the UK Government's intention to move to a low carbon economy.

The Development Plan for the area relevant to this application comprises the Adopted West Oxfordshire Local Plan and Oxfordshire Minerals and Waste Local Plan. Other material considerations include the NPPF and the Renewable Energy and Low Carbon Assessment and Strategy for West Oxfordshire (October 2016).

The impacts of the proposal have been shown to be acceptable and, where necessary mitigation measures have been set out to reduce potential impacts of the Proposed Development.

The significant benefits associated with this proposal provide a valuable contribution towards meeting the challenging obligations of the Government regarding renewable energy generation, and also, in the form of economic investment and ecological and landscape enhancements, are factors which weigh heavily in favour of this development.

This statement therefore demonstrates that, upon considering the following matters, this proposal, on balance falls well within the scope of acceptability:

- *Broad compliance with the Development Plan and National Planning Policy guidance;*
- *The significant benefits associated with the scheme; and*
- *The relatively benign impacts associated with the development.*

Accordingly, this proposal represents sustainable development and, as such, this planning application should be approved without delay.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

T1NEW Sustainable transport

T2NEW Highway improvement schemes

EH1 Cotswolds AONB

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure

EH6 Decentralised and renewable or low carbon

EH8 Environmental protection

EH9 Historic environment

EH13 Historic landscape character

NPPF 2021

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

5 PLANNING ASSESSMENT

5.1 The application seeks planning permission for a solar park and energy storage facility together with associated works, equipment and necessary infrastructure. The proposal will comprise:

- Photovoltaic (PV) modules fixed to a steel and aluminium structure, to a maximum height of 3 metres
- Ancillary Electricity Generation Infrastructure (substations, energy storage containers, inverters and transformers)
- Perimeter fencing
- CCTV monitoring equipment
- Improved site access, passing place and internal access tracks
- Biodiversity enhancements through wildflower planting on the site. Planning Permission is sought for the solar park to operate for a temporary period of 40 years from the date of first exportation of electricity from the site.

5.2 The site comprises approximately 10.2ha of agricultural fields to the southeast of Burford. The surrounding area is predominantly agricultural in nature, with quarrying of the local limestone resources also taking place locally. The site will utilise an existing gated access and agricultural track from the B4020. The site is currently in arable use with field boundaries of drystone walling, sporadically lined with scrub and typical hedgerow trees. The operational Whitehill Quarry is located immediately to the north of the site and the Blue Cross Rehoming Centre for Pets is located in close proximity to the south. A public right of way (49/16/20) passes alongside the eastern boundary of the site. The Cotswolds AONB lies approximately 560m to the north of the site. There are no heritage assets in or within proximity to the site.

5.3 A screening opinion undertaken in 2022 concluded that an Environmental Impact Assessment is not required. An extension of time has been agreed to enable outstanding issues to be resolved.

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

- Principle
- Use of agricultural land
- Impact on the Landscape Character/Visual Amenities of the area
- Highway Issues
- Biodiversity
- SI06 Matters

Principle

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

5.6 Policy EH6 'Decentralised and renewable or low carbon energy development (Excepting wind turbines)', supports the principle of renewable energy developments. It goes on to state that such development should be located and designed to minimise any adverse impacts, with particular regard to conserving the District's high valued landscape and historic environment. It also states that in assessing proposals, local issues such as environmental impacts, opportunities for environmental enhancement and potential benefits to host communities need to be considered and satisfactorily addressed. The policy also refers to detailed guidance published in the 'West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016). This latter document will be referred to in more detail below.

5.7 The NPPF supports proposals for renewable and low carbon energy. Paragraph 158 states that when determining planning applications for renewable development local planning authorities should not require applicants to demonstrate the overall need for renewable energy and should approve an application if impacts are (or can be made) acceptable. There is also 'Planning Practice Guidance' relating to 'Renewable and Low Carbon Energy'; this sets out the particular planning considerations that relate to large scale ground-mounted solar PV farms, including referencing to landscape and visual impact, heritage assets and greenfield land. Where a proposal involves greenfield land, an LPA will need to consider, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use and/or encourages biodiversity improvements around arrays.

5.8 The submitted Planning Statement advises that the proposed development would have an installed capacity of around 8MW, which could provide enough electricity to power more than 2,750 homes and save emissions of 1,700 tonnes of carbon dioxide annually, and will also include grid connection. These benefits would accord with the NPPF's renewable energy provisions, which indicate that the delivery of renewable, low carbon energy is central to the economic, social and environmental dimensions of sustainable development and that local communities have a responsibility to contribute to the generation of such energy amongst other things. These benefits need to be weighed against the impacts of the development, as considered in more detail below.

Use of Agricultural Land

5.9 The NPPF advises that account should be taken of the benefits of the best and most versatile (BMV) agricultural land, and where it is necessary to use agricultural land that poorer quality land should be used in preference to that of a higher quality. As noted above, this principle is espoused in PPG relating to solar farms. Best and most versatile is land within grades 1, 2 and 3a of the agricultural land classification. The submitted Agricultural Land Classification Report summarises that the land is graded as Grade 3b (3.4ha) and Grade 4 (5.9 ha). In National, regional, and local terms this development would not have an impact on the loss of the 'best and most versatile' land.

Impact on Landscape Character/Visual Amenities of the area

- 5.10 Policy EH2 of the Local Plan seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and man-made features of the local landscape. The site also lies to the south of the Cotswolds AONB and as such the impact of the proposed development on the setting of the AONB is a material planning consideration.
- 5.11 Natural England has identified 159 geographical areas of similar landscape character known as National Character Areas (NCAs). The Parcels and wider area lie entirely within NCA 107 Cotswolds. The Oxfordshire Wildlife and Landscape Study (OWLS) provides landscape character types (LCT) for the Oxfordshire area. The site is within the 'Estate Farmlands', described as "... a rolling agricultural landscape characterised by parklands and a well ordered pattern of fields and estate plantations." At a local level, the site falls within 'Open Limestone Wolds' Landscape Character Type.
- 5.12 The landscape surrounding the site is a predominantly undulating, falling south towards Shill Brook, and to the north to the River Windrush rising further north around the AONB. The broadly medium scale landscape is characterised by mixed arable, and pasture uses with a scattering of small settlements on locally higher ground linked by a network of local roads. Woodland cover is limited to small, wooded areas, which conveys a sense of openness to the area, but the small to medium sized pattern of hedged fields with hedgerow trees has some limiting effect on long views.
- 5.13 The West Oxfordshire Renewable and Low Carbon Energy Guidance and Landscape Capacity Study' (2016) states that, "in general terms, there is significant potential for further solar farm development in the district subject to careful consideration of individual development proposals". The report states that very few constraints exist in West Oxfordshire and those that do, such as public rights of way, woodland and rivers, cover a small portion of the district, although sites on best and most versatile agricultural land are likely to be heavily constrained by that fact. This part of the District is identified as being 'more suitable' for solar farms.
- 5.14 A Landscape and Visual Impact Assessment (LVIA) is submitted with the application. The LVIA concludes that *This assessment demonstrates that the proposed development could be successfully accommodated within the existing landscape pattern and could be assimilated into the surrounding landscape without causing any long-term harm to the landscape character, visual amenity, or existing landscape attributes of the area.*
- 5.15 The County's Landscape Specialist has commented that whilst the supporting information has not been reviewed in detail, it is recognised that security fencing, photovoltaic panels and battery storage units are uncharacteristic elements in the landscape and have the potential to adversely affect the

local landscape character and views, eg from the Public Rights of Way (PRoW) that runs along the eastern boundary of the site. Existing boundary vegetation and features (eg characteristic dry stone walls if present) should be conserved and enhanced to increase screening of the proposed development. Any mitigation should take account of existing landscape character guidelines. The Detailed Landscape Proposals drawing shows that mixed native hedgerow and tree planting is proposed along the boundaries. Consideration should be given to whether these measures are adequate and sufficient to effectively mitigate the impact of the development on landscape character and views. In addition, adequate long-term management of existing and new planting and habitats should be secured as part of any potential planning consent. This should be coordinated with any ecological requirements. Although the scheme is not expected to require much in the way of lighting, it is recommended that a lighting condition is added to any potential consent to keep lighting to a minimum and to ensure the protection of the natural landscape and the dark skies. Any potential lighting should be sensitively designed not harm biodiversity and to protect the dark sky.

- 5.16 The landscape treatment for the proposed solar park is intended to mitigate potential visual effects. Existing landscape elements, such as trees and hedgerows would be retained and enhanced wherever possible to integrate the proposals into the surrounding landscape. The proposed development has been designed to ensure that there will be minimal works to existing trees and hedgerows within the site. The proposed layout incorporates existing trees and boundary vegetation into the scheme and avoids rooting areas of trees within the site. Where required, gaps in hedgerows will be repaired with appropriate native hedgerow species supplemented with native tree planting to reflect the local landscape character. The removal of any trees or hedgerow necessary to achieve the required visibility splay for the access to the site will be kept to a minimum. Overall, there will be a net gain in planting provided through this proposal, as indicated on the submitted detailed landscape planting plan.
- 5.17 In terms of the setting of the Cotswolds AONB, the Cotswold Conservation Board has advised that following a site visit, the Board is satisfied that the site is either not visible or is at such a distance that any adverse visual impacts of the proposal on the natural beauty of the National Landscape would be extremely negligible. Accordingly, the Board does not wish to object to this application.
- 5.18 In summary, whilst it is acknowledged that the proposed development would have an adverse effect on the appearance and character of the countryside, the retention of existing planting and proposed mitigation measures would help to mitigate this impact.

Highway Issues

- 5.19 The proposed access for construction, operation and maintenance will be from the existing agricultural access from the B4020 and runs along a broadly east-west alignment to the north of the Blue Cross Rehoming Centre. Construction traffic will be routed to arrive at and leave the site via the B4020 and A40 junction. Highway improvements to create an appropriate visibility splay for vehicles exiting onto the highway are included in the proposals.
- 5.20 OCC Transport has confirmed that they have no objection to the application subject to appropriate highway conditions; a S106 contribution towards public right of way improvements (see comments below) and an obligation to enter into a S278//S38 agreement.

Biodiversity

- 5.21 Policy EH3 of the local plan seeks to protect and enhance biodiversity in the district to achieve an overall net gain in biodiversity and minimise impacts on geodiversity. This includes protecting and mitigating for impacts on priority habitats, protected species and priority species, both for their importance individually and as part of a wider network, and that all developments retaining features of biodiversity value on site and incorporating biodiversity enhancement features.
- 5.22 Following the submission of additional ecological information including an updated ecology report with the results of a bat survey, Great Crested Newt information and updated Biodiversity Net Gain (BNG) information, the Council's Biodiversity Officer has confirmed that the applicant has now submitted sufficient ecological information to address previous concerns raised. A revised site layout plan now also incorporates habitat for skylark into the design of the proposals. This latest information is presently being reviewed and Members will be updated at Committee. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites and refers the LPA to their generic advice on other natural environment issues.

Flooding and Drainage

- 5.23 The application is accompanied by a Flood Risk Assessment (FRA) which includes a surface water drainage strategy. The FRA confirms that the site falls within Flood Zone I and is at low risk of flooding from rivers and the sea. There are no water bodies or watercourses within the site. The proposals constitute 'Less Vulnerable' development and are appropriate in Flood Zone I. The site is not considered to be at risk of flooding from groundwater, sewers, reservoirs, or other artificial sources. The FRA concludes that with design measures in place the development will be safe and will not impact upon flood risk elsewhere.
- 5.24 The County Council, as the Local Lead Flood Authority, has objected to the application on the grounds that further technical evidence and drawings are required. In response the agent has commented that:

The submitted FRA and drainage strategy concludes that the site is not prone to flooding and that there will be no net increase in surface water runoff from the site. The swales within the proposed development act as land drainage helping to move some surface water flows around as well as allowing water to infiltrate into the ground. Volume and runoff calculations would not be relevant for surface water movement over a grassed area that will remain grass. If necessary to make the development acceptable in planning terms, cross sections through the swales could be provided to allow understanding of the shallow depths envisaged in the proposals. It is suggested that these are not fundamental to the determination of the application and so can be secured by a pre-commencement condition.

The site is permeable and will remain permeable once the development is built which means runoff will not increase and will not need to be stored in soakaways to allow the water to infiltrate into the ground. A large 9.2Ha site may have a range in infiltration rates across its area and so would require a vast amount of testing. Given that rainwater falling on grassland area will continue to follow the existing site characteristics it is unclear why details of infiltration testing would be necessary in order to determine the application. We therefore ask that the LLFA provide further clarification on their reasoning for concluding that infiltration testing for this proposal would be necessary.

The swales shown are for land drainage purposes only, they will collect some standing water on the compacted access tracks over time and help direct it the bottom of the field in the same manner as the existing grass field does. It would be hard to determine water quantity or flow on grassland and, as such, it is not clear why these calculations would be necessary for this proposal.

Overland flow arrows have already been provided on the drainage strategy drawing.

Given the nature of the development proposed there would be a negligible increase in impermeable area across the site resulting from the proposals, and the overland flow arrows are shown on the drainage strategy plan which essentially follows the existing contours of the site. As such, it is considered that a surface water catchment plan of a grass field, which is a permeable surface, would not be necessary for this proposal.

