

Friday, 24 November 2023

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LOWLANDS AREA PLANNING SUB-COMMITTEE

You are summoned to a meeting of the Lowlands Area Planning Sub-Committee which will be held in the Committee Room 1, Woodgreen, Witney OX28 1NB on **Monday, 4 December 2023 at 2.00pm.**



Giles Hughes
Chief Executive

To: Members of the Lowlands Area Planning Sub-Committee

Councillors: Michael Brooker (Chair), Andy Goodwin (Vice-Chair), Julian Cooper, Rachel Crouch, Colin Dingwall, Phil Godfrey, Nick Leverton, Andrew Lyon, Charlie Maynard, Lysette Nicholls, Andrew Prosser, Harry St John, Adrian Walsh and Alistair Wray

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**
To receive any Apologies for Absence from Members of the Committee.
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 6 November 2023.
4. **Applications for Development (Pages 11 - 72)**
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
13-31	23/01524/FUL	University Farm Witney Road	Joan Desmond
32-41	23/02197/FUL	Mutchmeats Ltd Abattoir New Close Lane	Kate Alder
42=66	23/02352/FUL	Land East Of Main Road	Joan Desmond
67-71	23/02672/HH D	30 Milestone Road Carterton	Elloise Street

5. **Applications Determined under Delegated Powers and Appeal Decisions (Pages 73 - 82)**
Purpose:
To inform the Sub-Committee of applications determined under delegated powers and any appeal decisions.
Recommendation:
That the reports be noted by the Sub-Committee.
6. **Progress on Priority Enforcement Cases (Pages 83 - 96)**
Purpose:
To provide an update on progress in respect of priority enforcement investigations.
Recommendation:

That the progress and nature of the outstanding enforcement investigations detailed in Sections A – C of Annex A be noted.

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WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Lowlands Area Planning Sub-Committee
Held in the Committee Room 1 at 2.00pm on **Monday, 6 November 2023**

PRESENT

Councillors: Andy Goodwin (Vice-Chair), Julian Cooper, Rachel Crouch, Colin Dingwall, Nick Leverton, Andrew Lyon, Lysette Nicholls, Andrew Prosser, Harry St John, Alistair Wray and Alaric Smith

Officers: David Ditchett (Principal Planner), Peter Morgan (Planning Officer), Max Thompson (Senior Democratic Services Officer) and Anne Learmonth (Democratic Services Officer).

Other Councillors in attendance: Dan Levy and Michele Mead

36 Apologies for Absence

Apologies for absence were received from:

The Chair, Councillor Michael Brooker, Councillors Phil Godfrey, Charlie Maynard and Adrian Walsh.

Councillor Alaric Smith substituted for Councillor Maynard,

Councillor Michele Mead substituted for Councillor Adrian Walsh.

The Vice-Chair, Councillor Andy Goodwin welcomed Councillor Alaric Smith and Councillor Michele Mead to the Committee.

37 Declarations of Interest

Declarations of Interest were received as follows:

Councillor Lysette Nicolls declared an interest in application 23/00179/FUL Land South East of B4022, Oxford Road, Councillor Nicolls had registered to speak and would be withdrawing from the debate.

Councillor Andrew Prosser declared an interest in application 23/02420/FUL - Carterton Leisure Centre, Carterton. Councillor Prosser was the Executive lead that covered the application and therefore would not take part in the debate or decision process.

38 Minutes of Previous Meeting

The minutes of the meeting held on 9 October 2023 were approved and signed by the Chair as a correct record.

39 Applications for Development

23/00179/FUL Land South East of B4022, Oxford Road.

David Ditchett, Principal Planner, introduced application for the construction and operation of an anaerobic digestion facility, ancillary infrastructure and the construction of a new access road and access from South Leigh Road. The Principal Planner directed members towards the late additional representations pack, pages 3, 4, and 5. Further comments had been received from County Council Highways Team, Oxfordshire County Council Lead Flood Authority and an additional third party comment received, re safety concerns, all of which were detailed within the late representations report.

06/November2023

Additional amendments to the Committee pack page 46 paragraph 34, EH6 policy was missing from the text.

Page 56 and 57 employment created is a benefit, equal to 100 full time employee and 5 full time staff 5 during operations.

The Principal Planner began the presentation explaining the full site location of the application.

Councillor Dan Levy, West Oxfordshire District Council WODC, addressed the Committee in objection to the application, and recommended refusal.

Councillor Lysette Nicholls, South Leigh Parish Council addressed the Committee in objection to the application.

Councillor Dick Pear, South Leigh Parish Council addressed the Committee in objection to the application.

Martin Spurrier addressed the Committee in objection to the application.

David Hindley addressed the Committee in objection to the application.

Daniel Lambert, the Agent spoke in support of the application, and answered points of clarification questions from the Councillors.

The Principal Planner continued with the presentation, concluding that although there were a lot of benefits to the application, on balance Officers were recommending refusal of the application, as set out in the Officers original report.

The Vice-Chair invited the Committee to discuss the application.

The following topics were discussed:

- Banbury, the point of injection into the grid;
- Feedstock;
- Energy crops;
- Carbon balance;
- A40 location;
- Development height;
- Conflict neighbourhood plan and local plan;
- B2 U class, industrial plant v agricultural site;
- Close to village site;
- Net zero support.

Councillor Michele Mead proposed the application be refused in line with the Officer's recommendations, this was seconded by Councillor Nick Leverton, put to the vote and was carried unanimously.

The Committee **Resolved** to:

- I. Refuse the application as per Officers original recommendation.

06/November2023

23/02217/FUL - 19 Arlington Close, Carterton

Councillor Nick Leverton clarified that this application was within his ward.

David Ditchett, Principal Planner, introduced application for a proposed garden treatment room. There were late representations on page 7 of the additional pack, from the applicant in response to the Parish Council objections. OCC Highways had not objected to the application.

Kay Lane addressed the Committee is objection to the application.

The Principal Planner presented the application concluding that Officers were recommending approval.

Councillors enquired what would be the status of the building if the owners decided to not use it as a treatment room. The Principal Planner confirmed that the building would be classed as a garden room for use of beauty treatments. Owners would require new planning permission to change to a different use.

Councillors discussed the Town Centre locations of the application and the scale of the building.

Councillors discussed conditions of use to strengthen up the building purposes and hours of use.

Councillor Lysette Nicholls proposed to approve the application with condition 5 amended to:

5. The premises shall not be open for clients outside the hours of:

Monday, Tuesday, Wednesday, Thursday 9AM-7PM.

The premises shall not open for clients on Bank Holidays. A schedule of appointments shall be kept and made available to the Local Planning Authority on request.

REASON: Control is required in the interests of protecting neighbouring amenity.

And the following additional conditions:

6. The use hereby permitted shall be for a limited period of 1 year from the date the use is first commenced.

REASON: The use is only justified in the light of the special circumstances of the case and further control is required to monitor the impacts of the development.

7. The building shall be used for the use applied for only, and shall not be used for any other purpose within The Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

06/November2023

REASON: The site is only suitable for the use specified because of the special circumstances of the site.

8. No more than 1 client shall be seen at any time within the building hereby approved.

REASON: Control is required in the interests of protecting neighbouring amenity.

This was seconded by Councillor Rachel Crouch, was put to the vote and carried.

The Committee **Resolved** to:

- I. Approve the application with the above mentioned additional conditions.

23/02420/FUL - Carterton Leisure Centre, Carterton.

Peter Morgan Planning Officer, introduced the application for de-carbonisation scheme with the addition of PV panels and plant on the existing roof of the main leisure Centre. New PV car ports in the front car park to all car parking spaces. Creation of 8 No. car parking bays. Erection of a timber enclosure around the battery storage and substation.

There were no public speakers on the application.

The Planning Officer presented an overview of the application concluding that officers were recommending approval with an amendment to condition 4 and an informative:

Prior to the installation of the carports, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and the results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality (The West Oxfordshire Strategic Flood Risk Assessment, National Planning Policy Framework and Planning Practice Guidance). If the surface water design is not agreed before works commence, it could result in abortive works being carried out on site or alterations to the approved site layout being required to ensure flooding does not occur

And the following additional informative:

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The applicant is advised that the replacement parking that is proposed adjacent to the vehicular access on the eastern side of the building, as shown in drawing no. CARTQDA-ZZ-XX-DR-A-0011 REV P01, should not be used for disabled parking. Any disabled parking that is lost as a result of this development must be replaced and suitably located within the existing parking area of Carterton Leisure Centre.

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

- Number of parking spaces lost;
- Net zero agenda, and how far does this scheme meet the need;
- Replacement of gas powered boiler, will increase electricity consumption;
- Unlikely that there will be over supply of electricity created to go back to the grid;
- Technical criteria re heat source and thermal heat from ground and water;
- Accessibility to the Leisure Centre.

Councillor Alaric Smith proposed that the application be approved, with the amendment to condition 4 and an informative:

. This was seconded by Councillor Harry St John, put to the vote and carried.

The Committee **Resolved** to:

- I. Approved the application as per officers recommendation with the amendment to condition 4 and an informative:

Prior to the installation of the carports, a full surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the size, position and construction of the drainage scheme and the results of soakage tests carried out at the site to demonstrate the infiltration rate. Three tests should be carried out for each soakage pit as per BRE 365 with the lowest infiltration rate (expressed in m/s) used for design. The development shall be carried out in accordance with the approved details prior to the first occupation of the development hereby approved. Development shall not take place until an exceedance flow routing plan for flows above the 1 in 100 year + 40% CC event has been submitted to and approved in writing by the Local Planning Authority.

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And the following additional informative:

The applicant is advised that the replacement parking that is proposed adjacent to the vehicular access on the eastern side of the building, as shown in drawing no. CARTQDA-ZZ-

Lowlands Area Planning Sub-Committee

06/November2023

XX-DR-A-0011 REV P01, should not be used for disabled parking. Any disabled parking that is lost as a result of this development must be replaced and suitably located within the existing parking area of Carterton Leisure Centre.

40 Applications Determined under Delegated Powers and Appeal Decisions

The report giving details of applications determined under delegated powers was received and noted.

David Ditchett, Principal Planner summarised the three appeal decisions reported.

The Meeting closed at 4.02 pm

CHAIR

WEST OXFORDSHIRE DISTRICT COUNCIL LOWLANDS AREA PLANNING SUB-COMMITTEE

Date: 4th December 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 Business Manager. The recommendations contained in the following pages are all subject to amendments in the light of observations received between the preparation of the reports etc and the date of the meeting.

List of Background Papers

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

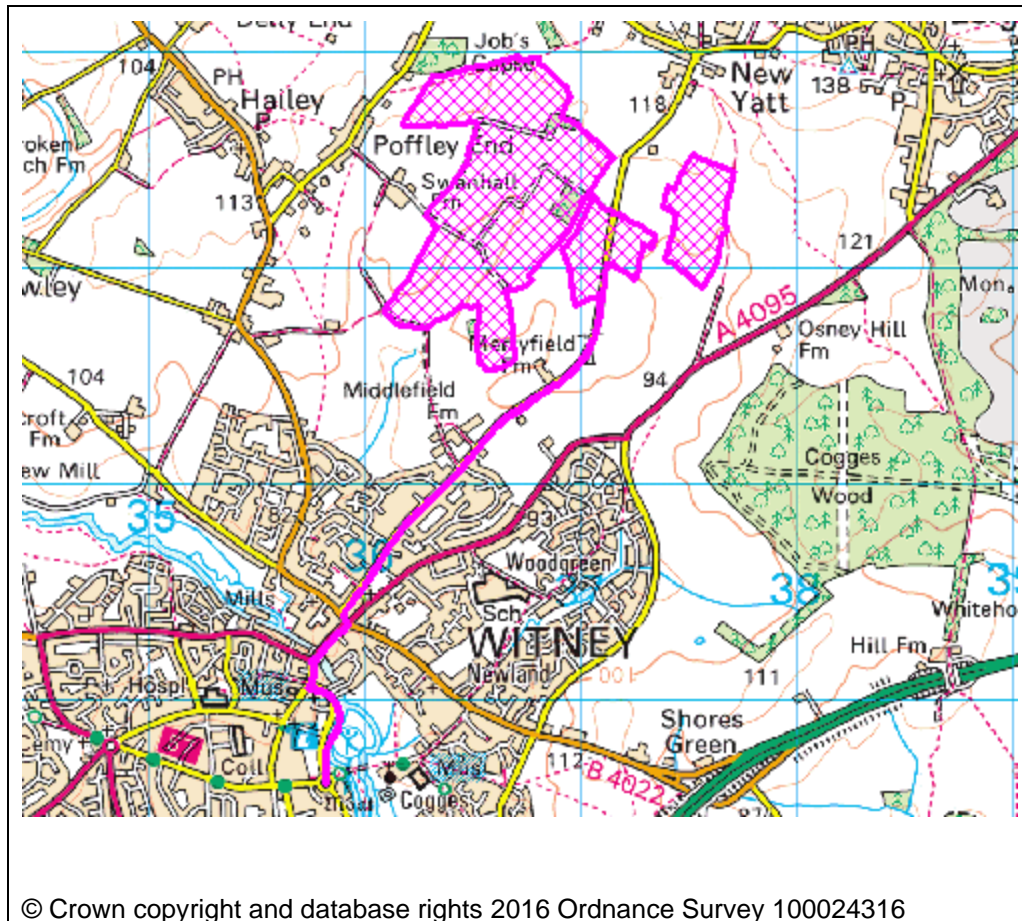
Please note that:

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

Page	Application Number	Address	Officer
13 - 31	23/01524/FUL	University Farm Witney Road	Joan Desmond
32 - 41	23/02197/FUL	Mutchmeats Ltd Abattoir New Close Lane	Kate Alder
42 - 66	23/02352/FUL	Land East Of Main Road	Joan Desmond
67 - 71	23/02672/HHD	30 Milestone Road Carterton	Elloise Street

Application Number	23/01524/FUL
Site Address	University Farm Witney Road Hailey Witney Oxfordshire OX29 9UH
Date	22nd November 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Hailey Parish Council
Grid Reference	435497 E 211865 N
Committee Date	4th December 2023

Location Map



Application Details:

Installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements

Applicant Details:

Bente Klein
JBM Solar Projects 34 Ltd
33 Broadwick St
London
W1F 0DQ

I. CONSULTATIONS

Parish Council

- The Parish Council would like to object to the Planning Application for the following reasons:
- The scale of the proposal is too big and dominating. Hailey parish is 10.31 sq km. The proposed site is 99.68 ha. meaning that it would occupy 9.68% of Hailey Parish
- JBM have ignored pre-application guidance from WODC planners to make the site smaller and omit panels adjacent to the footpath in the north (New Yatt to Poffley End), the bridleway in the south (Witney to Hailey) and New Yatt Lane
- JBM have not included photos of the main view over the site from the New Yatt to Poffley End footpath north of the site - from this high point, views over much of the site are possible showing how big it is.
- The solar farm will replace crops with 3m high structures, surrounded by 2m high security fences, cameras, access roads and big containers (which replaces agriculture with engineering)
- The site will generate noise 24/7 for its 40year life from the containers; this wasn't mentioned in the public consultation.
- Access to the site through North Leigh and New Yatt isn't suitable - the village roads and country lane are not suited to taking over ten thousand big HGV's, contractors vans and cars.
- Contractors won't park in the development which will mean that they will park along the roads which are narrow as it is so it will make it difficult for other vehicles to pass including the general waste or recycling lorries.
- The proposal doesn't consider what impact the solar farm will have on the proposed North Witney development that it will adjoin, nor what the cumulative impacts will be of this site with all the other solar farms being proposed for the area.
- As with other local solar farms house prices are going to be impacted.

Major Planning Applications
Team

Transport - No objection subject to planning Conditions

LLFA - No Objection Subject to Conditions

Archaeology - Objection - A full archaeological field evaluation is required to be undertaken prior to determination.

Public Health - No objection subject to conditions

Conservation And Design
Officer

Following my site visit, I have concerns about the proximity of the solar farm to Swanhall Farm - a grade II listed building and associated non-designated heritage assets, and the setting / views for Hailey Conservation Area and its impact on the setting and views of these heritage assets. I also still have concerns about the extent / type of fencing, associated buildings, battery facilities used - this paraphernalia is harmful to this historically rural / agricultural locale.

I consider the current proposal will not preserve the character, appearance, setting and views of the heritage assets identified, and therefore, I raise an objection to the current proposal - it is contrary to legislation, NPPF section 16, LP EH9, EH10, EH11, EH13, EH16.

My recommendation: If we are to allow a solar farm at this location it would need to be scaled back - with natural screening / buffer. We would also require further details regarding mitigation for screening any associated works /structures so that the setting can be preserved as much as possible. I have shown below the areas where we would wish to see a natural buffer / screening.

WODC Landscape And
Forestry Officer

If the principle of a very large solar farm in this location is to be supported, Policy EH6 (Decentralised energy) requires that it should be located and designed to minimise any adverse impacts. EH2 (Landscape character), amongst other matters, requires special attention and protection be given to the landscape and biodiversity of the Wychwood Project area.

In this context and following further assessment on site, to align more closely with EH6 and EH2, it is recommended that panels be removed from fields 1 and 10 and from the northern half of field 3. This is to protect the character and quality of local recreational footpaths and to contain the development within a stronger landscape structure.

Field 13 was not included in the pre-application assessment but this location is considered acceptable to compensate for areas of panels to be removed from more sensitive locations in fields 1, 3 and 10. An ancient track, known as Downhill Lane, passes the southern boundary of field 7. The tall solar panel structures will be on higher ground above the track and sited immediately adjacent to the boundary. It is not clear from the Landscape Strategy Plan which type of hedgerow work is proposed but, in any event, the proximity of the panels and security fencing would have an overbearing effect on the character of the track. It is recommended that this location

be reviewed with the intention of achieving much greater separation between the track and the development.

It is recommended that the proposed construction compound and additional permanent paraphernalia is re-located from the prominent roadside location to a more discreet one such as the south-east corner of field 6.

In addition, if the principle of a large solar farm is to be supported, further work will be required to detail landscape mitigation.

Natural England

NO OBJECTION - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on protected landscapes and has no objection. Natural England's further advice on designated sites/landscapes and advice on other natural environment issues should be referred to.

WODC Planning Policy
Manager

No Comment Received.

Wildlife Trust

Objection, in relation to the following issues:

1. Proximity to the multiple surrounding Local Wildlife Sites (LWSs): High Grove and Coneygar Copse, West Woods, Enysham Hall Parks, Cogges Wood, Priest Hill Lane Banks and Grimes Meadow and Little Grimes and potential for serious impact on species living within Job's Copse ancient woodland
2. Potential for serious impact on priority species breeding and wintering birds
3. Potential for preventing the aims and objectives of the Conservation Target Area (CTA) from being achieved
4. Biodiversity Net Gain calculations have not been provided
5. Concerns relating to planned habitat management on site
6. Mitigation measures
7. Concerns relating to fencing
8. Concerns about lighting

District Ecologist

Further information is needed to assess the potential biodiversity implications.