5.25 A response from the LLFA on these comments are still awaited and Members will be updated at Committee. Nevertheless it is Officers opinion that the concerns raised can be addressed by condition.

Other Matters

Minerals

5.26 The County Council's Minerals & Waste Planner has objected to the proposed solar park on the basis that the Application Site is located in a Minerals Safeguarding Area for crushed rock as defined in the Oxfordshire Minerals and Waste Local Plan Part 1: Core Strategy (2017). Policy M8 of the Minerals and Waste Local Plan sets out criteria for development within a Minerals Safeguarded Area.

5.27 A Minerals Resource Assessment has been submitted which addresses the Policy criteria and summarises as follows:

- The need for the solar park significantly outweighs the economic and sustainability considerations resulting from the temporary constraint to the extraction of mineral resources from this location.
- There is no need for the mineral to be extracted either immediately or during the timeframe for the operational life of the Solar Park. Whitehill Quarry can potentially be extended to the east, west and southwest, providing a source of uninterrupted supply of crushed rock, in excess of 25 years, without the need to extract mineral from within the Application Site.
- There is no reason to conclude that the extraction of minerals could not continue elsewhere in the locality, both during and beyond the operational life of the solar park. This is consistent with the view taken by the County Council on Westerfield Solar Farm.

5.28 The updated comments of the Mineral and Waste Officer are awaited and Members will be updated at Committee.

Archaeology

5.29 The site is located in an area of archaeological interest immediately north of the line of Akeman Street, the Roman Road from Cirencester to St Albans (Margaery Road 16b). Roadside settlement have been recorded along the line of this road elsewhere in the County and further roadside settlement could survive within this application area. A Roman cemetery has been recorded 738m east of this proposed extraction site, along the line of this Roman Road and an area of Iron Age and Roman settlement was recorded from archaeological fieldwork to the south of this proposed site, on the southern side of the Roman Road. An undated square enclosure, thought to be later prehistoric

or Roman in date has been recorded 653m north west of the site. A ring ditch, thought to be the remains of a Bronze Age barrow, was recorded immediately east of the application area from an archaeological evaluation undertaken as part of a mineral application. It is therefore possible that further archaeological deposits related to the later prehistoric and Roman settlement of the area could survive within the site and would be impacted by this proposed extraction.

5.30 Following a request by the County Archaeological Officer, an Archaeological Field Evaluation Report has been submitted. The comments of the County Archaeological Officer are awaited and Members will be updated at Committee.

SI06 Matters

5.31 OCC Transport has requested the sum of £45,000 towards improvements/connections to the PRow network. Nevertheless the agent has responded as follows:

As demonstrated in the submitted application documents, the proposed development will not impact on or affect the use of any PRow in the area. Indeed, the Highways Officer now accepts that their request in this respect was purely aspirational.

As you will be aware, the statutory requirements that planning obligations must meet are set out in Regulation 122 of the Community Infrastructure Levy Regulations. They must be:

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development.*

5.32 *The County Council's request is clearly not necessary to make the development acceptable in planning terms, it is not directly related to the development and nor has any explanation been provided to show how the requested sum has been calculated, or how the funds would be spent. In short, we do not consider that the Highways Officer request for contributions meets the statutory tests for planning obligations.*

5.33 It is Officer opinion that such a contribution is not justified and fails to meet the necessary tests.

Conclusion

5.34 In conclusion, the proposed development would make a significant contribution to meeting targets for renewable energy and would contribute to the reduction of greenhouse gases. There are considered to be no available or suitable brownfield sites nor areas of lower quality agricultural land suitable for the solar farm development. Nevertheless, it is recognised that the proposal, would have an impact on the appearance and character of this open rural landscape and on the users of the PRow that passes close to the site, but these impact can be mitigated by appropriate landscaping. Subject to no objections being raised from the County Archaeological Officer and Mineral and Waste Officer, the application is recommended for permission. Members will be updated on further recommended conditions at Committee, following the awaited comments from various consultees.

6 CONDITIONS

- I. 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. Development shall not take place until details of the junction between the proposed service road and the highway have been submitted to and approved in writing by the local planning authority before construction in accordance with the approved details. The junction access shall thereafter be retained for 40 years.

REASON: In the interests of highway safety.

4. Prior to the commencement of the development the access junction visibility splays shall be provided for approval by LPA, the visibility splays shall not be obstructed by any object, structure, planting, or other material with a height exceeding or growing above 0.6 metres, as measured from carriageway level.

REASON: in the interest of Highway Safety

5. A Construction Traffic Management Plan should be submitted to the Local Planning Authority and agreed prior to commencement of works. This should identify among others state; the routing of construction vehicles, access arrangements for construction vehicles, Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours to minimize the impact on the surrounding highway network)

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times.

6. Details and specification for improvement works required on the Public footpaths near the application site, shall be submitted to and approved in writing by the Local Planning Authority and all works shall be carried out prior to the approved development becoming operational.

REASON: To safeguard pedestrian safety and encourage sustainable

7. 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.

8. Prior to the commencement of the development hereby permitted, full details of the materials and colour for the on-site infrastructure, shall be submitted to and approved in writing by the

Local Planning Authority. Subsequently the development shall be carried out in accordance with the approved details.

REASON: To ensure the development is carried out in a manner which minimises the visual impact on the character of the rural area.

9. No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.

10. The approved landscaping scheme shall be implemented within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

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

11. 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.

12. Prior to above ground works being commenced cross sectional details through the swales shall be submitted to and approved in writing by the Local Planning Authority and the surface water drainage shall be carried out in accordance with the submitted Surface Water Drainage Strategy dated 01 April 2022 and approved swale details.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

13. Should the solar panels not be used continuously for the production of energy for a period of twelve months, the panels, support structures and associated buildings shall be removed in their entirety and the land shall be restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

REASON: To prevent the retention of development in the countryside that is not being used for its intended purpose.

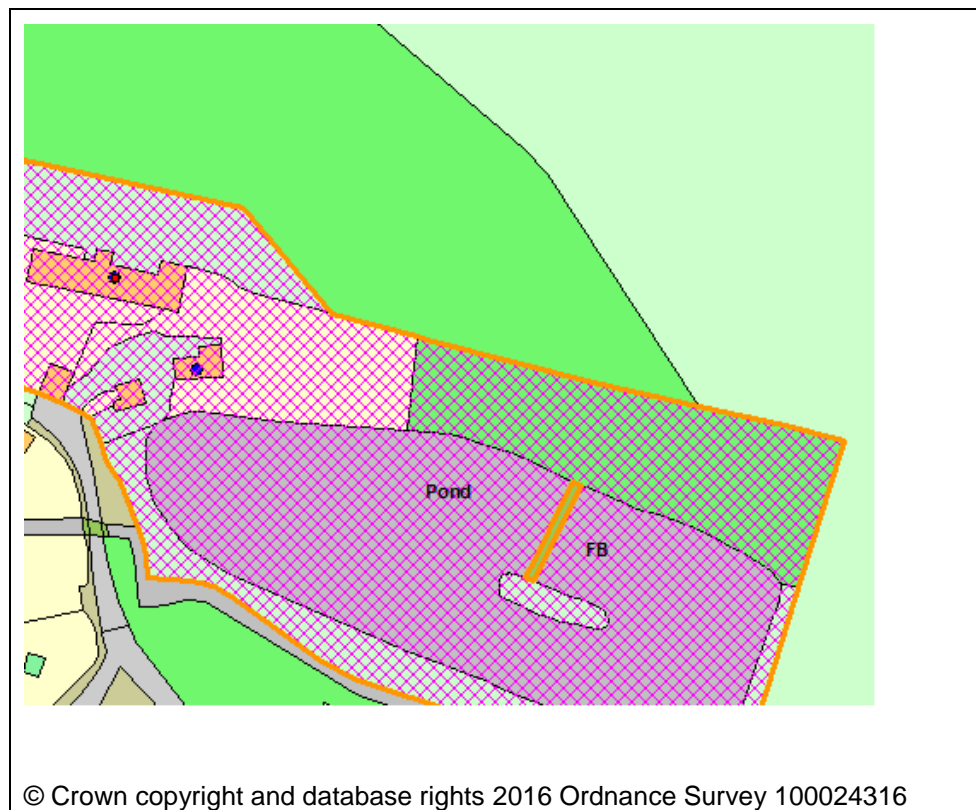
14. Not less than 12 months before the cessation of the development hereby permitted, a Decommissioning Method Statement (DMS) shall be submitted to and approved in writing by the Local Planning Authority. The Decommissioning Method Statement shall include details of the removal of the panels, supports, inverters, cables, buildings and all associated structures and fencing from the site, and a timetable. The DMS shall also include details of the proposed restoration. The site shall be decommissioned in accordance with the approved DMS and timetable within 6 months of the expiry of the 40 year period of planning permission.

REASON: In the interests of visual amenity to accord with the NPPF.

Contact Officer: Joan Desmond
Telephone Number: 01993 861655
Date: 14th June 2023

Application Number	23/00294/HHD
Site Address	Upper Farm Cleveley Chipping Norton Oxfordshire OX7 4DX
Date	14th June 2023
Officer	Mr Emile Baldauf-Clark
Officer Recommendations	Refuse
Parish	Enstone Parish Council
Grid Reference	438847 E 224145 N
Committee Date	26th June 2023

Location Map



Application Details:

Internal and external alterations to main house and outbuildings including double storey rear extension to main house and proposed roof lights to garage

Applicant Details:

Weini Craughan
Upper Farm
Cleveley
Chipping Norton
Oxfordshire
OX7 4DX

I CONSULTATIONS

Newt Officer

This planning application is for Internal and external alterations to main house and outbuildings including double storey rear extension to main house and proposed roof lights to garage.

- The development falls within the amber impact risk zone for great crested newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence.
- There are 3 ponds within 500m of the development proposal.
- There is direct connectivity between the development and surrounding features in the landscape.

Summary

The applicant has not provided any ecological information for the site. Therefore, it cannot be determined if there is a likely impact.

Conclusion and recommendation for conditions:

I am not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved. Despite the small scale of the development due to the proximity of the nearby pond there is a potential impact to great crested newts.

Therefore, in line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood.

Parish Council

Enstone Parish Council has no objection to this planning application.

2 REPRESENTATIONS

2.1 No third party representation have been received.

3 APPLICANT'S CASE

3.1 The following is an extract from the design and access submitted with the application:

The current internal layout of the Main House, particularly the west wing, is dated and not fit for purpose as a modern family home. The proposed reconfiguration of this wing is necessary due to its incapacity to perform as a comfortable and functional living space. Twentieth century partitioned spaces

that form the family room, W/C on the ground floor are seldom used. Their absence of purpose is a result of their lack of cohesion and disconnection from main social areas makes social interaction between family members disjointed and difficult. The new layout will create a first class modern design fit for 21st century living that will transform the functionality and comfort of the existing space while complimenting the historical distinctiveness of the building's character.

4 PLANNING POLICIES

OS2 Locating development in the right places

OS4 High quality design

EH3 Biodiversity and Geodiversity

EH11 Historic Buildings

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

5 PLANNING ASSESSMENT

Background Information

5.1 This application seeks planning permission for internal and external alterations to the main house and outbuildings including double storey rear extension to main house and proposed roof lights to garage at Upper Farm in Cleveley. The site does not fall within any areas of special designated control.

5.2 The property is a Grade II listed property which includes an outbuilding and Dovecote which date back to the C17 with subsequent later alterations over the following centuries.

5.3 This planning application is made in association with a Listed Building Application for the same proposal ref: 23/00295/LBC which has been brought to committee as Enstone Parish Council has made comments in support of that application. For expediency sake the householder application has also been brought to committee to ensure a consistent decision is made.

5.4 Officer's received revised plans for the proposal following objections from the conservation officer, however these have not been accepted as they do not overcome the impacts to the listed building and were not requested by officers and therefore the assessment is made on the proposal first submitted.

Planning History

5.5 The application site has had previous permissions granted:

W2002/1913 - Erection of single storey extension to side elevation. - Approved

W2002/1914 - Internal and external alterations including erection of single storey extension to side elevation. - Approved

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

- The Principle of Development;
- Impact on Residential Amenity;
- The impact upon the Listed Building

Principle of Development

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

5.8 The site lies in Cleveley which falls into the 'Small villages, hamlets and open countryside' category under the settlement hierarchy of the Local Plan. Policy OS2 (Locating development in the right places) states that development in the small villages, hamlets and open countryside will be limited to that which requires and is appropriate for a rural location and which respects the intrinsic character of the area. Further, all development should meet the general principles of policy OS2 which includes forming a logical complement to the existing scale and pattern of development and/or the character of the area and conserving and enhancing the historic environment.

5.9 The use of the proposed extensions and works to existing detached outbuildings relates to the existing residential use of the dwelling and its curtilage. Therefore, the principle of the development is considered to be acceptable. Notwithstanding this, other material considerations are considered below.

Impact on Residential Amenity

5.10 Policy OS2 (Locating development in the right places) seeks to ensure that new development does not give rise to unacceptable levels of noise or disturbance and that the amenity of existing occupants is maintained. In considering residential amenity for this proposal, given the detached nature and location of the property at the edge of the settlement officers do not consider that the proposal would be harmful to the amenity of any neighbouring properties.

Impact upon the Listed Building

5.11 This proposal seeks to make internal and external alterations to the main dwelling as well as the existing outbuilding with the main changes as follows:
Changes to the main dwelling on the exterior include, repointing with lime mortar to all facades and relocation of the existing tank to west to allow for new extension.
The proposed changes to the southern elevation include, replacement of glazed windows in the Lounge, Dining Room and Drawing Room, new rainwater down pipe on left hand gable and the eastern extension and replacement of the existing exterior doors with new painted steel glazed doors.
The changes to the western elevation are to include the raising of the cill height of ground floor window and replace former window with new double glazed timber casement window, new conservation roof light above new snug room, new retaining wall to form new terrace on first floor extension and new painted steel casement window for the shower room on first floor.
On the northern elevation the changes include, 3 new conservation roof lights above the new kitchen, new double glazed painted steel door to the bedroom at first floor, raised height of the roof on the left side of the elevation to fit new bathroom with new window, relocation of rainwater goods and 4 new conservation roof lights over bedrooms, landing and shower room to the second floor. The changes to the eastern elevation are to include the relocation of the retaining wall to allow

for a wider path to rear entrance of the new extension, new exterior stair with metal balustrade to connect with the first floor terrace and new painted steel casement window for the new bedroom. Interior changes to the main dwelling are as follows: On the ground floor a new kitchen layout is proposed in the vailed barn, the toilet is to be demolished and relocated into the new extension, the existing pantry room is to be demolished to allow for room for the new extension and new access, a new cabinetry wall or a new pantry in the new lounge area, a new painted steel double glazed doors to the dining room and a new extension in the northern side of the property with a new snug room, laundry, WC, plant room, boot room and lobby. Changes internally on the first floor are to include, a new double storey extension including a vaulted bedroom and terrace, frameless glass roof to the lobby below, reconfiguring of the shower room, raised height of the roof on the east side of the property, new dressing room layout in principle bedroom and replacement of existing fireplace to principal bedroom. Changes to the second floor include raising the ceiling by 0.3m in bedroom 3.

- 5.12 Changes are also proposed to the existing garage outbuilding which include 2 new conservation roof lights to serve the office below, new exterior metal stair with painted metal balustrade to access the first floor and a first floor window converted to sliding glazed door.
- 5.13 Further changes are also proposed to the existing thatched cottage at the property which include, new spiral metal stair with glass balustrade, an extended mezzanine, relocation of the plan room on the first floor and a new painted glazed sliding door in the living room area.
- 5.14 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 194 requires the applicant to describe the significance of affected heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Listed Building, or Conservation Area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.
- 5.15 The proposed alterations and extensions will result in a substantial increase to the buildings scale in terms of its footprint, height and volume, its existing linear plan form is also to be changed and the character of the building will be largely lost most notably through the addition of numerous roof lights and the new extension proposed which is bulky modern in form and has a much higher ridgeline which is considered to obscure the existing roofline of the principle building. There is no clear and convincing justification that outweighs the harm of the proposed extension, alteration and works to the other detached listed outbuilding and garage.
- 5.16 There are no discernible (or substantive evidence of any) public benefits relating to this current proposal to outweigh the less than substantial harm caused by the proposed extensions and alterations.
- 5.17 Taking into consideration the Conservation Officers comments, the proposed development will cause harm to the Listed Building, which is not offset by a public benefit and thus cannot be considered acceptable, nor supported.

Other matters - Ecology

5.18 Due to the close proximity of the development to a large body of water, your officers have consulted with Newt Officers who have advised they object to proposal due to lack of information being provided to allow officers to fully ascertain the impact upon these legally protected species.

Conclusion

5.19 For the reasons outlined above, the scheme would fail to preserve the Grade II listed buildings, their features, their significance and are considered without public benefit that would outweigh the less than substantial harm caused. The proposal is therefore judged to be contrary to Policies OS2, OS4, EH9 and EH11 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the NPPF. Furthermore, it has not been demonstrated that the works would not detrimentally impact a protected species, contrary to policy EH3 of the Local Plan, the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended), and the Natural Environment and Rural Communities Act 2006.

6 REASONS FOR REFUSAL

1. The proposed development, by reason of its siting, scale and massing, would create an incongruous plan-form that is harmful to the historical significance and character of the Grade II Listed Building. As such, the proposed development is contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, policies OS2, OS4, EH9 and EH11 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant paragraphs of the NPPF.
2. Insufficient information has been submitted to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended), and listed as species of Principal Importance in S.41 of the Natural Environment and Rural Communities Act 2006 may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework, The Planning Practice Guidance, West Oxfordshire Local Plan EH3, and ODPM Circular 06/2005. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.

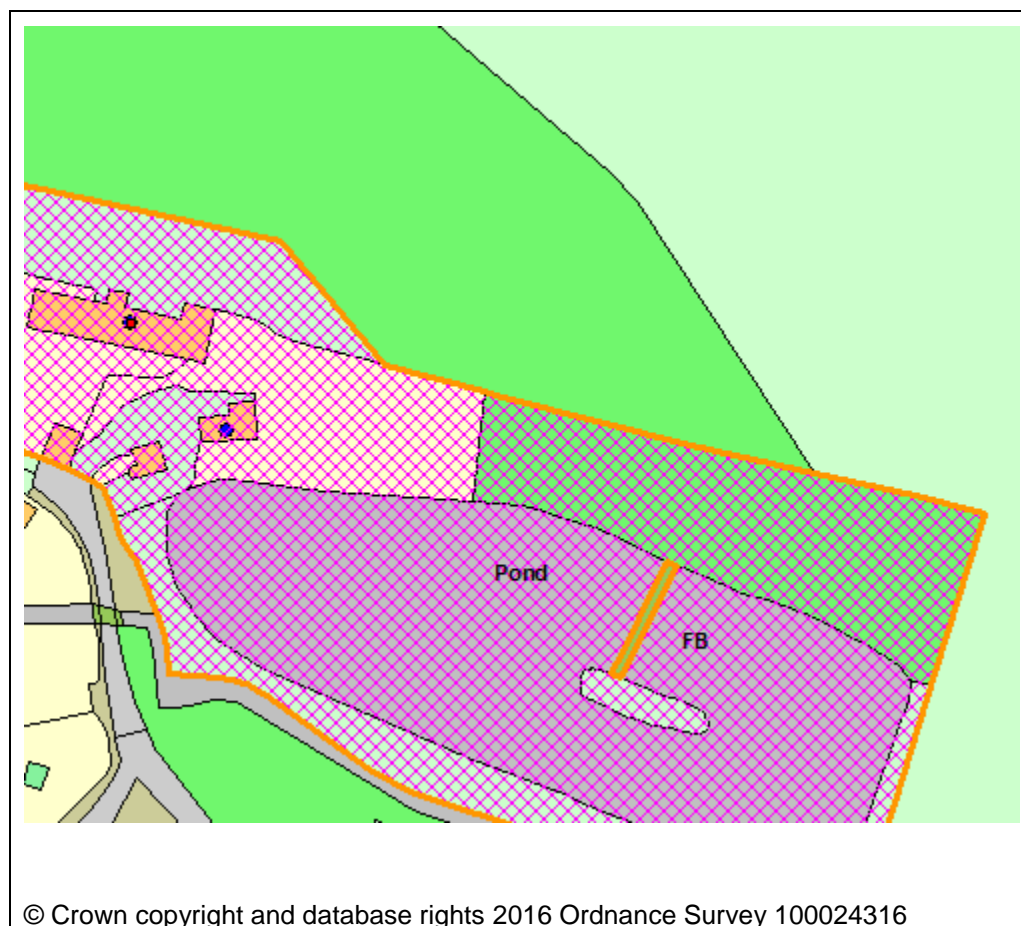
Contact Officer: Mr Emile Baldauf-Clark

Telephone Number:

Date: 14th June 2023

Application Number	23/00295/LBC
Site Address	Upper Farm Cleveley Chipping Norton Oxfordshire OX7 4DX
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I CONSULTATIONS

Conservation And Design
Officer

Farmhouse, now house. Probably mid/late C17 and late C17/early C18, altered and extended C20. Coursed limestone rubble with ashlar dressings; Welsh-slate roof with ashlar stacks. Single-unit plan extended to 2 units plus outbuilding. 2 storeys plus attic. 3 bays to right of 5-window front are earlier and have leaded 2-light stone-mullioned transomed windows with linked label moulds, and have the entrance in bay one below a mullioned overlight; cellar has a 2-light mullioned window. Added section to left continues the strings and has at each floor, one similar window in C20 ashlar plus a blind window. Gables have stone parapets with projecting moulded kneelers and triangular copings; stacks with moulded caps and plinths flank the earlier section. A single-storey outbuilding to right containing a 3-row dovecote now has C20 mullioned windows and is part of the house. Interior: large open fireplace in later section. Possibly originally a dower or garden house to a mansion which is reputed to have existed nearby.

Outbuilding. Probably C17. Limestone rubble with wooden lintels; corrugated-iron-covered thatch roof. L plan. One storey plus loft. Near internal angle are doorways to both sections plus a small window; gables also have windows and are both half hipped beneath the corrugated iron. Interior: all trusses have tiebeams, and collars and have the principals crossed at the apex to carry ridge pieces. Part of the interior is lofted. Heavy wooden manger along one wall. Probably used as stabling. Included for group value.

<https://historicengland.org.uk/listing/the-list/list-entry/1368048>

Dovecote and bakehouse. Probably C17. Part-rendered limestone rubble with some ashlar dressings; Welsh-slate roof. Square plan. 2 storeys plus loft. Entrance front has a plant; door set to left and a central renewed 2-light casement at first floor, both with wooden lintels; below the eaves is a single-row dovecote. Left gable wall has a blacked doorway at first-floor level. Right gable wall has a large rectangular bread-oven projection. Right wall and rear are roughcast with quoin decoration at the angles, all renewed C20. Gable parapets have projecting moulded kneelers and triangular copings. Interior: large open fireplace with bread oven; stone nesting boxes lining the loft floor.

Conservation Comments:

OS mapping shows a largely linear plan form structure (maps from the

19th century) with small extension to rear, that has contracted and expanded at different times, but fundamentally retained its linear plan form.

The current proposal is to extend outward and upwards at the rear of this building. The accumulation and design of extensions would be transformative and would not preserve the character of this listed building:

Extending outwards towards a retaining wall would overly enlarge and almost double the depth of the building, transforming and harming the currently legible and simple linear (plan)form of this building. Plan form is a significant feature of a listed building, and should be retained / preserved at much as possible.

Extending upwards by creating an extra storey on the rear elevation (west) is insupportable. This enlarged (in mass and amount) form would negatively alter, transform, obscure and detract from the existing simple vernacular (plan)form of the building. The addition of the lean-to is incongruous and overly busy. The addition of too many rooflights also harms the largely simple roof-scape, making it overly busy.

Furthermore, extending upwards on the rear (east) elevation is also harming the character and form of the building overall. The plan submitted showing the existing east elevation does not look accurate, however the image below shows that while the extension is modern - at least it is characterful - the lower set down extension with addition of a chimney adds detailing and character and is much more subservient than the proposed which is a bulky modern form and close to ridge height; its height would also obscure the roof line of the principal building.

The proposal to install a new canopy is insupportable. It does not replicate an historic detail and will detract from the established architectural composition and character of the house.

The canopy sits higher than you'd normally expected, oddly positioned above the overlight. It would detract from the characterful door / overlight. Its presence will not preserve the historical and architectural composition and character of this listed building.

The proposal to replacement fireplace to the principal bedroom is currently insupportable. It is described as unremarkable 19th century grate and surround that does not contribute in any meaningful way to the significance of the farmhouse. And, that the principal of replacement would not diminish the significance of the farmhouse. However, firstly, there are no identifiable images of this fireplace within the heritage report to enable me to provide an initial informed assessment. Also, 19th century features can be part of the

significance (and story) of a listed building, once they have been removed, then the story is lost. We would need clear and convincing justification for its removal.

In regard to the proposal to replace windows / doors - we would normally expect to see much more evidence in the form of a windows condition / status report. We need to understand and see (photographic survey) what is being replaced and determine if there is any significance in the windows and doors. Also, we need to know whether the existing windows (even if they are modern) have enough good quality and detailing to repair, or are low quality, not in-keeping and/or beyond repair.

The creation of a new window openings overall that would result in the loss historic fabric should be avoided in any future design scheme.

Replacement of stairs - we would require further evidence of age / status before making an informed decision.

Where partitions are proposed to be removed we will require evidence of their construction - i.e. historic or modern: therefore, evidence in the form of a little opening-up will be required and details for us to make an informed decision.

The works to the garage which appears from the images to have been largely untouched will need much more explanation (a schedule of works) before we make an informed decision. The addition of tallet stairs should be avoided in any future design scheme.

The current proposal overall is insupportable and would not currently preserve the character of this listed building. At present, I cannot find any public benefit in this proposal that justifies and outweighs the harm done to its character. The optimum viable use of this building as a residence is not at risk and not dependent on this proposal. Therefore, I raise an objection, the proposal is contrary to legislation, NPPF Section 16 and LP policies EH9, EH11.

I recommend the applicant withdraws this application and seeks pre-application advice (including site visit) with us to discuss issues / options.

Parish Council

Enstone Parish Council has no objection to this planning application.