Env Health - Lowlands

Having reviewed the Noise Assessment report provided by LFAcoustics, I can find no reason to disagree with it's conclusions. I therefore have no objection to this application on the grounds of noise.

Contamination - I have no major concerns in relation to the application, however there is a former quarry within the proposed development area which may contain unknown filled ground. Please consider adding a condition to any grant of permission.

Wychwood Project

No Comment Received.

Newt Officer

No Comment Received.

Environment Agency

No Comment Received.

Adjacent Parish Council

North Leigh Parish Council - We note from the information supplied by the applicant in their Screening Request that the proposed route for construction traffic is via the A4095, Common Road, Park Road and finally New Yatt Road. We also note that the applicant deems this route to be both suitable and ideal as the roads involved utilise the shortest route from the Application Site to the Strategic Highways Network.

North Leigh Parish Council estimates that the construction of the solar farm would generate at least 4,000 additional HGV journeys and would like to contest the suitability of the proposed route for the following reasons.

1. Common Road. This is a residential road which already experiences a significant volume of commercial traffic. The road itself is in a poor state of repair and any increase in HGV traffic will only serve to further its deterioration.
2. The junction of Park Road and New Yatt Road. This too is a residential road and at this point there is a narrowing of the carriageway causing a pinch point which only allows for vehicles to pass in one direction at a time. This is a dangerous section of road and any increase in HGV traffic will only increase the risks to pedestrians and other road users. Further, there are three domestic properties, Hill View, Paddock House and Gable Cottage, which have their walls and foundations particularly close to the highway and might be subject to damage resulting from both direct impact and ground vibration as a result of additional lorry movements.
3. New Yatt Road from the junction of Green Lane to Masons Grove. This section of road is particularly dangerous and has traffic calming, in the form of speed humps and a chicane, in place. This provides for the traffic travelling west away from the centre of North Leigh to have right of way over those entering the village. In practice these measures have been only partially successful and, as a Parish Council, we have received a number of reports of near misses, both vehicle to vehicle and vehicle to pedestrian. It is considered that any additional HGV movements are likely to increase the risk of accidents occurring.
4. New Yatt Road from Masons Grove to New Yatt. The carriageway between these two points is showing signs of serious deterioration with potholes, dips, damaged cambers and collapsing road margins. More importantly this length of road does not have a footpath and is used by parents walking their children to the village school, other pedestrians, cyclists and horses as well as cars and HGV's. As with the other sections of the route discussed above any additional HGV movements are likely to increase the risk of accidents occurring.

It is the view of the Parish Council that proposed route would create unacceptable risks to other road users as well as causing additional severe damage to the carriageways of the roads in

question. While it is understood that materials have to be delivered to the construction site the Parish Council believes that directing HGVs via the B4022 would prove to be a safer and more suitable route.

In addition to our comments on HGV traffic, North Leigh Parish Council also opposes a solar park at this location. This will have a severe impact on the views of from the New Yatt Road and Footpath 15 and will require new site roads to be built in this area also which will cause disruption. Biodiversity concerns seem to have been addressed in a very superficial way. In addition North Leigh is currently under threat from the enormous Botley West Solar Farm (apparently the 4th largest in the world) to the other side of our village, this will literally result in North Leigh becoming an island surrounded by solar parks. It is clearly not appropriate that WODC views each one on a case by case basis without considering the impact as a whole on a small rural village such as ours:

1. Due to having solar panels in fields immediately adjacent to either side of the road and
2. It being most likely that all construction traffic will be using the New Yatt Road via North Leigh and New Yatt.

Wildlife Trust

We stand by the comments made in our original response because we remain concerned about the proximity to the sites valuable for wildlife and the potential impacts. Therefore, if the application is approved, we consider it is essential that the on-site value to wildlife must be maximised. We welcome the mitigation measures and would suggest that, should the application be approved, these measures should be conditioned, for the avoidance of doubt. We note that the Landscape and Ecological Plan will be informed by Natural England's Lowland Grassland Management Handbook and suggest that for the avoidance of doubt, should the application be permitted, the management outlined be conditioned and should specify that it must apply across all the grassland, both beneath the solar panels and the margins around them. We have been unable to find the species composition of the EG27 seed mix, which is proposed in the applicant's landscape plan and would suggest that EM2 Standard General-Purpose Meadow Mixture or an equivalent mix should be used both under and around all the solar arrays rather than just in fields 11 and 12 to create a wildflower rich grassland throughout the site.

We note the applicant's comments in relation to lighting but we remain concerned and request that during the construction phase work is restricted to daylight hours only, so that lighting is not required. Work must be restricted to daylight hour no matter what time of year the construction phase is.

District Ecologist

Further information is needed to assess the potential biodiversity implications.

Biodiversity net gain - There are discrepancies between the area values in the metric and the submitted baseline and proposed plans,

however, these discrepancies can be overlooked as it is unlikely that further revisions would demonstrate an overall net loss in habitat, linear or water units.

However, it is not clear if the ecologist who completed the water module section of the metric is accredited, please can this be confirmed.

Dormice - It has been agreed that dormice survey will not be required; less hedgerow will be removed than previously anticipated and dormice surveys for a neighbouring development have returned negative results. However, as presence/absence has not been established on-site, and the species concerned is a European protected species, the LPA must take a precautionary approach, therefore it was agreed that a mitigation and compensation strategy would be required to demonstrate the species concerned will be maintained at a favourable conservation status within its natural range. Thereby, enabling the LPA to discharge its statutory duty with regards to European protected species.

As dormice are a European protected species, this information will need to be submitted to the Council, prior to any permission granted and should not be secured via a condition.

Great crested newts - The project ecologist has confirmed the applicant would like to use the Council's district licence to mitigate the GCN constraint. As outlined in my previous response, the applicant will need to submit the certificate issued by NatureSpace to the LPA prior to any permission granted. This will provide the LPA with confirmation of the site's eligibility to join the scheme and the correct payment has been received; enabling the Council to discharge its statutory duty with regards to European protected species.

Until the outstanding information is received, the LPA cannot fully assess the proposal in light of the three derogation tests in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Bat surveys - Whilst I take the project ecologists' comments into consideration, it is felt bat surveys are required to identify the presence, activity and species of bats on or near the proposed development site. The results should be used to inform the design of the scheme and demonstrate the use of the mitigation hierarchy. For example, it is not understood how the scheme will mitigate the introduction of noise from the battery and inverter stations. These stations will be required for the lifetime of the development, and have been positioned adjacent to boundary hedgerows and woodland parcels which are highly likely to support foraging, commuting and roosting bats. The introduction of noise can cause fragmentation and severance of key commuter routes, effectively degrading habitats by making them inaccessible or unattractive to bats, or acting as a barrier to dispersal. However, until bat surveys

have been completed, it is difficult to recommend suitable alternative locations.

Similarly, these surveys will need to be submitted to the LPA prior to any permission granted, to enable the LPA to assess the proposal in light of the three derogation tests in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

2. REPRESENTATIONS

2.1 A summary of the representations received are detailed below. Detailed comments can be viewed on the Council's website.

35 letters have been received objecting to the application on the following grounds:

- Highway and safety concerns
- Unneighbourly development
- Unsuitable access
- Will change the character of neighbouring villages
- Significant detrimental impact on the conservation area
- Harm to wildlife
- Harmful to environment/landscape
- Loss of agricultural land
- Loss of historic grassland
- Loss of water holding ponds
- Disruption concerns
- DMMO's awaiting decision
- Too close to proposed new housing
- Noise
- Impact on amenity value of users of rights of way
- Too many solar farm applications

2.2 13 letters of support:

- Will help meet demand for green energy
- Will help bring down overall energy costs and improve domestic energy security
- Will deliver BNG
- Community benefit fund will support local projects
- Business rates will help fund local council services

2.3 Witney Flood Group (WFG) - See detailed comments on the website. Summary below:

1. Impact on Eastfield Road, Hailey Road and Madley Park has not been considered. Any development North of Witney must not make the existing flooding situation worse and where possible planners should use the opportunity of these large developments to improve matters.

2. No mention of attenuation solutions such as storage ponds on or downstream of the site being considered.

3. The cable route runs down Bridge Street and over or under the River Windrush. Ideally planners should take this as an opportunity to insist on improvements to the bridge being made to increase water flow capacity under it.

4. The Solar Farm and Northern Witney Housing scheme applications should be viewed as a single entity

3. APPLICANT'S CASE

3.1 The executive summary of the Planning, Design and Access Statement is as follow:

1. JBM Solar Projects ('The Applicant') is seeking planning permission from West Oxfordshire District Council for the construction, operation and subsequent decommissioning of a solar photovoltaic farm with battery storage and associated infrastructure on agricultural land located to the north east of Witney. The proposal is referred to collectively as the 'Proposed Development' and the project known as 'Quarry Solar Farm'.

2. The primary purpose of this Planning, Design and Access Statement is to set out the planning case for the Proposed Development, with reference to local and national planning policy. This statement should be read in conjunction with the other documents that comprise the planning application submission, including the numerous environmental and technical reports that have been produced to satisfy policy requirements and allow Officers at the Council to provide a comprehensive review of the application.

3. The principle of renewable energy, such as solar power, is supported by local and national policy. It is also notable that West Oxfordshire District Council declared a climate and ecological emergency in 2019 and made a pledge to become a carbon-neutral council by 2030, which requires significant investment in the development of renewable energy infrastructure locally and throughout the UK.

4. The Applicant devised a comprehensive engagement plan to consult as widely as possible with the local community. The Applicant was able to engage effectively with the community and stakeholders through a combination of innovative digital engagement, and traditional methods which are set out in the attached Statement of Community Involvement.

5. The Proposed Development complies with relevant planning policy and there are significant benefits associated with it. The environmental and technical reports that form part of the planning application submission demonstrate that there would be no unacceptable environmental impacts.

6. These factors, when combined with the significant need for renewable energy, mean that the planning balance (and, in particular, when considered in the context of the tests under Section 38(6) Planning and Compulsory Purchase Act 2004) is weighted significantly in favour of the Proposed Development.

4. PLANNING POLICIES

E2NEW Supporting the rural economy

OS1NEW Presumption in favour of sustainable development

OS2NEW Locating development in the right places

OS3NEW Prudent use of natural resources

OS4NEW High quality design

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH6 Decentralised and renewable or low carbon

EH9 Historic environment

EH10 Conservation Areas

EH11 Listed Buildings

EH13 Historic landscape character

EH15 Scheduled ancient monuments

WIT6NE Witney sub-area strategy

NPPF 2023

HAILNP Hailey Neighbourhood Plan

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

5 PLANNING ASSESSMENT

5.1 The application seeks planning permission for the installation and operation of a renewable energy generating station comprising ground-mounted photovoltaic solar arrays and battery-based electricity storage containers together with a switchgear container, inverter/transformer units, Site access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements. It is estimated that the solar panels would generate around 35 MW of renewable energy for a temporary period of 40 years from the date of the first exportation of electricity from the Site. The scheme would benefit from a 33kV connection at the existing Witney Town Primary substation in Witney, located approximately 2 km south of the Site as the crow flies. A proposed underground cable route, would run within existing roads from the solar site into the substation. The proposed cable route is included in the accompanying Site Location Plan.

5.2 The site comprises agricultural land located to the north east of Witney, east of Hailey and Poffley End, and south west of New Yatt and North Leigh covering an area of 99.68 ha. The site is made up of a number of agricultural fields which are generally located adjacent to each other with some fields separated by New Yatt Road and other fields. The Hailey Conservation Area with several listed buildings lies to the west of the site. A public right of way (236/15/10) abuts the site to the north and Bridleways abut the site to the south and east. The North Witney SDA lies to the south of the site. The site lies within the Wychwood Project Area. Job's Copse, an ancient woodland, adjoins the site to the north.

5.3 Pre-application advice was sought in 2022 and a screening opinion undertaken in 2023 concluded that an Environmental Impact Assessment is not required.

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

Impact on Heritage Assets

Highway Issues

Biodiversity

Principle

5.5 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal ascent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—

- a) the development plan, and
- b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.6 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the West Oxfordshire Local Plan 2031 unless material considerations strongly indicate otherwise.

5.7 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). The site appears to lie within the Wychwood Uplands which is identified as an area 'more suitable' for such projects.

5.8 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.

5.9 The submitted Planning Statement (PS) also refers to the National Policy Statements ('NPSs') which make up the planning policy framework for examining and determining Nationally Significant Infrastructure Projects ('NSIPs'). Whilst this project is not a NSIP and as such the NPSs are not directly relevant; it is considered that they do form material considerations in the determination of the planning application. Reference is also made in the Planning Statement to Government legislation and various Reports/Documents on Climate change/energy issues. The PS outlines that it is estimated that the solar panels would generate around 35 MW of renewable energy - enough electricity to power approximately 15,000 Oxfordshire homes. 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

5.10 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. An Agricultural Land Classification survey has identified that 87.7% of the Site (or 86.7 ha) is classed as Grade 3b (not Best and Most Versatile (BMV) Agricultural Land), 5.5% or 5.4 ha is Grade 3a

(BMV land), 4.3% or 4.3 ha is Grade 4 (non-BMV land), and 2.5% or 2.5 ha is non-agricultural. As such, a small portion of the site (5.4ha) is classified as Grade 3a but in national, regional, and local terms it is not considered that this development would have an adverse impact on the loss of the 'best and most versatile' land.

Impact on Landscape Character/Visual Amenities of the area

5.11 Policy EH2 of the Local Plan also 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. This site lies within the Wychwood Project area where special attention and protection will be given to the landscape and biodiversity. An objective of the Hailey NP is to seek opportunities for landscape, recreational and ecological gain whilst minimising the environmental impact of new development. Policies include the protection of the attractive setting and the separate identities of the various settlements in the neighbourhood area (E3) and retention of trees (E1).

5.12 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.

5.13 At the national level the development site is located within the National Character Area (NCA) 107 Cotswolds. At a county scale, the "Oxfordshire Wildlife and Landscape Study" (OWLS) places the site within the Settled Ancient Pastures Landscape Character Area 14. It is described as a "small scale settled landscape with a rolling topography, characterised mainly by a pattern of pasture fields bordered by mature hedgerow trees." The "West Oxfordshire Landscape Assessment" 1998 (WOLA) considers landscape character at a district scale placing the Site within the Landscape Character Area (LCA) 7 - Wychwood Uplands. The site occupies a location below the otherwise elevated and expansive limestone wolds with long sweeping views from high ground. It sits lower where it is locally influenced by field pattern and landcover to convey a smaller scale that is a more intimate landscape than the wider more open and elevated wolds of the LCA. It enjoys a setting that is more wooded, and is pock marked with copses, plantations, woodlands and other woody features set within an irregular field pattern. At a finer scale the site is located within the Semi-enclosed limestone wolds. Key characteristics of this Landscape type are:

- Gently rolling farmland occupying the elevated limestone plateau and dip slope;
- Mixed land use and field pattern, with a patchwork of large arable fields and more frequent pasture and smaller-scale fields with irregular, sinuous boundaries;
- Strong structure of dry-stone walls and hedgerows with frequent mature hedgerow trees, particularly of oak and ash;
- Ash, oak, hazel, field maple etc, conspicuous in hedgerows;
- Semi-enclosed character with views contained by hedgerow structure and frequent blocks or belts of woodland;
- Diverse and pastoral character; and
- Moderate intervisibility.

5.14 A Landscape and Visual Impact Assessment (LVIA) is submitted with the application. The LVIA concludes that in terms of landscape character it is considered that whilst some harm is acknowledged

to the immediate landscape character of the Site itself, the harm is restricted to the Site and reduces within the immediate setting and reduces even further in the wider setting as distance increases from the boundaries. The proposal is temporary and reversible, will remain in agricultural use albeit changed from intensive arable to animal grazing and will contribute to a beneficial visual, landscape and biodiversity legacy in the longer term. In terms of visual amenity, the LVIA states that it has evidenced that with the exception of close views on or within the Site, the Proposed Development enjoys a high level of visual containment. The scale of the Proposed Development is not experienced in its entirety from any one public place. Only one field at a time registers for visual receptors. In terms of cumulative effects none arise. Overall, the LVIA concludes that the proposals will not result in significant harm to the landscape character or visual environment, such that a positive mitigation response cannot be delivered. It is considered that the Proposed Development can be successfully integrated in this location and is supportable from a landscape and visual perspective.

5.15 The submitted Landscape Strategy includes the following key elements:

- Retention and enhancement of existing field pattern
- Retention of existing hedgerows, trees and ponds
- Proposed native woodland belt
- Proposed gapping up and restoration of hedgerows (internal)
- Proposed new hedgerow boundaries including trees (Site boundaries - managed as tall hedgerows above eye level)
- Proposed traditional grazing mixture replaces highly intensive arable cropping for animal grazing
- Hedgerow margins sown with a native wild flower and grass mix
- Skylark mitigation seeding
- Wildflower meadow introduction in one field area beneath a proposed community orchard with seating and access
- 2no permissive footpaths added
- Interpretation is an important element and illustrative boards are included to provide information about the solar scheme, it's landscape setting, the history of the Site, biodiversity, and information about the Skylark.

5.16 In addition to the visual impact arising from the solar panels and associated infrastructure including the battery stations, inverter containers, fencing and CCTV, this scheme includes the installation of a 5m high Communicator mast adjoining the DNO building close to the access point off New Yatt Road which would be visually prominent in this open rural landscape and the loss of roadside hedgerow to provide the required visibility splays.

5.17 The Council's Landscape Officer (LO) has commented that..'*If the principle of a very large solar farm in this location is to be supported, Policy EH6 (Decentralised energy) requires that it should be located and designed to minimise any adverse impacts. In this context and following further assessment on site, to align more closely with EH6 and EH2, it is recommended that panels be removed from fields 1 and 10 and from the northern half of field 3. This is to protect the character and quality of local recreational footpaths and to contain the development within a stronger landscape structure. Field 13 was not included in the pre-application assessment but this location is considered acceptable to compensate for areas of panels to be removed from more sensitive locations in fields 1, 3 and 10. An ancient track, known as Downhill Lane, passes the southern boundary of field 7. The tall solar panel structures will be on higher ground above the track and sited immediately adjacent to the boundary. It is not clear from the Landscape Strategy Plan which type of hedgerow work is proposed but, in any event, the proximity of the panels and security fencing would have an overbearing effect on the character of the track. It is recommended that this location be reviewed with the intention of achieving much greater separation between the track and the development. It is recommended that the proposed construction compound and additional permanent paraphernalia is re-located from the prominent*

roadside location to a more discreet one such as the south-east corner of field 6. In addition, if the principle of a large solar farm is to be supported, further work will be required to detail landscape mitigation.'