2 REPRESENTATIONS

2.1 No third party representations received.

3 APPLICANT'S CASE

3.1 The following is an extract from the design and access submitted with the application:

The current internal layout of the Main House, particularly the west wing, is dated and not fit for purpose as a modern family home. The proposed reconfiguration of this wing is necessary due to its incapacity to perform as a comfortable and functional living space. Twentieth century partitioned spaces that form the family room, W/C on the ground floor are seldom used. Their absence of purpose is a result of their lack of cohesion and disconnection from main social areas makes social interaction between family members disjointed and difficult. The new layout will create a first class modern design fit for 21st century living that will transform the functionality and comfort of the existing space while complimenting the historical distinctiveness of the building's character.

4 PLANNING POLICIES

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

5 PLANNING ASSESSMENT

Background Information

- 5.1 This application seeks listed building consent for internal and external alterations to the main house and outbuildings including double storey rear extension to main house and proposed roof lights to garage at Upper Farm in Cleveley. The site does not fall within any areas of special designated control.
- 5.2 The property is a Grade II listed property which includes an outbuilding and Dovecote which date back to the C17 with subsequent later alterations over the following centuries.
- 5.3 Enstone Parish Council has made comments supporting the application so the application is brought before the Uplands Planning Sub-Committee for consideration.
- 5.4 Officer's received revised plans for the proposal following objections from the conservation officer, however these have not been accepted as they do not overcome the impacts to the listed building and were not requested by officers and therefore the assessment is made on the proposal first submitted.

Planning History

5.5 W2002/1913 - Erection of single storey extension to side elevation. - Approved

W2002/1914 - Internal and external alterations including erection of single storey extension to side elevation. - Approved

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

- The impact upon the Listed Building

Impact upon the Listed Building

5.7 This proposal seeks to make internal and external alterations to the main dwelling as well as the existing outbuilding with the main changes as follows:

Changes to the main dwelling on the exterior include, repointing with lime mortar to all facades and relocation of the existing tank to west to allow for new extension.

The proposed changes to the southern elevation include, replacement of glazed windows in the Lounge, Dining Room and Drawing Room, new rainwater down pipe on left hand gable and the eastern extension and replacement of the existing exterior doors with new painted steel glazed doors.

The changes to the western elevation are to include the raising of the cill height of ground floor window and replace former window with new double glazed timber casement window, new conservation roof light above new snug room, new retaining wall to form new terrace on first floor extension and new painted steel casement window for the shower room on first floor.

On the northern elevation the changes include, 3 new conservation roof lights above the new kitchen, new double glazed painted steel door to the bedroom at first floor, raised height of the roof on the left side of the elevation to fit new bathroom with new window, relocation of rainwater goods and 4 new conservation roof lights over bedrooms, landing and shower room to the second floor.

The changes to the eastern elevation are to include the relocation of the retaining wall to allow for a wider path to rear entrance of the new extension, new exterior stair with metal balustrade to connect with the first floor terrace and new painted steel casement window for the new bedroom. Interior changes to the main dwelling are as follows:

On the ground floor a new kitchen layout is proposed in the vailed barn, the toilet is to be demolished and relocated into the new extension, the existing pantry room is to be demolished to allow for room for the new extension and new access, a new cabinetry wall or a new pantry in the new lounge area, a new painted steel double glazed doors to the dining room and a new extension in the northern side of the property with a new snug room, laundry, WC, plant room, boot room and lobby.

Changes internally on the first floor are to include, a new double storey extension including a vaulted bedroom and terrace, frameless glass roof to the lobby below, reconfiguring of the shower room, raised height of the roof on the east side of the property, new dressing room layout in principle bedroom and replacement of existing fireplace to principal bedroom.

Changes to the second floor include raising the ceiling by 0.3m in bedroom 3.

5.8 Changes are also proposed to the existing garage outbuilding which include 2 new conservation roof lights to serve the office below, new exterior metal stair with painted metal balustrade to access the first floor and a first floor window converted to sliding glazed door.

5.9 Further changes are also proposed to the existing thatched cottage at the property which include, new spiral metal stair with glass balustrade, an extended mezzanine, relocation of the plan room on the first floor and a new painted glazed sliding door in the living room area.

5.10 The considerations of this application are the impacts that the proposed development will have on Heritage Asset.

5.11 Listed Building applications are not subject to section 38(6) of the Planning and Compulsory Purchase Act 2004. Accordingly, the application does not need to be determined in accordance with the development plan. Rather, applications must be determined in accordance with section 16(2) of

the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Given the relevance of Local Plan Policies OS4, EH9 and EH11 to this proposal, these policies and the supplementary guidance contained in the West Oxfordshire Design Guide 2016 (an adopted SPD) are material considerations in this assessment, as is the NPPF 2021.

- 5.12 Section 16 of the National Planning Policy Framework (NPPF) states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 194 requires the applicant to describe the significance of affected heritage assets. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Listed Building, or Conservation Area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (paragraph 200). Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimal viable use.
- 5.13 The proposed alterations and extensions will result in a substantial increase to the buildings scale in terms of its footprint, height and volume, its existing linear plan form is also to be changed and the character of the building will be largely lost most notably through the addition of numerous roof lights and the new extension proposed which is bulky modern in form and has a much higher ridgeline which is considered to obscure the existing roofline of the principle building. There is no clear and convincing justification that outweighs the harm of the proposed extension, alteration and works to the other detached listed outbuilding and garage.
- 5.14 There are no discernible (or substantive evidence of any) public benefits relating to this current proposal to outweigh the less than substantial harm caused by the proposed extensions and alterations.
- 5.15 Taking into consideration the Conservation Officers comments, the proposed development will cause harm to the Listed Building, which is not offset by a public benefit and thus cannot be considered acceptable, nor supported.

Other matters - Ecology

- 5.16 Due to the close proximity of the development to a large body of water, your officers have consulted with Newt Officers who have advised they object to proposal due to lack of information being provided to allow officers to fully ascertain the impact upon these legally protected species.

Conclusion

- 5.17 For the reasons outlined above, the scheme would fail to preserve the Grade II listed buildings, their features, their significance and are considered without public benefit that would outweigh the less than substantial harm caused. The proposal is therefore judged to be contrary to the duty to Section 16 of the NPPF and Section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Policies EH9 and EH11 of the West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the NPPF. Furthermore, it has not been demonstrated that the works would not detrimentally impact a protected species, contrary to the Wildlife and Countryside

Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended), and the Natural Environment and Rural Communities Act 2006.

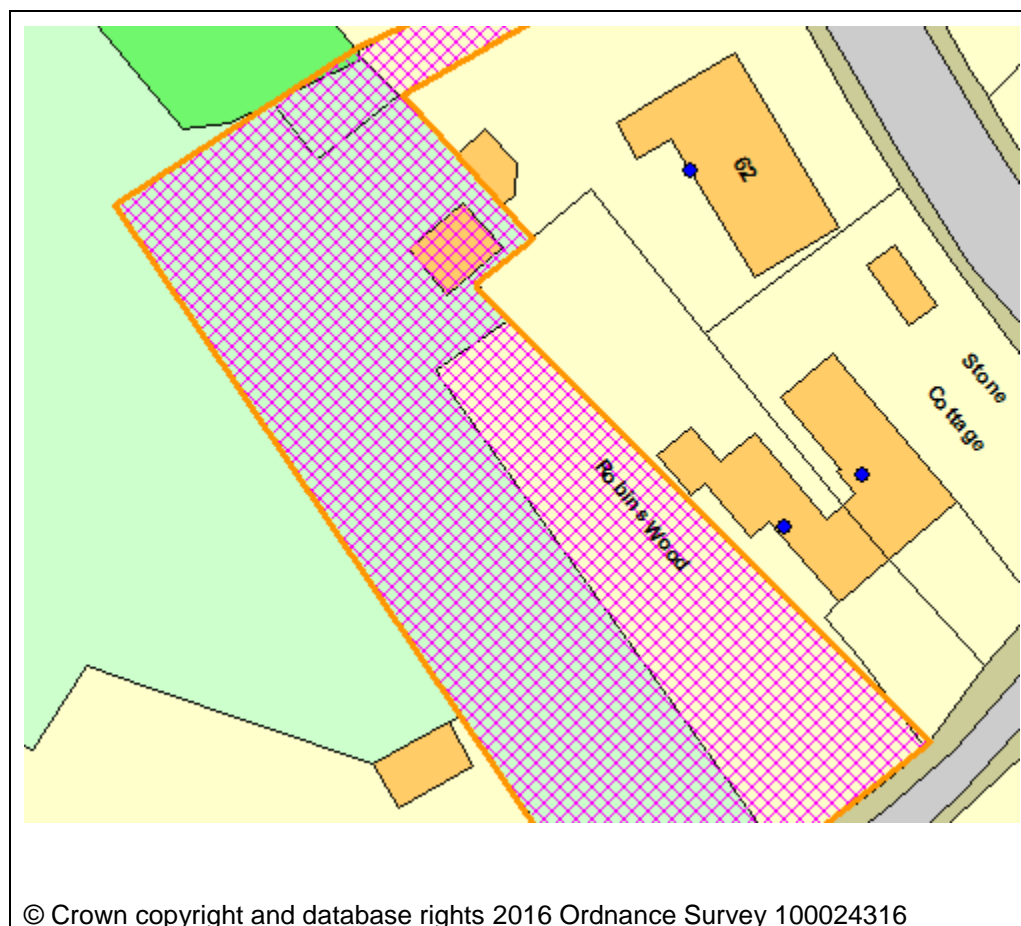
6 REASONS FOR REFUSAL

1. The proposed development, by reason of its siting, scale and massing, would create an incongruous plan-form that is harmful to the historical significance and character of the Grade II Listed Building. As such, the proposed development is contrary to Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant paragraphs of the NPPF.
2. Insufficient information has been submitted to enable the Local Planning Authority to fully assess the extent to which great crested newts, that are protected under the Wildlife and Countryside Act 1981 (as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended), and listed as species of Principal Importance in S.41 of the Natural Environment and Rural Communities Act 2006 may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework, The Planning Practice Guidance, West Oxfordshire Local Plan EH3, and ODPM Circular 06/2005. Furthermore, the Local Planning Authority is also unable to fully assess the proposals in the light of the three derogation tests, as described in the ODPM Circular 06/2005 and The Conservation of Habitats and Species Regulations 2017 (as amended), preventing the Local Planning Authority from discharging its statutory duty with regards to European protected species.

Contact Officer: Mr Emile Baldauf-Clark
Telephone Number:
Date: 14th June 2023

Application Number	23/00603/FUL
Site Address	The Homestead Frog Lane Milton Under Wychwood Chipping Norton Oxfordshire OX7 6JZ
Date	14th June 2023
Officer	James Nelson
Officer Recommendations	Refuse
Parish	Milton Under Wychwood Parish Council
Grid Reference	426700 E 217878 N
Committee Date	26th June 2023

Location Map



Application Details:

Erection of two detached dwellings and associated works.

Applicant Details:

Mr Jones
The Homestead
Frog Lane
Milton Under Wychwood
OX7 6JZ

I CONSULTATIONS

Parish Council

Milton under Wychwood PC - No Objection

Highways Agency - TR 108

No Comment Received.

WODC Drainage Engineers

No objection subject to condition.

Infiltration may not be feasible due to the soil type suggested for the postcode - this will need to be determined with soakage testing. If adequate, soakaways should be designed to accommodate a 1 in 30 year + 40% climate change event with a minimum 1m clearance from the base to the water table at all times. They should be sited at least 5m from any building and at least 2.5m from the site boundary.

If infiltration is not feasible, on-site attenuation will be required prior to discharge to the Thames Water foul sewer at a rate not exceeding existing Q_{bar}/a lower rate specified by them, and with their consent/confirmation of capacity.

All surface water should be contained on site for all storm events up to and including 1 in 100 year + 40% cc without property flooding.

An exceedance flow plan is required to indicate the route taken by any storm water in excess of 1 in 100 + 40%, based on finished ground levels and directed away from neighbouring properties

WODC 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 historical maps we hold suggest that the site has remained undeveloped over time. The information submitted with the application states that the site is a residential garden.

I have no objection to the proposed development and will not be requesting a condition.

WODC Env Health - Uplands

I have no objection in principle. I would suggest the following

conditions:-

1. Prior to the commencement of any work, the applicant shall submit to, and have approved by the Local Planning Authority, a construction management plan. The plan shall include among other details, measures to be taken to minimise disturbance from noise, dust, site lighting and prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

2. The acoustic design of all new residential homes shall accord with the internal noise design criteria specifications of BS 8233:2014.

3. Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays.

OCC Highways

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

Recommendation:

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

- G28 parking as plan

District Ecologist

Section 4.8 of the submitted report states 5 veteran orchard trees will need to be felled to facilitate the proposal. The applicant has since clarified that no orchard trees are to be lost. Any loss of orchard habitat would not be supported furthermore, these trees exhibit moderate bat roosting potential and therefore, further survey work would be required prior to any permission granted. As the applicant has clarified these trees will be retained, I have no objections however, if this is not the case, biodiversity should be re-consulted for additional comments.

The submitted ecological report has confirmed habitats on-site are that of common and widespread habitat types, providing limited opportunities for protected/priority species. However, surrounding habitats that provide a good level of connectivity to the proposed site including woodland and traditional orchard habitat provides suitability for a diverse assemblage of species. Therefore, the above WODC precautionary method of working document is recommended to ensure common amphibians, nesting birds and terrestrial mammals are safeguarded from the development. In addition, the site falls within an amber impact risk zone as per district licensing mapping,

surrounding ponds were not surveyed but habitats on-site were noted to be of limited value to great crested newts. In addition, the site provides limited opportunities for reptiles but their absence has not been ascertained through phase 2 surveys. As a result, the submitted report has recommended the implementation of reasonable avoidance measures to ensure reptiles and great crested newts are safeguarded from the development - this is an acceptable approach.

Traditional orchard habitat located at the north-eastern extent of the survey area provides foraging opportunities for a diverse assemblage of species, namely European protected bat species and nationally protected badgers. In addition, the orchard trees were assessed to offer moderate potential for roosting bats. Therefore, any external lighting should be sensitively designed to minimise light spill towards this habitat. In addition, light spill should not be permitted towards the woodland block, boundary hedgerows or proposed biodiversity enhancement features.

2 REPRESENTATIONS

2.1 One third party comment has been received in support of the application from a neighbour, it reads:

"This project has been sympathetically designed. Although the proposed houses will be sited quite close to our property, we consider that they should cause no adverse impact to us or to the neighbourhood in general. Accordingly, the proposals carry our full support".

3 APPLICANT'S CASE

3.1 The applicant has submitted a Design and Access Statement in support of the scheme, the main points of which are summarised below.

3.2 *The proposals are not believed to contravene any local policies . Access is Via The Sands believed to introduce a 20mph speed restriction, currently providing access to 61 and 61 B and 62 with and overage to the proposal and will provide two additional self build dwellings for the village.*

3.3 *Existing trees and hedging to be retained, All new hedges shown to be native hedging. A landscaping scheme will be implemented for the site incorporating hard landscaping for paths/parking and soft landscaping for the gardens.*

3.4 *The scheme is designed to be appropriately understated and Document 'O' ready for all self-build requirements, Future Homes Standard aspiration, Heavily insulated PH 15 timber walls and roof with Natural stone finish to match vernacular, Photovoltaics set flush to Cardinal slate roofs, Heavily insulated north elevation, Triple glazing throughout, South glazing to Living rooms for passive solar gain, Air Source Heat Pumps, Bio disk filtration, All rooms located for maximum connection to the surrounding environment, Rainwater Harvesting, Smart Home Systems, Biomass heating & carbon filter Chimneys, Electric charging units for EV's, Part 'L' environmental performance.*

3.5 *As of 1st April 2020 there were a total of 682 registrations on the West Oxfordshire Self-build and Custom Housebuilding Register. The council has admitted that to date they are under delivering on plots against the*

registrations (target). Policy H2 Delivery of New Homes in the 2018 West Oxfordshire Local Plan states new dwellings at Villages will be found acceptable on "undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs". Self build is an identified housing need which is not being met and the site lies adjacent to the existing built form of Milton Under Wychwood therefore a self build proposal at this location should be found acceptable. Policy H5 Self and Custom Build housing in the 2018 West Oxfordshire Local Plan states that "proposals for custom and self-build housing will be approved in suitable, sustainable locations subject to compliance with other relevant policies of this plan."

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H4NEW Type and mix of new homes

H5NEW Custom and self build housing

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH1 Cotswolds AONB

EH3 Biodiversity and Geodiversity

EH7 Flood risk

BC1NEW Burford-Charlbury sub-area

NPPF 2021

DESGUI West Oxfordshire Design Guide

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

5 PLANNING ASSESSMENT

Background

5.1 This application seeks consent for the erection of two detached dwellings and associated works at The Homestead, Frog Lane, Milton-under-Wychwood. The application has been deferred from the previous meeting to allow for a Members site visit.

5.2 Whilst in common ownership with and adjacent to 'The Homestead', the application site comprises a broadly rectangular parcel of undeveloped paddock land between The Homestead and residential development to the east. The site would utilise an existing access off 'The Sands'.

5.3 The site lies wholly within the Cotswolds Area of Outstanding Natural Beauty ("the AONB") and Flood Risk Zone I.

5.4 The application is brought before Members as the officer recommendation differs from the position of the Milton-under-Wychwood Parish Council.

Relevant Planning History

5.5 There is no planning history directly relating to the application site. The Homestead itself has hosted numerous planning applications in recent years including domestic extensions/alterations (21/04067/HHD and 22/02743/HHD), a proposed garage building (initially refused under 22/01019/HHD with a reduced scheme later approved 22/02397/HHD) and a material change of use to extend the domestic planning unit (22/01133/FUL).

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

- Principle;
- Siting, scale and appearance;
- Impact upon the character and appearance of the area and the AONB;
- Neighbourly amenity;
- Highways impacts; and
- Ecology matters

Principle

Development Plan

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

5.8 The Milton-under-Wychwood Neighbourhood Plan remains in draft phase having recently been out for consultation, its policies are therefore afforded very limited weight.

5.9 The starting point in the assessment of the principle of development is WOLP Policy OS2, which sets out the general strategy for the location of new development within the District. Policy OS2 draws a distinction between 'main service centres, rural service centres and villages' and 'small villages, hamlets and open countryside'. In this regard, Milton-under-Wychwood is identified as a 'village' in Table 4b where limited development may be suitable provided village character and local distinctiveness are not undermined. Policy OS2 also contains a set of general principles with which new development should comply including all development should:

- *Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;*
- *Form a logical complement to the existing scale and pattern of development and/or the character of the area;*
- *Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;*

- *As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;*
- *Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;*
- *Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;*
- *Conserve and enhance the natural, historic and built environment; and*
- *In the AONB, give great weight to conserving landscape and scenic beauty.*

5.10 Policy OS2 goes on to outline that proposals for residential development will be considered in accordance with the locational housing strategy contained in WOLP Policy H2. Policy H2 states that new dwellings may be permitted in villages in the following circumstances:

- *On sites that have been allocated for housing development within a Local Plan or relevant neighbourhood plan;*
- *On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;*
- *On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2; and*
- *On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.*

5.11 The site is neither previously developed nor allocated for housing development in the development plan. In officer's opinion, the proposed site layout ensures that the dwellings adjoin the built up area of the village as opposed to being within the built up area of the village. This is because The Homestead and the paddock surrounding it, which shares visual characteristics with the open countryside to the south, are beyond the formal edge of the settlement as defined by the strong tree belt to the rear of The Sands. In this context, The Homestead appears as an outlying dwelling that is outside of the formal settlement edge and the application site appears as outside of the settlement boundary.

5.12 In such circumstances, Policy H2 requires 'convincing evidence to be present to demonstrate that the development is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the WOLP, in particular the general principles in Policy OS2'. WOLP Policy H1 outlines that the Burford-Charlbury sub-area will accommodate 774 homes over the plan period and does not preclude windfall development. As such, the proposal would accord with the aims of H1. Therefore, the application is acceptable in principle subject to the development being necessary to meet identified housing needs and accords with the general principles of Policy OS2 listed above.

National Policy/Guidance

- 5.13 The National Planning Policy Framework ("the NPPF") sets out the Government's planning policies and how these are expected to be applied. The NPPF advises that the purpose of the planning system is to contribute to the achievement 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.
- 5.14 At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 11 advises that for decision-making this means approving development proposals that accord with an up-to-date development plan without delay, or 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 the 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 the Framework taken as a whole.

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

- 5.15 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, as set out above, is engaged (Identified in footnote 8).
- 5.16 The Council's latest Housing Land Supply Position Statement (2022-2027) concludes that the Council is currently only able to demonstrate a 4.1 year supply. As such, the provisions of paragraph 11(d) of the NPPF is engaged.
- 5.17 In respect of bullet point i), detailed above, these policies include those seeking to protect AONB's, which are addressed in detail later in the report.

Conclusions on the principle of residential development

- 5.18 In view of the above it is clear that the decision-making process for the determination of this application is therefore to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance providing clear reason to refuse the development.

Siting, scale and appearance

- 5.19 WOLP Policy OS4 states 'high design quality is central to the strategy for West Oxfordshire. New development should respect the historic, architectural and landscape character of the locality, contribute to local distinctiveness and, where possible, enhance the character and quality of the surroundings'.

- 5.20 Section 12 of the revised NPPF reinforces the fundamental nature of good design to sustainable development and states that 'good design is a key aspect of sustainable development' (Para. 126). Paragraph 130 is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Paragraph 134 outlines that 'development that is not well designed should be refused, especially where it fails to reflect local design policies'.
- 5.21 The site would be subdivided to provide two plots sited roughly on a north-south alignment taking access from the north east corner of the site. Turning areas and garages would be integrated within the plots with private amenity space. In terms of scale, Plot 1 would be comprised of a main block of one and a half storeys set over a footprint of 13 metres (m) by 7.5m with attached garage projecting to the north. Plot 2 would be of similar footprint albeit with the main block taking a two-storey form reaching 8m in height and an added side element.
- 5.22 The dwellings would employ duo-pitched forms with set down, cross gabled garages, dormer windows and be constructed of natural stone with timber joinery and a reconstituted stone slate roof. Both dwellings would be oriented to face south, with Plot 2 fronting Frog Lane and aligned with Stone Cottage and Robins Wood to the east. The impact of the proposals upon the character and appearance of the area is considered in the following section of this report.

Impact upon the character and appearance of the area and the AONB

- 5.23 The site is located within the AONB. Section 85 of the Countryside and Rights of Way Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB. This duty is enshrined in the general principles of WOLP Policy OS2 as well as Policy EH1, which states:

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

- 5.24 Paragraph 176 of the NPPF states 'great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues'.
- 5.25 The general principles of WOLP Policy OS2 also require all development to 'be of a proportionate and appropriate scale to its context', 'form a logical complement to the existing scale and pattern of development and/or the character of the area' and 'as far as is reasonably possible protect or enhance the local landscape and the setting of the settlements'. WOLP Policy OS4 also states that development should enhance the character and quality of the surroundings.
- 5.26 Officers also consider that the West Oxfordshire Landscape Assessment 1998 ("the WOLA"), is a material consideration in the assessment of this proposal. The WOLA is listed in the supporting text to WOLP Policy EH2, which states at paragraph 8.6 that the WOLA should: "be used to inform development proposals and to ensure they respect the distinctive landscape character areas".

5.27 In order to assess the impact of the proposal upon the character and appearance of the area and the AONB, it is first necessary to identify the existing characteristics of the site and its context. In terms of the existing landscape character of the locality, the application site lies within the 'Upper Evenlode Valley' Landscape Character Area (LCA). The WOLA outlines that the 'Upper Evenlode Valley' LCA 'is characterised by heavy clay soils and a strong landscape structure' with a 'gentle topography' and 'generally open, expansive character'. The WOLA also lists Milton-under-Wychwood as a 'key settlement' with its southern edge displaying the landscape characteristics including 'a mixture of small scale pasture and medium scale arable' with the 'boundary between the urban area and countryside complicated by the dispersed nature of the settlement'. Visually, the southern edge of the village is characterised by 'medium to low intervisibility' with views 'limited by intervening vegetation'. In terms of key sensitivities, the WOLA states that there is a need to 'strengthen landscape structure' and 'soften (the) urban edge in key places'.

5.28 The application site itself forms the eastern portion of a grassed area of land that wraps around The Homestead on all but the south side. In officer's assessment, the application site contributes positively to the soft, informal edge of the village, creating a visual break between the formal village edge to the north and east and 'The Homestead' which reads as an outlying dwelling, separate from the built up area of the village. The site therefore displays an open and spacious character, which in officer's opinion, provides a significant positive contribution to the setting of the village.

5.29 The proposed development would result in the infill of the open space separating The Homestead from the formal edge of Milton-under-Wychwood and therefore, by virtue of its nature, affect the character of the site, with its rural character being replaced by a residential development. Whilst the siting of the proposed dwellings and landscape and visual characteristics of the area would ensure that the dwellings would not be prominent in long views towards the settlement from the south, in officer's view, this would cause an urbanising effect resulting in the loss of the established open, spacious and informal edge of the village. As such, officers consider that the proposal would negatively affect the setting of the village, the character and appearance of locality and landscape and scenic beauty in the AONB.

Neighbour Amenity

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

5.31 The application site shares common boundaries with The Homestead, Robins Wood, 61b and 62 The Sands. Due to the orientation of the proposed dwellings, officers consider that the residential amenities of 61b The Sands would be unaffected by the proposals.

5.32 Plot 1 would be sited to the rear of 62 The Sands and given the height, massing and proposed separation distance (23-26m), officers consider that no material harm would result upon the occupiers of 62 The Sands. Plot 1 would be sited in excess of 40m north of The Homestead and therefore would not affect existing occupiers by way of overlooking, overbearing, loss of light or disturbance.

5.33 Plot 2 would be sited between Robins Wood and The Homestead. The siting and massing of the building as well as the orientation of the proposed built form would ensure that no overbearing or loss of light impact would result from the proposal. The proposed fenestration arrangement would

not lead to direct overlooking of habitable rooms or private amenity space of neighbours and is therefore considered acceptable. Therefore, your officers consider that the proposed development accords with local and national policy with regard to neighbourliness.

Highways Impacts

5.34 WOLP Policy OS2 states that new development should be provided with safe vehicular access. WOLP Policy T2 states that all new development "will be required to demonstrate safe access and an acceptable degree of impact on the local highway network".