5.18 The agent has indicated that a landscape response is being prepared but no further information has been submitted at the time of completing this report. Members will be updated at Committee.

5.19 In conclusion, the proposed development would have a harmful impact on the character and visual amenities of this historic rural landscape which has a high recreational value and the proposed scheme fails to minimise these potential adverse impacts, in conflict with Policies EH6 and EH2 of the Local Plan and Policy E3 of the Hailey NP.

Impact of heritage assets

5.20 The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10, EH11 and EH13 of the Local Plan reflect these duties.

5.21 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 199 of the NPPF provides when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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.

5.22 The site lies to the East of the Hailey Conservation Area, within which there are several listed buildings including Swanhall Farmhouse, a Grade II listed building that lies closest to the site. Downhill Farmhouse (located to the south west of the site) and Middlefield Farmhouse (located to the South) are also Grade II Listed. Previous research has identified a non-designated section of the North Oxfordshire Grim's Ditch within the northern area of the Site and a walkover survey identified a ditched feature, likely a surviving earthwork section of Grim's Ditch within a least one field within the Site. Grim's Ditch is thought to date to the later Iron Age and/or Romano-British period and Historic England (2022) consider any upstanding sections of the Grim's Ditch to be of High importance. As such there is judged to be High potential for further prehistoric and Romano-British remains to survive within the Site, especially around Grim's Ditch.

5.23 The submitted Cultural Heritage Assessment advises that:

Assessment of potential impacts upon setting of designated heritage assets within the 2 km study area has been undertaken as part of this assessment. These designated heritage assets can largely be characterised as Conservation Areas, and the largely post-medieval buildings therein, as well as individual farmsteads and ancillary structures. The Proposed Development would be a modern addition to a landscape which is characterised by postmedieval enclosure, routeways and settlement, however the Proposed Development would not wholly impact the way in which this landscape could be understood and thus the elements which contribute to significance of surrounding designated heritage assets would not be materially impacted. This assessment has considered that the Proposed Development would not result any more that less than substantial harm to designated heritage assets within the 2 km study area. The setting of the North Oxfordshire Grim's Ditch has been considered however it is difficult to

appreciate the original landscape context of the section of Grim's Ditch within the Site notwithstanding its wider landscape setting. The assessment has concluded that there would be considerably less than substantial harm to the setting of Grim's Ditch.

5.24 The Conservation & Design Officer (CO) has concerns about the proximity of the solar farm to Swanhall Farm - a grade II listed building and associated non-designated heritage assets, and the setting / views for Hailey Conservation Area (CA) and its impact on the setting and views of these heritage assets. Concerns are also raised about the extent / type of fencing, associated buildings, battery facilities used as such paraphernalia would be harmful to this historically rural / agricultural locale. The CO concludes that:

I consider the current proposal will not preserve the character, appearance, setting and views of the heritage assets identified, and therefore, I raise an objection to the current proposal - it is contrary to legislation, NPPF section 16, LP EH9, EH10, EH11, EH13, EH16.

My recommendation: If we are to allow a solar farm at this location it would need to be scaled back - with natural screening / buffer. We would also require further details regarding mitigation for screening any associated works / structures so that the setting can be preserved as much as possible.

5.25 Given the impacts identified, it is considered that there would be a moderate-high level of less than substantial harm to heritage assets. Paragraph 202 of the NPPF advises 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 including, where appropriate, securing its optimum viable use. Whilst the public benefits of the scheme are recognised, as detailed below, it is not considered that the harms identified to the historic landscape and setting of the CA and listed building/non-designated heritage assets would be outweighed by the public benefits of the proposal, particularly as a scaled back form of development which would still deliver renewable energy benefits could be accommodated on the site whilst mitigating the harms to heritage assets.

5.26 The agent has submitted a response to these comments, which mainly reiterates the conclusions of the Cultural Heritage Assessment; includes some appeal decisions on schemes elsewhere in the country and concludes that *The public benefits of the Proposed Development are set out in submitted Planning Design and Access Statement. The less than substantial harm to the Swanhall assets and Hailey Conservation require, as per NPPF, to be weighed against these public benefits. As the appeal decisions have shown, where harm is limited and less than substantial it may be outweighed by public benefits of renewable energy.*

5.27 As identified above, the site is located in an area of archaeological interest. Well preserved sections of Grim's ditch are of national importance and a scheduled section of bank and ditch is located immediately east of the proposed development area. The County Archaeological Officer has commented that there is the potential for further archaeological features to be present on the site and has requested that an archaeological field evaluation is undertaken, prior to determination of the application. It is understood that trail trenching is taking place but as yet no field evaluation has been completed.

Highway Issues

5.28 The same highway access would be utilised for construction and operation. Access to the Site would be via New Yatt Road, which runs through the Application Site and gives access to both the western and eastern parcels of land. The Site access will link to a network of internal tracks around the solar site. It is proposed that construction traffic will gain access to the Application Site via the A4095, Common Road, Park Road and New Yatt Road.

5.29 The submitted Transport Statement concludes that during the operational phase of the development, there would be a minimal increase in traffic volumes with operational traffic (one van) expected to access the Application Site on two occasions per month at the most. The construction phase of the Proposed Development would lead to a temporary increase in traffic on the roads mentioned above. This would be for a temporary 24-week period. On average during this 24-week period, it is expected that the Proposed Development would lead to an increase in traffic movements of 38 two-way vehicle movements per day. Changes of this magnitude would have a de minimis impact on highway capacity. The anticipated increase in HGV traffic of eight movements daily can be mitigated through construction management, including ensuring these trips occur outside of typical peak traffic hours. There are no residual traffic impacts identified. In conclusion, the Proposed Development provides an opportunity to provide new, non-carbon energy generating facilities at a location which can be safely accessed by construction and operational vehicles and at which the temporary traffic impact during construction would be de minimis. Traffic management measures can be put in place to reduce or avoid potential residual impacts arising from road traffic during the temporary 24-week construction period.

5.30 OCC Transport raise no objection to the application subject to appropriate highway conditions being attached to any permission granted.

Biodiversity

5.31 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.

5.32 The application is accompanied by an Ecological Impact Assessment (EIA) and Biodiversity Impact Assessment Calculation. The EIA concludes that desk and field-based baseline investigations have demonstrated that the designated sites, habitats and species present within and adjacent to the Site do not pose an 'in principle' constraint to the proposed development. There are no statutory or non-statutory nature conservation sites within the Site, and it is considered those within the local area will not be negatively affected by the proposals. The Site supports several ecologically valuable habitats, including Priority Habitat native hedgerows, lowland mixed deciduous woodland and a pond with great crested newt presence, and has the potential to support a number of protected species that require due consideration, and mitigation should be embedded into any future applications. This includes overwintering and breeding birds, bats, badger, dormouse, amphibians, reptiles, hedgehog and brown hare.

The habitats and protected and priority species interest within the Site do not pose a notable constraint to development, and the scope of the proposed mitigation measures are sufficient to mitigate for the biodiversity impacts resulting from the development. The illustrative scheme is capable of achieving a biodiversity net gain in habitat, hedgerow and river units.

5.33 The Applicant has also submitted an Arboricultural Impact Assessment ('AIA') as part of the application. It finds that the proposed development will not require the complete removal of any significant trees, tree groups, woodlands or hedgerows.

5.34 The Berkshire, Buckingham and Oxfordshire Wildlife Trust (BBOWT) object to the application, in relation to the following issues:

1. Proximity to the multiple surrounding Local Wildlife Sites (LWSs): High Grove and Coneygar Copse, West Woods, Enysham Hall Parks, Cogges Wood, Priest Hill Lane Banks and Grimes Meadow and Little Grimes and potential for serious impact on species living within Job's Copse ancient woodland
2. Potential for serious impact on priority species breeding and wintering birds
3. Potential for preventing the aims and objectives of the Conservation Target Area (CTA) from being achieved
4. Biodiversity Net Gain calculations have not been provided
5. Concerns relating to planned habitat management on site
6. Mitigation measures
7. Concerns relating to fencing
8. Concerns about lighting

5.35 The applicant responded to the concerns raised, but the BBOWT still stand by their original comments and remain concerned about the proximity to the sites valuable for wildlife and the potential impacts and any lighting. The mitigation measures proposed are however welcomed.

5.36 Natural England (NE) raise no objection to the application and considers that the proposed development will not have significant adverse impacts on protected landscapes and has no objection. NE make reference to further advice on designated sites/landscapes and advice on other natural environment issues which should be taken into consideration. This includes comments on Ancient Woodland and NE consider that there is the potential for ancient woodland at Job's Copse to be impacted by the proposal during both construction and operation. A buffer of at least 15m is advised between the ancient woodland and the edge of site operations/installations. The submitted plans indicate such a buffer with distances over 20m.

5.37 Following the submission of additional information including post development habitat plans and biodiversity metric calculation, the Biodiversity Officer (BO) still requires further information to assess the potential biodiversity implications of the proposed development. This includes the need for a mitigation and compensation strategy for dormice to demonstrate the species concerned will be maintained at a favourable conservation status within its natural range, thereby, enabling the LPA to discharge its statutory duty with regards to European protected species; The submission of the certificate issued by NatureSpace to mitigate the Great Crested Newt constraint prior to any permission granted is required. This will provide the LPA with confirmation of the site's eligibility to join the scheme and that the correct payment has been received enabling the Council to discharge its statutory duty with regards to European protected species. Until the outstanding information is received, the LPA cannot fully assess the proposal in light of the three derogation tests in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the submission of bat surveys to identify the presence, activity and species of bats on or near the proposed development site to enable the LPA to assess the proposal in light of the three derogation tests in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

Flooding and Drainage

5.38 The Applicant has submitted a Flood Risk Assessment (FRA) and Drainage Strategy as part of this Submission. The site falls within Flood Zone I and is at low risk of flooding from rivers and the sea. The proposals constitute 'Essential Infrastructure' and are appropriate in Flood Zone I. The site is not considered to be at risk of flooding from fluvial, tidal, groundwater, sewers, reservoirs, or other artificial sources. The risk of flooding from surface water and the network of Ordinary Watercourses is generally very low across the site. All vulnerable infrastructure is in areas shown to be at very low risk of surface water flooding. Containerised infrastructure such as inverters, cabins and battery storage will be

constructed with a granular base to ensure runoff is encouraged to infiltrate into ground, as per the existing site. The cessation of intensive agriculture across the site will allow establishment of natural grassland and a commensurate improvement in soil structure. This will reduce runoff rates and volumes, soil erosion and pollution. Further works would provide additional betterment in terms of flood risk and water quality. It is proposed to install leaky dams to mobilise storage within the channel, decrease flood risk downstream and provide biodiversity benefits. Riparian buffers will be established alongside the watercourse and fenced off to prevent access by livestock. The FRA concludes that for these reasons, the Proposed Development is considered to be acceptable and in compliance with planning policy in terms of flood risk and drainage.

5.39 The County Council, as the Local Lead Flood Authority, has raised no objection to the application, subject to the imposition of a surface water drainage condition.

Other Matters

Glint and glare

5.40 A Glint and Glare study has been undertaken to assess the possible effects of glint and glare from the proposed development. The assessment pertains to the possible impact upon road safety, residential amenity, and aviation activity. No significant impacts are predicted upon road safety, residential amenity, or aviation activity. Therefore, no mitigation is recommended.

Conclusion

5.41 In conclusion, whilst it is recognised that the proposed development would make a contribution to meeting targets for renewable energy and would contribute to the reduction of greenhouse gases, it would have a significant harmful impact on the appearance and character of the landscape and would have a moderate-high level of less than substantial harm to heritage assets. Whilst the public benefits of the scheme are recognised, as detailed above, it is not considered that the harms identified to the historic landscape and setting of the Conservation Area and listed building/non-designated heritage assets would be outweighed by the public benefits of the proposal, particularly as a scaled back form of development which would still deliver renewable energy benefits could be accommodated on the site whilst mitigating the harms to heritage assets. In addition, no archaeological field evaluation report has been submitted.

5.42 In addition, inadequate ecological information has been submitted to ensure that protected and priority species and habitats would be protected. As such the development conflicts with adopted Local Plan policies and the NPPF and is thus recommended for refusal.

6 REASONS FOR REFUSAL

1. The proposed development would have a significantly harmful impact on the appearance and character of the landscape and setting of Hailey and fails to minimise its adverse impacts in conflict with Policies EH2 and EH6 of the adopted West Oxfordshire Local Plan 2031, Policy E3 of the Hailey Neighbourhood Plan and advice in the NPPF.
2. The proposed development would have a harmful impact on the historic landscape and setting of Hailey Conservation Area and Swanhall Farm, a Grade II Listed Building and its associated non-designated heritage assets and the results of an archaeological evaluation have not been submitted in

conflict with Policies EH9, EH10, EH11, EH13 and EH16 of the adopted West Oxfordshire Local Plan 2031 and the NPPF.

3. Insufficient information has been submitted to demonstrate the proposal will not result in significant biodiversity harm as insufficient survey details have been submitted to ensure that impacts on protected species are minimised or adequately compensated. Further, insufficient information has been submitted with regards to demonstrating a measurable biodiversity net gain. Therefore, the proposal does not comply with the requirements of the Local Plan policy EH3 and paragraphs 174, 179 and 180 of the National Planning Policy Framework

Contact Officer: Joan Desmond
Telephone Number: 01993 861655
Date: 22nd November 2023

Application Number	23/02197/FUL
Site Address	Mutchmeats Ltd Abattoir New Close Lane Ducklington Witney Oxfordshire OX29 7GX
Date	22nd November 2023
Officer	Kate Alder
Officer Recommendations	Refuse
Parish	Ducklington Parish Council
Grid Reference	434628 E 208277 N
Committee Date	4th December 2023

Location Map



Application Details:

Erection of two semi-permanent single storey self contained sleeper cabins (Retrospective)

Applicant Details:

Mr Nigel Morgan
Field Farm
Netherton Road
Appleton
Abingdon
Oxfordshire
OX13 5QW

I. CONSULTATIONS

Parish Council

I refer to your letter dated 21 September 2023 and confirm that Ducklington Parish Council reviewed the afore-mentioned application at its meeting on 4th October and resolved not to object to the application, but wishes to register its disappointment at having to consider yet another retrospective application.

Thames Water

WASTE COMMENTS:

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer network.

WATER COMMENTS:

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

OCC Highways	<p>The proposal, if permitted, will not have a significant detrimental impact (in terms of highway safety and convenience) on the adjacent highway network</p> <p>Recommendation:</p> <p>Oxfordshire County Council, as the Local Highways Authority, hereby notify the District Planning Authority that they do not object to the granting of planning permission</p>
ERS Contamination	<p>Thank you for consulting our team, I have looked at the application in relation to contaminated land and potential risk to human health.</p> <p>Given the nature of the contained sleeper cabins I have no objection in relation to land contamination human health risks from this proposed development and will not be requesting planning conditions.</p>
Env Health - Lowlands	<p>Thank you for the opportunity to consult.</p> <p>I have no objection in principle.</p> <p>Noise & Amenities</p>
WODC Business Development	<p>The applicant is an important local business and fulfils a unique role in the supply chain between local farmers, butchers and pubs / restaurants. I recognise that recruitment and retention of staff is difficult for this kind of business. However, the application contains no justification as to why the staff accommodation needs to be on site. Staff working shifts do not necessarily need to stay on site and the application doesn't make clear why night time security staff need sleeping accommodation.</p> <p>The site is on the edge of Witney which is a large town with many amenities including a Travelodge Hotel within walking distance of the site and many housing options. The application includes no evidence to show that there is no suitable alternative accommodation or why such exceptional measures as the proposed sleeper cabins are required to support the staff.</p>

2. REPRESENTATIONS

2.1. No third party comments have been received in relation to this application.

3. APPLICANT'S CASE

3.1 The Supporting Planning Statement concludes their case as follows:

"Mutchmeats abattoir and wholesale butchers operation in Ducklington to the south of Witney has been located on the site since 1994. The business has grown and expanded its facilities there steadily over the years since and the success of the business means it has come to operate day and night.

Staff working their shifts from 5am, those finishing at 9pm and the need for night-time security staff have all contributed to a need for the business management to provide some form of appropriately sited, on site welfare accommodation. Which the previously introduced, self-contained 'sleeper cabins' in question have resolved. As they have on numerous construction sites for example, around the country. Their use is only to be by employed staff working on 5-day rotas. They are not intended to be let on the open market or occupied by third parties/non-employees."

4. PLANNING POLICIES

H2NEW Delivery of new homes
OS2NEW Locating development in the right places
OS4NEW High quality design
E1NEW Land for employment
EH8 Environmental protection
DESGUI West Oxfordshire Design Guide
NPPF 2023

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

5. PLANNING ASSESSMENT

5.1 The application relates to the erection of two semi-permanent single storey self-contained sleeper cabins (retrospective) within the curtilage boundary of Mutchmeats Ltd Abattoir, Ducklington. The abattoir site lies to the south of the main service centre of Witney and the A40, and west of the village of Ducklington. The site shares most of its north-eastern curtilage boundary with Witney Sewage Treatment Works, the remaining curtilage boundary borders open countryside.

5.2 The application has been submitted as a result of Planning Enforcement proceedings at the site, following ERS investigations resulting from Police presence required at the Abattoir cabins. The unauthorised construction and use of the self-contained sleeper cabins occurred from the end of May/ beginning of June 2023. Discussion with the applicant through the enforcement proceedings process resulted in agreement of cessation of use at the beginning of August 2023. Officers understand the cabins remain out of use whilst the applicant seeks to regularise their erection and use via this planning application.

5.3 The proposed self-contained sleeper units are positioned in the western quadrant of the site, immediately adjacent to the car park and offices servicing the abattoir. The main abattoir processing area is to the north and east quadrants of the site.

5.4 The retrospective application outlines each self-contained sleeper unit to measure approximately 6.7 meters in width, 2.7 meters in depth, and 2.5 meters in height. Each comprises two bedrooms at either end of the space, with shared bathroom and kitchen/living facilities between (small shower/toilet and kitchenette). The plans and supporting statement provided outline that each self-contained sleeper unit has been connected to the existing mains foul drainage system of the site, with pipework adjoining from the rear (north-western) elevation of the units. The front (south-eastern) elevations of the units include the main entrance door and a window to each bedroom, fronting the car park area. There are no windows in the central shared living area. The side elevations of the units are featureless.

5.5 The planning statement outlines that 'the cabins are built on a raised steel frame requiring only hard pads to sit on and not excavated foundation.' However, the structures have been linked to mains water and sewerage facilities, indicating permanency in situ. Therefore, the retrospective application is considered to constitute operational development as well as change of use to part of a sui generis/ industrial use area within the site curtilage.

Relevant Recent Planning History

23/00065/PENF - Alleged housing of persons in unauthorised structures within Abbatoir site - ONGOING PLANNING ENFORCEMENT INVESTIGATION

21/01543/FUL - Erection of extensions to enlarge existing lairage buildings and provision of additional car parking and cycle shelters. (Retrospective). - APPROVED 29/09/2021

21/00012/PENF - Alleged unauthorised outbuilding (lairage) - CLOSED FOLLOWING APPROVAL OF RETROSPECTIVE APPLICATION 21/01543/FUL

Key Considerations of the Application

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

- The Principle of Development;
- The Design;
- The Amenity;
- Other matters

The 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 sleeper cabins are in essence, residential in use as they provide sleeping/living accommodation that would enable employees to reside on site for a number of days at a time. As such, the strategic housing policies in the Local Plan apply.

5.9 Ducklington is identified as a 'village' in the settlement hierarchy of the Local Plan and Policy OS2 states 'The villages are suitable for limited development which respects the village character and local distinctiveness and would help to maintain the vitality of these communities'. However, the site is divorced from both Ducklington and Witney, separated from the main settlement of Ducklington by the A415 and Witney by the A40. As such, the development site is considered to be in 'open countryside.'

5.10 Policy H2 states that new dwellings will only be permitted in the small villages, hamlets and open countryside where they comply with the general principles set out in Policy OS2 and in a small number of specific circumstances such as:

- where there is an essential operational or other specific local need that cannot be met in any other way;
- where residential development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of a heritage asset;
- residential development of exceptional quality or innovative design; and
- re-use of appropriate existing buildings which would lead to an enhancement of their immediate setting and where it has been demonstrated that the building is not capable of re-use for business, recreational or community uses, tourist accommodation or visitor facilities or where the proposal will address a specific local housing need which would otherwise not be met.

5.11 The applicant has submitted a 'Supporting Statement'. The assertion in the supporting statement that there is a need for on-site welfare accommodation for staff starting at 5am or finishing at 9pm, and night time security staff, when the accommodation is being provided for the purpose of sleeping, seems contradictory. A search for other accommodation options in the local area and short-term rental accommodation reveals that there is alternative and more suitable provision available, so officers question the need for the accommodation to support the existing business. This position is reinforced by the comments of the district Business Development consultee (see above consultee comments section).

5.12 The supporting statement does not sufficiently evidence that there is an essential operational need for the cabins that cannot be met in any other way. As such the scheme fails the first criterion. None of the other criteria apply, thus the scheme conflicts with Local Plan Policy H2.

5.13 Local Plan Policy H2 also requires that schemes comply with the general principles set out in Policy OS2. This is assessed further in this report.

5.14 Paragraph 6.16 of the Local Plan states that 'Employment Development Land and Employment Sites include land and sites with office-based, industrial and warehouse/storage uses (known as the B-use classes). Employment uses under this section do not include housing, care homes, retail or leisure uses which are considered elsewhere in the strategy.' The use of the site is in the 'B' Use classes, therefore, Policy E1 (Land for employment) applies. This states that proposals to improve the effectiveness of employment operations on existing employment sites will be supported where commensurate with the scale of the town or village and the character of the area. This may include redevelopment, replacement buildings or the expansion of existing employment uses. Non-employment uses on employment sites will be refused except in the following circumstances:

- where it can be demonstrated that the site or premises are not reasonably capable of being used or redeveloped for employment purposes; or
- where the site or premises are considered unsuitable on amenity, environmental or highway safety grounds for employment uses; or
- where the proposed use includes community, leisure, or retail uses which are complementary and compatible to the functioning of the employment site and the local community, and conform with Policy E6: Town Centres; or
- where substantial community benefits would be achieved by allowing alternative forms of development.

5.15 Additionally, paragraph 81 of the NPPF states that 'significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider

opportunities for development.' Paragraph 83 also states 'planning policies and decisions should recognise and address the specific locational requirements of different sectors'.

5.16 The proposal for two semi-permanent single storey self-contained sleeper cabins (Retrospective) does not discernibly meet any of the criteria for acceptance as outlined above. It is officer opinion that the principle of creating what is essentially residential property within an industrial site is contrary to Policy EI.

5.17 The Housing Land Supply Position Statement 2023 - 2028 published October 2023 states that the District can demonstrate a 5.4 year supply of land. As such, the 'tilted balance' as set out in paragraph 11 of the NPPF does not apply.

5.18 Notwithstanding the above in principle objections relating to Policies OS2, H2 and EI, other material considerations are set out below.

Design

5.19 Policy OS2 (Locating Development in the right places) of the Local Plan states that all development should:

- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- Be compatible with adjoining uses and not have a harmful impact on the amenity of existing occupants;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

5.20 Policy OS2 goes on to state that development in open countryside will be limited to that which requires and is appropriate for rural location and which respects the intrinsic character of the area.

5.21 Policy OS4 (High Quality Design) of the Local Plan outlines that 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 and should:

- demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment where the quality of the public realm is enhanced and the likelihood of crime and fear of crime is reduced; and
- demonstrate resilience to future climate change, particularly increasing temperatures and flood risk, and the use of water conservation and management measures; and
- enhance local green infrastructure and its biodiversity, including the provision of attractive, safe and convenient amenity open space commensurate with the scale and type of development, with play space where appropriate.

5.22 Additionally, designers of new development will be expected to provide supporting evidence for their design approach. They should have regard to specific design advice contained in supplementary

planning guidance covering the District. The West Oxfordshire Design Guide, Oxfordshire Historic Landscape Appraisal, Landscape Assessments, Conservation Area Appraisals and Cotswolds AONB guidance documents are key tools for interpreting local distinctiveness and informing high design quality.

5.23 Each self-contained sleeper unit measures approximately 6.7 meters in width, 2.7 meters in depth, and 2.5 meters in height. Each comprises two bedrooms at either end of the space, with shared bathroom and kitchen/living facilities between (small shower/toilet and kitchenette).

5.24 The rear elevations of each sleeper cabin are shown to include a vent to the bathroom facility, as well as waste pipes for foul and water drainage and mains power cable in.

5.25 No provision for outdoor amenity space is indicated.

5.26 The sleeper cabins are comprised of steel walls, with UPVC windows and doors.

5.27 It is Officer opinion that the proposed sleeper cabins are industrial in design and appearance and in this regard are an appropriate addition to the site with a neutral impact on the immediate setting.

Amenity

5.28 Living Conditions - bedrooms: The bedrooms measure (internally) approximately 1.5 meters in width and 2.5 meters in length, containing a single bed and limited furniture. It is worth noting that the average prison cell size in the UK is 1.8 meters in width and 3 meters in length (HM Inspectorate of Prisons (2017) Findings Paper 'Life in prison: Living Conditions', pg6). Each bedroom has one window installed on the front elevation, the glazing aspect measuring approximately 0.7 meters in width and 0.9 meters in height, it is unclear to what extent these may be opened.

5.29 Living Conditions - shared 'welfare' space: The central shared facilities area measures (internally) approximately 3.3 meters in width and 2.5 meters in depth. Within this there is a shower room and toilet measuring approximately 1.5 meters by 1.5 meters. The front elevation includes the entrance door - no windows are included on any of the elevations of the shared facilities area, it would appear there is no natural light or external outlook from these parts of the sleeper cabins which may negatively impact on the occupants comfort. Additionally, there is no associated outdoor amenity space to the cabins. It is Officer opinion that the cabins do not demonstrate high quality, inclusive and sustainable design with the provision of a safe, pleasant, convenient and interesting environment and are therefore contrary to Policy OS4 of the Local Plan, relevant paragraphs of the NPPF, and the West Oxfordshire Design Guide.

5.30 Odour: The siting of the cabins are approximately 82 meters from the curtilage boundary of Witney Sewage Works, and approximately 150 meters from the nearest sewage processing tank. Application 22/01384/OUT (Land North East Of Ducklington Farm - Outline application (all matters reserved except for means of access with the A415) for up to 385 residential dwellings (use class c3), up to 1.22ha of employment land (use classes B2/B8), public open space, landscaping, drainage infrastructure, and other associated engineering works) was recently refused with the second reason for refusal taking in to account the levels of odour. The northern boundary of this application site immediately abutted Witney Sewage Treatment Works (STW) as well as the abattoir site. In that application, Officers concluded that the odour emitted from the sewage works would cause harm to the living conditions of future occupiers and the quality of the development as a whole. This application was found to conflict with Local Plan policies OS2, OS4, and EH8 and paragraphs 92, 130, 174 and 185 of the NPPF due to the odour. Following a site visit and direct experience of the odour emission, Officers assert that given the greater proximity of the sleeper cabins to the sewage works, as well as their

positioning within the abattoir site itself, would result in unacceptable living conditions and add to the generally poor environment for occupants, even for a short duration. Therefore this application would also conflict with Local Plan policies OS2, OS4, and EH8 and paragraphs 92, 130, 174 and 185 of the NPPF.

5.31 Neighbouring Amenity: With regard to neighbouring amenity, given the industrial nature of the location, it is Officer opinion that the scale and design of the self-contained sleeper cabins would not have a significant detrimental impact on the amenity of neighbouring businesses by way of being overbearing, causing loss of privacy, visual impact, or loss of sunlight or daylight. However, as outlined above, the principle of such development in existing employment areas or in open countryside is contrary to Policies EI and OS2.

Other Matters

5.32 Sustainability: The supporting sustainability statement outlines that, with relation to carbon impact, the building fabric has been designed to standards of ultra-low energy demand, and the thermal comfort and risk of overheating has been assessed with design measures prioritised - there is no evidence to support these assertions. Additionally, the sustainability statement outlines the sleeper cabins would support home working, prioritise active travel and provide vehicle charging infrastructure - there is no evidence to support these assertions. Additionally, the application does not demonstrate resilience to future climate change, particularly increasing temperatures and flood risk, and the use of water conservation and management measures, which is contrary to Policy OS4 of the Local Plan.

Conclusion

5.33 In conclusion, the erection of two semi-permanent single storey self-contained sleeper cabins (retrospective) within the curtilage boundary of Mutchmeats Ltd Abattoir, Ducklington fails comply with policies OS2, OS4, H2, EI, and EH8, of the West Oxfordshire Local Plan (2011-2031) and Section 16 of the NPPF. The application is therefore recommended for refusal.

6. REASONS FOR REFUSAL

1. The proposed sleeper cabins introduce a residential use in an open countryside location contrary to Local Plan Policies OS2 and H2 of the West Oxfordshire Local Plan (2011-2031) and the relevant paragraphs of the NPPF.
2. It has not been demonstrated to the satisfaction of Officers that the requirements of Policy EI of the West Oxfordshire Local Plan (2011-2031) have been met, including how the sleeper cabins would improve the effectiveness of existing employment operations or how they would meet a local business need. In addition, insufficient information has been provided to demonstrate that the proposed sleeper cabins would be genuinely ancillary to the existing business use. Therefore, Officers consider that the proposed development would introduce a non-employment use in an employment area. The application is therefore contrary to Policy EI of the West Oxfordshire Local Plan (2011-2031) and the relevant paragraphs of the NPPF.
3. The design of the sleeper cabins and their siting within the curtilage of the abattoir, and within close proximity to Witney Sewage Treatment Works, would result in unacceptable living conditions to the occupiers, with no natural light or outlook from the central shared welfare area, limited bedroom sizes, no related outdoor amenity space, and detrimental odour impacts to the occupiers of the cabins. The

proposed development therefore conflicts with policies OS2, OS4, and EH8 of the West Oxfordshire Local Plan (2011-2031), and the relevant paragraphs of the NPPF.

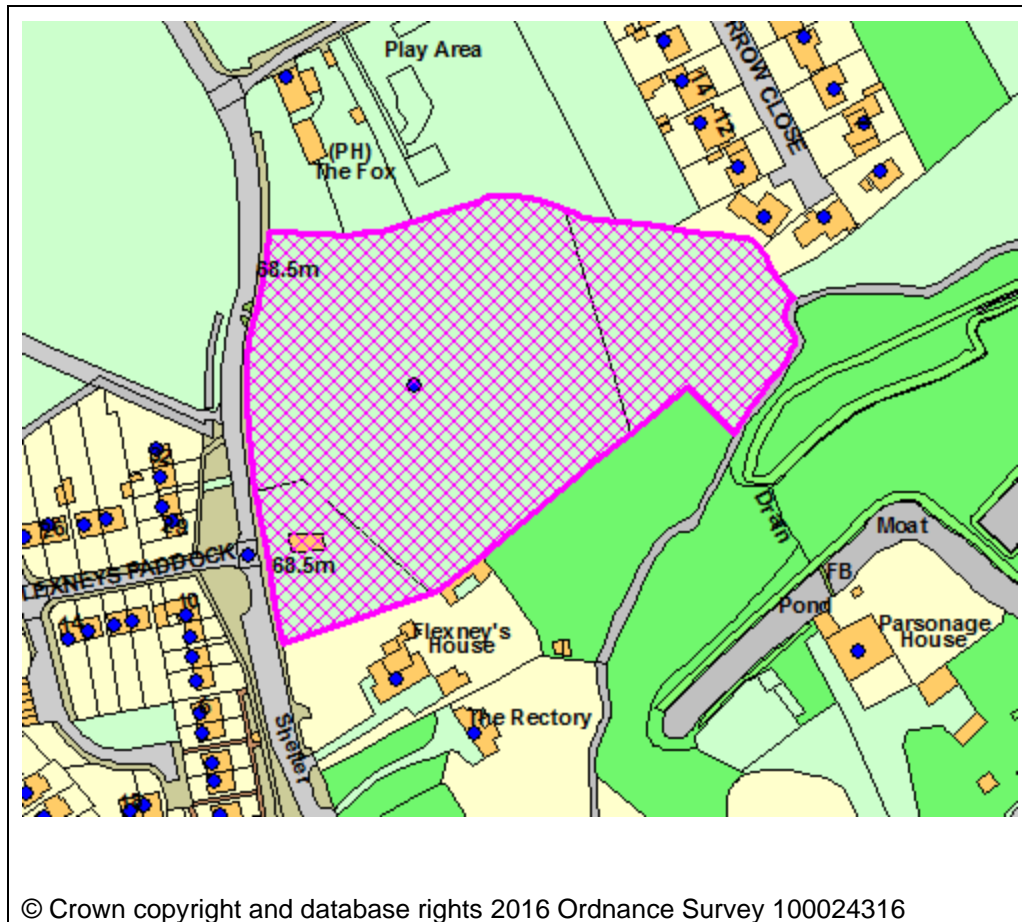
Contact Officer: Kate Alder

Telephone Number:

Date: 22nd November 2023

Application Number	23/02352/FUL
Site Address	Land East Of Main Road Stanton Harcourt Oxfordshire
Date	22nd November 2023
Officer	Joan Desmond
Officer Recommendations	Refuse
Parish	Stanton Harcourt Parish Council
Grid Reference	441274 E 205991 N
Committee Date	4th December 2023

Location Map



Application Details:

Erection of nineteen dwellings with associated parking spaces, new access road, public open space and paddock

Applicant Details:

Ms Amy Cross

Thomas House
Langford Locks
Kidlington
Oxfordshire
OX5 1HR

I. CONSULTATIONS

Oxford Clinical Commissioning Group NHS	No Comment Received.
Major Planning Applications Team	<p>Transport - Objection for the following reasons:</p> <ul style="list-style-type: none">• Visitor parking bays, visibility splays, refuse tracking, RSA <p>LLFA - No Objection subject to conditions.</p> <p>Archaeology - In accordance with the NPPF paragraph 194, we would recommend that, prior to the determination of this application the applicant should be responsible for the implementation of an archaeological field evaluation.</p> <p>Education - No objection subject to S106 Contributions.</p> <p>Waste Management - No objection subject to S106 contributions.</p>
District Ecologist	No Comment Received.
Conservation And Design Officer	No Comment Received.
WODC Landscape And Forestry Officer	No Comment Received.
WODC - Sports	<p>After reviewing this application, in line with the Councils Facility Planning Models (FPM) for sports halls and swimming pools (conducted by Sport England in June 2021) and the Playing Pitch Strategy (2022) should this proposal be granted planning permission then the Council would require an off site contribution towards leisure and sports facilities in the catchment area.</p> <p>Summary of Contributions</p> <p>The Council seeks to secure, by way of planning obligations off site contributions for:</p> <ol style="list-style-type: none">a. Sport Hall provision of £9,370 toward the cost of a replacement or improvement to Sports Halls in the catchment areab. Swimming pool provision of £10,360 towards the cost of a replacement or improvement to pools in the catchment area

c. Outdoor pitch provision of £35,877.74 towards enhancements and improvements to pitch in the catchment area.

Total request = £56,607.74 towards off site contribution towards leisure and sports facilities in the catchment area.

WODC - Arts

No Comment Received.

ERS Contamination

Mr ERS Pollution Consultation Review of the records we hold suggest there is potentially an infilled pond to the east of the site. Given residential nature of the development please consider adding the following condition to any grant of permission.

1. No development shall take place until a desk study has been produced to assess the nature and extent of any contamination, whether or not it originated on site, the report must include a risk assessment of potential source-pathway-receptor linkages. If potential pollutant linkages are identified, a site investigation of the nature and extent of contamination must be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a Remediation Scheme specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any development begins.

2 The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority a Verification Report confirming that all works were completed in accordance with the agreed details.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

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

Env Health - Lowlands

I have no objection in principle. I suggest the following conditions:

i) The acoustic design of the new residential home shall accord with the internal noise design criteria specifications of BS 8233:2014; Guidance on Sound Insulation and Noise Reduction for Buildings.

ii) A Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust and waste disposal resulting from the site preparation, groundwork and construction phases of the development and manage Heavy/Large Goods Vehicle access to the site. It shall include measures to be employed to prevent the egress of mud, water and other detritus onto the public and any non-adopted highways.

iii) Details of any lighting scheme shall be submitted to the local planning authority for written approval. Please note that the lighting scheme should comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light GN01/21 (or later versions).

iii) 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.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby in accordance with Local Plan Policy EH8.

Thames Water

Updated comments:

Waste Comments

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way.

This site is affected by wayleaves and easements within the boundary of or close to the application site. Thames Water will seek assurances that these will not be affected by the proposed development. The applicant should undertake appropriate searches to confirm this.

Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any

objection to the above planning application, based on the information provided.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority.

With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. An informative is recommended.

Supplementary Comments

Capacity concerns previously raised regarding the Sewage Treatment Works and its upgrades works have been completed, therefore we now have no capacity concerns.

Natural England

No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Natural England's generic advice on other natural environment issues is set out at Annex A.

WODC Planning Policy
Manager

No Comment Received.