5.35 The proposed development would utilise an existing safe access and be served by adequate parking areas to meet the Highway Authority's parking standards. The application is therefore acceptable in terms of highway impact.

Ecology

5.36 WOLP Policy EH3 states that the biodiversity of West Oxfordshire shall be protected and enhanced to achieve an overall net gain in biodiversity.

5.37 The application has been furnished with an ecological report, which has confirmed habitats on site are that of common and widespread habitat types, providing limited opportunities for protected/priority species. However, surrounding habitats provide a good level of connectivity to the site, including woodland and traditional orchard habitat, providing suitability for a diverse assemblage of species. Therefore, precautionary working methods are required to ensure common amphibians, nesting birds and terrestrial mammals are safeguarded from the development.

5.38 In addition, the site falls within an amber impact risk zone as per district licensing mapping, surrounding ponds were not surveyed but habitats on-site were noted to be of limited value to great crested newts. Further, the site provides limited opportunities for reptiles but their absence has not been ascertained through phase 2 surveys. As a result, the submitted report has recommended the implementation of reasonable avoidance measures to ensure reptiles and great crested newts are safeguarded from the development- this approach is considered acceptable by the LPA's ecologist.

5.39 Traditional orchard habitat located at the north eastern extent of the survey area provides foraging opportunities for a diverse assemblage of species, namely European protected bat species and nationally protected badgers. In addition, the orchard trees were assessed to offer moderate potential for roosting bats. Therefore, in the event of an approval, any external lighting should be sensitively designed to minimise light spill towards this habitat and light spill should not be permitted towards the woodland block or boundary hedgerows.

5.40 Officers have also sought clarification regarding the felling of 5 veteran orchard trees referenced in Section 4.8 of the submitted report. The applicant has since clarified that no orchard trees are to be lost. Officers consider that these trees exhibit moderate bat roosting potential and therefore, further survey work would be required prior to any permission granted. However, the applicant has confirmed that these trees would be retained. Therefore, subject to conditions, the proposal would result in a neutral impact upon biodiversity.

Other Matters

5.41 The site lies within Flood Risk Zone 1 in an area at very low risk from fluvial flooding and the Council's Drainage Officers have raised no objection to the application subject to the imposition of a pre-commencement surface water drainage condition. Officers are therefore satisfied that the scheme will be required to demonstrate how surface water will be adequately managed prior to construction of the proposed dwelling should the application be approved.

Conclusion and Planning Balance

5.42 This assessment has found that the proposal would not accord with the relevant policies of the WOLP and relevant material considerations. However, the LPA accepts that it is at present unable to demonstrate a five-year supply of housing land. Where policies for the supply of housing are out of date, para.11 d) of the NPPF requires a presumption in favour of sustainable development and that planning permission 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.

5.43 In terms of the public benefits arising from the scheme, the proposed development would make a very small contribution to housing supply in the area. Officers acknowledge the very limited economic and social benefits associated with the creation of a two additional units of residential accommodation and consider that these benefits should be awarded very limited weight given that the scheme would provide just two additional units of housing. The applicant's Design and Access Statement references that the proposals should be considered under WOLP Policy H5 as self-build housing and that contribution towards the supply of self-build units should further weight in favour of the scheme due to the LPA's shortfall in this respect (as discussed at appeal ref: APP/D3125/W/21/3274197). However, the applicant has provided no evidence or delivery mechanism to ensure that the proposed dwellings would meet the statutory definition of self-build and custom housebuilding provided by the The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016). Officers are therefore not satisfied that the initial owner of the home will have primary input into its final design and layout and therefore, officers cannot ascribe positive weight in the planning balance on the basis that the scheme would contribute to the supply of self-build and custom housebuilding in the District.

5.44 Nevertheless, the public benefits of the scheme must be weighed against the harm to public interest by virtue of harm to the landscape and scenic beauty of the AONB and the character and appearance of the area, as identified above. Officers note that as per the NPPF, great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. As a further consideration, harm to the character and appearance of the area is also not in the public interest and the conflict with development plans policies in this regard must weigh against the proposal. The lack of harms identified with regard to neighbourliness, highways, ecology and other matters are neutral impacts and do not weigh in favour of the scheme.

5.45 In conclusion, it is officer opinion that having regard to the development plan as a whole and to all material considerations, including a lack of 5-year housing land supply, policies in the NPPF that protect AONBs provide clear reasons for refusing the development.

6 REASONS FOR REFUSAL

- I. The site lies within the Cotswolds Area of Outstanding Natural Beauty wherein the Local Planning Authority is required to give great weight to conserving landscape and scenic beauty. By virtue of its siting and design, the proposed development would result in the loss of an important area of open space that makes a positive contribution to the character and appearance of the area and the soft, informal edge of the village in this location. This urbanising effect would result in a significant harmful impact on the landscape and scenic beauty of the Cotswolds Area of Outstanding Natural Beauty. As such, the proposed development would conflict with Policies OS2, OS4 and EH1 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016 and the relevant paragraphs of the NPPF.

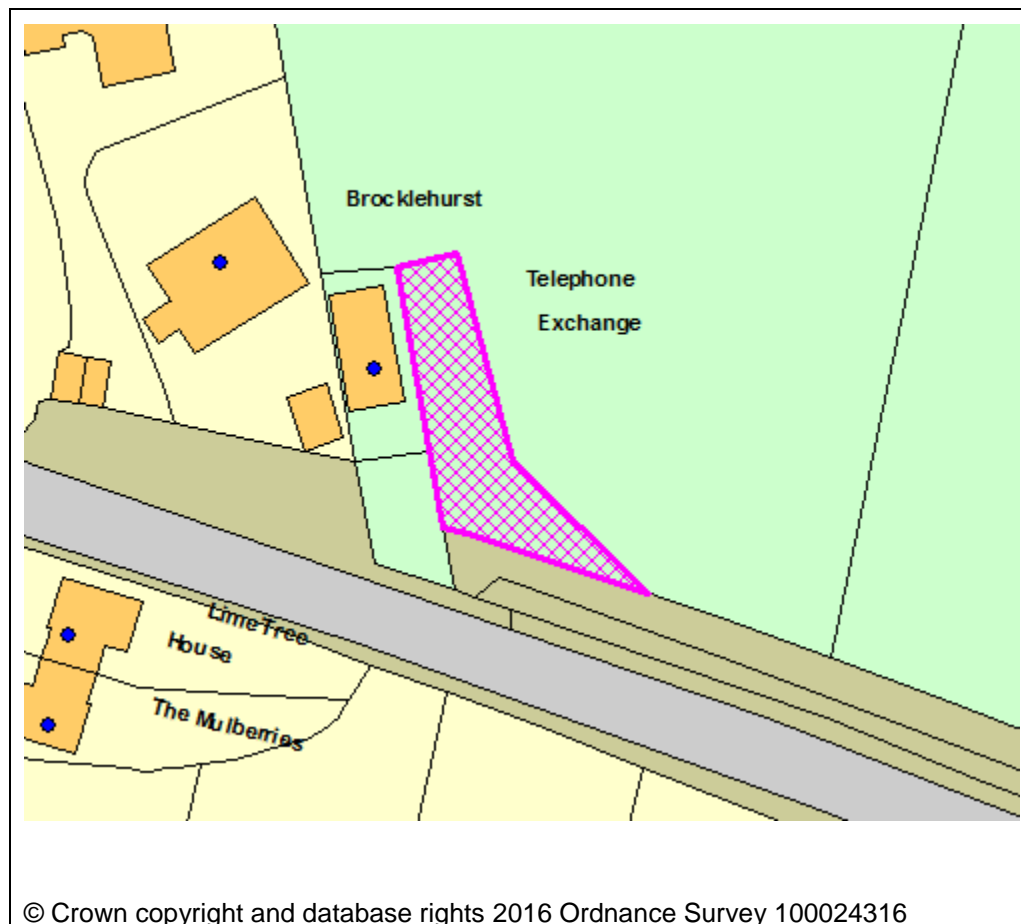
Contact Officer: James Nelson

Telephone Number: 01993 861712

Date: 14th June 2023

Application Number	23/01121/FUL
Site Address	Land At Manor Farm Chapel Lane Enstone Oxfordshire OX7 4LT
Date	14th June 2023
Officer	Peter Morgan
Officer Recommendations	Approve
Parish	Enstone Parish Council
Grid Reference	437783 E 224270 N
Committee Date	26th June 2023

Location Map



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Application Details:

Formation of new field access onto A44.

Applicant Details:

Mrs R Catling
2 Manor Farm Barns
Chapel Lane
Enstone
Oxfordshire
OX7 4LT

I CONSULTATIONS

District Ecologist

Biodiversity Officer After assessing the proposed development, it is felt the development is highly unlikely to result in any adverse impacts to biodiversity. Therefore, I have no objections and no further comments to make.

OCC Highways

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

The visibility and geometry at the proposed access are acceptable for the use described.

The use as described will generate only a few vehicular movements across the footway to the A44 carriageway.

Records show no accidents along the A44 between the Cleveley Rd and Cox's Lane junctions for the 8 year period 2015 - 2023.

The S278 Agreement required for the construction works, if permitted, will require a Road Safety Audit to be included.

Recommendation:

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

- G11 access specification
- G25 drive etc specification
- Prior to 1st use of the access the provision and retention of a turning facility in accordance with a scheme to be submitted and approved by WODC.

INFORMATIVE

Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council.

Parish Council

Enstone Parish Council is concerned about the safety of pedestrians, particularly children with regards to this new access, with farm vehicles entering and exiting onto the A44 which is a very busy road. Please can Highways undertake a site visit.

Secondary comments:

Following last week's correspondence, we contacted OALC for advice about overturning this decision - as expected, this is not allowed unless we convene another public meeting.

There were two residents present at the meeting who were also paramedics, expressing their deep concern at this planning application and the risks involved.

Enstone PC's majority decision remains as an objection and request of a site visit.

2 REPRESENTATIONS

2.1 Seven letters of objection summarised as follows:

- I am concerned about the safety of pedestrians
- This is the route to the local Primary School / village shop / Buses into Oxford.
- Already there is no kerb for a significant distance and the metal barrier has been struck by vehicles on several occasions.
- Please consider an already dangerous route will be made much worse to allow large machinery to access a field that is only ever pasture land that can be managed by smaller vehicles.
- Manor Farm already has sufficient access is too small to warrant a new access with a 16ft gate across a well-used public footpath.
- Please note the plans state there is no flood risk, however during heavy rain fall large quantities of water collect across both sides of the road creating enough water that it is propelled by cars into the top path.
- It begs the question that the owner will further apply for change of use.
- This is obviously a ploy to eventually build on the pasture land, by creating access first before applying to build a few houses.
- Heavier construction vehicles will only add to compaction of the ground across the field which in turn will have a detrimental effect on the wildlife and eco system within the field.

2.2 Two letters of support summarised as follows:

- Kaleb Cooper Contracting is the agricultural contractor for the land at Manor Farm Enstone, and has been for many years. Work includes haymaking, silage, fertilising, hedge cutting, fencing, and the grazing of livestock, and as a young farmer starting out I was very pleased to have the use of fields locally such as this.
- The current access is very difficult for modern machines, tractors with mowing attachments, balers etc. The entrance through a small gate in Chapel Lane is very difficult and often need to get cars moved out of the way.

- Leaving Chapel Lane, the only way out is through the No-Entry section directly on to the A44 where it is impossible to see if traffic approaching from the right, and just have to exit blind into oncoming traffic.
- Outside the shop is going to be made into a proper One Way system soon and that will make it even more of a problem to try and get a large tractor and trailer out the wrong way, with any cars turning in likely to meet me head on as I try to get out.
- The proposed new access will allow us to safely enter and leave the fields and be a much improved situation for oncoming traffic, and for staff and vehicles.
- The suggestion by some members of the PC to consider a smaller tractor or to join the A44 with larger machines via the NO EXIT entrance to the highway is simply avoiding the issue.
- There are already 3 exits to the A44 within 50 m of the proposed new gateway. A fourth entrance will only add to the traffic calming effect entrances have onto highways. This was acknowledged by some at the recent PC meeting and of course this will improve further with the introduction of the 20 mph speed limit.
- Hope common sense will prevail when the District Planning and County Highway Officials review the matter.

3 APPLICANT'S CASE

- 3.1 The application is accompanied by a Planning Statement that provides the following outline:
- 3.2 The conversion of Manor Farm barns to form three dwellings and machinery store is ongoing, and the barns and the adjoining field are now divided up into separate ownerships.
- 3.3 Whereas historically farm vehicles would have entered and exited the farm and field via Chapel Lane, since the conversion of the barns to dwellings this is no longer feasible nor desirable, and would require manoeuvring agricultural vehicles some with large trailers, in and out of Chapel Lane adjacent to the village shop.
- 3.4 Chapel Lane is a single-track lane, with narrow grass verges and drystone boundary walls, and no pedestrian footpath. The use of the lane by large agricultural vehicles continues to be a potential risk to pedestrian safety.
- 3.5 The general increases in the size of modern farm machinery, the conversion of the barns to dwellings, and the subsequent subdivision of ownership has added further complications on accessing the field safely.
- 3.6 In 2020 Planning approval was granted for the 'Formation of new vehicular field access onto Cleveley Rd' 20/01502/FUL. This provided field access for the owner of the east side of the field.
- 3.7 Oxford County Council Highways were consulted during the design process and works proposed for the highway, footpath and verge. Oxford County Council Highways confirmed to the Applicant that the junction layout was acceptable to serve the proposed development.
- 3.8 Any proposed hard landscaping/road surfacing will be drained via gulleys.
- 3.9 The proposed access will alleviate problems associated with large agricultural vehicles manoeuvring in and out of Chapel Lane (adjacent to the village shop), improve highway safety and allow the continued use of the field for agricultural use.