Newt Officer

We are satisfied that the preliminary ecological appraisal (West Waddy Archadia, Land east of Main Road, Stanton Harcourt, August 2023) has adequately assessed the potential impacts to great crested newts and their habitats and agree that a District Licence is required to mitigate against the potential effects the development may have on great crested newts and their habitats. Therefore, the next steps for the applicant is to:

Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through the West Oxfordshire district Council's District Licence

Currently the applicant has not made an enquiry under this application reference to NatureSpace so will be required to resubmit an enquiry under the current application reference to receive their up-to-date impact assessment. The applicant will then be required to pay their quoted first stage fee to receive their report prior to determination. The applicant will then be required to submit a certificate and has the option to pay their second stage fee prior or post determination to receive their certificate and be fully covered under the West Oxfordshire district councils District Licence for great crested newts.

Please note that the applicant still has the option to use the traditional European Protected Species Licence if they wish to. This will require 4- 6 population surveys of all the ponds within 500m (seasonally constrained) and an onsite mitigation and compensation proposal.

Parish Council

Objection:

The following references are made to WODC's West Oxfordshire Local Plan 2031 that was adopted in September 2018.

CO1 Enable new development where the need to travel, particularly by car, can be minimised.

T3 Public transport, walking and cycling.

The application will not realise this objective and policy.

The village of Stanton Harcourt and the nearby hamlet of Sutton are served by a volunteer bus service that only runs a few times a week day and not at all over the weekend or in the evening. There is no evidence that the addition of more dwellings will result in a regular bus service. The recent addition of just over 100 dwellings has not caused the local bus companies to reinstate their services. 19 dwellings will create more than the journeys indicated in the planning application; it will not be minimised.

Cycling to Eynsham to connect to the local commercial bus services is not practical, following a recent tragic death of a youth cycling to Eynsham from Stanton Harcourt, nothing has been done to improve the safety of cycling along the B4449.

CO1 Enable new development Which will help improve the quality of life of local communities.

The plan shows the housing around the edge of the site closer to the neighbouring properties than it needs to be. This is very unlikely to improve the quality of life of those current residents.

CO2 Ensure that new developments are suitably located and well designed to protect and enhance the individual form, character and identity of our towns and villages.....

OS2 Locating development in the right places.

The planning application seeks to fill a gap between the developments of Stanton Harcourt and Sutton. This will change the

character identity of two separate villages into one. WODC's own Conservation Area Character Appraisal states "Although adjacent to one another, Stanton Harcourt and Sutton retain entirely distinct forms and characters", this application, if approved, would distinctly change this.

CO4 Locate new residential development where it will best help to meet housing needs and reduce the need to travel.

There are limited employment opportunities within the Parish, the primary school is near capacity and the secondary school is a bus journey away. Note that as 6th Form students need to pay to use the school bus, they are frequently transported by parents or when old enough drive their own vehicle. There is no shop in either village nor is there a dentist, pharmacy or GP - there is a need to travel for these essential services. If the planning application is approved it will increase the need to travel, not reduce it.

CO10 Ensure that land is not released for new development until the supporting infrastructure and facilities are secured.

This application will not deliver any supporting infrastructure or locally needed facilities. The lack of a permanent Post office is proof that the facilities in the village are lacking. It is worth noting that the Post office is temporarily housed (three mornings a week) in the village hall. There are no shops at present and no plans for the development of shops in the future that would support this objective.

The village sewage works routinely discharge untreated sewage during both wet and dry weather. This development will remove land drainage and increase load on the sewer and potentially make water ingress worse due to removing drainage.

In addition to the inadequacy of the sewage system to take sewage away, there is also not enough capacity for delivery of water.

Thames Water are required to supply at least 1 bar of water pressure, at peak times of the day this is not achieved with many householders reporting a complete lack of flow from electric showers in mornings. Again, this means that this core objective is not realisable.

With many wishing to work from home there is the need for good mobile telephone signal which is lacking in the village. This affects both this objective and CO4, travel out of the villages to work is still required.

CO14 Conserve and enhance the character and significance of West Oxfordshire's high quality natural, historic and cultural environment - including its geodiversity, landscape, biodiversity.....

EH2 Landscape character

EH10 Conservation Areas

This application site, within the Stanton Harcourt & Sutton Conservation Area, has not been previously developed and is a

natural open corridor between the village of Stanton Harcourt and the hamlet of Sutton, the application does not enhance the character of the two separate villages by making them one cluster and destroying that historic character. This space is also one of the few green spaces in the village that is not commercially farmed meaning the loss of habitat is irreplaceable.

The documents that support the application have failed to record the diversity of wildlife, in particular newts, badgers and deer. The 'green' area of the development, will on the evidence of other developments, not be well looked after and the biodiversity gains detailed will not therefore be achieved.

The requirements of this objective and policies are not met.

CO18 Improve the sustainable design and construction of new development, including improving energy, water efficiency and water management.

OS1 Presumption in favour of sustainable development.

The application fails to meet this objective, development is not environmentally conscious or sustainable, there is no significant effort in the design to ensure this, no solar panels, no major insulation upgrades or water collection facilities evident.

T4 Parking provision

WODC have adopted the policy that "parking in new developments will be provided in accordance with the County Council's adopted parking standards and should be sufficient to meet increasing levels of car ownership". The plans provide for two parking spaces per dwelling (one for a one bedroomed home). While that may fit with the policy at the time of writing of the policy, it cannot be considered to meet increasing levels of car ownership. Evidence from the other two recent developments in Stanton Harcourt suggest that at least twice the number of spaces should be made available.

EH7 Flood risk

There have been issues with both flooding from sewers and run off in the last few years. Water soaking through poorly maintained sewers causing backing up and flooding into to homes as well as run off into water courses. It is notable that the planning application had not been able to identify Blackditch running along the southern boundary of the application site. Run off from Main Road and the field in which the development is proposed will be stopped from entering Blackditch. Flow along the water course is important to ensure that at times of higher flow the watercourse is open. Building on this site will reduce run off and natural maintenance of the watercourse leading to flooding. The application cannot therefore meet the requirements of this policy.

EH9 Historic Environment

The local plan identifies that "great weight and importance will be given to conserving.... the special architectural and historic interest of Listed Buildings". The application site neighbours two listed buildings. Grade II*, 21/306 Parsonage House and Grade II 21/305 Flexney's House. The application will affect the historic setting of both these buildings. There is nothing in the application documents that suggests that anything is being to mitigate this. The application therefore fails to meet this policy.

WODC Housing Enabler

Of the 8 affordable homes offered, 6 are designated as 'affordable dwellings' (assumed to be for rental) and 2 are designated as shared ownership. Normally the Council would seek an element of First Homes however due to the low numbers of intermediate homes I am supportive of the proposed mix. Due to the affordability of housing in the district, I request that rental dwellings are provided as Social Rent tenure. Affordable Housing provided on this development could make an important contribution to local housing need. In addition to the 32 applicants shown above, there are a further 1914 applicants on the overall waiting list who could benefit from the development of this site at time of writing.

2. REPRESENTATIONS

2.1 A summary of the representations received are detailed below. Full details can be viewed on the Council's website.

55 letters have been received objecting to the application on the following grounds:

- It will harm the historic setting of Flexney's House and the Grade II* listed Parsonage House and will not preserve the special characteristics of the Stanton Harcourt and Sutton Conservation Area.
- Light pollution
- Noise
- Lack of infrastructure
- Coalescence of Stanton Harcourt and Sutton
- Harm to environment
- Traffic increase and highway safety concerns
- Biodiversity concerns
- Flooding concerns
- Parking inadequate
- Not environmentally conscious or sustainable
- Loss of habitat
- Contrary to policy

2 letters have been received in support of the application:

- Welcome addition to vilage, it's events and local economy
- Well planned development

One letter received commenting that the development should not be allowed to proceed without the prior enhancement of the existing bridleway between Stanton Harcourt and Eynsham.

3. APPLICANT'S CASE

3.1 The submitted Planning Statement concludes as follows:

6.1 The adopted WOLP supports the delivery of housing on undeveloped land that sits adjacent to built-up areas where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs. An acute housing need exists within West Oxfordshire which is established by the Council's failure to demonstrate a 5-year housing land supply. The proposed scheme seeks to bring forward much needed housing in the area on a site adjacent to the built-up area of Stanton Harcourt. The nineteen new homes would be delivered with a suitable housing mix in accordance with adopted WOLP policy.

6.2 The visual assessments undertaken for this planning application confirm that there would be no significant visual impacts that could not be mitigated. A design is proposed that would respect the special characteristics of the Stanton Harcourt and Sutton Conservation Area (SHSCA) and the setting of the Grade II Listed Flexney's House.

6.3 A new access and improved pedestrian permeability through the site will enhance connectivity to the recreation area north of the application site and with the rest of the village.

6.4 The development incorporates a landscaping strategy that will secure net gains in biodiversity when judged against the baseline and ensure net surface water runoff does not exceed the existing greenfield rates. The design does therefore represent sustainable development when judged against local and national policy.

6.5 The development proposal therefore represents sustainable development as it will not have significant adverse effects, but by delivering 19 much needed dwellings of high quality, attractively landscaped development would have a positive planning balance. It therefore accords with adopted WOLP policies and in accordance with the presumption in favour of sustainable development, planning permission should therefore be granted.

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

OS5NEW Supporting infrastructure

H1NEW Amount and distribution of housing

H2NEW Delivery of new homes

H3NEW Affordable Housing

H4NEW Type and mix of new homes

T1NEW Sustainable transport

T2NEW Highway improvement schemes

T3NEW Public transport, walking and cycling

T4NEW Parking provision

EH2 Landscape character

EH3 Biodiversity and Geodiversity

EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Environmental protection
EH9 Historic environment
EH10 Conservation Areas
EH11 Listed Buildings
EH13 Historic landscape character
EW10 Eynsham- Woodstock sub area
NPPF 2023
DESGUI West Oxfordshire Design Guide
NATDES National Design Guide
The National Planning Policy framework (NPPF) is also a material planning consideration.

5 PLANNING ASSESSMENT

5.1 The proposal is for the erection of nineteen dwellings with associated parking spaces, new access road, public open space and paddock.

5.2 The site is located on the east side of Main Road and measures 1.69 ha and comprises open land formerly utilised for equestrian use. A small timber stabling block, enclosed with fencing, is located in the southwest corner of the site and there is an existing vehicular access in the south west corner. There are mature trees and hedgerows along the site. To the north is the former Fox Public House and Jubilee playing field; to the north east is residential development in Foxburrow Close; to the south is woodland and Flexney's House and its grounds; to the west is residential development in Flexney's Paddock and farmland.

5.3 The site lies within the Stanton Harcourt and Sutton Conservation Area and adjoins a Grade II Listed building to the south (Flexney's House). Other listed buildings, including Parsonage House also lie to the south and east. The site also lies within the Wychwood project Area.

5.4 Cllr Nicholls has requested that the application be heard at Committee under policies EH4 (open space within and adjoining settlements), T1 sustainable transport, EH2 landscape and character and OS2 locating development on the right place.

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

Principle

Design/Layout and scale

Impact on Landscape

Impact on Heritage Assets

Affordable Housing/Housing mix

Highway Issues/ Accessibility

Flood Risk/Drainage/Water Supply

Residential Amenity/Noise

Trees/Biodiversity

Sustainability/Climate Change

SI06 Contributions

The principle of the development

5.6 In October 2023 the Levelling-Up and Regeneration Bill ("LURB") received royal ascent. The LURB replaces Section 38(6) of the Planning and Compulsory Purchase Act 2004 in favour of new Section 38(5A) - (5C) which states:

(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to -

- a) the development plan, and
- b) any national development management policies.

(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, unless material considerations strongly indicate otherwise.

(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy.

5.7 At this time, no national development management policies have been adopted and as such, the application should be determined in accordance with the WOLP unless material considerations strongly indicate otherwise.

5.8 Policy OS2 sets out the overall strategy on the location of development within the district. It adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres and then the villages. Stanton Harcourt is identified as a village in the Local Plan.

5.9 Policy H2 sets out that new dwellings will be permitted at the main service centres, rural service centres and 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.
- 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.

5.10 The application site primarily comprises undeveloped land which adjoins the built up area where convincing evidence is required to be 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 Policy OS2 sets out general principles for all development. Of particular relevance to this proposal is that it should:

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

- b. Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- c. As far as reasonably possible protect or enhance the local landscape and its setting of the settlement;
- d. 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;
- e. Conserve and enhance the natural, historic and built environment; and
- f. Be supported by all the necessary infrastructure.

National Policy/Guidance

5.12 The Government's National Planning Policy Framework (NPPF) requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement. This should include a buffer of at least 5% to ensure choice and competition in the market for land.

5.13 Policies H1 and H2 of the West Oxfordshire Local Plan identify an overall housing requirement of 15,950 homes to be delivered in the period 2011 - 2031.

5.14 Ordinarily, this would be used to calculate the Council's five-year housing land supply. However, the Council has undertaken a formal review of the West Oxfordshire Local Plan 2031 in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 and in doing so has determined that Policies H1 and H2 are out of date and need to be reviewed. In accordance with national policy, because those policies are now more than 5 years' old, until such time as a new housing requirement is determined through the new Local Plan, the District Council will calculate its five-year housing land supply position on the basis of local housing need using the Government's standard method.

5.15 For West Oxfordshire, the latest standard method calculation suggests a housing need figure of 570 homes per year. This is the basis upon which the requirement for the 5-year period 2023 - 2028 has been calculated. Taking into account past shortfall in housing delivery and 5% buffer, the 5-year requirement for 2023-2028 is 3,060 homes. Set against this figure, the Council is currently able to demonstrate a 5.4 year supply.

5.16 In terms of the other relevant housing and locational policies in the Local Plan, Policies OS2 and the second strand of Policy H2 remain consistent with the NPPF in setting out a sustainable pattern of development based on a 'hierarchical' approach and remain up to date.

5.17 As detailed above, the development of this primarily undeveloped greenfield site would require convincing evidence to demonstrate that it is necessary to meet identified housing needs and no such evidence has been provided, although it is recognised that the affordable housing element could make an important contribution to local housing need. The development would therefore conflict with Policies H1, H2 and OS2 of the Local Plan. An assessment of the development against the general principles of Policy OS2, as detailed above, is detailed further in the sections below.

Design/Layout/Scale

5.18 Paragraph 130 of the NPPF is clear that development proposals should function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history and create places

that are safe, inclusive and accessible and have a high standard of amenity for existing and future users. Policies OS2 and OS4 of the Local Plan reflect this advice and encourages development of a high quality design that responds positively to and respects the character of the site and its surroundings. The importance of achieving high quality design is reinforced in the National Design Guide.

5.19 The submitted Design and Access Statement (DAS) sets out the main design principles for the proposed scheme as follows:

- The proposal acknowledges and pays significant respect to the Grade II Listed Building, Flexney's House. As such, it is a fundamental principle as part of the proposal to retain the existing paddock land.
- One of the characteristics of the site which is significant to the design scheme is the gradient. The ground levels vary between 68.53mAOD to the southwest and 65.04AOD to the southeast near the existing watercourse making a change in levels of 3.46m over a 188m distance. As such, key considerations were needed regarding a drainage strategy to allow for a site-wide development. The drainage strategy is devised of a series of sustainable urban drainage features in a staged hierarchal approach of carefully positioned ponds or open water features to attenuate the rainwater by means of gradual water release.
- The proposal seeks to retain and enhance a number of green areas on the site to ensure that ecology and biodiversity are protected and are a fundamental principle of the design. This, in turn, means that the proposal offers the public an unprecedented amount of public and private green space for infill development of this kind. It is a significant benefit for both the new and local residents to enjoy these green spaces.
- From the outset, the adjacent Jubilee Field Playground was seen as an opportunity. The development seeks to enhance the area by making the playground more accessible to the village. Through this proposal, new and nearby local residents will be able to cycle and walk directly to the playground by passing through the new development. As a result, this characteristic is a significant public benefit for safety, security, and enjoyment for all users.
- The tenure mix of the proposal is in accordance with west Oxfordshire's local plan. The development provides 11 new private residential dwellings of varying sizes and offers the area 6 affordable dwellings, as well as 2 homes of shared ownership tenure.

5.20 The DAS also advises that the design of the house types incorporates a range of key elements from the surrounding area and characteristics outlined in West Oxfordshire Design Guide, Thames Valley Area. Importantly, the design uses key traits from Flexney's House to ensure the houses are both fitting and complement the Grade II Listed Building. Specifically in reference to Plot 1, the design uses gabled roof forms, low eaves, and a visually tall chimney. The materials are indicative but broadly consist of reconstituted stone facades, slate effect roof tiling, heritage green windows with window bar detailing and stone cills to match the neighbouring buildings.

5.21 Stanton Harcourt is an attractive loose-knit village and polyfocal in form with development activity historically centred on the church and Harcourt House. It features an abundance of Listed buildings, including a memorable and highly significant cluster of structures at its core. Moving north away from its core on the eastern side of Main Road, the density of development reduces, giving way to scattered properties within generous grounds, many of which are listed including Parsonage House, Smithy Cottage and Flexney's House which adjoins the site to the south. This development would fail to respect the historic form and character of the village and proposes a cul-de-sac form of development in-depth with houses sited in linear form along the outer edges of the site around an open space area. Several of the plots are tandem in form bringing development close to Flexney's House. A parking court area is proposed to the north to serve 6 plots. The development would fail to form a logical

complement to the existing scale and pattern of development and character of the area; would harm the setting of the village and would involve the loss of an area of open land that makes an important contribution to the character and appearance of the area in conflict with Policies OS2 and OS4 of the Local Plan.

5.22 Located just to the north of Stanton Harcourt is the smaller settlement of Sutton. In character this village provides a contrast to Stanton Harcourt. It displays a consistently linear settlement pattern, a more pronounced sense of intimacy and, particularly at its eastern end, a markedly rural character. The site forms part of the rural gap between Stanton Harcourt and Sutton and the proposed scheme would extend built development towards Foxburrow Close to the north east closing the open gap between the two villages which would result in the coalescence of these two villages.

Impact on heritage assets

5.23 The site lies within the Stanton Harcourt and Sutton Conservation Area and adjoins a Grade II Listed building to the south (Flexney's House. The Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66(1) requires special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses while section 72(1) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. Policies EH9, EH10 and EH11 of the Local Plan reflect these duties.

5.24 Section 16 of the NPPF sets out guidance on conserving and enhancing the historic environment. Paragraph 199 of the NPPF provides when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. 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. 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 including, where appropriate, securing its optimum viable use.