4 PLANNING POLICIES

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

E2NEW Supporting the rural economy

E5NEW Local services and community facilities

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

EH3 Biodiversity and Geodiversity

CN2 Chipping Norton sub-area Strategy

DESGUI West Oxfordshire Design Guide

NPPF 2021

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

5 PLANNING ASSESSMENT

5.1 This application relates to farmland formerly part of Manor Farm, Chapel Lane, Enstone. The site does not fall within any areas of special designated control.

5.2 Planning permission is sought for the formation of new vehicular field access onto Oxford Road (A44), Enstone. The proposal involves the removal of a section of timber post and rail fencing to insert a steel agricultural gate measuring 4.8m in width (16ft), and a length of hardstanding enclosed by a post and rail fencing to match the existing.

5.3 The application proposal would also require alterations to be made within the public highway under section 278, to access Oxford Road.

5.4 Prior to this submission the applicant did seek pre-application advice from the County Highway Authority who advised that the proposed junction layout was acceptable to serve the proposed development.

5.5 This application has come before members because the view of the Parish Council is contrary to that of the County Highway Authority and your Officers.

Background Information

5.6 Planning permission granted under Application Reference 17/00724/FUL for the conversion of the Manor Farm barns to form three dwellings and for the erection of a machinery store, is now implemented and the dwellings are occupied. The adjoining field has been divided up between the separate owner of the barn conversions.

5.7 However, a consequence of the conversion of the Manor Farm barns to residential is the exit onto Chapel Lane is no longer feasible nor desirable since the movement of large agricultural vehicles within a residential estate would give rise to issues of amenity. Furthermore, the applicant wishes to avoid the movement of agricultural vehicles some with large trailers, within Chapel Lane adjacent to the village shop with associated shop parking.

5.8 In 2020 Planning approval was granted for the Formation of new vehicular field access onto Cleveley Rd under approval reference 20/01502/FUL. This provided field access for the owner of the east side of the field. This consent however, was never implemented.

5.9 Whilst Manor Farm is no longer operated as a farm, the adjacent field is tenanted and continues to be farmed for haymaking and cattle grazing.

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

- The Principle of Development
- Design and siting and Impact on the Highway
- Impact on Ecology and Biodiversity.

5.11 These matters are discussed below.

Principle

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

5.13 Enstone is categorised as a Village within the settlement hierarchy of the Local Plan. Policy OS2 of the Plan states that villages are suitable for limited development which respects village character and local distinctiveness.

5.14 Policy OS2 also provides general principles that all development is required to meet including, inter alia, that development be of a proportionate and appropriate scale to its context and form a logical complement to the existing scale and pattern of development and the area's character; be compatible with adjoining uses without harming the amenity of existing occupants, and provide safe vehicular access and safe and convenient pedestrian access to supporting services and facilities.

5.15 Policy E2 of the Local Plan supports development proposals necessary for agricultural production or which make a positive contribution to farm or country estate diversification where they:

- are supported by or operate as part of and will continue to add value to a viable core farm/estate business; and
- remain compatible and consistent in scale with the farm/estate operation and a countryside location; and

5.16 Notwithstanding the re-development of Manor Farm, the application site remains productive although limited to haymaking and grazing livestock. However, since the application proposal is necessary for agricultural production and would make a positive contribution to an existing farming operation albeit unrelated to Manor Farm, the principle of development is therefore considered to be acceptable, subject to compliance with other policies of the Local Plan.

Design and siting and Impact on the Highway

- 5.17 The land adjacent to the former Manor Farm has been subdivided and apportioned according to ownership of the new dwellings within Manor Farm Barns. The application site, i.e. the portion that is the subject of this planning application, is demarcated and bounded by post and rail fencing to the north and to the east and abuts against the former Manor Farm and residential dwellings to the west and is bounded by Oxford Road (A44) to the south. The site is in effect landlocked without vehicular access suitable for agricultural vehicles.
- 5.18 The proposed vehicular access onto Oxford Road (A44) would be sited adjacent to the south-western corner of the site, approximately midway between the Oxford Road/Clevery Road junction and a bend in Oxford Road. The proposed vehicular access would be sited close to vehicular access to Enstone Telephone Exchange.
- 5.19 The speed limit on Oxford Road is 30 mph.
- 5.20 The carriageway between the Oxford Road/Clevery Road junction and the Enstone Telephone Exchange is situated on higher ground compared to the application site approximately 2m lower. The kerb along the northern side of the carriageway is raised and buttresses a dwarf wall. The public footway is routed away from the carriageway and follows a line between the dwarf wall and a grass verge which falls away steeply to abut fencing enclosing of the application site. The public footway re-joins the carriageway at Enstone Telephone Exchange, where there is protective kerb side fencing.
- 5.21 The County Highways Authority was consulted and raises no objection to the application proposal and does not consider that the proposal would have a significant detrimental impact, in terms of highway safety and convenience, on the adjacent highway network. The visibility and geometry of the proposed access are acceptable for the use described, which is believed will only generate a few vehicular movements across the footway to the A44. Records show no accidents along the A44 between the Cleveley Rd and Cox's Lane junctions for the 8 year period 2015 - 2023. And, subject to an agreement under S278, the works if permitted will also require a Road Safety Audit to be included.
- 5.22 Regarding the proposed gate, Officers are of the opinion that given the context of the site, and by virtue of its siting, scale and design of the gate, the proposed development would respect the character and appearance of the site and the area. In light of this assessment, the proposed works are considered to comply with policies OS2, OS4 and E2 of the West Oxfordshire Local Plan (2031).
- 5.23 Officers note the objections received in respect of the impact on highway safety, and in particular that of the Parish Council who have requested that Members visit the site. However, the County Highway Authority has assessed the proposal both during the determination of this submission and at the pre-application, and noted that the existing access taken from Chapel Lane and exiting to the A44 requires passage through the section in front of the shops that is frequently blocked to large vehicles by parked cars. The proposed access complies with necessary geometric and visibility standards. The proposal shows adequate pedestrian awareness visibility to child/adult pedestrians travelling on the adjacent footway. Given the low vehicular agricultural use of the proposed access the Local Highway Authority cannot demonstrate such harm that would warrant the refusal of the application for reasons of highway safety and convenience. Therefore, on balance, it is considered that the

development will not significantly impact the adjacent highway network (in terms of highway safety and convenience).

5.24 Given the mixed agricultural and residential context of the site, and by virtue of its location and the level of use associated with the new access, your Officers have taken the view that the development would not result in any adverse levels of noise and disturbance to the detriment of neighbouring properties.

Ecology

5.25 Policy EH3 (Biodiversity and Geodiversity) seeks to protect and enhance biodiversity in the district as well as achieve an overall net gain in biodiversity. The Biodiversity and Countryside Officer has been consulted and raises no objection as the development was highly unlikely to result in any adverse impacts to biodiversity.

Conclusion

5.26 Taking into consideration planning policy, third-party representations and other relevant material considerations, the development complies with the main relevant policies OS2, OS4, E2 of the West Oxfordshire Local Plan (2011-2031), the West Oxfordshire Design Guide and the relevant provisions within the NPPF.

5.27 Therefore, the application is recommended for approval, subject to conditions.

6 CONDITIONS

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

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

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

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

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

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

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

REASON: To ensure a safe and adequate access.

5. No dwelling shall be occupied until the parking area and driveways have been surfaced and arrangements made for all surface water to be disposed of within the site curtilage in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure loose materials and surface water do not encroach onto the adjacent highway to the detriment of road safety.

6. The access hereby permitted shall not be used between 8:30am-9am and 3pm-3:30pm Mondays to Fridays.

REASON: To avoid peak pedestrian movement times in the interest of highway and pedestrian safety.

Notes to applicant

- I. Please note works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and Oxfordshire County Council see [Dropped kerbs | Oxfordshire County Council](#).

Contact Officer: Peter Morgan

Telephone Number: 01993 861653

Date: 14th June 2023

Agenda Item 5

West Oxfordshire District Council – DELEGATED ITEMS

Application Types Key

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

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

West Oxfordshire District Council – DELEGATED ITEMS Week Ending 31st May 2023

Application Number.	Ward.	Decision.
I. 22/01849/FUL	Brize Norton and Shilton	APP
Conversion of barns to form one dwelling with ancillary accommodation and an outbuilding, associated landscape and access works (amended plans). Capps Lodge Fulbrook Burford Mr Mackinnon		

2. **22/02969/CND** Woodstock and Bladon APP
 Discharge of conditions 4 (external wall sample panel), 5 (details of external windows and doors), 6 (full surface water drainage scheme) and 9 (scheme of landscaping for the site) of planning permission 21/02682/FUL. Discharge of conditions 3 (external wall sample panel) and 4 (details of external windows and doors) of Listed Building Consent 21/02979/LBC
The Fisheries Blenheim Park Woodstock
 Ms Elizabeth Foulkes
3. **22/03500/OUT** Burford APP
 Outline application with some matters reserved for the erection of 4no terraced cottages with associated parking and access way.
Land East Of 4 Meadow End Fulbrook
 Woodgrove Land Ltd
4. **23/00337/LBC** Charlbury and Finstock WDN
 Affecting a Conservation Area
 Replace Stonesfield slates on the rear elevation with Cotswold plain tiles
Old Post House Market Street Charlbury
 Mr and Mrs Andy Gomm
5. **23/00429/CND** Stonesfield and Tackley APP
 Affecting a Conservation Area
 Discharge of conditions 4 (surface water drainage scheme) 6 (details of access between the land and highway) 7 (a desk study assessing the nature and extent of any contamination) and 8 (integrated bat roosting and nesting opportunities) of planning permission 22/01729/FUL
Beech Cottage Tew Lane Wootton
 Ms. M. Curtis
6. **23/00572/FUL** Charlbury and Finstock APP
 Affecting a Conservation Area
 Erection of a single dwelling in rear garden, with a new access and parking
14 Woodstock Road Charlbury Chipping Norton
 Mary Robson
7. **23/00573/LBC** Woodstock and Bladon APP
 Internal and external alterations, extensive renovation works and extensions to restore Fishery Cottage as a dwelling (revised application to change the proposed roof material to slate and extension to rubble stone)
The Fisheries Blenheim Park Woodstock
 Ms Elizabeth Foulkes

8. **23/00579/HHD** Freeland and Hanborough APP
 Remove conservatory, erection of single storey rear and side extensions, garage conversion and internal works
Taunton Cottage Wroslyn Road Freeland
 Mr Nico Elliott
9. **23/00594/FUL** Charlbury and Finstock APP
 Affecting a Conservation Area
 Erection of a dwelling with associated landscaping and access works
Juniper Witney Road Finstock
 Mr Kin Man
10. **23/00644/LBC** Charlbury and Finstock APP
 Affecting a Conservation Area
 Internal alterations to include relocation of bar, rearrangement of circulation areas, redecoration and enhancement of historic features (retrospective)
The Bull Inn Sheep Street Charlbury
 Mr R Squire
11. **23/00670/HHD** Stonesfield and Tackley APP
 Erection of pre-fabricated log cabin providing garden office
4 Limbeck Way Stonesfield Witney
 Mr Simon Paterson
12. **23/00693/FUL** Stonesfield and Tackley APP
 Construction of one dwellinghouse together with associated works.
Skyfall Church Street Stonesfield
 Mr Daniel Hobbs
13. **23/00705/LBC** Chipping Norton WDN
 Affecting a Conservation Area
 To strip and re-tile the rear of the roof.
 We currently suffering from leaks in the roof at the rear of the property which are becoming severe and may be damaging the structure of the building. The front of the roof facing the High Street is all blue slate, and two thirds of the rear is also blue slate. One third of the rear roof has Cotswold stone slate. There are leaks in both the blue slate and stone slate sections at the rear. We propose to re-tile the rear of the roof with all blue slate to match the existing five sixths of the roof?
Flat 1 11 High Street Chipping Norton
 Mr Jonathan Powell

14. **23/00726/CND** Chipping Norton APP
Affecting a Conservation Area
- Discharge of condition 6 (details of external windows and doors) and 9 (lighting design strategy for biodiversity) of planning permission 19/02208/FUL
19 - 20 High Street Chipping Norton Oxfordshire
Mr Jeremy Catling
15. **23/00727/HHD** Kingham, Rollright and WDN
Enstone
- Erection of a single storey extension
Orchard Barn Pomfret Castle Farm Banbury Road
Mr S Schofield
16. **23/00728/LBC** Kingham, Rollright and WDN
Enstone
- Internal and external alterations to include the erection of a single storey extension
- Orchard Barn Pomfret Castle Farm Banbury Road**
Mr S Schofield
17. **23/00746/FUL** Stonesfield and Tackley APP
- Formation of an equestrian training menage
Lower Westfield Farm Cottage Stonesfield Road Combe
Mr Lee Walker
18. **23/00761/FUL** Kingham, Rollright and APP
Enstone
- Change of use from residential to residential/business use along with the erection of a log cabin for dog grooming business
39 Cleveley Road Enstone Chipping Norton
Mrs Elizabeth Hall
19. **23/00789/HHD** Kingham, Rollright and APP
Enstone
- Affecting a Conservation Area
- Alterations and erection of single, two storey and first floor extension.
5 The Firs Church End Great Rollright
Ms Sarah Southwell

20. **23/00798/HHD** Freeland and Hanborough WDN
Demolition of existing garage. Construction of replacement garage with office over and single storey link to main house with WC.
The Old Police House Witney Road Long Hanborough
Mr Chris Lugg
21. **23/00839/S73** Woodstock and Bladon APP
Affecting a Conservation Area
Variation of Condition 2 of 19/01835/HHD to allow for a finished roof height higher than that previously approved.
St Andrews 48 Manor Road Woodstock
Ms Christina Broad
22. **23/00919/LBC** Woodstock and Bladon APP
Affecting a Conservation Area
Internal alterations to carry out damp proofing works to kitchen and study/music room below floor ground level.
Wychwood Cottage 23 Manor Road Woodstock
Ms Anne Miller
23. **23/00925/CND** Kingham, Rollright and Enstone APP
Affecting a Conservation Area
Discharge of condition 10 (The Remediation Scheme) of planning permission 19/00883/FUL
2 Timber Yard Cottages Enstone Road Little Tew
Mr Justin Parker
24. **23/00927/HHD** Stonesfield and Tackley APP
Proposed loft conversion and house renovation
2 Park Road Combe Witney
Mrs Philippa Hunt
25. **23/00964/HHD** Freeland and Hanborough APP
Single storey rear extension and internal alterations. Two storey side extension and new roof over front porch and bay window.
30 Glyme Way Long Hanborough Witney
Mr and Mrs Dyson

26. **23/00978/HHD** Chadlington and Churchill APP
 Alterations including conversion of attic space to create extra living space with the insertion of a dormer window, raise existing roof, and addition of solar panels (amended plans)
Plum Tree Chapel Road Chadlington
 Mr Jeremy Lowe
27. **23/00999/HHD** Chipping Norton APP
 Single-storey rear extension. New solar panels
Silverdale 62 Over Norton Road Chipping Norton
 Mr Richard Dawkins
28. **23/01005/HHD** Ascott and Shipton APP
 Affecting a Conservation Area
 Erection of rear flat roofed single storey extension
4 Bradleys Shipton Under Wychwood Chipping Norton
 Mrs Halle-Smith
29. **23/01008/CND** Chadlington and Churchill APP
 Discharge of condition 10 (full surface water drainage scheme) of planning permission 21/01632/HHD
Hillside House Bull Hill Chadlington
 Mr & Mrs Passey
30. **23/01022/HHD** Charlbury and Finstock APP
 Affecting a Conservation Area
 Erection of single storey home office and garden store with covered bin store.
Kuzniks Pooles Lane Charlbury
 Mr Dale
31. **23/01026/PN56** Stonesfield and Tackley P4REF
 Notification for prior approval for the proposed change of use of agricultural buildings to 5 dwelling houses (Class C3) and for building operations reasonably necessary for the conversion.
Asterleigh Farm Over Kiddington Woodstock
 Juxon Ltd

32. **23/01027/HHD** The Bartons REF
Proposed drop kerb and associated infrastructure and hardstanding
Lower Turnpike Cottage Rayford Lane Bartongate
Mr Jack Bryant
33. **23/01038/CND** Stonesfield and Tackley APP
Discharge of condition 10 (schedule of materials) of planning permission 22/02715/HHD
The Rectory Glympton Woodstock
Mr Hamish Laing
34. **23/01047/LBC** Kingham, Rollright and APP
Enstone
Affecting a Conservation Area
Internal and external alterations to convert garage to create additional living space with wine cellar below and first floor extension above. Erection of single and two storey rear extension and construction of a garden/log store with covered access and associated works (previously approved 22/00647/LBC amended plans allow changes to fenestration, repositioning of garden gate, alterations to the wine cellar feature, addition of a window and changes to internal layout)
Lyndhurst Church End Swerford
Mr Nick Davies
35. **23/01055/S73** Woodstock and Bladon APP
Variation of conditions 2 and 3 of permission 21/02682/FUL to change the roof materials from Westmoreland Slate to Welsh slate and the elevations of the East and West replacement extensions from chopped Coswold stone to rubble stone.
The Fisheries Blenheim Park Woodstock
Ms Elizabeth Foulkes
36. **23/01056/CND** Woodstock and Bladon APP
Discharge of condition 8 (lighting design strategy for biodiversity) of planning permission 21/02682/FUL
The Fisheries Blenheim Park Woodstock
Elizabeth Foulkes
37. **23/01080/HHD** Stonesfield and Tackley APP
Affecting a Conservation Area
Erection of a potting shed
Rose Cottage Park Road Combe
Juliet Whitcombe

38. **23/01081/HHD** Chadlington and Churchill APP
Affecting a Conservation Area
- Erection of an oak timber framed entrance porch.
Blenheim House 7 Eversley Lane Churchill
Mr A Benka
39. **23/01100/CND** Chadlington and Churchill WDN
- Discharge of conditions 6 (details of bat roosting and nesting opportunities) and 7 (lighting design strategy for biodiversity) of planning permission 21/00998/FUL
Lower Court Farm Green End Chadlington
C/O agent C/O agent
40. **23/01101/CND** Chadlington and Churchill WDN
- Discharge of conditions 7 (details of bat roosting and nesting opportunities for birds) and 8 (lighting design strategy for biodiversity) of planning permission 21/00999/LBC
Lower Court Farm Green End Chadlington
C/O agent C/O agent
41. **23/01102/CND** Chadlington and Churchill WDN
- Discharge of conditions 7 (details of all external windows and doors) 9 (details of bat roosting and nesting opportunities) 10 (lighting design strategy for biodiversity) 11 (site investigation of the nature and extent of contamination) 13 (details of the design and specification) and 14 (sample panel of potting shed) of planning permission 21/00967/FUL
Lower Court Farm Green End Chadlington
C/O Agent
42. **23/01103/CND** Chadlington and Churchill WDN
- Discharge of conditions 3 (details of external windows and doors) 5 (site investigation of the nature and extent of contamination) 6 (Remediation Scheme) 7 (full surface water drainage scheme) 9 (details of bat roosting and nesting opportunities for birds) and 10 (lighting design strategy for biodiversity) of planning permission 21/00963/FUL
Lower Court Farm Green End Chadlington
C/O agent C/O agent
43. **23/01104/CND** Chadlington and Churchill WDN
- Discharge of condition 6 (details of all external windows and doors) of planning permission 21/00964/LBC
Lower Court Farm Green End Chadlington
C/O agent C/O agent

44. **23/01179/CND** Burford APP
Affecting a Conservation Area
- Discharge of condition 4 (details of external windows and doors) of planning permission 20/02252/HHD
Medlar Cottage 26 - 27 Taynton Burford
Mr Mark Lea
45. **23/01274/CND** Kingham, Rollright and Enstone APP
- Partial discharge of condition 9 (site investigation of the nature and extent of contamination) of planning permission 19/02470/FUL
Chapel House Farm Chipping Norton Oxfordshire
Adalta Real
46. **23/01282/CND** Chipping Norton APP
- Discharge of condition 6 (full surface water drainage scheme) of planning permission 22/02325/FUL
Oldner Lodge Charlbury Road Chipping Norton
Mrs Long
47. **23/01311/NMA** Chadlington and Churchill APP
- Conversion of extension of existing agricultural buildings to form one dwelling along with extensions to the existing cottages to create ancillary accommodation. Works to include the erection of a car port with store and demolition of one barn (non-material amendment to allow changes to garage plan layout and car parking).
Lower Buildings Green End Chadlington
Mr O Corbett
48. **23/01511/NMA** Stonesfield and Tackley APP
Affecting a Conservation Area
- Ground floor and first floor side extensions with conversion of attic. (Amended) (non-material amendment to allow the use of concrete plain tiles on existing and new roofs).
Cambo Peaks Lane Stonesfield
Ms Hannah Crowe

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Uplands Appeal Decisions

APP/D3125/W/22/3294071

Park House, Park Lane, Long Hanborough

The development proposed is for a replacement dwelling (modifications to previously approved scheme, ref: 20/01937/FUL)

Dismissed.

APP/D3125/W/22/3309784

Laburnum Cottage and 1A Main Street, Over Norton

The development proposed is erection of a two-storey side and rear extension to Laburnham Cottage, with subdivision (with associated internal alterations) to form a separate dwelling, together with works of demolition and the erection of a two-storey and single storey rear extension to 1A Main Street, with provision of parking.

Dismissed.

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 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>Uplands Area Planning Sub-Committee: Monday 26 June 2023</p>
<p>Report Number</p>	<p>Agenda Item No. 6</p>
<p>Subject</p>	<p>Progress on priority enforcement cases preceded by short presentation on the work of the Enforcement Team.</p>
<p>Wards affected</p>	<p>As specified in Annex A</p>
<p>Accountable officer</p>	<p>Abby Fettes, Business Manager, Development Management Email: abby.fettes@publicagroup.uk</p>
<p>Author</p>	<p>Kelly Murray, Principal Planner (Enforcement and Appeals) Tel: 01993 861674 Email: kelly.murray@westoxon.gov.uk</p>
<p>Summary/Purpose</p>	<p>To brief the Sub-Committee on the work of the enforcement team and to provide an update on progress in respect of priority enforcement investigations.</p>
<p>Annex</p>	<p>Annex 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 Annex 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 260 live cases. The high priority cases for both Uplands and Lowlands constitute approximately 14% 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>This matter is no longer with the Enforcement Team, it is with Property Services.</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>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.</p>	<p>There are legal issues around ownership which are stalling progress. It is understood a briefing to Informal Executive will be scheduled as soon as legal advice has been obtained.</p> <p>In the meantime, the Council's consultant structural engineer inspected in February following the installation of further scaffold bracing. We are awaiting his formal written report.</p>

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
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 last year that was the subject of appeal. The appeal was later withdrawn. Since then the site has been almost entirely cleared in accordance with the requirements of the notice. Officers are due to meet with the owner to discuss the removal of a few remaining materials on one part of the site, before the case can be closed.

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 2022 which is the subject of an appeal. The inspector is carrying out a site visit on 26 June. We will then await the decision.
Diddly Squat Farm, Chipping Norton Road, Chadlington	Unlawful material change of use causing harm to the AONB	Enforcement notice issued in August 2022 was appealed and a two-day hearing held in March this year	At the time of writing, the appeal decision is awaited.
Brothertons Brasserie 1 High Street, Woodstock	Unauthorised awning	An enforcement notice was served last year following refusal of a retrospective application. This was appealed.	At the time of writing, the appeal decision is awaited.

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

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
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.	Officers have recently been dealing with a new caravan that has been placed on the boundary which is highly visible from the road. This is additional to other, ongoing non-planning issues on the site that are being investigated by other services within the Council and other agencies.
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. In addition, other internal works have been carried out earlier this year without consent. Following several visits, the more recent with our conservation officer, further applications have been invited, failing which the contravener has been informed the case will be transferred to the Council's Counter-fraud and enforcement team for further action.
20 Taynton	Listed building at risk	Dwelling and barn both Grade II listed	Our conservation officer is happy with the re-thatching of the roof which has been carried out on a "like-for-like" basis. The house remains vacant and its condition continues to be monitored.
121 High Street Burford	Listed building in poor state of repair		Officers have been unable to contact the owner and the property is vacant. Next steps would require forcing entry to the property to carry out a survey. This is one of a number of listed buildings in the District for which a list is being drawn up with a view to development of a strategy to enable a consistent approach to be taken in respect of these buildings, given the available resources.
Track at Tracey Lane Great Tew	Unauthorised track created	Planning permission refused retrospectively.	The track is in use by vehicles and the required top dressing has not been applied in full. The next step is to decide whether to serve a Breach of Condition Notice.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		Amended application seeking to address archaeological and landscape issues was approved under reference 18/02236/FUL.	
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. Periodic monitoring will continue to be carried out.
14 Park Street Woodstock	Internal and external operations being carried out without consent.	Listed building being converted to residential user. Former Barclays bank.	Officers are monitoring replacement of the previous windows that were removed and discarded without consent having been granted. An application for consent for single-glazed windows has been approved but not to date implemented.
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	There is no evidence at present available to demonstrate a material change of use. A retrospective application has been invited to allow use of the garage as accommodation ancillary to the dwelling.
Barwood Homes, Tackley	Elevated footpath	Officers negotiated an amended landscape scheme in order to	Officers are due to inspect the site to check the landscaping scheme has been properly implemented. The previous planting having failed last year due to the hot weather.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
		ameliorate the impact of the footpath	
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. Negotiation with the landowner has failed and Officers are now in the process of serving a Planning Contravention Notice as a precursor to further formal enforcement action.
Land adj Burleigh Lodge Cassington Road Bladon	Laying of hardstanding for use as car park. Use of woodland for commercial forest school.	Part of the affected land is designated as "ancient woodland". (Bladon Heath and Burleigh Wood).	Retrospective applications 22/03502/FUL and 22/03501/FUL were recently refused and are currently the subject of appeal. The expediency of enforcement action should the appeals be dismissed is now being considered.