5.25 The Conservation Area Appraisal states: *Stanton Harcourt is the larger of the two settlements and is an attractive village of loose-knit form. It features an abundance of Listed buildings, including a memorable and highly significant cluster of structures at its core. Winding around this core are lanes lined with short terraces and distinctive thatched cottages. These lanes, together with small parcels of open land, serve to create a series of attractive internal vistas, and both components represent enriching and distinctive features of the character area... It is this character, rather than the individual buildings, that Conservation Area status seeks to protect. Located just to the north of Stanton Harcourt is the smaller settlement of Sutton. In character this village provides a contrast to Stanton Harcourt. It displays a consistently linear settlement pattern, a more pronounced sense of intimacy and, particularly at its eastern end, a markedly rural character.*

5.26 The significance of the Stanton Harcourt and Sutton Conservation Area is described in the submitted Heritage Statement (HS). It derives from various key characteristics as described in the Conservation Area Appraisal, which includes Architecture (vernacular cottages and houses); Boundary Treatments and Landscape. The Conservation Area Character Appraisal identifies significant views across this site from Main Road and from the north. The Stanton Harcourt and Sutton 'Proposals for Preservation and Enhancement' advises that 'Within the Stanton Harcourt and Sutton Conservation Area the existing buildings, land uses, historic settlement patterns and open spaces should remain largely undisturbed and special care must be taken to ensure that views into and out of the Conservation Area,

as well as views within the Conservation Area, are not harmed. New development must incorporate existing features of historic, visual or natural importance, such as trees, hedgerows, ponds, stone walls, paths and tracks.' The significance of the adjoining listed building (Flexney's House) is high and is derived from its archaeological, architectural and historic interest.

5.27 The Conservation Officer notes that while this piece of land has in the past been connected historically with Flexney's Farm, it is likely that it was once historically associated with Parsonage House during the medieval period - through its proximity/situation. Parsonage House, connected with the manor house and church by the distinctive arc of the main street, and stood on the site of a medieval rectory, and settlement activity was doubtless concentrated on the armature formed by these elements. The proximity of this plot to the various elements that exist around Parsonage House including moats, fishponds, streams, dovecotes etc. is likely to mean that this land was part of the historic rural / agricultural hinterland / park. Developing this land would not only be transformative and have an urbanising impact on this open space harming the setting and views into and out from Parsonage Farm (and associated heritage assets); but potentially it could result in loss of visual and historic landscape / settlement connection, eroding our understanding of this extremely sensitive site - which requires further investigation.

5.28 The submitted HS summarises the impact on the heritage assets as follows: *The design of the proposed development would result in the proposed structures being relatively unobtrusive and the significant views largely being retained. It has been noted that the south-east view across the site from the Jubilee Field play park at New Road, would be slightly altered by the addition of the roofs of the proposed new dwellings. A further view looking south within the Conservation Area from Main Road would also be altered in this respect. The design of the scheme has however, incorporated a large central green space which allows the preservation of a view across the site.*

There would be no physical impact no impacts on the historic fabric of any designated assets. On this basis the proposed development would result in a minor adverse effect to the significance of the Conservation Area. On this basis the proposed development would result in a minor adverse effect to the significance of the Stanton Harcourt and Sutton Conservation Area.

Flexney's House, (listed at Grade II, NHLE: 1053167), located immediately to the south of the site, has a datestone of 1675. The setting of the designated asset includes and primarily comprises the adjacent post war housing to the west and woodland to the east. To the north, the setting of the listed building includes the site although there is little visual association between the two. The contribution of setting to the significance of the designated asset is low.

The proposed development would have no impacts on the fabric of the listed building. The setting of the listed building is relatively restricted and in terms of its significance, is mostly associated with the historic core of the village, with its historic buildings to the south. On this basis the proposed development would result in a minor adverse effect to the significance of the listed building.

5.29 The HS concludes that .. *the proposed development has considered the setting of the Conservation Area, designated heritage assets in the form of Listed Buildings and created a layout which maintains a central open space that seeks to the existing long view from the south-west. The proposals will result in a degree of harm to the wider setting of the surrounding Listed buildings, but there will be no impact upon their physical fabric and is assessed as being less than substantial and towards the lower end of that scale.*

5.30 The owner of Flexney's House has commissioned their own heritage assessment of the proposed development and submitted HS. The main conclusions of this assessment are:

- 1. There has been insufficient analysis and assessment/understanding of the contribution the application site makes to the significance of Flexney's House, and no analysis/assessment of the contribution the site makes to the significance of Parsonage House.*
- 2. The assessment which has been undertaken has wrongly centred on 'views' and intervisibility rather than experience.*
- 3. As a result, the level of harm has either not been acknowledged (in the case of Parsonage House) or wrongly ascribed as being minimal.*
- 4. The contribution the site makes to the character and appearance of the Sutton and Stanton Harcourt Conservation Area Appraisal has not been properly understood or explained. As a result, the impact on the character and appearance of the conservation area has been downplayed.*
- 5. The assessment has not provided an analysis of the significant view as identified in the Conservation Area Appraisal, or the impact of the development on that significant view.*
- 6. The assessment has not provided an analysis of the contribution the site makes to the differentiation of the two settlements, nor of the impact of the development on this key characteristic.*
- 7. There is, in the case of existing and proposed levels, insufficient information to be able to assess some of the impacts on the setting of Flexney's House in particular.*

5.31 The Conservation Officer has commented that the proposed development would result in 'suburbanised' encroachment into this open land that will have a negative impact on the setting and significant views (views across this site from Main Road and from the north) of the adjoining listed buildings and appearance and character of the Conservation Area. Also, the proposed development would further erode the existing and historic separation between Sutton and Stanton Harcourt - we would see a coalescence that would harm both settlements which have historically retained entirely distinct in form and character, with markedly different patterns of settlement. Furthermore, it would have a transformative and an urbanising impact on this existing open space harming the setting and views into and out from the listed buildings - particularly Flexney's House and Parsonage House. I consider the proposed development would not respect the age, distinctiveness, rarity, sensitivity and capacity of this historic landscape character. The development would not respect or resonate with the key historic features such as hedgerows, watercourses and woodland that have been historically open and undeveloped. The form and layout of the proposed development would not respect and build on the pre-existing historic character (including e.g. street and building layouts). The form, scale, massing, density, height, layout, landscaping, use, alignment and external appearance of the development would not conserve or enhance the special historic character of its surroundings.

I consider level of harm as a result of this proposal would be at the higher level of less than substantial harm: it would not preserve the character, views and appearance of the conservation area, it would have a transformative, urbanising and deleterious impact on the setting all of the heritage assets.

I raise an objection to the proposal, and I consider it is contrary to legislation, NPPF 2023 - Section 16, LP policies: EH9, EH10, EH11, and EH13, Stanton Harcourt and Sutton Conservation Area Appraisal, and WODC Design Guidance.

5.32 Paragraph 202 of the NPPF advises 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 including, where appropriate, securing its optimum viable use. The public benefits of the proposal principally include the provision of both market and affordable housing, public open space and biodiversity enhancements and economic benefits associated with job creation and the construction phases. Conversely, great weight should be given to the conservation of heritage assets, and any harm to a heritage asset must be given considerable importance and weight. It is considered that the public benefits do not outweigh the higher scale of 'less than substantial harm' arising in this case. As per the Framework, this in itself provides a clear reason for refusing the development.

5.33 In terms of archaeology, the proposal site lies in an area of high archaeological interest and potential and the archaeological potential of the site has been outlined in the submitted Heritage Assessment. Within and surrounding the village, a wide variety of cropmarks have been recorded from aerial photographs, including an Iron Age banjo enclosure 200m west of the proposal site, and Bronze Age ring ditches c. 350 south west of the site. Stanton Harcourt lies on the Thames gravels which have a rich archaeological record, and the site lies c. 800m northeast of Gravelly Guy, an area of extensive settlement dating from the Neolithic to Saxon periods. The site also lies immediately north of the moated Parsonage House, which was constructed in 1670-80. The County Archaeological Officer has recommended that prior to the determination of this application the applicant should be responsible for the implementation of an archaeological field evaluation. No such evaluation has been carried out.

Impact on Landscape

5.34 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 within the Wychwood Project Area, where special attention and protection is given to the landscape and biodiversity.

5.35 The site is located within National Character Area 108 'Upper Thames Clay' and as Type 8 Lowland Village Farmlands in the Oxfordshire Wildlife and Landscape Study (OWLS). Stanton Harcourt is characterised as being in the Thames Vale region of the district. The Design Guide describes the landscape as follows; *The flat, predominantly agricultural landscape is made up of floodplain pasture and vale farmland, and overlies heavy clay, river gravels and silts. The character of the landscape has largely been determined by the process of Enclosure. Large fields of regular shape with a strong structure of hedgerows are crossed by long, straight roads, with the occasional willow-lined ditch. There are significant blocks of oak woodland, and gravel extraction has created large wetland areas in the Lower Windrush Valley.*

5.36 The submitted Landscape and Visual Impact Assessment concludes:
'It is evident from this assessment that the visual envelope associated with the proposals would be extremely localised. The majority of the surrounding landscape would be completely unaffected visually should the proposals for the site take place. The surrounding built form and intervening vegetation limits the outward effect the proposals would have on the surrounding landscape. The proposals are of high-quality design, include landscape planting, and adopt a built form character that emulates the existing character of local context, and brings together elements of architectural detailing and material finishes that are currently evident within the immediate context of the site.

This appraisal found two major adverse scales of visual effect at year 1 for viewpoints 2 and 9, which are both taken from Main Road, at short distance with clear views of the proposals. The assessment also found 1 moderate adverse visual effect at year 1 for viewpoint 5. The suggested planting interventions shown on the

landscape proposals will greatly reduce these initial effects to acceptable levels once the planting has established and grown. Provided that landscape proposals accompanying the planning, application are implemented, following the recommendations of this report, the new houses will be complimented by sensitive and appropriate landscaping, which will soften and improve views from Main Road to the west (looking east) which has the clearest visibility of the site. The proposals will deliver a high-quality development that is anchored to its setting and sensitive to its context.'

5.37 The Council's SHELAA found that the land provides an area of very rural character which is an extension of countryside to the north and west. In terms of whether the site was suitable for housing development the SHELAA concludes that '*Development of any part of this unspoilt meadow would be harmful to the landscape and character of the area, the character and appearance of the Conservation Area and setting of the adjacent listed building. The site forms part of the rural gap between Stanton Harcourt and Sutton*'.

5.38 In conclusion, the proposed development would cause harm to the intrinsic rural character and quality of the site and wider locality and would result in the loss of what is currently an important open undeveloped gap between Stanton Harcourt and Sutton. Its replacement with housing, streets, potential lights and associated human activity would clearly have an adverse effect on the rural quality of the landscape.

Affordable Housing/Housing Mix

5.39 The site is within the Medium value zone meaning a requirement under Local Plan Policy H3 - Affordable Housing to provide 40% of the completed dwellings as affordable housing. The submitted Planning Statement sets out that in accordance with this requirement eight of the proposed nineteen dwellings will be affordable, which comprises 42.1%. The affordable units will comprise six social rent and two shared ownership. The mix would be 2 x 1 bed; 3 x 2 bed and 3 x 3 bed. There would therefore be 37.5% 3 bed units and 62.5% 1 and 2 bed units. The affordable houses are located on the north west part of the site.

5.40 The Council's Housing Enabling Officer (HEO) has advised that normally the Council would seek an element of First Homes however, due to the low numbers of intermediate homes the proposed mix is supported. Due to the affordability of housing in the district, it is requested that rental dwellings are provided as Social Rent tenure. The HEO acknowledges that affordable Housing provided on this development could make an important contribution to local housing need.

5.41 Policy H4 of the Local Plan seeks to provide a good, balanced mix of property types and sizes. The proposal seeks to deliver a mix of units for the affordable housing provision as detailed above and in terms of the market housing, (11 units) it is proposed to provide 5 x 3 bed and 6 x 4 bed, which therefore consists of 45.5% 3 x bed and 54.5% 4 x bed. This mix together with the affordable housing mix on the site would provide an appropriate mix of smaller and larger size dwellings.

Highway Issues/Accessibility

5.42 A new access is proposed off Main Road approximately 53m to the north of the southwest corner boundary. The existing field gate at the southern corner will be closed. The new access connects to the edge of Main Road with 6m radius turnouts and then continues into the site as a 5.0m wide cul-de-sac for a distance of 123m. There are 2 short 3.5m wide access roads that branch from the main access to serve plots towards the southern and eastern boundaries. A third access runs to the north and tapers in width from 5.0m to 3.5m. This access would also provide a turning location for the council

refuse vehicle and other large service vehicles. There is a hard surfaced footway connecting Main Road in the vicinity of the new junction to the existing play area approximately 60m to the north.

5.43 The submitted Transport Statement concludes that there will be no discernible negative effect on the local highway network when compared to existing traffic levels; The proposed scheme offers safe and efficient access arrangements for all traffic (cars, delivery vehicles, cyclists and pedestrians) and a swept path analysis confirms there is sufficient space for a large refuse vehicle to service the site; The site has access to sustainable transport options for linking to the local village services, employment opportunities and extended services and facilities at nearby Eynsham which is within a comfortable cycling distance; The proposed development provides parking for both cars and cycles in line with the latest Oxfordshire County Council Guidance; Following clearing of vegetation on the frontage boundary, the junction of the proposed access road in respect of both the sightlines and the trip generation satisfy all standards with sightline requirements including the government's Manual for Streets and that this review has not identified any aspects of this proposal that present any significant increase in risk in terms of highway safety or any residual cumulative impacts on the road network that would be severe. There are therefore no transportation reasons which should prevent the granting of planning consent for development of this site as proposed.

5.44 In terms of accessibility, the Government's National Design Guide, in highlighting the range of benefits for people of living in a well-designed, compact and walkable neighbourhood, states that 'walkable' is where local facilities are no more than a 10-minute walk (800m radius). In light of climate and health emergencies, many in the planning and public health professions are advocating the merits of 20-minute neighbourhoods. Again these are seen as places designed so that residents can meet their day-to-day needs within a 20-minute return walk of their home (equivalent to 800m). The TS identifies that there are some facilities and services within 800m of the development including the primary school, village post office and general store, The Harcourt Arms and the Lakeside Industrial Estate. The layout also provides a footway to the play area to the north of the site which would benefit other residents within the village. There is no longer a commercial bus service in the village. In the interim, a new volunteer run community bus service by First and Last Mile was launched in January 2022 serving the villages in the Eynsham area. Although only having limited capacity, the 418 Service runs to Eynsham - Sutton - Stanton Harcourt - Bablock Hythe - Northmoor - Brighthampton - Standlake. These services run every 2 hours Monday to Friday and provide an opportunity to connect with more frequent services available in Eynsham such as the S1, S2 and H2 offering routes to Oxford, Witney, Oxford Brookes University and the JR Hospital.

5.45 OCC Transport objects to the application on the grounds of visitor parking bays, visibility splays, refuse tracking and RSA. In terms of visitor parking bays, these should be 2.5m x 6m to meet OCC adoptable parking standards; the refuse vehicle tracking is substandard; OCC require a swept path analysis for an 11.6m in length refuse vehicle passing an on-coming or parked family car throughout the layout and OCC has concerns over the trees within the visibility splays. There would need to be extensive vegetation clearance and potential removal of trees, which will require approval by the tree team. The visibility splays are currently indicated off the kerb-line, however they should be indicated meeting the kerb-line. Junction and Forward Visibility Splays and dimensions must be in accordance with the OCC Street Design Guide and dedicated to OCC if they fall out of the existing highway boundary and a Stage 1 Road Safety Audit is required to be submitted prior to determination. In terms of the impact on the local highway network, OCC consider this to be a small development which is unlikely to have a significant detrimental impact on the local highway network.

5.46 With regard to public transport, OCC does not consider that a conventional bus service will return to Stanton Harcourt in the short to medium term, as the level of development does not enable

sufficient contributions to do so. A contribution is requested towards the continuation of the existing volunteer led bus service which is funded by the Council through contributions from developers in Stanton Harcourt and Hanborough.

5.47 Whilst concerns have been raised about the limited range of facilities and services within the village, the NPPF recognises that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. In this respect there are some facilities and services within walking/cycling distance of the development and a contribution is requested to help sustain the voluntary bus service. The provision of additional housing would also help support the existing local services.

Flood Risk/Drainage/Water Supply

5.48 The submitted Flood Risk Assessment and Drainage Strategy identifies that the development site falls entirely within Flood Zone 1, which is classified as low probability of flooding; it is at low risk from fluvial/ groundwater/sewerage and artificial flood risk but that a small fraction of the site is at high risk from overland flood flows. The houses are proposed to be located within the low risk area. In terms of surface water drainage, the assessment advises that the report has assessed the feasibility of implementing the SuDS hierarchical approach and has confirmed that this development is likely to be able to install suitable drainage measures into the design proposals. Runoff from roofs for plots 7, 8, and 9 will be collected and conveyed via a pipe network into the cellular soakaways located to the northeast of the site. For the rest of the buildings, rainfall will be collected and conveyed to a detention basin in the centre of the site and will be discharged to a detention basin/pond with permanent water, which is located in the southeast of the land, until it finally continues into the watercourse. The flow rate between the detention features and watercourse will be controlled by two flow control devices. Road runoff would be collected by nearby dry swales and transmitted into gravel trenches before percolating to the ground. Potential sediments will be trapped using catchpits.

5.49 The LLFA raise no objection to the application subject to drainage conditions.

5.50 The development proposals will seek to discharge foul water from the development site into the existing foul sewer across the site, for which a diversion is required. Flows into this system will be via a gravity fed connection. Although the development site will increase the flow rates and volumes of foul sewerage into the TW network, the drainage strategy advises that approval has been granted by the undertaker.

5.51 With regard to water supply and foul water drainage, Thames Water (TW) has advised that they would not have any objection to the planning application, based on the information provided. Capacity concerns previously raised regarding the Sewage Treatment Works and its upgrades works have been completed, therefore TW now have no capacity concerns.

Trees/Biodiversity

5.52 The submitted Arboricultural Survey and impact Assessment (AIA) advises that the new residential development is located within the interior of an existing field and away from retained trees. In this context, the vast majority of survey items can and would be retained. Only one individual tree (T9) will need to be removed to enable the new site access. T9 is a small hawthorn tree and assessed as Category C (low quality). By locating the access where T9 is positioned ensures that the higher quality avenue of lime trees can be retained. In addition, a small section of hedgerow would need to be removed for the access visibility splay. It is proposed to replant a new hedge in the site outside of the

visibility splay as compensation. A small section of hedgerow would need to be cleared to create a link to the neighbouring property, and scrub within the site along the northern boundary would also be pruned back/removed. Some vegetation within the eastern end of the site (G19) would also need to be removed to allow a drainage connection to the existing watercourse. The larger trees can be retained and removals confined to smaller tree and shrub species. The AIA concludes that overall, the site layout positions new development away from existing trees, minimising required tree loss. Proposals retain the vast majority of existing trees and hedges, ensuring proposals can be integrated into the site in a positive way. Trees proposed for removal can be all be mitigated/ compensated for with replacement tree and hedgerow planting. Policy EH3 states that development should protect and enhance biodiversity to achieve an overall net gain in biodiversity.

5.53 The application is accompanied by a number of ecological reports, including a Preliminary Ecological Appraisal (PEA) & Impact Assessment and Biodiversity Net Gain Assessment. The latter indicates a BNG of 20.83%. In addition, various species surveys have also been undertaken for bats, reptiles and water voles. The PEA concludes that the part of the application site where the proposed dwellings would be located consists of unmanaged grassland. Its species diversity is low and over most of the site is characterised by a few fast growing grasses and other species such as nettles which are characteristic of improved grassland or 'modified grassland, The ecological impact of the loss of this area will therefore be limited. However, part of a somewhat richer area of grassland at the eastern end of the site would also be lost due to this being located at the lowest point of the site and therefore being the only location where the attenuation basin needed for sustainable drainage can be located. The proposed development, however, retains substantial areas of open space and this also provides the opportunity for ecological enhancements, including through enhancing and re-creating grassland habitat that is more diverse than is currently found on the site and creating wetland features as part of the sustainable drainage system. There is also the opportunity for erecting bat boxes and boxes for birds that nest in or on buildings such as swallow, house martin and swift and for native species planting as part of landscaping around the new building.

5.54 Natural England (NE) has raised no objection to the application and has commented that based on the plans submitted, NE considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

5.55 The Newt Officer has commented that the preliminary ecological appraisal has adequately assessed the potential impacts to great crested newts and their habitats and agree that a District Licence is required to mitigate against the potential effects the development may have on great crested newts and their habitats. The applicant has however failed to submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through the West Oxfordshire district Council's District Licence nor has evidence been provided that the required survey work and mitigation/compensation details been submitted should the applicant wish to use the traditional European Protected Species Licence route.

5.56 The comments of the Ecological Consultant are awaited and Members will be updated at Committee.

Residential Amenity/Noise/Air Quality

5.57 Section 12 of the NPPF seeks to achieve well-designed places and paragraph 130 sets out that places should promote health and well-being, providing a high standard of amenity for existing and future users. This advice is reflected in Policies OS2 and OS4 of the Local Plan which seek to ensure that new development does not have a harmful impact on the amenity of existing occupants.

5.58 In terms of layout and impact on neighbouring residents, given the orientation, separation distances and existing landscaping, there will not be an adverse impact on the amenity of neighbouring residents in respect of overlooking, loss of daylight/sunlight and overbearing issues. Similarly the proposed relationship between the new dwellings is considered to be acceptable.

5.59 With regard to contaminated land and potential risk to human health. The WODC Technical Officer (Contamination) recommends that a desk study and if required, a remediation scheme be secured by condition and this can be applied.

5.60 The ERS (Noise and Amenities) Officer has raised no objection to the application subject to conditions being attached to any permission granted relating to sound insulation and noise reduction, a Construction Environmental Management Plan (CEMP), Lighting and hours of working.

Sustainability/Climate Change

5.61 A Sustainability Statement has been submitted with the application which identifies that the scheme proposes to utilise a good thermal envelope to minimise heat loss, as well as efficient heating and lighting systems, which will drive energy efficiency in the building. This is in line with the Policy OS3 objective of 'minimising energy demands and energy loss through design, layout, orientation, landscaping, materials and the use of technology'. The specifications completed on the building fabric and the use of ASHP confirm that the specification meets the required performance in relation to carbon emissions. The anticipated carbon emissions from the development would meet Building Regulations part L 2022 requirements. The indicative sanitaryware specification allows a water use profile of 105 Litres/person/ per. This is an improvement over the Building Regulations requirement of 110 Litres/person/per day. An EPC rating of 'A' for the proposed dwellings has been targeted. The design specification around the dwellings looks to maximise performance through a strong fabric specification.

Summary of S106 contributions

5.62 Policy OS5 of the Local Plan seeks to ensure that new development delivers or contributes towards the provision of essential supporting infrastructure.

5.63 The applicant has referred to the provision of 40% affordable housing which is a policy compliant contribution. This will be comprised of affordable housing with the exact mix to be the subject of a legal agreement.

5.64 Matters relating to the provision of Green Infrastructure, play areas and open space will also be secured via the legal agreement together with required monitoring costs. It is noted that the site adjoins the Jubilee Field Playground and as such a contribution towards the improvement/maintenance of this facility may be appropriate. The following contributions towards sports and recreational facilities requested are:

- o Sport Hall provision of £9,370 toward the cost of a replacement or improvement to Sports Halls in the catchment area
- o Swimming pool provision of £10,360 towards the cost of a replacement or improvement to pools in the catchment area
- o Outdoor pitch provision of £35,877.74 towards enhancements and improvements to pitch in the catchment area

A contribution of £2,730 towards public art as interpretation in the vicinity of the site is requested.

5.65 Various on and off site contributions have been sought, as set out in the consultee responses. Those contributions are set out below;

OCC seeks:

£21,527 contribution towards public transport services.

£166,185 towards secondary education.

£1,785 towards household waste recycling centres

Conclusion and Planning Balance

5.66 In view of the above officers consider that the proposal would fail to comply with adopted West Oxfordshire Local Plan Policies; the West Oxfordshire Design Guide; the National Design Guide and relevant advice in the NPPF and the application is recommended for refusal on the grounds below.

6. REASONS FOR REFUSAL

1. The proposal is for housing development on a predominantly greenfield site on the edge of the settlement of Stanton Harcourt. The development is not required to meet Local Plan housing requirements and would not constitute an acceptable windfall opportunity in the context of the location and site characteristics. The proposed development would fail to form a logical complement to the existing scale and pattern of development and character of the area; would harm the setting of the village and would involve the loss of an area of open land that makes an important contribution to the character and appearance of the area and would extend built development towards the village of Sutton resulting in the coalescence of Stanton Harcourt and Sutton. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies OS2, OS4, H1, H2 and EH2, the West Oxfordshire Design Guide, the National Design Guide and the relevant paragraphs of the National Planning Policy Framework 2021.

2. The proposed development would result in 'suburbanised' encroachment into this open land that will have a negative impact on the setting and significant views of the adjoining listed buildings and appearance and character of the Conservation Area. In addition, the proposed development would further erode the existing and historic separation between Sutton and Stanton Harcourt that would harm both settlements which have historically retained entirely distinct in form and character, with markedly different patterns of settlement. Furthermore, it would have a transformative and an urbanising impact on this existing open space harming the setting and views into and out from the listed buildings, particularly Flexney's House and Parsonage House. The site also lies in an area of high archaeological interest and potential and no archaeological field evaluation has been undertaken. The proposed development would lead to a higher scale of 'less than substantial' harm to the settings, character and appearance and significance of heritage assets which is not outweighed by public benefits. The proposal is therefore contrary to West Oxfordshire Local Plan 2011 Policies EH9, EH10, EH11, EH13 and EH16 and the relevant paragraphs of the National Planning Policy Framework.

3. The proposed development fails to provide adequate visitor parking bays and visibility splays; the refuse vehicle tracking is substandard and a Stage 1 Road Safety Audit has not been submitted. The proposal is therefore contrary to Policies T2 and T4 of the West Oxfordshire Local Plan 2011 and advice in the National Planning Policy Framework.

4. 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

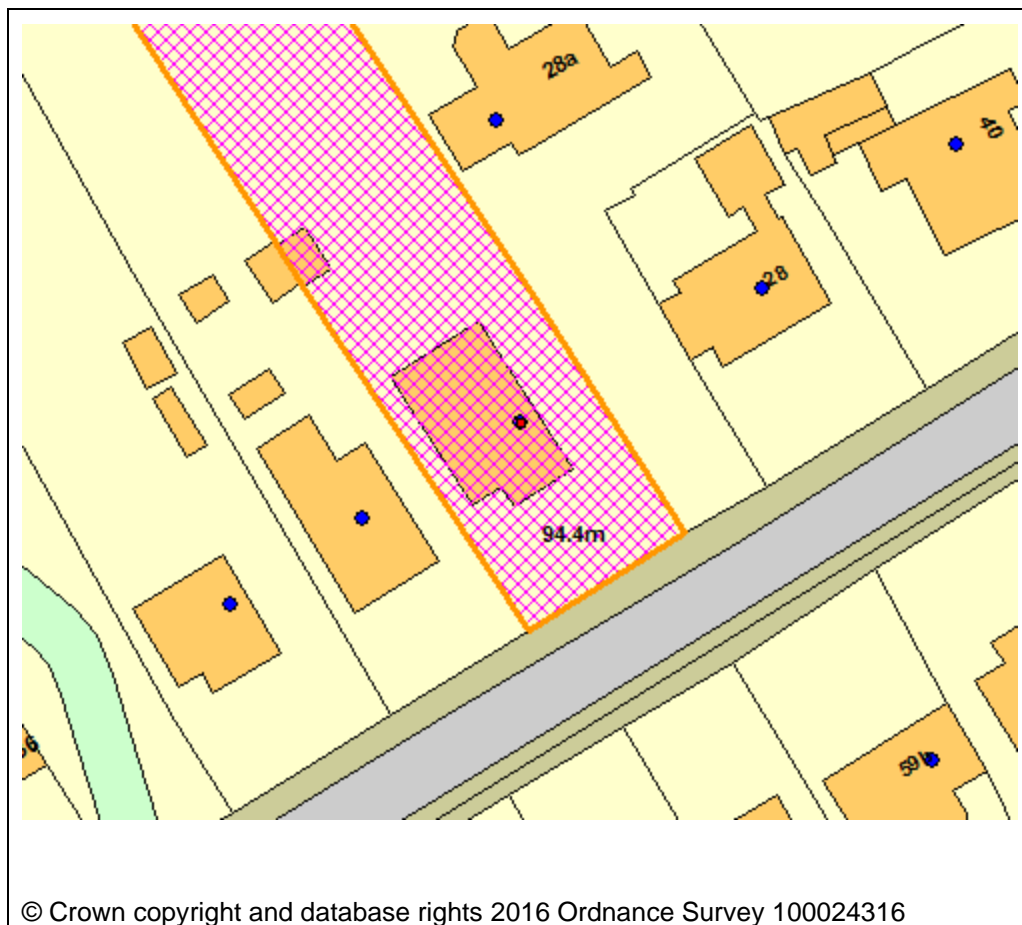
(as amended), and the Conservation of Habitats and Species Regulations 2017 (as amended) may be affected by the proposed development. The Local Planning Authority is therefore unable to fully assess the development in respect of the requirements of the National Planning Policy Framework, The Planning Practice Guidance, West Oxfordshire Local Plan policy 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.

5. The applicant has not entered into a legal agreement to provide affordable housing, recreation, play facilities and open space and the required contributions towards the provision of essential supporting infrastructure and the proposal is therefore contrary to West Oxfordshire Local Plan 2031 Policies OS5, H3, EH5 and T3 and the relevant paragraphs of the NPPF.

Contact Officer: Joan Desmond
Telephone Number: 01993 861655
Date: 22nd November 2023

Application Number	23/02672/HHD
Site Address	30 Milestone Road Carterton Oxfordshire OX18 3RG
Date	22nd November 2023
Officer	Elloise Street
Officer Recommendations	Approve
Parish	Carterton Parish Council
Grid Reference	427883 E 206214 N
Committee Date	4th December 2023

Location Map



Application Details:

Erection of a single storey front extension and porch

Applicant Details:

Mr Jason Mead
30 Milestone Road
Carterton
Oxfordshire
OX18 3RG

I. CONSULTATIONS

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

Parish Council

No Comment Received.

2. REPRESENTATIONS

2.1. No third party consultee comments have been received to date.

3. APPLICANT'S CASE

3.1 No supporting statement was required with this planning application.

4. PLANNING POLICIES

OS2NEW Locating development in the right places

OS4NEW High quality design

H6NEW Existing housing

T4NEW Parking provision

NPPF 2023

DESGUI West Oxfordshire Design Guide

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

5. PLANNING ASSESSMENT

Background Information

5.1 The application seeks planning permission for the erection of a single storey front extension and porch at 30 Milestone Road, Carterton.

5.2 The application is brought before Members of the Lowlands Area Sub Planning Committee as the applicant is a relation to a District Councillor.

5.3 The application site relates to a detached bungalow within the residential area of Carterton.

5.4 The site does not fall within any areas of special designated control and therefore the main considerations of this application are the impact of the proposed development on the visual amenity and residential amenity,

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

- Principle of Development
- Siting, Design and Visual Impact
- Impact on Neighbouring amenity
- Highways

Principle of Development

5.6 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 (LPA) shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. The revised NPPF reiterates the pre-eminence of the local plan as the starting point for decision making (Paragraph 2 of the NPPF). The NPPF is a material consideration in any assessment and makes clear in Paragraph 12 that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Therefore, development coming forward must be determined in accordance with the Local Development Plan, which in this case is the West Oxfordshire Local Plan 2031 (WOLP).

5.7 The proposed erection of a single storey front extension and porch are to be associated with the residential property of 30 Milestone Road, Carterton. Therefore, the principle of development is considered acceptable following further assessment in regards to the impact on the design and siting, highway safety and residential amenity being carefully considered against the adopted West Oxfordshire Local Plan 2031.

Siting, Design and Visual Impact

5.8 Proposed is the erection of a single storey front extension and porch. The proposed porch is to be 1.55m in width and 0.8m in depth with an eaves height of 2.4m and an overall pitched roof height of 3.05m. The porch is not to have any additional windows on the side elevations and just to serve as a cover to the main entrance of the dwellinghouse

5.9 The single storey front extension is to enlarge the existing bedroom 2 to facilitate a larger room and an ensuite. The proposed extension is to be 3.4m in length and 4.0m in width. The eaves height is to be 2.45m and an overall height to the ridgeline of 3.75m. The extension is to sit inline with the rest of the dwellinghouse and is to have a dual pitched roof to match the existing dwellinghouse. There is to be one window on the front elevation and no additional windows on the south-western elevation. The proposed materials to be used are facing bricks for the walling to match, side interlocking profile roof slates and uPVC windows and doors.

5.10 Officers consider that the scale and design complies with Policy OS4 of the West Oxfordshire Local Plan 2031 which states that 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 soundings. Section 12(130 b) of the NPPF also states that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping to which the proposed complies with.

5.11 The erection of a single storey front extension and porch would be visible on the street scene, however Officers have considered that the proposed works would not result in a detrimental negative impact on the street scene as the proposed works are clearly secondary and subservient and are a logical compliment to the dwellinghouse. Resultantly it has been considered that it would not give rise to any adverse impacts in regards to visual amenity.

Impact on Neighbouring amenity

5.12 Given the nature of erection of a single storey front extension and porch, officers are of the opinion that the proposed would not give rise to any adverse impacts in regards to neighbouring amenity. The proposed single storey extension is a sufficient separation distance from the neighbouring property to the south-west that the proposed works would not result in loss of light or being considered overbearing. In addition, there are no windows on the side elevation that would result in overlooking or loss of privacy. Officers consider that the proposed works would not result in any negative neighbouring amenity harm.

5.13 Section 12 of the NPPF states to create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users. Officers have carefully considered the residential amenity concerns that may arise from a development and have concluded that there are minimal concerns and considered acceptable in terms of residential amenity.

Highways

5.14 OCC Highways have been consulted on the application due to the forward extension which could result in loss of parking on the site, however they have raised no objections in regards to highways safety and convenience. On this basis, the scheme is considered acceptable and complies with policy T4 of the West Oxfordshire Local Plan.

Conclusion

5.15 Taking into account the above matters the proposal is considered acceptable on its merits and complies with Policies OS2, OS4, H6 and T4 of the West Oxfordshire Local Plan 2031, the relevant paragraphs of the NPPF and the West Oxfordshire Design Guide 2016.

6 CONDITIONS

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

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

2. 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.

Contact Officer: Eloise Street

Telephone Number:

Date: 22nd November 2023

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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 27th October 2023

Application Number.	Ward.	Decision.
I. 23/00193/S73	Alvescot and Filkins	APP

Variation of condition 4 of permission 20/00083/FUL to amend the deadline for a further bat survey and, if required, a revised bat mitigation strategy until prior to the commencement of above-ground works to the barns, to allow ground works to commence

Church Farm Little Faringdon Lechlade
Ms K Moss

2. **23/01758/FUL** Carterton North West APP
 Replacement windows to both North and South elevations of flats 12a,12b,13a and 13b The Tower Centre
12A The Tower Centre Alvescot Road Carterton
 Natalie McMonagle
3. **23/01989/HHD** Brize Norton and Shilton APP
 Installation of 10 PV solar panels to south facing roof elevation. (Retrospective)
11 Birch Drive Bradwell Village Burford
 Mrs Mary McGuire
4. **23/02000/FUL** Witney South APP
 Affecting a Conservation Area
 Change of use of a warehouse unit from Industrial use to a Gymnasium and associated works
Unit 13 Eagle Industrial Estate Witney
 C/O Agent
5. **23/02029/S73** North Leigh APP
 Variation of condition 2 of planning permission 20/01756/FUL to allow the provision of 2no Padel tennis courts and associated works instead of the approved tennis courts.
Eynsham Hall North Leigh Witney
 Ennismore Ltd
6. **23/02088/CND** Carterton North West APP
 Discharge of condition 10 (Travel Plan Statement and Travel Information Pack) of Planning Permission 20/02422/FUL
Land East Of Swinbrook Road Carterton
 Mrs Clare Thornton
7. **23/02101/CND** Brize Norton and Shilton REF
 Discharge of condition 8 (Construction Traffic Management Plan) of Planning Permission 22/02064/RES
Land East Of Monahan Way Carterton
 Mr Jon Bryan

8. **23/02111/S73** Carterton North East APP
 Variation of condition 2 (approved plans) of planning permission 23/00983/FUL to allow design changes to the fenestration
10 Burford Road Carterton Oxfordshire
 Mr Stacey
9. **23/02120/CND** Ducklington APP
 Discharge of conditions 6 (details of bat roosting and nesting opportunities) 11 (Construction Environmental Management Plan) and 13 (Biodiversity Management and Monitoring Plan) of planning permission 21/01236/FUL
Ducklington Farm Course Hill Lane Ducklington
 Nicola Jones
10. **23/02246/S73** Alvescot and Filkins APP
 Variation of Condition 3 from 12/0584/P/FP to adjust the proposed operational lifespan of the project from 26 years to 40 years
Kencot Hill Solar Farm Kencot Lechlade
 Foresight Group
11. **23/02313/HHD** Carterton North West APP
 Erection of a single storey side extension.
105 Burford Road Carterton Oxfordshire
 Mr Dylan Bartle
12. **23/02294/HHD** Witney Central APP
 Conversion of garage to create additional living space. Works to include replacing garage door with window along with replacement of all brown framed windows with white UPVC (Retrospective).
33 Moorland Close Witney Oxfordshire
 Mr Wayne Dickinson
13. **23/02298/HHD** Brize Norton and Shilton APP
 Erection of a summer house in rear garden
66 Miles Drive Brize Norton Carterton
 Mr David Hartley

14. **23/02345/PN42** North Leigh P2NRQ
 Erection of single storey rear extension (4.9 x 5 x 2.9). (Part retrospective).
6 Leigh Close North Leigh Witney
 Mr Tim Aust
15. **23/02382/HHD** North Leigh REF
 Extensions and alterations to rear and side including replacement roof to create additional ground and first floor accommodation
Rosehill Green Lane North Leigh
 Mr And Mrs Kane Kahn
16. **23/02383/HHD** Witney South APP
 Affecting a Conservation Area
 Alterations to roof including addition of a roof light and installation of solar panels
16 Church Green Witney Oxfordshire
 Mr Jonathan Longden
17. **23/02384/LBC** Witney South APP
 Affecting a Conservation Area
 Alterations to roof including addition of a roof light and installation of solar panels
16 Church Green Witney Oxfordshire
 Mr Jonathan Longden
18. **23/02410/HHD** Bampton and Clanfield APP
 Erection of a single storey extension
16 Shergold Road Bampton Oxfordshire
 Mrs Dawn Steel
19. **23/02413/HHD** Hailey, Minster Lovell and WDN
 Leaffield
 Affecting a Conservation Area
 Formation of hardstanding for private off street parking
Lavender Cottage Old Minster Lovell Minster Lovell
 Mrs Annette Hodge

20. **23/02415/HHD** Bampton and Clanfield APP
Affecting a Conservation Area
- Alterations to include rebuild of walls and increase width and raised roof height of Workshop/Garage (re-submission of 22/02567/HHD) (Retrospective)
Sandford House Church View Bampton
Mr Alex Harris
21. **23/02416/LBC** Bampton and Clanfield APP
Affecting a Conservation Area
- Alterations to Workshop/Garage to include the rebuild of walls, increase width and raise roof height (re-submission of 22/02560/LBC) (Retrospective)
Sandford House Church View Bampton
Mr Alex Harris
22. **23/02422/HHD** Standlake, Aston and Stanton APP
Harcourt
- Affecting a Conservation Area
- Proposed greenhouse, relocation of oil tanks and provision of emergency generator
Rectory Farm House Church Road Northmoor
Mr and Mrs Winand
23. **23/02423/LBC** Standlake, Aston and Stanton APP
Harcourt
- Affecting a Conservation Area
- Proposed greenhouse, relocation of oil tanks and provision of emergency generator
Rectory Farm House Church Road Northmoor
Mr and Mrs Winand
24. **23/02424/HHD** Witney North APP
- Replace conservatory with single storey rear extension
127 Farmers Close Witney Oxfordshire
Mr. George Brehar
25. **23/02432/CND** Ducklington APP
- Discharge of condition 8 (landscape scheme) of Planning Permission 21/01236/FUL
Ducklington Farm Course Hill Lane Ducklington
Nicola Jones

26. **23/02503/HHD** Bampton and Clanfield APP
 Loft conversion, to include front and rear dormers and extension of roof line, to create first floor accommodation. Erection of single storey rear extension and construction of detached annexe for occupation by family member (amended plans)
Two Swallows 11 Busbys Close Clanfield
 Mr Mike Newton
27. **23/02456/HHD** North Leigh APP
 Erection of a single storey side extension
The Cottage East End North Leigh
 Virginia Brown
28. **23/02471/HHD** Hailey, Minster Lovell and Leafield APP
 Affecting a Conservation Area
 Installation of 2 air source heat pumps to rear of existing garages.
Upper Farm High Street Ramsden
 Mr Neil Vickery
29. **23/02472/LBC** Hailey, Minster Lovell and Leafield APP
 Affecting a Conservation Area
 Installation of 2 air source heat pumps to rear of existing garages together with internal works to garage to accommodate a new hot water tank and associated pipe work.
Upper Farm High Street Ramsden
 Mr Neil Vickery
30. **23/02475/HHD** Ducklington APP
 Affecting a Conservation Area
 Removal of existing conservatory and lean to canopy. Conversion of existing loft space to create first floor accommodation and erection of a single storey rear extension
23 Beanhill Road Ducklington Witney
 Mr Rory Wootton
31. **23/02479/PN56** Witney Central P2NRQ
 Installation of 360 no' 425W solar PV panels onto the existing roofs
Witney Community Hospital Welch Way Witney
 Mr John Upham


32. **23/02524/FUL** Carterton South APP
 Erection of a dwelling
5 Corbett Road Carterton Oxfordshire
 Mr D Smith
33. **23/02534/FUL** Witney West APP
 Side extension to existing workshop
Jason Hydraulics Ltd Burford Road Minster Lovell
 Jason Hydraulics Ltd
34. **23/02535/ADV** Witney Central APP
 Affecting a Conservation Area
 Installation of various illuminated and non-illuminated signage. (Retrospective).
Unit 7 Marriotts Walk Witney
 Ms Paige Grogan
35. **23/02536/CND** North Leigh APP
 Discharge of condition 4 (details of external windows and doors) (amended) of Planning
 Permission 21/03503/FUL
26 Park Road North Leigh Witney
 Mr Robert Sutton
36. **23/02670/CND** Bampton and Clanfield SPL
 Affecting a Conservation Area
 APPROVED:-REFUSED:-
2 Church View Bampton Oxfordshire
 Mr Ben Orton
37. **23/02673/CND** Carterton North West APP
 Discharge of Conditions 8 (surfacing of parking area and driveways) ,9 (construction, lighting
 and drainage of vehicular accesses, driveways, car and cycle parking spaces, turning areas and
 parking courts) and 23 (SuDS and site wide drainage scheme)
Land East Of Swinbrook Road Carterton
 Mrs Clare Thornton

38. **23/02701/NMA** Witney West APP
Erection of single storey front and two storey rear extensions (non-material amendment to 22/01941/HHD to allow the addition of a single step to front extension entrance door, to allow for site levels).
91A Barrington Close Witney Oxfordshire
Mr N Jones
39. **23/02750/NMA** Brize Norton and Shilton APP
Conversion of existing stables to create 6 holiday let units (Non Material Amendment to allow changes to the fenestration)
Sturt Farm Oxford Road Burford
Sturt Farm Burford Ltd

Lowlands Appeal Decisions

No Lowlands appeal decisions since previous committee.

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 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>Lowlands Area Planning Sub-Committee: Monday 4 December 2023</p>
<p>Report Number</p>	<p>Agenda Item No. 6</p>
<p>Subject</p>	<p>Progress on Priority Enforcement Cases</p>
<p>Wards affected</p>	<p>As specified in Annex A</p>
<p>Accountable officer</p>	<p>Abby Fettes, Development Manager 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 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 8](#)).
- 1.3. [Section C](#) contains cases which are high priority but where the expediency of enforcement action has yet to be considered ([page 10](#)).
- 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 270 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	Unauthorised Development	Notes	Update/Action to be taken
27 Cherry Tree Way, Witney	Unauthorised storage of materials relating to the occupier's business.	<p>Historic unauthorised storage - EN served in 2016 requiring removal of items relating to the occupier's business. The EN was complied with and the case closed.</p> <p>Unauthorised storage recommenced in around 2019 and the Council served a further EN in March 2020 to cover storage on an area of land not included in the original notice.</p> <p>EN was not complied with and so an injunction was sought and granted. Initially some clearance took place, however Officers are concerned that storage is again accumulating to unacceptable levels.</p>	This case remains open and Officers are trying to arrange a meeting with the owner/occupier.
Entrance to New Yatt Business Centre	Unauthorised change of use of land from agriculture to builders yard/storage	EN not complied with.	This matter has been transferred to the counter-fraud team. Following a meeting with the owner, Officers have agreed an extension to spring 2024 for removal of the stored items.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
Reynolds Farm, Cassington (also known as Dove House)	<p>Unauthorised works and change of use of outbuildings to residential use without the requisite consents.</p> <p>Reynolds Farmhouse is a Grade II listed building</p>	<p>Retrospective applications were submitted in an attempt to regularise the unauthorised development. Appeals were dismissed.</p> <p>An Enforcement Notice was served in respect of unauthorised works to the barn located to the west of the main farmhouse. An enforcement appeal was dismissed and the EN upheld with corrections requiring the removal of two front porch extensions and lowering the eaves and ridge height of the building by 6th July 2020.</p> <p>On 21 February 2023 at Oxford Magistrates Court the owners were found guilty of breaching the enforcement notice and fined £16,000 plus costs.</p>	<p>Officers continue to monitor works which have commenced but are not yet complete.</p>

Site Address	Unauthorised Development	Notes	Update/Action to be taken
17 Ashcombe Close Witney	Unauthorised enclosure	<p>The front garden is enclosed by a wall greater than a metre in height. The unauthorised wall is considered harmful to the visual character and appearance of the area.</p> <p>Attempts to negotiate with the land owner failed and the Council served an enforcement notice in February last year. This was appealed and the appeal dismissed at the end of August. The works were not carried out by the deadline of end December 2022 and an extension was given until 23 June.</p>	The works have now been carried out to Officers' satisfaction and the case has now been closed.
Home Farm Barnard Gate	Unauthorised storage	<p>The Council served an enforcement notice requiring cessation of the use of the land for storage and repair of vehicles and mobile homes.</p> <p>The appeal against the notice was dismissed and the compliance date was April 2023. As at the end of April there remained some unauthorised storage on the site and a period of grace was given for the clearance to take place.</p>	Compliance has now been achieved and the case has been closed.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
Weald Manor Farm, Bampton	<p>Works not in accordance with the approved plans (15/02150/FUL) for the range of buildings to the rear of the site.</p> <p>Unauthorised outbuilding and extension of curtilage.</p> <p>Unauthorised conversion and change of use of barn to a dwelling.</p>	<p>The Council served three enforcement notices in respect of these breaches in May 2022 and these were not appealed. They required action to be taken by mid-October (demolition of garage), and December (reinstatement of barn and compliance with approved plans), none of which works have to date been carried out.</p>	<p>Officers were unable to contact the contravener and the case has now been transferred to the team dealing with prosecution proceedings. They are now preparing for next steps.</p>
Land at Mount Pleasant Farm, Northmoor	<p>Unauthorised storage use.</p> <p>Unauthorised residential caravan</p> <p>Construction of a motocross track and use of the land for motocross.</p>	<p>Enforcement Notices in respect of these breaches were appealed and a public inquiry held, following which PINS dismissed the appeals. The deadline for compliance with the EN was July 2022.</p>	<p>Officers have made several visits since the expiry of the compliance date and are satisfied with the progress that has been and continues to be made in clearing the site. Monitoring continues and a further visit will be carried out in early 2024.</p>

Site Address	Unauthorised Development	Notes	Update/Action to be taken
Land at the Tennis Cassington	Unauthorised demolition of boundary wall (Conditions 14/15 of W67/0196)	<p>An enforcement notice was served in July 2022 requiring rebuilding of the demolished wall by January 2023.</p> <p>The wall was originally rebuilt in an unsatisfactory way and Officers met with the builder to discuss the way forward.</p>	The wall has now been rebuilt to the satisfaction of the Council's Conservation Officer. Case has been closed.
Land at Thorney Leys	Non - compliance with the approved landscaping scheme under 16/02718/CND (15/00647/FUL)	<p>Since March 2021 progress has been made in terms of securing landscaping and planting maintenance on the areas of land relating to Sovereign Housing. However, the planting on land outside of the control of SH has failed and the site looks unkempt.</p> <p>A breach of condition notice was served in July 2022 giving a compliance period of 150 days in which to carry out the approved landscaping scheme.</p>	The notice has only partly been complied with. Officers are working with ERS to obtain noise readings in the absence of the required acoustic bund and will be compiling a detailed landscape report. We will then decide on next steps.
Land South of Main Road, Curbridge	Unauthorised change of use of land from agriculture to storage of builders/waste materials.	<p>An appeal inquiry took place in March this year following service of two enforcement notices in 2022.</p> <p>The appeals were withdrawn on 29 March 2023 during the course of the inquiry. The compliance dates are the end of June for removal of the stored items and</p>	The hardstanding and some of the stored items were removed by the compliance date however a mound composed in part of waste materials remains. We have had no response to reminders and will shortly be referring the case to the team dealing with prosecution proceedings.

Site Address	Unauthorised Development	Notes	Update/Action to be taken
	Unauthorised hard standings.	the end of July for the removal of the hardstanding.	
Lavender Cottage, Minster Lovell	<p>Non-compliance with conditions attached to 17/03978/HHD-creation of hardstanding for car parking.</p> <p>Siting of wooden outbuilding within car parking area.</p>	<p>Hardstanding and a gabion cage wall have been constructed without details in respect of access, construction details and a hard and soft landscaping scheme having been discharged.</p> <p>Wooden bin storage has been placed on the parking area in breach of condition.</p> <p>The Council served an enforcement notice in May and the owner submitted an appeal out-of-time. The compliance date expired earlier this year.</p>	<p>Officers have recently met with the owners to agree a way forward. An application was submitted to regularise the unlawful development but this was not considered to be supportable and has been withdrawn on Officers' advice. A fresh application is awaited and further action has been suspended pending the outcome of the new application.</p>
Goat Acre, Weald Bampton	Erection of palisade fence	An enforcement notice was served earlier this year and was not appealed.	<p>The contravener has failed to remove the fence within the compliance period. He has now submitted a pre-application enquiry to explore options.</p>

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 it has passed and the notice has been complied with).

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
66 Corn Street, Witney	Unauthorised outbuilding in the curtilage of a listed building and in the conservation area.	<p>Planning permission was refused for the retrospective building under 21/02061/FUL.</p> <p>The Council served an enforcement notice in June 2022. This is currently the subject of an appeal and a decision is awaited.</p>	A site visit with PINS was carried out on 20 November 2023 and at the time of writing the decision is expected imminently.
DC Automotive Home Farm Mount Skippett Ramsden	Unauthorised material change of use - sale of second hand cars and vehicle servicing.	The Council served an enforcement notice in November last year.	This is the subject of an appeal which will be heard by way of a one day inquiry in mid-February 2024.
Double Red Duke (the Plough), Bourton Road Clanfield	Unauthorised erection of outbuilding	<p>This was erected during the Covid-19 pandemic apparently to enable service to take place outdoors.</p> <p>A retrospective application (22/01332/FUL) was refused on 24 June 2022 and the subsequent appeal was dismissed. An enforcement notice required the removal of the building.</p>	The outbuilding has been removed and the case has now been closed.
85 Barrington Close Witney	Unauthorised shed	Permission for retention of the shed as built was refused following submission of a	An enforcement notice was served earlier this year. Alterations on the shed have however brought it within permitted development. On this

		retrospective application (20/02682/HHD).	basis and following previous discussions between the owner and the Council, Officers have withdrawn the notice. The case has been closed.
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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 Paddocks, The Weald, Bampton	Breaches of conditions attached to planning permissions for the individual plots on the gypsy site. Change of use of a number of plots on the land to unauthorised caravan sites and extension to the caravan site.	There remain breaches of planning control within the established site area of The Paddocks.	A new cross-Council project team has been created which is preparing a report, exploring the various issues at the Paddocks with a view to reporting to the Executive in due course.
Land to the north of Mead View, Cassington Road, Eynsham	Unauthorised use of the land for the storage of builders materials, the siting of metal containers and parking of vehicles in association with a stone masonry business	This site is located within the Green Belt and the flood plain, however the use has been ongoing for some time.	Officers have recently met with the landowner and his agent to discuss the way forward. This is a case in which, in light of the evidence available, an application for a CLE may be appropriate.
Crawley Inn, Crawley	Unauthorised residential caravans	The landowner is claiming a lawful use in respect of the siting of residential caravans on the land.	A planning application for residential development remains under consideration (23/00539/FUL). In the event of a recommendation of approval, the LPA is likely to require the caravans to be removed. Enforcement action has been suspended pending determination of the application.
Little Willow, Eynsham	Alleged unauthorised hardstanding and extension of the site onto adjoining land. Breach of condition relating to numbers of residential units on site.	An EN was served in 2021 in respect of the hardstanding but was subsequently withdrawn for technical reasons. In September 2021 Officers refused an application to increase the numbers of residential units on the site. An appeal against refusal was dismissed for technical reasons	A further planning application on the established gypsy site remains under consideration but flood information is required before a decision can be taken. The hard standing on the adjacent land is, in Officers' view, linked to the use of this site. A further

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
			enforcement notice will be served in the near future.
Land Between 57 And 61 West End Witney Oxfordshire	Alleged change of use to car dealership.	In January 2022, this land fronting onto West End began to be used for the display and sale of cars. Officers have been communicating with interested parties and are expecting the cars to be removed imminently.	The cars have been removed, however the site continues to be monitored due to its untidy state and a section 215 notice may be appropriate.
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”. Retrospective applications 22/03502/FUL and 22/03501/FUL were refused and are currently the subject of appeal but there is no start date for the appeals at present.	The bushcraft activity in the woods has been suspended for the season and the outcome of the appeals is awaited. Due to the sensitivity of the site it is likely that immediate enforcement action would be taken should the unlawful use recommence. Officers are monitoring the sites.
Park Farm, Standlake Road, Northmoor	Development of 15 dwellings (15/04506/S73). Open space has been fenced off by developer and has not been landscaped as part of the approved scheme.	A refusal for construction of a dwelling (22/01748/FUL) on a northern area of the site was refused last year and the appeal has now been dismissed. Landscaping on this and on a further, southern part of the site has not been carried out in accordance with approvals.	Officers have prepared a report seeking authorisation to commence formal enforcement action.
Croft Pool Land at Pickfords Pool Croft Lane Standlake	Alleged unauthorised construction of dwelling and associated track	A dwelling and another structure have been constructed on an island in a lake, with an associated access track. An added complication is that the site is a designated scheduled ancient monument and so consent from Historic England was required for the works and would be for their removal.	This is a very recent case and Officers are consulting with Historic England with a view to deciding the best course of action.
Chillbrook Farm, Barnard Gate, OX29 6XD	unauthorised creation of access (refused under 20/02507/FUL)	Dismissed appeal against refusal	An enforcement notice is imminent.

Site Address and Case No.	Unauthorised Development	Notes	Update/Action to be taken
West End House 26a West End Witney	Listed building in extreme neglect	Officers have tried over a number of years to engage with the owner but without success. Officers recently entered the property using their statutory powers and are currently in the course of preparing a schedule of works.	The next step will be to seek authorisation for an Urgent Works Notice requiring works to be carried out to prevent further weather damage.

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